



Absence Management Policy & Procedure

Documents consulted:

This policy and procedure has been produced based on recommendations in line with:

- Theresa Mayne- HR consultant
- Medical Records Act 1988
- <http://fitforwork.org>
- <https://www.gov.uk/statutory-sick-pay/overview>

1. Introduction

The East Street Early Years aims to strike a fair balance between the needs of the charity to perform its objectives and the needs of employees to take occasional periods of time away from work due to sickness.

This policy aims to establish a framework to support the organisation and its Employees during periods of sickness absence and details the expectations of both parties. It also aims to ensure consistent support is offered to all Employees and that a fair approach is taken in cases where further action is required.

2. Principles

The East Street Early Years aim to provide a healthy working environment and demonstrate commitment to health, safety and the welfare of Employees in order to maximise attendance.

Line Managers, and ultimately the Board of Trustees, are responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

3. Contagious illnesses and exclusion periods

Working with children will mean that Employees are in contact with illnesses that are highly contagious. The East Street Early Years takes the health of children and Employees very seriously therefore exclusion periods are in place that apply to Employees and children. This will ensure that Employees are able to recover appropriately and that this illness is not passed onto other Employees, children or parents. The Line Manager will advise Employees of any exclusion times required.

4. Absence Reporting

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

On each day of absence employees must adhere to the following procedure:

- Telephone the Line Manager no later than **1 hour** prior to the scheduled shift start time on each day of absence. **A text message is not acceptable.** Theresa 07872922867 Jem 07792717861
- If an employee fails to telephone the line manager **1 hour** before their scheduled shift start time it will be classed as an Unauthorised Absence.
- The Employee must telephone the Line Manager themselves unless they are hospitalised or incapacitated. In this case someone else may make contact on their behalf.

- The Employee must state what is wrong and when they anticipate being able to return to work.
- The Employee must telephone the Line Manager no later than 4pm each day to confirm whether they will be attending their scheduled shift the following day. If it is known that the absence is likely to last for more than one day this should be stated immediately and the expected length of absence determined. If the length of absence is not determined, the Employee must contact the Line Manager on their third day of absence to discuss when they anticipate being able to return.
- For absences of more than seven calendar days, a 'Fit Note' completed by a qualified medical practitioner for the period of absence must be provided.
- The Employee must pass any medical notes to their Line Manager which have been provided by their doctor at the earliest convenience.
- If an Employee has an illness that is contagious the same exclusions that apply to the children apply to the Employees or at the Management's discretion.

5. Conduct during absence due to sickness or injury

You are expected to return to fitness and work as soon as possible. We would not expect anyone absent from work due to sickness or injury to: -

- Participate in sports, hobbies or social activities inconsistent with the alleged illness or injury or which could aggravate it and delay recovery.
- Undertake any other work paid or unpaid.
- Engage in any other activity inconsistent with your alleged illness or injury.

These are just examples and are not exclusive reasons for doubting medical certificates.

6. Return to work

A return to work interview will be held as soon as reasonably possible after an Employee returns to work. A Self Certification Form will also be completed by the Employee and authorised by the Line Manager.

During the 'Return to Work' interview the following will be discussed:

- The reason for absence.
- That East Street Early Years have the right to require Employees to undertake any reasonable duties having due regard to the nature of any illness or injury including requiring Employees to attend for work and undertake alternative or light duties or work shorter hours for a period of time. A rate of pay applicable to the alternative duties or shorter hours will be agreed.
- The impact that the absence had on the team.
- Information about anything that is relevant that may have been missed during the absence.
- Bradford Factor score.
- Future requirements and expectations, e.g. improved attendance.
- Whether in the best interests of the Employee, they may be asked to see a registered medical practitioner to enable a medical report to be prepared in line with the Access to Medical Records Act 1988 (see section 11).

- For absences of more than four weeks, the Line Manager will seek consent from the Employee to make a referral to the Fit for Work Service to identify any obstacles that are preventing the Employee from returning to work. The Fit for Work Advisor will make contact with the Employee to discuss their condition and where necessary put in place a Return to Work Plan giving recommendations to support the Employee back into the work place. Further information on the process is available at (<http://fitforwork.org>).

The return to work interview will be recorded and signed by both the Line Manager and Employee and a copy placed on the Employee's file.

Throughout any stage of discussions on sickness absence, Employees may be accompanied by an East Street Early Years work colleague.

7. Definition of a 'Rolling Year'

A rolling year will be calculated from the date of the first day of the absence being monitored under the policy. For example, if the first day of absence is **15th June 2020**, the rolling year will be:

16th June 2020 to 15th June 2021 (365 days)

Any absences that exist in the rolling year period will be included for the purpose of calculating the Bradford Factor score and the eligibility for receiving Occupational Sick Pay.

