

**Absence and Sickness Policy**

**Policy**

It is recognised that there will be occasions during an employee’s working life when some genuine and acceptable illness or condition prevents them from attending for work, and carrying out their normal duties.

It is the policy of Dainty Little Hands to deal with these situations in a sympathetic and reasonable manner, whilst on the one hand protecting the employee’s earnings, and on the other hand, having regard to the reasonable expectation of an employer that employees attend for work.

This policy deals with how Dainty Little Hands will respond in difficult cases, such as instances of persistent short-term or long-term absence, with the primary objective of improving attendance and/or facilitating the employee’s return to work at the earliest opportunity. In cases where the employee is unable to attend for work, or meet minimum standards of attendance (your normal contracted hours), then the procedures outlined in this policy will be implemented, fairly and consistently. A failure to meet minimum requirements may result in the employee’s dismissal on grounds of capability (see Capability Policy).

**Procedure**

# Lateness/Absence preventing you from reporting for duty

You have a responsibility to notify the Club Manager and Support Manager(s), by telephone call, if you know you are going to be late, or absent as early as possible on the first day of absence, and no later than 2 hours before your shift is due to commence, via a telephone call. If you are too ill to make contact personally then a relative or friend may do it on your behalf.

(Please do not text or email, and ensure you speak to somebody to let them know of your absence. Leaving a message is not enough).

The reason for absence and its likely duration (if known) should be given at this time. Mention should also be made of any work-related matters which may require immediate attention during your absence.

If you do not inform us of your absence, or we need to discuss your return to work, we will attempt to contact you. If we cannot make contact directly, we will contact your chosen emergency contact.

Certification of sickness

In order to maintain complete and accurate records, upon return to duty you must complete a signed self-certificate which will require details of the reason you give for your absence from work. This self-certificate must be given to the Club Manager or Support Manager(s) for signature.

The self-certificate will be used as formal documentation for sick pay purposes and a copy will be retained on your personnel file. If you are still absent on the eighth consecutive day (including rest days), and if after consulting your GP and having been advised by your GP that you must remain absent from work for a recommended period, you must obtain a Doctor’s Medical Certificate. This Medical Certificate should be sent to your Support Manager(s) or Managing Director directly.

First-day medical certificates

In certain circumstances staff may be required to produce a Doctor’s Medical Certificate from the first day of absence. You will be informed in writing if this applies to you, together with the underlying reason(s).

**Communication whilst off sick**

Dainty Little Hands have an expectation that the Employee remains in regular communication with the Management team during their time off work due to sickness. It is expected that the Employee communicates with the business every day during a self-certification absence, which can be used for 7 consecutive days. If the absence is covered by a Doctor’s Medical Certificate, then Dainty Little Hands will arrange welfare meetings with the Employee to ensure that communication remains consistent.

Return to work

You must inform your Club Manager and Support Manager(s) in advance of your intention to return to work and report to him/her on your first day back. A 'Return to Work' interview will be carried out after all absences.

Sickness during annual leave

Dainty Little Hands’ policy on annual leave draws attention to the need for employees, who are sick whilst on annual leave, to provide supporting evidence of their illness if they intend to request that all or part of their leave be treated as sick leave. Fraudulent requests may result in disciplinary action which may include dismissal.

Failure to notify sickness absence

Failure to comply with the rules outlined in respect of sickness absence, covering both notification procedures and certification, without an acceptable reason may result in such leave being unpaid, and may also lead to disciplinary action being taken.

Persistent Short-Term Absence

Persistent short-term absence, often for apparently unconnected reasons is probably the most disruptive type of absence, as it places additional stresses on work colleagues who may often be expected to cover at short notice until alternative resources can be found. Such absences also undermine quality and efficiency, increase costs and reduce profitability and productivity.

In order to properly manage persistent short-term absence all absences (regardless of duration) will be investigated promptly, upon return to work. Employees will be consulted and asked to give an explanation of the reason(s) for absence. Comprehensive records will be kept which will detail, precisely, the period(s) of absence, and the reason(s) given, so that reliable and accurate records can be kept.

