**Sickness Absence Policy and Procedure**

Policy

The Preschool understands that employees may need to be absent from work from time to time due to sickness. This policy covers employees and their manager in handling time off from work where the reason for absence is sickness. The Preschool aims to have as many employees as possible in attendance at all times during the working week and sickness absence needs to be managed so that an acceptable level of absence can be permitted and any problems resolved.

Procedure

Notification

Your manager should be notified as early as possible if absence from work is anticipated for hospitalisation and other medical treatment.

If you are unable to attend work due to sickness or injury, your manager must be notified by telephone before your normal start time or as soon thereafter as possible on the first day of absence, if possible indicating a date of return. Notification should be made by you personally unless impossible due to the nature of the illness where you should arrange for someone else to call on your behalf.

When notifying your manager of your absence due to sickness, you should advise of any work that you are aware of, which needs to be covered urgently.

During prolonged periods of absence, your manager should be kept informed of progress and an expected date of return.

If the period of sickness absence lasts for longer than a week, employees will be required to contact their manager every other day to notify them of their continued absence.

Any employee who has been absent due to sickness and is found not to have been genuinely ill will be subject to disciplinary action, which could include dismissal.

**Certification**

Absences should be certified by a fit note from a GP, however if the employee is absent for seven calendar days or less in each instance, the employee may instead self-certify their absence.

For absences of seven consecutive calendar days or less, upon their return to work, a self-certification form should be completed and passed to the employee’s manager.

For absences of eight days or more, a fit note is required. Fit notes are issued by the employee’s GP and should be passed to their line manager upon their return to work. The fit note should cover each day of absence and, if multiple fit notes are issued, they should be posted to the employee’s manager with a brief explanation of their absence, the condition and, if known, their expected return to work date or next GP appointment.

Failure to follow the certification process outlined above may be considered misconduct and may be dealt with under the Preschool’s disciplinary process. Sick pay may be withheld during this time.

Private medical certificates

A private fit note may be considered necessary by the Preschool is there is a history of unusual absences or if the line manager believes the employee may benefit from an intervention by a medical practitioner. The cost of obtaining a private fit note will be reimbursed by the Preschool. A private fit note may be requested by the Preschool regardless of the duration of the actual period of sickness absence.

Return to work

A fit note may make a recommendation for temporary changes to be made to an employee’s working environment or conditions to facilitate a return to work.

Where the fit note contains recommendations for changes to be made to working conditions or practices, the Preschool will consider those recommendations and try as far as possible to accommodation those changes, where permissible in accordance with the needs of the business.

For extended periods of absence, the Preschool may require the employee to meet with a medical practitioner, of the Preschool’s choosing, to have the fitness to work arrangements of the employee assessed and confirmed.

In all circumstances, a return to work interview will be arranged by the line manager for the employee.

The return to work interview will confirm the employee’s fitness to return to work, update the employee on any changes that may have taken place in the workplace during their absence, and confirm whether any necessary support is required and make arrangements for this as appropriate.

Fit notes

Where a fit note is marked as “may be fit for work” by the employee’s General Practitioner, the GP usually sets out the possible alternations or amendments that could be made to the employee’s working practices to facilitate their fitness for work.

Examples of the options available are:

* phased return to work
* amended duties
* altered hours
* workplace adaptations.

A meeting will be arranged for the employee to meet with their manager to discuss the arrangements recommended in their fit note and how best the Preschool can facilitate a return to work.

In the event that adjustments and amendments cannot be made, the employee will not be able to return to work and will need to remain on sickness absence. However, where adjustments and amendments can be facilitated, regular reviews will be undertaken with the employee to confirm that the changes made continue to be adequate. The changes should be temporary and should not be considered permanent changes to the terms and conditions.

Medical examination

If the Preschool believes that a medical opinion is necessary, the Preschool reserves the right to require an employee to be referred to a medical practitioner for an assessment to be undertaken.

Access to medical reports

The Preschool may need to request a copy of an employee’s medical reports or medical records to assist in the assessment of the employee's medical condition. The employee’s consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the Preschool making contact with their GP and the employee is entitled to see a copy of the documentation provided. In line with data protection legislation, employees will also be given details on the reason for the examination, what the Preschool intends to do with the data obtained and the lawful basis for processing the data.

Frequent and short term absences

Trigger points

Absence triggers enable the Preschool and manager to address all absences and ensure absences are managed fairly and consistently.

The absence triggers are as follows:

Triggers for employees within their probationary period.

|  |  |
| --- | --- |
| Criteria | Trigger |
| Number of absence events | *5* |
| Continuous calendar days of absence | *5 days* |

Triggers for employees who have completed their probationary period.

|  |  |
| --- | --- |
| Criteria | Trigger |
| Number of absence events | *5* within a rolling year |
| Continuous calendar days of absence | 5 days |

Only one of the triggers needs to be reached for the manager to be required to review the employee’s sickness records.

The manager should meet informally with the employee to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as considering a referral to Occupational Health, implementing any possible reasonable adjustments that may be necessary in relation to disability, or any possible formal disciplinary action. The manager may establish that there is an underlying medical condition and it may be that further advice is required as to the best course of action to take. Disciplinary procedures may not be necessary or appropriate in those circumstances.

