

Leaving Police on health grounds

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Leaving Police on health grounds

Policy statement

The purpose of this policy is to:

- explain all factors to be considered to determine leaving employment with Police on health grounds on either a compulsory or voluntary basis
- clarify the procedures involved and accountability for key steps in the process
- document the procedure for requesting review of a declined application to voluntarily leave Police on health grounds.

This policy applies to all permanent full and part time employees who are unable to meet the [prescribed standards](#) of medical, physical and or mental health or are incapable of performing the duties required in their job due to their health.

Principles

Our principles governing this policy are:

- **Commitment to rehabilitation:** Based on appropriate medical advice rehabilitation options are progressed to identify, within a reasonable timeframe, alternatives to voluntary or compulsory ending of employment with Police
- **Promotion of early intervention:** Police place a strong emphasis on getting injured and unwell employees back to work in a safe, timely and sustainable way
- **Timely, fair, consistent, and transparent procedures** are followed to assist employees who continue to present as unfit following a reasonable period of time
- **Confidentiality:** All medical information is retained confidentially and separate from other employee records
- **Consent** to process medical information and related reports will be sought from the employee prior to the release of any information and documents to decision makers
- **Co-operation and partnership:** Both parties engage in the leaving Police on health grounds process in a fair, transparent, and equitable manner
- **Right of Review** for declined applications to voluntarily leave Police on health grounds.

What

Sections [74](#) and [76](#) of the Policing Act 2008 (the Act) determine the grounds upon which employees can be either compulsorily required (s74), or voluntarily allowed (s76) to cease employment with New Zealand Police due to medical incapacity.

Why

When an employee is unable to do their job due to injury or mental or physical illness, Police apply comprehensive procedures to mitigate the challenges and stresses that can be experienced by the employee, their colleagues, and the wider organisation. Once all available information and medical advice has been considered and any reasonable alternatives to current duties explored, decisions need to be taken on the most appropriate procedure to be followed in accordance with the Act.

How

This policy sets out the sequence of actions and accountabilities according to whether an employee is required to compulsorily leave Police on health grounds or whether the criteria for voluntarily leaving Police on health grounds has been met.

Further information

For more information on Leaving Police on Health Grounds please see:

Type	Title / Description
Legislation	<ul style="list-style-type: none">- Policing Act 2008 Sections 72, 74, 76 and 77- Health Practitioners Competence Assurance Act 2003- Government Superannuation Fund Act 1956- Accident Compensation Act 2001- Privacy Act 2020
Policies	<ul style="list-style-type: none">- Wellness Policy- Employment Movements Policy- Disciplinary Policy- Rehabilitation Policy- Health Standards for Constables- Departing from Police
Other Resources	<ul style="list-style-type: none">- Employment Agreements- Employment Assistance Programme (EAP)

Leaving Police on health grounds guidelines

Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
Health grounds	"Health grounds" includes medical, physical and mental health.
Health professional	A person who is or is deemed to be registered with an authority as a practitioner of a particular health profession as defined by the Health Practitioners Competence Assurance Act 2003 .
Medical specialist	A person who is registered with the Medical Council of New Zealand.
Prescribed standards	See Health Standards for Constables in the Police Manual.

Criteria for compulsorily leaving Police on health grounds

Under section [74](#) of the Act the Commissioner may require an employee to leave Police due to incapacity if:

- the Commissioner is satisfied that the employee is incapable of competently performing their duties and any other duties that may reasonably be required of them from time to time, and
- two medical practitioners, or a medical practitioner and another registered health professional (each nominated by the Commissioner) certify that:
 - I. the employee's incapacity is referable to their inability to meet any standards prescribed under section [72](#) ; and
 - II. the employee has failed to respond, or is unlikely to respond, within a reasonable time to treatment, counselling, or other remedial assistance.

Process for determining if an employee may be required to compulsorily leave (the s74 assessment process)

Follow these steps if it appears that:

- a constabulary employee is unable to meet any of the standards prescribed in [Health standards for constables](#)), or
- in the case of a Police employee, is unable to competently undertake their duties; **and** in the case of either employee, is unable or is unlikely to respond within a reasonable time to assistance or treatment in relation to their condition.

