PS 174 Restricted and Recuperative Duties Policy

April 2014

Version 1.0

Statement of 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; Employment Relations Act 1999, and other legislation relevant to policing.
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Aims and objectives of the policy
The policy outlines Nottinghamshire Police’s commitment to supporting individuals with appropriate restricted and recuperative duties plans and temporary reasonable adjustments when they are fit to work but temporarily unable to perform their full range of duties.

The policy applies to both police officers and police staff unless otherwise stated. There are some differences between police officer and police staff entitlements due to the context of employment law and police regulations. Where this is applicable it will be highlighted.

The objective of the policy is to clarify the circumstances and parameters under which restricted and recuperative duties plans may be agreed. This policy is designed for the line manager’s reference.

Policy statement

Recuperative duties

Definition
Recuperative duties will be used to facilitate attendance at work for a police officer or member of police staff with a medical health problem which requires them to perform reduced hours or a restriction in duties to assist their recovery.

Principles
- Recuperative duties may be used for both police officers and police staff.
- Recuperative duties should be considered when such duties are likely to provide significant support towards an individual’s full recovery and consequent return to normal working within a 6 week timeframe.
- Recuperative duties will normally be in place for no longer than 6 weeks, although in exceptional circumstances this may be extended to a maximum of 3 months with the agreement of the Head of Department/Division and the Head of HR&OD.
- Recuperative duties can minimise a prolonged period of absence due to illness or injury.
- An individual may not always have been absent prior to the use of a recuperative duties programme.
- If an individual is unfit for work and a post/role for recuperative duties cannot be identified by the line manager after consultation with the HR Business Partner and after appropriate reasonable adjustments have been considered, the individual will be absent due to sickness until a post/role is identified, they return to full duties, they are redeployed, they are medically retired or their contract/service is terminated.
- Recuperative duties will be regularly reviewed by line managers.
- Individuals will receive their normal pay, conditions and allowances in the first 6 weeks of a recuperative duties plan. If there are exceptional circumstances which warrant an extension to the recuperative duties plan, the situation regarding pay, conditions and allowances will be reviewed at this time by the Head of Department/Division and the Head of HR&OD.
Restricted duties

Restricted duties are a specific element of Police Regulations and therefore only apply to Police Officers. Occupational Health will determine those police officers who are to be placed on restricted duties.

Line managers will consider appropriate reasonable adjustments for police staff who are unable to fulfil the full requirements of their roles, with appropriate advice from Occupational Health. Further advice on reasonable adjustments can be found in the Attendance Management Policy, Procedure and Managers Guide.

Definition

Police Officers who are unable, because of ill health or disablement, to carry out full operational duties, who do not fulfil 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.

Further information on police officer restricted duties can be found in Police Regulations 2003.

Principles

- Restricted duties roles are for police officers only. In the case of police staff, reasonable adjustments will be made to substantive roles to support them in the case of significant ill health or disablement.
- Restricted duties can be a preventative measure to avoid future sickness absence and to manage an operational risk if an individual cannot perform their full duties due to a temporary reduction in operational fitness.
- Ultimately, if Occupational Health have confirmed that an individual is fit for work, but it is not possible for them to perform their substantive role due to a temporary loss of operational fitness caused by ill health or disablement and an appropriate restricted duties role cannot be reasonably identified, the police officer may be notified that they are not required to attend work and remain on full pay. This will only apply in very rare circumstances, must be approved by the Head of HR&OD, and the police officer is expected to remain available for work and to cooperate in their return to work should a role become available.
- There must always be an expectation that the individual will return to their usual, or similar, role in the future.
- Restricted duties will be regularly reviewed by line managers (at least annually).
- Individuals will receive their normal pay, conditions and allowances whilst undertaking a restricted duties role.
General Principles for restricted and recuperative duties

The following general principles will apply to both restricted and recuperative duties:

