



Reason-ABLE

A Community Interest Company

Supporting Disabled People at Work

Phased return to work

Available as a three part podcast



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Managing a disabled employee's return to work

Welcome

Hello, my name is David Smith, and along with my colleague Karren Bennet, we are the two directors of 'B Reason-ABLE', a not for profit social enterprise aimed at getting disabled people into meaningful paid employment and to help them to stay there.

This is the first of a number of podcasts we will be producing to assist employers to develop good practice when supporting employees who have a disability or long term health condition.

We do this by delivering a range of services to help employers recruit and retain their skills, giving them the confidence that they need to provide a supportive and inclusive working environment where disabled employees can thrive and prosper, allowing them to perform to the best of their ability.

This helps to improve their health and wellbeing, feel respected make a valuable contribution to the organisation.

We are also currently designing a number of services to support disabled people who are looking for work as well as those who are already in work.

We are going to look at how employers can support their disabled employees back into the workplace when they have been off work for an extended period of leave such as those who may be self-isolating due to the current Covid 19 outbreak.

The podcast has been produced over three consecutive recordings:

Part 1 will cover: Health and Wellbeing

What is a phased return to work

Part 2 will cover: How to implement a phased return to work

Part 3 will cover: Effect of a phased return on the employees
Terms and Conditions

Thank you for taking time out to listen to this Podcast on how to support a disabled employee through a phased return to work, we hope you will find it interesting and informative and please keep an eye out for future podcasts.

Health and Wellbeing

(Podcast Part 1)

1. Causes

There are many reasons why an employee may have an extended period of leave including: disability or long term health condition, an accident, bereavement or maternity.

Here we will be concentrating on managing the return to work for employees who have a disability or long term health condition.

Common causes include: back ache, stress, anxiety & depression, heart-disease, cancer, musculoskeletal conditions, multiple sclerosis and arthritis.

2. Work is good for you

Returning to work after a long illness can be a daunting prospect, sometimes compounded by a loss of confidence and potentially hampered by a slow recovery after medical treatment. That's why it is good practice for employers to work with their employees before their return to work to ensure they are getting the support they need.

On the upside, employers are becoming more aware that meaningful employment can improve the confidence, dignity and self-esteem of a disabled employee, knowing that they feel supported and make a valued contribution to their employers business.

Indeed, this increased awareness highlights the benefits of a swift and well-supported return to the workplace (and back to a normal routine) and aids an employee's recovery and improve their mental wellbeing.

3. Reasonable Adjustments

Reasonable adjustments provide the most comprehensive way of removing the barriers that disabled employees face at work.

An employer must consider whether the employee would benefit from implementing any reasonable adjustments or review any adjustments they already have in place before they return to the workplace.

Although there is a legal duty for employers to provide reasonable adjustments doing so reinforces their commitment to all staff that they take employee wellbeing seriously. Reasonable adjustments are also good for the employers business by ensuring the employee can work to the best of their ability.

Reasonable adjustments can include making changes to the employee's:

- Workstation and any equipment they use
- Hours and shifts patterns
- Duties or tasks that they carry out as part of their role.

You will hear the term 'Reasonable Adjustments' throughout all our Podcasts and we will cover them in greater detail in a future podcast.

4. Access to Work

This is a good point to briefly mention the Government funded Access to Work scheme.

Access to Work is aimed at helping disabled people gain employment by providing free workplace assessments and subsequent grants towards the costs of:

- a. specialist equipment
- b. training and coaching
- c. travel to and from work
- d. travel within work
- e. a support worker
- f. training and or coaching

How much Access to Work will fund will depend on:

- a. the size and income of the employer
- b. how long the employee has been working for the employer
- c. the type of disability the employee has

As part of the return to work process, the employee may apply for an assessment before they return (or a review if they had had one in the last 3 years). This will assess if any reasonable adjustments would help support their return ensure they are in place before their first day back.

You can find out more about Access to Work scheme and how employees can apply by going directly to the Access to Work website: www.gov.uk/access-to-work

5. Reasonable Adjustments Management Process (RAMP)

The phased return can be supported through our unique framework: **RAMP**.