If an absence spans the first day of the rolling year (i.e. in the example above 12th to 18th June 2019) then this will count as 1 instance but only the number of days within the rolling year will be used (i.e. 3 days in the example above 16th / 17th & 18th)

8. Bradford Factor

Staff absences disrupt the efficiency of the East Street Early Years, in particular short term and persistent unplanned absences. The Board of Trustees have therefore adopted the use of the Bradford Factor Score to underpin staff absence management. During the return to work interview the Bradford Factor score will be calculated and noted on the return to work interview form. Where the trigger point is breached, the Employee will be invited to attend a formal review meeting to discuss the frequency and nature of the absences with a view to supporting the Employee to achieve a more consistent attendance.

The Bradford Factor is calculated over a rolling year (see definition above) as follows:

(S x S) x D = Bradford Factor Score

Where S is the number of spells of absence of an individual over a 12-month period; and

D is the total number of days of absence of the individual over the same period

It is easier to illustrate through some examples:

Four employees (a, b, c and d) have the same absence duration of 10 days in the rolling year. However, their pattern of absence is very different – as is their Bradford Factor score.

The Bradford Factor calculator is designed to give more weight to frequent short-term absence.

(a) One absence of 10 days

Bradford Factor = $(1 \times 1 = 1) \times 10 = 10$ points

(b) Three absences of one day, three days and then six days

Bradford Factor = $(3 \times 3 = 9) \times 10 = 90$ points

(c) Five absences of two days each

Bradford Factor = $(5 \times 5 = 25) \times 10 = 250$ points

(d) Ten absences of one day each
Bradford Factor = $(10 \times 10 = 100) \times 10 = 1,000$ points

The Bradford Factor score is only a tool and as with any other tool, it will be used within the framework of the Absence Management Policy and Procedure.

The Threshold for triggering a formal review is a score of 50 (see below). Once a person breaches the threshold they will be invited to attend an Absence Review Meeting under the Disciplinary Procedure. The reasons for absence will be discussed and mitigation applied before deciding if formal disciplinary action will be taken.

Score 0 - 49	No action required
Score 50 – 124	Consider formal review and verbal requirement to improve
Score 125 – 399	Consider issuing First Written Warning
Score 400 – 649	Consider issuing Final Written Warning
Score 650 +	Consider Dismissal

This approach ensures a fair and consistent approach for all staff at all levels.

9. Abuse of the policy

Any benefit whether Statutory Sick Pay (SSP), Occupational Sick Pay (OSP) or permission to be absent from work will only apply if Employees obey the rules as applicable to that benefit.

Any abuse of this policy may be classified as 'misconduct' and will be dealt with through the 'Disciplinary & Capability Procedure'.

There is no entitlement to any sick pay (including, in some cases, SSP) where the East Street Early Years are not satisfied that that an Employee is genuinely incapable for work or entitled to sick pay because:

- They have entered false information on any form including a self-certification form.
- They have failed to follow this policy and rules.
- There are serious doubts about the circumstances surrounding their claims for sick pay.
- Except in exceptional circumstances, their absence record exceeds 4 instances of absence in a rolling calendar year.
- Their absence is caused by their own negligence, recklessness or carelessness in observing standard safety practices or by willful misconduct, wherever that make take place.

This list is not exhaustive.

Any decision to terminate employment will be taken as a last resort by the Trustees and line manager, making sure the Disciplinary & Capability Procedure has been correctly followed and all other options exhausted.

10. Evidence of illness or injury

Self-Certification

If your absence lasts less than seven calendar days (including Saturday and Sunday) inclusive of the first day of absence, you must complete a Self-Certification Form stating the reasons for your absence to our satisfaction and we will authorise your absence. No sick pay will be paid unless we have authorised your absence.

Medical Certificates

If you are absent for more than seven calendar days including Saturdays and Sundays (or as soon as you know you will be away from work more than seven calendar days) you must get a 'fit note' from your own doctor. The fit note will say you are either 'not fit for work' or 'may be fit for work'.

If it says you 'may be fit for work', your Line Manager will discuss any changes that might help you return to work (e.g. different hours or tasks). You will be treated as 'not fit for work' if there's no agreement on these changes.

The East Street Early Years will retain a copy of the fit note, and you should keep the original.

11. Occupational Sick Pay

The East Street Early Years operate a sick pay scheme as follows:

EAST STREET EARLY YEARS SICK PAY SCHEME		
QUALIFYING SERVICE PERIOD	FULL PAY	HALF PAY
0 - 2 years	Nil	Nil
2 – 5 years	10 working days (2 weeks)	10 working days (2 weeks)
5+ years	20 working days (1 month)	Nil

Eligibility for Occupational Sick Pay is calculated on a "rolling year" basis (see definition at clause 7), so that when an Employee starts a period of sick leave, all sickness absence accumulated over the previous 12 months to date is taken into account.

The first three calendar days of any absence will be unpaid in line with the rules for SSP i.e. OSP will commence on day 4 following the 3 'waiting days'.

All sickness is calculated on a pro-rata basis for part-time Employees.

OSP includes any payment entitled under the SSP scheme.

