

RETURN TO THE WORKPLACE POLICY

DOCUMENT TYPE

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Sponsor (Position)	Director of People
Author (Position & Name)	People Operational Lead
Lead Division/ Directorate	Human Resources
Lead Specialty/ Service/ Department	Human Resources
Position of Person able to provide Further Guidance/Information	People Operational Lead

Associated Documents/ Information	Date Associated Documents/ Information was reviewed
<ol style="list-style-type: none"> 1. GD08 Reasonable Adjustments Guidance 2. GD29 Annual Leave Guidance for AFC 3. GD30 Annual Leave Guidance for Medical Staff 4. GD31 Special Leave Guidance 5. GD33 Parental Leave Guidance 6. GD38 TOIL Guidance 7. GD 40 Disciplinary Policy Supplementary Guidance for Managers and Employees 8. GD42 Flexible Working Guidance 9. GD51 Remote Working Guidance 	

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1.0 INTRODUCTION

- 1.1 The policy outlines the Trust Policy in relation to managing employees who are returning to work following a period of absence.
- 1.2 There are several reasons employees may have been away from the work environment including a period of maternity or family leave, a career break, long term sickness absence, bereavement, redeployment, suspensions or a secondment.
- 1.3 There may be other extenuating circumstances, such as a pandemic, which may see colleagues being stood down, or shielding.
- 1.4 Employees who are not fit to return to work will continue to be managed via the Trust's Sickness Absence & Wellbeing Policy. Further information or support relating to the Trust's Sickness Absence & Wellbeing Policy can be sought from the HR People Partner Team.
- 1.4 It is important that staff understand their obligations and rights regarding this aspect of employment.

2.0 POLICY STATEMENT

- 2.1 The aim of the policy is to provide a framework within which managers can work with employees to facilitate a safe return to the workplace.
- 2.2 This policy has been agreed to ensure that employees are supported to return to work in a safe and timely manner and that any issues are dealt with fairly.
- 2.3 This policy applies to all staff of the Trust, including medical staff, with the exception of Bank Staff.

3.0 DEFINITIONS/ ABBREVIATIONS

The Trust: Means the Sherwood Forest Hospitals NHS Foundation Trust

Employee: Employees of the Trust with the exception of bank staff.

Family Leave: A period of leave from the Trust including maternity, paternity, shared parental or adoption leave.

Career Break: A career/employment break whereby staff take an agreed period of time away from their job on the understanding that they will return when that period has expired.

Long Term Sickness Absence: A period of continuous sickness absence of more than four weeks.

Shielding: Recipients of a letter from the NHS / Medical Practitioner to advise of clinical extreme vulnerability, advising to stay at home at all time and avoid any face-to-face contact.

Stood Down: Employees of the Trust who have remained on full pay, not working on site but available to the organisation to work as and when needed

4.0 ROLES AND RESPONSIBILITIES

4.1 Line Manager

- Ensuring staff are aware of and understand this policy.
- Adopting a person centred approach to managing staff.
- Addressing any problems at the earliest opportunity and encouraging informal resolution in the first instance, where appropriate.
- Maintaining confidentiality throughout the process
- Supporting staff to ensure employee's health and wellbeing is considered and correct support is put in place e.g. referral to Occupational Health, sign posting to Employee Assistance Programme (EAP), staff counselling.
- Maintain regular contact with the employees away from the workplace (frequency to be agreed between manager and employee)
- Keep a log of all contact made with the employee – date, time, message left and details of discussion.
- Complete Employee Risk Assessments where appropriate to mitigate any risk to individuals and facilitate a return to work safely
- Ensure measures are taken to establish a safe working environment, considering infection control and social distancing measures

4.2 Employees

- All colleagues are to ensure their conduct is aligned with Trust values and behaviours
- To co-operate with informal and formal procedures within the policy
- To raise any concerns or issues preventing a return to work with their manager
- To have honest and open discussions with their manager to facilitate appropriate support being implemented
- To comply with any measures put in place to ensure safety at work, including complying with social distancing and infection control measures
- To be aware and adhere to professional Codes of Conduct.