RAMP has been designed by us for the specific purpose of taking the confusion and uncertainty out of providing reasonable adjustments for disabled employees. By following RAMP, an employer will have greater confidence in providing the best support they can whilst at the same time minimising the risk of discrimination and a possible employment tribunal.

Workplace Reasonable Adjustments Passport (WRAP)

The RAMP decision making process and any agreed support and reasonable adjustments are documented in the **WRAP**.

- disability or long term health condition
- the barriers the employee faces at work
- any agreed support and reasonable adjustments that have been put into place

6. Personal Emergency Evacuation Plan (PEEP)

From a health and safety perspective would the employee need a PEEP?

The purpose of a PEEP, is to provide support for those who are unable to get themselves out of a building unaided, with the best possible escape plan when there is a fire.

Employers have a legal duty to implement effective arrangements for emergency evacuation of all staff, including disabled people who may need assistance, and provide them with a suitable escape route to a place of safety.

What is a phased return to work?

Introduction

A phased return to work may be the best way of helping a disabled employee to re-adjust to full attendance after a period of disability related absence. Returning to full duties immediately upon their return, could have a detrimental impact on the employees' health and may result in continued unsatisfactory performance.

A phased return embraces the idea of an employee returning to work over a short period, usually four to six weeks. Starting off on limited duties, the employee can gradually increase their hours and tasks over an agreed number of days or weeks until they are able to return to full duties.

This can include any type of work, from a couple of hours, to a few days a week and relies on an agreement between the employer and employee to create realistic targets through a support plan.

Each employee's situation is different, so employers need to be flexible in their approach as no two solutions will be exactly the same. There should be regular reviews to monitor progress and identify any adjustments that may be required.

A phased return to work is considered to be a reasonable adjustment.

1. Benefits to the employee

GPs and Occupational Health professionals recognise that a phased return to work can be beneficial to both the employer and employee and often include it as a recommendation in the Fit Note or Occupational Health report.

With the right support in place, a phased return to work offers disabled employees the opportunity to return to work at an earlier stage of recovery from illness by allowing them to work reduced hours with modified duties based on a structured return to work support plan.

Being in meaningful employment is good for an employee's health and wellbeing, can increase self-respect and reduce social exclusion, whilst earning a salary helps toward financial security and reduces any dependency on disability or employment benefits.

Returning to work can bring routine and a sense of normality and could assist with the employees speed of recovery, prevent any

potential relapse, or other complications that may result from an extended period of absence.

2. Benefits to the employer

One of the most substantial benefits to the phased return to work process is cost. Financially it is more beneficial to retain the skills and experience of an existing employee when compared to the time and cost of recruiting and retraining someone else to replace them.

Other benefits to the employer include:

- boost staff retention and morale if it's seen that employers will support them when recovering from illness or injury
- reducing the chance that an employee will not return to the workplace
- reducing the risk of employees becoming absent again by not increasing their duties before they are ready
- helping to retain the knowledge and skills of older employees who may otherwise have sought early retirement

Employers should be open-minded about the positive benefits of an employee successful return to full duties. To help get the best out of these benefits they should be mindful of the way the employee is treated while they are off work through illness and that this will have a profound effect on how they view the company, their colleagues, and ultimately, how successfully they return to work.

How to implement a phased return to work

(Podcast Part 2)

Welcome to the second of our three part podcast providing a brief overview of how to support a disabled employee through a phased return to work.

Part 2 provides a summary of how to implement best practice that employers and their line managers should adopt. These will help ensure an effective phased return to work for an employee who has had a period of sickness absence which can be directly related to their disability or long term health condition.

Introduction

Employers should have a list of basic guidelines for line managers to help form the basis of a discussion with the employee around the support they will need throughout their phased return to work, so that a personalised support plan can be agreed.

Following these guidelines is important to ensure a smooth transition from home back to work and should also be considered in the context of the anxiety and stress that a return to work process can bring which is likely to be heightened if employee also suffers from mental ill health.

