

Absence From Work Policy

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Introduction:

The absence from work reporting procedure aims to alert managers as soon as possible of any absence from work so that plans to provide cover may be actioned, so that appropriate documents in order to administer payments (e.g., Statutory Sick Pay, holiday pay) may be sought and so that any other body requiring notification may be contacted.

HND Children's Care Ltd aims to secure the attendance of all employees throughout the working week. However, it is recognised that a certain level of absence may occur due to sickness or family / personal crisis for example.

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1. Unauthorised Absence:

An employee's contract of employment requires that they attend regularly and punctually for work. If the employee needs to be absent for any reason other than genuine sickness, they must obtain consent of their manager. Absence without permission and without good reason will not be paid for and persistent unauthorised absence and lateness will result in disciplinary action, which may ultimately lead to dismissal.

2. Recording Attendance:

The manager will record staff absences in each individual staff's personnel file, which is accessible to the manager, RI, and Director. This information should include the start and end dates of the absence and the absence reason.

3. Sickness Absence:

Staff sickness affects not only the individual who is not well but the rest of the team, the children of whom are being cared for, and the wider company. For this reason, it is imperative that when reporting sick, thought is given to allowing as much notice as possible in order to minimise effects on others.

For absence due to sickness or injury, the manager should be advised of the reason for absence, e.g., Influenza, sprained ankle. If the person who is ill / injured does not wish to



disclose to their manager, the reason for their sickness absence they may advise the Director / RI.

Managers will conduct return to work interviews when staff return from sick leave – all information should be documented and recorded in each individual staff's personnel file.

4. Notification of Absence:

As soon as possible, or on the first morning of absence, at least EIGHT hours before the start of a shift or, where possible, the night before, if on shift the next day, the employee must notify

the manager / Director, that they will be absent from work and state the reason for this absence. Some indication of expected return date should be given and, if this changes, notification given as soon as possible. In cases where, for whatever reason, notifying the manager has not been possible, absence notification may also be made to the on-call senior member of staff, or Director.

Notification should be by telephone and must be made in person; no other person must ring in for a staff member unless admitted to hospital or unable to coherently speak. Notification via text message or e-mail is not acceptable.

5. Self-Certificates:

For absence of seven consecutive days or less (inclusive of weekends and public holidays) a self-certificate (Form SCA) must be completed by the employee and given to their manager on the first day they are no longer sick, or the day they return to work, whichever is the soonest. A Return-to-Work interview (RTW) should be completed on return to work.

6. Medical Certification:

For absence in excess of seven days (inclusive of weekends and public holidays) consecutive medical certificates, completed by a doctor, are required to cover each day of absence until the employee returns to work. This / these should be sent direct to the manager and / or Director.

Evidence of incapacity is an essential requirement for making SSP payments. If HND Children's Care Ltd does not receive such evidence and / or feels that the evidence is not genuine, SSP payments may be withheld.

Failure to comply with the above procedure may result in disciplinary action being taken.

7. Statutory Sick Pay:

Providing that the employee qualifies under the Government's rules for payment of SSP, they will be entitled to SSP for the first 28 weeks of sickness in any sick leave year.



SSP will be paid at a flat rate, which is set by the Government and reviewed each new tax year.

SSP is paid on the usual pay day and is subject to both PAYE and NI deductions.

When SSP payments have been exhausted, the employee may be able to claim sickness benefit from the DSS. The manager and / or Director, will forward the appropriate forms to the employee to complete and give to the DSS.

Please note that employees claiming sickness benefit must still send a copy of their sickness certificate(s) to their manager and / or Director.

If an employee does not qualify for SSP, HND Children's Care Ltd will issue a letter explaining the reasons for this. The employee should then claim sickness benefit from the DSS.

8. Company Sick Pay:

There is currently no company sick pay scheme.

9. Company Medicals:

We reserve the right to call for an independent medical examination to determine the employee's fitness or capability for work (i.e., via Occupational Health).

10. Frequent Short-term Sickness Absence:

Managers keep accurate records of all their staff's attendance for monitoring purposes, and this will be challenged if it is occurring through formal supervision procedures.

11. Annual Holidays:

Qualifying staff receive paid holiday / annual leave every year. The holiday year will be communicated to you via your home's manager as part of your induction. Employees should be aware of the procedure they should follow to ensure that annual holiday is authorised appropriately.

All requests for leave must be made at the earliest reasonable opportunity and no less than four weeks before the requested start date. Individual annual holiday entitlement is available to all staff.

Holiday requests will only be considered if the correct process is followed and agreed holiday dates will be allocated on a "first come - first served" basis, ensuring that operational efficiency and minimum staffing levels are maintained throughout the year.

