



**Isle of Man  
Government**

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**Phased Return to Work Policy and Guidance**

**for**

**Public Service Commission Employees**

**Office of Human Resources**

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## POLICY

### 1. INTRODUCTION

A phased return to work is a supportive arrangement whereby an employee who has been absent from work following a period of long term sickness absence<sup>1</sup> returns to their full duties gradually over a defined time period not exceeding 6 weeks duration. Whilst a phased return may not be needed in all cases, in some circumstances it can provide a valuable period of readjustment, assisting the employee to get back into their work duties and routine whilst maintaining their recovery.

### 2. SCOPE

This Phased Return to Work Policy applies to all Public Services Commission employees who have a permanent or limited term contract of employment and should be read in conjunction with the ['Management of Sickness Absence Policy.'](#) The Policy does not apply to individuals appointed on zero hours contracts.

### 3. AIM

- i. The Public Services Commission (PSC) is committed to promoting a safe and healthy work environment for its employees.
- ii. Provided there is medical opinion in support of this course of action, a phased return to work programme starts upon an employee's return from long term sick absence and may be appropriate in assisting an employee to make the transition back to their normal full range of duties and hours of work.

### 4. PRINCIPLES

- i. The phased return to work procedure will also apply to employees returning to work as a result of an injury/disease incurred at work. (See also [TIA Procedure](#) and 5(4) of this Policy)
- ii. Occupational Health advice should be sought if there is any doubt about the employee's fitness to resume their normal duties and hours after sick absence. Normal duties must not be commenced or resumed against Occupational Health

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<sup>1</sup> Long-term absence is defined as a period of 20 or more working days continuous absence in any period of 12 months ([Management of Sickness Absence Policy](#))

advice. Where Occupational Health views conflict with views of a GP or Consultant 'precedence is given to the views of the Occupational Health practitioner'.<sup>2</sup>

- iii. When considering whether a phased return to work may be helpful, the date of commencement needs careful consideration as it is expected that the employee will be well enough to sustain their contracted hours and duties by the end of the agreed phased return to work period.
- iv. When a member of staff is returning to work from ill health or injury it is necessary to ensure consideration is given to any restrictions or limitations that may be relevant to their or others health and safety. If issues are identified consideration should be given to reasonable adjustments and revised arrangements recorded in a risk assessment. Evacuation arrangements must also be reviewed and if special arrangements are required they must be recorded in a personal emergency evacuation plan and included in the Return to Work Plan at Annex A.
- v. The operational requirements of the organisation must be taken into account when considering the feasibility of a phased return programme. Whilst reasonable adjustments to the workplace or the job or alternative duties elsewhere may be considered to achieve this aim, this cannot be guaranteed. If the suggested adjustments cannot be accommodated the employee will remain on sickness absence.
- vi. The employee can seek the involvement and support of their trade union representative, Staff Welfare or their HR Advisor throughout the phased return process and managers are encouraged to seek advice from their HR Advisor.
- vii. Where a phased return programme can be accommodated, the employee will be paid their normal contracted rate of pay<sup>3</sup>. This will apply even when the hours undertaken are less than the employee's normal contracted hours of attendance, although this will not exceed 6 weeks.
- viii. Once the employee has commenced the phased return programme they will be regarded as having returned from sick leave.
- ix. If the phased return to work programme involves an adjustment in hours, the hours should gradually increase throughout the agreed phased return period.

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<sup>2</sup>Guidance on the Fit Note: <http://www.personneltoday.com/hr/government-tells-employers-they-can-overrule-gp-fit-notes/>

<sup>3</sup> Basic rate of pay and any allowances they would continue to receive whilst on full sick pay.

- x. If, at any point during the agreed phased return to work period, the manager anticipates that the employee will not be fit to return to their full working hours and duties, they should seek advice from HR and Occupational Health. If at the end of the agreed phased return to work period the employee is not fit to return to their full hours and duties, despite measures to support their rehabilitation, and they do not wish to reduce their contractual working hours, they will be considered unfit for work and their sick leave will resume. The employee should be referred back to Occupational Health. They may utilise accrued annual leave at this time.
- xi. In the event an employee is not able to return to their full hours and duties by the end of the agreed phased return to work period, then, whilst they are on sick leave or annual leave, other options may be considered eg a formal request for Flexible Working in accordance with the employee's terms and conditions<sup>4</sup>. (See also 5(2) of this Policy and 8 in the Guidance).