Where the employee has been absent for some time a phased return can also help to refresh their skills and rebuild their confidence.

1. Planning

A phased return to work should be progressed in terms of the number of weeks, days, daily hours, and type of duties the employee can reasonably be expected to do.

For example:

A phased return may take six weeks and consist of a gradual build-up of hours starting at 50% for the first week and then increased by 10% for the following 5 weeks. This will allow the line manager to monitor how well their employee is progressing against the targets recorded in their support plan.

Working from home

An employer may also want to consider a partial return to work where the employee shares their duties between their place of work

and working from home. Remember here that they would need to consider making reasonable adjustments for home as well as work.

Non-productive work

It is important to make the point that although an employer may agree that it is beneficial to the employees return to duties, there is no legal requirement on them to provide non-productive work to assist any rehabilitation or as a reasonable adjustment.

2. Return to work Support Plan

Part of the planning for an employee's return to work is to create a Support Plan.

Many common problems can arise during the return to work period which can be avoided if the employee is consulted about their own rehabilitation programme and agreed targets based on their role.

Before they return, the employee and their line manager should agree what steps and actions are required to ensure a smooth transition back to normal working duties. This means that all outcomes will need to be measured against what the employee and their line manager feel can realistically be achieved. This will help with the employees commitment towards meeting the required outcomes.

Return to work support plans should include:

- a. the period, i.e. how many days, weeks etc
- b. what duties will be carried out and when
- c. how long the support plan will last if it extends beyond the return to work period, (this should be no longer than 3 months from day one)
- d. all agreed actions to prepare for day one
- e. who will be involved and what are they expected to do on day one
- f. how the employees duties will be increased as the return to work period progresses
- g. what targets the employee can reasonably be expected to achieve to close the support plan

- h. the number and frequency of reviews, how they will be carried out, by whom and what will be discussed
- i. next steps once the support plan has been closed successfully
- j. next steps if the support plan cannot be closed successfully
- k. and most importantly, what their employer is going do to provide the employee with the support they need to meet the requirements of their support plan including any reasonable adjustments

3. Before returning to work

Line managers must take an active role and keep an open mind at all times, as their attitude is crucial to the employees successful return to normal duties.

They must ensure the employee is supported throughout, including during their period of absence, during their phased return and afterwards, to help ensure there is no relapse.

They should also ensure that all of the employees agreed support and reasonable adjustments are in place before they can return, otherwise it is likely that they will be setting them up to fail. Also, the employer cannot accurately monitor how well the employee is progressing against their support plan targets if the support and reasonable adjustments are not yet in place.

Keeping in touch

It's important that both the employer and employee stay in regular contact during absence, especially if it's long term.

They should agree:

- how often the contact should be made
- if the contact is to be by email, phone or face-to-face meetings
- who the employee is to be in contact with – this might be their line manager, another manager, HR or trade union representative

Keeping in contact is a good opportunity to check on the wellbeing of the employee, to see if they need any support and talk about any relevant updates or changes that are happening at work.

Where an employee's absence is due to a mental ill health condition, it's particularly important to consider whether less or more frequent contact is most appropriate, discussions with the employee should help with this.

4. First day back

Getting things wrong on the first day can affect the positive outcome of the support plan. That is why it is important that the line manager, or another agreed person, should be there to welcome the employee back and provide any necessary emotional support.

If the employee is nervous about returning to work, the line manager may want to suggest that it may be helpful for them to meet with their colleagues for a coffee and a catch-up beforehand.

The line manager should review the support plan with the employee and ensure that both are still happy with it and use this opportunity to agree any changes.

5. Additional Support

If the employee requires any rehabilitation it is recommended that they have a dedicated case manager throughout their return to work process. This person should be separate to their line manager and could be a member of the employers HR team or other suitably trained colleague.

The employee may also benefit from the support of a peer or mentor who can be available to provide support on a daily basis.