# Trigger points for formal action

Where an employee is absent through sickness for 3 non-consecutive days (or any other combination of days which in the organisation's opinion reflect an ad-hoc attendance pattern) during any 12-month period the employee will be asked to attend a formal hearing where the attendance record will be discussed.

However, before any formal meetings, the employee will be informed in writing of the nature of the issues/problems to be discussed, why formal action is being taken and reminded that they may be accompanied if they wish.

Such accompaniment is, however, restricted to a member of his/her trade union (full time official or “certified”) or a colleague and not someone acting in a representative capacity.

An employee may request a postponement of the meeting, on account of a third party not being available, up to a maximum of 7 calendar days. The hearing should investigate any possible underlying reasons for the situation, (including the employee’s own assessment or explanation) together with any *reasonable action\** by either party, which may alleviate or remove the problem.

In some circumstances, and in particular where the absences are related to an employee’s disability, as defined by the Disability Discrimination Act 1995, consideration will be given to making reasonable adjustments (see below).

The employee will be reminded at this first hearing of the attendance standards which are expected, and warned about the action which may be taken if they are not attained, which could include, ultimately, dismissal. All key points arising from the hearing will be recorded in writing, and a copy of the report given to the employee.

If it is considered useful, potentially, a medical report may be sought from the employee’s GP or Specialist, or the employee advised to see his/her GP or Specialist. This is especially valuable where there is no medical certificate to support frequent short-term, self-certified, absences and will help establish whether treatment is necessary and whether the underlying reason for the absence is work-related. If the medical opinion, subsequently, is that there is an underlying cause, and that it can be remedied within a reasonable and acceptable period of time, without further recurring absences, then such a positive prognosis should remove the need for any further formal action.

Given that the underlying reasons for absences may be for apparently unconnected reasons, however, it must be accepted that a request for a medical opinion may not be appropriate in every case. If, after investigation and/or discussion, it appears that there were no medical reasons for the absences, (or the employee, upon request, refuses to see a Doctor to establish if the repeated absences are related to some medical condition, or refuses to give permission for a report to be obtained from his/her GP or Specialist) the matter should be dealt with under the disciplinary procedure, and the employee may be warned that future unauthorised absences, for exaggerated or non-medical related reasons, may result in either further warnings, or dismissal.

If absence continues to be a problem, then the employee will be invited to a further hearing.

The reasons for absence will continue to be explored with the employee, with the objective of attempting to affect an improvement in attendance, thus removing the need for any further action. The employee will be given a final reminder of the standards of attendance (contracted hours) which have to be attained, and warned, finally of the likely consequences if they are not able to meet them, which may include dismissal. If, subsequently, attendance continues to be a problem, then a final hearing will be convened.

In such circumstances, the employee’s age, length of service, performance, the likelihood of a change in attendance, the availability of suitable alternative work and the effect of past and future absences on the business should be taken into account.

***\*Reasonable action***

*It is not possible to predict what is and what is not reasonable – it all depends on the circumstances of each case. However, the discussion about remedial actions could well embrace a variety of different ideas, such as flexible working, Homeworking, job sharing, part-time work, changes in duties, etc.*

**If an employee is dismissed, then he/she shall have the right of appeal.**

The appeal procedure will follow similar principles to those stated in Dainty Little Hands’ Staff Disciplinary Procedure, with appropriate reference made to the fact that the dismissal is on the grounds of capability and not conduct. In addition to the employee being given written advance notice of the content of any meeting, and the right to be accompanied at any meeting, the employee will be provided with written information after each meeting explaining what was discussed, what action was agreed or taken, the reason for any dismissal, the appeal process (if appropriate), etc.

Long-Term Absence

It is rarely the case that a long-term absence is not connected in some way with a recognised medical ailment, condition, or injury. In all cases of extended absence, Dainty Little Hands will maintain contact on a regular basis (often weekly, or as agreed with the employee in the early stages of the illness or condition), either by telephone, or by home visits, or a combination of the two. The results of these contacts will be recorded. In all such cases it is important that long-term absence is dealt with in a sympathetic and consistent fashion, and in accordance with the following underlying principles:

### Consult with the Employee

The employee will be consulted, at a formal hearing, (where he/she may be accompanied) as to the impact of continued absence, its effect upon the business, and the position should the condition fail to improve, or have no reasonable prospect of improving to such an extent as to allow the employee to return to their normal work within an acceptable timescale (to all parties).

