

## ABSENCE POLICY & PROCEDURES

### **1. General Statement:**

This policy is designed to outline the procedures in place to ensure the effective and consistent management of absence across the Let's Play Project. It sets out the expectations of Let's Play Project and the associated action that may be taken if these expectations are not met. This policy applies to all employees of Let's Play Project regardless of job role or length of service.

Let's Play Project see the Absence policy as a method of ensuring that employees are aware of, and understand, the procedures in place for various types of absence and that managers are using fair and reasonable procedures to monitor and control absence levels. This is therefore seen as an aid to good management

When operating the Absence policy and procedure, Let's Play Project is committed to fairness and will aim to ensure the following: Fair, consistent and reasonable procedures will be used to monitor, investigate and control absence levels. High levels of absence will be dealt with in a timely manner and this sensitive area will be dealt with consistently and professionally

### **2. Responsibilities**

#### **2.1. Line Managers are to:**

- 2.1.1. Fully understand the Absence policy and to ensure their team are aware of the procedures they need to comply with
- 2.1.2. Monitor and manage the attendance of their team
- 2.1.3. Ensure that employees are complying with the Absence policy
- 2.1.4. Ensure that employees are dealt with fairly and consistently
- 2.1.5. Ensure that the appropriate support and guidance is given to employees, to maximise their attendance
- 2.1.6. Ensure confidentiality is maintained
- 2.1.7. Promote a safe and healthy work environment

2.1.8. Ensure that all absences are correctly and promptly recorded

**2.2. Employees are to:**

2.2.1. Comply with the reporting and notification procedures as noted below

2.2.2. Keep their manager informed of any developments or change in circumstances

2.2.3. Fully engage in the processes aimed to increase attendance at work

2.2.4. Positively manage their health as far as possible

**2.3.** If an employee is unable to attend work, for any reason, they must call their manager to notify their absence as soon as possible and by no later than an hour prior to their shift start time. If their manager is not available individuals should leave a message with another member of the core team and the manager will call them back with regards to the details of their absence. Employees must provide as much notice as possible in order to allow the greatest opportunity to reorganise staffing. If for whatever reason the employee cannot speak to their line manager or anyone within the core team they must leave a voicemail message for their manager which explains:

- a. Why they will not be attending work
- b. Their expected date of return
- c. A number for their manager to contact them on
- d. The time of their call

**2.4.** Emails and text messages are not acceptable methods of communication – employees must call in person. Employees should only ask someone else to make the call if they are too ill to make the call themselves - in this instance the person making the call on the employee's behalf must let the manager know when the employee is expected to be well enough to talk in person.

**2.5.** If an employee needs to leave work for any unexpected reason they must seek permission from a manager prior to leaving. This is to ensure that service users/services are not left in vulnerable position. If it is found that an employee leaves a shift without prior permission, they are likely to find themselves subject to action under the disciplinary policy.

**2.6.** Employees are expected to call every day that they are absent from work, unless a different arrangement has been made with their manager or they have

provided a 'Fit-Note' which specifies the date they will return to work. It is unacceptable for a manager not to know whether an employee will be in work or not. If managers do not hear from an employee who is absent from work then they should contact HR who will start the 'AWOL' process (Absence without Leave).

- 2.7. If an employee returns to work but did not notify of their absence in line with this policy a detailed 'Return to Work' discussion must be conducted and the employee should be told that an investigation will take place into their absence and failure to notify. Failure to follow the correct absence notification procedure will be investigated and action could be taken under the disciplinary policy.
- 2.8. If at any point a manager has reason to believe that the reason given for an absence is not genuine they should notify the Trustee responsible for HR and an investigation should take place.
- 2.9. An employee who fails to notify their absence and to keep in touch as required by this policy may not be entitled to statutory sick pay.

### **3. Sickness Absence**

3.1. Let's Play Project recognises that employees will, from time to time, experience periods of sickness and be unable to attend work to recover. This section outlines our approach to managing sickness absence.