A summary of the meeting should be kept for the employee’s personnel file and a copy given to the employee.

Long term sickness

Employees should be aware that although the Preschool is sympathetic towards genuine illnesses, it is not realistic for sickness-related absence to continue forever. The Preschool will be eager to get any employees on long-term sickness absence back into the workplace as appropriately and effectively as possible, but the employment may need to be reviewed if this cannot be achieved. There will be a full consultation with the employee, together with a medical investigation and consideration of redeployment or alternative employment.

If there is regular or persistent absence due to long term sickness, injuries etc, the situation is unlikely to be able to continue forever. Ultimately, employment may be terminated after full compliance with the Preschool’s termination procedures in these circumstances. See the section below in relation to dismissal for more information on this aspect.

The Preschool will usually require employees who have been absent for one month or more, or are expected to be absent for one month or more, to return some or all of their Charity equipment. This may be requested so that the equipment can be redeployed to other employees.

Should a return to work be possible, the Preschool may require the employee’s current fitness to be determined and confirmed by a medical practitioner, of the Preschool’s choosing.

Updates during sickness

Employees are expected to keep their manager updated with details of their health and expected date of returning to work.

The manager will arrange periodic meetings with the employee to discuss the current situation so that each side is kept up to date with developments.

The location of these meetings will usually be at the employee’s usual place of work but, if a home visit is necessary due to serious ill health or being physically unable to attend work, this can be accommodated.

Disability

The Preschool has a duty to make reasonable adjustments where an employee has a disability covered by the Equality Act 2010.

The duty to make reasonable adjustments covers elements, such as making changes and adjustments to working hours, adjusting existing equipment, provision of different equipment and amending workplace practices, if the employee is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc.

The employee will be consulted fully on these.

The duty to make the adjustments is ‘reasonable’ so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return. There may be no alternative roles or employment available and if there is no prospect of the employee being able to return to work in the near future, it may be inevitable that a decision to dismiss is the last and only option.

Dismissal and the right to appeal

If long term sickness absence leads to dismissal, the employee will be provided with the reasons for the dismissal in writing.

The reasons for dismissal should set out the circumstances that led to the decision to dismiss. Employees have the right to appeal the decision and they should do so within five working days, to the Preschool Manager setting out the reasons for their appeal.

The appeal itself will be dealt with in accordance with the rules on appeals set out in the Preschool’s disciplinary process.

Payment arrangements

Statutory sick pay (SSP)

The Preschool pays statutory sick pay once the employee’s sick day entitlement has run out.

Most employees have a right to statutory sick pay (SSP) as long as they earn more than the lower earnings level.

Employees qualify for SSP on Mondays to Fridays for full time employees and their normal working days for part time employees.

There is a limit of 28 weeks SSP in any one period of sickness or linked periods. (Periods of sickness are said to be linked if the second period starts within eight weeks of the end of the first period).

SSP payments are made subject to tax and national insurance deductions.

The Preschool reserves the right to refuse to pay sick pay if it has reasonable cause to think that an employee is not genuinely sick, if it has cause to believe that an employee is abusing the sick pay scheme, if an employee has failed to comply with the notification requirements, or has not supplied the appropriate certification. If the sick pay scheme has been abused, disciplinary action may follow.

Payments of sick pay may be terminated, suspended or reduced if an employee fails to notify the Preschool of relevant facts, or if their absence or continued absence is due to their taking an unwarranted risk (in or out of work), conducting themselves in a way that prejudices their recovery, abusing alcohol or drugs or other substances, or recklessly endangering the health and safety at work of themselves and others.

Unpaid sickness

Employees who are not eligible for SSP will take that period of sickness as unpaid.

Employee’s annual leave entitlement will only accrue at their statutory entitlement under the Working Time Regulations 1998, i.e. pro rata up to a total of 28 days per annum. This includes public holidays.

Absences for reasons other than sickness

Long term absences for reasons other than sickness, such as career breaks or time off for long distance travel, will be considered by line managers at the request of an employee. The request will be considered in line with business needs and operational requirements prior to being authorised.

Unauthorised absences will be dealt with via the Preschool disciplinary procedure.

**Serious illness**

In order to meet our obligations under Food Safety and Health and Safety Legislation, it is very important to let your manager know if you are suffering from or have been in contact with a carrier of any serious illness, if it is:

* contagious;
* infectious; or
* likely to cause food poisoning.

**Medical and dental appointments**

We prefer you to make appointments with your doctor, dentist or hospital outside working hours or at the beginning or the end of the working day. Where this is not possible, agree a mutually convenient time with your manager and give at least 48 hours’ notice.

**Protecting your data**

All personal data obtained during sickness absence procedures will be handled with the utmost integrity and confidentiality and in line with our data protection policy.

|  |  |
| --- | --- |
| **Policy Last updated:** |  |
|  |  |
| **This policy was adopted by:** | Old Stratford Preschool |
|  |  |
| **On:** |  |
|  |  |
| **Date to be reviewed:** |  |
|  |  |
| **Signed on behalf of the provider:** |  |
|  |  |
| **Name of signatory:** |  |
|  |  |
| **Role of signatory:**  **(e.g. Chair, Vice Chair)** |  |