

## MANAGEMENT GUIDANCE NOTE – ABSENCE MANAGEMENT SALARY PAYMENTS DURING PHASED RETURN TO WORK FOLLOWING LONG TERM SICK LEAVE

### SUMMARY OF PRINCIPAL CHANGES

#### General changes

This document has not been amended as part of this revision.

This document (previously archived as: Mgmt Guide to phased return payments etc May 09 revision) was incorporated within the UPR series on 5 October 2015.

The following abbreviations are used in this document:

HR	Human Resources
SBU	Strategic Business Unit
UPRs	University Policies and Regulations

### “Management Guidance Note

#### Salary Payments During Phased Return to Work Following Long Term Sick Leave

##### Definitions:

Long term sick

for this guidance note Long Term Sick leave is defined as a continuous period of sick leave of four or more weeks

Disability

This covers both mental and physical impairments that have a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. Long term in this context means a condition that has lasted or is expected to last for at least 12 months. Special rules apply to progressive conditions such as cancer, HIV and Multiple Sclerosis. Although it is recognised that these conditions that may initially have only a slight impact on day-to-day activities, they are likely to get worse over time and are therefore recognised as a disability from the point of diagnosis. Fluctuating conditions such as ME or epilepsy that have a substantial adverse effect for short periods but are likely to reoccur are also recognised as disabilities.

##### Context:

Evidence shows that if staff have had a period of long term sickness then a successful return to work is more likely to happen if an appropriate return to work plan is put in place. Even when staff are certain that they need no support, it is advisable that managers still involve Occupational Health as their professional expertise can often anticipate issues that neither the individual or manager are aware of or they can suggest particular support that would be appropriate. It must be remembered that any support needed is always based on the needs of the individual and that “one size” does not fit all.

##### Putting a Phased Return Plan in Place:

The recommendations from Occupational Health will be put into a Return to Work Plan that is shared with the manager and may include recommendations such as reduced hours initially, building up to the full contracted hours over a period of weeks, changes to work stations, home working, changed hours to avoid rush hour traffic, etc. Managers should discuss the recommendations with the returning member of staff and work out how these should be implemented in the workplace.

In most cases it should be possible for staff to have succeeded in a return to their full contractual hours and duties within 6 to 8 weeks. In exceptional cases, for instance where staff have a disability (see above for definitions) or have been suffering from a condition that shows symptoms of severe fatigue (which may be considered to be a disability anyway) then a longer period, may be needed. This will be identified by the Occupational Health service and managers should take this into account when forward planning the work of the department. However, pay will normally only be made a full rate for a period of up to 8 weeks (see below), after which ongoing reasonable adjustments (including, if appropriate, part-time working with concomitant pro rata payment being made) should be introduced.

Managers should consult their HR Manager (Business Partnering) after 6 weeks of a phased return, always supposing that a full return to work has not yet been achieved.

### Payments:

When staff return from a period of long term sickness they will receive full pay, even if they are returning to reduced hours **as part of a phased return to full contractual working**. Payment of the full contractual salary should continue for the period of the phased return but will normally be limited to a **maximum of 8 weeks**.

If for any reason the returnee cannot/does not want to resume the full contractual duties and hours after this period then **they will not normally continue to receive full salary** and managers must notify payroll of the fraction that they are actually working, unless other arrangements are made. You may want to discuss various options with your HR Manager (Business Partnering)

Consideration may be given to payments in excess of that stated above depending upon the precise facts of each case but any such additional payments must be discussed with your HR Manager (Business Partnering) and authorised by the Director of HR to ensure the consistent application of the guidance.

### Reasonable Adjustments:

If the returnee has a disability then consideration **must** be given to reasonable adjustments as required under the terms of the Disability Discrimination Act. Managers must consider the situation in the round and take into account all the circumstances of the department and their other staff, as well as that of the disabled employee. For a short period (as above for a phased return) it will usually be possible to allocate duties to other team members. For longer periods this might put unreasonable stress on the remaining team members. Where a member of staff moves, either permanently or for a fixed period, to a part-time or fractional contract, the salary saved can be re-allocated to bring in additional support for the department.

When considering what a reasonable adjustment is, managers should remember that the purpose of the adjustment is to allow the employee to do “the job”. This might mean changing or adapting physical premises or providing specific types of equipment. It might also mean providing practical changes e.g. allowing for flexible working patterns, providing rest breaks during the day or adapting policies and practices. **However it is not reasonable to continue paying a full salary to someone who is unable to complete the full contractual duties and /or hours of their job**. In this case, if the employee is unable to carry out their job for reasons related to their disability and **where no reasonable workplace adjustments can be found** to overcome these difficulties, the manager must refer to the University’s Staff Disciplinary Policy (UPR HR02) Section IV – Procedures with Respect to Staff poor Performance or Section V – Managing Staff Long Term and Short Term Ill Health Absence, as appropriate. If this is the case then the options would include:

- a temporary or permanent change of post within the same department – this could be a change to a part-time or fractional post if this is appropriate
- identifying a suitable post elsewhere within the University either on the same or on reduced hours

- reasonable training or rehabilitation
- downgrading the post (providing the member of staff formally agrees to the change)
- taking early retirement if this is available under the terms of the employees pension scheme
- a termination of the contract with notice or a payment in lieu if appropriate.

#### **Further guidance/references**

<http://staffnet.herts.ac.uk/human-resources/managers-support/disability-support.htm>

<http://www.studynet2.herts.ac.uk/ptl/common/equality.nsf/Teaching+Documents?Openview&count=9999&restricttcategory=Disability+Information>

<http://staffnet.herts.ac.uk/university-services/health-and-safety/occupational-safety.htm>

or Contact your HR Manager (Business Partnering)”

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Mrs S C Grant  
Secretary and Registrar  
Signed: **14 March 2016**