4.3 People Directorate

- Provide advice to managers regarding implementation of this policy.
- The HR People Partner Team to be attendance at any formal sickness absence meetings to provide support and advice.
- The HR Operational Team to be in attendance at any formal disciplinary meetings to provide support and advice.

4.5 Trade Union Representatives

- Trade Union Representatives have an important role to play in providing advice and/or support to individual colleagues, work in partnership with the Trust to ensure conduct and behaviour is in line with the Trusts values and behaviours.

5.0 APPROVAL

5.1 Joint Staff Partnership Forum

6.0 DOCUMENT REQUIREMENTS

6.1 Reasons for absence from the workplace

6.1.1 There may be a number of reasons why employees have been absent from the work environment including a period of maternity or family leave, a career break, long term sickness absence, bereavement or a secondment.

6.2.2 Staff may also have been absent due to a pandemic, including shielding.

6.2 Arranging a Return to Work

6.2.1 Engagement with staff who have been absent from work is essential in order to facilitate their return to work.

6.2.2 Managers are encouraged to write to staff in advance of their return to work.

6.2.3 For any staff who have been absent due to a health related reason, or who have been shielding due to underlying health conditions, a risk assessment must be completed, and adjustments made to ensure staff can safely return to work. This must be discussed with the employee and retained on the individual's personal file. Further advice relating to underlying health conditions can be sought from the Trust's Occupational Health department, if this is felt to be appropriate.

6.3 Staying in Touch

6.3.1 Whilst the employee is absent from work the line manager should maintain contact with the employee and this should be documented. The line manager and employee should agree the frequency of the contact.

6.3.2 Managers should keep a log of all contact made with the employee including the date, time, message left and details of discussion.

6.4 Working Environment

6.4.1 Prior to employees return to work, managers should review the working environment and consider whether any changes are necessary to facilitate the staff members return. Further advice may be sought by Occupational Health.

6.5 Prior to Return to Work

- 6.5.1 Prior to the employee returning to work, line managers must have a one-to-one conversation with each employee where a key focus is on health, safety, and wellbeing. Managers should hold sensitive and open discussions with every individual and discuss adjustments and/or ongoing support to facilitate an effective return to the workplace.
- 6.5.2 Where applicable, individual risk assessments should be completed with employees to identify any risks and appropriate mitigation.
- 6.5.3 Occupational Health advice should be sought where appropriate and where individuals have an underlying health condition and reasonable adjustments may be required.

6.6 Annual Leave

- 6.6.1 Staff who have been absent from work will still have accrued annual leave in line with national Terms and Conditions.
- 6.6.2 To support a safe return to work that prioritises the individual's health and wellbeing; annual leave can be used in order to support a phased return to work. This must be discussed and approved prior to the individual's return to work.
- 6.6.3 As per Agenda for Change terms and Conditions and employment legislation, employees will only be entitled to an additional day off for a public bank holiday, when absent due to maternity leave.
- 6.6.4 When an employee is absent for any other reason on a public bank holiday, the entitlement for the bank holiday must be deducted.
- 6.6.5 The Trust acknowledges the importance of taking annual leave regularly, to support staff health and wellbeing.
- 6.6.6 Employees will only be able to carry over leave to the following leave year due to exceptional circumstances. This must be authorised by the relevant Divisional General Manager.

6.7 Return to Work

- 6.7.1 It is vital that every employee feels that they are returning to a supportive and caring environment. Absences from the workplace can affect individuals in different ways, depending on the individual's job role and individual circumstances.
- 6.7.2 To ensure an inclusive culture, and to facilitate the employee's return to work, it is vital that managers complete a one to one return meeting with each employee, which is focused on health, safety and wellbeing. This should be held within 48 hours of a return to the workplace. Managers must have a sensitive and open discussion with the individual to discuss any adjustments and / or on-going support that may be required by the employee.