Where management are unable to approve holidays, the employee will be informed as soon as possible with the reasons for refusal. In the event of an employee disputing management's decision, HND Children's Care Ltd formal '*Grievance Policy*' should be used.



Once approval for holiday leave has been given, it will not normally be withdrawn. We reserve the right to withdraw such approval should the circumstances warrant it. In such cases, every effort will be made to minimise any inconvenience or hardship for the employee.

In normal circumstances, no single leave period shall exceed two weeks. Employees wishing to exceed this limit must make their request at least two months in advance of the required start date to their manager which will be discussed with the Director. HND Children's Care Ltd reserve the right to enforce holidays / annual leave to be taken in exceptional circumstances; these circumstances will always be communicated to employees.

Holiday entitlement should be taken in full each year and is not permitted to be carried forward / paid in lieu, if you do not take your annual leave within the year then these days hours will be lost.

11.1 Entitlement for New Employees:

A new employee will receive a holiday entitlement calculated in proportion of their entitlement to the leave year remaining.

Every effort will be made to honour holiday commitments that new employees have made prior to joining HND Children's Care Ltd.

The employee should advise their manager of these dates as soon as they commence work, if not before. Where booked holiday exceeds the employee's entitlement, consideration will be given to granting unpaid leave.

11.2 Unauthorised Leave:

Any employee who takes leave that has not been previously authorised may be subject to disciplinary action, which includes dismissal. If, for any reason, the employee is unable to return from leave on the agreed date, they must inform their manager and notify them of the reason why as soon as possible. Failure to do so will render the employee liable for disciplinary action for unauthorised absence. Such disciplinary action may include dismissal.

11.3 Requests for Unpaid Leave:

Requests for unpaid leave may be granted under special circumstances. Unpaid leave will not normally be granted until holiday leave has been exhausted. Each request for unpaid leave will be considered on its own merits. Requests for unpaid leave must be made via the manager and authorised by the Director.

Employees who take unpaid leave without authorisation may be subject to disciplinary action, which includes dismissal.

12. Other Reasons for Absence from Work:



12.1 Maternity:

HND Children's Care Ltd implements the maternity rights set out in legislation. Please see the separate '*Maternity Policy*'. HND Children's Care Ltd encourages open discussion between you and the manager to ensure that questions and problems about maternity rights can be discussed and resolved as quickly as possible.

12.2 Antenatal Care:

Female employees are entitled to paid time off during normal working hours to receive antenatal care. This right does not depend on any minimum length of service. Antenatal care can include not only medical examinations, but also relaxation and parent craft classes. Other than for the first appointment, the employee must produce both a certificate confirming that she is pregnant and appointment card (or similar document) from a registered medical practitioner, or a registered midwife, in the case of medical examinations or relaxation classes, or from a registered health visitor in the case of parent craft classes, showing that the appointment has been made.

12.3 Adoption Leave:

HND Children's Care Ltd implements the adoption leave rights set out in Legislation.

In order to qualify for the right to take adoption leave, you must be adopting a child through an approved adoption agency, and you must have worked for HND Children's Care Ltd for a continuous period of 26 weeks calculated as at the week in which you are notified by the adoption agency of having been matched with the child for adoption.

If you are jointly adopting a child with your spouse or partner, only one of you will be entitled to take adoption leave. You can choose which adopter will take adoption leave. The other adoptive parent will normally be entitled to take paternity leave, provided they meet the relevant eligibility criteria (see the section on 'Paternity Leave').

The right to adoption leave is not available to foster parents who adopt a child they are fostering, nor to stepparents who adopt their partner's child.

Statutory Adoption Pay:

During adoption leave, most employees will be entitled to Statutory Adoption Pay. The rate of Statutory Adoption Pay, and additional details are available via the following link:

<https://www.gov.uk/employers-adoption-pay-leave>

Statutory Adoption Pay is paid into your bank account in the same way as salary is normally paid and it is subject to deductions of income tax and National Insurance contributions.

Adoption Leave:

Assuming you are eligible, you can take up to a maximum of 52 weeks' adoption leave. This



comprises 26 weeks' ordinary adoption leave, and 26 weeks' additional adoption leave.

Ordinary Adoption Leave:

During ordinary adoption leave, your contract of employment continues, and you are entitled to receive all your contractual benefits, except for salary. This means, for example, that holiday entitlement will continue to accrue. This also includes other benefits such as pension contributions, private medical insurance, life assurance and permanent health insurance (where applicable).

You should endeavour to take any outstanding annual leave that may be due to you before the commencement of your adoption leave and you are reminded that annual leave must be taken in the holiday year in which it is earned: see the section on Holidays for further information.

