



Derbyshire Constabulary

SICK PAY POLICY

POLICY REFERENCE AJC

This policy is suitable for Public Disclosure

Owner of Doc: Head of Department, Human Resources

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2. Legislative Compliance

This document has been drafted to comply with the principles of the Human Rights Act. Proportionality has been identified as the key to Human Rights compliance, this means striking a fair balance between the rights of the individual and those of the rest of the community. There must be a reasonable relationship between the aim to be achieved and the means used.

Equality and Diversity issues have also been considered to ensure compliance with Equal Opportunity legislation and policies. In addition, Data Protection, Freedom of Information and Health and Safety Issues have been considered. Adherence to this policy or procedure will therefore ensure compliance with all relevant legislation and internal policies.

3. Introduction

Police Officers and Police Staff are exposed, on occasions, to exceptional risks and hazards inherent in operational policing. Because of this, police officers and police staff have one of the most generous sick pay schemes available. In this respect, both schemes (subject to police staff meeting the service related eligibility provisions) normally allow up to a maximum of six months full pay followed by six months half pay.

Legal Basis

Police Officers Sick Pay

Annex K of the determinations made by the Secretary of State pursuant to Regulation 28 of the Police Regulations 2003 refers to the payment of an officer's salary during the period of sickness. It stipulates: -

If on any relevant day a member of a police force has, during the period of 12 months ending with that day, been on sick leave for 183 days, he ceased for the time being to be entitled to full pay. Further, that if the officer has been on sick leave for the whole of the period of 12 months ending with that day, he/she ceases for the time being to be entitled to any pay while on sick leave.

Therefore that **there is a presumption within the Regulations that an officer's salary will be reduced** whenever the period of sickness exceeds that as laid down.

The Chief Constable may in a particular case determine that for a specified period: -

- A member who is entitled to half pay while on sick leave is to receive full pay,
Or
- A member who is entitled to any pay while on sick leave is to receive either full pay or half pay; and may from time to time determine to extend the period.

Please note: - It has been decided that financial hardship is not a relevant consideration in respect of this regulation.

Police Staff Sick Pay

The terms and conditions governing occupational sick pay for police staff are as set out below. The entitlement to sickness leave with pay is calculated as follows: -

During the first year of service.	One months' full pay and (after four months' services) two months' half pay.
During the second year of service.	Two months' full pay and two months' half pay.
During the third year of service.	Four months' full pay and four months' half pay.
During the fourth and fifth years of service.	Five months' full pay and five months' half pay.
After five years service.	Six months' full pay and six months half pay.

If there is less than a six week break from a previous employment with the Derbyshire Police Authority this shall be counted as continuous service. The payment of sick pay to those below the minimum earnings level for National Insurance Contributions will be made where applicable.

Subject to the discretionary processes outlined in this policy, the presumption is that a police staff member's salary will be reduced whenever the period of sickness exceeds that as laid down in the above table.

4. Policy Statement

Derbyshire Constabulary will ensure consistency and fairness, whilst taking cognisance of any special circumstances and the merits of each individual case, in the operation of its sick pay scheme. The main aim is to provide police officers and police staff engaged in operational work with clarity and fairness when imposing a reduction in pay.

5. Procedures

Policy Operation – Police Officers

The Head of Department/Divisional Commander will review the case of any officer who has been on sick leave for a cumulative total of 160 days in the previous 12 months (or for 340 days in the case of an officer already under review for these purposes). This review will be based on a case file and recommendation (relating directly to the policy) submitted by the relevant HR Manager, following consultation with the officer's line manager. Where appropriate, consultation will also take place with the Health Management Unit.

The Head of Department/Divisional Commander will then report to the Head of HR who will consider whether to reduce pay or authorise an extension in appropriate circumstances, either upon reaching the six or 12 months stage of a continuous period or, immediately, in the case of a cumulative period.

Policy Operation – Police Staff

In cases where the salary of the a police staff member is to be deducted or stopped, the Head of Department/Divisional Commander will consider whether to reduce pay or extend pay in appropriate circumstances. This review will be based on a case file and recommendation (relating directly to the policy guidelines) submitted by the relevant Human

Resources Manager, following consultation with the relevant line manager. Where appropriate, consultation will also take place with the Health Management Unit.

