

“Safeguarding and Welfare Requirement: Staff: Child Ratios.

Staffing arrangements must meet the needs of all children and ensure their safety”

 **Staff Sickness and Absence Policy Statement**

Lympstone Pre-School recognises that employees may be absent from the organisation 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/rota’d to attend.

Any sickness/absence should be reported to the Management team by 7:00am (or the evening before if known in advance – with ‘as much notice as possible’) by telephoning the preschool mobile (all staff should take a note of this number) 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- so a left message or text is not acceptable).

The Manager is required to make every effort to ensure cover for the Pre-School. If the Manager/Lead is too ill to arrange their own cover, the Management Team will arrange cover instead.

•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 Management/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 on page 1 of this policy.

- 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 Lympstone 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.

Lympstone preschool adheres to the best practice as detailed in the acas guidance.

**Formal Process (In conjunction with Lympstone Preschool’s Disciplinary Process)**

Informal Action/Verbal Written Warning:

Employees committing what are deemed to be minor breaches of discipline will normally be approached by their supervisor/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 their supervisor 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 than 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.

Following a disciplinary process an employee has the right to appeal. Any appeal must be received in writing within 5working days on receipt of the disciplinary outcome.

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 – as Lympstone Preschool does not pay sick pay usual government SSP rules and guidelines of eligibility will apply

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/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 (Lympstone Preschool)

Employment and Staffing Policy (Lympstone Preschool)

Grievance Policy and Procedure (Lympstone Preschool)

This policy was adopted at a meeting of Held on

Date to be reviewed

Signed on behalf of the management committee

Name of signatory

Role of signatory (e.g. chair/owner)

name of setting: Lympstone Preschool 2019