

Civil Service Mobility Scheme
Suitability Report

Applicant	Grade	Organisation	Location

PART A – SUITABILITY REPORT

This assessment is to determine an applicant’s suitability for Mobility at this time. The attached Guidance Note is designed to assist with the completion of this Report.

- Section 1 refers to Underperformance;
- Section 2 refers to Disciplinary matters;
- Section 3 refers to Investigations; and
- Section 4 refers to the assessment of an applicant’s attendance record.

Where ‘Yes’ is answered to any of the questions, or where the application cannot be assessed on account of an ongoing investigation, the applicant is not considered suitable for mobility at this time and a review date should be determined.

Section 1 – Underperformance

Is the applicant subject to a Performance Improvement Plan (PIP) under Circular 24/2016?

Answer: **Please select**

Note: Employees subject to a PIP will not be considered for mobility until the PIP has been satisfactorily completed.

Where ‘Yes’ is answered to this Section please move directly to Section 5.

Section 2 – Discipline

Is the applicant subject to any of the following sanctions?

- Level One Verbal Warning (6 months);
- Level Two Written Warning (12 months);
- Level Three Final Written Warning (24 months);
- Deferral of an increment (live sanction);
- Withdrawal of concessions (live sanction);
- Reassignment to a different location or different duties (live sanction);
- Debarment from competitions or promotions (live sanction);
- A higher level sanction (Sanctions 9–12, Table A, Step 6 of the CS Disciplinary Code) within the previous 24 months.

Answer: **Please select**

Note: Employees subject to “live” disciplinary warnings/sanctions will not be considered for a move under the scheme.

Where ‘Yes’ is answered to this Section please move directly to Section 5.

Section 3: Investigations

Is the applicant subject to any formal investigation?

Answer: **Please select**

Note: A move under the scheme will not be granted until the process is complete. No adverse inferences will be drawn regarding the employee's suitability for mobility until such time as the investigation has been completed.

Where 'Yes' is answered to this Section please **also** complete Section 4.

Section 4: Attendance

Is the applicant considered unsuitable for Mobility at this time based on an assessment of their attendance record (see Section 4 and Appendix I of the attached Guidance Note).

Answer: **Please select**

Section 5 – Decision as to Suitability

Applicant is considered suitable under Section 1-4 above:

Please select

Applicant is considered unsuitable at this time:

Please select

Where the applicant is deemed to be unsuitable for Mobility at this time, and/or where the application cannot be progressed on account of an ongoing investigation, please enter a future date for a review for Mobility [this date should represent the later date of review where applicant is assessed under Section 3 and 4].

Review Date

PLEASE ENTER THE SUITABILITY OUTCOME AND REVIEW DATE (WHERE APPLICABLE) ON THE MOBILITY SYSTEM.

PART B – HR DETERMINATION

To be completed by HR Manager or their nominated HR Official:

I agree with the determination made in this report.

Local HR : Name and Grade	Date

A COPY OF THIS COMPLETED REPORT SHOULD BE FORWARDED TO THE STAFF MEMBER WITH A BRIEF CORRESPONDENCE OUTLINING THE UNDERLYING PRINCIPLE FOR THE DECISION.

THE REPORT AND ALL RELATED RECORDS SHOULD BE MAINTAINED IN A CONFIDENTIAL AND SECURE MANNER FOR DATA PROTECTION PURPOSES.

Guidance Note for Completing Suitability Report

Suitability Report (Part A), and HR Determination Form (Part B) – should be completed by the Sending Local HR.

PART A - Suitability Report

Sections 1, 2 and 3 are solely assessed by the Sending Local HR and Section 4 is only assessed by the Receiving Local HR in the event that the applicant is considered suitable by the Sending Local HR and the 'threshold' levels have been exceeded (see Section 4 below).

Note: In the event that an applicant is deemed unsuitable by the Sending Local HR under Section 4 (Attendance) and is successful in overturning this determination through an appeal, they will be considered to be under the guiding thresholds. In these circumstances an applicant is deemed suitable for Mobility and will not be re-assessed by the Receiving HR.

A copy of this completed report should be forwarded to the staff member with a brief correspondence outlining the underlying principle for the decision.

The report and all related records should be maintained in a confidential and secure manner for data protection purposes.

Section 1: Underperformance

The purpose of this question is to determine whether the applicant is subject to an ongoing Performance Improvement Plan (PIP).

The indicative timeframe for the conclusion of a PIP is ten months, assuming that the staff member is progressing towards remediation. It is in the interests of both the organisation and the staff member that issues identified at work are remediated before the staff member is permitted a mobility move.

An applicant will not be considered suitable for mobility unless they have '*successfully*' completed the PIP as per the criteria set out at Step 6 of [Circular 24/2016](#).

