



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PG 036
Restricted and Recuperative Duties

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SECTION 1 VERSION CONTROL

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SECTION 2 BACKGROUND

Nottinghamshire Police is committed to supporting individuals with appropriate restricted and recuperative duties plans and reasonable adjustments when they are fit to work but temporarily unable to perform their full range of duties.

This is consistent with our commitment to promoting a good attendance culture and a supportive working environment. Long periods of sickness absence can have a substantial effect on the individual and can, over a period of time, impact on the individual's ability to return to work. Nottinghamshire Police support individuals in returning to work at the earliest opportunity and thus reducing sickness absence.

SECTION 3 AIMS / OBJECTIVES

The aim of the guide is to assist line managers in providing a structured approach to supporting individuals with restricted or recuperative duties plans in specific situations.

The Managers Guide must be read in conjunction with PS 174 Restricted and Recuperative Duties Policy.

SECTION 4 DETAILS

4.1 DEFINITIONS

Recuperative Duties – Recuperative duties are utilised to facilitate attendance at work for an individual with a medical health problem /injury which requires them to perform reduced hours or a restriction in tasks. Recuperative duties would normally be in place for no longer than 6 weeks. In exceptional circumstances this may be extended to 3 months with the agreement of the Head of Department/ Division and the Head of HR&OD.

Restricted Duties – This applies to police officers only. Police Officers who are unable, because of ill health or disablement, to carry out full operational duties, who do not fulfil the recuperative duties criteria and are not expected to return to full duties in the next 6 months, may be able to perform restricted roles that do not require full operational fitness.

Fit for Post – An individual with a medical restriction are in a post where they are able to undertake the full range of duties for that role, and where appropriate reasonable adjustments have been made.

Full Duties - These are the full duties of the individual's permanent substantive post.

4.2 ROLES AND RESPONSIBILITIES

Line manager

- Refer to Occupational Health as appropriate.
- In the case of sickness absence, facilitate the individual's return to work on recuperative duties where appropriate.
- Undertake any risk assessments regarding restricted / recuperative duties.
- Identify and communicate the dates and details of the restricted /recuperative duties with relevant parties.
- Monitor the well being of the individual and whether the restricted / recuperative duties are facilitating a return to full duties.
- Keep HR up to date with agreed plans in order that HR can keep ORIGIN updated.

Individual

- Undertake appropriate risk assessments to inform the decision making process and record on G1089 A.
- All police officers and police staff have an obligation, where they are classified as on recuperative duties, to make every effort to progress their health to achieve full effectiveness.
- Must not undertake actions or activities that will hinder their recovery or increase any risks to themselves or Nottinghamshire Police.
- Must maintain regular contact with their line manager, Occupational Health and their own GP or Consultant as appropriate throughout any recuperation period.
- Must notify their line manager of any changes that may impact on their ability to undertake/continue with restricted/ recuperative duties and any changes which may impact on the risk assessment that has been undertaken.

Occupational Health

- To provide specialist medical opinion to the line manager where necessary.
- Make recommendations for line managers to consider regarding an individual's capability or limitations to temporarily work different hours, duties or shifts balancing the needs of the individual with the needs of the Force.
- Provide practical advice to assist an individual's return to work, including advice on reasonable adjustments and interventions.
- Support the organisation and individuals to enable the most effective use of resources.
- Where appropriate, Occupational Health will liaise with medical practitioners outside of Nottinghamshire Police to gain medical reports which will assist an individual to return to work.

Occupational Health Advisors are bound to maintain medical confidentiality and will at all times preserve the balance between the individual's and the force's need.

HR team

- Provide support and guidance to line managers in managing these situations.
- Maintain a register of all individuals working on recuperative or restricted duties.

4.3 OCCUPATIONAL HEALTH REFERRALS

PS 174 Restricted and Recuperative Duties Policy outlines the importance of up to date medical information to assist line managers in agreeing appropriate restricted and recuperative plans in certain situations.

Line Managers are responsible for making Occupational Health referrals for individuals in their teams and do this via the Form G249. Before starting to complete G249 make sure you have all the relevant documentation which includes fit notes, job description/person specification (if appropriate), development plan, sickness absence history, accident/incident form (if appropriate) and any other advice received previously.

When completing the form, consider the following:

Summary – Provide a summary of the illness/injury including any factor relevant to their particular circumstances. Include details of their role and the impact that their current medical problems are having on their ability to fulfil their role. Include details of any development plan and relevant support that has previously been provided. This information allows Occupational Health to be able to provide the most comprehensive response to the referral for both the individual and the organisation.

Action to Date – include any specific recommendation received from the individual's GP or consultation. This can include information from a fit note.

Management Intervention/Action – include any informal actions already taken or any formal processes that the individual has been taken through. Include actions from a development plan or action plan. It is essential that Occupational Health are fully briefed on the current position as they are unable to provide meaningful advice if they do not have the full picture.