Additional Adoption Leave:

Additional adoption leave starts immediately after the end of ordinary adoption leave and continues for a further 26 weeks. Your contract of employment continues during additional

adoption leave but only some terms of the contract will continue. The terms and conditions which apply during additional adoption leave are:

- You are entitled to benefit from HND Children's Care Ltd implied obligation of trust and confidence.
- You are bound by your implied obligation to HND Children's Care Ltd of good faith.
- You are entitled to receive your contractual notice period if your employment is terminated.
- You must give HND Children's Care Ltd the notice provided for in your contract if you wish to terminate your employment.
- The terms and conditions in your contract of employment relating to disciplinary and grievance procedures will continue to apply.
- You are bound by the terms in your contract relating to disclosure of confidential information and participation in any other business.
- During additional adoption leave, entitlement to statutory annual leave under the Working Time Regulations 1998 will continue to accrue, but all further contractual annual leave entitlement (including entitlement to paid bank holidays) will cease.
- Contractual annual leave accrual will recommence when you return to work after additional adoption leave.

Commencing Adoption Leave: Notice Requirements:

If you wish to take adoption leave, you must inform your manager and / or Director in writing of your request no later than seven days after the date on which notification of the match with the child is provided to you by the adoption agency. You must provide written



details of the date on which you were notified of having been matched with the child, the date the child is expected to be placed with you for adoption and when you want your adoption leave to start.

As evidence of your entitlement to adoption leave, you will also be required to provide a copy of the matching certificate and adoption papers from the adoption agency.

You are permitted to change your mind about when you want to start your adoption leave providing you give HND Children's Care Ltd at least 28 days' written notice of the revised start date.

Once you have notified your adoption leave plans, HND Children's Care Ltd will write to you within 28 days, setting out the date on which we expect you to return to work if you take your full entitlement to adoption leave. Adoption leave can start on the day the child is placed with you for adoption or on a date which is up to 14 days before the expected date of placement.

Returning to Work after Adoption Leave: Notice Requirements:

If you wish to return to work immediately after the end of your additional adoption leave, you may simply return on your due day of return. That said, if you want to return after the end of ordinary adoption leave, you must still give us 28 days' notice. If you fail to give the appropriate notice, we may postpone your return to such a date as will give HND Children's Care Ltd 28 days' notice, provided that this is not later than the end of your additional adoption leave.

If you are unable to attend work at the end of your adoption leave due to sickness or injury, HND Children's Care Ltd normal arrangements for sickness absence will apply.

If you do not intend to return to work at all after your adoption leave, you are still required to give HND Children's Care Ltd written notice of the termination of your employment as set out in your contract of employment.

Your Rights on Return to Work:

On resuming work after ordinary adoption leave, you are entitled to return to the same job on the same terms and conditions as if you had not been absent. On resuming work after additional adoption leave, again you are entitled to return to the same job on the same terms and conditions as if you had not been absent. If, however, there is some reason why it is not reasonably practicable for HND Children's Care Ltd to take you back in your original job, you will be offered suitable alternative work of equivalent status and responsibility.

Adoptions from Overseas:

If you adopt a child from overseas, you may still be entitled to statutory adoption leave and pay. Special rules apply in these circumstances. For further information, please contact the



Director.

12.4 Paternity Leave:

The employee must have been continuously employed for a period of at least 26 weeks by the end of the 15th week before the expected week of the child's birth or, in the case of an adopted child, for at least 26 weeks leading into the week in which the adopter is notified being matched with a child. The employee must be the father of the child, or be married to, or the "partner" of the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person (where of a different sex or the same sex) who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt, or uncle). The employee must have, or expect to have, responsibility for the upbringing of the child.

Paternity Leave may only be taken during the period beginning with the date of the child's birth or placement and ending 56 days after that date or, in a case where the child is born before the first day of the expected week of birth, 56 days after that day. Employees must inform their Manager and / or Director, who will confirm eligibility, entitlement and pay.

12.5 Parental Leave:

The purpose of statutory parental leave is to care for a child. This means looking after the welfare of the child and that can include making arrangements for the good of the child. Caring for a child does not necessarily mean being with the child 24 hours a day. The leave might be taken simply to enable parents to spend more time with young children. Statutory parental leave is to look after the child and is unpaid. Any requests for parental leave should be made to the Manager and / or the Director, who will confirm eligibility, entitlement and pay.

12.6 Compassionate Leave and Leave due to Domestic Crisis:

Employees requesting leave on compassionate or domestic crisis grounds should not be unreasonably refused. Leave will normally be unpaid. Managers will record absence as special leave and state the reason e.g., bereavement.

12.7 Jury Service:

When an employee is called for jury service, they must immediately inform their manager.

12.8 Territorial Army Leave:

Holiday entitlement should be used for Territorial Army exercises, other than in major exercise cases.



End.