Absence Management

At The Orchard Nursery Kew, we encourage all our employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work due to sickness, illness, injury or infections. By implementing this policy, we aim to strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to take occasional periods of time off work because of sickness. This procedure establishes a framework to support individuals and the organisation in times of sickness absence. It ensures that appropriate and consistent advice is provided, and that assistance and support is offered to employees and, where necessary, action is taken.

Principles

We promote good health and aim to provide a healthy working environment demonstrating commitment to health, safety and the welfare of all staff in order to maximise attendance. Management is responsible for regularly monitoring and taking appropriate action in connection with sickness and other unplanned absence.

Exclusion periods for contagious illnesses

Working with children means that you are more likely to come into contact with illnesses, which can be highly contagious. We take the health of children and staff very seriously; therefore, if you have any infectious or contagious illness you must adhere to the same exclusion periods as children. This will ensure that you are able to recover appropriately, and that this infection or 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 policy).

Sickness absence reporting procedure

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

1. On your first day of absence, you must:
    - Telephone the nursery yourself and speak to the manager (on duty)
    - Give brief details of your illness and your expected length of absence.

Text messages and emails are not an acceptable form of communication for this purpose. Contact someone within one hour of your normal start time. If you are due to start at 7 am then please attempt to contact the manager at least an hour before your shift is due to start.

You should contact the nursery every day that you are absent in the first week of absence.

2. On returning to work you must complete a copy of the 'Employee's statement of sickness self-certification form'. This should be signed by nursery management
3. For absences of more than seven consecutive days, including the weekend and non-working days, you must provide a 'fit note' completed by a qualified medical practitioner for the period of absence.

After returning to work from any sickness absence leave, a 'return to work' interview will be undertaken by the employee and line manager.

During the return to work interview the following will be discussed:

- The reason for absence
- Whether any support is required and/or adjustments to the role (on a temporary or more permanent basis) and what they are. These might include regular catch-up meetings, adjusted work patterns, changes of duties
- Future requirements and expectations, e.g. improved attendance.

The return-to-work interview discussion is recorded using a set template and signed by both the manager and employee. A copy is attached to the employee's file.

Where an employee's attendance record gives cause for concern because of the duration or frequency of absence, this is brought to the attention of the employee through a discussion with the manager.

Throughout any stage of discussions on sickness absence, employees may be accompanied by a work colleague.

The abuse of sick leave and pay regulations may be classified as misconduct and will be dealt with through the Disciplinary procedure.

Frequent and/or persistent short-term sickness absence

Short-term absence may be short periods of one or two days occurring frequently.

Absence of this nature can be identified by one of the following indicators and should be classed as a trigger:

- Four self-certified spells of absence in one calendar year
- A total of 10 working days or more of self-certified absence in one calendar year
- Patterns of absence over a period, e.g. an individual regularly taking Mondays or Fridays off

- Where an employee's attendance record is significantly worse than those of comparable employees, or absence problems have gone on for a considerable length of time.

Long-term sickness absence

For the purposes of the policy, long-term sickness absence is defined by the nursery as absences lasting over one month.

Where absences have lasted over 10 working days or more, the manager will contact the member of staff concerned to obtain an initial assessment of the sickness or injury. At this point, and where appropriate after further assessment of the sickness or injury, the manager will arrange a face-to-face meeting or telephone conference between themselves and the member of staff. The meeting will include:

- Confirming the reasons and nature of the absence and its likely duration
- Ensuring that the member of staff is aware of the nursery's concern regarding their health and necessary absence from work
- Consideration of alternative duties or a shorter working week if this would enable a quicker return to work, subject to medical advice
- Consideration to any personal issues being encountered and discuss possible ways of helping the individual resolve these
- Advising the member of staff that in their best interests they may be asked to see a registered medical practitioner or occupational health provider appointed by the nursery to enable a medical report to be prepared
- Alternatively, and if appropriate, gain agreement from the member of staff to contact their doctor or specialist to establish the likely length of absence and the long-term effect on capability in relation to job performance and attendance at work.

If all other options have been investigated, the absence continues or, following return to work, the attendance record does not improve, a subsequent meeting would be arranged. At this point, and with legal advice, the manager may advise the member of staff on long term sickness absence that unless there are reasonable grounds to believe there will be an improvement in the foreseeable future, their ill health may put their employment at risk with the possibility of termination by reason of capability or suitability to work with children, taking into account any medical information available.

