



## Absence Management and Employee Health Policy

Little Elms understands that employees may suffer with health conditions or illnesses and that there will inevitably be times when employees are absent from work due to sickness and injury. Little Elms is obligated to meet the requirements as detailed in the EYFS Statutory Framework and must ensure that all employees working with children are fit to do so and their ability to care for children is not impaired. It is a requirement that every Little Elms employee immediately discloses any changes to their health and/or well-being, that may impact their ability to care for children.

It is equally important to recognise that sickness absence can have an impact on efficiency and productivity, and place an additional burden of work on colleagues.

This policy outlines how Little Elms will address and manage health, sickness absence and to ensure employees are aware of the standards expected of them. The aim of the Absence Management Procedure is to strike a reasonable balance between meeting the needs of the nursery and the genuine need of employees to take occasional period of time off work due to sickness. Little Elms will ensure that each individual's unique set of circumstances is managed in an open and objective manner whilst maintaining a fair and consistent approach.

### Scope

The procedure applies to all employees.

If an employee's absence does not meet the required standards during their probationary period or any extension to their probationary period, this may result in the termination of employment; termination at this stage does not require progression through the formal stages of this Absence Management Procedure.

### Health Questionnaire

Upon joining Little Elms, all staff are required to complete a Health Questionnaire and may be asked to re-complete this questionnaire as and when required throughout their employment. The purpose of the Health Questionnaire is to understand any medical conditions or illnesses, that may impact on suitability and/or ability to carry out the duties required within the role. Little Elms will make any reasonable adjustments, wherever possible, to support and accommodate individual needs.

### Absence Reporting Procedure

If you are unfit to attend work, you must:

- Telephone the nursery yourself and speak to the Manager/Deputy Manager
- Give brief details of your illness and your expected length of absence where known
- Contact someone a minimum of one hour before your normal start time. If you are due to start at 7.15 call in and leave a message for the duty manager as soon as possible and then call back at 7.15 once the nursery is open to speak to directly to the duty manager
- Ring into the nursery by 4.00pm to inform the Manager of whether you are fit to return to work the following day
- If your expected length of absence is unknown, you must contact the Manager or Deputy Manager, in person, on each day of your absence.

**Text message and emails are not an acceptable form of absence notification. You must contact the nursery personally. Communication from anyone other than yourself is not acceptable.**

Failure to follow the absence reporting procedure may result in formal disciplinary action in line with Little Elms Disciplinary Procedure.

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## **Maintaining Contact during Absence**

Employees are obliged to maintain regular and timely contact with their Manager in order that relevant information about the absence can be obtained, in order to provide the necessary support in managing the absence.

If you are off on long-term sick leave it is also important that you maintain regular contact with your Manager. After initial contact has been made as outlined above, the volume and frequency of subsequent contact should be established between yourself and your Manager. The form of contact should also be agreed which can include contact by telephone, attendance at a Nursery or another suitable location.

Should you fail to make contact during your absence personally, in line with the above absence notification procedures, your absence may be considered unauthorised absence and disciplinary action may be considered in line with the disciplinary procedure.

## **Exclusion Periods for Contagious Illnesses**

Working with children means that you are in contact with illnesses which can be highly contagious. We take the health of children and staff very seriously therefore if you have any contagious illness you must adhere to the same exclusion periods as the children in our care. This will ensure that you are able to recover appropriately and that the illness is not passed on to other staff, children or parents. The manager will advise you of any exclusion times required (see the sickness and illness and infection control policies).

## **Evidence of Illness**

If your sickness continues beyond seven calendar days, a Fit Note completed by a qualified medical practitioner must be provided to your Manager. Failure to submit this certificate may lead to a delay or non-payment of any Statutory Sick Pay (SSP) due and/or disciplinary action may be considered in line with the disciplinary procedure if your absence is considered to be unauthorised.

## **Return to Work**

After returning to work from any sickness leave, it is the employee's responsibility to complete a Return to Work Form, which confirms the details of their absence (dates and length of absence, length of absence, any reasonable adjustments required upon return to work).