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#### HOW MANY PERIODS OF PHASED RETURNS MAY AN EMPLOYEE HAVE?

- xii. This should be assessed on a case by case basis, provided that there is a reasonable prospect of recovery and return to full working hours and duty. In the event of repeated requests for phased returns from an employee managers should seek advice from their HR Advisor.

## 5. RELATIONSHIP WITH OTHER PROCEDURES

Relevant Isle of Man Government Policies and Procedures will continue to apply to employees on sick or unpaid leave (e.g. PSC Grievance and Disciplinary procedures etc.)

### (1) CAPABILITY PROCEDURE

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The Phased Return Policy is separate from the Capability Policy. In the event that an employee is unable to sustain a phased return, a manager may consider whether it might be appropriate to commence Capability Procedures in order to provide more structured support, e.g. to ensure that any necessary adjustments are in place. Managers are encouraged to seek advice from their HR Advisor and Occupational Health and employees may wish to seek advice and support from OHR or a work colleague or trade union representative.

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<sup>4</sup> [PSC MOA Appendix 19](#) and [PSC CS Regulations Section F](#)

## (2) FLEXIBLE WORKING

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Under the provisions of the Employment Act 2006 employees who have 26 weeks' continuous service are entitled to request flexible working. A request for flexible working would normally be made by an employee in order to care for a dependent; however requests for other reasons will be considered when submitted in accordance with provisions set out in the employee's terms and conditions.

## (3) MANAGEMENT OF SICKNESS ABSENCE POLICY AND GUIDANCE

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Employees of the Isle of Man Government have a responsibility to attend work in accordance with their terms and conditions of employment. This Policy and Guidance seeks to provide robust arrangements for the management of attendance which are fair, equal and consistently applied across the Public Service.

## (4) TEMPORARY INJURY ALLOWANCE (TIA)

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Employees on authorised absence with reduced pay or no pay because of an injury or disease wholly or mainly attributable to their employment may apply for Temporary Injury Allowance (TIA) in accordance with their terms and conditions.

## 6. GLOSSARY AND DEFINITIONS

**Long-term absence** is defined as a period of 20 or more working days continuous absence in any period of 12 months.

**Medical Opinion** is defined as the opinion of GP, Consultant or Occupational Health Advisor

**Medical Practitioner** – GP, Consultant or Occupational Health Advisor

## 7. COMMUNICATION, GUIDANCE AND TRAINING

This Policy will be communicated to all PSC employers and employees and will be available on the OHR website. Guidance for managers and employees is included in this document.

## GUIDANCE

### 1. INTRODUCTION

This Guidance sets out the broad parameters within which a phased return programme is to be supported and managed. It should be read in conjunction with the Phased Return to Work Policy for PSC employees and the [Management of Sickness Absence Policy and Procedure](#).

The phased return is time-limited for a period not exceeding 6 weeks duration, with attendance and targets agreed for each week of the phased return period. The agreed arrangements will be detailed in a [Return to Work Plan](#). It is expected that the employee will be back at work undertaking their full contracted duties and hours at the end of the phased return period.

### 2. HOW IS A PHASED RETURN REQUESTED? – ADVICE FOR EMPLOYEES

- i. A medical recommendation that a phased return to work would be helpful can either come from Occupational Health or via a Sick Note from a GP which indicates that the employee “may be fit for work”, subject to certain recommendations.
- ii. An employee can also request/ agree a potential phased return to work programme with their manager and then visit their medical practitioner in advance of their Sick Note’s expiry, to check that they are fit to return to work to undertake the proposed phased return to work programme. Their medical practitioner will then need to confirm the fitness to return to work as per i. above to undertake this programme and can also provide general details of the functional effect of the employee’s condition.
- iii. Subject to the employee’s consent, Occupational Health routinely copies their Occupational Health reports to their GP.

### 3. DECIDING WHETHER A PHASED RETURN TO WORK PROGRAMME IS APPROPRIATE - ADVICE FOR MANAGERS

- i. It is recognised that the circumstances of each case of long-term absence<sup>5</sup> will differ and managers should deal with phased return to work arrangements in a sensitive and flexible manner, on a case by case basis.

