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## **Absence from Work**

### **Policy statement**

Bagshot Community Pre-School encourages all its employees to maximise their attendance at work while recognising that employees will, from time-to-time, be unable to come to work for short periods owing to sickness or other reasons.

We value the contribution our employees make to our success. So when an employee is unable to work for any reason, that contribution is missed. If an employee is frequently and persistently absent from work, this can damage the quality of our childcare and education and place an additional burden of work on the employee's colleagues. In addition, the setting may incur additional costs or lose income. By implementing this policy, informed by statutory guidance and the Early Years Alliance, we aim to balance the business needs of the setting and the genuine needs of employees to take occasional short periods of time off work.

This policy explains:

- keys steps for effectively managing absence
- procedures to be followed by staff and Bagshot Community Pre-School
- How Bagshot Community Pre-School works with employees to keep absence levels to a minimum

### ***Types of Absence covered within this policy:***

Sickness

Time off for Dependants

Parental Leave

Time off for medical appointments

Bereavement

Suspension on Medical Grounds

Suspension due to risk to New or Expectant Mothers

Other absence

# **1: Sickness**

## **Procedures**

### **Types of sickness absence**

Not all patterns of absence fall neatly into one of the following groups and/or the pattern may change over a period of time, so some flexibility of approach may be needed.

#### *Frequent short-term sickness absence*

This is when an employee has been absent from work through sickness or injury on a number of occasions within a defined time frame, or absences which fall into a pattern over the same period. See the 'trigger points' below.

#### *Long-term sickness absence*

This is when an employee has been, or is expected to be, absent from work for more than four consecutive weeks. See the trigger points below.

#### *Trigger points that initiate action*

The trigger points below will normally initiate the appropriate sickness or non-sickness absence process:

- seven working days or more of absence in a rolling six-month period
- three instances of sickness absence in a rolling six-month period
- ten non-continuous working days or more in a 12-month period
- four weeks/28 days of continuous absence
- any recognisable recurring patterns
- sickness absence related to mental health issues (e.g. depression, anxiety, stress)
- a physical impairment which requires workplace modifications
- Other non-sickness reasons for absence that may cause concern

### **Managing short-term and frequent intermittent absences**

The procedures relating to sickness absence reporting and management are set out below.

#### *Notification*

Employees who need to be absent from work due to sickness must comply with the following rules:

- Notify their line manager, Lead Practitioner or nominated deputy before leaving for home, or to visit their GP, in the event of becoming ill and unable to carry out duties whilst at work.
- Thereafter, notify their manager verbally by telephone if they are ill or unable to attend work for any other reason. Notification should be as early as possible (after 6.30am), prior to 8am, on the Manager's personal

mobile number. This number is supplied to all employees as part of the staff contact details. Employees are responsible for ensuring they have this number available for such circumstances. If the Manager will not be contactable on this number for any reason, an alternative number will be provided. Employees should be prepared to state the reason why they cannot attend work, and how long they think the absence will last. If the absence is due to an injury at work, this must be reported.

- Employees should maintain regular phone contact with their line manager on the Bagshot Community Pre-School number (01276 452623) between the hours of 8.30am and 4pm Monday – Friday to advise on the progress of the illness or injury and the likely date of return to work. Text Messaging is not appropriate. The frequency will depend on the circumstances, but as a minimum it should be after the first four working days and/or when there is any change to previously given information, or when mutually agreed.
- In exceptional circumstances, for example in the event of hospitalisation, someone else may notify the manager on the employee's behalf.
- If an employee believes that their condition may be related to an activity or incident at work, they should inform the Manager via email. In these circumstances, the Manager should record the information so that an accident report form based on the information given can be completed (if this was not done at the time of the injury). The form should be sent for the employee to review and sign and return.
- If an employee has been exposed to a communicable illness (e.g. diarrhoea and vomiting) they must inform their line manager.
- Employees must have ceased to experience diarrhoea and vomiting for 48 hours before returning to work.

