



SICKNESS AND ABSENCE POLICY for Staff

OF

Jack in the Box Nursery

1 INTRODUCTION

The following guidelines on sickness and absence have been formulated to ensure the smooth running of the company and appropriate support for employees affected by ill health. Jack in the box aims to deal with all absences in a fair, sensitive and consistent manner with every consideration to individual circumstances.

2 NOTIFICATION OF ABSENCE

- 2.1 All employees must notify their manager either personally or through a relative or friend, as soon as possible on their first day of absence, or in any event by 7:30am on the first day where practicable to do so. If a relative or friend makes contact because the employee is unable to do so, the employee should personally make contact as soon as they are able to do so.
- 2.2 It is the responsibility of the employee to keep their manager informed of the reason for absence, possible length of absence and likely return date.
- 2.3 If an employee is unsure of the possible length of absence then it is their responsibility to contact their manager once a week and submit the relevant certificates as soon as possible.
- 2.4 Failure to notify may result in the absence being recorded as unauthorised and may result in disciplinary action.

3 SELF-CERTIFICATION AND MEDICAL CERTIFICATES

- 3.1 If an employee is absent due to illness for four to seven days, they should submit a self-certification form to their manager on their return to work.
- 3.2 If an employee is absent for eight or more calendar days then the employee must obtain a medical certificate from their GP, covering the eighth day of absence onwards and send it to their manager. Subsequent medical certificates are required as soon as the current certificate has expired. Employees must keep their manager informed of their progress, with an indication, if possible, of a return to work date. Employees are responsible for ensuring that medical certificates are submitted on time and cover all periods of absence in excess of seven calendar days as any delays without reasonable cause may result in the absence being recorded as unauthorised and may result in disciplinary action.

4 STATUTORY SICK PAY

- 4.1 Statutory sick pay (SSP) is payable to employees who are unable to work through illness or injury for at least four calendar days - this is called a period of incapacity for work (PIW). To qualify for SSP an employee must:
- 4.1.1 be sick for four or more calendar days in a row;
 - 4.1.2 notify their manager of their absence in accordance with clause 2 above. However, for SSP purposes, the company cannot insist that the employee notify the company in person or earlier than the first qualifying day in a spell of sickness or by a fixed time on the first qualifying day or more than once a week during the sickness absence, but failure to notify the company in accordance with clause 2 may result in payment of SSP being withheld for the period of the delay;
 - 4.1.3 provide evidence of their inability to work in accordance with clause 3 above;
 - 4.1.4 have earnings that attract liability for employer's Class 1 National Insurance Contributions or would if they were high enough;
 - 4.1.5 have average weekly earnings equal to or more than the current lower earnings limit during the relevant period, the relevant period being the eight weeks leading up to the last payday before they went off sick.
- 4.2 Categories of employees excluded from claiming SSP include:
- 4.2.1 short-term contract workers on a specified three-month contract, who have not had a previous contract with the company and have been working with the company for less than three months;
 - 4.2.2 new employees who have not actually done any work for the company yet;
 - 4.2.3 employees who are taking part in a trade dispute on the first day of their PIW;
 - 4.2.4 employees in legal custody on the first day of their PIW;
 - 4.2.5 employees in receipt of Incapacity Benefit, Maternity Allowance or Severe Disablement Allowance.
- 4.3 SSP will be paid at the current rates up to a maximum of 28 weeks in any period of illness. Employees will only be able to claim SSP for days counted as "qualifying days". These are the days the employee normally works. To claim SSP the employee must have been ill for at least four days in a row, including weekends and bank holidays. The days that count for this need not all be qualifying days. The first three qualifying days of any illness count as "waiting days". So if an employee is ill for no more than four days, SSP is payable for the fourth qualifying day only.
- 4.4 Any two PIWs that are less than eight weeks apart are linked and treated as one PIW. Linking PIWs must each be at least four days long - odd days off sick do not accumulate to make a whole. Income tax and employee's National Insurance contributions are still applicable to SSP.
- 4.5 If SSP runs out, or an employee is not entitled to it but their PIW has been at least four days long, form SSP1 will be given to them so that they can claim Incapacity Benefit.
- 4.6 Eligible employees will be entitled to SSP only and no contractual sick pay will apply.

