

## Staff Sickness and Absence Policy

First Steps Pre-school recognises that staff may be absent from the setting for a variety of reasons including: short-term and long-term sickness, including mental health conditions; helping a child, partner or relative; bereavement; medical appointments; pregnancy-related illnesses and appointments, including IVF; bad weather conditions, making travelling to work difficult or impossible.

To ensure staff are treated in a fair and consistent manner, this policy sets out the procedures for dealing with absence. Absence is defined as the non-attendance of workers when contracted to attend. Contracted sessions missed due to absence will usually be unpaid.

Staff are responsible for;

- Attending work at the expected time
- Informing their line manager prior to any absence or as soon as is reasonably practicable
- Provide a reason for absence and if possible, anticipated length of absence, plus details of any work which needs to be covered urgently
- Keeping their line manager informed of progress and your likely date of return
- Comply with Health & Safety requirements
- Comply with certification arrangements as follows

Length of sickness absence	Responsibility of employee
For sickness up to seven days	Complete a self-certification of sickness form on the first day of your return to work
If sickness extends beyond seven days	Obtain a fit note from your GP and continue to provide fit notes promptly if the period of sickness continues

- Give as much notice as possible of the date of return
- Contact your manager immediately before you return to work if your GP has issued you with a fit note which states that you are 'fit for work' with recommended adjustments

It is important to follow the sickness reporting responsibilities. First Steps may follow disciplinary procedures if procedures are not followed.

### Reporting Procedures

#### 1. Supervisor

In the event that the supervisor is unable to attend work, or becomes ill during working hours, the following procedures will be followed – the named second, Deputy or bank staff will be contacted, along with Colette Wilkinson. If the supervisor is too ill to arrange cover, the Deputy/ named second will arrange cover.

#### 2. Early Years Practitioners

In the event that any practitioners are unable to attend work, or becomes ill during working hours, the supervisor should be contacted in the first instance by phoning her personal mobile to arrange cover using staff as above. Do not leave a text message. The supervisor should be informed by 7.30am

### **3. Contact details**

Contact numbers for all staff and those on the staff bank are to be kept by the supervisor both on site and at home and by Becky Russell.

4. In the unlikely event that all employed staff are unable to work or there are insufficient staff numbers, the nominated individual (Colette Wilkinson) will take the decision to close for the session. Parents will be notified as soon as possible.

First Steps has put in place a number of interventions for managing absence;

- Return to work interviews and sickness absence meetings
- Sickness reporting systems
- Phased return to work for example after a long-term absence, injury or bereavement. Pay during a phased return to work will be at the employee's normal rate, but only for the hours worked.

We may request a fit note that confirms fitness to work following sickness absence in cases where the prognosis is unclear or where there has been a protracted or repeated period of sickness absence. A doctor's report may be requested in order to assess if the employee is fit to carry out their work, and to prevent Health & Safety risks.

In these cases, we also expect you to familiarise yourself with the Fit for Work service ([fitforwork.org/employee](https://fitforwork.org/employee)). Recommendations are not binding on the setting, but will be considered. A Return to Work interview will take place prior to the employee returning to work after a long period of sickness.

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 procedures.

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).

### **Persistent or Unauthorised Absence**

First Steps defines unauthorised absence as when a staff member does not come to work, gives no reason for their absence or does not contact their employer. The line manager will try to contact the absent employee as soon as possible, including using any emergency contact they have.

If contact cannot be made, the employer will discuss the absence with the employee when they come back to work. If the employee cannot provide good reason for the absence and lack of contact, the employer might consider further investigations or possible disciplinary action.

First Steps might consider formal action if an employee:

- keeps taking sick leave or being late
- has unauthorised absences
- seems to have trouble doing their job

### **Serious Illness**

In order to meet our obligations under food safety and health and safety legislation, it is important to inform the supervisor if you are suffering from, or have been in contact with a carrier of serious illness , if it is;

- Contagious
- Infectious
- Likely to cause food poisoning

### **Medical and Dental Appointments**

We prefer you to make appointments outside working hours. Where this is not possible please agree a convenient time with the supervisor.

### **Difficulty getting to work due to bad weather or travel disruption**

If you are unable to get to work or are going to arrive late because of bad weather or transport problems, please inform the supervisor as soon as possible. Staff will be paid their normal remuneration if the decision is taken to close the setting. See also Sun and Snow Policy

### **Annual Leave**

Annual leave entitlement is set out in the employee contract of employment. You will be required to take annual leave during Norfolk County Council school holidays. If you wish to apply for annual leave during term time, please make a request to the supervisor with details as far in advance as possible. Such a request may be denied if cover cannot be found.

### **Flexible Working**

All employees have the right to request flexible working and First Steps will refer to current legislation when considering flexible working requests. Requests should be made to the supervisor who will consider the impact on the setting and initiate any contract variations if the request is approved.

