



NSW Police Force

New South Wales Police Force

Administrative Officer Health Assessment Policy & Procedures

HR Policy / Human Resources Command

Document Control Sheet

Document Properties

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1. Scope

This document has been developed to provide commanders, managers, supervisors and administrative officers with information about the health assessment process for administrative officers who have been appointed on probation to a permanent position with the NSW Police Force.

This document does not include the procedures for referring an administrative officer with a non-work related injury or health condition for a medical assessment to determine the officer's capacity to fulfil the inherent requirements of their position, i.e. fitness to continue. Further information about that process is available from the [Procedures for Managing Non-Work Related Injuries or Health Conditions guidelines](#) published by the Public Service Commission or the Fitness to Continue Unit at Workforce Safety.

2. Introduction

The appointment of an administrative officer to the NSW Police Force cannot be confirmed until the employee's fitness to carry out the inherent job requirements and job demands of their position has been established.

For the majority of new employees, this will simply require completion of the health declaration form that is enclosed with the letter offering employment with the NSW Police Force.

Due to the nature of the duties of their positions, some new employees will have to undergo a medical examination with the NSW Police Force's nominated medical assessor. This assessment will be organised by the employee's command after they commence duty.

There may also be circumstances where a command will arrange a medical examination when there are concerns that a particular aspect of a new employee's health may detrimentally affect the employee's capacity to carry out the inherent job requirements of the position.

3. Definitions

Health assessment Interpretation of a person's health/fitness status by using a variety of methodologies. Health assessment ranges from an administrative decision based on a health declaration form, through several types of focused questionnaires and screening tests administered by various health professionals, to a comprehensive medical/physical/psychological examination.

Medical examination Comprehensive medical history and physical examination and/or psychological assessment, and appropriate

investigations undertaken by a medical practitioner.

Inherent job requirements

Are the requirements that are fundamental, intrinsic or essential to the position. These requirements must be determined objectively and cannot depend on the attitude or operational methods of the NSW Police Force. The term inherent job requirements carry with them associated job demands.

Job demands

Integral part of the inherent job requirements but can refer specifically to the essential job characteristics which require physical, sensory and psychological capacities, and also any physical, biological and chemical hazards or accident risks which may be associated with a given job.

Reasonable adjustment

Reasonable adjustment may include job redesign, changing the workplace or work area, purchasing or modifying equipment, or offering flexible working arrangements.

Test

An objective instrument used to measure functional capacity. Tests include questionnaires, screening techniques, medical examinations etc.

Disability

There is a broad statutory definition of disability in the *Anti-Discrimination Act 1977 (NSW)* and the *Disability Discrimination Act 1992 (Cwlth)*, but examples include :

- long-term medical condition or ailment
- speech difficulties in their native language
- a disfigurement or deformity
- a psychiatric condition
- a head injury, stroke or any other brain damage
- loss of sight or hearing
- incomplete use of any part of their body
- blackouts, fits or loss of consciousness
- restriction in physical activities or physical work
- slowness at learning or understanding
- any other condition resulting in a restriction.

4. Delegation

Managers and commanders have the authority to refer an administrative officer who has been appointed on probation, to the nominated medical assessor for confirmation of the employee's fitness to carry out the inherent job requirements and job demands of the position.

5. Disability Discrimination

The NSW Police Force must provide any reasonable service or facility needed by a person with a disability to carry out the inherent job requirements and job demands of a position, unless this would cause the organisation 'unjustifiable hardship'.

Unlawful discrimination may occur if a person is refused employment with the NSW Police Force because of their disability unless the person would be unable to carry out the inherent job requirements with the provision of such services or facilities, or the provision of such services or facilities would cause the NSW Police Force unjustifiable hardship.

Unlawful discrimination may also occur if health assessments are used to refuse employment to an applicant who is assumed to have a disability or likely to lodge a worker's compensation claim or take sick leave solely because:

- the person has lodged previous claims;
- the person is assumed to have a predisposition to an illness or injury; or
- it is assumed, without proper basis, that the work will aggravate an established illness or injury despite adjustments.

As part of its obligations under the *Anti-Discrimination Act 1977* (NSW) and *Disability Discrimination Act 1992* (Commonwealth), the NSW Police Force must ensure that any employee with a disability who is referred for an assessment, is assessed using any service or facility they routinely use to perform the inherent job requirements and job demands of the position. For example, if the employee uses prosthesis, then the aid should be used during the assessment.