A return to work meeting may be conducted between the employee and their manager. This will not happen in all circumstances, and we may hold such meetings at our discretion. It is the employee's responsibility to request a return to work meeting if they feel there is information about their health or medical condition that they need to discuss with their manager.

Returns to work meetings provide an opportunity for the following to be discussed:

- Reason for absence
- Consideration of any reasonable adjustments to the role (on a temporary or longer-term basis). These may include adjusted work patterns, start and finish times and/or changes to duties.
- Any patterns of absence (such as sickness absence repeatedly occurring before or after rota days/weekends/pay day for example).
- Future requirements and expectations, e.g. improved attendance

## **Employee Health Risk Assessment**

In cases where an employee is not fully fit upon their return to work, they have received a diagnosis for a medical condition, or they are going through the process to receive a potential diagnosis, it may be necessary to risk assess the current and possible impact at work. The risk assessment requires both the employee and the manager's participation but can be initiated by either party.

The risk assessment will detail:

- Description of the health condition/illness
- Who may be at risk
- Advice received from medical professional
- Impact on the employee
- Treatment currently being received (including medication and where it will be stored securely during working hours)
- If any other individuals need to be made aware and/or trained, in order to safeguard the individual and others
- Any reasonable adjustments that need to be made in order to support the employee whilst at work

In cases where urgent action may be required in response to an employee's health condition or illness, an Emergency Response Form may be completed, with the employee's agreement, and communicated as necessary to management and colleagues, as required. The purpose of the Emergency Response Form is to ensure the correct action is taken quickly in the best interests of the individual (e.g. emergency medication given, emergency services provided with the required and correct information).

When an employee informs their Manager they are pregnant, a specific New and Expectant Mother Risk Assessment should be completed. Please refer to the Maternity Policy and associated documentation for further information and guidance.

### **Mental Health**

Little Elms recognises that mental health is just as important as physical health. Little Elms aims to provide initial and ongoing support and help for employees with mental illness. Please refer to the Mental Health Policy and supporting resources for further information and guidance.

### **The Bradford Factor**

Short term absence can be very disruptive to the Nursery and negatively impacts the service we provide to the children in our care. Short term absence can also put adverse pressure on colleagues as short term absences are unpredictable.

The Bradford Factor (BF) is a recognised and equitable way of monitoring and supporting the appropriate management of absence from the workplace. The Bradford Factor calculates a score based on the number of times an employee is absent and the number of days they are absent in a rolling 12 month period.

The formula used to calculate an employee's BF score is:

**Number of times absent x number of times absent x total number of days absent = BF**

e.g. In the 12 month period an employee is off on two occasions. One time for one day and the other time for two days. The score will be worked out as:

$2 \text{ (number of times absent)} \times 2 \text{ (number of times absent)} \times 3 \text{ (total number of days absent)} = 12 \text{ (BF score)}$

Where there are repeated absences for the same reason in quick succession (i.e. within two working days), these will be linked to ensure the score is not artificially raised by an employee attempting to return to work and then having to take further time as sickness absence to fully recover.

Absence relating to pregnancy, disability or industrial injury will be recorded and monitored, as it still has an effect that needs managing.

### Trigger Points

The Disciplinary Procedure will be initiated if an employee’s sickness absence record reaches the Bradford Factor scores as laid out in the table below. They are provided for guidance in order to ensure consistency but consideration should be given to the particular circumstances of the individual in each case. The process can be triggered at any level within the table where there is good reason to do so.

### Bradford Factor Calculation

$$\text{Number of occasions absent} \times \text{number of occasions absent} \times \text{total number of days absent} = \text{BF}$$

		Occasions of Sickness Absence									
		1	2	3	4	5	6	7	8	9	10
Number of Days Sickness Absence	1	1									
	2	2	8								
	3	3	12	27							
	4	4	16	36	64						
	5	5	20	45	80	125					
	6	6	24	54	96	150	216				
	7	7	28	63	112	175	252	343			
	8	8	32	72	128	200	288	392	512		
	9	9	36	81	144	225	324	441	576	729	
	10	10	40	90	160	250	360	490	640	810	1000
	11	11	44	99	176	275	396	539	704	891	1100
	12	12	48	108	192	300	432	588	768	972	1200
	13	13	52	117	208	325	468	637	832	1053	1300
	14	14	56	126	224	350	504	686	896	1134	1400
	15	15	60	135	240	375	540	735	960	1215	1500
	16	16	64	144	256	400	576	784	1024	1296	1600
	17	17	68	153	272	425	612	833	1088	1377	1700
	18	18	72	162	288	450	648	882	1152	1458	1800

