

# LIMITED DUTIES (POLICE OFFICERS) POLICY

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**NORFOLK**  
CONSTABULARY



**SUFFOLK**  
CONSTABULARY

## LIMITED DUTIES

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## Legal Basis

### Legislation/Law specific to the subject of this policy document

- Annex EE, Regulations 22 and 28A The Police Regulations 2003

### Other legislation/law which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Crime and Disorder Act 1998](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom of Information Act 2000](#)
- [The Civil Contingencies Act 2004](#)

## Other Related Documents

- College of Policing – Code of Ethics
- Norfolk and Suffolk Constabularies' Standards of Professional Behaviour
- Sickness Absence Management Policy
- Unsatisfactory Performance Procedures
- Deployment Policy
- Flexible Working Policy (Officers)

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## 1. Policy Statement

- 1.1 This policy is designed to help police officers, their line managers and representatives deal with situations where an officer has an injury, accident, illness, medical incident or condition which means that the duties that they can undertake fall short of full deployment.
- 1.2 Norfolk and Suffolk Constabularies ('the Constabularies') do not wish to lose the skills and experience of officers who are able to make a valuable contribution and will aim to balance organisational and individual needs, to ensure that officers are retained in the force where possible.
- 1.3 This policy applies to all police officers.
- 1.4 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. The policy may be updated at any time following consultation with the Police Federation.
- 1.5 This policy promotes equality, eliminates unlawful discrimination and actively promotes good relations regardless of a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure this policy is applied fairly, and all officers have a shared responsibility in ensuring its success.
- 1.6 This policy has been formally agreed via the approved policy development and review process. It will be maintained by the HR department in conjunction with the Central Policy Unit.
- 1.7 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet the Constabularies' needs, and reflects any changes in Police Regulations.
- 1.8 The Director of People has overall responsibility for the effective operation of this policy and for ensuring its compliance with the relevant statutory framework. Day-to-day responsibility for operating this policy and ensuring its maintenance and review has been delegated to the HR Managers (HR Delivery).

## 2. Categories of Limited Duties

- 2.1 There are three categories of Limited Duties as determined in the Police Regulations 2003. These are:
  - a) recuperative duties;
  - b) adjusted duties; and
  - c) management restricted duties.

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- 2.2 The “recuperative duties” and “restricted duties” categories allow for the distinction between those who are not fully deployable on a short-term basis (or who are recuperating) and those who need to have long term restrictions on their deployment for medical reasons.

#### Recuperative Duties

- 2.3 Recuperative duties are defined as:

*“duties falling short of full deployment, undertaken by a police officer following injury, accident, illness or medical incident, during which the officer adapts to, and prepares for, a return to full duties and the full hours for which they are paid, and is assessed to determine whether he or she is capable of making such a return.”*

- 2.4 A period of recuperative duties should normally last for up to six months although, in exceptional cases, this may be extended up to 12 months. The decision to extend will be granted by the HR Manager based upon the circumstances of the case and medical advice.

#### Adjusted Duties

- 2.5 Adjusted duties are defined as:

*“duties falling short of full deployment, in respect of which workplace adjustments (including reasonable adjustments under the Equality Act 2010) have been made to overcome barriers to working.”*

- 2.6 Under this category officers must be attending work on a regular basis and be working the full number of hours for which they are paid. Officers will normally only fall within this category when they have been in a recuperative phase for a period of 12 months. Where medical advice becomes available prior to this 12 month point which suggests the officer’s restrictions will be prolonged or permanent, the officer may be moved into an adjusted duties category at an earlier stage.
- 2.7 Officers will be defined as belonging to one of the five categories of adjusted duties below:
- Unfit for response driving
  - Unfit for command and control
  - Unfit for full shifts covering the full 24 hours, including nightwork
  - Unfit for public facing role
  - Thematic Restriction (unable to undertake specific types of work as advised by the Force Medical Advisor (FMA)).

If more than one of the five categories applies to any officer, the primary category will be recorded, and if applicable a secondary category.