In exceptional circumstances the organisation may pay over and above the Occupational Sick Pay entitlement. The Early Years Manager and the Chair of Trustees will approve any extra payments.

All absence will be recorded on the payroll system and show on pay slips as 'sickness' with the amount of sick pay received in relation to this absence. A record will be kept on the Employee's personal file.

During probation and exclusion periods, Employees will not receive any Occupational Sick Pay but may receive Statutory Sick Pay if eligible.

All sick pay is subject to PAYE Income Tax and National Insurance deduction.

The East Street Early Years reserves the right to discontinue or alter the scheme and will serve a minimum of 4 weeks' notice to all those eligible to participate.

12. Substituting Unpaid Sickness Absence with Holiday Pay

At the East Street Early Years, the Board of Trustees recognise that the first 3 days of sickness (the waiting days) being unpaid may cause hardship for some people. Employees are therefore permitted to use holiday pay to bridge the unpaid period of leave. It is only permitted to use holiday entitlement in excess of the statutory minimum for the purpose of bridging the sick pay gap.

Employees must use 5.6 weeks' holiday as rest and relaxation as required under the Working Time Directives (1998) and are not permitted to use these days to bridge the sick pay gap.

Despite the period of sickness absence being substituted for holiday, the period of absence will still be regarded as Unplanned Sickness Absence for the purpose of monitoring under this policy. Therefore, the period of absence will be included in Bradford Factor calculations.

The period of holiday that has been used to bridge the pay gap will be deducted from the Annual Leave Entitlement.

There is no requirement or expectation that Employees will use holiday to bridge the sick pay gap; it is entirely voluntary. The purpose of permitting this is to ensure that employees who would otherwise experience hardship can minimize the impact of the 3 waiting days which are unpaid.

This does not affect the eligibility for Occupational Sick Pay.

13. Statutory Sick Pay (SSP)

When an Employee exhausts their entitlement to Occupational Sick Pay they will be paid Statutory Sick Pay (SSP) through the normal payroll, provided they meet the statutory eligibility requirements. For further information, visit <https://www.gov.uk/statutory-sick-pay/overview>.

14. Access to Medical Records

The Access to Medical Records Act 1988 gives individuals the right of access to medical records relating to themselves which have been prepared by a medical practitioner for employment purposes.

The Act provides that:

- Employers must gain the consent of employees before requesting reports from medical practitioners.
- Employers must inform Employees of their rights in respect of medical reports.
- The Employee has the right of access to the report before the Employer sees it, provided appropriate notification is given.
- The Employer is responsible for notifying the medical practitioner that the Employee wishes to have access.
- The Employee may ask for a report to be amended or may attach a statement to the report.
- Having seen the report, the Employee may wish to withhold consent to it being supplied.

Where the East Street Early Years wishes to request further medical information about the health of an Employee from their General Practitioner or Specialist, or the Fit for Work Service, the provisions of the Act will be followed.

Throughout any interviews regarding sick absence, Employees are entitled to the support of and/or representation by an East Street Early Years work colleague.

The East Street Early Years reserves the right to request Employees to attend a medical advisor (e.g. Consultant, GP or Fit for Work Advisor) during their employment, if it is reasonably deemed necessary due to sickness absence, changes in health or the role, where it is necessary to seek expert medical opinion as to whether or not the Employee can fulfil their job role. All medical information will be kept confidential.

15. Annual Leave and Sick Pay

Where an Employee falls sick or is injured while on holiday, the East Street Early Years will allow the Employee to transfer to Sick Leave and take replacement holiday at a later time. This policy is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner.

- The Employee must contact the Line Manager as soon as s/he knows that there will be a period of incapacity during a holiday.
- The Employee must submit a written request no later than five days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the Employee wishes to take at another time.
- Where the Employee is overseas when s/he falls ill or is injured, evidence must be produced that the Employee was ill by way of either a Medical Certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.
- Where the Employee fulfils all of the above conditions, the East Street Early Years will allow the Employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

Sickness or injury shortly before a period of planned holiday

If an Employee is ill or is injured before the start of a period of planned holiday, the East Street Early Years will agree to the Employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the normal policy on sickness absence. The following process should be followed:

- The Employee must produce a letter from his/her doctor confirming that s/he is unfit to take the holiday.
- The Employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that s/he is unfit, or is still likely to be unfit, to take the holiday.
- Where it is agreed that an Employee can take replacement holiday leave at a later time, the Employee should nominate replacement holiday dates as soon as possible, with the dates being subject to the agreement of the Employee's Line Manager in the usual way.
- Employees should endeavour to take any replacement holiday within the same holiday year as the days lost as a result of sickness or injury. In the event that part or all of the holiday is lost due to incapacity towards the end of the holiday year and there is insufficient time left during that year for the replacement holiday leave to be taken, the Employee will be permitted to carry over the replacement holiday to the next holiday year. However, this leave must be taken as early in the new holiday year as possible.

Adopted by the Management Committee on	November 2020
Signed by Chair of Management Committee	
Review date	November 2022