In such cases it will be necessary to warn the employee if he/she is, potentially, to be dismissed on grounds of capability.

Unless there is evidence which suggests action to the contrary, (such as ill-health cases which stem from circumstances directly under the control of the employee, or where the employee’s incapacity could be simply remedied by steps which the employee refuses to take) cases involving long-term absence on medical grounds will be handled in accordance with the details of this policy, and not, for example, the disciplinary policy.

### Obtain Medical Evidence

Dainty Little Hands, where it believes it is appropriate and helpful, (usually after one month’s absence, or possibly earlier, for example, where the prognosis is vague, and suggests a return to work “at some time in the future”, and more information is required) will invite the employee to undergo a medical examination with a Medical Practitioner of the organisation's choosing, or request a report from the employee’s GP or Specialist (with your consent), in order to gain the best possible information about the condition and its effects on work capability, or both.

Action may be taken at an earlier point if there are grounds for believing that the absence is not justified or if there appears to be some specific medical or other problem that can be addressed to improve attendance.

No action will be taken, in normal circumstances, which is prejudicial to the employee’s continued employment prospects, unless some medical advice has been obtained.

*The request for information will state:*

* The reason for the request, i.e. the purpose of the report;
* The duties which are involved in the employee’s current job.

As well as reporting on the employee’s current condition, the examining Doctor, or the employee’s GP or Specialist will be asked to report upon the employee’s current prognosis for recovery. The examining Doctor, GP or Specialist will also be asked to comment upon the type of work that the employee would be fit to perform, if he/she would not be able to return to his/her normal duties, either at all, or in the foreseeable future.

In connection with medical reports, and in accordance with the Access to Medical Reports Act the employee will have to provide written and informed consent for a report to be obtained from his/her GP/Specialist (where such individual has been responsible for the clinical care of the employee).

As such it will be necessary to explain to the employee the purpose of the report. If the employee refuses consent it will be necessary to explain the consequences of this action, which is essentially that Dainty Little Hands may have to decide what action should be taken (including dismissal, if appropriate) purely on the basis of the evidence that is available, and that the employee’s refusal may be prejudicial to his/her interests.

Consider Alternatives/Making Reasonable Adjustments

In all cases Dainty Little Hands will attempt to introduce alternatives, or make reasonable adjustments, so as to protect employment, wherever possible and also recognises that it has certain duties and obligations in respect of employees who are affected by a disability, as defined by the Disability Discrimination Act 1995. A recognised disability is one where the person has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day to day activities.

In particular, the Act requires that employers, broadly speaking:

(a) Do not treat a disabled person unfavourably, for a reason relating to his/her disability, unless it has objective justification for doing so, and

(b) Will make reasonable adjustments to working arrangements in order to facilitate the continued satisfactory working of the individual. The “adjustments” are quite broad, and in particular, when related to an employee with a recognised disability could include:

* Making adjustments to premises.
* Allocating some of the disabled person’s duties to another person.
* Transferring him/her to fill an existing vacancy.
* Altering his/her working hours.
* Assigning him/her to a different place of work.
* Allowing him/her to be absent during working hours for rehabilitation, assessment, or treatment.
* Giving him/her, or arranging for him/her, to be given training.
* Acquiring or modifying equipment.
* Modifying instructions or reference manuals.
* Modifying procedures for testing or assessment.
* Providing a reader or interpreter.
* Providing supervision.

*Taken from the Disability Discrimination Act 1995, Section 6, paragraph (3).*

Where hours are altered or a different job is agreed, then a commensurate alteration in salary may be considered and implemented, where it is justified.

### Arranging a Further Hearing

There may be circumstances where the employee’s absence continues (despite, in some cases, reasonable adjustments having been made) to be a matter of concern, in which case a further hearing (or hearings, as necessary) to discuss the matter should be arranged as early as possible. At the hearing there should be a discussion which includes:

* A fair review of the attendance record and the reason(s) for absence.
* An opportunity for the employee to make representations on the subject of his/her absence, and prospects for future attendance.
* An appropriate final warning (it is accepted that to warn people about their future attendance when ill health is preventing them from attending work is a little difficult, but nevertheless the courts require employers to provide a warning or cautionary note in all cases) should attendance not be to the required standard (your contracted hours).