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## Management Restricted Duties

2.8 These are duties to which an officer is allocated under circumstances in which:

- a) verifiable confidential or source sensitive information or intelligence has come to the attention of the force that questions the suitability of an officer to continue in their current post; and/or
- b) serious concerns are raised regarding an officer which require management actions, both for the protection of individuals and of the force;

In either of the above circumstances, it must also be the case that:

- a) criminal or misconduct proceedings are not warranted; and
- b) the Chief Constable of the applicable force has lost confidence in the officer continuing in their current role.

2.9 Officers on Management Restricted Duties are excluded from the scope of the remainder of this policy. Further information may be sought from Professional Standards and/or Federation as appropriate.

## **3. Recuperative Duties Procedure**

### Initial Meeting

3.1 Where an officer has an accident, injury, illness or medical condition, and requires a period of recuperative duties, their line manager will meet with them to ensure all appropriate organisational support is considered.

3.2 At this meeting the line manager will open a Limited Duties – Officer Record with the officer. This record is a live and confidential document which will guide the officer and their manager through the entire review process. Full guidance notes for managers and directions for completion are included on the document. Managers may seek further guidance from their HR Advisor. It may be appropriate for an initial meeting to take place as part of a return-to-work meeting following a period of sickness absence. Where it is anticipated that the recuperative duties period will last one month or a set of four shifts, or longer, the HR Advisor will also attend the initial meeting to provide advice.

3.3 At the same time the manager should also complete a Limited Duties Notification Form to record any restrictions that the officer requires, so that duties can be planned accordingly and to ensure appropriate resourcing levels.

### Recuperative duties/plans

3.4 In all cases, recuperative duties will be structured, time-limited, supportive and rehabilitative. Workplace Health will be involved where appropriate (see section below).

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- 3.5 Quite often shorter-term recuperative duties (usually less than one month) can be locally agreed. However, the relevant HR Advisor must still be made aware of this by the line manager, through the Notification Form and Officer Record, in order that appropriate reporting and accurate effective strength calculations can be undertaken.
- 3.6 The focus of initial recuperation periods, which may include a phased return, will be to allow the officer to adapt to, and prepare for, a return to the full duties and hours for which they are paid.
- 3.7 A phased return is when an officer returns and works shorter hours or a different pattern (e.g. days only) gradually increasing back to their normal full hours.
- 3.8 The officer's line manager will work with them to plan their recuperation and record it in the Officer Record. Where the recuperation period is short, only part A of the Officer Record will need to be completed.

### Early Review Meetings

- 3.9 The officer's manager will meet with the officer at regular intervals as detailed on the Officer Record and depending upon the individual circumstances, the next steps may vary.
- 3.10 Although the manager will support the officer to stay in their substantive post wherever possible, where this cannot be accommodated, they may consider a temporary posting or change in work location to support the officer in their recuperative duties plan, with a view to them returning to their substantive posting when they are fit to do so.
- 3.11 Whilst an officer does not have the right to representation at these review meetings, they may be accompanied by a Federation representative at the manager's discretion.

### Referrals to Workplace Health

- 3.12 The officer's line manager or HR Advisor should refer the officer to Workplace Health where advice on how best to support the officer in their recuperation is needed. It may be that for some injuries, locally agreed restrictions may be appropriate but a referral must always be made where recovery does not go as predicted or a longer term recuperation period is needed. A referral to Workplace Health must always be made where an officer has a musculoskeletal injury or a psychological condition, or where their manager has concerns about that officer's mental health. All referrals are subject to obtaining the consent of the officer concerned.
- 3.13 Where an officer makes a request for a referral, this should be supported as appropriate, but officers should also make sure that they are seeking appropriate support from their primary healthcare provider.
- 3.14 Where an officer sustains an injury resulting from an accident or activity in connection with their work, they must complete an Assault, Force Incident

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(AFI) form, available in the Force Forms programme. The AFI form should be completed on the same day/tour of duty wherever possible, but within five days of the injury occurring, at the latest. The line manager/duty supervisor must complete this on the officer's behalf if the officer is unable to do so. It is the line manager's responsibility to ensure that the form is completed. If the injury leads to the officer being unable to perform their normal duties for more than seven consecutive days, their line manager must notify the Health and Safety Team of this.