### **Antenatal rights**

Entitlement to leave (and pay) for antenatal appointments is as follows:

- Pregnant employees are entitled to reasonable paid time off for antenatal care. For a first baby, women can expect to have up to 10 antenatal appointments and will need to show documentation confirming appointments to their employer after their first appointment. If an employee has previously had a baby then they may have about seven antenatal appointments.
- Fathers, partners and civil partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments.
- Surrogate parents could also be entitled to attend two unpaid antenatal appointments if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child.
- Employees who are adopting a child are entitled to take paid time off. The main adopter is allowed to take paid time off for up to five adoption appointments and their partner is entitled to take unpaid time off for up to two appointments.
- Time off for each appointment is capped at six and a half hours. If longer is required, this will need to be taken as annual leave. Anyone requesting time off will need to sign an Antenatal Appointment Declaration form, available from [name].

An employee or agency worker (after 12 weeks in the same role) has a qualifying relationship with a pregnant woman or her expected child if he or she:

- is the husband or civil partner of the pregnant woman
- lives with the pregnant woman in an enduring family relationship, although is not her parent, grandparent, sister, brother, aunt or uncle
- is the father of the expected child
- is an intended parent in a surrogacy situation who meets certain conditions (for example, is a potential applicant for a Parental Order in respect of the expected child)

Time off for the pregnant employee is not restricted to medical appointments and could include other antenatal care made on the advice of a registered medical practitioner, such as relaxation classes and parenting classes. You must show the setting an appointment card which shows that the appointment has been made.

### **Maternity benefits**

In order to claim the right to any level of maternity leave and/or pay, you are required to:

- advise the early years setting of the fact that you are pregnant
- provide medical evidence from a registered medical practitioner or midwife stating the Expected Week of Confinement (EWC), such as your MATB1 (this will be required for the purpose of claiming Statutory Maternity Pay)
- provide written notice of when you intend to start taking maternity leave and/or pay by the end of the 15th week before the EWC

Your line manager can provide full details of what you are required to do and your entitlements, including the

obligation to take at least two weeks' maternity leave following the birth of your child.

We request that you notify your line manager of your pregnancy as early as possible. Following notification, your line manager will confirm full maternity entitlements including paid and unpaid leave, and time off for antenatal care. This will also enable us to make any necessary arrangements for your safety at work during the pregnancy.

#### *Keeping in touch days*

You may carry out up to 10 days' work for the early years setting during your statutory maternity leave period without bringing your maternity leave to an end. The purpose of this provision is to allow you to 'keep in touch' with the workplace. Work includes any work done under the contract of employment and may include training or any activity aimed at keeping in touch. Any work carried out in the course of a day constitutes one day's work.

#### **Paternity leave**

Eligible employees can choose to take either one or two consecutive weeks' paternity leave, paid at the Statutory Paternity Pay (SPP) flat rate, during the weeks immediately following their child's birth. If you have average weekly earnings below the lower earnings limit for National Insurance purposes, you will not qualify for SPP.

You will need to satisfy the following conditions in order to qualify for ordinary paternity leave. You must:

- have, or expect to have, responsibility for the child's upbringing
- be the biological father of the child, and/or the mother's husband or partner; or be the adopter's spouse or partner
- have worked continuously for the setting for 26 weeks leading into the 15th week before the baby is due, or, if you are adopting, the week in which you are notified of being matched with a child
- be taking the time off to support the mother and/or care for the baby

Paternity leave must be completed within 56 days of the actual date of birth of the child or the adopted child's placement. You will be required to inform your line manager of your intention to take paternity leave by the 15th week before the baby is expected, or within seven days of you being notified by your adoption agency that you have been matched with a child (unless this is not reasonably practicable).

You are required to provide a self-certificate (government forms SC3 for parents and SC4 for adopters, available online from HMRC) as evidence that you meet these eligibility conditions. By providing a completed self-certificate, you will be able to satisfy both the notice and evidence conditions for paternity leave and pay.

#### **Adoption leave and pay**

Adoption leave and pay will be available to:

- eligible employees who adopt
- one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave)

The other member of a couple who are adopting jointly, or the partner of an individual who adopts a child, may be entitled to paternity leave and pay. Paid adoption leave and paid paternity leave are available where an approved adoption agency notifies the adopter of a match with a child. To qualify for adoption leave, you must:

- be newly matched with a child for adoption by an approved agency (adoption leave and pay are not available in circumstances where a child is not newly matched for adoption, for example, when a step-parent is adopting a partner's child)
- have worked continuously for the early years setting for 26 weeks leading into the week in which you are notified of being matched with a child for adoption

