

SICKNESS & LATENESS POLICY

1. About this policy

- 1.1 This policy sets out the arrangements of The Mainstay Foundation (TMF) for sick pay and lateness and for reporting and managing sickness absence and lateness. This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.
- 1.2 Abuse of sickness absence, including failing to report absence or falsely claiming sick pay or persistent lateness will be treated as misconduct under our Disciplinary Procedure.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Who is responsible for this policy?

- 2.1 The Board of Trustees have overall responsibility for the effective operation of this policy. The has delegated responsibility for overseeing its implementation to the Executive Officer.
- 2.2 Any questions you may have about the day-to-day application of this policy should be referred to your line manager in the first instance.

3. Reporting when you are sick

If you cannot attend work because you are sick or injured you should email the Executive Officer and the Human Resources Manager as early as possible and no later than 30 minutes after the time when you are normally expected to start work.

4. Evidence of incapacity

- 4.1 You must complete a self-certification form for sickness absence of up to seven calendar days.
- 4.2 For absence of more than a week you must provide a medical certificate stating that you are not fit for work and giving the reason. You must also complete a self-certification form to cover the first seven days. If absence continues beyond the expiry of a certificate, a further certificate must be provided.
- 4.3 If your eligible healthcare professional provides a certificate stating that you "may be fit for work" you must inform your manager immediately. We will hold a discussion with you about how to facilitate your return to work, taking account of your healthcare professional's advice. If appropriate measures cannot be taken, you will remain on sick leave and we will set a date for review.

5. Statutory sick pay

You may be entitled to Statutory Sick Pay (SSP) if you satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks.

6. TMF sick pay

- 6.1 After successfully completing your probationary period, you may be eligible for up to five working days' pay (to apply pro-rata where applicable) to be granted by the Executive Officer in his sole discretion in each financial year provided you comply with this policy and any further requirements set out in your contract; if granted you will not be able to roll over any such entitlement to the subsequent financial year. This does not affect any entitlement you may have to receive SSP for the same periods of sickness absence, although where applicable any sick pay you receive from us shall be inclusive of any SSP due to you.
- 6.2 TMF sick pay is paid at our discretion and we may amend or withdraw the scheme at any time.

7. Return-to-work interviews

After a period of sick leave your manager may hold a return-to-work interview with you. The purposes may include:

- (a) ensuring you are fit for work and agreeing any actions necessary to facilitate your return;
- (b) confirming you have submitted the necessary certificates;
- (c) updating you on anything that may have happened during your absence; and
- (d) raising any other concerns regarding your absence record or your return to work.

8. Managing long-term or persistent absence

- 8.1 The following paragraphs set out our procedure for dealing with long-term absence or where your level or frequency of short-term absence has given us cause for concern. The purpose of the procedure is to investigate and discuss the reasons for your absence, whether it is likely to continue or recur, and whether there are any measures that could improve your health and/or attendance. We may decide that medical evidence, or further medical evidence, is required before deciding on a course of action.
- 8.2 We will notify you in writing of the time, date and place of any meeting, and why it is being held. We will usually give you a week's notice of the meeting.

- 8.3 Meetings will be conducted by the Executive Officer and will normally be attended by the Human Resources manager.
- 8.4 You may bring a companion to any meeting or appeal meeting under this procedure.
- 8.5 If you cannot attend at the time specified you should let us know as soon as possible and we will try, within reason, to agree an alternative time.
- 8.6 If you have a disability, we will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure, or to your role or working arrangements.

9. Medical examinations

- 9.1 We may ask you to attend a medical examination by a doctor or occupational health professional or other specialist nominated by us (at our expense).
- 9.2 You will be asked to agree that any medical report produced may be disclosed to us and that we may discuss the contents of the report with the specialist and with our advisers. All medical reports will be kept confidential and held in accordance with our Data Protection Policy.

10. Initial sickness absence meeting

- 10.1 The purposes of a sickness absence meeting or meetings will be to discuss the reasons for your absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve your health and/or attendance.
- 10.2 In cases of long-term absence, we may seek to agree a return-to-work programme, possibly on a phased basis.
- 10.3 In cases of short-term, intermittent absence, we may set a target for improved attendance within a certain timescale.

11. If matters do not improve

If, after a reasonable time, you have not been able to return to work or if your attendance has not improved within the agreed timescale, we will hold a further meeting or meetings. We will seek to establish whether the situation is likely to change, and may consider redeployment opportunities at that stage. If it is considered unlikely that you will return to work or that your attendance will improve within a short time, we may give you a written warning that you are at risk of dismissal. We may also set a further date for review.

12. Final sickness absence meeting

Where you have been warned that you are at risk of dismissal, and the situation has not changed significantly, we will hold a meeting to consider the possible termination of your employment. Before we make a decision, we will consider any matters you wish to raise and whether there have been any changes since the last meeting.

13. Appeals

- 13.1 You may appeal against the outcome of any stage of this procedure. If you wish to appeal you should set out your appeal in writing to the Executive Trustee stating your grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 13.2 If you are appealing against a decision to dismiss you, we will hold an appeal meeting, normally within two weeks of receiving the appeal. This will be dealt with impartially and, where possible, by a Trustee who has not previously been involved in the case.
- 13.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. There is no further right of appeal.
- 13.4 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.

14. Lateness

- 14.1 You must attend for work punctually at your specified start time and you are required to comply strictly with any time recording procedures relating to your work.
- 14.2 If you are going to be late for work you must contact the Executive Officer and the Human Resources Manager by email as soon as possible before your start time, giving the reason for your lateness and when you expect to arrive at work.
- 15. If you arrive late for work without good reason and without the due notification set out above, this may be recorded on your personnel file as an instance of lateness. Where permitted in accordance with applicable law, we reserve the right to make a proportionate deduction from your pay to reflect time not worked due to lateness.
- 16. Repeated or persistent lateness or absence may result in disciplinary action and/or loss of appropriate payment.