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<sup>5</sup> Long term absence is defined as a period of 20 or more working days continuous absence in any 12 months.

- ii. A phased return to work programme may be considered where this would assist the transition back to work immediately following a period of long term absence. The manager will make the decision on whether or not a phased return is appropriate. This will depend upon:
  - a) Whether the employee has been absent long term;
  - b) Whether the employee would be able to sustain their contracted hours and duties at the end of the phased return to work period not exceeding 6 weeks;
  - c) A medical practitioner's assessment, including any recommendations for modifications to duties and/or hours during the proposed phased return period;
  - d) The health and safety implications for the individual and others.
  - e) Any other relevant factors
- iii. Consideration will be given to the suitability of implementing any such recommendations which, for example, may relate to temporary adjustments /accommodation to the employee's working conditions.
- iv. Managers should also consider the potential implications of any phased return (e.g. suitable duties, necessary cover, difficulty in sourcing supply/backfill for a post for a part-day etc) and how this may be managed with regard to:
  - a) Work colleagues;
  - b) Service users;
  - c) Business needs of the organisation.
- v. Whilst reasonable efforts will be made to try to accommodate a phased return to work, in the event a phased return to work cannot be accommodated, this should be explained to the employee and the employee will remain on sick leave.
- vi. If an employee's request for a phased return to work cannot be accommodated, they may consider requesting 'Flexible Working'<sup>6</sup> or a voluntary downgrade if this option is available in their terms and conditions and if it can be accommodated.

#### 4. PLANNING A PHASED RETURN TO WORK

- i. The return to work programme should be planned with reference to this Policy and Guidance and the specific advice or recommendations from the medical health practitioner.

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<sup>6</sup> A formal request for 'Flexible Working' may be made in accordance with the employee's terms and conditions: [PSC MOA 2016 – Appendix 19](#) and [PSC CS Regulations Section F](#)

- ii. It is anticipated that the employee will be capable of initially working for a minimum of 12 to 16 hours per week and then gradually to build up to normal working hours and duties within a period not exceeding 6 weeks duration.
- iii. Prior to the employee's return to work the manager will normally arrange to meet with them to discuss any proposed arrangements to assist their return to work and, if relevant, the Occupational Health Report.
- iv. The employee may ask for a work colleague or their trade union representative/ Staff Welfare Officer to be present at the meeting and an HR Advisor may attend if requested.
- v. Employees are expected to co-operate in the implementation of a phased return.
- vi. To ensure a successful outcome, all elements of an agreed phased return to work programme require prior assessment and appropriate planning. Taking into account any recommendations from medical practitioner/s, the employee and their manager will work together to establish a plan which supports the employee's full recovery and return to their normal duties and hours on a sustainable basis.
- vii. The Return to Work plan will include the start and the proposed end date of the employee's phased return to work programme; it may also include:
  - a) the employee's attendance pattern (their hours of work should increase incrementally over the period of the phased return to work programme);
  - b) the arrangements for managing non-attendance associated with the employee's return to work programme; (See Guidance No 5)
  - c) the duties the employee will undertake during their return to work programme;
  - d) any reasonable adjustments and/or additional support which can be provided to assist the employee's rehabilitation, for example, the allocation of a 'buddy' within their workplace to help them re-familiarise themselves with their working environment and practices, adjustments identified via a risk assessment (See Policy No 4. iv.);
  - e) the date for a formal mid-point review of their return to work arrangements.

The manager and employee may wish to agree the pattern of the phased return on a week by week basis to assess progress and capability as time goes on. (See Annex A)

- viii. Any arrangements agreed will take account of both the employee's personal health needs and the needs of the organisation.
- ix. The following process may apply on the first day of the employee's return to work:
  - a) The manager will have a 'Return to Work' discussion with the employee. (See also 4.4.3 – 4.4.8 of the [Management of Sickness Absence Policy](#))

- b) The manager will again confirm the details of the [Return to Work Plan](#) with the employee. If this has not already been done, the manager and the employee should sign the Return to Work Plan to confirm their commitment to the arrangements, retaining a copy for future reference. The manager must log the phased return in PiP for My Team in the Absence Stages section of the employee's PiP sickness record.
- x. Upon conclusion of the phased return period the manager will complete the final section of the Return to Work Plan (Annex A) to record the date of the employee's successful return to full duties and hours or their reversion to sick leave. A copy of this page should be emailed to the OHR HR Advisor for their area. The manager will also need to close the phased return in PiP for My Team by entering the end date of the phased return in the Absence Stages section of the employee's PiP sickness record.