- 6.7.3 During the employee's absence, there may have been extensive changes to the service / department's working practice, e.g. use of PPE, changes in procedures, how queries or issues are being addressed. It is imperative that employees are informed of these changes to working practice as soon as possible.
- 6.7.4 Whilst the employee has been absent from work, it may be that some / all competencies have expired. The return to work meeting should cover any expired competencies, and how the individual will be supported to gain these competencies. This will ensure the employee is fully equipped to deal with the changing work environment.
- 6.7.5 It is essential that as part of the employee's return to the workplace, that managers complete a follow up meeting to ensure individuals are receiving the relevant support. This must be held following the first week of the employee's return.

6.8 Training and Support

- 6.8.1 It is recognised that employees who are absent from the workplace for a prolonged period of time may need support to refresh their knowledge and skills.
- 6.8.2 Managers should discuss with employees the support required in order to resume their role safely and fulfill the duties of their role.
- 6.8.3 In line with the Trust's training and compliance standards, all staff have a duty to complete their mandatory training. Any outstanding training must be completed upon the employee's return to work, in line with Mandatory Training requirements.
- 6.8.4 A supportive action plan outlining the competencies to be achieved should be created, with agreement from the employee. Support should be provided to the employee to enable achievement of the competencies and to be signed off as competent.
- 6.8.5 Consideration should be given to a supernumerary period to allow the individual to gain confidence and complete competencies. Managers should consider amending job plans /job duties during this period in order to support the employee's return to work.
- 6.8.6 Consideration should also be given to on-call rotas, and ensuring the individual is competent and comfortable to undertake on-call duties.
- 6.8.7 A review of the employee's competencies should be undertaken regularly throughout the supportive return. Upon completion of competencies, this should be signed by the line manager and the employee and retained in the personal file.

6.9 Additional Support Required

- 6.9.1 Individuals may have been absent from the workplace for a range of reasons and which can impact individuals differently including psychological and physical changes. These include anxiety about returning to the workplace as well social isolation due to long term absence, or adjusting to significant life events.

6.9.2 Some may have experienced challenging domestic situations, such as juggling childcare, caring for a vulnerable relative, or financial worries. Some will have experienced illness, or bereavement.

6.9.3 Communication with employees is imperative. Ensuring employees are fully informed will help in their return to work. Staff health and wellbeing is pivotal, managers should pay specific attention to those who have particular requirements (e.g. health issues, childcare or other caring responsibilities) and offer support in relation to these requirements, including Occupational Health referrals, Carer's Passport, Parental Leave, Flexible Working etc.

6.9.1 Childcare

6.9.1.1 It may be that staff require a phased return to their full role, or want to discuss a new working arrangement, especially if their domestic situation has changed during their absence.

6.9.1.2 Some staff may not be able to return to their contracted hours / base site, especially if they have childcare responsibilities. Managers are encouraged to look at ways that staff can be supported, such as Flexible Working Requests and Parental leave.

6.9.2 Sickness absence

6.9.2.1 If employees are not fit to return to work, they will continue to be managed via the Trust's Sickness Absence & Wellbeing Policy, which can be found on the Intranet.

6.9.2.2 For further information or support relating to the Trust's Sickness Absence & Wellbeing Policy, please contact the HR People Partner Team.

6.9.3 Occupational health advice

6.9.3.1 Employees who had a reasonable adjustment in place prior to their absence may need the appropriateness of these adjustment reviewing. Line managers should also take into consideration the psychological impact of absence from work and consider signposting to the Trust EAP provider as appropriate.

6.9.3.2 For further support relating to pre-existing or new medical conditions, please contact the Trust's Occupational Health Department.

6.9.3.3 For information regarding disability leave, please see the Trust's Sickness Absence and Wellbeing Policy, which can be found on the Intranet.

6.9.4 Bereavement

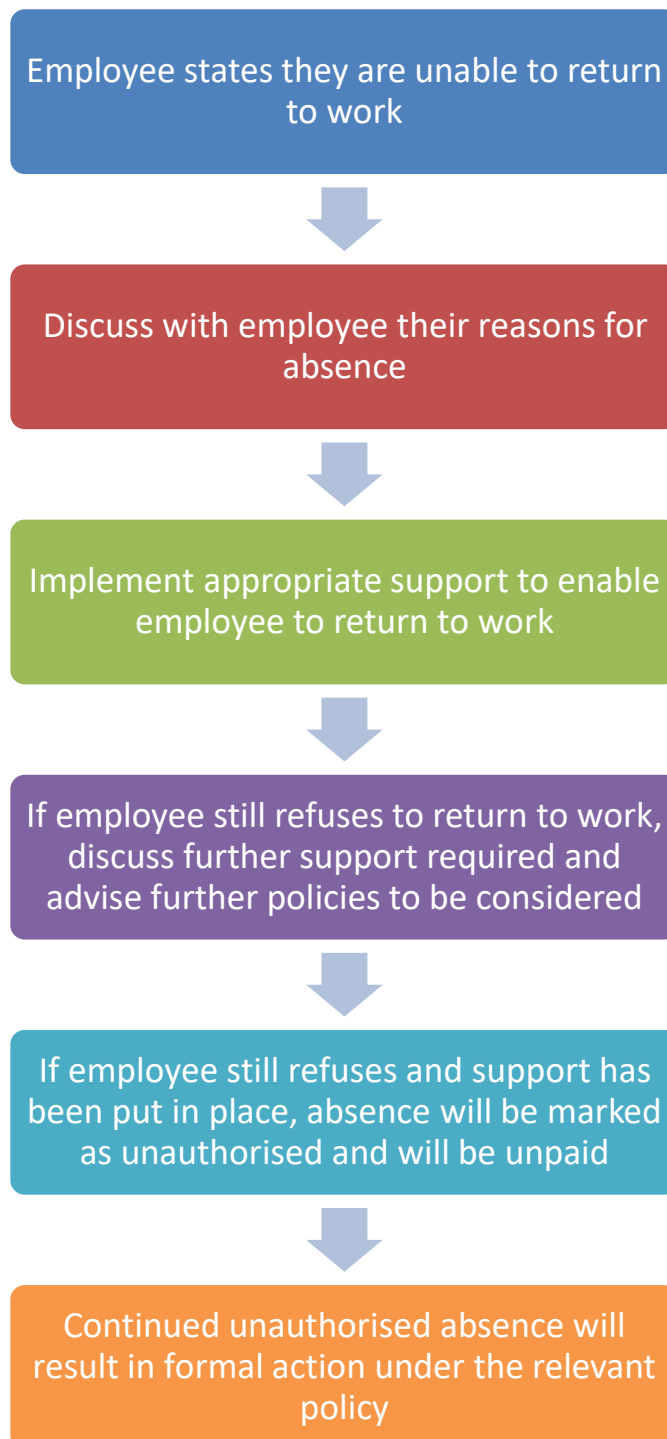
6.9.4.1 Where employees have suffered bereavement, they should be managed sensitively with appropriate leave and support offered to the individual.

6.9.4.2 Employees who suffer bereavement shall be granted paid leave up to a period of two weeks leave, which may be taken on separate occasions according to individual need. In special circumstances Managers may extend the period of leave which can be paid or unpaid. Managers should take advice from Human Resources when considering extending paid or unpaid leave. Further guidance around leave provisions can be found in the Special Leave Guidance (GD31).

6.10 Failure to Return to Work

6.10.1 The Trust will endeavor to resolve all issues informally in the first instance and implement appropriate support to facilitate a return to work.

6.10.2 However, if an informal resolution cannot be reached and an employee continues to refuse to attend work, this will be viewed as a breach of contract and managed in line with either the Trust Disciplinary Policy or the Trust Sickness Absence & Wellbeing Policy as appropriate.



7.0 MONITORING COMPLIANCE AND EFFECTIVENESS

Minimum Requirement to be Monitored (WHAT – element of compliance or effectiveness within the document will be monitored)	Responsible Individual (WHO – is going to monitor this element)	Process for Monitoring e.g. Audit (HOW – will this element be monitored (method used))	Frequency of Monitoring (WHEN – will this element be monitored (frequency/ how often))	Responsible Individual or Committee/ Group for Review of Results (WHERE – Which individual/ committee or group will this be reported to, in what format (eg verbal, formal report etc) and by who)
Policy Implementation	Associate Director of People (Operations)	Audit	Monthly	JSPF
Policy Implementation	Director of People	Audit	Monthly	Private Board of Directors

8.0 TRAINING AND IMPLEMENTATION

8.1 Training has been provided to Managers on the application of this procedure and updated training is made available on a yearly basis. Trade Union Representatives also receive training via their union's training resources.

9.0 IMPACT ASSESSMENTS

- This document has been subject to an Equality Impact Assessment, see the completed form in Appendix 1
- This document is not subject to an Environmental Impact Assessment

10.0 EVIDENCE BASE (Relevant Legislation/ National Guidance) AND RELATED SFHFT DOCUMENTS

Evidence Base:

- ACAS Code of Practice on Grievance and Disciplinary Procedures
- Equality Act 2010
- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2002
- Trade Union and Labour Relations (Consolidation) Act 1992
- Trade Union Act 2016

Related SFHFT Documents:

- Grievance Policy
- Dignity at Work Policy
- Appeal Policy
- Capability Policy
- Sickness Absence and Wellbeing Policy
- Disciplinary Policy
- Leave Policy

11.0 APPENDICES

- Competency/Training Form

APPENDIX 1 - EQUALITY IMPACT ASSESSMENT FORM (EQIA)

Name of service/policy/procedure being reviewed: Return to Work Policy			
New or existing service/policy/procedure: Existing			
Date of Assessment: 30.05.2023			
For the service/policy/procedure and its implementation answer the questions a – c below against each characteristic (if relevant consider breaking the policy or implementation down into areas)			
Protected Characteristic	a) Using data and supporting information, what issues, needs or barriers could the protected characteristic groups' experience? For example, are there any known health inequality or access issues to consider?	b) What is already in place in the policy or its implementation to address any inequalities or barriers to access including under representation at clinics, screening?	c) Please state any barriers that still need to be addressed and any proposed actions to eliminate inequality
The area of policy or its implementation being assessed:			
Race and Ethnicity	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Gender	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Age	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Religion	None	To treat all staff consistently and fairly hence monitoring at	None

		performance meetings and JSPF	
Disability	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Sexuality	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Pregnancy and Maternity	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Gender Reassignment	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Marriage and Civil Partnership	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
Socio-Economic Factors (i.e. living in a poorer neighbourhood / social deprivation)	None	To treat all staff consistently and fairly hence monitoring at performance meetings and JSPF	None
What consultation with protected characteristic groups including patient groups have you carried out? Disciplinary Policy Working Group, JSPF Sub Group, JSPF, Policy Reading Group.			

What data or information did you use in support of this EqIA? Monitoring data from ESR.
As far as you are aware are there any Human Rights issues be taken into account such as arising from surveys, questionnaires, comments, concerns, complaints or compliments? No
Level of impact From the information provided above and following EQIA guidance document Guidance on how to complete an EIA (click here), please indicate the perceived level of impact: Low Level of Impact For high or medium levels of impact, please forward a copy of this form to the HR Secretaries for inclusion at the next Diversity and Inclusivity meeting.
Name of Responsible Person undertaking this assessment: Jacqueline Read, Associate Director of People
Signature: J. Read
Date: 30.05.2023

Appendix 2 Competency Action Plan

This form is to be used following an employee's return to work following a prolonged period of absence, e.g. long-term sickness, secondment, maternity leave, career break etc.

Name of employee	
Job title	
Department	
Date of Initial Meeting	

	Competencies required	Support & Development Actions	Competency Signed off (Signed and Dated)
1			
2			
3			
4			

	Review Date:	Comments.
1		
2		
3		