Section 2: Discipline

The purpose of this question is to determine whether the applicant is subject to any disciplinary warnings and/or sanctions as prescribed in the [Civil Service Disciplinary Code \(Circular 19/2016\)](#). Step 6 of the Code deals with disciplinary sanction and Table A deals with the range of disciplinary actions which may be taken. The period of time that the applicant is considered unsuitable for mobility depends on the level of sanction applied.

Section 3: Investigations

The purpose of this question is to determine whether the applicant is subject to an ongoing formal investigation that could lead to disciplinary action. Mobility could lead to complications in concluding the investigation, and/or in implementing disciplinary measures in the event that the allegations/complaints under investigation are upheld. The investigation will defer rather than debar consideration of mobility at the time. Investigations can include: [disciplinary matters](#); and/or complaint(s) made against the applicant under the [Dignity at Work policy](#) or any work place investigation.

Consideration of mobility will be deferred where a formal investigation is underway. The vacancy will only be held open for a period of up to 3 months to ensure business continuity. This may be open to review where the process is near completion. Where such a review is granted it will be concluded within one month and the vacancy will not be held open any longer. No conclusions will be drawn regarding the applicant's suitability until such time as the investigation has been completed.

Section 4: Attendance

When considering this question HR managers should be guided by the 'Assessment of Attendance Records for the Purposes of the Mobility Scheme' at Appendix I. The advices on discounting should be applied to all cases where an assessment of attendance is considered necessary.

Sharing of data and attendance record:

HR Managers should apply the following two-step test:

- (a) The individual's attendance records should be checked, with a view to identifying whether or not the applicant has exceeded the guiding threshold levels.
- (b) Records relating to the nature/cause of any period(s) of sick leave should only be assessed, by the receiving organisation, if the 'threshold' levels have been exceeded, and solely for the purpose of assessing:
 - a. whether any absence(s) were caused by, or connected to, a disability; and
 - b. if so, whether or not reasonable accommodation (i.e. discounting) should be applied as part of the application for mobility; and
 - c. if so, whether or not reasonable accommodation might be required (in respect of any ongoing disability), with a view to considering if the receiving organisation is in a position to provide any additional reasonable accommodation, following the transfer of the staff member.

Section 5 - Decision as to Suitability

This section should be completed in all cases. There are two possible outcomes to the suitability assessment, as follows:

1. The applicant is suitable for Mobility and the move may proceed. [The final determination on the move is subject to an assessment by the Receiving Local HR of reasonable accommodation requirements¹, and/or security vetting clearance, and/or meeting Irish language requirements (where applicable).]
2. The applicant is unsuitable for Mobility at this time (although there is provision to indicate when, approximately, the applicant will become eligible).

Where more than one section is completed (Section 3 and 4) the later review date should be reflected in the report.

An assessment under all Sections of the report is only carried out where the applicant is considered suitable under Sections 1-3, Part A of the Report.

The suitability outcome and review date (where applicable) should be entered onto the Mobility system without delay.

PART B – HR Determination

This section should be completed by a HR Manager or their nominated HR Official.

A copy of the completed signed-off report should be forwarded to the staff member with a brief correspondence outlining the underlying principle for the decision.

The completed report, and related papers, should be stored in a confidential and secure manner for data protection purposes.

¹ Workplace adaptations may be necessary (i.e. reasonable accommodation) for individuals with a disability in order that they can undertake the role. The assessment process will not be used as a means to impede a move under the Mobility scheme.

Appendix I

Assessment of Attendance Records for the Purposes of the Mobility Scheme

1. Background and Context

1.1 Good attendance is expected from every civil servant.

1.2 The “56 days absence or 25 instances of absence” thresholds² in the previous four years have been used as an indicator by which to assess:

- an individual’s attendance record, and determine if action is required;
- an individual’s suitability for promotion or a higher duties allowance;
- whether an individual has successfully completed his or her probationary period;
- an individual’s suitability to transfer to another position;
- an individual’s suitability to be awarded a salary increment.

1.3 These thresholds are sometimes pro-rated when an individual has less than four years’ service.

1.4 In order to avoid potential harshness or unfairness to an individual, it has been the practice to make allowances for certain circumstances when assessing suitability. This has been achieved by “discounting” absence under various circumstances.

1.5 The process of discounting is particularly important in circumstances where absence from work may have arisen on account of an individual having a disability that has not been appropriately accommodated (see section 4 below). It may be necessary to discount sick leave to take account of a particular disability in such circumstances and failure to do so may be contrary to the provisions of the Employment Equality Acts 1998 to 2015.

1.6 While it is not discriminatory to operate “threshold” levels as flags for management action or to discount, it is important that discretion is appropriately exercised in individual cases.