#### Allocation of an officer to a new role whilst on Recuperative Duties

3.15 Where an officer is not able to undertake the full remit of their role due to their restrictions (and adjustments cannot be reasonably accommodated) management may consider temporarily posting the officer to a role which they can either:

- a) fully undertake, OR
- b) which is more suitable than their current posting in terms of their restrictions.

3.16 Postings will be in line with the Deployment policy.

#### Resolution at the end of Recuperative Duties

3.17 Resolution at the end of recuperative duties can include;

- A return to full duties.
- Ill health retirement consideration; this may be considered where the Selected Medical Practitioner (SMP) makes a determination of permanent disability and Chief Officers support the recommendation.
- Adjusted Duties; If the officer is working their full hours but has failed to return to full duties, they may be moved to the Adjusted Duties category (via an individual case assessment).
- Police (Performance) Regulations; where an officer has been unable to make satisfactory progress against an agreed action/support plan in line with their Officer Record, it may be appropriate to invoke action under the Police (Performance) Regulations. Please see the Unsatisfactory Performance Procedures (UPP) Policy for further information. Any action followed under UPP should be treated as wholly separate from any limited duties processes.
- Where an officer has not been able to achieve a return to their full hours they may wish (by way of an adjustment) to make a flexible working request. For further information on flexible working and how to make a request, please see the Flexible Working Policy [\(Police Officers\)](#).

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## 4. Limited Duties Meetings (Recuperative Duties)

- 4.1 Each case of an officer on recuperative duties will be discussed at the scheduled Limited Duties Meetings. The HR Manager will make a decision on further action to be taken (the “outcome”) in respect of each case, based upon the information contained within the Officer Record and in liaison with the officer’s Head of Department. The Head of Department will be expected to demonstrate a clear understanding of what capabilities the officer has, and the capabilities required for roles within their command.
- 4.2 Federation may be invited to attend the Limited Duties Meeting where they are able to provide relevant background information which may support decision making on cases to be assessed.

### Possible Outcomes

- 4.3 The possible outcomes for each case assessed are as stated at 3.17 above.
- 4.4 The outcome will be recorded on the Officer Record and the officer will be notified of the outcome by their management as soon as possible.
- 4.5 Where the HR Manager determines that the officer should be placed on Adjusted Duties, the case will be referred to the Workforce Planning department to identify a suitable posting (where the officer is unable to remain in their current role with adjustments). The officer will be informed of their posting as soon as reasonably practicable.

## 5. Adjusted Duties Procedure

- 5.1 There are certain triggers for an officer to be placed on adjusted duties which are as follows:
  - officer fails to recover sufficiently to undertake full duties following their period of recuperation.
  - officer fails to pass a fitness test or personal safety training brings to light an underlying medical condition that makes adjusted duties appropriate.
  - a medical review that comes about for some other reason.
- 5.2 The final decision to allocate an officer to adjusted duties will take account of the information provided by Workforce Planning together with thorough consideration of the officer’s medical information (obtained from their Workplace Health reports).
- 5.3 Other considerations that should be taken into account in the decision-making process at the Limited Duties Meeting are:
  - the appropriateness of adjustments/whether adjustments will help the officer overcome barriers to working in a substantive role;

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- the potential impact of any restriction or limitation on others (such as colleagues or members of the public);
  - a health and safety assessment.
- 5.4 The officer should be fully involved in this process and they will be able to suggest ways to overcome barriers to working as they will be more familiar with their condition and the way that it affects them.
- 5.5 If there is a difference of opinion between the officer and the Constabulary in relation to the medical advice to place an officer on adjusted duties or whether they are 'fully deployable', within 28 days of the difference of opinion coming to light, the officer must be examined by a different registered medical practitioner, appointed or approved by the chief officer. The second doctor's opinion will be final.