6. Inherent Job Requirements and Job Demands

The inherent job requirements and job demands of a position are fundamental, intrinsic or essential to the position. They include essential job characteristics which have physical, sensory and psychosocial impacts, and where appropriate, will also include the position's health standards.

For the majority of administrative officer positions in the NSW Police Force, there is no required health standard and therefore no restriction on the eligibility of applicants for appointment (with or without adjustment).

However, there are a small number of positions that require the occupant to have a physical capacity to undertake the duties of the position, such as strength, fitness or agility, and this requirement is included in the position description and is referred to as the health standards.

It should be noted that unless the required health standards for a position have been identified and included in the position description, the NSW Police Force cannot refer an employee for a medical examination to assess their ability to satisfy that particular job demand.

For example, unless the health standard for the position is “physical ability and fitness”, it is not appropriate to refer an employee for a medical examination to assess their suitability to undertake that standard prior to confirming their appointment.

7. Administrative Officer Health Assessments

It is a requirement that all administrative officers employed on probation undergo a health assessment to confirm their ability to satisfy the inherent job requirements and job demands for the position in which they are employed.

In the NSW Police Force, the form of the health assessment is:

- a health declaration form; and/or
- a medical examination

Please note that a health assessment in any form should only occur after an applicant has been recommended for appointment.

7.1 Health declaration forms

For the majority of administrative positions in the NSW Police Force, a health declaration form will be sufficient to ascertain capacity to meet the inherent job requirements and job demands of the position.

The form is included with the letter of offer issued by Placement Services, Shared Services and in the majority of cases, will be completed and returned to the NSW Police Force prior to the applicant’s entry on duty. An example of the form is attached as an annexure to this document.

The health declaration form allows the successful applicant to choose the most appropriate statement relating to their health in respect of meeting the inherent job requirements and job demands of the position.

The statement options are:

1. I am not aware of any health condition which might interfere with my ability to perform the inherent job requirements and job demands of this position.
2. I have a health condition that may require the NSW Police Force to provide me with services or facilities (adjustments) so that I can successfully and safely carry out the inherent job requirements and job demands of the position.
3. I understand that adjustments to the workplace can be made to assist the employees with disabilities in carrying out the inherent job requirements and job demands of the position. Any adjustments I need have been discussed with the convenor of the selection panel prior to completing this health declaration.

4. I no longer wish to be considered for this position.

Placement Services will advise the convenor if the applicant has indicated that they no longer wish to be considered for the position. If the applicant has selected this option it may be because they are unaware of the assistance that the NSW Police Force can provide. The convenor must contact the applicant and discuss the reason for their decision and what services and facilities can be provided by the NSW Police Force to assist them to carry out the inherent job requirements and job demands of the position.

7.2 Disclosing a health condition

If the applicant has indicated that they have a health condition that may or does require the NSW Police Force to provide services or facilities (adjustments), Placement Services will forward an email to the convenor of the selection panel. The convenor must then contact the applicant to discuss what services or facilities may be/or are required to assist the applicant to successfully and safely carry out the inherent job requirements and job demands of the position.

The convenor must also liaise with the manager/commander of the command or business unit about any adjustments requested by the applicant (where required).

When either completing the health declaration form or discussing the required adjustments, the applicant does not have to disclose the nature of their health condition, just the services or facilities required.

While it would not be unreasonable for the convenor to seek limited information, e.g. the health condition, to assist in determining whether the facilities that the applicant may require in the future, to safely carry out the inherent job requirements and job demands can be accommodated by the NSW Police Force, disclosure is a matter for the applicant and non disclosure would not necessarily preclude an offer of employment.

If the applicant declines to disclose the nature of their health condition it may be appropriate to refer the applicant for a medical examination once they have commenced duty.

Likewise, after the applicant has commenced duty and the required adjustments are in place, if the manager or commander still has concerns about their capacity to successfully and safely carry out the inherent job requirements and job demands of the position, the manager or commander can refer the new employee for a medical examination by the nominated medical assessor.

It is not appropriate to refer all new employees who require an adjustment that has been accommodated to Medibank Health Solutions (MHS), the NSW Police Force's nominated medical assessor for an examination.

