



RCH Group Attendance & Absence Management Procedures 2024 -27

Renumeration & Nomination Committee Approval:	Person Responsible: Senior HR Manager	Reviewed: February 2024 Next Review: February 2027
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1. Introduction

1.1 RCH Group will aim to secure better attendance by way of providing guidance, support and encouragement to the employee concerned in the first instance. Application of these procedures will ensure that a consistent and fair approach to managing attendance is adopted throughout RCH Group and are also designed to provide reasonable support to those absent with the aim of assisting their return to work at the earliest opportunity. Managers will be responsible for ensuring that return to work interviews are carried out timeously after every absence and that accurate attendance and absence records are maintained. Employees are also required to co-operate with the manager and RCH Group occupational health (O.H.) advisers to investigate and address any identified underlying causes of absence. The definition of “manager” for the purpose of these procedures refers to anyone who has supervisory and/or line management responsibilities, i.e. supervisors/co-ordinators/senior officers/team leaders and managers.

1.2 Consistency is key. The rules for managing attendance should be introduced across the organisation and applied to all employees. Any inconsistency will considerably weaken the manager’s case and expose the organisation to potential claims. This includes using discretion on discounting some absences (that are seen as ‘genuine’), which seriously undermines consistency. The rules apply to all employees, including management.

1.3 RCH Group recognises that staff may on occasions be necessarily absent from work. Managing attendance and absence management are two different processes. A definition of both processes is outlined below to assist managers and staff to ensure that the differences in both processes are understood.

1.3.1 **Managing attendance**

Is concerned with the number of spells of absence or number of days absent, which has become unacceptable. It therefore requires clear standards to be put in place for all employees to understand. The process is not concerned with the causes of the absence, and it should never question whether the reasons for absences are genuine or not. It does not therefore distinguish between absences certified by a doctor and those that are not. The process is simply concerned with the level of attendance being unacceptable and it must set clear expectations for required improvement and also, the possible consequences of failure to do so. See Section 4 below.

1.3.2 **Managing absence**

Is concerned with the reasons for absence. It occurs most often when dealing with long-term absence but sometimes it may be several shorter spells of absence that relate to an underlying medical condition. It may be that an injury, serious illness, or a disability could have a substantial adverse impact on the employee’s ability to work. If it is a long-term impact (i.e. either has lasted or is likely to last for at least 12 months or longer) then the employee could be covered by the provisions of the Equality Act 2010 (EA10). See Section 5 below.

2 Absence Reporting Procedures

2.1 If you cannot come to work, either due to illness or for any other reason, you must phone as soon as reasonable possible and certainly within the following timescales: on the first day of absence, the employee must contact RCH Group by 9.00 am for office-based staff and 8.00 am for out of office staff. The employee should telephone the manager him/herself unless he/she is physically incapable of doing so due to hospitalisation or other

reason. Notification of absence in the first instance must be made to the employee's own manager. If the employee is unable to speak to his/her own manager, he/she must speak to another manager to report absence. The manager receiving the call will ensure that the employee's absence is recorded and passed onto the appropriate manager, if required. **It is not acceptable to leave a message with a colleague, leave a voicemail message or send a text.** The manager should then update IRIS Cascade.

- 2.2 The manager receiving the call should clearly establish the nature of the illness and its likely duration, and then advise the employee's manager- in the first instance using the pro forma attached as Appendix 1 of these procedures if required. In addition, the manager receiving the initial call will contact our O.H. provider, Inverclyde Physiotherapy to advise of the absence by 10.00am by emailing RCH@ipohs.co.uk and advising of the employee's name, contact number and reason for absence. A nurse practitioner from Inverclyde Physiotherapy will call the employee back and provide any necessary medical advice or support on the absence and agree a call back date should the absence last longer than one day. The nurse will provide the manager with a report detailing the reason for the absence, any advice given and likely duration of the absence.
- 2.3 The employee is required to maintain regular contact with his/her manager by calling once every 5 working days or more frequently if required. (The manager in conjunction with the nurse practitioner will determine how often contact should be established). Where the employee fails to keep in touch, RCH Group reserves the right to initiate and maintain contact with absent employees.
- 2.4 To enable a return to work as soon as possible, employees are expected to agree to attend meetings and/or O.H. appointments or any other reasonable management requests. This may include a home visit or attendance at a meeting in the workplace or other agreed venue. All medical advice will be looked at; there may be times when medical advice provided by RCH Group's O.H. provider will take precedence over any other medical advice including advice that has been provided by employee's GP.
- 2.5 Absence that has not been notified according to the sickness absence reporting process will be treated as unauthorised absence and dealt with under RCH Group's Discipline Procedures. Managers will contact the employee if the sickness absence reporting process has not been followed to establish the employee's situation. Failure to comply with absence reporting may result in the withdrawal of occupational sick pay and disciplinary action instigated which could lead to dismissal.

