



Returning to work

A self-help guide

Talking Therapies
Employment Support Service

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Improving Access to Psychological Therapies

Introduction

This work book offers practical advice for you to help you return to work after a period of sickness and absence. It gives information regarding benefits you may be entitled to as well as best practice when off sick and how to manage your return to work successfully. Further advice is available regarding work related stress and managing this -please ask your Talking Therapies practitioner or the Employment Support Service for more details.

The booklet will take you through your journey back to work offering practical advice about what to do when you first go off sick and best practice in order to ensure that you return to work as soon as you feel able to.

You do not have to be 100% well to return to work and in some cases, working can actually help your recovery particularly if reasonable adjustments can be made by your employer to help you return to work. This may include working part time, at home or changing some of your tasks or responsibilities in the short term.

Good luck in your journey to returning to work – with correct planning, preparation and support this can be made easier for both you and your employer and help ensure a successful and sustainable return to work

Section 1 - Employment Regulations when you are ill

If you take time off from work due to illness, you might be entitled to sick pay. There are two types of sick pay:

- company sick pay (also called contractual or occupational sick pay)
- Statutory Sick Pay

If your employer runs their own sick pay scheme it is a 'company sick pay scheme' and you should be paid what you are due under that. Check your contract and ensure that you are paid what you are entitled to.

If you aren't entitled to anything under a company scheme, your employer should still pay you Statutory Sick Pay (SSP) if you are eligible

Statutory Sick Pay

You may be able to get Statutory Sick Pay if you're an employee and unable to work because you're ill. It is paid for every day you'd normally be working.

Eligibility

You may be able to get Statutory Sick Pay (SSP), if you have:

- been sick for at least four or more days in a row (including weekends, bank holidays and days that you do not normally work)
- average weekly earnings equal to or more than the Lower Earnings Limit (LEL)

Lower Earnings Limit (LEL)

The LEL is the amount you would need to earn before you start paying National Insurance Contributions. From 6 April 2010, the LEL is £97 a week.

What days will you be paid for

SSP is paid for qualifying days. These are the days that you would normally work for your employer under a contract of employment. However, it is not payable for the first three qualifying days, these days are known as waiting days.

If you work part-time, you must still serve your three waiting days before you can get payment.

This means you may not receive a payment at the start of your period of illness.

If you have a varied work pattern, your qualifying days may be different in each week that you work. Please speak to your employer about this.

Linking with a previous period of SSP

If you have received SSP for a previous period of illness within the last eight weeks, your new period of illness may link to this. For periods of illness to link, you must have been sick for at least four days in a row in the second period for this to be treated as one continuous period. SSP will be paid for the new period, without you having to serve waiting days.

Phased return to work or altered hours after a period of illness

If you and your employer have agreed that you have a phased return to work or altered hours after a period of sickness, you should get:

- your normal earnings for the days and/or hours you work
- SSP for the days that you are sick, if the qualifying conditions for payment continue to be satisfied

Statutory sick pay (SSP) will be paid by your employer in the same manner as your salary was paid - so if you were paid weekly in cash, or monthly by BACS, your SSP will be paid the same. You can only receive SSP for a maximum of 28 weeks, after which point your legal entitlement ends and you will either need to apply for Employment Support Allowance or Disability Benefit. SSP is not paid for specific illnesses or treatments, rather it is a workers right for when you are incapable of working and fulfil certain requirements. The standard rate for SSP April 2010 is £79.15.

Letting your employer know you are sick

Your employer may have their own rules about when and how you tell them you are sick and should tell you what these are. Please check with your employer if you do not know. Your employer does not have to pay SSP for any days before you tell them.

If your employer does not have their own rules, you should tell your employer within seven days of the first day that you are sick. If you delay telling your employer they do not have to pay SSP for any days before you tell them.

However your employer cannot insist that you tell them:

- in person
- earlier than the first qualifying day or by a set time
- on a special form
- on a doctor's statement, which is now called a 'Fit Note'

Before your employer can decide on your entitlement to Statutory Sick Pay (SSP), you must tell them that you are sick. You will also have to provide your employer with some form of medical evidence.

Your employer cannot ask you to provide evidence that you are sick for the first seven days of illness. They may ask you to fill in a self-certificate of their own design or form SC2 which you can get from your GP's surgery, or from the HM Revenue and Customs (HMRC) website.

If you are sick for more than seven days, your employer can ask you to give them some form of medical evidence to support payment of SSP.

Medical Evidence

It is up to your employer to decide whether you are incapable of work. A medical certificate now called a 'Fit note' from your doctor is strong evidence that you are sick and would normally be accepted, unless there is evidence to prove otherwise.

You could also provide evidence from someone who is not a medical practitioner, e.g. a dentist. Your employer will decide whether or not this evidence is acceptable. If your employer has any doubts, they may still ask for a medical certificate from your GP.

The 'Fit note' explained

A new 'fit note' was introduced in place of the doctor's sick note on 6 April 2010. With your employer's support, the note will help you return to work sooner by providing more information about the

What has changed?

The fit note allows your doctor to provide you with more information on how your condition affects your ability to work. This will help your employer to understand how they might be able to help you return to work sooner.

The changes mean that your doctor can:

- advise when you may be fit for work with some support
- suggest common ways to help you return to work
- give information on how your condition will affect what you can do

What stays the same?

The fit note can still be used as evidence for why you cannot work due to illness or an injury. You still won't need the fit note as evidence until after your seventh calendar day of sickness. If you need to apply for benefit the rules and processes have not changed. If your doctor has recommended that you 'may be fit for work' you can still apply for benefit.

The requirements for the payment of Statutory Sick Pay have not changed. If your doctor recommends that you 'may be fit for work', and you and your employer agree that you should remain off work, you should still get Statutory Sick Pay.

Losing your job while on long term sickness

Employers can dismiss someone on long-term illness as a last resort only. Before making a decision they must consider:

- if working part-time or flexible hours would help your return to work
- if there will be a full recovery or if a return to the same work is not possible
- if you could return if some assistance was given
- if alternative, lighter or less stressful work is available, with re-training if necessary

If you feel you have been unfairly dismissed due to long-term sickness you can have your case heard with an Employment Tribunal

Section 2: The Benefits of working

It is important not to underestimate the positive psychological benefits of returning to work after illness, although it is imperative that the benefits are weighed up against the disadvantages.

Many people feel that returning to work after illness gives them a sense of 'their old self' and helps them to not feel defined by their illness. However, this can mean that some people go back to work sooner than perhaps they ought to, or overdo it when they return.

Do be aware that while the positive impact of feeling a little bit like you used to is certainly a good thing, you do not want to risk getting ill again by pushing yourself too hard.

Confidence

Returning to work after illness can be a real boost to your confidence. This is often due to the fact that you are doing something that you're good at and gets financially rewarded.

Earning Money

Aside from the practical benefit of earning money, it also is a real psychological boost, especially if you have been on long term sick pay or receiving benefits. Being rewarded for a job done well is important for your mental well being and enables you to feel the power of having some control over your life back.

Your mental well being is a key part of getting over an illness and returning to work, so it is important to appreciate that you will perhaps feel both exhausted and proud at going back to work. It is important that you have an agreed Return to Work plan in place before returning to work so that you can feel confident that your return is successful and sustainable.

Section 3: Ensuring a successful return to work

To help ensure that you return to work as quickly and successfully as possible, you may want to consider the following good practice:

Keeping in Touch – Good Practice while you are off sick

Early, regular and sensitive contact between the employee and employer can be a key factor in enabling an early return to work. Managers sometimes fear that contact with someone who is off sick will be seen as harassment, but lack of contact or involvement can actually make an employee feel less able to return to work.

As an employee you to have a responsibility to keep in touch with your employer.

When you call in sick, discuss with your manager and agree a time that they can call you next – explore different means of contact – telephone, e-mail, face to face meetings in a neutral setting – if you wish you could ask if someone of your choice can accompany you to these meetings.

You may prefer your main contact to be your first line manager, second manager, HR or Occupational Health advisor – this may be particularly important if your relationship with your primary contact is poor or if that person contributed to your absence in the first place. Think about who you would like to be your main point of contact and ask for agreement on this.

If you are too unwell to be contacted- is there a friend or family member that could keep in touch for you? As soon as you are well enough for direct contact this should be arranged.

You do not have to indulge personal or medical treatment – this is your choice but think about whether you wish to do this or not.

You may feel able to do some work – this may be assisted by the GP's fit note – for example you may be able to do some work from home or work part time. Explore these options with your employer.