5 SICKNESS DURING ANNUAL LEAVE

- 5.1 Employees who fall ill during or at the end of a period of annual leave in the UK should notify their manager by telephone as soon as reasonably practicable and send a doctor's certificate by post or submit a self-certification form on their return to work.
- 5.2 Employees who fall ill during or at the end of a period of annual leave whilst abroad should contact their manager as soon as reasonably practicable by telephone, fax or email giving details of the nature of their illness and the likely return date. Employees are responsible for providing a medical certificate covering the dates of illness written by a registered medical practitioner and accompanied, where necessary, by an authorised English translation. If an employee is unfit for work on return to the UK they should obtain a medical certificate from their GP in the normal way. On return to work the employee should report to their manager with all relevant documentation if not already provided. If this procedure is properly followed the period of annual leave will be suspended and the appropriate amount of annual leave will be returned.

6 RETURN TO WORK INTERVIEWS

Their manager will meet with employees following every period of sickness absence regardless of length to discuss the reason for the employee's absence and any relevant issues arising from it. The return to work interview gives the opportunity to:

- 6.1 check that the employee is fit to return to work and agree any actions, such as short-term changes to working arrangements to facilitate the return to work;
- 6.2 complete an absence form and review the attendance record of the employee;
- 6.3 ensure the appropriate certificates have been submitted covering their absence;
- 6.4 discuss any medical, work or domestic problems that may exist.

7 SHORT-TERM ABSENCE

- 7.1 Frequent and persistent short-term absences will be investigated promptly and the employee will be asked for an explanation at the return to work interview.
- 7.2 If there is no acceptable reason then the matter will be treated as a conduct issue and dealt with under the company's disciplinary procedure.
- 7.3 Where there is no medical certificate to support frequent short-term, self-certified, absences then the employee will be asked to see a doctor to establish whether treatment is necessary and whether the underlying reason for the absence is work-related. If no medical support is forthcoming the company will consider whether to take action under the disciplinary procedure.
- 7.4 If the absence could be disability related the company will consider what reasonable adjustments could be made in the workplace to help the employee.
- 7.5 In all cases the employee will be told what improvement in attendance is expected and warned of the likely consequences if this does not happen. If there is no improvement, the employee's length of service, performance, the likelihood of a change in attendance, the availability of suitable alternative work, and the effect of past and future absences on the company will all be taken into account in deciding appropriate action.

8 LONG-TERM SICKNESS ABSENCE

Long-term sickness absence is defined as extensive absence due to serious or significant illness covering a prolonged period, e.g. four weeks or more. The following steps will be taken when considering the problem of long-term absence:

- 8.1 the employee and the company should keep in regular contact with each other;
- 8.2 the employee will be kept fully informed if there is any risk to employment;
- 8.3 if the company wishes to contact the employee's doctor or other specialist treating them for a medical report, the company will notify the employee in writing that they intend to make such an application and they must secure the employee's consent in writing. The employee will be informed that they have:
 - 8.3.1 the right to withhold consent to the application being made;
 - 8.3.2 the right to state that they wish to have access to the report;
 - 8.3.3 the right to withhold consent to the report being supplied to the employer;
 - 8.3.4 the right to request amendments to the report;
- 8.4 where the employee states that they wish to have access to the report, the company must let the GP know this when making the application and at the same time let the employee know that the report has been requested;
- 8.5 the employee must contact the GP within 21 days of the date of application to make arrangements to see the report;
- 8.6 if the employee considers the report to be incorrect or misleading, the employee may make a written request to the GP to make appropriate amendments. If the GP refuses, the employee has the right to ask the GP to attach a statement to the report reflecting the employee's view on any matters of disagreement. The employee may withhold consent to the report being supplied to the company;
- 8.7 on the basis of the GP's report the company will consider whether alternative work is available. The company is not expected to create a special job for the employee concerned, nor to be a medical expert, but will take action on the basis of the medical evidence;
- 8.8 where there is a reasonable doubt about the nature of the illness or injury, the employee will be asked if they would agree to be examined by a doctor to be appointed by the company. Where an employee refuses to cooperate in providing medical evidence, or to undergo an independent medical examination, the employee will be told in writing that a decision will be taken on the basis of the information available and that it could result in dismissal;
- 8.9 where the employee's job can no longer be held open, and no suitable alternative work is available, the employee will be informed of the likelihood of dismissal.