2.6 Certification of Absences

Absences of ½ to 7 days (inclusive): A Self-Certification is required in respect of any period of absence in excess of ½ day. Absences of up to 7 days, including weekends, can be covered by a **Self-Certificate**. However, in exceptional cases, managers may require medical certification for absences of less than 7 days and the employee may be required to produce medical certification from the first day of any subsequent period of absence where employees have persistent short-term absences.

Absences of 8 days or longer: absences of 8 days or more require a **“Statement of Fitness for Work”**, commonly referred to as the **“Fit Note”**. This is 8 consecutive days and includes not contracted days (so weekends and any rest days must be counted as well). Employees are required to submit any Fit Note in a timely manner (before or as soon as 7 days is up or the previous Fit Note expires). Late submission of Fit Notes may result in sick pay being withheld until the Fit Note is produced. If the doctor ticks “may be fit for work” box, the employee will discuss with his/her line manager or other manager any adjustments suggested. As the employer, RCH Group is not bound by the doctor's advice, but the manager will endeavour to assist the employee's prompt return to work. If however, there is no agreement about the adjustments reached with the employee, the

employee will remain off sick. If a phased return to work is agreed, then the days the employee remains off sick within the agreed period will count as one period of absence. Further guidance is available from the HR Team.

3 Return to Work Process

- 3.1 All employees are required to complete the Employee Self Certification Form on IRIS Cascade prior to a post absence Return to Work Interview (RTWI) being carried out on IRIS Cascade with his/her manager or other manager even if the absence has been medically certificated.
- 3.2 On return to work following a period of absence, the appropriate manager will carry out the post absence interview with the employee to discuss the reasons for the absence. These meetings are not intended to be in any way confrontational and should be conducted in such a manner that avoids cause for concern on the part of the employee. Every RTWI should be a thorough discussion, and managers should endeavour to find out all relevant information. The first point of the interview must be to establish whether the employee is fit to be at work. This question should be asked even if the employee has been signed off by their doctor as fit to return. Once this is established, the manager should proceed to discuss the latest absence and thereafter any patterns of absence, which may include whether periods of absence are erratic or regular, whether there is any pattern, e.g. before/after the weekend or a holiday, absence taking place in the same time as particular events in the business, etc.
- 3.3 Reasons for absence should also be discussed to identify whether they relate to different conditions or a common one, and whether the employee's personal circumstances could be a contributing factor. If the employee is reaching or may soon reach an unacceptable level of attendance, this should also be highlighted to them. The manager will discuss the current absence and identify targets for improvement and any possible consequences of not meeting the improvement plan, or referral to RCH Group O.H. Adviser for further support. (See Sections 4 & 6 below)

4 Managing Attendance

- 4.1 This refers to dealing with unacceptable levels of attendance, with no reference to reasons for absence or medical conditions. In all cases, managers are required to deal with problems arising from recurring absence patterns in a fair, consistent and reasonable manner and adopt a supportive and open approach to resolution of difficulties. It is preferred that the majority of matters of attendance and/or absence concerns are dealt with initially by using "informal action" where the manager should have a one-to-one discussion with the employee with a view to helping sponsor a required improvement in attendance and/or absence. Constructive criticism and ensuring that the employee is fully aware of what needs to be done and the timescales required to meet expectations will be the focus of the informal action meeting and also informing the employee of any subsequent sanctions that may be taken where the desired improvement is not achieved and maintained.
- 4.2 Managers should keep a brief written record of the meeting and write to the employee after the discussion confirming the actions that are required and the timescales involved, this is called an "Improvement Notice" and is enclosed in Appendix 2. Trigger points are detailed in point 4.4. below.
- 4.3 In cases where the desired improvement in attendance is not achieved or for matters which are more serious to begin with, such as breaching the absence reporting procedures, formal action will have to be taken. The Discipline Procedures will apply in these situations

which set out the range of Formal Warnings that can be given, with the ultimate sanction being dismissal.