At every stage in the management of the absence, and before any formal meeting is arranged, the employee will be informed in writing of what will be discussed, and reminded that he/she may be accompanied if he/she wishes. This is, however, restricted to a member of his/her trade union (full time official or “certified”) or a colleague and not someone acting in a representative capacity.

An employee may request a postponement of the meeting, on account of a third party not being available, up to a maximum of 7 calendar days.

In addition to the employee being given advance notice of the content of any meeting, and the right to be accompanied, the employee will be provided with written information after each meeting explaining what was discussed, what action was agreed or taken, the reason for any dismissal, the appeal process (if appropriate), etc.

### Termination of Employment

Termination of employment will only be contemplated when the aforementioned steps have been taken, absence continues, reasonable adjustments are neither possible nor required, (or they have not worked) and it is apparent that the employee cannot realistically undertake the kind of work they were employed to do or any alternative work of a broadly similar nature they might be reasonably expected to do. Information will also have been obtained which will answer the following questions:

1. Is the employee likely to make a full recovery, and if so, how long will it take?
2. Can Dainty Little Hands reasonably be expected to keep the employee’s job open until they are fit to return to work?
3. If the employee is not going to recover completely, what will be the extent of their continuing disability?
4. Will this affect their ability to do the job they were employed to do?
5. If it’s likely that the employee will only recover sufficiently to resume work in some different capacity, is it possible to offer some alternative employment on their return from sickness absence?

### Notice

An employee should be given the period of notice to which they are entitled at full pay.

### Appeal

If an employee is dismissed, then they shall have the right of appeal. The appeal procedure will follow similar principles to those stated in the Disciplinary Procedure, with appropriate reference made to the fact that the dismissal is on the grounds of capability and not conduct.

Employee’s right to appeal against dismissal

An appeal against dismissal should be made within 5 calendar days of receipt of written notification of dismissal, to the next level of management beyond the Support Manager(s) who made the original decision, (provided that such a person is available within theDainty Little Hands organisational structure).

* The appeal should be made in writing, stating the grounds on which the employee wishes to appeal against the action;
* The appeal will normally be held within 7 calendar days of receipt of the request;
* The employee concerned will have the right to be accompanied (under the rules previously described) if he or she so chooses;
* The Manager conducting the appeal hearing will usually be accompanied by someone able to take notes and act as a witness to the proceedings;
* The Manager conducting the appeal hearing will be someone more senior to the person who conducted the original hearing, and who has the necessary authority to overturn the previous decision (provided that such a person is available within the organisation's organisational structure);
* At the hearing, the employee will be given an opportunity to emphasise the grounds on which the appeal is made. The Manager who took the initial decision to dismiss the employee will also have the opportunity to explain to the Manager hearing the appeal, the rationale/explanation for the earlier decision.

The appeal hearing is intended to focus on the issues which the employee believes have received insufficient consideration at the original hearing, any relevant new evidence or information which has come to light since the original hearing, or any concerns which the employee may raise, such as extenuating circumstances, bias, or unfairness. Where an appeal against dismissal fails, the effective date of termination shall be the date on which the employee was originally dismissed.

* After the hearing, the Manager will consider all of the facts and issues raised by the employee and consider the reliability and fairness of the original decision and procedure. The appeal decision may be to quash or uphold the decision to dismiss. The appeal decision will be final;

The employee should be told of the decision as soon as possible after the hearing, although no decision should be made at the hearing, and the decision should be confirmed to the employee in writing. Although every attempt should be made to do this on the same day, it should be understood that the need for a considered verdict is more important than speed, and those involved in conducting appeals should take as long as is necessary to consider their decision, generally up to a maximum of 14 calendar days.

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| Signed: | \_\_\_\_\_\_\_\_\_\_\_Jayne Dainty\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Date: | \_\_\_\_\_\_\_\_\_\_\_\_16/03/2021\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Policy review date: | \_\_\_\_\_\_\_\_\_\_\_\_\_12/03/2022\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |