

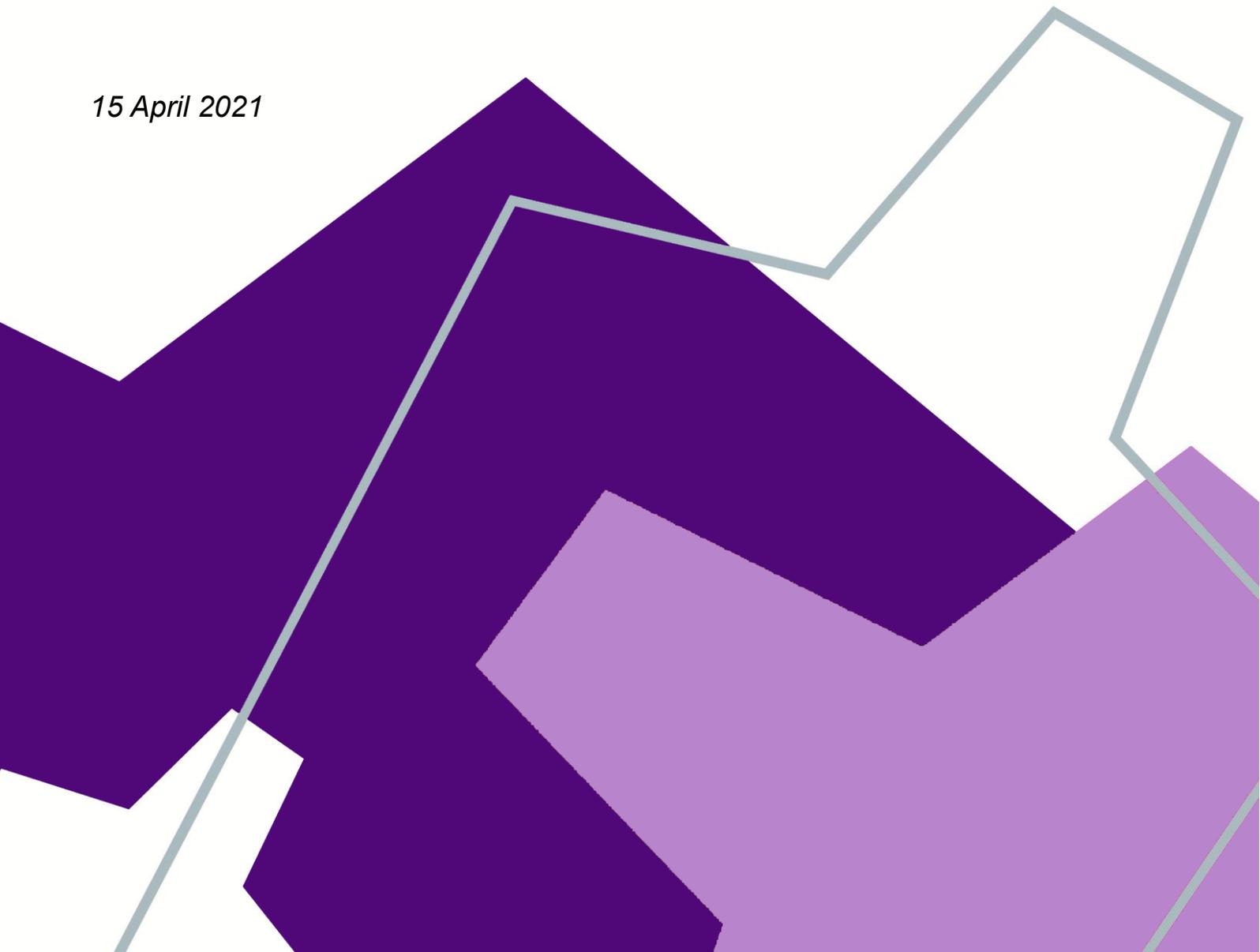


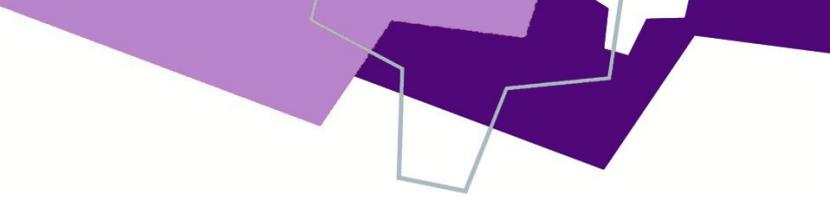
The Scottish Parliament
Pàrlamaid na h-Alba

Phased Return to Work Policy and Procedure

Poileasaidh is Dòigh-obrach air Til-
leadh a dh'Obair Mean air Mhean

15 April 2021





Introduction

The SPCB is committed to providing a safe and healthy working environment for its staff. It recognises that staff who have experienced a prolonged period of absence from work due to illness or injury may require particular support in returning to their normal hours and duties of work. It aims to assist staff in such circumstances to return to work in an effective and productive way which does not compromise their recovery or long-term health by facilitating appropriate measures to support rehabilitation. This may involve a phased return to work programme.

The SPCB recognises that the circumstances of each case of long-term absence will differ and will deal with rehabilitation arrangements in a sensitive and flexible manner. This policy and procedure sets out the broad parameters in which a phased return to work programme will be supported and managed. This policy should be read in conjunction with the Attendance Management Policy and Procedure.

In accordance with the Equality Framework, the SPCB will not discriminate in the application of these procedures in respect of age, disability, gender, race, nationality, ethnic or national origin, religion or belief, sexual orientation, trade union membership or lack thereof. Reasonable adjustments will be put in place, as appropriate, to support staff with a disability.

What is a phased return to work programme?

A phased return to work is a supportive arrangement which may be put in place to assist your rehabilitation if you have had a period of long-term absence from work as a result of illness or injury. Long-term absence is defined as a period of 4 or more weeks continuous absence. The purpose of a phased return to work is to rehabilitate you to your full duties and to enable you to gradually progress to undertake your full normal working hours within an agreed timescale.

In what circumstances will a phased return to work programme be supported?

A phased return to work is only one of a range of measures which could be adopted to support your rehabilitation. The appropriateness of a phased return to work to your circumstances will depend on the nature of your illness/injury and the stage of your recovery. The SPCB will facilitate a phased return to work programme where this is supported by medical advice, for example, from the SPCB's Occupational Health Adviser, your General Practitioner or specialist.

What are the timescales involved in a phased return to work programme?

Any agreed phased return to work programme will be time-limited and will normally not exceed a period of six weeks. In exceptional circumstances, this timeframe may be extended, for example, where medical advice suggests this is appropriate.

How will the particular arrangements of each phased return to work programme be agreed?

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To ensure a successful outcome, all elements of an agreed phased return to work programme require prior assessment and appropriate planning. This includes timescales, attendance patterns and duties. You and your manager will work together to establish a plan which supports your full recovery and return to your normal duties and hours on a sustainable basis. The following process will normally apply:

a) Medical Advice

Your long-term absence will be managed in accordance with Paragraphs 20-24 of the Attendance Management Policy and Procedure. Prior to your anticipated return to work, a report from the SPCB's Occupational Health Adviser will be requested via the People and Culture Office. The report will outline recommendations as to potential measures the SPCB could adopt to support your rehabilitation into the workplace. This might include, for example, temporary reallocation of duties within your business area, adjustments to your working environment and/or a phased return to work. Specific advice will be provided as to the most effective application of such support measures in relation to your individual circumstances. You will be issued with a copy of the Occupational Health Adviser's report along with a copy of this policy and the associated guidance for staff.

b) Meeting

Your line manager and a representative from the People and Culture Office will arrange to meet with you to discuss the report and agree arrangements for your return. Your return to work programme will be planned with reference to this policy and the specific advice or recommendations from the Occupational Health Adviser.

c) Return to Work Plan

The agreed arrangements for your phased return to work programme will be detailed in a [Return to Work Plan](#). This will include:

- the start and end date of your phased return to work programme;
- your attendance pattern (your hours of work should increase incrementally over the period of your phased return to work programme);

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- the arrangements for managing non-attendance associated with your return to work programme;
 - the duties you will undertake during your return to work programme;
 - any additional support which the SPCB can provide you to assist your rehabilitation, for example, the allocation of a 'buddy' within your office to help you re-familiarise yourself with your working environment and practices;
 - the date for a formal review of your return to work arrangements.

Your Return to Work Plan is provisional at this stage, pending confirmation from your General Practitioner that you are fit to return to work.

d) Medical Certification

You will have been issued with a Statement of Fitness for Work ("Fit Note") by your General Practitioner, confirming that you are not fit for work. Once this expires, you will be deemed fit to return to work unless another Fit Note is issued which states otherwise. At this stage, the detail of your Return to Work Plan will normally be confirmed.

Alternatively, your General Practitioner may issue you with a Fit Note which indicates that you "may be fit for work", subject to his or her recommendations. Consideration will be given to the suitability of implementing any such recommendations which, for example, may relate to temporary adjustments to your working conditions. Where appropriate, your Return to Work Plan will be adjusted to reflect any recommendations which are accepted.

