

Pabulum Absence Policy



Pabulum Sickness Absence Management Policy

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Policy Purpose

We attach the highest importance to our employee's health, safety, and wellbeing. Regular, punctual attendance is an implied term of every employee's contract of employment, and each employee is responsible for achieving and maintaining good attendance. From time to time, employees may have genuine grounds for absence, and the Company is committed to supporting employees in these situations.

We also recognise the need to effectively balance the fair and effective management of sickness absence, with the needs of the Company and our clients and customers. This policy is to provide a framework for both employees and managers to ensure fair, consistent, and effective management for non-attendance through illness.

This policy applies to all employees of Pabulum Limited, although it is important to note that a different approach may be adopted when dealing with employees within their probationary period and this is set out in our separate guidance on the management of probation.

This policy does not form part of employee's terms and conditions of employment and may be subject to change at the discretion of the management.

General Principles

We all have a responsibility to ensure regular attendance at work. This policy ensures that timely and appropriate action and support can be taken to deal with sickness absence. Timely and appropriate action is important to minimise the impact on services as well as to support employees back to work.

Although variations may be made for individual circumstances, we will use the trigger points set out in this policy as a benchmark against which to monitor attendance and determine appropriate action.

We recognise that there are some situations where this defined approach may not be most effective, and this is likely to include cases where life threatening, or terminal illness is concerned. In these circumstances, discussions about impact of the absence, return to work, and going through a series of warnings may not be appropriate and greater focus should be on support and sensitivity to help the employee manage the impact of their situation.

When managing long-term absences, we will make judgements based upon up-to-date health advice balanced with the needs of our services. Although sick pay entitlements are designed to provide financial support during a period of sickness, it isn't necessary for an employee's sick pay entitlement to expire before; any action is taken, Occupational Health advice is sought, or before decisions are made about the future of an employee's employment.

Sickness or Unplanned Absence

Responsibilities

Employees - Employees are responsible for ensuring their own regular attendance at work. Employees are also responsible for their own health and well-being and lifestyle choices and are discouraged from engaging in any activities that unreasonably jeopardise their ability to regularly attend work and perform their duties. If an employee is unable to attend work, they are required to follow the procedure set out in this policy and all reasonable requests made by managers. Reasonable requests include all requirements relating to notification and reporting, and the requirement to attend meetings, occupational health appointments and giving agreement for access to medical reports where necessary. Employees are also responsible for following other Company policies and practices, for example in relation to health and safety and infection control. Any abuse of this policy or failure to co-operate in its effective operation may be treated as a disciplinary matter.

Managers - Managers are responsible for proactively promoting and nurturing a culture of attendance, and for exercising a duty of care towards employees in providing a healthy and safe environment in which to work. This also includes the responsibility for accurately recording and monitoring absences and dealing appropriately, in accordance with this policy, with situations whereby an employee's attendance falls below the required standards.

The People (HR) Team - The People Team is responsible for the provision of professional advice and support to enable the operation of this policy in a fair, consistent, and timely manner. You can contact the People Team on HR@pabulum-catering.co.uk.

Keeping in touch

Managers have a duty to keep in regular contact with employees during periods of sickness absence. Likewise, employees also have an obligation to keep in touch and be contactable by their manager. Failure to keep in touch or attend Occupational Health appointments or relevant meetings could result in the suspension of sick pay and action under the disciplinary procedure.

Absence of up to 7 Days

Short term absence is defined as a period of absence of less than 4 weeks. Often it will be called short term frequent absence. This may be sickness absence or other unplanned absence.

If an employee's health prevents them from working for a period of up to 7 days (including weekends), they must report to their manager upon their return to work and complete a return-to-work form. This form explains the absence and confirms that the employee is well enough to be back at work. Managers will conduct a return-to-work interview and may ask for more information about the absence and the reasons for it.

The manager will then pass the return-to-work form and return-to-work interview to the People Team.

Failure to complete a self-certificate form or produce a medical certificate will result in non-payment of any monies due under the Company Sick Pay Scheme.

Absence of 8 days or more

While the first 7 calendar days of sickness can be self-certificated, all sickness that lasts longer than 7 calendar days requires medical evidence.

