



Symphony Learning  
TRUST

# Procedure for Therapeutic Return to Work 2016-2019

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|---------------------------------------|-------------|
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Policy developed by



## HR Services

Phone: 0116 305 0700  
Email: [hrservices@leics.gov.uk](mailto:hrservices@leics.gov.uk)  
Web: [www.leicestershiretradedservices.org.uk](http://www.leicestershiretradedservices.org.uk)  
Twitter: @LeicsSchools

### Direct Queries

Mary Robson, External Team Manager  
Phone: 0116 305 5702  
Mobile: 07730 582743  
Email: [mary.robson@leics.gov.uk](mailto:mary.robson@leics.gov.uk)

This document is an annex to, and must be used in conjunction with, the Attendance Management Policy, and applies to all staff employed by The Symphony Learning Trust. Throughout this policy, unless indicated otherwise, all references to Head Teacher include the Executive Head Teacher.

An employee's General Practitioner (GP) and/or Occupational Health may recommend and provide advice that the employee returns to work on a therapeutic basis and how that could be facilitated – although this does not always need to be the case and schools may wish to suggest this as a way of supporting an earlier return to work (in which case a medical certificate would be needed to support periods of time not worked due to ill health). This means that the employee will initially work less than their contracted hours and it is also important that consideration is given to duties/responsibilities as well as hours.

Throughout this document the term General Practitioner (GP) shall mean the medical practitioner who is responsible for the employee's care and is legally certified to issue medical certificates, or any consultant or specialist who the employee is under the care of.

## **Receiving Advice from the GP and Occupational Health**

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During the period of a therapeutic return to work and employee should be issued with a Medical Certificate by their GP either stating that the employee is fit to return to work or fit to return to work on a therapeutic basis during the agreed period. (Note: Medical ratification may also be required by the staff absence insurance provider in order that claims can continue to be made against the insurance policy).

The possibility of a therapeutic return to work can be considered at any stage throughout the procedure to support an employee back to work. Discussions regarding the possibility of a therapeutic return should begin as soon as possible because the steps in preparing for a therapeutic return to work may take some time to complete with all of the necessary arrangements being in place in advance of the therapeutic return period commencing. In cases where the employee's GP recommends a therapeutic return to work, consideration may be given to a referral to the Occupational Health Service or the Fit for Work Scheme if their advice has not previously been sought in respect of the proposed return. However, this is not a requirement and you can work with GP advice to facilitate a phased return.

If a referral to Occupational Health is made, the school will be notified of the date and time of the appointment in order for them to notify the employee directly. The employee is required to attend the appointment. Following the appointment, Occupational Health will write to the referring officer with their advice and recommendations.

Should Occupational Health advise that there is no underlying medical condition, it will be useful to work closely with HR on case management and advise the employee to make arrangements to meet them to discuss how they should start to prepare for a return to work.

Where there is an underlying medical condition, Occupational Health may identify work-related factors which are either causing or contributing to the medical condition or other barriers that are preventing the employee from returning to work. It is important that you fully consider the advice and information provided by Occupational Health, GP, HR, the employee and, if requested, their representative to try to address the work-related factors or remove the barriers. In some cases the employee might be invited to take part in a case conference whereby all parties are involved in

addressing the issues that are preventing the employee from returning to work. If there is anything in the Occupational Health report that is not clear, then this should be referred back to HR to follow up.

Occupational Health advice, once received, should provide some level of understanding about what might now be needed to help the employee return to work.

A structured programme (Support Plan) will be drawn up with a view to the employees contracted working hours being resumed at the appropriate time but this should be kept under review in light of the employee's progress. If the employee is not able to demonstrate some progress towards resuming their contractual hours within a 6 week period, further advice should be sought from HR with a view to an alternative course of action which could include consideration of a permanent change in hours or working pattern.

## Preparing for Return to Work

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There are many options and changes which may need to be considered when preparing the Support Plan, the following are some of the issues that should be taken into account:

- Recognition of the nature of the difficulties that the employee has suffered and the problems they may face when first returning to work;
- To help the employee to overcome any problems and expedite a successful return to work, flexibility may be needed about hours of work; duties; and/or responsibilities.

If the employee has a disability, as defined by the Equality Act, there is an obligation to consider reasonable adjustments. HR can provide advice on what may need to be considered.

Before consideration of a return to work on a therapeutic basis:

- It may be useful or necessary that the Occupational Health Service is consulted about whether the employee is fit to return to their specific post and if so on what basis. In addition the employee's GP should have provided a certificate which advises a return to work with adjustments of the certificate has not been renewed.
- Consideration should be given to the nature, cause and length of the absence and whether a referral to the Occupational Health Service is necessary prior to agreeing the return to work.

A return to work on a therapeutic basis should be agreed as part of the Support Plan, which must also include the period of the therapeutic return, any changes to hours, responsibilities or duties, as well as any expectation that the agreed reductions to initiate the therapeutic return are gradually increased. The expected date of the employees return to their normal hours and full range of duties and responsibilities must also be included in the Support Plan.

## Annual Leave

Employees should be encouraged not to take annual leave during a period of therapeutic working since it would defeat the purposes and may require an extension of the plan if leave is taken. For that reason:

- School closure periods should not form part of a therapeutic return period for teachers or support staff employed during term-time only;
- Annual leave which has been booked and cannot be changed (e.g. main family holiday) should also not form part of a period of therapeutic return.
- Head Teachers will need to have regard to the above when considering a therapeutic return during the weeks immediately before (a) or (b) above.

