



Service Procedure

SICK PAY PROVISIONS FOR POLICE OFFICERS

SP Identification Number	8/2009
Protective Marking	NOT PROTECTIVELY MARKED
Policy Ownership:	
Department	Human Resources Department
Branch	People Development
Author	
Procedure Approved By:	
Service Executive	
Department or Branch Head	Head of Human Resources
Date Of Approval	12 January 2009
Date First Issued:	9 March 2009
Version Number	2
This Version Issued:	18 September 2012
Review Date:	3 years from issue date
Governing Policy Directive:	Human Resources

ABSTRACT:

The purpose of this Service Procedure is to promote fairness and consistency in the decision-making process for extending the rates of Occupational Sick Pay beyond the normal provisions.

NOT PROTECTIVELY MARKED

Personal

Professional

Protective

INDEX

Section	Subject	Page
1	Aim of Service Procedure	3
2	Legal Basis	3
3	Procedure and/or Guidance	3
3(1)	Extending Sick Pay Limits – Exercising Discretion	3-4
3(2)	The Procedure by which Discretion will be Exercised	4-5
3(3)	Appeals	5
3(4)	Definition of Pay	5

1. AIM OF SERVICE PROCEDURE

- (1) In accordance with the regulations listed in Section 3 police officers who are sick absent and are absent on sick leave shall be entitled to full pay for 183 days in any rolling one-year period. When this entitlement to full pay is exhausted they shall be entitled to half pay for the remainder of that one-year period (ie for a further period of 182 days). Thereafter entitlement to pay ceases. Trainee police officer pay levels are 42 days and 196 days.
- (2) The purpose of this revised Service Procedure is to promote fairness and consistency in the decision-making process for extending the rates of Occupational Sick Pay beyond the normal provisions.
- (3) This Service Procedure applies to all police officers, regular and reserve that are absent from duty through sickness or injury. This Service Procedure does not apply to Police Officers (Part Time).

2. LEGAL BASIS

- (1) Regulation 18 of Police Trainee Regulations (NI) 2001 applies to trainee officers;
- (2) Regulation 27 of Police Service of Northern Ireland Regulations 2005 applies to full-time regular officers;

3. PROCEDURE AND/OR GUIDANCE

In accordance with regulations a police officer who is absent on sick leave shall be entitled to full pay for 183 days in any rolling one-year period. When this entitlement to full pay is exhausted they shall be entitled to half pay for the remainder of that one-year period (ie for a further period of 182 days). Thereafter entitlement to pay ceases. Trainee police officer pay levels are 42 days and 196 days.

(1) Extending Sick Pay Limits – Exercising Discretion

- (a) In some instances the Chief Constable has the authority to exercise discretion to extend payment beyond the limits defined above.
- (b) It is not appropriate to have a fixed policy that discretion always will or will not be exercised in any set of circumstances. Each case must be examined on its own merits.
- (c) Exercise of discretion to extend pay will usually only be considered when a police officer has exhausted, or is about to exhaust, the normal sick pay entitlement as outlined in 3 above.
- (d) Only in very exceptional cases will consideration be given to extend at full pay rate or before the police officer has exhausted normal sick pay provisions. Where a decision to exercise discretion is made this will usually be to extend at ½ pay rate.
- (e) Sick pay will be automatically reduced unless the Chief Constable has exercised discretion.
- (f) Discretion to extend pay will usually only be considered where there is an identified time frame for the police officer to return to work and this has been verified by Occupational Health and Well-being (OHW) and is considered by local management to be appropriate in the context of providing a best value and effective policing service.
- (g) The Chief Constable may decide to apply discretion in the following instances:
 - (i) The police officer is suffering from an illness, which may prove to be terminal. This will be continually reviewed and is not likely to exceed a period of one year; or

NOT PROTECTIVELY MARKED

- (ii) OHW have recommended that medical retirement should be considered and the police officer is awaiting a decision on medical retirement from the Northern Ireland Policing Board (NIPB); It is unlikely that discretion to extend pay in these circumstances will be exercised if the police officer unduly delays this process or if the application for medical retirement has already been considered and refused by NIPB, or
- (iii) Where, at the time the police officer's pay is impacted upon, the primary cause of the current absence has been determined by PSNI (the Police Service) as being directly attributable to a confirmed injury in the execution of police duty and not solely 'on duty'; or
- (iv) Where a police officer's pay is affected because an application for an 'Injury on Duty' award has been stayed pending outcome of other matters which impact on the decision. Discretion may only be exercised if Deputy Director of Human Resources (DDHR) considers that the delay is solely the responsibility of the organisation; or
- (v) The sole reason for the police officer's continued absence is that a reasonable adjustment which has been identified to facilitate the police officer remaining in work as per the requirements of Disability Discrimination legislation has not yet been implemented.