#### 5. HOW WILL NON-ATTENDANCE ASSOCIATED WITH A PHASED RETURN TO WORK PROGRAMME BE RECORDED?

- i. Days (or part days) of planned non-attendance for which the employee is eligible to receive full contractual salary in relation to their phased return to work will need to be recorded by the manager on the 'Return to Work Plan' at Annex A and kept for their own records.
- ii. If the employee is absent due to illness during their phased return to work, when they were expected to be at work undertaking their phased return to work programme, they will be classified as being on sick leave and sick pay will apply.
- iii. The manager will need to open a new sickness absence for the employee and to inform the Absence team that the phased return has been interrupted. Upon the employee's return to work the sickness absence should be closed in the usual fashion and the phased return re-opened. The end date of the phased return may be adjusted, but should not exceed 6 weeks from the original start date of the phased return.

#### 6. WHAT IMPACT WILL A PHASED RETURN TO WORK HAVE ON THE EMPLOYEE'S PAY?

- i. If a phased return to work programme can be accommodated, Sick Notes are not required as the employee will no longer be classified as being on sick leave and sick pay will not apply.

During the phased return the employee will be paid at the rate they would have received had they been on full sick pay<sup>7</sup>. They will be paid at this rate both during periods of attendance at work and for periods of planned non-attendance, in accordance with their return to work plan recommended by the medical practitioner.

- ii. Allowances will only be paid appropriate to the actual duty and hours worked. Employees on a phased return may not undertake bank, relief or casual work.
- iii. Overtime will not be authorised or paid until the employee has returned to working their normal contracted hours and duties. Where an increase in the hours worked under the phased return to work programme is proposed this should be considered as part of the regular review process and Medical practitioner endorsement obtained before any change is implemented.

#### 7. WHAT HAPPENS IF THE EMPLOYEE EXPERIENCES DIFFICULTIES IN FOLLOWING THEIR RETURN TO WORK PLAN?

- i. During the period of a phased return to work, the manager should regularly discuss progress with the employee on an informal basis and identify any possible problems.
- ii. If the employee is experiencing difficulty in undertaking their phased return to work, they should bring this to the attention of their manager at the earliest opportunity in order that adjustments to their programme can be considered.
- iii. The manager should hold a formal review meeting with the employee at the mid-point of the agreed phased return period and a note of this meeting should be taken and may be shared with the appropriate HR Advisor. If at this stage the employee is experiencing difficulties relating to their recovery which impacts on the Return to Work plan, the Occupational Health Practitioner may be asked to meet with them to review the situation and provide further advice. The employee may also wish to consider contacting Staff Welfare and/or their trade union representative.

#### 8. WHAT WILL HAPPEN IF THE EMPLOYEE IS NOT FIT TO RETURN TO FULL WORKING HOURS AND/OR DUTIES AFTER THE AGREED PERIOD (NOT EXCEEDING 6 WEEKS) OF THE PHASED RETURN TO WORK PROGRAMME?

- i. If it appears unlikely that the employee will be able to return to their full normal working hours and duties at the end of their agreed return to work programme, the Accounting Officer should seek further advice from the Occupational Health Advisor and OHR, to achieve the most appropriate outcome.

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<sup>7</sup> basic rate of pay and any allowances they would continue to receive whilst on full sick pay.

- ii. If sick leave resumes, the employee's sickness absence will be managed in accordance with the [Management of Sickness Absence Policy and Procedure](#) and capability procedures may be invoked as appropriate.

## 9. ANY QUESTIONS

For queries regarding this policy and guidance please contact your HR Advisor or Business Partner at the Office of Human Resources on 685000. Alternatively, you may wish to contact the [Occupational Health Service](#) on 642608, [Staff Welfare](#) on 687027 or your trade union/staff association representative.

