



### Limited Duties (Police Officers)

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### Approved by

Legal Services	N/A
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**Note:** By signing the above you are authorising the policy for publication and are accepting responsibility for the policy on behalf of the Chief Constables

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**Note:** Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail

**Index**

1. Our Policy..... 3

2. Categories of Limited Duties ..... 3

    Recuperative Duties ..... 3

    Adjusted Duties ..... 3

    Management Restricted Duties ..... 4

3. Recuperative Duties Procedure..... 4

    Initial Meeting ..... 4

    Recuperative duties/plans ..... 4

    Early Review Meetings ..... 5

    Referrals to Workplace Health, Safety and Wellbeing ..... 5

    Tailored Adjustment Agreements ..... 5

    Allocation of an Officer to a New Role whilst on Recuperative Duties ..... 5

    Resolution at the end of Recuperative Duties ..... 6

    Limited Duties Meeting ..... 6

    Possible Outcomes of a Limited Duties Meeting ..... 6

4. Adjusted Duties Procedure..... 7

    Allocation on Adjusted Duties Officers to Roles ..... 8

    Training and Trial Periods ..... 8

    Actions in Advance of the Annual Review Meeting ..... 9

    Annual Review Meeting..... 9

    Outcomes of the Annual Review Meeting ..... 9

    Pay Implications ..... 10

    Future Reviews ..... 10

    Failure to find a Suitable Posting..... 10

**Legal Basis**

*(Please list below the relevant legislation which is the legal basis for this policy). You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.*

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

<b>Section</b>	<b>Act (title and year)</b>

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

<b>Act (title and year)</b>
<a href="#">Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)</a>
<a href="#">Equality Act 2010</a>
<a href="#">Crime and Disorder Act 1998</a>
<a href="#">Health and Safety at Work etc. Act 1974 and associated Regulations</a>
<a href="#">General Data Protection Regulation (GDPR) and Data Protection Act 2018</a>
<a href="#">Freedom Of Information Act 2000</a>
<a href="#">The Civil Contingencies Act 2004</a>

## Other Related Documents

- Sickness Absence Management Policy
- Unsatisfactory Performance Procedures
- Deployment Policy
- Flexible Working Policy

### 1. Our Policy

- 1.1 This policy is designed to help 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 which can be undertaken fall short of full deployment.
- 1.2 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.

### 2. Categories of Limited Duties

#### Recuperative Duties

- 2.1 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.”*

- 2.2 A period of recuperative duties should normally last for up to six months although, in exceptional cases, this may be extended to twelve months.

#### Adjusted Duties

- 2.3 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”.*

- 2.4 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 workplace health advice becomes available prior to this 12 month point which suggests your restrictions will be prolonged or permanent, you may be moved into an adjusted duties category at an earlier stage.

### Management Restricted Duties

2.5 These are defined as duties to which an officer is allocated in circumstances in which:

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

In either case also that:

- c) Criminal or misconduct proceedings are not warranted; and
- d) The Chief Constable has lost confidence in the officer continuing in their current role.

2.6 Officers on Management Restricted Duties, are excluded from the scope of this policy, further information should 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, their line manager will meet with them to ensure all appropriate organisational support is considered. At this meeting they 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. 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.

### Recuperative duties/plans

3.2 In all cases, recuperative duties will be structured, time-limited, supportive and rehabilitative. The Workplace Health, Safety and Wellbeing Department will be involved where appropriate.

3.3 Quite often shorter term recuperative duties (usually less than one month) will be locally agreed. HR must still be made aware, through the notification form and Officer Record, in order that appropriate reporting and accurate effective strength calculations can be undertaken.

3.4 The focus of initial recuperation periods/phased returns 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.

3.5 The officer's 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

- 3.6 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.
- 3.7 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 programme with a view to them returning to their substantive posting when they are fit to do so.

### Referrals to Workplace Health, Safety and Wellbeing

- 3.8 The officer's manager or HR representative should refer the officer to Workplace Health, Safety and Wellbeing 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 longer term recuperation period is needed. An automatic referral to Workplace Health, Safety and Wellbeing will be made where an officer is suffering from a psychological condition.
- 3.9 Where an officer wishes for a referral to be made, this should be supported as appropriate, but officers should also make sure that they are seeking appropriate support from their primary healthcare provider.
- 3.10 Where an officer sustains an injury resulting from an accident in connection with their work, they must complete an accident, injury or near miss form immediately. If this leads to them being unable to perform their normal duties for more than seven consecutive days, their manager must notify the Workplace Health, Safety and Wellbeing team via the [Limited Duties Notification form](#). Further information can be found [here](#).

### Tailored Adjustment Agreements and Other Support

- 3.11 Where an Officer is not recuperative or adjusted but has a condition which may be considered as a disability under the Equality Act (2010), their manager will complete a Tailored Adjustment Agreement. More information in relation to this can be found in the Disability Management Policy.
- 3.12 Support via Access to Work may also be appropriate.

### Allocation of an Officer to a New Role whilst on Recuperative Duties

- 3.13 Where officers are 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.

3.14 Postings will be in line with the [Deployment policy](#).

#### Resolution at the end of Recuperative Duties

3.15 Resolution at the end of restricted 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. Please see the [Sickness Management policy](#).
- Adjusted Duties; If the officer is working their full hours but has retained some restrictions, they may be moved to Adjusted Duties category (via a Limited Duties Meeting).
- 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
- 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. See [Flexible Working policy](#).