#### *Record keeping and certification*

Employees are required to provide the following:

- On return to work, they should complete a self-certification form for periods of absence from one to seven days. This should be signed in front of the manager, who should then countersign it and keep a copy on file.
- For any period of absence of more than seven days, a medical statement covering the relevant periods of absence should also be provided and sent to the line manager.
- Where an employee has been provided with a medical statement indicating that they are 'fit for work' with recommended workplace adjustments, they are required to contact their line manager immediately before returning to work.

The line manager is expected to:

- create a record whenever an employee phones in to report that she or he is unable to come to work due to sickness (this includes recording when the call was made, the stated reason for the absence and how long the employee expects to be absent)
- keep confidential records of all absences, discussions and medical certificates and make sure that the records clearly identify the reasons for an employee's various absences

### *Monitoring*

The first step in managing sickness absence is to identify when sickness trigger levels are reached, which then requires management action. This can only be done through maintaining records and monitoring absence levels on an individual and group basis. The setting will also be alert to patterns, for example persistent Monday or Friday absenteeism.

### *Return to work interviews*

The setting will normally hold return to work discussions each time an employee returns to work following a short-term absence. Key elements of this discussion include:

- welcoming the employee back to work
- clarifying the reason for the employee's absence
- speaking to the employee about the absence and the reason for it in a fair and factual way - this alerts employees to the fact that absences are being monitored and will potentially deter casual absences
- where appropriate, identifying ways to assist the employee to improve their attendance in the future
- establishing, through investigation and discussion with the employee, the underlying reasons for frequent absences
- checking whether or not absences are in part because of personal or family problems
- checking whether the employee's absences are in any way work related, for example, as a result of workplace stress - if the problem is work related, the line manager should take prompt steps to remove or reduce factors contributing to the employee's problem
- establishing whether any medication is being taken which may impact on the employee's ability to carry out their role

### **Formal sickness absence procedure**

If attendance, due to short-term or intermittent absence, becomes a matter of concern, for example, when trigger levels are reached, the setting will discuss this with the employee informally with a view to improving attendance.

The following procedure aims to provide a consistent approach to managing short-term absence initially through informal interventions, and where attendance does not improve and concerns continue, through a formal process.

### *Informal review meeting*

The line manager will:

- clarify with the employee absence dates and reasons.
- discuss whether the employee has any underlying health concerns, and if so, gain informed consent for medical report using the 'Medical Report Consent form', relating to the 'Request for Medical Report'.
- consider any personal problems the employee may have that are impacting upon their attendance and explore what options may be available to support them

- set targets for improvement in attendance (e.g. not to reach the trigger level again within the next six months) and ensure that the employee is committed to achieving this
- inform the employee that reaching one of the trigger points in the next six months may result in formal absence proceedings

## **Formal Stages**

### *Stage 1 – First formal*

Where frequent, short-term sickness absences persist and the employee has reached one of the trigger points within the six-month informal review period, a formal sickness review meeting will be held with the employee.

### *Organising the meeting*

- The meeting will take as soon as possible, within the review period, once a trigger point has been reached.
- A minimum of 48 hours' notice should be given of any formal sickness review meeting. This will include details of the sickness dates and reasons given.
- If an employee is unable to make a formal scheduled meeting, they can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.

### *Right to be accompanied*

- Employees are entitled to be accompanied by a trade union representative or fellow employee.
- At all formal sickness review meetings, the manager can choose to be supported by the Lead Practitioner or a trustee.

### *Points to be covered at formal sickness review meetings*

- Review the employee's attendance.
- If a pattern is identified, the line manager will put her or his observations to the employee directly so that the employee has the opportunity to provide an explanation.
- Review the reasons for the absence. The employee should be given an opportunity to explain any circumstances, which might be contributing to the level of absence, or any other matter which she or he feels ought to be taken into account.
- Seek medical advice, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences.
- Consider whether or not there is an underlying reason for the absence.
- Discuss how the absence record may be improved.
- Schedule follow-up meetings at an agreed time to monitor the ongoing situation and review the improvements made, if any.