This medical evidence will normally be in the form of a doctor's fit note, also known as a "statement of fitness for work" and should state if the employee:

- is "not fit for work", in which case the employee should remain off work; or
- "may be fit for work", if the doctor's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

If an employee's doctor provides a certificate stating that they "may be fit for work", then they should inform their manager immediately in order that discussions can be facilitated regarding return to work. While there is no legal obligation on the Company to follow the recommendations, managers should take what the employee's doctor has written seriously and give fair consideration - in consultation with the employee as to whether any of the changes recommended by the doctor can be accommodated.

Medical certificates must be kept up to date and continuous for all periods of ongoing sickness (including out of term time). New certificates must be forwarded to the manager immediately upon receipt.

If an employee does not provide a medical certificate in a timely fashion, pay may be affected and will be adjusted at the next available pay period.

Failure to comply with the Company rules on either notification of absence, completion of the absence self-certification form and/or provision of medical certificates could result in absence being regarded as unauthorised and will be considered a breach of contract of employment, which may lead to disciplinary action.

The following paragraphs set out our procedure for dealing with long-term absence or where level or frequency of short-term absence has given cause for concern. The purpose of the procedure is to investigate and discuss the reasons for absence, whether it is likely to continue or recur, and whether there are any measures that could improve health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.

Employees will be notified in writing of the time, date, and place of any meeting, and why it is being held.

If they cannot attend at the time specified, they should inform the Company as soon as possible in order that an alternative time can be agreed and arranged.

If the employee has a disability, we will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure, or to their role or working arrangements.

Managing Short Term Sickness Absence and Other Absences Triggers

We will use the below trigger points to determine if an employee's attendance has been frequently lower than our expected standards. Our trigger points are:

- 3 periods of absence of any duration, in a rolling 6-month period; or
- 2 periods of absence of more than a week within a 6-month period; or
- Any pattern of absence that emerges. This procedure may also be followed where periods of long-term absence are combined with frequent short-term absences.

Informal stage

When an employee hits a trigger, they should be invited to an informal absence meeting by their line manager. The purpose of this meeting will be to:

- Discuss the concerns and the impact of the absence.
- Identify any underlying problems.
- Identify whether the cause of absence falls under category protected by the Equality Act. Referral to Occupational Health should happen at this point if so.
- Agree actions which will support improvement in the employee's attendance; and
- Set a monitoring period (normally of 3 months) during which it will usually be expected that the employee is not absent from work due to sickness. This period does not need to end for a line manager to take further action if they decide that the employee has not achieved the required improvement within the review period. Following the meeting with their line manager:
 - The employee may be referred to Occupational Health dependent on the reasons for the absence.
 - The employee will receive a written record of the meeting from their manager, this will record any actions or support agreed at the meeting, as well as informing the employee of the expectations regarding their attendance and the next steps should these expectations not be achieved; and
 - The manager will assess the employee's progress throughout the review period and ensure that they have accurate and up-to-date information and evidence regarding progress by the end of it.

Upon reaching the end of the review period, the manager will assess whether there has been sufficient improvement in the employee's attendance. If there has not been sufficient improvement, the manager will write to the employee, informing them that action under the Absence Management Policy is being escalated to the first formal stage.

If the employee achieves acceptable attendance during the monitoring period but they hit one of the triggers outlined above in the 12 months following the informal stage meeting their case will be escalated to the first formal stage.

First formal stage

The purpose of the first formal stage meeting is:

- To review the sickness absence since the informal stage
- To discuss any problems encountered during this period.
- To discuss any Occupational Health advice received or required.
- Identify whether the cause of absence falls under a category protected by the Equality Act.
- A further monitoring period will be set (normally 3 months). This period does not need to end for the manager to take further action should they decide that the employee will not achieve the required improvement within the review period.
- The employee will be informed that if they do not improve their attendance sufficiently the process may lead to their dismissal following the first formal stage meeting.
- The employee will receive a written record of the meeting from their manager, giving details of any required actions or support agreed. The letter will also explain that if there is not sufficient improvement in attendance this may result in consideration of their dismissal.
- If they have not already, the manager is advised to make a referral to Occupational Health.

The manager will assess the employee's progress throughout the review period and ensure that they have accurate and up-to-date information and evidence regarding progress by the end of it. Upon reaching the end of the review period, the manager will assess whether there has been sufficient improvement. If there has not been sufficient improvement, the manager will write to the employee informing them that action under the Absence Management Policy is being escalated to the final formal stage.

If an employee achieves acceptable attendance during the monitoring period but then subsequently hits one of the triggers outlined above in the 12 months following the first formal stage meeting their case will be escalated to the final formal stage.