### Allocation of Adjusted Duties Officers to Roles

- 5.6 There are a number of considerations that will be undertaken when determining a suitable role which include:
- the workplace adjustments that could reasonably be accommodated including duties, hours of work, provision of equipment, adjustments to the work environment etc. Whether or not it is reasonable for the Constabulary to make such adjustments will depend on operational resilience issues, financial constraints, whether or not training is required and can be achieved, and the officer's individual capabilities and needs;
  - whether it is reasonable for the Constabulary to make those adjustments to that role. This would include consideration of operational resilience alongside the capabilities of the individual such as: health and safety risk assessment, cost, impact of adjustment on colleagues/force performance, whether adjustments have been made for others etc;
  - whether relevant training is required and can be achieved to enable an officer to fulfil a role with or without adjustments;
  - re-posting of (non-adjusted duties) officers from their current posts to alternative posts, in order to enable the posting of adjusted duties officers where such posts have been identified as potentially suitable to accommodate the adjustments required. This will be dealt with on a case-by-case basis where it has been recommended at the Limited Duties Meeting and all such proposed moves will be taken to a Workforce Planning Meeting chaired by ACCs for chief officer oversight.
- 5.7 Whilst the primary posting consideration for an adjusted duties officer is the identification of any suitable posts that can accommodate them, posting decisions will take the officer's individual skills and experience into account where this is viable.

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5.8 Postings will comply with the Deployment policy.

## Training

5.9 An officer may, in order to accommodate recommended adjustments, be posted to a role for which they do not, at this point, have all the necessary skills and experience to undertake. If this happens, a reasonable period of retraining will be required. The period of retraining will be agreed on a case-by-case basis, depending on the officer's current skills and experience and that required of the role.

## Annual Review Meeting

5.10 Once an officer reaches 12 months on adjusted duties, a formal management review should be undertaken to consider whether they should remain on adjusted duties. Prior to the review their manager must ensure that they have up to date workplace health advice on the officer's condition/illness/injury where appropriate.

5.11 The purpose of this review is to assess:

- whether there has been a change in the officer's medical circumstances;
- whether, after workplace adjustments, the officer is able to discharge a substantive police role for the full duration of the hours for which the officer is paid;
- whether there needs to be any changes to the officer's workplace adjustments, and whether any such changes and adjusted duties can reasonably be accommodated without unreasonable detriment to overall force resilience.

5.12 The review will be documented in the Officer Record.

## Outcomes of the Annual Review Meeting

5.13 There are a number of possible outcomes of this review which include:

- 1) the officer being considered for a return to full duties;
- 2) the officer remaining in their current post with any existing adjustments continuing;
- 3) some adjustments are no longer required and can be removed. Where applicable, any other necessary adjustments are put in place to ensure the officer is more fully deployable;
- 4) the existing adjustments are no longer considered adequate, further adjustments are agreed as reasonable and implemented;
- 5) the existing adjustments are no longer considered reasonable due to changes in business circumstances;

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- 6) the existing adjustments are no longer considered adequate and further adjustments are not considered reasonably possible.

Where 5) or 6) applies, then the case will be referred to the Limited Duties Meeting, at which point consideration will be given to the appropriate alternative posting.

### Future Reviews

5.14 The manager should continue to hold reviews with the officer on an annual basis (or sooner if an issue arises) to ensure all arrangements continue to be working for both the officer and the Constabularies. The outcomes of these reviews are as per 5.13.

5.15 Management reviews should be coordinated with the officer's annual workplace health review and will be recorded on the Officer Record.

### **6. Workplace Adjustment Passports**

6.1 If an officer is not under recuperative or adjusted duties but has a disability, medical or health condition where some adjustments could support them in carrying out their role, they are encouraged to complete a Workplace Adjustment Passport.

6.2 For further information on reasonable adjustments please see the Disability Management Policy.

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