

ILL HEALTH RETIREMENT OPTIONS

Brian Booth outlines some of the pitfalls that can arise when dealing with ill health retirement cases. Dealing with a recent Royal Mail case, he found that some managers are not following the correct guide contained in the attendance agreement.

This guide sets out the different options available for employees returning to work, following a period of sick absence, where they are unable to return to their normal role immediately and may require a short term job modification or permanent adjustments to be made to their role. It should be read in conjunction with the Attendance Policy (*the material is drawn from pages 52 to 59 of the National Attendance Agreement*).

Members should be allowed adjustments or redeployment before ill health retirement is considered.

MODIFICATIONS TO THE ROLE

In order to allow an employee to return to work following a period of sick absence, the manager may need to consider making short term job modifications or permanent adjustments to the employee's normal role. This may involve a change to their hours, working times or content of their role to ensure that the employee is supported and provided with the opportunity to continue their employment in Royal Mail Group.

When an employee has been away from work for a period of sick absence, their return to work will need to be planned and where necessary, adjustments considered to support them. Advice from the Occupational Health Service may be sought prior to the return to ensure that any modifications or adjustments are appropriate; the manager should also refer to the fit note for additional information.

The Occupational Health Service will advise upon how the employee's health condition affects their ability to perform their role. The Occupational Health Service will provide advice, based on the medical evidence, outlining which parts of the role the employee may be capable of, and whether any changes are required to help them return to work. This advice should be shared with the employee.

The local union representative has a role in facilitating this proactive approach by supporting and encouraging a two-way dialogue and the employee, with the employee's permission. Managers may also contact the HR advice centre for further advice.

MEETING WITH THE EMPLOYEE

The manager should meet with the employee to identify any changes to their normal role that could be made to enable them to return to work. The employee may wish to be accompanied by their union representative. During the meeting, the manager should discuss the following:

- Ensure that the employee understands that their knowledge and skills are valued by Royal Mail Group and that the joint aim is to help them return to work
- Identify the kind of work that the employee is capable of performing
- Explain the options available; discuss the employee's ability to perform their role and any potential changes to their role that will help them return to work
- Any other factors that should be taken into account when considering their return to work, for example, distance the employee is able to travel, shift pattern and hours of work
- Consider how the employee may be able to return to work and develop a return to work plan

AFTER THE MEETING

Following the meeting, the manager should reflect on the discussion and the options available before making a decision. This should include reviewing the workload in the office and how it could be tailored to accommodate a short term job modification. They should take the following information into consideration:

- The advice provided by the Occupational Health Service
- The employee's knowledge, skills and experience
- The types of work the employee may be able to perform
- Any other relevant factors, for example distance the employee is able to travel, shift pattern and hours of work
- Any reasonable training that the employee may require in order to perform modified duties

COMMUNICATING THE MEETING OUTCOME

The manager should agree a return to work plan, with input from both the employee and Occupational Health Service, and should communicate the decision to the employee. The plan will cover:

- Whether there will be a phased return to work, modified duties or a combination of both
- The timescales for the return to work plan
- Review dates throughout the return to work plan
- Any training that the employee will require
- Any support that is necessary such as buddying or mentoring etc. The precise point during recovery which is the best time to return to work activities is an individual's judgement, and expert guidance will be given to the manager by the Occupational Health Service.

As a general guide, it is reasonable and appropriate for an employee to return to work when recovery allows completion of approximately half of their work activities. Similarly the aim would be for the employee to be able to perform their full role usually within four weeks but may continue beyond this period where appropriate.

WHAT IS A PHASED RETURN TO WORK?

A phased return to work is when an employee gradually increases the amount of hours worked each week. It allows the employee to readjust to full attendance in the workplace. For example, they may work shorter working days, flex their attendance times or work a shorter working week. Over a period of time, the time spent working will increase until the employee is working their normal contracted hours.

A phased return to work can take up to four weeks for an employee to progress to the full hours of their normal role. If the return to work is going to take a longer period, then this should be considered as a short term job modification.

The manager should hold a welcome back meeting on the employee's first day back to work. For more information on welcome back meetings please refer to the Welcome Back Meetings Guide.

WHAT ARE SHORT TERM JOB MODIFICATIONS?

Short term job modifications are where the content of the employee's normal role is changed to allow them to return to work. It is used where the employee cannot undertake full work activities due to the constraints of their health condition.

Short term job modifications are temporary; to allow an employee to recover from their condition or while an employee is receiving or waiting for treatment. When arranging short term job modifications, managers should consider:

- Whether the short term job modification will be helpful in getting the employee to return to work
- What impact the short term job modification may have on the rest of the team
- The cost of arranging the short term job modification

The Occupational Health Service will advise managers on any necessary temporary modifications and the suitability of an employee's return to work. Where short term job modifications have been agreed with the employee, details of their short term job modifications and the timescales agreed for their return to their normal role should be recorded through Managing My Team on PSP.

The manager should include agreed review dates throughout the period of temporary modifications. A short term job modification may take place at a separate location. The employee will return to work and receive full pay; therefore overtime cannot be claimed until the employee is working in excess of their full contractual hours.

A short term job modification will normally last for between one and four weeks but may continue beyond this period where appropriate, for example while an employee is waiting for treatment, this will be agreed between the manager and employee.

WHAT ARE REASONABLE ADJUSTMENTS?

Reasonable adjustments are changes made in the workplace and to employment arrangements to ensure that a disabled person is not at any disadvantage when compared to a non-disabled person.

The Equality Act gives a number of examples of "steps" which Royal Mail Group may consider as reasonable adjustments. However, each case is different and treated on its merits and will depend on how much the employee's disability affects them. The adjustments might include:

- Allowing the employee to be absent during working hours for medical appointments, assessment or treatment
- Altering the employee's working hours
- Acquiring or modifying equipment
- Making adjustments to premises

Reasonable adjustments will be agreed following a meeting with the employee. How quickly does a reasonable adjustment have to be made? Royal Mail Group aims to put adjustments in place as promptly as possible.

There are no prescribed timescales for making reasonable adjustments and these will be dependent upon circumstances and on whether or not the adjustment is substantial.

The manager is responsible for keeping in contact with the employee to keep them updated and to manage their expectations about when adjustments may be made.

The employee may also contact the manager for an update if required. If the implementation of a reasonable adjustment is planned but cannot be implemented immediately e.g. equipment has been ordered but has not yet been received, then the employee may not complete certain tasks/duties while adjustments are progressed. Managers may also contact the HR Advice Centre for further advice.

WHAT TO DO IF NO ADJUSTMENTS ARE POSSIBLE

Where it is not possible to identify any suitable adjustments to the employee's role, the manager should document that they have made every effort to discuss adjustments with the employee, and that every option has been considered. Where making the adjustment is not feasible the manager must inform the employee in writing, giving reasons.

In cases where no adjustments to their current role are available, the manager must discuss with the employee whether they would be able to return to work in an alternative role or location.

WHAT IS REDEPLOYMENT?

Redeployment is the process by which suitable alternative employment in Royal Mail Group is sought for employees who are unfit or unable to carry out the duties of their normal role due to ill health.

WHEN SHOULD REDEPLOYMENT BE CONSIDERED?

Redeployment will typically be considered in situations where an employee is returning to work after a period of long term absence due to ill health and they are unable to carry out their normal role. An employee may be unable to work because of illness or disability, or when their condition is affecting, or will potentially affect, their ability to undertake the duties their normal role requires.

In this situation, the redeployment process should be considered, which will involve the employee's manager exploring whether there are any alternative roles or positions in Royal Mail Group that the employee will be able to undertake.

It is important that redeployment is considered as it has many benefits, both to the employee and the business. An employee can only be considered for redeployment where:

- The employee has a long term illness or has a condition which affects their ability to perform their job effectively, and all other options have been exhausted.

- The employee has requested redeployment on the grounds of ill health, and is supported by advice from the Occupational Health Service The Occupational Health Service will produce a report containing recommendations, based on the medical evidence. Managers can also contact the HR Advice Centre for further advice.

REDEPLOYMENT MEETING

The manager should hold a redeployment meeting with the employee, giving them at least five days written notice of the date, time and location. The employee should also be informed that they can be accompanied by a work colleague or union representative to this meeting.

The meeting should be used to discuss the employee's ability to work, to identify the work they are capable of performing and other issues that should be considered when identifying redeployment options e.g. distance able to travel or shift patterns or hours the employee is able to work. The manager can use this information, along with the outcome of the Occupational Health Service referral to identify potential roles for the employee, including any appropriate vacancies. After the redeployment meeting the manager should decide whether redeployment is a suitable option for the employee.