It should be remembered that there are mutual rights and responsibilities in managing sickness and absence and rehabilitation. If the employer has made all reasonable efforts to communicate with you and you refuse to remain in contact with them then the employer cannot be expected to anticipate what reasonable adjustments might help you to return to work.

Preparing to go back to work

The Importance of good mental health at work

The workplace has an impact on people's health and well being although it is not only the only factor. Evidence shows that in general being in work is good for our health and beneficial to well-being.

Poor conditions in the workplace however characterised by high demand, low levels of control and poor support can have a detrimental impact on health and well being and limit the benefits of working for some people.

Work- related Stress

A useful definition of work –related stress is provided by the Health & Safety Executive (HSE) as the ‘adverse reaction people have to excessive pressure or other types of demand placed on them at work’

A certain amount of pressure in a business environment is desirable. Pressure helps to motivate people and will boost their energy and production levels. But when the pressure people face exceeds their ability to cope with it, it becomes a negative rather than a positive force – in other words stress.

Employees can also feel stressed when they are bored, under valued or under stimulated. Stress is not a medical condition but research shows that prolonged exposure to stress is linked to psychological conditions such as anxiety and depression.

It is important to think about any detrimental effects that your work is having on your health and wellbeing and the Talking therapies ‘Making Stress WORK For You’ workshop may help you identify factors that contribute to your health and wellbeing and also explore coping strategies to help manage your work stress.

Five steps to improving your mental well-being

Based on an extensive review of the evidence, five simple steps were identified in the Foresight Mental Capital and wellbeing Project about how people can improve their mental well being.

Connect....

1. With the people around you. With families, friends, colleagues and neighbours. At home, work, school or in your local community. Think of these as the cornerstones of your life and invest time in them. Building these connections will support and enrich you every day.

Be Active...

2. Go for a walk or run. Step outside, cycle. Play a game. Garden. Dance. Exercising makes you feel good. Most importantly, discover a physical activity you enjoy and that suits your level of mobility and fitness

Take Notice.....

Be curious. Catch sight of beautiful things. Remark on the unusual. Notice the changing seasons. Savour the moment, whether you are walking to work, eating lunch or talking to friends. Be aware of the world around you and what you are feeling. Reflecting on your experiences will help you appreciate what matters to you.

Keep learning.....

4. Try something new. Rediscover an old interest. Sign up for a course. Take on a different responsibility at work. Fix a bike. Learn to play a musical instrument or how to cook your favourite food. Set a challenge you will enjoy achieving. Learning new things will make you more confident as well as being fun.

Give.....

5. Do something nice for a friend to a stranger. Thank someone. Smile. Volunteer your time. Join a community group. Look out, as well as in. Seeing yourself, and your happiness, as linked to the wider community can be incredibly rewarding and creates connections with the people around you.

For more information go to:

www.foresight.gov.uk

Planning the Return

Your manager should have a return to work chat with you when you come back to work. This chat should be informal and brief. These chats are meant to:

- welcome you back
- check you are well enough to be at work
- update you on any news while you were off
- identify the cause of the absence
- discuss any help your employer can provide to ease your return to work
- decide whether the sickness is work related and whether there's anything they can do to help

Long term sickness

If you are suffering from long-term sickness your employer should:

- keep in regular contact
- be clear about arrangements for sick pay
- conduct return to work interviews

They may want to talk to you about different types of work and working arrangements. They will also have to consider how long your job can be kept open for you.

Returning to work from long term sickness

You may feel anxious about returning to work after a long absence. Employers should put in place a getting back to work programme or a return to work plan. This might involve:

- shortening hours or offering flexible hours

- catching up on any new developments within the organisation
- training on new equipment or new processes/procedures
- a friendly chat about what's been going on at work

A return to work plan is a written and agreed plan about how you will return to work. It should be developed in discussion with your employer, taking into account any adjustments that have been indicated by the GP on the 'Fit note.'

Discuss with your employer whether any adjustments need to be made to ease the return to work, which could include the following:

- A phased return to work – starting with part time work and building up the hours
- Looking at aspects that you find particularly stressful and rearranging responsibilities
- Allowing time off to attend therapeutic sessions, treatment etc.
- Looking at the physical environment and review what adjustments would be desirable e.g moving away from a busy corridor

Most adjustments are simple, inexpensive and need only be temporary.