4.4 Attendance Review Triggers are:

- Actions may be taken for 3 periods or 10 days of absence within a rolling 12-month period. This will be recorded on an "Improvement Notice".
- A further period of absence within a 6-month period may result in formal actions i.e. the issue of a first written warning.
- A further period of absence within a 6-month period may result in the issue of a final written warning.
- A further period of absence within a 12-month period may result in dismissal from employment.

At each stage, referral to the O.H. Provider should be considered. In circumstances where any employee refuses to cooperate with O.H. appointments or GP consent then the manager has no choice but to base any decision on the evidence Available. See Section 5.

4.5 Absence periods related to pregnancy or an underlying medical condition that fall within the scope of Equality Act 2010 (EA) will not be counted for the purpose of the attendance management process detailed above as they are covered under separate legislation. Managers should liaise with RCH Group's O.H. advisers and the HR Team on how to support attendance of employees who are pregnant or who have a medical condition covered by the EA. Additionally, no disciplinary action shall be taken in the case of short-term absences where the period of absence is strictly related to an occupational health injury or illness e.g. industrial injury.

4.6 If it becomes apparent during discussions that there is an underlying health problem then the process for managing long-term sickness absence will be used.

5 Managing Absence

5.1 Long Term or Underlying Health Problems

RCH Group and its managers will adopt a sympathetic and understanding approach to any employee wrestling with a long-term and/or underlying health condition. However, the onus is on the employee to inform their manager of the reasons, progress, and likely duration of any absence.

The following points will always be considered in relation to long-term absence:

- The nature of the illness and any contributing factors
- The likely duration and/or frequency of your absence(s)
- Any actions that can be taken by you
- Any reasonable adjustments that we could make
- Any possible redeployment opportunities
- The nature of the duties in relation to your health conditions
- Our business needs and the impact that your absence may have upon these
- Your entitlement to statutory and company sick pay

After an absence of 2 weeks duration, or earlier, depending on the reason for the absence, the manager will consult with the HR Team for advice on whether a referral should be made for the employee to attend a medical assessment to establish their fitness for work. Medical reports may also be requested where an employee is suffering from an underlying medical condition even though they have not been off sick for a prolonged period but has individual absences accumulating to 2 weeks (i.e. 10 days) in a 12-month period. Where

the staff member disagrees with the nature of any medical reports, they will be free to seek and offer alternative medical evidence. Any costs incurred will not be re-imbursed by RCH Group.

When managing a long-term absence, a termination of employment for the reason of ill health capability may be considered where all other options have been exhausted, and the organisation can no longer sustain the absence.

5.2 **O.H. Referrals**

RCH Group may ask you to consent to a medical examination by RCH Group's O.H. advisers to help manage absence. Employees will be asked to agree that any report produced with any such examination(s) may be disclosed to RCH Group management and that the contents of the report may be discussed between management and RCH Group O.H. advisers and/or a relevant doctor. Referrals to O.H. can be considered for any of the following reasons (this list is not exhaustive):

- Long term sickness of 2 weeks or more
- Ill health retirement assessment
- Alcohol or drugs related problems
- Investigation of work-related injury or illness
- Identification of ability to undertake work tasks
- Health conditions which could be made worse by occupational exposure
- Concerns of other employees or clients
- Before formal disciplinary action is taken in relation to absence triggers
- Recurrent short-term absence

If a staff member is hospitalised or has surgery and a period of recuperation is approved by the GP which covers 10 days or more, referral to RCH Group's O.H. adviser is not required unless O.H. support is sought to assist the employee return to work or if the absence falls into the other trigger points stated above. Managers will continue to support the employee to make a full return to work.

5.3 **Employees Refusing to Co-operate**

In order to request a medical report from a GP, the employee must give their consent, in accordance with the Access to Medical Reports Act 1988. The employee, however, has no obligation to sign it and can refuse to do so. If the employee refuses to sign a consent form, or fails to attend an independent medical assessment, or does not attend the meetings arranged with the manager or the O.H. advisers to discuss their absence (which could be arranged at work or at home, or in a neutral place if appropriate), then the manager has no choice but to base their decisions on evidence available to them. This means proceeding with the process without the benefit of the employee's comments and/or medical opinion.

5.4 **Reasonable Adjustments**

If a medical professional makes suggestions for any reasonable adjustments, these will be discussed prior to your return to work to determine if these can be accommodated, along with any suggestions you or we may also have made. Although we are not bound by the doctor's suggestions, we will make all possible efforts to accommodate your prompt return and good attendance. If we agree, any reasonable adjustments, we will also set timescales and reviews to assess if they are still required and suitable.