- Discuss any management support required or other needs.
- Make the employee aware that if the trigger levels are reached again, the matter may be referred to the next formal stage of the procedure.
- Inform the employee of the consequences of continuing unsatisfactory attendance: that they may eventually be dismissed.

#### *Potential outcomes*

- Decide that no further action is necessary.
- Specify what, if any, assistance can be offered to the employee.
- Consider whether a further medical report is necessary.
- Continue to monitor the absence once a month for the next six months.
- Issue a first written warning, which will remain live for 12 months.

#### *Confirm outcome in writing*

- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal must be included in the letter.

#### *Stage 2 – Second formal*

Where a trigger level has been reached during the monitoring period, the steps outlined in Stage 1 should be repeated.

At Stage 2, potential outcomes are as highlighted at stage 1, except that a final written warning could be issued, which will remain live for 18 months.

#### *Stage 3 – Third formal*

Where the trigger levels have been reached during the monitoring period, the steps outlined in Stage 1 should be repeated. However, the person previously managing the matter should present the case to another manager/committee member who has not been previously involved in the case. This individual will then make the final decision on the outcome of the meeting.

At Stage 3, potential outcomes are as highlighted at stage 1, except the formal absence review meeting could result in the termination of employment of the employee due to frequent short-term absence.

### **Managing long-term absence**

For the purpose of this policy, long-term sickness absence is defined as: absence certified as sickness which lasts for more than four weeks.

It is recognised that there are occasions when individuals may need to take a protracted period of absence to recover from more serious health conditions. These types of absences include:

- long/medium term planned absence to cover health conditions where the length of absence can be predicted (e.g. broken bones or in-patient operative procedures requiring rehabilitation)
- long/medium term unplanned absences where it is much more difficult to predict the likely duration of the sickness absence period (e.g. depression)

The general principles that the setting will normally adopt are as follows:

- A regular communication link is maintained between the employee and the manager throughout the entire period of absence.
- Reasonable attempts are made to investigate the nature of the illness via medical report(s) and no decision is made concerning an individual's employment without medical advice.
- In cases of long-term recoverable sickness, the employee should be allowed a reasonable period of time in which to achieve recovery.

Employees are expected to:

- Familiarise themselves with the Fit For Work service (<https://fitforwork.org/>)
- contact their line manager immediately before returning to work to discuss any Fit for Work recommendations for workplace adjustments
- cooperate with the setting with regard to the possible implementation of any adjustments to job duties, hours or working conditions, resulting from agreed discussions and recommendations made by her or his doctor; recommendations are not binding on the setting but will be carefully considered

Factors that might influence the setting's handling of an employee's sickness absence include:

- the nature of the job
- the nature, length and effect of the illness
- the availability of alternative employment
- whether the employee has a disability as defined by the Equality Act 2010
- the setting's need for the work to be done by that employee
- the impact that the absence has on the setting
- the length of the individual's employment
- whether the employee has a terminal illness

## Formal stages

### First formal review

The line manager should contact the employee to arrange a meeting to discuss the position and ascertain when (and if) a return to work can be expected. At this point, consent to access relevant medical reports should be requested, using the 'Medical Report Consent form', relating to the 'Request for Medical Report'.

### *Process at all review meetings*

- In the event that the employee is too ill to attend this meeting, the manager could consider meeting at the home of the employee.
- The employee is entitled to be accompanied by a trade union representative or a work colleague.
- If an individual is unable to make a formal scheduled meeting they can suggest an alternative date within five working days of the original date set. If a date cannot be arranged within a reasonable time frame, a decision may be taken in the absence of the employee.
- The outcome of the meeting must be confirmed in writing within 10 working days of the meeting.
- The right of appeal against any penalty issued must be included in the letter.