Final formal stage

The purpose of the final formal stage meeting is to determine whether all reasonable options of support available have been exhausted. If those options have been exhausted, then the employee may be dismissed on the grounds of capability. Before moving to the final formal stage, the manager must seek advice from the People Team. The final formal stage meeting will be chaired by a manager with delegated authority to dismiss.

Managing Long Term Sickness Absence

Long term sickness absence is where the employee has been absent from work through illness or injury for more than 4 consecutive weeks with no return date imminent. Managers should seek an Occupational Health referral in such circumstances to gain further information about the employee's health and well-being, and how best to support them during and after the period of absence.

Early intervention has been proven to help reduce the length of long-term sickness absence and increase the chance of a successful return to work. In situations of stress, anxiety, or depression it is recommended that the manager seeks advice from Occupational Health as soon as they become aware of the condition or the absence.

Informal stage

Dependent upon the nature and duration of the employee's health condition, there may be various meetings (or conversations) between the employees and their manager to discuss progress, prognosis, and next steps.

The number and frequency of such meetings is not prescribed; however, we recommend that the manager meets with the employee face to face within their first month of absence and keeps in touch on a weekly basis. The manager should inform the employee of their plans to keep in touch.

These meetings should discuss:

- Reasons for absence
- The duration of the absence
- Support that can be offered
- The content of any Occupational Health report (once received)

Meetings will normally be convened at the employee's place of work. An alternative location, such as another school or site, may alternatively be agreed. In exceptional circumstances it may be appropriate for the manager to meet with an employee at their home.

Formal stage

If during a long-term absence it becomes clear that the employee may not be able to return to work within 3 months from the start of their absence, then the formal stage of this procedure should be commenced.

Prior to a formal stage meeting, the manager should ask for delegated authority to dismiss and ensure that the People Team are aware.

At the formal stage meeting the manager should consider the feasibility of the following options:

- A further period of recovery and review (for example, if the medical evidence suggests a likely change in prognosis)
- Implementing a phased return to work
- Adjustment to duties/hours of work on a temporary or permanent basis or
- Redeployment to a different role (see Section 14)

If it is determined that a further period of recovery is likely to result in a return to work within a reasonable timeframe, a review period will be set. This review period should be based on all information available to the Manager including guidelines provided by Occupational Health regarding treatment and likely recovery times.

In circumstances where a further review period is agreed, the manager will maintain contact with the employee and monitor their progress throughout this period. Additionally, the employee will be asked to provide updates regarding their treatment or recovery during this time. The options listed above should be assessed again at the end of the review period (or earlier, if new information comes to light such as an updated medical report) at a further formal meeting.

If the manager concludes during the formal meeting (or at any subsequent formal meeting) that all reasonable options in relation to the support they can offer to facilitate a return to work have been exhausted, and no foreseeable return to work is envisaged, the manager may decide to dismiss the employee on the grounds of capability.

Dismissal should only ever be a last resort after the manager has first considered early retirement on health grounds. Advice should be sought from Occupational Health on whether an application for Ill

Health Retirement is appropriate (LGPS). If an application for Ill Health Retirement is submitted, dismissal should not then be delayed pending the outcome. Where the employee can return to work but fails to sustain acceptable attendance, the manager may decide to recommence the above procedure from the point it originally stopped.

Chronic Conditions – the company is committed to supporting employees with disability as defined by the Equality Act and does not tolerate disability discrimination and is committed to exploring and implementing reasonable adjustments where possible.

Medical Examination

At various stages of managing the employee's sickness absence, the Company may want to obtain advice on the employee's fitness for work from occupational health advisers or a medical practitioner who has been responsible for the employee's clinical care; the employee will be fully informed of their rights and their permission will be sought for the report to be obtained on the relevant consent form. All medical reports will be kept confidential and held in accordance with our Data Protection Policy.

Where the employee refuses permission for the Company to contact their medical practitioner, the Company will explain to the employee the reasons behind the request and inform the employee that a decision relating to their employment may be made without the benefit of access to medical reports. The same procedure will be followed where the employee delays in giving their consent.

The right to be accompanied

If an employee is concerned about their own health or absence record, or they have been involved in discussions with their manager about their absence record, they are encouraged to seek advice and support at any stage, including informal stages if needed.

The formal right to be accompanied applies at the formal stages only. If an employee is invited to attend a formal meeting to discuss their absence record, they are entitled to be accompanied by an accredited trade union official, a representative of a recognised trade union (who is an employee of the company), or a work employee employed by the company.