6. Undue Pressure

If the employee progresses through their support plan quicker than expected, a review to make adjustments to the original targets and to reduce the duration, must be jointly agreed.

Therefore, employers should understand that any unagreed premature phasing out of the support plan or changes to their targets, could result in the employee failing to meet those original targets.

For example:

When the employer puts pressure on the employee through:

- a. exploiting their good nature and eagerness to please
- b. taking advantage of any vulnerability such as the fear of losing their job

- c. by asking them to come back to full duties earlier than planned
- d. or by continually asking them to carry out the odd additional task which then becomes a habit

7. Managing setbacks

Any return to work process can have setbacks and the line manager should identify and manage these as soon as possible. An employee should not be allowed to continue making mistakes unknowingly and therefore think that everything is going well.

Where the employee is struggling and areas of the support plan need to be addressed, it is important that any adjustments are managed informally and in a positive and supporting way. Line managers should not lose focus on the positive achievements the employee is also making.

Support plans should be updated with any new recommendations and may need to be extended to give time for these to embed.

8. Job Splicing

In some instances, the employees gradual phased return to work may not result in a 100% return to normal duties. To assist with this, the employer may want to consider 'Job Splicing'. Job Splicing is where the employer could consider removing some duties that the employee cannot do, even with reasonable adjustments in place, and give them to another employee to do instead. In return the disabled employee may be able to pick up some of another employees duties.

Job splicing is considered to be a reasonable adjustment where possible.

9. Training

As part of the effective management of the employee's return to work, and to help ensure that they are not being 'set up to fail' from day one, line managers should have already considered if any refresher training is required. Employees must complete any identified training to a competent standard before any relative targets in the support plan, can be recorded against.

Any refresher retraining would be considered a reasonable adjustment, although this should be standard practice for all employees.

A phased return to work and employees statutory rights

(Podcast Part 3)

Part 3 provides a summary of the minimum statutory rights a disabled employee is entitled to, during any period of sickness absence and any subsequent phased return to work, which can be directly related to their disability or long term health condition.

Introduction

There is often much confusion about what an employee is entitled to whilst they are absent and during a phased return to work.

What they will receive depends on what the employer will provide over and above the minimum statutory requirements, these additional benefits are often referred to as 'Contractual Enhancements'.

Contractual enhancements include benefits such as paying full pay for the first three months of sickness absence (as opposed to just paying SSP) or increasing the number of days of annual leave to 25 (excluding bank holidays), from the statutory 20.

1. Statutory Sick Pay (SSP)

To qualify for SSP an employee must meet the following conditions:

- a. have an employment contract
- b. have done some work under that contract
- c. have been sick for 4 or more days in a row (including non-working days) – this is known as a 'period of incapacity for work'
- d. earn an average of at least £120 per week
- e. give their employer the correct notice
- f. provide a proof of their illness, only after the first 7 days which is known as the self-declaration period

Other useful things to know about SSP:

- a. employees who have been paid less than 8 weeks of earnings would still qualify
- b. an employee's period of incapacity for work is not interrupted if they take annual leave during that time

- c. employees can qualify for sick pay from more than one job
- d. they could also qualify for SSP in one job but be fit for work in another, for example if one job is physical work that they cannot do while ill, but the other is office-based

2. Salary whilst absent

What salary the employee will receive, whilst absent, will depend on the minimum statutory requirement (SSP) plus any employer additional 'contractual enhancements'.

An employee may request to use some of their holiday entitlement, or accrued flexi time or TOIL, rather than claim SSP, this may help to maintain their level of income.

3. Pay during the phased return

It is recommended that disabled employees who are returning on a phased return to work should be paid their full salary whilst they are increasing their hours if the reason for their absence can be directly linked to a disability. This is commonly known as 'Disability Sickness Absence' which many employers already have in place.

As an absolute minimum, the employer would be required to pay employees their full hourly rate for the hours that they work and should then claim Statutory Sick Pay (if they qualify) for the hours that they don't.

The employer may have a 'Disability Leave' policy where the disabled employee may be paid full salary if the absence is planned, and relates to a situation as an outcome of their disability.