During your adoption leave, you may be entitled to Statutory Adoption Pay. If you have average weekly earnings below the lower earnings limit for National Insurance purposes, you will not qualify for Statutory Adoption Pay. Those who do not qualify can obtain information about additional financial support from the local Jobcentre Plus. You will be required to inform the early years setting of your intention to take adoption leave within seven days of being notified by the adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You will need to inform the early years setting as to:

- when the child is expected to be placed with you
- when you want your adoption leave to start
- the date you expect payments of Statutory Adoption Pay to start, at least 28 days in advance, unless this is not reasonably practicable

You are also required to provide the early years setting with a matching certificate from your adoption agency as

documentary evidence of your entitlement to Statutory Adoption Pay. Your line manager can also ask for this certificate as proof of entitlement to adoption leave. It is your responsibility to ask the adoption agency for a completed matching certificate.

### **Shared parental leave**

Shared Parental Leave and Pay for mothers, fathers and adopters is designed to encourage parents and adopters to share leave around their child's birth or placement.

If you are a new mother and eligible for Shared Parental Leave, you can choose to end your maternity leave and take the remaining leave entitlement in blocks, with periods of work in between. Eligible partners can also share the balance of the maternity leave. Shared Parental Leave is also available to adoptive and Parental Order parents.

### **Parental leave**

Parents are entitled to take up to 18 weeks' unpaid parental leave per child, to be taken before the child's eighteenth birthday.

To qualify for parental leave, you must have completed one year's continuous service with the early years setting. If you have taken part of your parental leave with a previous employer then you may only take the balance of the parental leave due. In this case, we may request evidence of the amount of parental leave already taken with one or more previous employers.

### **Dependants' leave (emergency leave)**

You have the right to take a reasonable period of time off to deal with an emergency involving a dependant, and not to be dismissed or victimised for doing so. Circumstances where you can take time off include:

- when the dependant is unexpectedly ill (including mental illness), gives birth or is injured or assaulted
- to make care arrangements for a dependant who is ill or injured
- when a dependant dies
- when a dependant's school or nursery is unexpectedly closed
- when care arrangements are unexpectedly withdrawn

A dependant is a person (adult or child), who regularly and continuously relies on the employee to provide the sole or principal care required. The employee need not be related to the dependant but must live in the same household. In cases of illness or where arrangements break down, if the employee is the principal carer or is relied upon in an emergency, then the dependant need not live in the same household. Dependency leave cannot be granted where an employee normally provides care only on an ad hoc basis.

In addition, dependency leave cannot be granted where it would be reasonable to expect the carer to have made appropriate arrangements to cover the situation that has arisen.

It must be sufficiently serious to require care as an essential necessity, not as a preference. Dependency leave will not be granted where:

- the childminder is on holiday or is not available for any reason where advance notice would be expected to be provided
- the school or nursery is closed for the holidays
- appointments with the hospital, doctor or dentist are planned (i.e. known in advance)

This is not an exhaustive list.

### **Redundancies**

We aim to manage our business in such a way that redundancies are unlikely to become necessary. However, in the unlikely event that our circumstances change and fewer employees are needed, then some redundancies may become necessary. In this case, we will take appropriate steps to keep the number of redundancies to a minimum, while taking into account the needs of the business.

If it becomes necessary for us to consider redundancies, a genuine and thorough consultation process will take place.

The objectives of the consultation will be to discuss:

- the reason why there is a need to make redundancies
- the proposed changes and their implications
- the process to be followed
- the best way redundancy can be implemented as fairly as possible
- the criteria for selecting which employees are to be made redundant (where the whole setting is not closing)

- ways of avoiding or reducing the number of redundancies
- details of suitable alternative employment
- details of the process of applying for voluntary redundancy

An employee who is made redundant will be eligible for a statutory redundancy payment provided that she or he has at least two years' continuous service.

The amount of any statutory redundancy payment is based on three factors: an employee's age, salary and length of service. An employee is entitled to receive:

- half a week's pay for each year of employment in which the employee was aged 21 or under
- one week's pay for each year of employment in which the employee was aged between 22 and 40
- one-and-a-half week's pay for each year of employment in which the employee was aged 41 or over

The maximum number of years of employment that can be taken into account is 20. There is also a cap on the amount of weekly pay which can be used to calculate redundancy pay.

### **Compassionate Leave and Parental Bereavement Leave**

First Steps aims to be supportive of employees who face situations such as the bereavement of someone who is not a dependant or of a child. You should inform the supervisor who will consider the best options with you for taking time off and consult current legislation.

### **Retirement**

First Steps Pre-School does not operate a compulsory retirement age for employees.

We are committed to equality and diversity and recognise the contributions of a diverse workforce, including the skills and experience of older employees. We believe that employees should, wherever possible, continue working for as long as they wish to do so. As an employee you may voluntarily retire at a time of your choosing.