7.3 Medical examination

It is recognised that some positions in the NSW Police Force require a level of physical strength and robustness which is beyond that required in a general administrative role. These positions are as per [Schedule 1](#) to this policy. The positions listed on Schedule 1 will be reviewed and may be amended in consultation with Commands.

On appointment to these positions, the employee will be referred to Medibank Health Solutions by their command.

The medical examination will assess the employee's capacity to carry out the inherent job requirements and job demands of the position.

7.4 Confidentiality

All employees are reminded that in accordance with the provisions of the *Health Records and Information Privacy Act (HRIPA) 2002*, the results of the health assessments are strictly confidential and should not be disclosed without the consent of the person concerned.

8. Procedures

8.1 Issuing the health declaration form

Placement Services will enclose the health declaration forms with the letters offering permanent employment with the NSW Police Force.

The forms will only be issued to applicants who have verbally accepted an offer of employment on probation with the NSW Police Force and who are not already permanent officers within the NSW government sector.

8.2 Reviewing the health declaration form

Placement Services will review all of the completed health declaration forms returned with the statement of acceptance for the position.

No advice will be forwarded to the command or business unit if the applicant indicates that they are not aware of any health condition that might interfere with their ability to perform the inherent job requirements and demands of the position.

Completion of the form will be recorded in *SAP* by Placement Services as part of the 'new hire' process. If the form is received after the 'new hire' process has been completed, it should be forwarded to the relevant Pay Team at Payroll Services to update *SAP*.

8.3 Health assessment of employees on probation

MHS health assessments are tailored to the specific job requirements and job demands of the position. The assessment is comprised of the following components:

(a) Pre-assessment questionnaire:

Comprising of questions related to the employee's occupational and medical history, including any exposure to chemicals, hazardous substances, noise, any work-related injury or disease, medical conditions and symptoms.

(b) Screening:

- height, weight and Body Mass Index (BMI).
- testing for near vision, distance vision and colour vision.
- basic urine testing for blood, glucose and protein levels.

(c) Medical Examination:

- blood pressure and heart rate
- status of musculo-skeletal system
- eyes, ears, nose and throat
- abdomen
- skin condition
- balance and coordination
- behaviour during examination

The medical examination will also include the health standards for the specific position or address the health condition that requires the additional services or facilities.

8.4 Making the appointment

Each command or business unit is responsible for organising the referral of a new employee to MHS for assessment.

While the probation period is for twelve months, the expectation is that this process will be completed within the first three months of employment. For those business units that use the Business Service Centre, this process will be managed by the Centre's HR team.

As MHS has already been provided with the position descriptions and required health standards for each NSW Police Force position referred for assessment, the referral process involves the completion of the [Request for Medical Services - NSW Government](#) form, which is then forwarded via email to MHS at medical_sydney@medibank.com.au.

Receipt of the request for services form will be confirmed by return email and both the employee and the command will be notified of the appointment time and date

within 48 hours of receipt of the request. This notification will be via email to the employee's NSW Police Force email address and to the command's dedicated SMAC box address.

MHS has clinics located at Surry Hills, Parramatta, Botany, Newcastle, Wollongong and Canberra. If the employee is located outside of these areas, MHS will refer the employee to its state-wide Authorised Medical Practitioners (AMP) network.

8.5 Travel requirements for regional employees

If an employee located in a regional or rural area is required to travel to another centre to undertake the health assessment, the employee is to be reimbursed the cost of a first class return rail fare (where that option exists), or if approved by their command or business unit, use their motor vehicle and receive the private motor vehicle allowance casual rate.

If applicable, the employee may also be reimbursed meal and accommodation expenses incurred, subject to production of receipts for accommodation costs, in accordance with the conditions and rates approved by the Secretary of The Treasury.

The employee is also to be granted special leave for the time they are necessarily absent from duty.

8.6 Cancellation of appointments

MHS will charge a cancellation fee of 80% of the scheduled fee if an employee fails to attend their appointment. This fee is to be paid by the employee's command or business unit.

A cancellation fee of 80% will also be applied if the MHS Clinic receives less than one clear working days notice of an appointment cancellation (one clear working days notice requires that the MHS Clinic receives notice of the cancellation before 9.00 a.m. on the working day prior to the appointment). If the cancelled appointment was with a Specialist, two clear working days notice will be required.

If an employee is unable to attend their appointment, they should contact MHS directly at the earliest possible convenience to arrange another appointment.