If you visit your General Practitioner in advance of your Fit Note's expiry, it would be helpful if you would show him or her a copy of your provisional Return To Work Plan to inform his or her recommendation that you may be fit for work (subject to adjustments to your working conditions). Further medical certificates will not be required relative to your phased return to work programme as you will no longer be classified as being on sick leave and sick pay will not apply.

e) Return to Work Discussion

Your line manager will have a Return to Work discussion with you on the first day of your return. This is an opportunity for your line manager to understand your state of wellbeing, bring you up-to-date with developments in the Parliament and your office and to determine if there is any training or other support you might need as a result of any changes which may have been implemented in your absence. At this meeting, your line manager will also confirm the details of your Return to Work Plan with you. You should both sign the Return to Work Plan at this stage to confirm your commitment to the agreed arrangements. You should both retain a copy for future reference. A copy will be forwarded to the People and Culture Office for retention in your personal file.

You may seek support and guidance at any stage through, the Confidential Counselling and Information Service, the Occupational Health Service, the People and Culture Office or your trade union representative.



What impact will a phased return to work have on my pay?

You will be paid at the rate of your normal contractual salary for an element of non-attendance associated with an agreed phased return to work programme based on the recommendation of the Occupational Health Adviser. Payment will not normally exceed a total of six days non-attendance.

If your Return to Work Plan involves more than six days non-attendance, agreement will be reached with you as to how these additional days will be managed. Potential options include use of annual leave, flexi-time, homeworking and unpaid leave. A mixture of these options might be appropriate to your individual circumstances. Any arrangements agreed will take account of both your personal health needs and the needs of the Scottish Parliamentary Service.

How will non-attendance associated with a phased return to work programme be recorded?

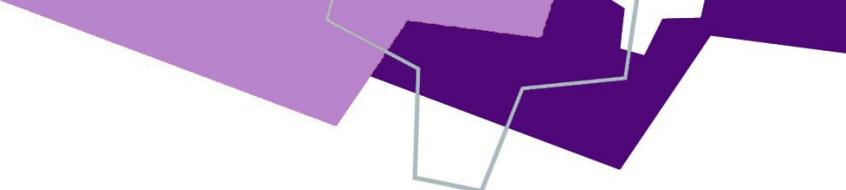
Days of non-attendance for which you are eligible to receive full contractual salary in relation to your phased return to work will be recorded in TRS as phased return to work (PhasedRTW).

If you are absent due to illness during your phased return to work, you will be classified as being on sick leave.

What happens if I am experiencing any difficulties following my Return to Work Plan?

During the period of a phased return to work, your line manager will regularly discuss your progress with you on an informal basis to ensure your wellbeing and to identify any possible problems. If you are experiencing any difficulty in undertaking your phased return to work, you should bring this to the attention of your line manager at the earliest opportunity in order that adjustments to your programme can be agreed. In circumstances where major adjustments are being considered, your line manager will consult with the People and Culture Office which may seek further advice from the Occupational Health Service.

Your line manager will hold a formal review meeting with you at the mid-point of your agreed period of rehabilitation and a note of this meeting will be taken and shared with the People and Culture Office. If at this stage you are experiencing difficulties relating to your recovery which impact on the Return to Work plan, the Occupational Health Adviser will be asked to meet with you to review the situation and provide further advice. This may result in a further time-limited extension of your phased return. If it is unlikely that you will be able to return to full normal working hours and duties at the end of your agreed return to work programme, consideration will be given to a temporary contractual reduction in your working hours.



What will happen if I am not fit to return to full working hours and/or duties after the agreed period of my phased return to work programme?

In these circumstances, the People and Culture Office will seek further advice from the Occupational Health Adviser. A meeting will be arranged with you, your Head of Office/Group and a representative from the People and Culture Office to discuss potential options. You may be accompanied by your Trade Union representative if you wish. Options to be considered may include a further time-limited extension of the phased return programme based on medical advice or a temporary contractual reduction in your working hours.

Ultimately, if your health difficulties mean that you are unable to resume your normal working hours and duties within a reasonable timescale despite the support measures put in place, the SPCB will need to consider options which may include a permanent variation to your contractual hours or redeployment. Where none of these measures are appropriate due to the severity of your illness, consideration may have to be given to an application for early retirement on the grounds of ill-health provided this is supported by the Occupational Health Adviser.

What if I do not want to reduce my contractual working hours?

If you are not fit to return to your full working hours despite measures to support your rehabilitation and you do not wish to reduce your contractual working hours, you will be considered unfit for work and your sick leave will resume. Your absence will be managed in accordance with the Attendance Management Policy and Procedure and the Improving Attendance procedures will be invoked should your levels of absence reach the relevant thresholds.

Policy Monitoring and Review

The SPCB will monitor this policy on a regular basis and review it as necessary in light of experience and in order to reflect legislative change and best practice.

Advice and Guidance

Should you require any advice or guidance in relation to this policy, please contact the People and Culture Office (ext:86500). Guidance on Managing Rehabilitation is also available for line managers and staff on the Intranet.

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For further information contact:

HumanResources@parliament.scot

0131 348 6500