#### **3.2. Short-term repeated sickness:**

3.2.1. Short-term repeated sickness occurs where an employee is absent for 3 or more occasions in a 6-month period and / or for 5 or more occasions in a 12-month period. Sickness absence levels are monitored monthly and when this situation occurs the manager and/or HR will decide on the appropriate course of action. The following 2 factors will be considered:

- a. When an employee is repeatedly off sick with related short-term absences, Let's Play Project may manage this as a long-term absence
- b. When an employee is off sick with unrelated short-term absences this will be investigated and may trigger action under the Disciplinary policy
- c. Let's Play Project reserve the right to vary these trigger points at our absolute discretion

### **3.3. Long-Term Sick:**

- 3.3.1. A sickness absence of four weeks or more - or which is likely to last for more than four weeks - will trigger the long-term sickness procedure. This will be managed by the manager in conjunction with the Trustee responsible for HR.
- 3.3.2. Whilst on long-term sickness absence the employee must maintain regular contact with their manager to update them on their progress.
- 3.3.3. When an employee has been absent for 4 weeks or more a Home Visit will take place with their manager and/or the trustee responsible for HR to discuss the matter in person. This doesn't have to take place in the employees' home, another suitable location can be agreed with the individual.
- 3.3.4. Let's Play Project may ask the employee's permission to access their medical records, either via their own GP, occupational health or by undergoing a medical examination with a medical expert of the Charity's choice (this will be paid for by the Charity). Let's Play Project can seek this permission at any time e.g. if the employee is on long-term sickness absence or where they have short-term absences which means their absence is over the 3 episodes of absence in a 6-month trigger and / or 5 episodes of absence in a 12 month trigger.
- 3.3.5. The medical report will help Let's Play Project to obtain an understanding of the employee's condition to enable support to be provided to the employee during their absence or to help facilitate a return to work. The medical report will focus on the employee's ability to perform their job, whether there are any reasonable adjustments which Let's Play Project could make to working practices to facilitate the employee's return to work or continued employment in their current role and what alternative work the employee might be able to perform.
- 3.3.6. Once a report is received by Let's Play Project a meeting will take place with the employee to discuss the report, any other information such as fit-notes, the employees' views and the needs of Let's Play Project going forward.
- 3.3.7. Where the medical prognosis means that it is unlikely that an employee will be able to carry out the job that they are employed to do; where there are no measures which Let's Play Project could reasonably take to make a return to work possible, and there is no suitable alternative employment

which the employee is fit enough to do, Let's Play Project may have no option but to terminate the employee's employment on the grounds of ill health capability. Termination on the grounds of ill health capability will be with notice and no decision to terminate will be taken until the employee has been made aware that matters have reached a point where termination is being considered as a possible option and all other reasonable options have been explored and discussed with the employee. Decisions will only be taken after consultation with the employee and after appropriate medical evidence has been obtained (unless the employee refuses to co-operate in this regard).

3.3.8. Employees have the right to decline access to a medical report and attendance at an assessment through either their GP or an occupational health provider. However, if an employee declines to grant Let's Play Project access to their medical records or to attend an occupational health assessment, then Let's Play Project may decide to take a decision regarding the employee's continued employment, based on the information to hand.

3.3.9. If an employee wishes to take Annual Leave during a period of long-term sickness absence, they must contact their Manager to make a request.

### **3.4. Statutory Sick Pay (SSP)**

3.4.1. The Charity operates the statutory sick pay scheme. In general, this ensures that Statutory Sick Pay is paid to employees for a period of up to 28 weeks when they have been off work sick for 3 days or more in a row (including non-working days), provided that the employee's average earnings have been high enough (the rate is set by the Government). SSP will be paid via the normal pay procedure and will be subject to the normal statutory deductions. No payment will be made for the first 3 waiting days. If an employee receives SSP and has had another period of illness similar in nature in the previous 8 weeks, they will not be subject to waiting days.

### **3.5. Company Sick Pay**

3.5.1. Let's Play Project does not have an enhanced sickness policy and does not pay sick pay over and above statutory sick pay.

3.5.2. **Using Holiday to offset 3 waiting days:** Employees may choose to use a period of Annual Leave against their sickness up to a maximum of 5 days per annum (based on the holiday year) in line with Working Time

Regulations. This is at the discretion of management and will not be allowed if an employee is deemed to have a high level of absence. Annual leave that is taken to cover any of the waiting days will still count as a period of sickness.