The position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, the nursery will:

- Review the employee's absence record to assess whether it is sufficient to justify dismissal
- Consult the employee

- Obtain up-to-date medical advice through the employee's GP and/or occupational health
- Seek legal advice, where applicable
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility
- Meet with the employee to discuss the options and consider the employee's views on continuing employment
- Review if there are any other jobs that the employee could do prior to taking any decision on whether to dismiss
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health
- Arrange a further meeting with the employee to determine any appeal Following this meeting, inform the employee of its final decision Always act reasonably towards the employee.

Any decision to terminate employment will be taken by the [*owner/*registered person/*committee], making sure the Capability procedure has been exhausted.

Occupational health

The nursery reserves the right to request employees to attend an appointment with an Occupational Health Advisor (e.g. consultant, GP) during their employment, if it is reasonably deemed necessary due to sickness absence, changes in health or the role, or where it is necessary to seek an expert medical opinion as to whether or not the employee can fulfil their job role or whether any reasonable adjustments should be made to the employee's role.

The nursery will seek to engage the services of an independent Occupational Health Advisor in situations where expert medical opinion is required and work with them to identify the best course of action in circumstances of sickness absence.

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 nursery requests further medical information about the health of staff from an individual's general practitioner or specialist, or its own occupational health provider, the provisions of the Act will be followed.

Throughout any interviews regarding sickness absence, staff are entitled to the support of and/or representation by a work colleague or recognised trade union representative.

Sick pay

The company do not pay any sickness 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 whilst on annual leave, the nursery will allow the employee to take sick leave and take the 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 the pre-planned annual leave in accordance with the Sickness absence reporting procedure
- 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 sick or is injured, evidence must be produced that the employee was sick 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 the above conditions, we will allow the employee the same amount of annual leave as the amount 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 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 our normal policy on sickness absence.

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 to take the annual leave.

Replacement annual leave dates

Where it is agreed that an employee can take replacement annual leave later, 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 should endeavour to take any replacement annual leave within the same holiday year as the days lost because of sickness or injury. If part or all 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.

Serious illness or injury of an employee's immediate family

This will be reviewed on an individual basis by the nursery manager. They will agree with you a reasonable period of paid leave time initially, with additional unpaid leave if a significant amount of time off is required. You may also need to consider taking any annual leave or time off in lieu (TOIL) and working flexibly, i.e. adjusting the length of the working day, changes in hours or days worked, etc.

Carer's leave

Employees have a 'day-one' right to take up to one week of unpaid carer's leave per 12 months to provide or arrange for care for a dependant with a long-term care need.

A dependant is a spouse, civil partner, child, parent, a person who lives in the same household as the employee or a person who reasonably relies on the employee for care.

Long-term care is any illness or injury (either physical or mental) that requires or is likely to require care for more than three months, a disability under the Equality Act 2010, or issues related to old age.

This leave can be taken in single of half-days with a notice requirement of three days or double the length of leave requested, whichever is the longer.

The leave cannot be refused but it can be postponed where it is reasonably believed that the operation of the nursery would be unduly disrupted if leave were taken at that time. However, the leave would have to be given within one month (on a date agreed after consulting with the employee) and a counter-notice served setting out the reason for the postponement and the new date the leave can be taken.

Employees cannot be asked to provide proof of why the leave is required.

Death of a member of an employee's immediate family

This leave applies on the death of an employee's spouse, life partner, parent, brother, sister, grandparent, dependant or other relative for whom the employee has special responsibility or has had special ties. See the Bereavement policy.

Generally, the amount of time off required will be at the manager's discretion, but it is advisable to either:

1. Set a defined amount of paid/unpaid time, or
2. Remove this in its entirety and deal with request as holiday and/or under the emergency time off provisions of the Employment Rights Act 1996 (s.57a).

Death of a child

If an employee experiences the death of a child under the age of 18, or suffers a stillbirth from 24 weeks of pregnancy, or has an abortion after 24 weeks (in very limited circumstances an abortion can take place after 24 weeks if the mother's life is at risk or the child would be born with a severe disability), the employee will be entitled to two weeks' paid leave, subject to meeting the eligibility criteria having been employed for at least 26 weeks (Parental Bereavement Leave and Pay Act 2018).

Additionally, an employee may take parental bereavement leave in the event of the death of an adopted child while on adoption leave or the death of a child while on shared parental leave. The amount of leave depends on the circumstances and the employer will seek legal advice regarding the employee's individual circumstances at the time of the bereavement.

This policy was Adopted on	*June 2025*
Signed on behalf of the nursery	*Alia Smith*
Date of review	*June 2026*
Date of review	*June 2027*