### Second formal review

Once medical advice has been received, this should be discussed at a second meeting with the employee. The employee has the right to be accompanied by a trade union representative or a work colleague. There are likely to be four possible outcomes:

- A return to work within a reasonable period. The details of these arrangements will need to be agreed on an individual basis between the parties concerned and could include a phased return (such as part-time hours).
- Alternative employment. If the report indicates that the employee is incapable of carrying out the duties of their current post but may be able to perform other duties, the setting will make every reasonable effort to find such employment. This will include giving the employee priority consideration for appropriate vacancies.
- Reasonable adjustment. If the employee has a disability as defined by the Equality Act 2010, then the setting will consider making reasonable adjustments to the particular job to accommodate the employee's short-term or long-term requirements.
- Termination of the employment contract on the grounds of incapability due to ill health, or ill health retirement.

The decision to terminate should only be taken by a Committee member not previously involved in review meetings.

In some cases it may be necessary to have more than two meetings with the employee before a final decision can be made.

### *Disability as defined by the Equality Act 2010*

For both short-term and long-term sickness cases, where the employee is disabled within the meaning of the Equality Act 2010, the review meeting(s) will:



- seek to establish the nature of the illness and its likely duration
- seek consent for a medical report, in order to establish the nature of the illness, its likely duration and its effect on the employee's ability to carry out their job; the employee may be asked to see an independent doctor appointed by the setting to enable a medical report to be prepared
- consider making reasonable adjustments to the role to accommodate the employee's short-term or long-term requirements
- consider offering alternative employment or a shorter working week or such other adjustments to the employee's job as may be reasonable in the circumstances

## ***2: Time off for Dependants***

### **Procedures**

From day one of employment all employees have the right to time off for dependants. Time off for dependants is a reasonable amount of time off during working hours to deal with unforeseen matters and emergencies.

- A dependant is someone who depends on the employee for care. A dependant could be a spouse, partner, child, parent, or someone else who depends on the employee, for example an elderly neighbour.
- There are no limits on how much time you can take time off for dependants. In most cases, one or two days will be sufficient to deal with the immediate situation, but it will depend on individual circumstances. Your manager may want to discuss this with you if they think time off is affecting your work, using the same process as Bagshot Community Pre-School's Sickness Absence Policy.
- You should tell your Manager as soon as possible the reason for the absence and how long you expect to be absent, using the process detailed for Sickness Absence.
- Time off for dependants is to deal with unexpected situations. For example:
  - to deal with a breakdown in the care of a dependant
  - to put longer term care in place for children or elderly relatives
  - if a dependant falls ill or is taken into hospital.
  - to arrange or attend the funeral of a dependant (see Bereavement)
- Time off for dependants would not cover a situation that an employee knows about in advance, for example taking a child to a hospital appointment (see Parental Leave).

### **3: Parental Leave**

Parental leave is time off that employees who are parents can take to spend time with their child up until the child's 18th birthday. Employees are entitled to take up to eighteen weeks of parental leave per child. The employee must:

- have been employed continuously by their employer for at least twelve months
- have a child under the age of 18
- be named on the child's birth certificate
- be named on the child's adoption certificate
- have legal parental responsibility for the child.

If the child's parents are separated or the employee does not live with the child, they have the right to parental leave if they keep formal parental responsibility for the child.

An employee may wish to take parental leave to:

- stay with a child who is in hospital
- spend more time with a child
- make school/childcare arrangements and to help them settle in.

#### **Procedures**

- The limit on how much parental leave each parent can take in a year is 4 weeks for each child.
- You must take parental leave as whole weeks (eg 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once. A 'week' equals the length of time an employee normally works over 7 days.
- All contractual terms and conditions other than remuneration should continue throughout a period of parental leave.
- The leave can start once the child is born or adopted, or as soon as the employee has completed twelve months service, whichever is later.
- To request parental leave an employee should give at least 21 days' notice in writing to their Manager. If an employee wants to take parental leave straight after the birth or adoption of a child they should give 21 days' notice before the expected week of childbirth or placement.
- Parental leave applies to each child; If a parent has already taken 3 weeks leave in a previous job, they will only be eligible for a further 15 weeks leave if they are eligible.

