### Recruitment - Health & Functional Capability Policy

<table>
<thead>
<tr>
<th>Policy statement</th>
<th>The Office of the Police and Crime Commissioner (OPCC) is committed to supporting the wellbeing of employees and to promote attendance at work at all times. This policy outlines the approach for protecting the organisation from recruitment of new staff with unacceptable levels of sickness absence, and ensuring that individuals who are recruited into the organisation are fit and able to perform the duties of the role they are applying for. Safeguards will be put in place in order to ensure that this policy does not adversely impact on those with a protected characteristic under the Equality Act 2010.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope</td>
<td>All employees of the OPCC.</td>
</tr>
<tr>
<td>Policy aim</td>
<td>To support the service delivery of the OPCC by monitoring recruitment activity to protect against employment of new staff with unacceptable levels of sickness absence.</td>
</tr>
<tr>
<td>Check which policy to use</td>
<td>Where managers need to manage the absence of an existing employee, they should refer to the Managing Attendance Policy.</td>
</tr>
</tbody>
</table>
What the law says

This Policy is driven and informed by The Equality Act 2010 which:

- replaced all previous equality legislation such as the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act
- provides a single, consolidated source of discrimination law, covering all the types of discrimination that are unlawful.

The Equality Act 2010 makes it unlawful for employers to ask health-related questions of applicants before job offer, unless the questions are specifically related to an intrinsic function of the work or to help decide whether reasonable adjustments are needed in the assessment or selection process.

Policy Detail

At Interview Stage

Managers can ask questions at the interview stage to support them when assessing an applicant’s ability to undertake functions that are intrinsic to the role through the use of functional capability questions eg: a care assistant’s ability to meet the moving and handling requirements for the role, or machinery operatives being able to handle/operate machinery in confined spaces or at height where required.

At Conditional Offer Stage

Once an external applicant has received a conditional offer of employment, one of the conditions of employment will be satisfactory health clearance which will include requesting levels of sickness absence.

The standard recruitment process assesses an applicant’s sickness absence levels at pre-employment stage (post conditional offer). The OPCC can withdraw conditional offers of employment where levels exceed its corporate thresholds.

If an applicant has levels of sickness absence in excess of 11 days over three or more instances in the previous 12 month period, they will be requested to complete a Post Offer Medical Questionnaire (POMQ). This POMQ will be assessed by the Health and Wellbeing Service:

- If the sickness absence can be linked to a protected characteristic under the Equality Act 2010, HR will be notified and appropriate decisions and actions agreed
with the Recruiting Manager based on the information supplied by the Health and Wellbeing Service and the OPCC’s obligations under the Equality Act 2010.

- If the sickness absence is not linked to a protected characteristic under the Equality Act 2010, HR will be notified and will liaise with the Recruiting Manager who will normally be given the option of withdrawing the conditional offer.

**Related documents**
- Health and Functional Capability policy – How to Guide
- Reasonable Adjustments Policy

**Support Managers:**
Further information is available in the associated supporting information document *Recruitment Policy – Health & Functional Capability – Guidance*

Advice on remaining queries can be directed to HR Operations.

**Policy Governance**

<table>
<thead>
<tr>
<th>Hantsfile reference:</th>
<th>11688634</th>
</tr>
</thead>
</table>
| Date of publication:          | V1 – November 2014  
V1.1 – April 2016 |
| Planned review date:          | 3 years or sooner if required |
| Owner:                        | HR Operations |

Employees of non Office of the Police and Crime Commissioner customers are excluded from this policy and should refer to their own employers policies and procedures.