

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

2.9 Staff sickness and absence policy

Policy Statement

Little Fingers Pre-School recognises that employees may be absent from the setting for a variety of reasons. To ensure that all staff are treated in a consistent and equitable manner, this document provides the framework for dealing with such circumstances.

Absence: whether due to illness or any other circumstances is defined (for the purpose of this document) as the non-attendance of workers when they are contracted to attend.

- Any sickness/absence should be reported to the Pre-school Manager by 7.30am, by telephoning her personal mobile (all staff should take a note of this) giving a clear indication of the nature of the illness/absence and a likely return date. ***(It is the responsibility of the staff member to ensure their absence has been received by the Manager - a left message or text is not acceptable).***
- The Pre-school Manager should report any sickness/absence to the Chair or in their absence to a Committee member by 7.45 am. The Pre-school Manager is required to make every effort to ensure cover for the Pre-School. If the Pre-school Manager is too ill to arrange their own cover, the Deputy will arrange cover instead and inform the Chair of absence.
- Any sickness absence of less than seven days (short term sickness/absence) requires an employee to complete a 'Self-Certificate' available from any Doctor's Surgery or downloadable from www.direct.gov.uk. ('Self-Certificates' are enforced at the Pre-school Manager or Chair's discretion and is dependent on an employee's previous record of short term sickness/absence).

Sickness absence which exceeds seven days (long term sickness/absence) requires an employee to obtain a 'Fit Note' from their GP and attend a 'Return to Work Meeting' with the Manager (The Manager's Return to Work Meeting' should take place with the Chair or another Committee Member, as nominated by the Chair). A back to work meeting will take place after each period of long term sickness/absence and before the employee can return to work. The back to work meeting will be held within an agreed timeframe once the employee indicates their request to return to work. The Manager or Chair must offer a return to work meeting to the employee within two working days of their request to return to work. The fit note and back to work meeting is to establish the reason for and cause of the absence, to consider whether there is anything the Manager or organisation can do to help (make reasonable adjustments) and to confirm that the employee is fit to return to work. If the employee is deemed unfit for work then they must return to their GP and the cycle of absence, Fit Note and back to work meeting will be repeated until the employee is able to return to work or a formal process will be triggered and if appropriate their employment may be terminated. This formal process will also be triggered if an

employee's explanation for absence is not forthcoming, considered to be unsatisfactory or if absence is not reported following the needed procedure listed above.

- If long term sickness /absence prevents an employee returning to work or is recurrent or if frequent illness or absence exceeds recommended short term illness/absence within an agreed timeframe a more formal process will be triggered (agreed absence and timeframes can be agreed and extended on the advice of an employee's GP).

- A fit note can be obtained from a GP or hospital (the employee may be charged for the fit note if requested or completed before the 7th day of absence).

At Little Fingers Pre-School we adhere to Government recommendations –

- If an employee is sick twice for 4-7days in a relatively short period (within a 3 month period) or sick for 4 or more short periods in a 12 month period, a formal process will be triggered.
- The Manager or the Chair can contact HMRC to arrange for an employee to be medically examined (this can be actioned once the employee returns to work). The

HMRC report will give an opinion of the employee's fitness to work, state if there are medical grounds/ reasons for an employee to have frequent or long term absence and will help employers to decide if the employee is capable or incapable to work (the employer must obtain the employee's consent for a medical exam). However if the employer deems the medical exam is necessary and the employee withholds consent, then this will trigger a formal process.

Formal Process (In conjunction and taken from Little Fingers Disciplinary Process)

Informal Action/Verbal Written Warning:

Employees committing what are deemed to be minor breaches of discipline will normally be approached by the Pre-school Manager and spoken to informally about the matter.

A performance improvement plan will be agreed; detailing objectives and time scales; if the objectives are not met within the agreed timescale than a full written warning will be issued. Employees experiencing any sort of difficulty either personally or at work are encouraged to raise the matter with the Manager as the issues arise, and will be given the opportunity to do so at an informal meeting. It is hoped difficulties may be resolved informally where possible and a further meeting will be arranged to review the situation within a reasonable time.

If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered to be too serious to be classed as minor, employers should provide employees with a clear signal of their dissatisfaction by taking further action.

