



## 10.4 staff sickness

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At Little Gillies we encourage all our employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work due to sickness, illness or infections. By implementing this policy, we aim to strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to take occasional periods of time off work because of sickness. This policy and procedure establishes a framework to support individuals and the organisation in times of sickness absence. It ensures that appropriate and consistent advice is provided and that assistance and support is offered to employees and, where necessary, action is taken.

### Principles

We promote good health and aim to provide a healthy working environment demonstrating commitment to health, safety and the welfare of all staff in order to maximise attendance.

Management is responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

### Exclusion periods for contagious illnesses

Working with children means that you are more likely to come in to contact with illnesses, which can be highly contagious. We take the health of children and staff very seriously; therefore, if you have any infectious/contagious illnesses you must adhere to the same exclusion periods as children.

### Sickness absence reporting procedure

Reporting sickness absence should be done using the following guidelines. Failure to follow these guidelines could delay any sick pay due to you and could possibly result in disciplinary action.

1. On your first day of absence, you must:
  - Telephone the nursery and speak to the manager
  - Give brief details of your illness and your expected length of absence.
  - Telephone and speak to someone yourself. Text message and emails are not an acceptable form of communication for this purpose. Contact someone within one hour of your normal start time.
  - Employees are required to notify their manager as soon as possible when they will be returning to work but at least by 3pm the day before they return.
2. If you have been unable to determine how long the absence will last, and it exceeds the third day, you must contact your manager again on the fourth day.



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3. For absences of more than seven consecutive days, including the weekend/non-working days, you must provide a 'fit note' completed by a qualified medical practitioner for the period of absence.

After returning to work from long term sickness absence leave, a 'return to work' interview may be undertaken by the employee and line manager.

During the return to work interview the following will be discussed:

- The reason for absence
- Whether and support is required and/or adjustments to the role (on a temporary or more permanent basis) and what they are. These might include regular catch up meetings, adjusted work patterns, changes of duties
- Future requirements and expectations, e.g. Improved attendance

The return to work interview discussion is recorded using a set template and signed by both the manager and employee. A copy is attached to the employee's file.

Where an employee's attendance record gives cause for concern because of the duration or frequency of absence, this should be brought to the attention of the employee through a discussion with the manager.

Throughout any stage of discussions on sickness absence, employees may be accompanied by a work colleague.

The abuse of sick leave and pay regulations may be classified as misconduct and will be dealt with through the disciplinary procedure.

### **Frequent and/or persistent short-term sickness absence**

Short-term absence may be short periods of one or two days occurring frequently.

Absence of this nature can be identified by one of the following indicators and should be classed as a trigger:

- Four self-certified spells of absence in one calendar year
- A total of 10 working days or more of self-certified absence in one calendar year



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- Patterns of absence over a period

### Long-term sickness absence

For the purposes of the policy, long-term sickness absence is defined by the nursery as absences lasting over one month.

Where absences have lasted over 10 working days or more, the manager will contact the member of staff concerned to obtain an initial assessment of the sickness/illness and to offer any further help or assistance.

At this point and where felt appropriate after further assessment of the problem, the manager will arrange a face-to-face meeting or telephone conference between themselves and the member of staff. The meeting should:

- Confirming the reasons and nature of the absence and its likely duration
- Ensuring that the member of staff is aware of the nursery's concern regarding their health and necessary absence from work
- Consideration of alternative duties or a shorter working week if this would enable a quicker return to work subject to medical advice
- Consideration to any personal issues being encountered and discuss possible ways of helping the individual resolve these
- Advising the member of staff that in their best interests they may be asked to see a registered medical practitioner or occupational health provider appointed by the nursery to enable a medical report to be prepared
- Alternatively, and if appropriate, gain agreement from the member of staff to contact their doctor or specialist in order to establish the likely length of absence and the long-term effect on capability in relation to job performance and attendance at work.

If all other avenues have been investigated, the absence continues or, following return to work, the attendance record does not improve, a subsequent meeting would be arranged. At this point and with legal advice the manager may advise the member of staff on long term sickness absence that unless there are reasonable grounds to believe there will be an improvement in the foreseeable future, their ill health may put their employment at risk with the possibility of termination by reason of capability or suitability to work with children might have to be considered, taking into account any medical information available.

The position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the nursery will:

- Review the employee's absence record to assess whether or not it is sufficient to justify dismissal
- Consult the employee
- Obtain up-to-date medical advice through the employee's GP and/or occupational health



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- Seek legal advice, where applicable
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility
- Meet with the employee to discuss the options and consider the employee's views on continuing employment
- Review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health
- Arrange a further meeting with the employee to determine any appeal
- Following this meeting, inform the employee of its final decision
- Act reasonably towards the employee at all times.

Any decision to terminate employment will be taken by the Operations Director, making sure the capability procedure has been exhausted.

### Statutory Sick Pay (“SSP”)

In order to be eligible for SSP, employees must be ill for four days or longer and must have average weekly earnings equal to or more than the lower earnings limit. Please see [www.gov.uk/taking-sick-leave](http://www.gov.uk/taking-sick-leave) for details of the

current lower earnings limit.

- Employees must use the company’s Sickness and Absence Form to provide the Company with details of their illness
- The present weekly SSP rate can be found at [www.gov.uk/statutory-sick-pay](http://www.gov.uk/statutory-sick-pay)
- The Company will record all details of SSP payments made to employees in conjunction with legal requirements.
- Where the Company is not required to pay SSP or SSP comes to an end, the Company will support the employee to claim for Employment and Support Allowance

### Other Absence

#### Jury Service

- Any employee called for jury service should inform their manager as soon as possible
- Employees called for jury service will not be paid by the Company for the period of their absence. Employees should instead claim all available allowances from the court

#### Public Duties

- The Company is legally obliged to permit any employee time off to complete their



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public duties including, but not limited to, magistrate or school governor duties. The employee should inform their manager of their duties, meetings or rotas as soon as possible in order to allow the Company time to plan for their absence.

- Employees carrying out public duties will not receive pay for time off taken to complete their duties. However annual leave may be taken during such times

### **Serious illness/injury of an employee's immediate family**

This will be looked at on an individual basis, the nursery manager will agree with you a reasonable period of paid leave time initially, with additional unpaid leave if a significant amount of time off is required. You may also need to consider taking any annual leave and working flexibly

### **Death of a member of an employee's immediate family**

This leave applies on the death of an employee's spouse, life partner, parent, brother, sister, grandparent, dependant or other relative for whom the employee has special responsibility or has had special ties.

Generally, the amount of time off required will be at the manager's discretion, but it is advisable to either;

- 1 Set a defined amount of paid/unpaid time, or
- 2 Remove this in its entirety and deal with request as holiday and/or under the emergency time off provisions of the **Employment Rights Act 1996 (s.57a)**

### **Death of a Child**

If an employee has a death of a child under the age of 18 or suffers a stillbirth from 24 weeks of pregnancy, all employees will be entitled to two weeks paid leave; subject to meeting the eligibility criteria having been employed for at least 26 weeks. **The Parental Bereavement Leave and Pay Act 2018.**

All policies and procedures are implemented, reviewed and updated on an annual basis or in line with any changes to local and national guidance/legislation in conjunction with the registered person.

This policy was adopted at a meeting of Little Gillies

Held on.....



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Date to reviewed .....

Signed on behalf of the provider.....

Name of signatory.....

Role of signatory.....

Reviewed by Sarah Beresford

Date June 2023