5.5 **Phased Return to Work**

On occasion, and depending on the reason for the absence, a reasonable adjustment, particularly after a long-term absence, can be a phased return to work. Managers should recognise that it may be difficult for employees who have been absent for a long time to return straight to their full contractual hours, particularly if it is full time. If a phased return to

work is sought, the HR Team will liaise with RCH Group's O.H. advisers, the employee and the employee's manager to agree the phased return to work period. During the period of the agreed phased return to work i.e. four to six weeks, the employee will be paid the days/hours until a full return to work has been achieved. This is usually for sickness absences with a duration of twelve weeks or more.

5.6 Absence and Holidays

When an employee is off sick for 20 days or more their entitlement to paid holidays will be in line with the Working Time Regulations (WTR) i.e. 28 days (pro-rata) which will continue to accrue during the period of their absence.

5.7 Health Capability/Medical Incapacity Dismissals

Please refer to the four stages in the section managing employees whose conditions are covered by the EA2010.

This process could sometimes be followed for employees who are not currently absent but an underlying medical condition causes them to be excessively absent and the time lost equates to a considerable proportion of their contract, which the business cannot sustain.

A termination of employment contract for a reason of health incapability is a dismissal. This means that although the process is not a disciplinary (and must not be treated as such), the three-step procedure must be followed:

Step 1: Invite the employee to the formal meeting in order to discuss their continuous employment with the organisation. Copies of all evidence (medical reports, return to work interviews, minutes from meetings with the employee, etc), must be made available to the employee in good time prior to the meeting. The employee must also have an opportunity to be accompanied at the meeting. If the employee is off sick at that time (which is often the case), then it would be reasonable, if the employee is too unwell to attend the meeting, to allow him/her to submit a postal statement and/or nominate a representative to attend on his/her behalf.

Step 2: Hold the meeting, discuss all evidence and invite the employee to present his/her comments. These should be given due consideration when making a decision. The decision must then be communicated to the employee in writing, giving a right of appeal.

Step 3: If the employee wishes to appeal, an appeal meeting should be held and normal procedure applied.

In cases where dismissal through medical incapacity is being considered, full discussions with the employee and RCH Group's O.H. advisers will take place first, and the employee will be afforded the opportunity to express views on such a course of action. In cases where staff members do leave RCH Group due to ill health, managers will make every effort they can to help secure appropriate access to the pension scheme and/or other relevant financial benefits that may be available.

5.8 Work Related Injury

If an injury has occurred at work, the employee will complete an Incident Report Form with the manager and this will be passed to the Health and Safety team. Work related injuries will not be counted towards attendance triggers and occupational sick pay; however, any employee citing work related injuries will be referred to RCH Group's O.H. advisers for advice on managing the absence.

6 Occupational Sick Pay

- 6.1 RCH Group operates a contractual sick pay scheme as outlined in its Attendance & Absence Management Policy. Failure to comply with absence reporting procedures will result in sick pay being withheld for the absence period not reported. Additionally, if an employee is found to falsify or exaggerate their absence, this will be treated as gross misconduct. An investigation will be carried out in accordance with the Group's Discipline Procedures and disciplinary action may be imposed, which may include dismissal or withdrawal of future entitlement to RCH Group' sick pay scheme. (Refer to Section 7: Dishonest Absence).
- 6.2 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party in respect of which damages may be recoverable, the employee must immediately notify the HR Team of that fact and of any claim, compromise, settlement or judgement made or awarded in connection with it and all relevant particulars that is reasonably required. Employees will co-operate in any related legal proceedings and refund to RCH Group that part of any damages or compensation they recover that relate to lost earnings for the period of sickness absence as RCH Group reasonably determines less any costs incurred by the employee in connection with the recovery of such damages or compensation, provided that the amount to be refunded to RCH Group does not exceed the total amount paid to the employee relating to the sickness absence period.

7 Dishonest Absence

- 7.1 If we suspect that you have falsified your absence or have deliberately misled us, we will take disciplinary action against you as employees may abuse the provision of sick leave and pay and give false reasons for their absence, for example: after a holiday request has been turned down, the employee phones in sick, or the employee is seen as participating in activities that would be inappropriate given the reason for their absence (e.g. they have phoned in with flu but have been seen in a night club). The manager is entitled to investigate an allegation that the absence has been dishonest and that sick leave and/or pay provisions have been abused. The process may include witness statements, doctor certificate/report and other relevant pieces of evidence.
- 7.2 If the evidence gathered during the investigation is sufficient for a disciplinary hearing to be arranged, then the normal disciplinary procedure rules would apply. If the manager has reasonable grounds to believe that the absence was falsified, then the sanctions imposed could vary, e.g. a dismissal, a final written warning, withdrawal of sick pay for a period of time, etc. Such decisions should not be taken lightly but neither should employees be allowed to abuse the sick leave and pay provisions that have been put in place in good faith to assist staff who are genuinely ill and are unable to attend work.