- If a period of parental leave is going to present significant disruption to the setting's function, Bagshot Community Pre-School has the option of postponing the leave for up to six months after the original requested start date. If Bagshot Community Pre-School postpones the leave, the employee will receive written notification within seven days of their request, stating why the leave is being postponed and giving new dates for the leave to be taken.
- Parental leave cannot be postponed immediately following a birth or adoption.
- If an employer postpones a period of parental leave they must ensure that the requested period of leave is completed before the child's 18th birthday, even if this is less than six months away from the date of the original request.

#### ***4: Time off for medical appointments***

Non-emergency medical appointments should be arranged outside of working hours where possible, or, if unavoidable, be arranged so as to provide minimal disruption to the setting's function.

#### **Procedures**

- Employees should notify the Manager as early as possible, within 2 working weeks of the appointment.
- Dependant on the circumstances, the Manager may request the employee arranges suitable cover for the duration of their planned absence.
- If the scheduled appointment time is likely to present significant disruption to the setting e.g. If there is no suitable cover available, the Manager reserves the right to request the appointment be re-arranged for another time
- If the frequency of appointments is deemed significant, this will be discussed as part of the Supervision process and may be reviewed in line with the Formal Sickness Absence procedure.

#### ***5: Bereavement***

Bagshot Community Pre-School acknowledges the personal nature of bereavement and grief and is committed to supporting employees in practical and reasonable ways.

Bereavement leave is leave that allows an employee time off to deal with their personal distress and related practical arrangements, primarily, but not limited to, when a member of their family dies.

## Procedures

Bagshot Community Pre-School acknowledges that bereavement impacts all individuals differently and the guidelines below are intended to show the typical leave an employee is entitled to in different circumstances. Bagshot Community Pre-School acknowledges that not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and the circumstances of the death.

- In the event of the death of an immediate relative, 5 working days leave will be granted. An immediate relative includes a spouse, civil partner or partner\*, parent, step-parent, sibling or a person with whom the employee is in a relationship of domestic dependency.
- In the event of the death of a child\*\*, up to 10 days leave and statutory bereavement pay will be granted as long as they meet the minimum legal requirements for this pay .
- 2 working days leave will be allowed on the death of a mother/ father-in-law, grandparents, grandchildren, son/ daughter-in-law.

*\*Partner includes someone with whom the employee is co-habiting but is not the employee's spouse or civil partner. \*\*Child includes children of which the employee is the adoptive parent, legal guardian or carer.*

- 1 day of leave will be allowed on the death of an uncle/aunt to facilitate attendance at the funeral.
- In exceptional circumstances, 1/2 to 1 day leave may be granted on the death of someone outside the immediate family. These circumstances would include (but are not limited to) situations where the employee is responsible for funeral arrangements or has to travel to attend the funeral.
- An employee should notify their line manager of their need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances, applications for leave will be considered after the first day of absence.
- Line managers have the right to exercise discretion in exceptional circumstances as outlined above. Leave days do not have to be taken consecutively, but consideration to the disruption to the setting's function is encouraged.
- An employee who suffers a family bereavement while on annual leave can convert their annual leave into bereavement leave and take their annual leave at a future date.
- In certain circumstances a full return to work may not be possible for an employee following the death of an immediate relative – for example, when the employee's grief is likely to impact on their ability to perform their role, or where new child care arrangements have to be sourced or responsibility for the care of an elderly parent has transferred to the employee. In such instances Bagshot Community Pre-School will allow a phased

return to work with reduced hours where practicable. Alternative duties may also be considered. Any such arrangement would need to be agreed in advance by the line manager in consultation with the Committee, and would be subject to an agreed maximum number of days. Employees experiencing mental health difficulties such as anxiety, depression or post-traumatic stress disorder, which can be as a consequence of bereavement, may be considered disabled in some cases and then the Equality Act 2010 requires employers to make reasonable adjustments for these employees to remove workplace barriers.