9 JURY SERVICE AND WITNESSES

- 9.1 Employees called for jury service should inform their manager
- 9.2 Employees will continue to receive their adjusted salary during jury service less any allowance paid by the Court for loss of earnings. Employees should claim all allowances available from the Court and forward a statement from the Court to your manager giving the times and days they were required. A deduction will be made from an employee's salary for any allowance that they receive from the Court. Employees should attend work on any days or half days when they are not required by the Court.
- 9.3 The same arrangements apply for witness attendance in the course of civic duty and in the event an employee is compelled by a Court to attend. However, if an

employee's attendance in Court is on a voluntary basis, the employee will be required to take any day when they are needed in Court as unpaid leave.

10 TIME OFF FOR DEPENDANTS

- 10.1 All employees, including those on short-term contracts, are entitled to take a reasonable amount of time off work to deal with unexpected or sudden emergencies involving a dependant. A dependant is a husband, wife, partner, civil partner, child or parent. It also includes someone who lives in the same household as a member of the family (other than an employee, tenant, lodger or a boarder). In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on an employee for assistance. This may be where an employee is the primary carer or is the only person who can help in an emergency.
- 10.2 The circumstances in which employees can take time off are:
- 10.2.1 if a dependant falls ill, gives birth or has been injured or assaulted;
 - 10.2.2 to deal with a death of a dependant;
 - 10.2.3 to deal with an unexpected disruption or breakdown of care arrangements for a dependant;
 - 10.2.4 to deal with an unexpected incident involving an employee's child during school hours.
- 10.3 The illness or injury need not necessarily be serious or life-threatening and includes both mental and physical illness. Where a dependant needs to be cared for because of an illness or injury, an employee can take time off work to arrange alternative longer term care arrangements.
- 10.4 In the case of a bereavement of a dependant, an employee can take time off to make funeral arrangements, as well as to attend a funeral. If the funeral is overseas, then a length of absence will have to be agreed which is reasonable in these circumstances.
- 10.5 Employees must notify their manager of their absence in accordance with clause 2. The amount of time off will vary with the differing circumstances of an emergency. For most cases, one or two days should be sufficient to deal with the problem. If an employee knows in advance that they are going to need time off, they should ask for annual leave in the usual way. Or, if the reason an employee needs leave relates to their child, the employee may be entitled to take Parental Leave.
- 10.6 Employees are not entitled to be paid for time off for dependants.

11 PATERNITY/MATERNITY/ADOPTION/PARENTAL LEAVE

Eligible working fathers have the right to one or two weeks' paid paternity leave. Eligible working mothers and adoptive parents have the right to up to 52 weeks' leave - 39 weeks of which may be covered by Statutory Maternity Pay or Statutory Adoption Pay. In addition, both male and female employees with parental responsibility are entitled to 13 weeks' unpaid parental leave.

HOLIDAYS IN TERM TIME

Holidays taken in term time will not be paid, and notice needs to be given to the manager a term in advance to ensure adequate cover. Staff should try to avoid taking holiday in term time.