



# Accommodations (Rehabilitative/ Restricted Duties)

**Policy  
Document**

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## IPS Policy for Accommodations (Rehabilitative/ Restricted Duties)

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## 1. Aim of this policy

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The Irish Prison Service (IPS) is committed to the provision of workplace rehabilitation that supports and enables injured or sick employees to remain at or return to the workplace to continue the discharge of work duties. This process benefits both the employee and the employer.

This policy is introduced in order to formalise the processes and procedures which apply in such circumstances.

However, while the IPS will endeavour to provide accommodations, within the constraints provided by the prison environment, it should be noted that there is no onus on the IPS to provide such accommodations this is reflected in the employment equality legislation, viz. Section 37 of the 1998 Employment Act:

*“It is an occupational requirement for employment in the Garda Síochána, Irish Prison Service or any emergency service that persons employed therein are fully competent and available to undertake, and fully capable of undertaking, the range of functions that they may be called upon to perform so that the operational capacity of the Garda Síochána or the service concerned may be preserved.”*

The aim of the policy therefore is to ensure that:

1. the Irish Prison Service provides a safe and healthy work environment and, in the event of an injury or an illness, makes sure workplace rehabilitation is considered, as soon as possible in accordance with medical advice and current applicable legislation.
2. reasonable efforts are made to facilitate a safe and early return to work of injured or ill employees by identifying duties that are appropriate to the grade and function, where possible.
3. the confidential nature of medical information is respected and that there is both verbal and written confidentiality between concerned parties.
4. all employees are aware that, in the event of injury or illness, they will be consulted on their structured safe return to work.

## 2. Purpose of this policy

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- 2.1 It is recognised by the Irish Prison Service that some members of staff will require a rehabilitative/restricted duties programme as an appropriate means of facilitating their return to work following illness or injury and/or for other medical reasons.
- 2.2 The objective of rehabilitative/restricted duties is to facilitate an early return to work following a period of sickness absence where a Prison Officer/employee may not be fit for a “full range of operational duties” or contractual hours. It is also to accommodate staff who are at work but who at the specific time cannot, for medical reasons, undertake the full range of duties.
- 2.3 Rehabilitative/restricted duties will only be agreed to if it will aid the recovery of the Officer and it must be seen as short term. The advice of the Chief Medical Officer (CMO) will be sought where necessary. The purpose of facilitating an officer with rehabilitative/restricted duties is to assist an Officer’s phased return to work.
- 2.4 Each period of rehabilitative/restricted duties should not exceed 3 months. Only in the most exceptional circumstances will accommodations of this nature extend beyond 3 months and only on the recommendation of the CMO and having regard to the operational needs of the Irish Prison Service.
- 2.5 A rehabilitative/restricted duties team, led by the HR Governor, will be established for each prison/campus which will identify suitable posts within that establishment.
- 2.6 All rehabilitative/restricted duties should match the abilities of the individual to the role and the work should be meaningful and utilise the skills of the individual.
- 2.7 These duties will be Health and Safety Risk assessed and time bound, for a maximum period of 3 months, with monthly reviews.
- 2.8 Staff who are being accommodated with rehabilitative/restricted duties will not be facilitated with night duty or exchanges of duties for the duration of the accommodation.

## 3. Scope of this policy

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This policy applies to all Irish Prison Service employees.

The Policy can be applied in the following scenarios;

1. Where a staff member is absent on sick leave and has certification to say that they can return to work but are not yet ready to perform their full duties or hours,
2. Where a staff member is absent on sick leave and the CMO advises they may be ready to return to work but are not ready for full duties or hours, and
3. Where a staff member is attending work, but has advance notice that for certifiable medical reasons they will have to resort to sick leave, they may apply to be accommodated on rehabilitative/restricted duties.

## 4. Procedures for implementation

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### 4.1 Establishment of Accommodations Committee

An Accommodations Committee chaired by the local HR Governor and comprising the Senior Operational Chief Officer, the local Health and Safety Manager, the local Health and Safety Representative, the local Staff Support Officer, the Detail Officer and a member of the local POA branch must meet on a case by case basis to agree on a list of tasks/duties that are suitable for Officers seeking to return to work on a rehabilitative/restricted duties programme. It will not be the role of this Committee to examine or discuss any Officer's medical condition.

Each Officer seeking rehabilitative/restricted duties when returning to duty after an illness must apply in writing in advance to the HR Governor on the application form attached at Appendix 1, except in cases where the consideration of such duties has been instigated by the CMO.

The establishment of the Accommodations Committee and the process of drawing up the list of tasks/duties and reporting the findings in the first instance and annually to the Director of Staff and Corporate Services is the responsibility of the local HR Governor.