Step 1: Written Statement/Letter

The first step in any formal process is to let the employee know in writing what it is they are alleged to have done wrong. The letter or note should contain enough information for the individual to be able to

understand both what it is they are alleged to have done wrong and the reasons why this is not acceptable. The Chair of the Committee will issue the written statement /letter to the employee. The employee should be invited to meet with the Chair/Manager and discuss the problem.

Step 2: Meeting and Discussion

Where possible, the timing and location of the meeting should be agreed with the employee. The length of time between the written notification and the meeting should not exceed two weeks. The employer should hold the meeting in a private location and ensure there will be no interruptions. Remember the employee has the right to be accompanied.

At the meeting, the employer should explain the complaint against the employee and go through the evidence that has been gathered. The employee should be allowed to set out their case and answer any allegations that have been made. The employee should also be allowed to ask questions, present evidence, call witnesses and be given an opportunity to raise points about any information provided by witnesses.

Following the meeting, the employer must decide whether disciplinary action is justified or not. Where it is decided that no action is justified the employee should be informed. Where it is decided that disciplinary action is justified, the employer will need to consider what form this should take. Before making any decision, the employer should take account of the employee's disciplinary and general record, length of service, actions taken in any previous similar case, the explanations given by the employee and - most important of all- whether the intended disciplinary action is reasonable under the circumstances. If deemed appropriate a performance improvement plan will be actioned, clearly stating the desired objectives and timeframe; if the objectives are not met within this agreed timescale than a written warning will be issued.

Performance

Following the meeting, an employee who is found to be performing unsatisfactorily should be given a written note by the Chair setting out:

- The performance problem
- The improvement that is required
- The time scale for achieving this improvement
- A review date
- Any support the employer will provide to assist the employee.

The employee should be informed that the note represents the first stage of a formal procedure and that failure to improve could lead to a final written warning and, ultimately, dismissal. A copy of the note should be kept and used as the basis for monitoring and reviewing performance over a specified period (eg: six months).

Final Written Warning:

Where there is a failure to improve or change behaviour in the time scale set at the misconduct stage, or where the offence is sufficiently serious, the employee should normally be issued with a final written warning - but only after they have been given the opportunity to present their case at a meeting. The employee will also have their final performance improvement plan actioned, again clearly stating the desired objectives and timeframe; if the objectives are not met within this agreed timescale then the employee will be given a final written warning. The final written warning should give details of, and grounds for the complaint. It should warn the employee that failure to improve or modify behaviour may lead to dismissal or some other penalty, and refer to the right of appeal. The final written warning should normally be disregarded for disciplinary purposes after two years.

Dismissal or Other Penalty:

If the employee's conduct or performance still fails to improve, the final stage in the disciplinary process might be dismissal or (if the employee's contract allows it or it is mutually agreed) some other penalty such as demotion, or loss of seniority/pay. A decision to dismiss should only be taken by a manager who has the authority to do so. The employee should be informed as soon as possible of the reasons for the dismissal, the date on which the employment contract will terminate, the appropriate period of notice and their right of appeal.

It is important for employers to bear in mind that if they dismiss an employee or impose a sanction such as demotion, loss of seniority or loss of pay, they must, as a minimum have followed the statutory dismissal and disciplinary procedures. The standard statutory procedure to be used in almost all cases requires the employer to:

Additionally, a sick employee will have their employment terminated

- If reasonable adjustments to their role, duties or hours cannot facilitate their return to work.
- If returning to work will not improve or worsen their health.

Advice on short and long term absence

National Insurance Contributions and Employers Office, HM Revenue and Customs, BA9 1AN

Enclosing -

- Employees full name, address, and date of birth, gender and National Insurance Number
- Date of latest period and nature of absence (credited by a GP)
- Employee's written consent
- Copies of medical certificates or fit notes submitted to an employee within a 12 month period (naming the GP and GP Surgery address)
- Employee's occupation and main duties
- Reason for requesting an opinion
- Outcome of action already taken by employer
- Employees reason for their absence/s

- Statuary Pay Disputes Team TEL: 03000560630

All records relating to staff absence/sickness will be stored confidentially and securely.

Sick Pay

- Normal statutory sick pay applies. Please refer to your individual contract of employment (Sick pay may be ceased as part of a formal process).

Maternity

- Absence relating to pregnancy will be recorded separately from sickness records. Employees are entitled to reasonable time-off with pay, to attend antenatal clinics. Statutory Maternity Pay will apply as appropriate. Staff should endeavour to make routine appointments outside of work time where possible.