Temporary adjustments – Include all temporary adjustments currently in place, whether these have been informally or formally agreed. This should include any change in hours

worked, duties/tasks allocated, shifts worked, location, driving responsibilities, public facing tasks, or representing the Force.

Recuperative Working Pattern – Include any amendments that have been made to working hours. This will ensure that if a recuperative programme has not been as successful as expected it can be reviewed going forward.

It is important that you meet with your team member whom you are referring to Occupational Health to discuss the referral, share a copy of your referral with them and ensure they are clear on the rationale for why they are being referred to Occupational Health. It is important to send a copy of the referral to the relevant HR Consultant / HR Business Partner to keep them informed of your actions.

It may be difficult to provide the support sought by the individual within the context of the needs of the organisation.

This can be facilitated by the referral form being completed with as much information regarding the individual's role as is possible and outlining the tasks expected to be undertaken by the individual.

The Occupational Health Advisor /Force Medical Advisor (FMA) provide advice. A line manager can request that they provide a rationale for their recommendation of recuperative duties and how this would facilitate a return to full duties. The manager can challenge the information/advice/guidance provided by Occupational Health. The line manager does not have to fully accept the advice from Occupational Health but use the guidance to support the individual's needs and the needs of the organisation. The line manager should liaise with the HR Consultant to discuss the information/guidance received from Occupational Health. This will ensure that a balanced view is taken and a reasonable and objective decision is made and Nottinghamshire Police undertake their duty of care.

There may be occasions where conflicting advice is received from a GP and the FMA. In this situation it is reasonable for you to draw the differences to the attention of the FMA. However, if in doubt, you should rely on the FMA as they have a better, more detailed understanding of role requirements, the context of Nottinghamshire Police and what could be considered reasonable in the circumstances.

4.4 RETURN TO WORK SITUATIONS

Return to Work Interview

Individuals should only return to work after an absence due to sickness or injury if they are fit to work. If an individual is in receipt of a fit note and not fully fit, this should indicate the duties/tasks that they are able to carry out. It would be expected that an individual would be fit to work at least a minimum 50% of their normal hours. If the individual is unable to work at least 50% of their normal hours then it is unlikely that they would be considered fit to return to work by the Force.

Line managers are expected to conduct a return to work interview after every absence and this is particularly important when an individual returns to work on recuperative duties to ensure that the appropriate arrangements are in place.

For further information regarding return to work interviews you should refer to PS 147, PD 610 and PG 023 relating to Attendance Management.

4.5 CONFLICTING ADVICE

There may be the rare occasion where the information/advice provided by the individual's GP or consultant differs from the information/advice/recommendations received from Occupational Health. It should be noted that Occupational Health would have been in receipt of information regarding the individual's role, tasks, responsibilities and the facilities where they normally work. Occupational Health would have taken all of these areas into consideration prior to making any recommendations. The line manager should discuss the conflict with HR prior to discussion with the individual. All advice/ information/ recommendations should be considered alongside any risks before the line manager determines the recuperative/restricted plan that is put in place.

4.6 RISK ASSESSMENTS AND RESPONSIBILITIES

A risk assessment must always be carried out for an individual who is on a restricted or recuperative duties plan. It is the joint responsibility of the individual and line manager to complete the risk assessment in full consultation with each other. Full details of risk assessments can be found on the Health and Safety page of the intranet and Form G1089 A should be completed.

4.7 REASONABLE ADJUSTMENTS

In looking at restricted and recuperative duties line managers need to consider reasonable adjustments to posts (both temporary and permanent adjustments in the light of any recognised disability). An area which can cause line managers concern is deciding what would be a reasonable adjustment to duties and when these adjustments should be made. It may be helpful to recap on the legal background here.

Under the Equality Act 2010 an employer has a duty to make reasonable changes for disabled applicants and individuals working for them. These are known as 'reasonable adjustments'.

Remember, in the Act, a person has a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse affect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past who meet this definition are also protected by the Act.

This is quite a broad definition of disability so it is best to be open to consider reasonable adjustments for all individuals who require a restricted and recuperative duties plan. Remember that does not mean you have to accommodate all requests – it is about accommodating reasonable requests.

Adjustments should be made to avoid a person with a disability being put at a disadvantage compared to a non-disabled person. The need to make reasonable adjustments can apply to the working arrangements or any physical aspects of the workplace. The important term is 'reasonable'. The manager must consider what adjustments are reasonable and it is advisable to discuss this with an HR Consultant.

It is good practice to ensure reasonable adjustments have been made to facilitate an individual's attendance at work; this is best practice in all cases. Occupational Health can provide information to help you make an informed decision on adjustments in the workplace.

The types of reasonable adjustments that an employer like Nottinghamshire Police might be required to consider include:

- Making physical adjustments to the workplace (e.g. installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person).
- Allocating some of the disabled person's duties to another person.
- Transferring the disabled person to another vacant post with or without reasonable adjustments being made.
- Altering the disabled person's working hours through, for example, part-time working, job sharing or other flexible arrangements (with appropriate adjustments to pay if these adjustments are permanently required).
- Providing special equipment to assist the disabled person to perform their tasks and giving training in the use of the equipment (e.g. providing a special keyboard if they have arthritis).
- Letting a disabled person work somewhere else – (e.g. on the ground floor for a wheelchair user).
- Asking another individual to carry heavy equipment (e.g. a colleague carries the equipment or load a vehicle).

As well as the need to make permanent adjustments in light of recognised disabilities, temporary adjustments to working arrangements within restricted and recuperative duties plans can also be an effective investment in preventing further absences or avoiding long term absence for individuals who do not have recognised disabilities. Temporary adjustments to facilitate a return to work do not need to become permanent. This can be particularly useful to assist an individual back to work from a long term absence.

The types of changes could be to :

- reduce the depth and breadth of tasks allocated,
- short term reduction in hours worked,
- reduce supervisory duties,
- reduce travel during office hours.

Work conditions can have an impact on attendance therefore this should be a further consideration.

Many of the adjustments that can be made will not be particularly expensive, and line managers are required to behave reasonably in the context of:

- the size and the nature of the organisation;
- how effective the adjustment would be in overcoming the disadvantage;
- the financial and other costs incurred and the extent of any disruption to activities;
- the extent of Nottinghamshire Police's financial and other resources;
- the availability of financial and/or other assistance in making the adjustment.

The above factors would be considered in the context of Nottinghamshire Police as a whole. For example, it is not about whether a small team can afford a particular piece of equipment. It is about whether as an organisation it is reasonable for Nottinghamshire Police to purchase the equipment. It is therefore important that line managers take Force wide responsibility for these things and try and overcome small team budget issues and look at the bigger picture, referring the matter higher if budget issues are unduly restricted.

Reasonable adjustments support individuals in returning to, and sustaining, attendance at work. Occupational Health can provide guidance to both individuals and line managers to support an individual's ability to carry out their role, and advise on any reasonable adjustments or interventions required to assist a return to work or full duties. Any adjustment should be considered as effective, affordable and practicable. All cases must be reviewed on their own merit.

[Access to Work](#) can help employers with some costs involved in making adjustments for disabled workers and there is more on this in the next section.

It is not appropriate to create a new role for the individual to allow them to remain in work. Reasonable adjustments should facilitate keeping individuals at work and these can be discussed with the HR Consultant. HR Consultants can be a good reference point to help you consider what would be considered reasonable in the circumstances.

Further information and advice on reasonable adjustments can also be obtained from a Disability Employment Adviser (DEA).

There's more detail about line manager's obligations and how to meet them on the [Equality and Human Rights Commission website](#).

4.8 ACCESS TO WORK

Access to Work is a government scheme. It provides practical and financial support to help individuals with a disability or long term physical or mental health condition to overcome barriers to starting or keeping a job.

Access to Work can also provide practical advice and guidance to employers, to help us understand physical and mental health and how employees can be supported.

The application for Access to Work support must be made by the individual and not the employer. The scheme is run by Jobcentre Plus so the local job centre should also be able to help.

Further information on Access to Work can be found:

Internet: www.gov.uk/access-to-work

Telephone: 02920 423 291
Textphone: 02920 644 886
Email: atwosu.cardoiff@jobcentreplus.gsi.gov.uk

4.9 SUPPORT TO THE INDIVIDUAL

Individuals on a restricted or recuperative duties plan should receive support from their line manager and it is essential that line managers are prepared to give this. Regular review meetings are vital to ensure responsibilities to individuals are honoured and the line manager is kept updated about progress.

The individual may also contact **Confidential Care (CiC)**. CiC are an external organisation which the Force uses to provide a Confidential Care support service 24 hours a day, 365 days a year to all police officers and police staff free of charge to the individual. They can provide:

- counselling – by phone, face-to-face and online
- financial and debt advice
- legal advice
- information services for family care and everyday matters
- a managerial advice line for new and existing managers giving advice on coaching, coping with pressure and stress, dealing with difficult situations and decisions, etc
- online resources

Individuals may contact CiC on **0800 083 2810**. CiC will not advise Nottinghamshire Police if an individual has contacted them.

HR Consultants/ Business Partners may also ring if they wish to discuss a complex case within the Force. CiC will not confirm or deny if the individual has been in contact with them.

Managers may also, with the consent of the individual request a management referral by calling CiC. CiC will then contact the individual direct.

4.10 CONFIDENTIALITY

Any information regarding restricted or recuperative duties is sensitive personal data and must be treated with confidentiality and respect. An individual's medical records are strictly confidential and classified as sensitive data. Occupational Health/Force Medical Advisor will discuss and agree with the individual any release of management reports containing medical information.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Health and Safety at Work Act 1974; Employment Relations Act 1999, and other legislation relevant to policing.