Before proceeding with the steps in the table below, there should be an initial discussion between the Employee's Manager and a Return to Work Advisor to determine that the requirements of the [Rehabilitation Policy and Procedures](#) have been essentially met and that the employee may need to leave Police on health grounds.

Involuntarily Leaving Police on Health Grounds under S74

Step	Responsibility	Action
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Step	Responsibility	Action
1	Return To Work Advisor	<ul style="list-style-type: none"> - Receive notification from the Employee's Manager or/discuss with the Employee's Manager that all rehabilitation options and return to work have or are exceeding a reasonable timeframe for the injury/illness sustained. - Check that the Employee's Manager has had a fair and transparent conversation with the employee regarding all options, alternate duties, and transfers during the rehabilitation phase. (RTW Advice should be sought prior to this discussion). - Check that the employee has been offered support and opportunity to invite representation to meetings. - Check to ensure all treatment recommendations have been actioned. - Check that the s74 process has been explained and that the option to switch to s76 (i.e. voluntarily leave) at any stage has been presented to the employee. - Highlight potential s74/76 in District with District Commander and discuss next available steps for the employee. Take direction and action. - Seek direction on s74 with the employee's Manager and District Commander. - Enter details into the Safer People Register, which is used to record the status and key dates associated with the assessment process.
2	Employee's Manager	<ul style="list-style-type: none"> - Arrange a meeting with the employee. Ensure the employee is offered support¹ and opportunity to invite representation to the meeting, which is to: <ul style="list-style-type: none"> - discuss the s74 recommendation and provide advice on the employee's options², including the option of voluntarily leaving Police on health grounds under s76³ - advise the employee that it may be possible to include a health professional who has been involved in their care in the assessment process. Invite the employee to nominate such health professionals for this purpose⁴ - check how the employee wishes to receive the assessment reports e.g. via email, home address or directly from their manager - identify from the employee how they would like to be communicated with i.e. face to face, email, phone, only with support person present etc. - identify who the main point of contact will be for the employee and all other parties involved. - Take minutes⁵ of the meeting and send copy to Return to work Advisor and employee. - Provide a written report to the Return-to-Work Advisor on the impact of the employee's injury/illness on their substantive position (Include all relevant dates of leave, light duties, and progress of rehabilitation associated with their return to work). - Check with HR to determine the employee's eligibility for the Exit Due to Medical Incapacity: Minimum Payment under section 5.2 of the Collective Employment Agreements. Advise the employee of the information received. <p>Notes:</p> <ol style="list-style-type: none"> 1. The Manager needs to ensure the employee is aware they may have a support person attend the meeting. This can include a friend, colleague, relative, service organisations (e.g., Police Association, PSA, Guild) or other representation. 2. Make a preliminary check with the Deployment Manager and HR Advisor to identify any alternative suitable roles including non-constabulary (including details of any differences in salary and/or allowances) if the employee is unable to meet the Health Standards for Constables. (See Step 8) 3. Employee may wish to consider s76 process and can change application to Leave Police on Health Grounds under s76 at any time. 4. For s74 applications Police seek advice from an independent medical specialist as one of the nominated medical specialists. However, if appropriate, we will attempt to use a registered medical/health practitioner who is familiar with the employee's medical history 5. All meetings with the employee must be minuted and a copy provided to the employee and the Return to Work Advisor.

