

Extension to Sick Pay Entitlements Procedure (Police Officers and Police Staff)

This document is part of North Yorkshire Police policy to which all Chief Constable personnel and the functions provided by the Deputy Mayor for Policing, Fire and Crime (Deputy Mayor) as part of the York & North Yorkshire Combined Authority are required to adhere.

Procedure Statement

The purpose of this document is to provide details of circumstances where it may be appropriate to consider an extension to the normal occupational sick pay entitlement for police officers and police staff.

The document provides details of the criteria for implementation of Regulation 28 of the Police Regulations 2003 regarding the reduction to half pay or no pay during sick leave and, the reduction of sick pay for police staff in accordance with section 5 of the Police Staff Council Handbook.

Process

Responsibilities and authority levels

The Chief Constable holds the authority to exercise discretion to depart from the provisions for reduction to half pay/no pay for the Chief Constable's staff.

A senior member of the York and North Yorkshire Office for Policing, Fire, Crime and Commissioning (OPFCC) holds the authority to exercise discretion to depart from the provision for reduction to half pay/no pay for the Deputy Mayor.

The Payroll Manager will identify those individuals who are due to be reduced to half/no pay and adjust the individual's pay accordingly.

The Line Manager is responsible for undertaking timely discussions in relation to sick pay entitlements and whether there are grounds for exercising discretion; for ensuring that any representations are forwarded to People Services within the necessary timescales and subsequently informing the individual of the decision made by the Chief Constable/Assistant Chief Officer/ A senior member of OPFCC.

Exceptions to application of provisions

Regulation 28 of the Police Regulations 2003 for police officers and the Police Staff Council provisions for police staff create a presumption that pay will automatically be reduced to half pay after 6 months/183 days (or earlier dependant on length of service), or stopped after 1 year (or

earlier dependant on length of service), unless there are reasons in a particular case to exercise discretion in the individual's favour.

The Chief Constable/Assistant Chief Officer / A senior member of OPFCC has discretion to depart from the stated provisions and may, in a particular case, determine that for a specified period:

- (a) A member of North Yorkshire Police Personnel who is entitled to half pay whilst on sick leave is to receive full pay, or
- (b) A member of North Yorkshire Police Personnel who is not entitled to any pay whilst on sick leave is to receive either full pay or half pay, and may, subject to periodic reviews, extend the period.

The responsibility shall sit with the individual to apply for extension by writing to their line manager detailing his/her reasons for special dispensation. In those rare instances when the individual is totally incapacitated and unable to submit an application, a written submission by another person, on his/her behalf, will be acceptable.

Line managers will consider applications for extension of full/half pay in the first instance (based on the guidance below), and will communicate their recommendation, by email via the People Services Helpdesk to the Chief Constable/ Assistant Chief Officer / A senior member of OPFCC.

Recommendations of line managers and those discretions exercised by the Chief Constable/ Assistant Chief Officer / A senior member of OPFCC will be reviewed periodically by People Services.

Guidance on the Exercise of Discretion

All North Yorkshire Police Personnel automatically progress to half pay after 6 months/183 days absence in a 12-month period (or earlier for police staff dependant on length of service) and to no pay after 12 months absence unless there are reasons in a particular case to exercise discretion in an individual's favour. There will not be any delay in implementation whilst applications are considered.

It is emphasised that each case will be considered on its own merits (with due regard being paid to relevant legislation) although it is expected that only in exceptional circumstances will discretion be exercised in favour of the member of staff.

Possible exceptional circumstances will be:

- (a) cases of injury or illness sustained or contracted in the actual execution/discharge of duty.
- (b) cases of life-threatening illness where the prognosis is that the extension may only be required for up to 3 months.
- (c) cases being considered in accordance with the PNB Joint Guidance on Improving the Management of Ill Health where there has been a referral of the issue of whether the police officer is permanently disabled to a Selected Medical Practitioner. Line managers considering applications based on this exception should consult with People Services for information and advice.
- (d) The Force Medical Officer advises that the absence is related to a disability as defined by the Equality Act 2010 (a physical or mental impairment which has a substantial or long term effect on

the ability to carry out normal day-to-day activities) and the line manager considers that it would be a 'reasonable adjustment' to extend sick pay, generally speaking to allow reasonable adjustments, or further reasonable adjustments, to be made to enable the individual to return to work.

In respect of the exceptional circumstance at (c) above only, the following action will be taken:

- Pay will be automatically reduced to half pay or nil pay (as appropriate) in accordance with the sub-paragraph above, but
- Where the decision is subsequently made, by the Chief Constable/Assistant Chief Officer / A senior member of OPFCC to medically retire an officer after he/she has gone through the SMP process (and any medical appeal resulting there from), then the police officer's pay will be restored to full pay for the period commencing from the date that the Deputy Chief Constable, referred the question(s) regarding permanent disablement to the SMP to the date of the police officer's retirement.

The process as detailed above will also be applied to those police staff members who find themselves in a situation where ill health retirement under the Local Government Pension Scheme Regulations is being applied.

Line managers and the Chief Constable/Assistant Chief Officer / A senior member of OPFCC should be mindful that this guidance does not remove the obligation to consider each case on its own merits. Discretion may be exercised favourably in circumstances not covered by paragraphs above or may not be exercised in a case that is so covered. In particular a line manager may recommend that an application is not supported on the basis that:

- a) there is evidence of default or neglect on the individual's part or,
- b) the individual's actions may be delaying the process of recovery or,
- c) the individual is unreasonably failing to co-operate with a rehabilitation programme, or with an adjustment to facilitate a return to duty within a reasonable timeframe or comply with requests to attend medical examinations or supply medical information.
- d) hardship is cited by the individual.
- e) the individual is actively engaged in a business interest or other external employment during the period of absence.

The Chief Constable/Assistant Chief Officer / A senior member of OPFCC may also refer to such matters when determining whether discretion will or will not be applied.

Reviews

When extensions of full or half pay have been granted the decision should be reviewed at the next milestone date by the Chief Constable/Assistance Chief Officer / a senior member of OPFCC or sooner if there is new information or a specific request to do so by the Chief Constable/Assistant Chief Officer / a senior member of OPFCC.

Police Staff Only – Pension issues

The 50/50 option of the Local Government Pension Scheme (LGPS) 2014 enables individuals to contribute less and consequently get a lower pension. The LGPS 2014 Regulations state that if an individual is in the 50/50 section and goes on to no pay due to sickness, they must be moved into the main section from the beginning of the next pay period, if they are still in no pay at that time. If the individual wishes to opt back into the 50/50 section, they must apply to join that section again. Further information on this process is available on the North Yorkshire Pension Fund website www.nypf.org.uk

Definition of Special Terms

North Yorkshire Police – collectively the York and North Yorkshire Deputy Mayor for Policing, Fire and Crime (Deputy Mayor) and the Chief Constable in their respective corporate capacities as the employer of staff (or, in the case of the Chief Constable in so far as Police Officers are concerned, deemed or de jure employer).

North Yorkshire Police Personnel – Collectively, Police Service Personnel and OPFCC Staff as defined below.

Police Service Personnel – Police Officers under the direction and control of the Chief Constable and Police Staff in the employment of the Chief Constable.

OPFCC Staff – All OPFCC staff in the employment of the Deputy Mayor.

Chief Constable's Staff – All staff in the employment of the Chief Constable of North Yorkshire

Police Staff – collectively, Deputy Mayor and Chief Constable's staff