This list is intended to be indicative it should not be interpreted as an exhaustive list.

- (h) The Chief Constable **may decide not to exercise discretion where:**
 - (i) The police officer has not engaged with or has not co-operated with management action designed to assist in facilitating a return to work. This includes but is not limited to issues such as attendance at OHW, approval to release medical information to managers that will assist in making management decisions and maintaining contact with local management; or
 - (ii) There is evidence of default or neglect on the police officer's part; or
 - (iii) The police officer's actions may be delaying the process of recovery; or
 - (iv) The police officer is actively engaged in a business interest during the period of absence; or
 - (v) Where local management and OHW have identified suitable recuperative duties/working arrangements but the police officer fails to resume duty;
 - (vi) The police officer has been refused an ill health retirement by NIPB and is appealing the decision to the Northern Ireland Office.

The Chief Constable may decide not to exercise discretion in other circumstances that are not listed above.

(2) The Procedure by which Discretion will be Exercised

- (a) To be considered for an extension to pay, the individual police officer, or someone authorised to act on behalf of the police officer, must submit a written application outlining the circumstances of the case to the appropriate Head of Human Resources (HHR). It is recommended that to be dealt with in a timely manner, applications for discretion to extend pay be submitted within 14 calendar days of the police officer being notified of the scheduled date for reduction of pay.
- (b) The HHR will, ordinarily within 14 days, examine the application to assess the impact of any extension in assisting the recovery and return to duty of the police officer and the requirement of the Police Service to deliver an effective policing service within the context of providing best value.

NOT PROTECTIVELY MARKED

- (c) Where the HHR is of the view that an extension to pay is justified the HHR will, on behalf of the Chief Constable, approve an extension for a period deemed appropriate given the circumstances they have considered. In any circumstances any single period of extension will not normally exceed 3 months.
- (d) The decision to extend pay will be recorded by the HHR on Form 23/8 and forwarded to Central Pay Branch, Finance Department immediately. The HHR will also notify the police officer of the decision to extend pay which will include the revised scheduled date for reduction of pay.
- (e) Where the HHR is not satisfied that an extension to pay is justified, the HHR will refuse the application and advise the individual in writing of the reason for their decision and the right to appeal to the DDHR.
- (f) To prevent over or underpayment of salary, applications for extensions should be considered in a timely manner therefore pay-processing timescales will need to be taken into consideration when submitting applications. However it must be recognised that on occasion an overpayment may be unavoidable. Where this occurs recovery of overpayment will be sought. In cases where a decision to exercise discretion is made after the officers sick pay entitlement has been exhausted any underpayment will be adjusted in subsequent pay accordingly.

(3) Appeals

- (a) A police officer may submit an appeal to the DDHR when they can demonstrate that:
 - (i) the decision not to grant an extension of pay has been made in ignorance of a material fact; or
 - (ii) the application process has not been correctly applied.
- (b) The appeal must be submitted through the appropriate HHR and within 7 days of notification of the original decision. The appeal submission must state the grounds of appeal and include all relevant documentation that they wish to have considered.
- (c) The HHR will submit the appeal to the DDHR, within 3 working days.
- (d) The DDHR will consider the appeal and make a determination on the case. This will normally be within 21 days of receipt of the papers from the HHR. If the appeal is upheld the DDHR will set the duration of extension. Papers will be returned from the DDHR to HHR who will be responsible for notifying the police officer of the outcome and advising Central Pay Branch as set out in paragraph 3(2)(d) above.
- (e) There is no further right of appeal.

(4) Definition of Pay

- (a) Pay should be interpreted as meaning the basic rate of pay applicable at the time of the absence.
- (b) Allowances payable during sickness absence are set out in the Police Pay and Allowances Code (PSNI Regulars), which is published on PoliceNet.