Step	Responsibility	Action
3	Return to Work Advisor	<ul style="list-style-type: none"> - Seek a written decision from the District Commander or appropriate Service Centre Director in respect of s74 as to whether to commence the Leaving Police on Health Grounds process. - Identify two appropriate registered medical/health providers and prepare the approval documentation¹ for the Return to Work Manager. - Send documentation to Return to Work Manager. <p>Notes:</p> <ol style="list-style-type: none"> 1. The documentation sent to Return to Work Manager should include: Nomination of Health Practitioners, Written decision from District Commander, Employees Manager's report and cover memo from RTW detailing timeline of events and rehabilitation undertaken. All documentation is to be filed in Medical Filing or relevant Case Management System.
4	Employee's Manager	<ul style="list-style-type: none"> - Arrange to meet¹ with the employee in line with the employee's direction on how they would like to be communicated with. - Consider inviting the HR Advisor to the meeting if their specialist knowledge would assist with understanding in the employee's particular circumstances. - Inform the employee of the District Commander/Director decision and next steps in the process. <p>Notes:</p> <ol style="list-style-type: none"> 1. The Return to Work Advisor may be present when you meet with the employee to ensure correct process information is given or to support any questions which may arise.
5	Return to Work Manager	<ul style="list-style-type: none"> - Seeks decision by letter from Director Safer People to have medical practitioners approved on behalf of the Commissioner.
6	Return to Work Advisor	<ul style="list-style-type: none"> - Arrange medical appointments for assessment and advises the employee and their manager - Check with the employee's manager that support has been offered via Wellness Advisors, EAP or external networks and that transport has been provided for attendance at appointments. Also ensure that employee has been advised that they can obtain support / representation. This can include the service organisations (e.g. Police Association / Guild) or other source, from personal support to legal representation. - If appropriate, seek consent from employee to contact employee's medical practitioner to determine if any other specific support could be provided - Complete referral letters, obtains signed consent forms (if not already given) and compiles in a referral pack¹, together with the health standards for constables which is sent to the confirmed nominated medical practitioners - Identify with the employee the limits of who will have access to their health information. Refer to the consent form and Safer People's statement on the Privacy of Personal and Health Information. - Following assessment keeps the employee and their manager informed of progress and expected timeframes for reports. <p>Notes:</p> <ol style="list-style-type: none"> 1. The referral pack contains; blank certification of incapacity, the employee's position description, signed consent form, referral letter and copies of s72, 75 and 74 of the Act, Health Standards for Constables.
Assessment Reports Received		

Step	Responsibility	Action	
7	Return to Work Advisor	<ul style="list-style-type: none"> - Review report outcomes and sends reports¹ to the employee in accordance with employee's preferred method of receipt. - In the event that there is inconsistency between reports, the employee will be consulted and then the reports shared between the report authors (i.e. the two medical assessors) to determine if one of them wishes to add to or change their opinion based on further information provided. - Check if employee requires Wellness, EAP, support / representation from the service organisations (e.g. Police Association / Guild) or other support. - Check certification is completed correctly and update Safer People register. - Advise employee's manager of the report outcomes. <p>Notes:</p> <ol style="list-style-type: none"> 1. Medical reports are strictly confidential and are not to be disseminated without the written consent of the employee. The employee must be made aware that some of the contents of the report are necessary to be used for the s74 process, however, the Return to Work Advisor will confirm with the employee what restrictions on the information, or if a summary of information is required. 	
8	Employee's Manager	<p>This step should be taken at the earliest opportunity. (See Step 2), Now is the latest that this step should be actioned.</p> <ul style="list-style-type: none"> - Check with deployment manager and HR advisor for any suitable roles, including non-constabulary (including details of any differences in salary and/or allowances) if employee is unable to meet the Health Standards for Constables. - If the employee is willing to apply for role, provide time to meet with EAP for CV and interview support. - Consideration can also be given to seeking District Commander approval for a Welfare or Administrative. Transfer if appropriate. - Advise your Return to Work Advisor. 	
9	Return to Work Advisor	<p>Leaving Police on Health Grounds not Supported</p> <ul style="list-style-type: none"> - Advise the employee, their manager and District Commander or Director of the report outcome. - Check if the employee requires Wellness, EAP or other support. - Complete recommendations in the report. - Update Safer People Register. 	<p>Leaving Police on Health Grounds Supported</p> <ul style="list-style-type: none"> - Complete disengagement certificate for Deputy Commissioner approval. - Prepare memo for DSP advising of a summary of the case and send with documentation¹ to Return To Work Manager. - Update Safer People Register. - Inform employee of progress. <p>Notes:</p> <ol style="list-style-type: none"> 1. Documentation includes: RTWA Case Summary Memo, Disengagement Certificate, 2 completed certifications, 2 Med/Health practitioner reports, employee's manager report, Summary of other roles considered, District Commander written approval. Any other relevant documents.
		<p>Proceed with next steps only if leaving Police on health grounds is supported</p>	
10	Return to Work Manager	<ul style="list-style-type: none"> - Review all documentation. - Arrange for Employment Relations to review documentation and decisions. - Once returned, prepare memo summary, and send with all supporting documents to DSP for Deputy Commissioner sign-off. - Update Safer People Register. 	
<p>Outcome received from Deputy Commissioner on behalf of Commissioner of Police</p>			