- 3.5.3. **On-going medical issues for those who remain at work:** If an employee has an on-going medical issue but is able to attend work with amended duties then they will need to visit their GP and obtain a 'Fit Note'. This will give guidance as to whether adapted duties are required and if so what they are. No change of duties will occur without this guidance. These adaptations are dependent upon individual circumstances; there is no one size fits all option which is why a 'Fit-Note' is required. Employee will not be allowed to work when they are not fit to do so.
- 3.5.4. If an employee handles food during their employment they will not be allowed to fulfil any duties involving food for a minimum of 48 hours after the symptoms disappear if their symptoms present any danger to food hygiene or health and safety.
- 3.5.5. **Falling ill during a shift:** If an employee is ill and chooses to come into work, but is not fit to work, they may be sent home. They will only be paid for the time spent working and the remainder of the day will be treated as day 1 of a sickness absence. For example, an employee comes into work and completes 2 hours of a shift, then goes home sick and remains off for 4 days. They will have 2 days 6 hours deducted (for an 8-hour shift) from their 3 waiting days, and if eligible be paid 1-day company sick pay.
- 3.5.6. **Sickness Absence caused by a Work-Related Accident:** Where the sickness absence is caused by a work-related accident, the manager should contact the trustee responsible for HR. A full investigation into the incident should be undertaken. In this instance the non-payment of the first 3 days may be overridden with approval from the Board of Trustees.
- 3.5.7. **Returning to Work:** The most important aspect of dealing with sickness absence is to talk about it. Therefore after every period of sickness absence a detailed 'Return to Work Interview' will be completed as soon as practicable. For employees who have been absent on a short term basis, this should be on their first day back at work. For employees who have been absent on a long-term basis, this should take place before returning to work or at the start of their first shift. At the meeting there will be a discussion of the reasons for their absence and any related issues such as attendance levels. As a result of the meeting, and taking into

account any relevant doctor's recommendations, a risk assessment may be necessary in order to facilitate the employee's return to work, such as determining the need for any reasonable adjustments to the employee's working environment or duties.

- 3.5.8. Let's Play Project reserves the right to take into account other evidence that may be contrary to the 'Fit-Note' or 'Self-Certification Form' (as applicable). 'Fit-Notes' from GPs are not conclusive evidence of unfitness for work. However, in relation to fit notes, if the GP has made recommendations regarding the employee's ability to return to work and Let's Play Project agrees to any of them, the employee will be expected to comply with these arrangements. Failure to comply may result in action being taken under the Disciplinary policy.
- 3.5.9. If an employee feels that they are fit to return to work prior to their 'Fit-Note' expiring, they should return to their GP in order to be signed as fit-to-return. They must contact their manager to inform them of their return and arrange for a return to work interview to be completed prior to returning or at the start of their first shift.
- 3.5.10. Let's Play Project reserves the right to request a 'Fit-Note' or sick note within the first 6 days of sickness. If so, Let's Play Project will reimburse any cost the GP may charge for providing this.
- 3.5.11. **Conduct During Sickness Absence:** Employees are expected to conduct themselves in a manner that is not contradictory to making a smooth recovery. For example; engaging in sports or hobbies that are inconsistent with a physical injury; or going on a pre-booked or unannounced holiday whilst ill without consulting with their manager or against the advice of their physician. Employees failing to do so may be subject to disciplinary action, up to and including dismissal.
- 3.5.12. Whilst on sickness absence employees remain bound by their contract of employment. In particular, an employee may still be requested to attend investigatory or disciplinary meetings, whilst on sick leave.

## 4. Appointments

- 4.1. Let's Play Project recognise that employees may need to attend medical appointments from time to time. Employees must try to book all medical and health care appointments outside of their working hours. In exceptional

circumstances where this is not possible, employees must request permission from their manager to attend an appointment in working hours. This request must be made in advance of the appointment. The appointment should be booked at the beginning or end of their shift wherever possible. The employee must also provide their manager with evidence of their appointment. Where time off for appointments becomes frequent or regular or causes operational difficulties, the manager has the discretion to refuse time off during the employee's working hours or to ask the employee to reschedule their appointment. No payment will be received for appointments in working hours; employees can make the time up, take the time as unpaid or use Annual Leave. An 'Absence' form must be completed and submitted to payroll in time for payroll cut-off

- 4.2. If the appointment is for items such as scheduled treatment, an operation, a stay in hospital, an investigation etc., then this would be covered by sick leave or should be booked as Annual Leave.
- 4.3. The only appointments employees are entitled to take during working hours are those related to antenatal care, however where possible employees should still try to arrange them outside of work hours or at the beginning / end of their shift. Employees are entitled to paid time for antenatal appointments.