This process must be reviewed annually and the Committee must report their findings to the Director of Staff and Corporate Services.

### 4.2 Rehabilitative Plan

The HR Governor, having regard to the posts available, will agree an individual rehabilitative plan which will support the prison officer/employee to return to work as soon as possible. Any absence of 28 days or more will be recognised as long term absence for the purpose of this policy.

The following procedures apply when the member of staff is fit to resume from sick absence, to rehabilitative/restricted duties:

4.2.1 An officer is deemed unfit to perform the full range of duties on medical grounds or is deemed fit to return to work with a requirement for rehabilitative/restricted duties (either on a reduced hours basis, a 5 day roster or a 7 day roster)

4.2.2 The officer is referred to the CMO if necessary

4.2.3 The officer is made aware of the services of the EAP and referred where appropriate

4.2.4 The HR Governor will ascertain the availability of a suitable post within the prison to which the officer can be assigned

4.2.5 If no suitable tasks/duties are identified in the prison to which the Officer is assigned, the HR Governor will explore the availability of such suitable posts in other prisons

4.2.6 If a suitable post is identified, an individual Rehabilitation Plan will be drawn up by the HR Governor and advised to the officer

4.2.7 The agreement of the officer will be sought and a return to work date will be agreed

4.2.8 A copy of the Rehabilitative Plan will be provided to the senior Detail Officer by the HR Governor

4.2.9 In the event that the plan is not accepted by the Officer s/he may submit an appeal to the Personnel Officer

4.2.10 If a Plan cannot be agreed and the Officer is not deemed fit for full duty by the CMO, s/he will be required to avail of sick leave until such time as the CMO finds him/her fit for duty or ill health retirement.

#### **4.3 Return to Work**

4.3.1 On resumption of duties the HR Governor must:

- a) Arrange to see the individual as soon as practicable on their resumption of duty to welcome them back to work
- b) Carry out a return to work interview

- c) Ensure that the Rehabilitative Plan agreed with the Officer/employee returning to work is implemented
- d) Ensure that all relevant parties are informed of the agreed plan between the returning officer/employee
- e) Engage with the individual, discussing problems and noting improvements or difficulties and, if applicable, reasonable adjustments
- f) Keep in contact with the CMO, EAP and Staff and Corporate Services Directorate, where necessary.

4.3.2 On resumption of duties the officer must:

- a) Engage with the HR Governor at the earliest possible date to advise of his/her intention to seek rehabilitative/restricted duties
- b) Co-operate with the agreed Rehabilitative Plan
- c) Raise any concerns with their local HR Governor, their line manager or the Personnel Officer
- d) Ensure, where possible, that any rehabilitation support occurs outside of the scheduled hours of work especially under a reduced hours work programme
- e) Attend all scheduled meetings / appointments to consider progress and consider options which will lead towards a return to full duties.

#### 4.4 **Outcome of the Rehabilitative/Restricted Duties programme**

Should difficulties arise during the phased return to work (e.g. the officer is unable to complete the agreed number of hours or fulfil the agreed duties), Staff and Corporate Services Directorate should be notified immediately and if necessary the details of the phased return plan may be revised.

If the officer/employee is still having health difficulties complying with the phased return plan, even after any adjustments are made, a referral/further referral will be made to the CMO. The CMO will provide further advice including the likelihood of the individual being able to satisfactorily complete the phased return within the initial 3 month period or whether this period should be extended

## 5. Related policies /standards

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PIN 029 IPS Attendance Management Policy - 01/07/14

EAP – Employee Assistance Programme

## 6. Definitions

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CMO – Chief Medical Officer

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## Appendices

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### Appendix I – Accommodations Application Form

<b>Name:</b>	
<b>Prison:</b>	
<b>Number:</b>	
<b>Job Title:</b>	
<b>Start Date of Current Absence:</b>	
<b>EAP Involvement:</b>	
<b>Certified medically fit to resume:</b>	
<b>CMO Recommendation, if available:</b>	
<b>Date of Return:</b>	
I authorise that relevant correspondence from the Office of the Chief Medical Officer or my GP be given to the HR Governor in order to consider my application.	
I understand and accept that in being offered a return to duty by way of rehabilitative/restricted duties that the posting is for a specific duration, will be reviewed monthly and is not in any event to exceed 3 months.	
<b>Signature of Officer</b>	
<b>Signature of HR Governor</b>	
FOR OFFICE USE	
<b>Start date of rehabilitative/ restricted duties:</b>	
<b>End date:</b>	
<b>Position after one month</b>	
<b>Position after two months</b>	
<b>Comments at end of 3 months</b>	

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