Step	Responsibility	Action
11	Return to Work Manager	- Send documents to RTWA and update Safer People Register.
12	Return to Work Advisor	- Inform Employee's Manager, and ensure that the Manager: discusses the provision of careers advice from EAP with the employee and checks if the employee wishes representation from NZPA or Leaders Guild.
13	Employee's Manager	- Meet with employee to discuss Medical Disengagement outcome, establish termination date, and ensure support is provided if required. - Consider the need for specialist input, such as HR or RTW Advisor, at this meeting. - Advise Return to Work Advisor of termination date.
14	Return to Work Advisor	- Advise HR Advisor and District Commander of termination date. - Complete termination letter, include a copy of the PSS leaving form for the employee, and obtain District Commander signature on the letter. - Phone employee to confirm leaving Police letter and superannuation leaving form are in preparation. - Complete payroll notification and send to Payroll Manager requesting notice of leaving be entered in MyPolice.
15	Payroll	- Send letter to employee advising final pay arrangements and exit package.
16	Employee's Manager	- Complete employee leaving requirements.
17	Return to Work Advisor	- Scan documentation and file in medical filing or relevant case management tool.
18	Employee	- To complete the steps involved in this process it is essential that employees: <ul style="list-style-type: none"> - attend appointments¹ arranged with health professionals - provide agreement to the release of their relevant medical information by health professionals to Police. - Employees may waive the right to notice and retire from or leave Police immediately. <p>Notes:</p> <ol style="list-style-type: none"> 1. Failure to attend appointments with health professionals or provide consent for the release of medical information may be considered a disciplinary matter. The Disciplinary policy and processes would then apply.

Criteria for Voluntarily leaving on health grounds

Under section [76](#) of the Policing Act 2008, the Deputy Commissioner may allow an employee to leave Police when they apply to do so if:

- the Deputy Commissioner is satisfied the employee is incapable of competently performing their duties and any other duties that may reasonably be required of them from time to time, **and**:
- in accordance with section 76(2)(a) two medical practitioners, or a medical practitioner and another registered health practitioner (nominated by the Deputy Commissioner) certify that in the case of a constabulary employee their incapacity is due to their inability to meet any standards prescribed by the Commissioner under section 72 of the Policing Act **or**
- for an employee without constabulary powers, their incapacity is due to their inability to undertake the duties specified in their position description

or where (section 76(2)(b)) applies

- the Commissioner is satisfied the employee's incapacity is referable to any personal factor relating to the employee's special circumstances and directly attributable to their employment with Police.

And in respect of both situations

- the employee has failed to respond or is unlikely to respond within a reasonable time to treatment, counselling, or other remedial assistance.