BF Score	Warning Level
51 to 150	Verbal Warning
151 to 350	Written Warning
351 to 600	Final Written Warning
601 +	Dismissal

### Formal Process

Depending on the BF score, different steps will be considered in order to manage the employee’s absence. Each period of sickness will be assessed individually.

The Disciplinary Procedure will be applied at all formal stages of absence management.

The aims of any formal meetings that take place will be to:

- a) Review the absence record and discuss reasons behind it;

- b) Determine whether it is necessary to issue a formal Disciplinary Warning for unacceptable levels of absence and inform the employee that an improvement is required;
- c) Consider what support, if any, Little Elms can provide in order to reduce absence levels.

During all formal meetings you will be provided with an opportunity to raise any issues that are considered relevant, and to put forward reasons as to why you should not be issued with a Disciplinary Warning or why your employment should not be terminated.

The outcome of the Disciplinary Hearing will be confirmed in writing. The written outcome will include what level of warning, if any, has been issued. If a warning is issued or dismissal takes place, the employee will be given the right to appeal.

### **Exemption**

Little Elms recognises that there may be mitigating/exceptional circumstances, such as medical conditions arising from disability, pregnancy or terminal illness, which may impact on absence levels at work.

To ensure fairness and consistency, as well as ensuring that the appropriate support is being provided, this policy and procedure applies to all Little Elms employees and should normally be applied to all occasions of sickness absence.

There may however be circumstances where absolute adherence to this procedure is inappropriate. Such cases should be dealt with fairly and sympathetically and welfare and support provided, together with professional medical, Occupational Health or other assistance where necessary. Decisions in these cases will be taken by Managers after seeking advice from HR and Senior Management.

### **Sick Pay**

Statutory Sick Pay (SSP) will be paid in accordance with Department for Work and Pensions requirements and no payment will be made for the first three working days in a period of incapacity for work.

### **Annual Leave and Sick Pay**

Where an employee falls sick or is injured while on annual leave, the nursery will allow the employee to transfer to sick leave and take replacement annual leave 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 manager as soon as he/she knows that there will be a period of incapacity during annual leave

The employee must submit a written request no later than five days after returning to work setting out how much of the annual leave 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 he/she 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, we will allow the employee the same number of day's replacement annual leave as the number of annual leave days lost due to sickness or injury.

### **Sickness or Injury Shortly Before a Period of Planned Annual Leave**

If an employee is ill or is injured before the start of a period of planned annual leave, we will agree to the employee postponing the annual leave dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the employer's normal policy on sickness absence.

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The employee must produce a letter from his/her doctor confirming that he/she is unfit to take the annual leave.

The employee must submit a written request to postpone the planned annual leave and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit to take the annual leave.

### **Replacement Annual Leave**

Where it is agreed that an employee can take replacement annual leave at a later time, the employee should nominate replacement annual leave dates as soon as possible, with the dates being subject to the agreement of the employee's line manager in the usual way.

Employees is required to take any replacement annual leave 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 annual leave is lost due to incapacity towards the end of the nursery's holiday year, and there is insufficient time left during that year for the replacement annual leave to be taken, the employee will be permitted to carry over the replacement annual leave to the next holiday year. However, this leave must be taken as early in the new holiday year as possible and as agreed with the line manager.

### **Impact to Discretionary Benefits**

A formal warning as a result of sickness absence may impact on your entitlement to receive discretionary benefits such as the Discretionary Bonus and Perk box.

### **Occupational Health (OH)**

Little Elms reserves the right to ask you to attend an OH appointment with its OH Provider.

The main purpose of OH is to provide advice on your fitness for work, judged in the context of the responsibilities and demands of your role and working pattern. OH will also advise on suggested and necessary reasonable adjustments to your duties and/or working pattern for Managers to consider in line with business needs.