2. Assessing Attendance Records

2.1 Poor attendance (even if certified as sickness absence) is a matter which requires appropriate management action. Departments may decide that an individual’s attendance requires action when an individual reaches a “threshold” level i.e. certain number of days absence or pattern of absence (such as 56 days/25 instances, pro-rated as required). It is important that these thresholds only operate as a “flag” that highlights the need to explore an individual’s attendance record further. The fact that an individual has reached a threshold level should never automatically make them unsuitable for employment benefits and/or career opportunities.

2.2 There are other “flags” for poor attendance that could be considered by line managers when assessing an individual’s attendance record. These are listed in Circular 05/2018 *Arrangements for Paid Sick Leave* and include:

- attendance patterns that are causing concern (e.g., frequent absences, absences regularly occurring on a Monday or Friday, etc.),
- absences of four weeks or greater, or

² N.B. The limits on access to paid sick leave differ from the threshold levels that are referred to in this document. For the purposes of this document sick leave “threshold levels” refer only to assessing an individual’s sick leave record rather than their access to paid sick leave.

- four instances of short-term absences in a rolling one year period.

2.3 It is important that each of these measures are only treated as “flags” to indicate that an individual’s attendance record needs to be examined. None of these flags should be used in isolation in making a final decision on suitability.

3. Discounting sick leave

3.1 The purpose of discounting is to ensure that an individual is treated fairly. Discounting absences when assessing sick leave record **is within a HR Manager’s³ discretion which can be exercised where necessary and appropriate.**

3.2 Factors that may be taken into account include, but are not limited to:

- Has the individual’s performance been satisfactory?
- What has the individual’s pattern of sick leave been like throughout his or her career with the Department/ Office?
- Did the sick leave in the last year take place as one instance or as more than one instance?
- Is an instance of sick absence “out of the ordinary” for the individual in question?
- Has a life-long condition resulted in an unexpected “spike” in absence when, in the ordinary course, the individual’s sick leave is within acceptable parameters?
- Was the sick leave due to a pregnancy related illness?
- Was the sick leave related to illness that has been stabilised successfully? Whilst a condition may be life-long, is the expectation that following successful treatment, the individual should be capable of regular and effective service?
- Does the pattern of sick leave suggest that there is no longer an issue (e.g., a large block of sick leave earlier in the 4 year period and no/ limited further instances)?

3.3 The HR Manager may exercise discretion as to whether sick leave absence can be discounted or not having regard to:

- (i) the considerations above, and any other relevant considerations;
- (ii) the compatibility of the sick leave record with the requirement for regular and effective service; and
- (iii) any advice that may have been given previously on the specific case by the Chief Medical Officer.

3.4 The factors that can be considered (listed above) are for guidance purposes only and should not be considered exhaustive. There may be other circumstances when a period of absence could be discounted and if so discretion can be exercised by the HR Manager.

3.5 The decision to discount needs to reflect whether the individual is likely to regularly attend work in the future. The HR Manager should also take into account any previous decisions in relation to the discounting of sick leave, in order to ensure that there is consistency in decision making.

3.6 It is reasonable that decisions on whether to discount may differ depending on the factors in each case. There is no one hard and fast rule that can cover all situations because this could lead to an unfair outcome for individuals. The outcome for individuals is likely to be more equitable where HR make an objective and evidenced decision in each case.

³ Under Circular 05/2018 *Arrangements for Paid Sick Leave*, the discretion to discount in the context of higher duties allowances and promotions is specifically given to the HR Manager. Because there is no specific provision on discounting in the context of increments, transfers or mobility, the discretion to discount can potentially be carried out by anyone nominated by the HR Manager to do so. References to “HR Manager” in this document should be read in this context.

3.7 Records relating to applications for discounting should be maintained in a confidential and secure manner.

4. Referral to the CMO for advice on discounting

4.1 Ordinarily, decisions on discounting of sick leave should be made locally by HR/Management. Thus, only complicated or difficult cases should be referred to the CMO for advice.

4.2 Prior to any CMO referral, the department must have already considered the factors outlined in 3.2 above.

4.3 Most cases referred to the CMO for advice on discounting will require a CMO medical report which may involve significant expense for the applicant and will also delay the application process. Hence CMO referral for discounting advice should not be made routinely.

5. What about the requirement to make “reasonable accommodation” for someone with a disability?

5.1 Where an individual attributes poor attendance to a medical condition, consideration must be given as to whether that individual may have a disability as defined under Employment Equality legislation. HR Managers must consider their obligations under the Employment Equality Acts 1998 to 2015 to provide reasonable accommodation, to ensure that individuals with a disability can participate in and advance at work.