Voluntarily Leaving Police on Health Grounds under s76

Step	Responsibility	Action
1	Return To Work Advisor	<ul style="list-style-type: none"> - Receive employee's s76 application and acknowledge receipt to the employee (applicant). - Check that the Applicant's Manager (or other suitable person) has had a transparent conversation with the employee regarding all options, alternate duties and section 76/74 during the rehabilitation phase (if appropriate). - Highlight potential s76 in District with District Commander. - Seek District Commander's written endorsement and action. - Advise the Applicant's Manager and ensure the Applicant's Manager is aware of the process and obligations for a s76 application. - Ensure Applicant has considered appropriate representation in regard to their decision to Leave Police on Health Grounds. - If appropriate, seek consent from employee to contact employee's medical practitioner to determine if any other specific support could be provided. - Enter the application details into the Safer People Register.
2	Applicant's Manager	<ul style="list-style-type: none"> - Receive employee's s76 application and invite the employee to a meeting. Ensure the employee is offered support¹ and opportunity to invite representation to the meeting, which is to: <ul style="list-style-type: none"> - discuss the s76 application and provide information on the s76 process and employee's options², if any - advise the employee that it may be possible to include a health professional who has been involved in their care in the assessment process. Invite the employee to nominate such health professionals for this purpose - check how the employee wishes to receive to receive medical reports e.g. via email, home address or directly from their manager - identify with the employee how they would like to be communicated with i.e. face to face, email, phone etc. - Take minutes of the meeting and send copy to Return to work Advisor and employee³ - Provide a written report to the Return to Work Advisor on the impact of the employee's injury/illness on their substantive position (include all relevant dates of leave, light duties and progress of rehabilitation associated with their return to work). <p>Notes:</p> <ol style="list-style-type: none"> 1. The Manager needs to ensure the employee is aware they may have a support person attend any scheduled meeting or appointment. This can include a friend, colleague, relative, service organisations (e.g. Police Association, PSA, Guild), or other representation. 2. It is recommended that a preliminary check is undertaken with the Deployment Manager and HR Advisor to identify any alternative suitable roles including non-constabulary (including details of any differences in salary and/or allowances) if the employee is unable to meet the Health Standards for Constables and if the employee wishes to consider alternative roles. (See Step 8) 3. Minutes must be taken at all meetings and a copy provided to the employee and the Return to Work Advisor.

Step	Responsibility	Action
3	Return to Work Advisor	<ul style="list-style-type: none"> - Seek a written endorsement from the District Commander or appropriate Service Centre Director in respect of s76 to commence the Leaving Police on Health Grounds process. - Identify two appropriate registered medical/health providers and prepare the approval documentation for the Return to Work Manager. - Send documentation¹ to Return to Work Manager. <p>Notes:</p> <ol style="list-style-type: none"> 1. The documentation sent to Return to Work Manager should include: Nomination of Health Practitioners, written endorsement from District Commander and cover memo from RTWA detailing brief timeline of events, rehab undertaken. All documentation is to be filed in Medical Filing or relevant Case Management System.
4	Applicant's Manager	<ul style="list-style-type: none"> - Update the employee, as per their preferred method of communication, on where things are at in the process and next steps.
5	Return to Work Manager	<ul style="list-style-type: none"> - Seek decision by letter from Director Safer People to have medical practitioners approved on behalf of the Commissioner.
6	Return to Work Advisor	<ul style="list-style-type: none"> - Arrange medical appointments with the Nominated Health Professionals for assessment and advises the employee and their manager of appointment dates and times. - Check with the employee's manager that support has been offered via Wellness Advisors, EAP or external networks and that, if required, transport has been provided for attendance at appointments - Complete referral letters, obtains signed consent forms and compiles in a referral pack¹, together with the health standards for constables which is sent to the confirmed nominated medical practitioners - Following assessment keep the employee and their manager informed of progress and expected timeframes for reports. <p>Notes:</p> <ol style="list-style-type: none"> 1. The referral pack contains; blank certification of incapacity forms, the employee's position descriptions, signed consent form, referral letter and copies of s72, 75 and 76 of the Act.
Assessment Reports Received		
7	Return to Work Advisor	<ul style="list-style-type: none"> - Review report outcomes and sends reports¹ to employee in accordance with employee's preferred method of receipt. - Check if employee requires Wellness, EAP , support / representation from the service organisations (e.g. Police Association / Guild) or other support. - Check certification is completed correctly. - Update Safer People register. - Advise employee's manager of the report outcomes. <p>Notes:</p> <ol style="list-style-type: none"> 1. Medical reports are strictly confidential and are not to be disseminated further without the written consent of the employee. The employee must be made aware that some of the contents of the report are necessary to be used for the s76 process, however, the Return to Work Advisor will confirm with the employee what restrictions on the information, or if a summary of information is required.