This does not, however, apply to return-to-work interviews or informal meetings. If the right to be accompanied applies, the employee will be notified of this in writing. The employee's request to be accompanied must be reasonable and their choice of companion should not contribute to any unreasonable delays in proceedings or have an adverse effect on our services.

Redeployment

Where redeployment has been recommended, the manager will discuss with the employee the types of role which may be suitable for them, and they can be considered for available vacancies for which they meet the essential requirements. Any ill-health redeployment will be offered on the terms and conditions for the new post which may include a change in salary and benefits and will be subject to a trial period of 4-6 weeks. If the employee is not able to satisfactorily complete this trial period, the formal meeting will be reconvened at the formal stage of this Policy.

Appeals

Employees have the right of appeal against the outcome of any stage of this procedure by setting out their appeal in writing to a more senior manager, stating the grounds of appeal, within 5 working days of the date on which the decision was sent or given.

Any appeal meeting will be arranged as soon as is reasonably practicable but no later than within two weeks of receiving the written appeal. This will be dealt with impartially and, where possible, by a more senior manager who has not previously been involved in the case.

We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

Holiday - whilst off work due to sickness

Employees will continue to accrue holiday whilst absent from work due to ill health/injury, although will be required to produce medical evidence of their sickness. In accordance with the rules concerning the holiday year there is no right to carry over unused holiday into the following year (subject to the rules in this policy). Employees will not be entitled to a day off in lieu if they are sick during a public or Bank Holiday when this is above the statutory annual leave entitlement. Information on statutory annual leave entitlement can be found at gov.uk/holiday-entitlement-rights.

Holiday - sickness immediately before and after holiday

Any employee absent due to illness either prior to pre booked holiday or immediately before the end of term are still required to adhere to absence reporting procedures, including the provision of a medical certificate if the absence means that they are not at work for more than 7 calendar days.

Pay – Company & Statutory Sick Pay

During sickness absence, employees will receive sick pay which is applied as per the terms of their contract of employment and the rules relating to SSP.

The employee will normally be entitled to receive SSP when contractual sick pay is withheld or suspended, although the Company can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided.

Employees will be given written notice if their SSP or contractual sick pay is being withheld or suspended. In addition, a SSP1 form will be issued once 28 weeks SSP is exhausted.

Sick pay under the Company's scheme is subject to the usual deductions for PAYE, national insurance, pension contributions, etc.

Payments under the Company's scheme will be calculated by reference to the employee's basic salary only and any payments made under the Company's scheme are inclusive of any entitlement to SSP for the same period of absence. Any employees paid via equated pay will be paid for absence at their equated pay rate.

The employee may be disqualified from entitlement to sick pay, or subject to disciplinary action, if found to be working for another employer at the same time or it is found that absence has not been due to illness.

Employees covered by a non-UK medical certificate will be entitled to receive Statutory Sick Pay. Company Sick Pay is payable at the appropriate SLT member's discretion in circumstances of non-UK certified sickness.

Employees who are absent due to sickness during disciplinary proceedings (including investigations) against them will be entitled to receive Statutory Sick Pay only. Company sick pay is payable at the appropriate SLT member's discretion in these circumstances.

Company/Contractual Sick Pay

The employee's contract of employment will specify their entitlement to payment during sickness absence. The Company reserves the right to withhold or suspend sick pay under its contractual sick pay scheme at its discretion. Circumstances in which contractual sick pay may be withheld include where:

- the employee has failed to comply with the Company's sickness absence notification and evidence requirements;
- the employee refuses to attend a medical examination at the reasonable request of the Company;
- the employee makes or produces any misleading or untrue statement or document concerning their fitness to work;
- the employee has given or received notice to terminate their employment; and
- disciplinary proceedings are pending against the employee.

Statutory Sick Pay

Eligible employees are entitled to statutory sick pay (SSP), provided that they follow the Company's usual notification and evidence requirements.

The employee is entitled to SSP where they have a period of sickness absence from work of at least 4 calendar days in a row and 3 "waiting days" (days on which the employee would usually be required to work) have passed.

Statutory sick pay is payable for up to 28 weeks in any one period of sickness absence, at a weekly rate set by the Government for the relevant tax year.

Reporting Procedure

Employees must follow the absence reporting procedure for any absence from work or lateness.