The Head of Department/Divisional Commander can make the decision to reduce pay. Any request for extension should be forwarded to Head of HR for approval.

Decision to Allow Payment

The decision to allow payment of salary to continue is based on the **merits of the case** and in reaching a decision the following **eligibility factors** may lead to discretion being exercised: -

- Injuries on duty arising from risks inherent in operational policing e.g. assault on duty. Participation in sporting events when representing the force will not be regarded as a duty commitment/injury on duty.
- Terminal or life threatening illnesses.
- In respect of police officers, where the case is being considered in accordance with PNB Joint Guidance on Improving the Management of Ill Health and the officer has been referred to a selected medical practitioner in respect of the issue of whether the officer is permanently disabled. This would be from the date the force writes to the Force Medical Officer under Regulation H1 until the date the Chief Constable makes the decision under A20 to retain or retire the officer. The force will reserve the right to review any extension/resumption of pay at any time during this process if the officer is not co-operating or causing unnecessary delays to the process.
- Where a reasonable adjustment has not been made, or where there has been a delay in making the adjustment under the Disability Discrimination Act 1995 (Amendment) Regulations 2003 and the Disability Discrimination Act 2005 which would have enabled a return to work.
- Injuries sustained during the course of operational training, e.g. self defence.
- Pregnancy related illnesses.

If none of these factors are present, salary will not normally be continued. Having considered the merits of each case and the general principles set out above, continuation of salary may still be refused where: -

- There is a contributory fault or negligence on the part of the member of staff where the risks of injury were foreseeable and they did not take reasonable precautions.
- The member of staff has not co-operated and pursued appropriate medical treatment/rehabilitation or has pursued activities that would hinder or prevent rehabilitation/recovery/reasonable adjustments. This includes not complying with requests to attend medical examinations or supplying medical information.

Short temporary extensions may also be considered on an exceptional basis where the return to work has been delayed due to any unreasonable delays in service provision within the Health Management Unit; or where arrangements or workplace adjustments to facilitate a return to work are being finalised.

All cases where discretion has been granted will be reviewed at least every two months by the Human Resources Manager in consultation with the Health Management Unit and Divisional Commander/Head of Department. The same guidelines will apply in determining whether salary payment should continue beyond each review point.

NOT PROTECTIVELY MARKED

The member of staff will be notified of the decision in relation to payment of salary by letter. This letter must be delivered in person by the officer's line manager so that any welfare needs can be discussed.

It should be noted that the question of whether an injury or illness was sustained in the execution of duty for the purposes of the Police Pension Regulations is **NOT** the relevant test for the purpose of exercising discretion in relation to sick pay. This has a broad meaning within the Pensions Regulations extending beyond those cases where it will normally be appropriate to exercise discretion to extend sick pay.

The following circumstances will not, taken in isolation, justify an extension of full pay: -

- Delays in obtaining the necessary prognosis and/or medical treatment from the NHS.
- Pursuing a legal claim against the force, e.g. Employment Tribunal or Personal Injury Claim.
- Being subject to disciplinary procedures.

6. Monitoring and Review

The Head of Manager Services, in consultation with the Health Management Unit and Divisional Commander/Head of Department/HR Managers will monitor all members of staff subject to this policy.

7. Appeals Process

Police Officers

Where the Head of HR considers that it is not appropriate under the policy guidelines to allow an extension of full pay, there is a right of appeal to the Deputy Chief Constable, by report outlining the reason(s) why they feel entitled to remain at the appropriate salary level. The reasons given must fall within the guidelines stated within the policy.

Police Staff

Where the Head of Department/Divisional Commander (or Head of HR) considers that it is not appropriate under the policy guidelines to allow an extension of full pay, there is a right of appeal to the Head of HR (or Deputy Chief Constable when decision has been made by Head of HR), by report, outlining the reason(s) why they feel entitled to remain at the appropriate salary level. The reasons given must fall within the guidelines stated within this policy.