Step	Responsibility	Action	
8	Applicant's Manager	<p>This step should be taken at the earliest opportunity. (See Step 2), Now is the latest that this step should be actioned.</p> <ul style="list-style-type: none"> - If appropriate, check with deployment manager and HR advisor for any suitable roles, including non-constabulary if employee is unable to meet the Health Standards for Constables and wants to remain employed with NZ Police. - Check with the Applicant if they are willing to apply for an alternative role, provide time to meet with EAP for CV and interview support. - Consideration can also be given to seeking District Commander approval for a Welfare or Administrative Transfer if appropriate. - Advise your Return to Work Advisor of the outcome/status. 	
9	Return to Work Advisor	<p>Leaving Police on Health Grounds not Supported</p> <ul style="list-style-type: none"> - Advise the employee, their manager and District Commander or Director of the report outcome. - Check that employee is aware of Wellness, EAP or other support such as NZP. - Complete recommendations in the report (if applicable). - Update Safer People Register. - If applicant wishes to continue to leave Police, then hand over to relevant HR Advisor. 	<p>Leaving Police on Health Grounds Supported</p> <ul style="list-style-type: none"> - Complete disengagement certificate for Deputy Commissioner approval - Prepare memo for DSP advising of a summary of the case and send with documentation¹ to Return To Work Manager - Update Safer People Register - Inform employee of progress. <p>Notes:</p> <ol style="list-style-type: none"> 1. Documentation includes: RTWA Case Summary Memo, Disengagement Certificates, 2 completed certifications, 2 Med/Health practitioner reports, applicant's manager report, district commander written approval and any other relevant documents.
		<p>Proceed with next steps only if leaving Police on health grounds is supported</p>	
10	Return to Work Manager	<ul style="list-style-type: none"> - Review all documentation - If appropriate, arrange for Employment Relations to review documentation and decisions. Non-complex s76 applications can bypass the ER Review step provided all steps have been completed. - Once returned, prepare memo summary, and send with all supporting documents to DSP for Deputy Commissioner sign-off. - Update Safer People Register. 	
<p>Outcome received from Deputy Commissioner</p>			
11	Return to Work Manager	<ul style="list-style-type: none"> - Send documents to RTWA and update Safer People Register. 	
12	Return to Work Advisor	<ul style="list-style-type: none"> - Inform Employee's Manager and ensure that the Manager advises of the provision of careers advice from EAP with the employee if appropriate. 	
13	Applicant's Manager	<ul style="list-style-type: none"> - Meet with employee to discuss Medical Disengagement outcome, establish termination date, and ensure applicant is aware of support available. - Advise RTW Advisor of agreed termination date. 	

Step	Responsibility	Action
14	Return to Work Advisor	<ul style="list-style-type: none"> - Advise HR Advisor and District Commander of termination date. - Complete termination letter, including a copy of the PSS leaving form for the employee, and obtain District Commander's signature on the letter. - Phone employee to confirm leaving Police letter and superannuation leaving form are in preparation. - Complete payroll notification and send to Payroll Manager requesting notice of leaving be entered in MyPolice.
15	Payroll	<ul style="list-style-type: none"> - Send letter advising final pay arrangements and exit package.
16	Applicant's Manager	<ul style="list-style-type: none"> - Complete employee leaving requirements. - Ensure members are presented with certificate of service.
17	Return to Work Advisor	<ul style="list-style-type: none"> - Scan or file documentation in medical filing or relevant case management tool.
18	Employee	<ul style="list-style-type: none"> - To complete all the steps involved in this process it is essential that employees: <ul style="list-style-type: none"> - attend appointments¹ arranged with health professionals - provide agreement to the release of their relevant medical information by health professionals to Police. - Employees may waive the right to notice and retire from or leave Police immediately. <p>Notes:</p> <ol style="list-style-type: none"> 1. Failure to attend appointments with health professionals or provide consent for the release of medical information could result in a disciplinary pathway.