Disability

- Absence relating to disability will be recorded separately from sickness records. We work within the framework of the 'Equality Act 2010' to ensure an inclusive and anti-discriminatory approach.

Time Off For Dependants

- In emergencies where normal childcare arrangements break down or where an employee is primarily or solely responsible for a child, dependent relative or partner who becomes ill or incapable, then an employee can request up to two days leave to organise appropriate care. This leave will be unpaid and the request should be made to the Manager as soon as a problem is identified

Time off for Medical Appointments

Where possible, appointments for Doctor, Dentist, Optician, Hospital etc. should be made outside of normal working hours.

Bereavement/Compassionate Leave

Please refer to individual contract of employment.

Annual Leave/Holiday Entitlement

Please refer in individual contract of employment.

For Further Guidance on all matters relating to sickness and absence, including your rights as an employee and the relative legislation please refer to guidance found at www.acas.org.uk and/or www.gov.uk/taking-sick-leave and/or www.direct.gov.uk

Gov.UK Sickness Guidance Library www.gov.uk/search?q=Sickness

Gov.UK Statutory Sick Pay: Employee Fitness to Work

www.gov.uk/guidance/statutory-sick-pay-fitness-to-work~doctors-fit-note--statements-for-work

These sites were also used as a point of reference/guidance in the process of creating this document.

Please also refer to:

- Disciplinary Policy and Procedure (Little Fingers Pre-school)
- Employment and Staffing Policy (Little Fingers Pre-school)
- Grievance Policy and Procedure (Little Fingers Pre-school)
- Valuing Diversity and Promoting Equality (Little Fingers Pre-school)

This policy was adopted by

Little Fingers Pre-school

On

Date to be reviewed

March 2022

Signed on behalf of the provider

Name of signatory

Carolyn Coleman

Role of signatory (e.g. chair, director or owner)

Chair

2.9 Staff sickness and absence policy

COVID-19 Addendum

The staff sickness and absence policy remains in place with the additional requirements:

The absence management policy remains in place with the additional requirements:

Exclusion periods: Any staff member with symptoms of coronavirus will be asked to follow government isolation guidelines, which sets out that they must self-isolate for at least 10 days and should arrange to have a PCR test to see if they have coronavirus (COVID-19): www.gov.uk/government/publications/covid-19-stay-at-home-guidance/stay-at-home-guidance-for-households-with-possible-coronavirus-covid-19-infection

Staff members are asked to send in an isolation note as proof to stay off work because of coronavirus rather than a GP note. These are available from <https://111.nhs.uk/isolation-note/>

Staff should also not attend if they are self-isolating due to symptoms in their household.

We will work with the local authority if we experience any staff shortages to identify how appropriate provision can be put in place while keeping staffing arrangements as consistent as possible.

Return to work: All staff will be asked to complete a health declaration form on their return to work and after any episodes of illness to state that they are now fit and well, have no other symptoms and have isolated for the timescales set by the Government.

Staff who are clinically extremely vulnerable/staff who are clinically vulnerable
Shielding advice has been paused nationally from 31 March 2021. However, such employees should still have their own risk assessment to ascertain whether the work environment is safe for them.

Annual leave: All annual leave including any not taken in holiday period 2019/20 will be documented in the usual way and discussed at supervisions as to when this can be taken, following government and HR guidelines.

Coronavirus Job Retention Scheme (CJRS): Where applicable, discussion will take place individually with staff that have been furloughed, about when they will return in line with the business needs. Some staff may return on the flexible furlough scheme until the end of **September 2021** when the scheme is currently planned to end.

<https://www.gov.uk/guidance/claim-for-wages-through-the-coronavirus-job-retention-scheme>

Where applicable, individual discussions will take place with any staff affected by this scheme.

COVID-19 vaccination

All staff are able to take reasonable time off to attend COVID-19 vaccination appointments. As with any appointment, you should obtain approval from your manager in advance of taking time off to attend a COVID-19 vaccination appointment. You should give your line manager as much notice as you can, requesting that you would like to take time off for this purpose and they may ask you to produce evidence of your appointment (for example an appointment card or email/text inviting you to a COVID-19 vaccination appointment).

This policy was adopted by

On

Date to be reviewed

Signed on behalf of the provider

Name of signatory

Role of signatory (e.g. chair, director or owner)

Little Fingers Pre-school

March 2022

Carolyn Coleman

Chair