

OFFICIAL SENSITIVE

DETERMINING ELIGIBILITY FOR COMPENSATION WHEN STAFF ARE DISMISSED ON GROUNDS OF INEFFICIENCY DUE TO UNSATISFACTORY ATTENDANCE

Under Annex 1 *DETERMINING ELIGIBILITY FOR COMPENSATION WHEN STAFF ARE DISMISSED ON GROUNDS OF INEFFICIENCY DUE TO UNSATISFACTORY ATTENDANCE*, Departments have **discretion** to pay compensation in cases of dismissal on grounds of inefficiency under the provisions of the Civil Service Compensation Scheme (Northern Ireland).

The amount of compensation payable is calculated by applying a percentage, determined by NICSHR, to the maximum that could be paid under the Civil Service Compensation Scheme (Northern Ireland), Section 11 and Rule 3.3 of the Civil Service Compensation Scheme (Northern Ireland). A payment would be made only if there is clear evidence to justify the level of the award.

As the guidance and Policy predate the formation of NICSHR, the process of assessment under the Policy, is applied by NICSHR. Internal Audit will include the process as part of their regular audit schedule to ensure compliance with Policy and ensure robust governance around decision making. Appeals against compensation not paid or paid less than the maximum, are made to the Civil Service Appeal Board.

Determining eligibility for Compensation

Decisions to pay compensation upon dismissal must be:

- (a) evidence based, from the full detail of the absence management records
- (b) presented, and in the event of disagreement, discussed by the case Decision Officer with a peer review group comprising ER Grade 7 Managers
- (c) Approved by NICS HR Grade 3.

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In determining the level of any compensation, NICSHR will take into account and document a range of factors including (but not limited to):

- a) OHS medical/clinical advice on the nature and /or severity of the illness.
- b) the efforts made by the employee to accept and engage in arrangements offered to facilitate a return to work.
- c) any conditions in place by the employer to facilitate a return to work.
- d) level of compliance with sick absence policies and procedures.
- e) engagement with OHS, Welfare Service, line managers at any stage of the process.
- f) information provided by trade unions at any stage of the process.

NB: In accordance with the policy, where investigation establishes that the sick absence provisions are being abused, compensation will not be appropriate.

Question	Response	Long Term (L/T) or Short Term	Supporting Statement (to include evidence used to make the assessment i.e. factors a-f above)
<p>Does medical evidence exist/has been obtained via OHS to show inability to attend/return to work is beyond the control of the individual?</p> <ul style="list-style-type: none"> • FACTOR A: OHS medical /clinical advice on the nature and /or severity of the illness • FACTOR D: level of compliance with sick absence policies and procedures. 			

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Question	Response	Long Term (L/T) or Short Term	Supporting Statement (to include evidence used to make the assessment i.e. factors a-f above)
<p>Has the employee engaged with relevant NICS HR teams throughout their absence in line with policy (ER/OHS/Welfare)?</p> <ul style="list-style-type: none"> • FACTOR B: the efforts made by the employee to accept and engage in arrangements offered to facilitate a return to work • FACTOR D: level of compliance with sick absence policies and procedures. • FACTOR E: engagement with OHS, Welfare Service, line managers at any stage of the process 			
<p>Has the employee engaged/continued to engage with line management throughout their absence in line with policy ?</p> <ul style="list-style-type: none"> • FACTOR C: any conditions in place by the employer to facilitate a return to work 			

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Question	Response	Long Term (L/T) or Short Term	Supporting Statement (to include evidence used to make the assessment i.e. factors a-f above)
<ul style="list-style-type: none"> • FACTOR D: level of compliance with sick absence policies and procedures. • FACTOR E: engagement with OHS, Welfare Service, line managers at any stage of the process 			
<p>Has information been provided, confidentially and with the consent of the employee, by trade unions, at any stage of the process, to support the employees case and provides additional/supporting evidence.</p> <ul style="list-style-type: none"> • FACTOR F: Has information been provided by trade unions at any stage of the process 			

Department/Division	Name of Staff Member	Staff Number	Compensation Agreed (Y/N)	% Compensation agreed

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Compensation decision rationale:

Decision Officer:

Signed:

Date:

Peer Review/Comments:

- 1.
- 2.
- 3.
- 4.

Signed:

Date:

Deputy Secretary, NICS HR:

Signed:

Date:

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