## **6 : Other planned absence :**

Bagshot Community Pre-School is committed to employee well-being and keen to ensure staff achieve a positive work/life balance. As a term-time only employer, with a commitment to safeguarding children, Bagshot Community Pre-School discourages additional time off during term time in order to maximise consistency of the setting's function. However, with sufficient notice and where the setting can function satisfactorily with cover available, reasonable time off will be considered at the Manager's (or Committee's) discretion. Bagshot Community Pre-School is under no obligation to agree to requests, unless the requirements meet criteria for other absence detailed elsewhere in this policy.

- All requests to be provided in writing to the Manager as early as possible (at least 2 working weeks before the requested absence)
- Employee to organise cover using existing permanent or bank staff, via email, including the Manager in communication.
- If no cover is available, the Manager is to be notified and alternative cover staff options considered. The absence cannot be approved until cover is confirmed.
- Once approved, employee to add dates to the diary and advise Key families of the planned absence
- Employee to arrange suitable handover to a nominated staff member/Manager for supporting children (or staff) during the absence

Unless advised otherwise by the Manager/Trustee and based on exceptional circumstances, all absence will be unpaid. Exception to this is if:

- the employee is eligible for and the absence meets the criteria for SSP (Statutory Sick Pay)
- The absence is due to *Suspension on Medical Grounds* (see below)
- The absence is due to *Suspension due to Risk to New or Expectant Mothers* (see Maternity Policy).

### **Suspension on Medical Grounds**

An employer has a duty to ensure the health and safety of its employees.

## Procedures

In certain circumstances, a health professional may recommend that an individual worker is unfit to work with a particular hazard. If the hazard cannot be immediately removed, the employer should consider:

- temporarily adjusting working conditions
- offering suitable alternative work (at the same rate of pay and on terms no less favourable than the original role).

If it is not feasible to make such adjustments, the employer may have to suspend the worker until it is safe for them to return to work.

If suspension is necessary, an employee should be provided with a suspension letter that includes:

- the reasons for the suspension and how long it is expected to last
- their rights and obligations during the suspension. For example, that they should be contactable during normal working hours
- a point of contact (such as a manager or trustee) and their contact details for the employee during their suspension

The employee has the right to normal pay for up to 26 weeks, as long as they've been in their job for a month or more, except if they:

- are an independent contractor or agency worker
- refuse other suitable work from Bagshot Community Pre-School without a good reason
- are not available when needed for suitable alternative work

## 7 : Other Emergency absence

Emergency absence taken/required for circumstances not detailed in this policy, will be reviewed on an individual basis. If the frequency or circumstances of such absence causes concern, this will be considered a trigger point for action under the appropriate sickness, or non-sickness, absence policy.

Notification of absence should follow the procedure for sickness absence. Dependant on the circumstances and duration of the absence, the Manager may request the employee attends a back to work interview or informal review meeting to discuss the reasons for absence and any support required.

## Legal framework

- Employment Rights Act 1996
- Equality Act 2010
- Health & Safety at Work Act 1974

## Further guidance

- Time off for dependants - [www.gov.uk](http://www.gov.uk) (downloaded Nov 2019)
- Statutory Maternity Pay & Leave – [www.gov.uk](http://www.gov.uk) (downloaded Nov 2019)
- Managing bereavement in the workplace – a good practice guide – *Acas May 2018*
- Suspensions from Work on Medical grounds – [www.gov.uk](http://www.gov.uk) (downloaded Nov 2019)
- *Fit for Work Service* (<https://fitforwork.org/>)