For example:

- a. a blind person takes four weeks off to train with their guide dog
- b. someone receiving chemotherapy may need a few days to recover from treatment
- c. recovery after an operation

In all cases any agreement should be confirmed in writing.

4. If sickness is caused by work

The same sick pay rules above apply if sickness is caused because of something to do the workplace. This is unless any employers contractual enhancement state otherwise.

For example:

An employee is not entitled to extra sick pay if:

- a. they gain an injury through an accident or negligence at work
- b. develop a mental health condition caused by stress at work

5. Annual Leave

Employees still 'accrue' holiday as normal whilst they are off sick.

If an employee has been unable to use their holiday entitlement because they have been on long term sickness, then they can carry over up to 4 weeks unused holiday unless their employment contract allows for more.

6. Continued Absence

If the employee has an increasing number of periods of absence then the employer should meet them informally first before moving onto more formal disciplinary action.

The informal meeting should assess whether the employee may require any further medical assessment and explore whether any adjustment to their support, including reasonable adjustments would help.

7. Making a complaint

If an employee is unhappy with how their return to work has been managed, they should raise it informally with their employer. The employee will very likely be feeling anxious about doing this and may be hesitant for fear of reprisals. They should be made to feel safe and be reassured their complaint would be managed without prejudice or discrimination.

Where appropriate, employees should approach their line manager first. If they are uncomfortable doing so they should identify someone else they would prefer to talk to such as another colleague, HR or a trade union representative.

An informal chat can range from a quiet word to a more structured meeting. If a meeting is agreed the employee can ask a colleague to attend with them if they don't want to go alone. However, there is no requirement at this stage, for an employer to agree to this.

If the employee does not choose an informal stage, or if it has been unsuccessful in resolving the issue then they should look to invoke the employers formal grievance policy.

At all stages notes should be taken and any actions agreed.

8. Dismissal

The impact of a long-term absence can be substantial and the employer may be considering dismissing an employee who has been off for an extended period of time.

In these types of circumstances, if they were faced with an Employment Tribunal the employer would need to evidence that they consulted with their employee and explored how to support them back into work.

Specifically, the employment tribunal will be looking for evidence that the employer:

- a. included the employee at every stage
- b. identified and implemented any necessary support and reasonable adjustments
- c. sought medical evidence that confirmed that the employee is not likely to return after a prolonged period or maybe not at all

We strongly recommended that employers seek legal advice before deciding to dismiss a disabled employee who is under performing and has an extended period of sickness arising from their disability or long term health condition.

Close

That was the third and final part of our podcast on how to support a disabled employee through a phased return to work.

We hope you found it informative and will help you to provide an inclusive and supportive working environment for all disabled colleagues.

If you want to find out more then please contact us through any of the links listed below or through our website.

Please keep an eye of more podcasts in the future.

Further information

Here at 'B Reason-ABLE' we are dedicated to improving employment outcomes for disabled people, it is our one sole aim. Part of this is to provide these free 'podcasts' for you to listen to.

We are a not for profit community interest company (CIC) and are dependent on the income from our range of services to employers to fund the work we need to do which is to empower disabled people and give them the confidence to seek work.

With so many unemployed disabled people seeking work, we hope to improve their chances of gaining meaningful paid work one employer at a time.

If you would like to find out more about our range of training workshops, consultancy services and business tools then please contact us on:

Phone: 07770 037703

Email: david.smith@breasonable.co.uk

Website: www.breasonable.co.uk

Other Useful Links:

McMillan:	Work and Cancer
Access to Work:	Disability Support
ACAS:	Phased return to work
Citizens Advice:	Duty to make reasonable adjustments
Worksafe:	Personal Emergency Evacuation Plan
Fit For Work:	Phased Returns

Other Upcoming Podcasts

- RAMP and WRAP
- Access to Work
- Job Splicing
- PEEPS - <https://www.worksafe.uk.com/personal-emergency-evacuation-plan/>
- Statutory Sick Pay and Disability Sickness