On the first day of absence, and every day thereafter, the employee should notify their manager in person by telephone call of their non-attendance (or that they will be late for work). This must be at the earliest opportunity before the start of their shift and no later than one hour before their normal start time. They must state the reason for absence/lateness, expected return to work date and the likely duration of the absence.

It is not acceptable to send a text message, email or leave a message with a fellow employee or if employed in a school, an employee of the school.

The employee must keep their manager informed of their progress, by calling in person for each day of absence until such time as a medical certificate is issued.

Once a medical certificate has been issued the employee must keep in contact with their manager with a progress update at least once a week for the duration of their absence. Any alternative contact timing must be agreed with the manager.

Employees are required to contact their manager the day before their sickness certificate ends in order to notify whether they will be returning to work the next day. Any periods of absence must have continuous medical certificates which are presented in a timely manner.

Return-to-Work Interviews

After a period of sickness absence, managers will hold a return-to-work interview with the employee. The purposes may include:

- ensuring the employee is fit for work and agreeing any actions necessary to facilitate return;
- confirming necessary certificates have been submitted;
- updating on anything that may have happened during absence;
- raising any other concerns regarding absence record or return to work.

Managers should make employees aware of our frequent absence triggers and keep them up to date of what stage the employee is at in relation to those triggers.

Pregnancy and time off work for Antenatal Care

Employees who are pregnant are entitled to reasonable paid time off for antenatal care. Employees are required to give their manager as much notice as possible of these appointments and provide an appointment card or similar documentation.

Partners of pregnant employees are entitled to unpaid time off to accompany the pregnant woman to 2 antenatal appointments up to a maximum of 6.5 hours per appointment.

If an employee is advised by their doctor or midwife to attend any appointment other than antenatal appointments, there is a requirement to provide a letter confirming this from their doctor or midwife. If other appointments are required for medical reasons, then the time granted to attend appointment will be paid.

Pregnant employees who are off work because of pregnancy-related ill health must abide by the Company's absence reporting procedure. For example, a pregnant employee is subject to the usual notification and evidence requirements and can be asked to attend a return-to-work meeting when returning to work.

However, any sickness absence by a pregnant employee for a pregnancy-related reason is not included when checking to see if there is need for formal action under the Company's absence management procedure.

If the manager is in any doubt as to whether or not a pregnant employee's absence is related to their pregnancy, the manager should contact the People Team for clarification. If there is absence for a pregnancy-related reason in the last 4 weeks before Expected Week of Childbirth, maternity leave will start on the following day.

Equality Exemptions

We will manage sickness absence in accordance with the Equalities Act 2010. Where an employee has a condition, which is deemed a disability under the terms of the Act, reasonable adjustments will be considered.

This may include adjustment to trigger points, changes to role, provision of aids or equipment, or redeployment to an alternative post if one is available. It may also relate to the arrangement of meetings, or any other reasonable adjustment to enable employees to participate in this process without disadvantage or detriment.

Pregnancy-related absence should be disregarded for the purposes of the trigger points and special consideration may be given to instances of sickness absences arising from reported industrial injuries. Occupational Health can advise on the range of reasonable adjustments that Managers should consider.

The range of potential adjustments is significant, varied and determined on a case-by-case basis. Managers should remember that the Company is under a duty to make reasonable adjustments for disabled employees.

The legal definition of a "disability" is wide and managers should refer to the Company's guidance for further information. Where the absence is wholly or partly for a disability related reason, the absence management policy may need to be modified to take proper account of the employee's disability, and other adjustments to the procedures set out in the policy may need to be made. If in doubt, the manager should contact the People Team for clarification.

Timekeeping

It is the employee's responsibility to report for work on time and in accordance with agreed hours.

An employee will be regarded as late if they are not in full uniform (if applicable) and not ready to commence work at their normal starting time.

Similarly, employees are required to remain in work at least until the finishing time defined on the rota/contract of employment unless granted permission by their manager to leave work before that time.

Persistent lateness may be viewed as misconduct and may lead to disciplinary action.

Unauthorised Absence or Absence without Leave (AWOL)

Unauthorised absence is when the employee is absent from work and has not gained the appropriate approval nor complied with absence notification procedures. This type of absence can be costly to Pabulum as is it unpredictable. Absence of this kind will be handled as part of the disciplinary procedure.

AWOL may lead to the suspension of pay and/or dismissal.

Nelson Williams
Managing Director
(This policy will be reviewed in September 2023)