## 10. USEFUL WEB LINKS

PSC CS Regulations: Section E Sick Pay Scheme

[http://www.gov.im/hr/iomcs/cs\\_regs/section\\_E/sectionindex.xml](http://www.gov.im/hr/iomcs/cs_regs/section_E/sectionindex.xml)

PSC Manual & Craft MoA: Sick Pay Scheme [Article 31](#)

PSC Manual & Craft MoA: Sick Pay Scheme - Form of Undertaking [Appendix 5](#)

Manx Pay Terms and Conditions Sick Pay Scheme – Part 3 Section 14

[http://www.gov.im/lib/docs/hr/Information\\_Centre/manxpaytermsandconditions.pdf](http://www.gov.im/lib/docs/hr/Information_Centre/manxpaytermsandconditions.pdf)

Accident/Injury at work: RIDDOR Reporting Form

<http://www.gov.im/transport/msd/healthandsafety/injuryreport.aspx>

General Benefits SC1 Form – on request from Social Security

<http://www.gov.im/socialcare/security/disabled/ib.xml?menuid=22034>

Making a Referral to Occupational Health

[http://www.gov.im/lib/docs/hr/Sickness\\_Absence/occupationalhealthmakingarefer.pdf](http://www.gov.im/lib/docs/hr/Sickness_Absence/occupationalhealthmakingarefer.pdf)

Management of Sickness Absence

[https://www.gov.im/lib/docs/hr/Sickness\\_Absence/managementofsicknessabsenceendor.pdf](https://www.gov.im/lib/docs/hr/Sickness_Absence/managementofsicknessabsenceendor.pdf)

Prevention and Management of Workplace Stress Policy

[http://www.gov.im/lib/docs/hr/HR\\_Policies/urn53prevmanstress1.pdf](http://www.gov.im/lib/docs/hr/HR_Policies/urn53prevmanstress1.pdf)

[Temporary Injury Allowance – PSC Civil Servants](#)

[https://www.gov.im/hr/iompsc/cs\\_regs/section\\_E/sickpay.xml](https://www.gov.im/hr/iompsc/cs_regs/section_E/sickpay.xml)

[Temporary Injury Allowance – PSC Manual & Craft Workers](#)

<https://www.gov.im/hr/manualandcraft/Articles/article52.xml>

[Social Security Division of the Treasury – General Benefits](#)

<https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

The purpose of a phased return to work is to support your rehabilitation to your full duties and build you back up to undertaking your normal working hours within the agreed timescale.

For completion by the Manager.

<b>PERSONAL DETAILS</b>	
Name: Dept/Board/ Office:	Job Title: Manager
Normal contractual hours:	
<b>ABSENCE DETAILS</b>	
<b>Absence Start Date:</b>	
<b>Brief outline of reasons for absence:</b>	
<b>Date of Occupational Health Report/ Doctor's Sick Note:</b>	
<b>PHASED RETURN TO WORK PROGRAMME</b>	
<b>Agreed Period of Phased Return:</b>	<b>weeks</b> (not more than 6 weeks)
<b>Start Date:</b>	<b>End Date:</b>
<b>CONCLUSION OF PHASED RETURN TO WORK</b>	
<b>Name: ..... Returned to full hours and duties / reverted to sick leave* on ..... (date)</b>	
*Delete as appropriate	

**ATTENDANCE PATTERN**

(Phased returns may be any length of time from one week up to a maximum of six weeks)

<b>Week</b>	<b>Mon</b>	<b>Tue</b>	<b>Wed</b>	<b>Thu</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>1</b>							
<b>2</b>							
<b>3</b>							
<b>4</b>							
<b>5</b>							
<b>6</b>							

DUTIES TO BE PERFORMED /DETAIL TEMPORARY ADJUSTMENTS TO DUTIES (IF APPLICABLE)

RESTRICTIONS (IF ANY) - INCLUDE NOTE OF PERSONAL EMERGENCY EVACUATION PLAN IF REQUIRED

ADDITIONAL COMMENTS

**Date of Formal Review Meeting/s:**

I confirm my agreement to the above arrangements:

Employee	Date
Manager	Date

Copies to:

- Employee and manager
- OHR - Relevant BP or HR Advisor

Numbers refer to corresponding paragraphs in the **Guidance**