Procedures (by role) for voluntarily leaving Police on health grounds

Who	Action
Employee	<ul style="list-style-type: none"> - Send an application, to your manager and a copy to the Director Safer People using this Application Format. - For support in making an application, contact a Return to Work Advisor or your service organisations (e.g. Police Association / Guild). Further support is available via your district Wellness Advisor, Chaplain, or EAP Services.

Who	Action
Application Format	
Information Type	Details
Personal	<ul style="list-style-type: none">- Your full name, level of position and QID- Residential address (include postal address if different)- Contact phone numbers (home and mobile)- Personal email address
Position	<ul style="list-style-type: none">- Current duties being performed- Specify length of time spent on the duties- State any allowances being received- Name of immediate manager- Name of station, district, or service center.
Reason for application	<ul style="list-style-type: none">- Medical, physical, or mental health condition- Treatment received- Who in Police you first reported your condition to (time date and place)- Any duties able to be performed despite your medical, physical, or mental health condition- Any specific incident that has led to the application- Full name and address of any health professional providing treatment and the name of your current General Practitioner.

Notes:

Once an employee is advised that their application to leave for health reasons has been accepted, they cease to be an employee:

- a. on the date specified in their written notice, **or**
- b. in special circumstances on a date agreed by both parties.

Who	Action
Return to Work Manager Safer People	<ul style="list-style-type: none"> - Ensure nomination of Health Professionals authority is completed. - Liaise with Employee Relations to ensure correct application of the Policing Act 2008. - Seek Deputy Commissioner approval of application on behalf of the Commissioner of Police. - Forward the application (within 7 days) to the District Commander or Director and Return to Work Advisor.
Employee's Manager	<p>The report must cover the following:</p> <ul style="list-style-type: none"> - the impact of the employee's injury/illness on their substantive position (Include all relevant leave, light duties, and progress of rehabilitation associated with their return to work) - whether the employee's current medical, physical and/or psychological condition is attributable to a particular incident and if so provide details - what duties the employee is unable to perform as a result of their medical, physical and/or mental health condition - the presence of any open or pending disciplinary or criminal investigations regarding the employee (coordination is needed to minimise overlap of these often incompatible processes) - indicate your level of support for the application to leave based on your discussions with the employee - the employee's current work status (if the employee is on sick leave confirm the date sick leave commenced) - any alternatives to medical disengagement that were considered and the reasons they were not adopted.
District Commander/ Director	<ul style="list-style-type: none"> - Review the employee's application to determine if there is anything further Police can do to assist the applicant as an alternative to leaving Police on health grounds. - Comment on the manager's report giving consideration to: <ul style="list-style-type: none"> - whether the employee's condition is attributable to a particular incident, and - the duties the employee is unable to perform. - Forward the application and report to the Return to Work Manager: Safer People once the district/ service group's requirements have been met.
Nominated Health Professionals	<ul style="list-style-type: none"> - Report to the Commissioner setting out whether they support the employee's application. If supported, certify that: <ul style="list-style-type: none"> - in the case of a constabulary employee, the employee's incapacity is referable to their inability to meet any standards prescribed by the Commissioner (refer Health standards for constables), or - in the case of a police employee, the employee's incapacity prevents them from undertaking the duties as set out in their position description and, in both situations, that the employee has failed to respond, or is unlikely to respond, within a reasonable time to treatment, counselling or other remedial assistance.
Return to Work Advisor Safer People	<ul style="list-style-type: none"> - Ensure all steps of the process is satisfactory and completed as and when required. - Write to the nominated health professionals and sends a copy of the employee's application and supporting documents. - Supporting documents include a signed consent form from the employee to allow the release of information. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> - Send to the employee medical authorities for them to sign and hand to the health professionals the employee attends. This permits disclosure of personal information in a report to the Commissioner. Collate all the information including from the reports received from the District Commander/Director and health professionals. - Inform the District Commander/Director of the outcome of the reports. - Inform the applicant of the decision and letter providing formal notice of the decision to accept or decline the application. - Prepare a report for Return to Work Manager recommending the action to be taken.
Director Safer People	<ul style="list-style-type: none"> - Consider the employee's application. - Review reports documents and recommendations. - Decide whether to commence the process to permit the employee to leave Police on health grounds.