OH may consult, if necessary, with your primary care provider (i.e. General Practitioner or Consultant) with your agreement when determining fitness to carry out your normal role and responsibilities, and advise your Manager accordingly.

OH may advise that an employee is fit to resume undertaking full or part duties and therefore the expectation would be that the employee resumes work. Little Elms will consider the advice and opinion of OH, when determining the appropriate course of action.

OH may also provide advice to team members on possible treatment options to be explored through primary care (G.P.) which may not have been considered. However, OH will not diagnose or provide treatment directly. In any such circumstance, it is for the employee to act on this advice by contacting their primary care provider.

Referrals to OH can be managed in various ways including face-to-face appointments or via a telephone conversation with an OH practitioner. If you are unable to attend a scheduled appointment then you should inform your manager in advance, giving at least 48 hours' notice. Reasonable alternative arrangements to enable you to attend the OH appointment will then be made.

Failure to attend OH appointments with no advanced notice may result in you being charged for any cancellation fees associated with the appointment(s).

### **Long Term Sickness Absence**

When a period of continuous sickness has exceeded four weeks it will be regarded as long term. The reasons for sickness may vary from initial diagnosis, as it becomes longer term. The sickness will be supported by a Fit for Work Note or hospital in-patient certificate.



### **Health Review Meetings**

During a period of long-term sick leave, Managers may undertake regular Health Review Meetings with you, either at the Nursery or another suitable location. Support may also be sought from HR and/or a referral may be made to an Occupational Health Specialist. The aim of the Health Review meeting is to better understand any medical condition and treatment you are receiving and to discuss supportive measures in order to assist your return to the workplace.

If you are unable to travel to work to attend a Health Review Meeting due to a medical condition, a home visit may be more appropriate.

Health Review meetings may also take place after a return to the workplace to ensure that any supportive measures or reasonable adjustments which have been put in place are still suitable or appropriate and to discuss how you are progressing with your return to work.

### **Support Following a Period of Long Term Absence**

It is Little Elm's policy to support employees returning from long term sickness absence to either return to their current role, taking into consideration any reasonable adjustments and/or rehabilitation plans, as recommended by a medical practitioner / Occupational Health Specialist or identify any suitable redeployment opportunities within the Company, if necessary. It is the intention of Little Elms to support employees, following a period of Long Term Absence, to return to full duties and working hours.

However, where an Employee cannot return to their current role within a reasonable period and no suitable redeployment opportunities exist, Little Elms may consider terminating the employee's contract on ill-health grounds. No decision will be made without obtaining and reviewing appropriate medical advice.

### **Permanent Redeployment**

Permanent redeployment applies where you cannot return to your current role but can undertake another role within Little Elms. All of the following provisions apply:

- The role must be suitable for the employee, accommodating their medical condition
- The employee must be able to fully undertake the role
- The employee will be subject to regular redeployment reviews

All redeployments are subject to availability of work / roles for you to undertake. There is no requirement on Little Elms to create roles for you.

Employees who refuse a permanent redeployment that is deemed suitable may have their contract of employment terminated on ill health grounds.

### **Consideration of Termination of the Contract of Employment**

Where it becomes apparent that an employee cannot return to work and cannot be permanently redeployed (either due to a medical condition or the lack of a suitable alternative position), termination of employment on the grounds of ill health will be considered.

Reasonable notice will be provided in writing of an invitation to a formal meeting in accordance with this policy.

Formal meetings will be conducted by the employee's Manager and outcomes will be based on the medical evidence available to the Manager at that time, along with the employee's viewpoint and a review of all reasonable alternative options.

Should this process result in termination reasons for the decision will be provided in writing, including a last day of employment and details of any final payments due. The letter will also confirm the employee's right to appeal against the decision, to whom an appeal should be made and associated timescales.

*Associated Documents:*

- *Return to Work Form*
- *Health Questionnaire*
- *Employee Health Risk Assessment*
- *Emergency Response Form*
- *Mental Health Policy*
- *Disciplinary Procedure*
- *General Data Protection Regulations Policy*
- *Maternity Policy*