#### Limited Duties Meeting

3.16 This meeting will be held on a monthly basis and will be chaired by the Head of Human Resources. Also in attendance will be;

- Department Head
- HR Advisor
- Workplace Health representative
- Workforce Planning representative

3.17 If the case is being considered at a Limited Duties Meeting, the department head will present the information contained in the Officer Record, summarising the recuperation and restrictions so far, along with all supportive action which has been put in place. They will be expected to demonstrate a clear understanding of what capabilities the officer has and to evidence the capabilities required for the roles within their command.

3.18 Limited Duties Meeting Terms of Reference can be found [here](#).

#### Possible Outcomes of a Limited Duties Meeting

3.19 The possible outcomes of this meeting include;

- Being moved to an adjusted duties category.
- Return to full duties.
- Consideration of ill health retirement; this may be considered where the Selected Medical Practitioner (SMP) makes a determination of permanent disability and chief officers support the recommendation. Please see the [Sickness Management policy](#).
- Police (Performance) Regulations; where the 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.

3.20 The outcome will be recorded on the Officer Record at section C and the officer will be notified of the outcome by their management as soon as possible.

3.21 Where it is determined that the officer should be placed on Adjusted Duties, it is within the remit of the Limited Duties Meeting to identify a suitable posting (where the officer is unable to remain in their current role with adjustments). Where a posting cannot be identified at the meeting, the officer will be informed of their posting as soon as reasonably practicable.

#### **4. Adjusted Duties Procedure**

4.1 There are certain triggers for an officer to be placed on adjusted duties which are as follows;

- Officer fails to recover to 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.
- Medical review that comes about for some other reason.

4.2 Before allocating an officer to an adjusted duties category, workforce planning will undertake a force-wide assessment. This will enable a clear understanding of;

- The level of demand/operational requirement including contingency for periods of exceptional demand and to meet all statutory requirements.
- The resources needed to meet that demand including the number of fully deployable officers; and
- Which officers are deployable, from what range of duties, at what times.

4.3 This together with thorough consideration of the officer's medical information (obtained from their workplace health reports) and consideration of their needs will form the basis of any decision.

- 4.4 In placing an officer on adjusted duties it represents an intention to retain them and their skills/experience in the force in a substantive policing role. Our aim is to match the officer's individual capabilities with a role, on the understanding that this may necessitate long term or permanent workplace adjustments.

#### Allocation on Adjusted Duties Officers to Roles

- 4.5 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 constabularies to make such adjustments will depend on operational resilience issues, financial constraints and the officer's individual capabilities and needs.
- Whether it is reasonable for the force 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.
- The context of the totality of the police officer workforce, the number of vacancies available and the needs of disabled officers and officers returning from maternity leave as well as any other statutory duties which may apply.
- A trial period (determined by the constabulary) to assess whether the officer can fulfil the role with reasonable adjustments.
- Requiring another officer to swap jobs with another adjusted duties officer

- 4.6 Postings will comply with the [Deployment policy](#).

#### Training and Trial Periods

- 4.7 An officer may, as a reasonable adjustment, be posted to a role for which they do not have all the necessary skills and experience to undertake. If this happens, a reasonable period of retraining will be required. This will generally be up to six months in duration.
- 4.8 Upon commencement of the posting the officer will commence a trial period, the purpose of which is to ensure that the adjustments and their role are a good match. If it is felt that the posting is not working (by either party) the case will be reconsidered at a Limited Duties meeting. The possible outcomes are as per 3.19.

### Actions in Advance of the Annual Review Meeting

- 4.9 After nine months on adjusted duties, an officer should be invited to a 12-month review meeting.
- 4.10 Their manager will also ensure that they have up to date workplace health advice on the officer's condition/illness/injury where appropriate.

### Annual Review Meeting

- 4.11 Once an officer reaches twelve months on adjusted duties, a formal management review should be undertaken to consider whether they should remain on adjusted duties. 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 you are paid,
  - Whether there needs to be any changes to your workplace adjustments, and whether any such changes and adjusted duties can reasonably be accommodated without unreasonable detriment to overall Force resilience.
- 4.12 The review will be documented in the Officer Record.

### Outcomes of the Annual Review Meeting

- 4.13 There are a number of possible outcomes of this review which include;
- 1) Being considered for a return to full duties.
  - 2) Being considered for ill-health retirement.
  - 3) Being considered for formal action under the Police (Performance) Regulations. It should be noted that Unsatisfactory Performance or Attendance processes (UPP) should be treated as wholly separate from other processes described in this guidance and Unsatisfactory Performance Procedures (Officers) should be followed.
  - 4) The existing adjustments are no longer considered adequate, further adjustments are agreed as reasonable and implemented
  - 5) Some adjustments are no longer required and can be removed. Where applicable, any necessary adjustments are put in place to ensure the officer is more fully deployable.
  - 6) The existing adjustments are no longer considered reasonable due to changes in business circumstances. Where this applies, an alternative post will be sought (via a Limited Duties Meeting).
  - 7) The officer remains in their current post with any existing adjustments continuing.

- 8) If there are significant changes to the officer's circumstances, the case will be referred back to a Limited Duties Meeting for further consideration.

#### Pay Implications

- 4.14 At this time the Constabularies are not intending to make pay deductions (consistent with the national position) but this may be reviewed in line with the national position.

#### Future Reviews

- 4.15 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 4.13.

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

#### Failure to find a Suitable Posting

- 4.17 There is no set 'tolerance' level of adjusted duties. Officers and the constabularies are committed to identifying meaningful posts, however there may be occasions where this cannot be achieved. In this position, other options, such as ill health retirement or management under the Police (Performance) Regulations, may be considered. See [Unsatisfactory Performance Procedures](#).