You may or may not feel able to discuss any medication that you may be on – however, it is helpful for you to consider any side effects that you may be experiencing and whether you wish to share these with your employer so that if relevant adjustments can be made for you – this is crucial in jobs where there are health and safety risks.

The plan should include information about job tasks, how the person will be paid, who the person should report to, what sort of support and supervision will be given. It should also include information about who is responsible for maintaining the return to work plan and a plan for reviewing this and any adjustments made regularly.

Have an honest discussion and you will need to accept that not all adjustments may be able to be made in your organisation.

Equality Act 2010

If you are returning to work after an episode of ill health that is considered disabled under the terms of the Equality Act 2010 your employer will be required to make 'reasonable adjustments' to meet their duties under this act. For more information go to www.direct.gov.uk

The Access to Work programme offers help to people with a disability or health condition who are in or looking for work. It provides funding that is used to help remove the practical barriers that may prevent someone working on equal terms. The government funding could be used to pay for the costs associated with making reasonable adjustments. The amount of funding varies and is reviewed every 1 to 3 years. For more information about Access to Work go to www.direct.gov.uk

However whether you are disabled or not, making adjustments where necessary is good practice and can ease the return to work.

It may be helpful to think about what you would like your return to work plan to look like before you meet your employer – be prepared to be flexible – some of the adjustments you would like may not be organisationally practical!

Be prepared to be reasonable but try to negotiate a sensible sustainable plan that will enable you to return to work.

My Return to Work Plan

Adjustments required:	Give details and time frame
1. Hours	
2. Tasks	
3. Environment	
4. Other	

Section 4 - Returning to Work

Managing reactions from colleagues and clients

Fear, ignorance and hostility can be a source of great distress and usually stigmatising behaviour arises more from fear and ignorance than ill will. People may not be sure what to say and will find it easier to avoid the individual or not mention illness, mental health or stress.

If you feel able to, discuss with your manager and agree who will be told what and by whom and when. Don't feel pressurised by your employer to disclose more than you wish.

People returning from absence due to mental ill health should be treated in the same way as those with physical ill health.

If you have any hostile reactions – ask your manager to stamp out any hurtful gossip or bullying immediately.

Reviewing your return to work plan

It is important to regularly review your Return to Work Plan. The timeframe and who it will be reviewed with should be agreed when the plan is developed. Most adjustments are usually only temporary and these should be reviewed regularly to help you return to work fully as soon as you are able to. However this is your opportunity to negotiate further adjustments or lengthen the timeframes that you would like the adjustments to be made for depending on what your needs are.

Remember:

- Be prepared to be flexible – some of the adjustments you would like may not be organisationally practical!
- Be prepared to be reasonable but try to negotiate a sensible sustainable plan that will enable you to return to work.

Coping Strategies

Developing coping strategies can be very important in ensuring you are able to stay in work. This often involves noting the signs of a possible relapse and taking pre-emptive action to avoid it.

Examples of this could include cutting down on work, taking exercise and finding time to relax.

If you feel able and would like to share this with your manager, it is important that your manager supports you in this and it is well worth reminding employers that small and inexpensive adjustments may prevent a more costly period of illness.

What happens if the return to work is not successful?

In this scenario try to go through the reviewing process and options for making further adjustments and talk realistically with your employer about the best way forward. Did you return

to work too quickly, are there any other reasonable adjustments that could be made to help you return to work?

If all reasonable adjustments have been made in the current post, it may be necessary to consider transferring to another job.

Normal procedures should be used if it is a performance, attendance or conduct issue rather than one relating primarily to health or disability. If matters cannot be resolved then you may have to move to terminating this employment. If this is the case your employer should help you to move on with dignity and issues such as health related pension benefits should be fully explored.

Section 4 - Staying in Work

Your Return to Work plan should be regularly reviewed and amended as appropriate. If you have identified any stress factors which you can control review these regularly and ensure that you have appropriate strategies in place.

Ensure that you recognise the symptoms of stress and manage stress appropriately either by your own behaviour or with the help of your employer.

Good luck on your journey to returning to work!

Sources

The Mental Health Handbook – Trevor Powell

SHiFT – Line Manager’s resource – A practical guide to managing and supporting people with mental health problems in the workplace

www.shift.org.uk

www.areturntowork.co.uk

www.direct.gov.uk

www.foresight.gov.uk

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