8.7 Health assessment recommendations

MHS is required to forward a recommendation to the NSW Police Force in regard to the employee's health in terms of their capacity to perform the duties of the position, rather than a medical diagnosis.

MHS will forward a copy of the comprehensive assessment report to the employee, with only a summary report that includes the relevant details being provided to the command. The summary report will be forwarded via email to the command's SMAC box (created specifically for MHS reports) and will make one of the following recommendations.

The employee is:

- fit for the position without restriction
- fit for the position, but with restrictions (which will be specified)
- unfit for the role.

If the health assessment determines that the employee is capable of performing the inherent job requirements and job demands of the position only if an adjustment is made to the way the duty is performed or by way of work related service or facility, the report will detail what adjustments are necessary to allow the employee to be able to perform that particular inherent requirement.

The MHS clinician can be contacted if the command or business unit would like further information about the required adjustment. Such discussion will be limited to health matters that relate to the employee's ability to undertake the inherent requirements and the demands of their position and any rehabilitation or adjustment issues. MHS clinicians will not disclose any other health matters to the NSW Police Force without the employee's written consent.

The assessment should only conclude that the employee is not fit for work if it is determined that one or more of the inherent job requirements and job demands cannot be performed and there are no services or facilities which could be provided to enable the employee to perform those requirements without imposing unjustifiable hardship on the NSW Police Force.

Advice that the assessment has been completed should be forwarded to the relevant Pay Team at Payroll Services, so that a record of the date of examination can be created in *SAP*.

8.8 Unfavourable assessments

If the employee does not meet the inherent job requirements and job demands of the position, even with a work-related adjustment, MHS will inform the applicant of unfavourable aspects of the assessment at the time of the assessment, and advise of measures for continued optimal health or which might alter the health status towards a future favourable outcome.

As the NSW Police Force cannot continue the employment of someone who has been assessed as being unable to meet the requirements of the position, the manager or commander must meet with the employee and advise that as a consequence, the employee must cease duty immediately pending the consideration of a report to the Assistant Commissioner, Human Resources recommending the annulment of their appointment on probation.

If the employee requests an independent review of MHS's medical assessment, the employee must still cease duty immediately, but action to annul their appointment will not be completed until advice from MHS on the outcome of that review.

8.9 Independent review of a medical assessment

An employee may request an independent review of the medical assessment conducted by an MHS clinician if they are dissatisfied with recommendations in respect of their capacity to perform the inherent job requirements and job demands of a position, with or without adjustments.

Such a request will be considered if it is based on pre-existing information, that is, the information submitted to MHS or discussed with the MHS clinician prior to the preparation of the medical assessment report. A review cannot be requested on the basis of new medical information.

8.10 Applying for an independent review

The following steps describe the Independent Review Panel process.

- a) Employees should submit to MHS a [Request for Review of Medical Assessment](#) form and associated documentation by email or post **within 21 calendar days of the date of the medical assessment report**. The employee should simultaneously send a copy of this documentation to their Command.
- b) MHS will receive and acknowledge applications for review.
- c) MHS will notify both the employee and their command of the review date.
- d) An extension of time to submit a request for a review can only be obtained by written request to the Independent Review Panel Chair, via MHS administration. Requests for extensions will be forwarded by MHS to the Panel Chair and MHS will notify the employee and command of the outcome of the request for an extension.
- e) The command may comment to the Panel on the request documentation submitted by the employee. Comments should be forwarded to the Panel via MHS at least seven calendar days prior to the date of the review (so as to be included in papers forwarded to Panel members). The command should also forward a copy of its comments to the employee.

The criteria for the conduct of a review are:

- The employee can demonstrate that relevant information about their medical condition was available and offered but not considered at the time of the assessment; and/or
- The employee can demonstrate that the reasons for the nominated medical assessor's recommendation were not consistent with the available information.

As outlined in the procedures in [Premiers Memorandum 2010-18](#), the review is limited to an examination of the medical assessment and associated

recommendations and will not consider non-health related matters that must be managed by the NSW Police Force. MHS will inform the employee that they must contact the NSW Police Force for advice on a more appropriate forum or processes for consideration of such material.

The independent review process will be limited to one review per assessment.