## Upon Return to Work

During the return period the employee should be fully supported to enable them to undertake the full range of their post and hours within the agreed time frame. The employee should be monitored and discussions held regularly throughout the therapeutic return period by the Head Teacher / Line Manager who must ensure that they take all reasonable steps to ensure the employee's return to full duties.

If it becomes apparent that the employee will be unable to cope with their normal hours of work and/or duties by the end of the therapeutic return period, then consideration could be given to an alternative course of action, instead of the therapeutic return to work continuing.

Should the Head Teacher / Line Manager have serious concerns for the welfare and/or safety of the employee during the period of the therapeutic return to work period (in consultation with HR), the employee may be suspended from work on medical grounds and with full pay. In addition the employee may also need to be referred back to Occupational Health. The employee should also be advised to consult their GP as soon as possible.

### Sickness Record

The school must notify the payroll provider that an employee is returning to work on a therapeutic basis, with details of hours to be worked, and subsequently notify any changes to the hours. A Phased Return Plan is available in Appendix A to complete for this purpose.

For the purposes of the sickness record (and calculating future sick pay entitlements) hours which the employee does not work should be recorded as sick leave on weekly/monthly sickness returns. During the period of the Therapeutic Return period any periods of sickness will be deemed to be continuous for the purpose of sickness absence recording.

### Funding

Where a school has been claiming funding in respect of the sickness absence of an employee who returns to work under this procedure, the school will be able to continue to claim that portion of the special payment which covers hours that are not being worked.

### Payment

A return to work results in the forfeiture of SSP or sickness benefit. To remove this potential deterrent the following pay arrangements will apply:

| <b>Sick Pay Entitlement at Time of Return</b> | <b>Payment for Balance of Entitlement Period *</b>  |
|---|---|
| Full pay                                      | Full pay  |
| Half pay                                      | Full pay for contractual hours of the week actually worked.<br>Half pay plus (if entitled**) SSP/Sickness benefit lost for the remaining contractual hours of the week recorded as sickness absence.<br>(NB: the combination of full pay for hours worked and half pay +SSP/benefit for hours not worked will not exceed full weekly pay) |
| No pay  | Payment for hours worked only and, if entitled**, SSP/sickness benefit lost   |

\* If the employee's entitlement moves from full to half pay or half to no pay during the period of therapeutic working, payment will change accordingly.

\*\* Married women paying reduced rate NI contributions do not qualify for the addition of sickness benefit.

Examples of pay calculations may be found in Appendix B.


**Appendix A: Phased Return Plan**


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| Phased Return Plan for Schools          |                                      |                                       |                                     |
|---|--------------------------------------|---------------------------------------|-------------------------------------|
| Required for Teaching and Support Staff |                                      |                                       |                                     |
|   | <b>School</b>                        |                                       |                                     |
|   | <b>Name of Employee</b>              |                                       |                                     |
|   | <b>Employee No.</b>                  |                                       |                                     |
|   |                                      | <b>Start date of sickness absence</b> | / /                                 |
|   |                                      | <b>End date of sickness absence</b>   | / /                                 |
|   |                                      | <b>Start date of phased plan</b>      | / /                                 |
|   |                                      | <b>End date of phased plan</b>        | / /                                 |
| <b>Date</b>                             | <b>Normal daily contracted hours</b> | <b>Actual daily hours worked</b>      | <b>For ESC Calculation use only</b> |
|   |                                      |                                       |                                     |
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|   |                                      |                                       |                                     |
| <b>Total</b>                            | 0                                    | 0                                     |                                     |

## Appendix B: Example Pay Calculations

### Example 1 – Sick pay entitlement at point of return to work is half pay (50%)

| Normal working hours: 32 ½ hours over 5 days (100%) |            |                               |   |
|---|------------|-------------------------------|---|
|   |            | Contractual % Actually Worked | Pay Entitlement (% of weekly contractual hours) |
| <b>Week 1</b>                                       |            |                               |   |
| Actual hours worked                                 | 13 hours   | 40%                           | 40% at full pay                                 |
| Sickness absence                                    | 19.5 hours |                               | 60% at half pay                                 |
| <b>Week 2</b>                                       |            |                               |   |
| Actual hours worked                                 | 19.5 hours | 60%                           | 60% at full pay                                 |
| Sickness absence                                    | 13 hours   |                               | 40% at half pay                                 |

### Example 2 – Sick pay entitlement at point of return to work is half pay (50%) and reduces to no pay by week 2 of the therapeutic return to work.

| Normal working hours: 32 ½ hours over 5 days (100%)              |            |                               |   |
|--|------------|-------------------------------|---|
|  |            | Contractual % Actually Worked | Pay Entitlement (% of weekly contractual hours) |
| <b>Week 1</b>  |            |                               |   |
| Actual hours worked  | 6.5 hours  | 20%                           | 20% at full pay                                 |
| Sickness absence   | 26 hours   |                               | 80% at half pay                                 |
| <b>Week 2</b><br><b>(sick pay entitlement reduced to no pay)</b> |            |                               |   |
| Actual hours worked  | 13 hours   | 40%                           | 40% at full pay only                            |
| Sickness absence   | 19.5 hours |                               |   |