EXPLORING OPTIONS FOR REDEPLOYMENT

Where it is established that redeployment into another role would be a suitable option, the manager should explore potential roles and positions available in Royal Mail Group for the employee.

REDEPLOYMENT WITHIN THE SAME LOCATION

Managers are encouraged to identify suitable opportunities for redeployment within their own unit in the first instance. If this is not possible, redeployment roles should be sought in the wider business area or across Royal Mail Group in a different location.

REDEPLOYMENT TO A DIFFERENT LOCATION AND/OR BUSINESS AREA

Where there are no appropriate roles within the employee's business area or location, the manager should consult the wider business in order to find a suitable opportunity. Before beginning the search, the manager should inform their Senior HR manager. Roles should first be sought within the employee's business area. In order to conduct the search, the manager should contact:

- Other line managers in neighbouring offices
- The Senior Resourcing Manager

If no suitable positions are found within the first two weeks, the manager should extend the search to include other business areas across Royal Mail Group. During this period of searching for a new position, the manager should remain in contact with the employee to make sure that they understand the process and what is happening. The manager should ensure that they keep a record and document all discussions they have with the employee, union representatives and other parts of the business. This must also include contacts made and responses received.

DECISION TO FOLLOW REDEPLOYMENT

Once a suitable redeployment option has been found the manager will be responsible for arranging the redeployment. The process for redeployment to another role is dependent on whether the role is within the same location and business area, or in another location and business area.

REDEPLOYMENT WITHIN THE SAME LOCATION

If there is a suitable role within the employee's own area, the employee's manager is responsible for arranging the change of role. Having accepted the redeployment, and assuming there are no changes to the employee's contracted working hours or pay, the manager and the employee should agree a return to work date, at which point the employee can start their new role. If, however, there are changes to the contracted hours of work, or payment terms, the manager must complete an Employee Change Request (ECR) through Managing My Team on PSP. This will generate a variation of contract so the employee can return to work.

On the employee's first day back to work in their new role, the manager should hold a welcome back meeting. Part of this discussion should include identifying any training that the employee may need to complete in order to undertake their new role.

REDEPLOYMENT TO A DIFFERENT LOCATION AND/OR BUSINESS AREA

If the proposed redeployment is to another location or business area, the employee's current manager should work with the proposed new manager to arrange the change of role. Having accepted the redeployment, the outgoing manager should contact the employee's new manager to arrange a return to work date. The outgoing manager must complete an Employee Change Request (ECR) through Managing My Team on PSP if appropriate. This will generate a variation of contract.

Good practice is for the employee's new manager to contact the employee prior to their return to work, to discuss the new role and to get to know the employee before they start work. Part of this discussion should also cover any training the employee may need. The employee's new manager should hold a welcome back meeting on the employee's first day back to work.

WHAT TO DO IF AN EMPLOYEE QUESTIONS THE REDEPLOYMENT

Royal Mail Group will make every effort to identify suitable and appropriate roles; however, in some situations an employee may question a proposed redeployment on the grounds of either suitability or reasonableness.

HOW THE EMPLOYEE SHOULD RAISE THEIR CONCERNS

Where an offer of redeployment is not acceptable to the employee, the employee should inform their manager of their intent not to accept the role, and should confirm this in writing within five days of receiving the offer of redeployment.

A meeting should then be held to discuss the employee's concerns. The meeting will be held by an appropriate manager, who may seek further advice from Occupational Health Service and/or the HR Advice Centre.

THE REVIEW MEETING

The review meeting should be held within two weeks of the written request being received. The employee should be notified at least three working days in advance of the date, time and location of the meeting. The employee may wish to be accompanied by a work colleague or union representative. For more information refer to the Right to be Accompanied Guide.

THE OUTCOME OF THE REVIEW MEETING

- The review is successful and further discussion will take place to identify an appropriate redeployment opportunity. The manager should follow the redeployment process set out above to find a more suitable position
- The review is unsuccessful. The employee should be formally offered the job for a last time. If this is refused, managers must seek advice from the HR Advice Centre

WHAT HAPPENS IF NO SUITABLE POSITIONS CAN BE FOUND?

Where it is not possible to identify a suitable redeployment option, it is important that the manager must be able to document that they have made every effort to contact other managers in neighbouring offices, senior resourcing manager, and senior HR manager to find an alternative role. Where no suitable alternative work is identified, and no further adjustments can be made, the manager should refer to the Ill Health Policy.