8.11 The independent review process

- a) Requests that meet the above criteria will be assigned a review date and the employee and the command will be notified of this date. MHS will also notify the command which of the above criteria is the basis for granting the review.
- b) The review will be conducted by a panel of three members which include a senior occupational physician who did not undertake the primary medical assessment of the employee. The other two panel members will be determined on the basis of their clinical management and occupational health knowledge, public sector management skills and knowledge of the principles of advocacy and natural justice.
- c) The Independent Review Panel will consider the evidence submitted by the employee and command and make a determination which is forwarded to MHS for administration.
- d) MHS will distribute the determination, recorded in the Review Panel report, to the employee and to their command in a letter authorised by the Review Panel Chair.
- e) The distribution of a report may be delayed if an additional referral to a medical specialist is required by the Review Panel to make a determination. MHS will arrange the medical specialist appointment with the employee. The final determination of the Review Panel will be postponed until the information is received from the medical specialist.
- f) The command may request clarification of the decision of the Review Panel in writing. MHS will forward the request to the Chair of the Panel Review. The Panel Chair's response will be forwarded to the command and to the employee by MHS.

8.12 Payment for assessments

The command or business unit is responsible for meeting the cost of the health assessments of their employees. The cost of the assessment will be dependent on the triage process and the service provider who conducts the assessment.

MHS will generally include an invoice with the medical report as part of the secure email to the command or business unit.

Payment terms are 14 days from the date of invoice. MHS prefers payment by direct deposit. The bank account for EFT payments are as follows:

Account Name: Medibank Health Solutions Pty Ltd
Bank: Westpac Banking Corporation
BSB: 032-713
Account: 138 751

All payments to the above account are to be accompanied by a remittance advice. The remittance should be emailed to HSD_Finance@medibank.com.au or mail to Accounts Receivable – Level 17, 700 Collins Street, Docklands, Victoria 3008.

Failure to pay by the due date may result in a penalty charge being incurred by the command.

8.13 Storage of records

In accordance with the requirements of the *Health Records and Information Privacy Act 2002 (NSW)* and the [Guidelines for the Management and Storage of Employee Health Records](#), all completed health declaration forms and any health assessment summary reports issued by Medibank Health Solutions are to be scanned on to the employee's electronic P file.

9. References

Section 67 Police Regulation 2008
Anti-Discrimination Act 1977 (NSW)
Disability Discrimination Act 1992 (Commonwealth)
Work Health and Safety Act 2011 (NSW)
Health Records and Information Privacy Act 2002 (NSW)
Premier's Circular 2011-23 Medical Assessment Services for the NSW Public Sector
Premier's Memorandum 2010-18 Procedures for Managing Non-Work Related Injuries or Health Conditions
NSW Ombudsman Reasonable Adjustment Policy
Guidelines for the Management and Storage of Employee Health Records

10. Further Information

HR Policy: Ph: (02) 8835 9537 or Eaglenet: 29537
or
#HRPOLICY

Medibank Health Solutions: www.medibankhealth.com.au/dpc
Ph: (02) 8396 0680

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Relations & Strategy – HR Policy

Schedule 1

As at 1 July 2014, the following positions have health standards that require the occupant to complete a medical examination during their probationary period to assess their physical capacity to undertake the duties of the position:-

- Groom, Mounted Police Unit
- Kennel Coordinator, State Protection Group Dog Unit
- Kennel Attendant, State Protection Group Dog Unit
- Security Officer, NSW Police Academy, Education & Training Command



Health Declaration Form

Clause 67 of the *Police Regulation 2008* provides that the appointment of an administrative officer cannot be confirmed until the officer has undergone a health assessment.

Name: _____

Address: _____

Position: _____

Duties of the Position:

I have read the inherent job requirements and job demands for the position and these requirements have been explained to me. I have ticked the appropriate statement below:

- I am not aware of any health condition which might interfere with my ability to perform the inherent job requirements and job demands of this position.
- I have a health condition that may require the NSW Police Force to provide me with services or facilities (adjustments) so that I can successfully and safely carry out the inherent job requirements and job demands of the position.
- I understand that adjustments to the workplace can be made to assist the employees with disabilities in carrying out the inherent job requirements and job demands of the position. Any adjustments I need have been discussed with the convenor of the selection panel prior to completing this health declaration.
- I no longer wish to be considered for this position.

I am aware that any false or misleading statements may threaten my appointment or lead to action being taken to terminate my employment with the NSW Police Force.

Signature: _____

Date: ___/___/___