## **5. Dependant Emergencies**

- 5.1. Let's Play Project recognises that there will be occasions when employees need to take time off work to deal with unexpected events involving a dependant. In this instance an employee has the right to unpaid time off work to deal with emergencies involving a 'dependant'. As defined in law, a dependant could be their husband, wife, partner, child, parent, or anyone living in their household as a member of the family.
- 5.2. An emergency could be any unexpected or sudden problem involving someone who depends on their help or care. It can also cover time off to make longer term arrangements. The right to time off for dependants could apply to a wide range of different circumstances but below are examples of some of the more common situations where employees could be entitled to take time off:
  - a. Dependant falls ill
  - b. To deal with unexpected disruption or breakdown of care arrangements

- c. If a dependant has been injured or assaulted
- d. To deal with an unexpected incident involving a dependant
- e. To support the dependant if they are suffering from a long-term illness and their condition unexpectedly deteriorates
- f. To deal with the death of a dependant
- g. When a dependant is having a baby

**5.3.** There is no right to time off for every problem. A burst boiler at home or problems with a pet doesn't count as a dependant emergency. Time off to care for people who don't count as a dependant (accompanying a friend to hospital for example) is also not covered.

**5.4.** The time taken must be reasonable and only used where there is no-one else available to deal with the emergency. Reasonable time off in relation to a dependant emergency would not normally be greater than one day.

## **6. Lateness/Leaving Early**

**6.1.** Arriving late for a shift (shift includes 'normal working day' for non-shift workers and training for all employees) or leaving a shift early without permission from a manager will not be tolerated. Any incidents of this nature will be investigated and the employee may find themselves subject to action under the disciplinary policy. Where an employee is late or where they leave a shift early they will have the time deducted from their pay, this does not preclude Let's Play Project from taking further action under the disciplinary policy. If an employee is going to be late for a shift they must notify their manager as per the absence notification section of this policy. Management discretion will be used when an employee requests to make up the time, when making the decision the manager will take into consideration whether the service needs these hours to be worked at a different time. If it is not suitable, the manager will not grant such a request.

## **7. Annual Leave and Extended Leave**

**7.1.** The Annual Leave year runs from 1st January until 31st December. Annual Leave entitlement accrues daily. Part-time employees' Annual Leave is

calculated on a pro rata basis according to the number of days worked per week based on their full-time equivalent entitlement. All employees will be provided with their holiday entitlement, in hours, once their employment has commenced. Employees who join, or leave the business part way through the holiday year will have their Annual Leave calculated on a pro rata basis.

**7.2.** Annual Leave is accrued on a daily basis, and there will be no payment in lieu of any holidays not taken, except on termination of employment.

**7.3.** Annual Leave may not be carried forward from one Annual Leave year to the next as required by law. There is no pay in lieu of untaken Annual Leave at the end of the holiday year. For office based employees, they must keep 3 days holiday to cover the office closure on Christmas Day, Boxing Day and New Year's Day. The Charity may also stipulate other compulsory closure days in which case employees must keep back sufficient Annual Leave to meet any such dates that are nominated.

#### **7.4. Annual Leave Requests**

7.4.1. Annual Leave will be authorised on a first come first served basis and will only be approved subject to business needs at that time. If employees wish to book Annual Leave they are required to give a minimum of 4 weeks' notice. If an employee books a period of leave and needs to amend it, they must agree any changes with their manager as soon as possible.

7.4.2. Employees may be required to take Annual Leave on specified dates. Where possible, the employee will be given notice at least twice the length of the period of leave that they are being required to take.

7.4.3. Employees should not book or confirm a holiday until it has been authorised by the employees manager. If employees take Annual Leave without prior authorisation, their absence will be unauthorised and action may be taken in accordance with Disciplinary policy. Employees should not place a deposit on a holiday, prior to obtaining authorisation, as Let's Play Project will not accept responsibility for any loss of monies.