Right of review

If an employee's application to voluntarily leave Police on health grounds under section [76](#) Policing Act 2008 is declined, the employee can:

- continue to work
- consider resignation
- request a review.

Applications for review must be submitted to the Executive Director People Capability setting out the grounds for complaint.

Review procedure

Step	Who	Action
1.	Director Safer People	<ul style="list-style-type: none">- Acknowledge receipt of the application for review.- Provides the employee with the documentation relating to the decision.- Appoint a review committee to undertake the review comprising:<ul style="list-style-type: none">- a nominee of the appropriate service organisation after consultation with that organisation, or any other person nominated by the applicant- a member representing the Deputy Commissioner- an independent chairperson.
2.	Review Committee Chairperson	<ul style="list-style-type: none">- Determine the procedures that the committee will follow in conducting the review, including whether to hear any of the parties in person. <p>Notes:</p> <p>If a hearing is to be held, neither party may be represented by a practising barrister or solicitor. However, the applicant may be represented by an advocate other than a barrister or solicitor and the review committee may appoint a health professional to assist with its deliberations.</p> <ul style="list-style-type: none">- Make a recommendation to the Commissioner following the Review Committee's deliberations that:<ul style="list-style-type: none">- the employee be allowed to leave on health grounds- the employee not be allowed to leave on health grounds- the Deputy Commissioner reconsiders the decision to decline the application.
3.	Deputy Commissioner	<ul style="list-style-type: none">- Make a decision on the recommendation of the review committee. The applicant is advised of the Deputy Commissioner's decision which is final. <p>Notes:</p> <p>In line with the policy principles every effort is made to determine the review within six weeks of receipt of the review application.</p>

Management of personal grievance action

If an employee takes a personal grievance action in respect of the requirement to leave police they remain a Police employee, placed on unpaid leave until the action is completed.

If reinstatement is not ordered, the employee ceases to be a Police employee on the date on which written notice of the decision concerning the grievance is given to the employee.

Refer to [Employment relationship problems](#) for further information.

Nominating medical practitioners when employees belong to superannuation schemes

Every medical practitioner or registered health professional nominated by Police under sections [74](#) (compulsorily leaving Police) or [76](#) (voluntarily leaving Police) must, as per section [77](#) be a medical practitioner or psychologist approved by the Government

Superannuation Fund, section [77\(1\)](#). Where the employee is a member of the Government Superannuation Fund, Police Sub-Scheme, or a member of a State Services scheme, then they must be a health practitioner or psychologist approved by the trustees of that scheme, section [77\(1\)](#).

Entitlements and assistance on leaving

Superannuation entitlements

If the application is successful:

- the formula for calculating retirement benefits is contained in sections [88F](#) and [88G Government Superannuation Fund Act 1956](#) as amended in 1985
- if the employee is under 49 years of age (and a member of GSF) at the time of leaving Police on medical grounds, they may elect a lump sum in lieu of pension.

Refer to information relating to [Remuneration](#).

Final pay

Subject to the approval of the employee's outstanding timesheets, final pay, inclusive of any leave, will be paid out on the next available pay-day following the last day of employment. Depending on the timing, this usually will be in the next pay cycle. Payment to the employee is made in the form of a lump-sum payment.

Payments of entitlements

Superannuation payments and lump sum benefits (if elected) will not be available until after the employee's last day of employment. A member of the Payroll team will advise this date and final pay details to the relevant scheme administrator. Payment from the scheme administrator will be made into a nominated bank account.

Assistance from Accident Compensation Corporation (ACC)

An employee who leaves on health grounds which have arisen as a result of an injury or a work-related illness may be entitled to assistance from the Accident Compensation Corporation (e.g. retraining and earnings related compensation). This entitlement can only be established by the employee's own health professional.

Police Insurance Scheme

If a constabulary employee leaves Police, either compulsorily or voluntarily on health grounds and has a condition or incapacity that prevents them from returning to work, the employee may be eligible for an insurance benefit. Details are available from the Police Welfare Fund Ltd.