8 Conduct whilst off work

- 8.1 When on sick leave, employees are still expected not to breach any points of their contract of employment. They are still bound by the duties of fidelity (so they cannot work for another employer or their own business) and confidentiality. It would also be expected that they would not participate in activities that would be at odds with their medical condition, whilst off sick. Any breach in respect of this should be dealt with under RCH Group's Discipline Procedures.

9 Sickness absence during the disciplinary process

9.1 Where the allegation is minor, the expectation is that the disciplinary process can be put on hold and revisited once the employee is fit enough to return to work.

9.2 For potentially very serious allegation(s) it is unreasonable to expect RCH Group to set matters aside for a lengthy period. In striving to have the issue dealt with RCH Group may make enquiries through our O.H. provider as to the nature of the employee's illness, the likely duration and the employee's fitness to attend any meetings in relation to the disciplinary process. Once this information is received RCH Group will take a view on whether to proceed with the disciplinary process before the employee returns to work.

If proceeding with the disciplinary process whilst the employee remains absent RCH Group will make every effort to provide the employee with the opportunity to attend the disciplinary meeting or otherwise influence any decision making. The following are a few examples of reasonable assistance that RCH Group will offer to the employee:

- Hold the meeting closer to the employee's home;
- Offer the employee the chance to submit a full written statement to the meeting rather than attend in person; or
- Suggest that the employee send someone in their place to the meeting. If this were the case, the person representing could also bring a trade union representative or work colleague with them.

9.3 RCH Group will only proceed with the disciplinary process whilst the employee is ill if the Potential allegation is so serious that dealing with it takes precedence over the employee's need for more time to recover.

10 Procedures Review / Consultation

10.1 The Procedures will be reviewed in February 2027 or an earlier date if required to respond to new legislation, regulations or best practice. Any review will take account of the views of the Unions and staff that use the Attendance & Absence Management Policy and its Procedures on a regular basis.

11 Related Legislative and Statutory Framework

11.1 In formulating and implementing these procedures, statutory requirements including the Employment Act 2008; the Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008 and the Employment Act 2002 (Dispute Resolution) Regulations 2004 have been incorporated in addition to the ACAS Code of Practice 2015: Disciplinary and Grievance Procedures and Equality Act 2010.

Key Stakeholders

- Joint Consultation Forum
- All staff
- Board

Related Documents

- RCH Group Attendance & Absence Management Policy
- RCH Group Discipline Policy and Procedures
- RCH Group Capability Procedures
- RCH Group Grievance Policy and Procedures
- RCH Group Health & Safety Policy

Procedures Owner

- Senior HR Manager
- Human Resources Team

ABSENCE REPORTING

PRO FORMA FOR COMPLETION BY MANAGER

Ask the Employee the following questions

Each statement should be completed.

Date		Time	
Employee's Name			
Team			
First day of absence			
Reason for absence			
Expected return to work date			
Any diary appointments arranged			
Any details to be passed to others to cover absence			
Call taken by			

IF CALL RECEIVED BY OTHER MANAGER:

Pro forma passed to line manager for action (if relevant) Yes / No

Date Time

PLEASE PASS A COPY OF THIS FORM TO THE HR TEAM

<p>FOR HR USE ONLY</p> <p>Date employee returned:</p> <p>Post Absence Interview form received</p> <p>Any further action required</p> <p>.....</p>

IMPROVEMENT NOTICE

Improvement Notice			
NAME:		TEAM:	
IMPROVEMENT NOTICE PERIOD:		REVIEW DATES:	

PLANNED OUTCOMES

Where do I need to be by the end of this period? What do I need to be doing? How will I get there? What will happen if I don't succeed?

You will be supported throughout the Improvement Notice period to help you achieve the desired outcomes. However, if there is insufficient progress or improvement, more formal action may result.

What do you need to learn, improve or achieve?	What will you do to achieve this?	What resources or support will you need?	Next Steps	Review Date

Signed (Employee)

Date

Signed(Manager)

Date