7.4.4. A maximum of 2 weeks can be taken consecutively unless an employee completes an extended leave request and is granted longer leave.

#### **7.5. Extended Leave**

7.5.1. Let's Play Project recognise that there will be times when employees may want, or need, to take a period in excess of 2 weeks off work. In order for

employees to do this they must make a request. Each request will be considered on its own merits and although every effort will be made to grant the extended leave this may not always be possible. A period of extended leave is not classed as a break in service.

- 7.5.2. The length of leave may not exceed 4 weeks and employees must use their Annual Leave entitlement in their request for extended leave. If there are a number of requests within the same department then these will be considered on a 'first come first served basis'.

## **7.6. Bank Holidays**

- 7.6.1. Any paid time off required for any Bank Holidays will be taken from an employee's Annual Leave entitlement.

## **7.7. Late Return / Over-Staying Leave**

- 7.7.1. If an employee has been refused an Annual Leave or extended leave request and they subsequently either fall sick or fail to attend work over the request period or they return late from holiday, the employee must notify their manager of their reasons as soon as possible. The circumstances may be investigated and action may be taken in accordance with the Disciplinary policy.

## **8. Compassionate and Bereavement Leave**

- 8.1. Let's Play Project recognises that there will be times where employees will need support with the illness or the death of a close family member.

### **8.2. Compassionate Leave**

- 8.2.1. If an employee wishes to spend time with an individual who is at the end of life, they may be allowed to take unpaid leave or take Annual Leave at short notice with approval from their line manager. The length of time taken should be reasonable and kept to a minimum.

### **8.3. Bereavement Leave**

- 8.3.1. Let's Play Project acknowledges that bereavement impacts all individuals differently and the guidelines below are intended to show the minimum paid leave an employee is entitled to in different circumstances:

- a. 3 days paid leave for the death of a Mother/Father, Husband/Wife/Civil Partner, Brother/Sister, Child
  - b. 1 days paid leave for the death of a Grandparent
- 8.3.2. If the employee wishes to take more time then they may also use their Annual Leave entitlement or take unpaid leave at the discretion of their manager. With regards to funerals of immediate family members, employees should be allowed to take Annual Leave at short notice regardless of how many people are already off to enable them to attend the funeral. Let's Play Project will exercise discretion to grant unpaid leave for any other relative or close friend depending on the circumstances of each case.

## **9. Religious Festivals**

- 9.1. Any time off required for any Religious Festival, should be taken from an employee's Annual Leave entitlement. If an employee wishes to take a day off, Annual Leave requests will be authorised on a first come, first served basis and dependent upon business need. There is no automatic entitlement to these days off.

## **10. Time off for public duties, jury service and trade union duties**

- 10.1. Employees may request a reasonable amount of time off work if they are:
- a. A Magistrate (also known as a justice of the peace)
  - b. A Local Councillor
  - c. A School Governor
  - d. A member of any statutory tribunal (e.g. an employment tribunal)
  - e. A member of the managing or governing body of an educational establishment
  - f. A member of a health authority
  - g. A member of a school council or board in Scotland
  - h. A member of the General Teaching Councils for England and Wales

- i. A member of the Environment Agency or the Scottish Environment Protection agency
- j. A member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- k. A member of Scottish Water or a Water Customer Consultation Panel
- l. A trade union member (for trade union duties and activities)

**10.2.** Employees should request this with their manager. What is 'reasonable' should be agreed between the employee and manager when making the request. Let's Play Project reserve the right to refuse an unreasonable request, depending on the employee's duties, the time required to carry them out, the impact on the business and how much leave the employee has already taken.

## **11. Legal Status of this Policy**

**11.1.** This policy does not give rise to any contractual or legally enforceable rights for employees although it does create legal rights for Let's Play Project. Changes can be made to all or any part of this policy in any way, at any time and for any reason. Notice does not have to be given prior to the change.

**11.2.** Any manager or employee found not to be adhering to this policy may find themselves subject to disciplinary action.

### **Date of Policy – 1<sup>st</sup> December 2020**

Signed ..... Chair of Trustees

Signed ..... Operations Manager

Signed ..... Activities Manager

### **Review Date – 1<sup>st</sup> December 2021**