- All cases of restricted and recuperative duties will be managed on a case by case basis and any exceptions to this policy will be approved by the Head of HR&OD or nominated deputy.
- Individuals will undertake risk assessments to help inform appropriate plans using G1089 A.
- Occupational Health referrals will support line managers in agreeing appropriate restricted and recuperative duties which relate to medical conditions.
- Restricted and recuperative duties will only be provided where duties are available that are suited to the specific circumstances.
- The provision of a restricted or recuperative duties plan for a particular individual should not impact adversely on other individuals and/or the area/department.
- Restricted and recuperative duties will be considered in the substantive team/location in the first instance. If this is not possible, they may be offered at a reasonably different location and/or team to the substantive post.
- Any sickness absence or leave during a restricted or recuperative period will be recorded as per the full substantive working pattern and will not extend the agreed length of the plan.
- Any medical appointments should be arranged outside of duty hours where possible.
- Individuals working reduced hours will not be eligible for overtime or to accrue police staff flexitime.
- In normal circumstances salary costs will be borne by the individuals’ substantive department, irrespective of the location of the restricted/ recuperative role.
- In all cases, restricted and recuperative duties plans will be reviewed on a regular basis by line managers, and at least fortnightly in the case of recuperative duties.
- Contact will be maintained on a regular basis between the line manager and the individual, unless alternative contact arrangements have been put in place.
- If at the end of a restricted or recuperative duties programme the individual is not fit for full duties, the line manager should invoke the Police (Efficiency)(Amendment) Regulations 2003 or the PS 166 Performance Management Policy as appropriate.
- Restricted and recuperative duties plans must be agreed and planned in advance and will not be backdated. Similarly deductions to pay and allowances will not be backdated.

Occupation Health Referral

It is expected that individuals referred to Occupational Health will make every effort to attend. Failure to attend may have implications on the receipt of sick pay and individuals must be made aware that their sick pay could be stopped if they do not attend an appointment with Occupational Health.

Unfit to attend work

Nottinghamshire Police is committed to acting reasonably and responsibly if an individual is at work on a recuperative or restricted duties plan and the line manager has reason to believe that the individual is not fit to be at work. In such situations, the line manager will discuss their concerns with the individual in question and may, if the circumstances warrant it, send them home from work if they are considered unfit to be at work. It may be
necessary to action a further referral to Occupational Health or to review the recuperative or restricted duties programme.

**Process for agreeing restricted or recuperative duties plans**

The line manager should refer to the Restricted and Recuperative Duties Managers Guide prior to starting this process.

1. An individual must be declared medically fit for work on restricted/ recuperative duties.
2. The individual should provide reasonable notice of their need for restricted or recuperative duties, especially if this follows a period of sickness absence.
3. In all cases the individual should complete an appropriate risk assessment on G1089A and discuss this with their line manager.
4. The line manager should complete a thorough and detailed referral to Occupational Health, using G2036, and copy in the relevant HR Consultant. Advice should be sought from a HR Consultant if an occupational health referral is not considered necessary in a specific case or if advice is required regarding the referral. The Force Medical Advisor/Occupational Health Advisor will provide a medical report to the line manager providing:
   a. The individual’s fitness for work and any proposed restrictions/parameters in respect of duties
   b. A recommendation on the length of restricted duties plan
   c. An estimate of the timeframe for a return to full duties
   d. The likelihood of the individual returning to full duties
   e. If surgery/further treatment is involved an estimate of when this may happen and whether the surgery/treatment is likely to result in a return to full duties.

The line manager should review the Occupational Health report, liaise with the relevant HR Advisor and consider whether they can accommodate the restrictions.

5. The line manager should meet with the individual and agree, and document in writing, the agreed restricted/ recuperative duties plan, including the plans and timeframes for review and any reasons why proposed adjustments cannot be implemented.

6. The individual should be provided with a copy of the plan.
7. The line manager should forward the agreed plan to their line manager.
8. The line manager and the individual must meet every two weeks to review the recuperative plan, monitor progress and adjust the plan as necessary.
## Related documents and Appendices

### Administration

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