



Notice of further consideration for health reasons procedure

Version: 3.1 | Version effective: 23/03/2023

Audience

Former employees of the Department of Education (the department), Human Resources staff, rehabilitation and return to work coordinators and managers, principals and supervisors.

Purpose

This procedure outlines the processes for placement of a Notice of further consideration for health reasons (NoFC) on the electronic employment record of a former employee and the modification or removal of a NoFC.

Overview

A NoFC is placed on all former employees' employment record where the department has evidence that a medical condition contributed to their resignation or ill health retirement from the department. This action is undertaken as soon as practicable after their separation from the department. Placement of a NoFC on the electronic employment record may be undertaken for a former employee who:

- has been ill health retired under section 186 of the [Public Sector Act 2022 \(Qld\)](#); or
- has resigned citing health reasons; or
- has ceased work with an unresolved medical condition(s) and who may present a workplace health and safety risk if they are re-employed.

When a former employee applies for re-employment with the department, the NoFC flags the need for appropriate investigations to occur, including obtaining a suitable medical update or clearance to ensure they can safely undertake the role. The reason for this is to ensure that the department will not be placing the health and safety of the individual, or any other person at the workplace, at an unacceptable risk if the former employee is re-employed.

This procedure also includes the process for modification or removal of a NoFC on the electronic employment record of a former employee of the department.

Responsibilities

Director, Organisational Safety and Wellbeing

- decide outcomes of requests to place a NoFC on the electronic employment records of former departmental employees who ceased employment with a medical condition(s) in line with all relevant legislation
- decide outcomes of applications for the modification and/or removal of a NoFC for former central office employees or if the former employees were ill health retired from the department, and advise the employees in writing.

Regional Director, HR Business Partnering (HRBP)

- decide outcomes of applications for the modification or removal of a NoFC for former employees of their region and decide if the notice is to be modified or removed, unless the persons were ill health retired, and advise the employees in writing.

Managers, principals, supervisors and rehabilitation and return to work coordinators

- inform local injury management staff of any employees who may meet the criteria for a NoFC
- provide information required to support a request for the placement, modification or removal of a NoFC.

Organisational Safety and Wellbeing (OSW), Central Office

- manage placement, modification or removal of a NoFC on the electronic employment records
- ensure the confidentiality of personal medical information.

Regional Senior Injury Management Consultants

- review NoFC reports and confirm/provide details of former employees in relation to the placement of a NoFC
- identify other former employees (not listed in reports) who may meet the criteria to have a NoFC placed on their employment record and provide details to OSW.

MyHR Business Information and Support Unit

- generate NoFC reports containing details of former employees who have separated from the department citing 'health reasons'.

Former employees of the department

- request that their NoFC be modified/removed based on changed medical circumstances, if applying or intending to be re-employed by the department
- provide requested information to support their request (this can be different in each circumstance)
- cover any costs associated with gathering relevant medical information to support their request.

Process

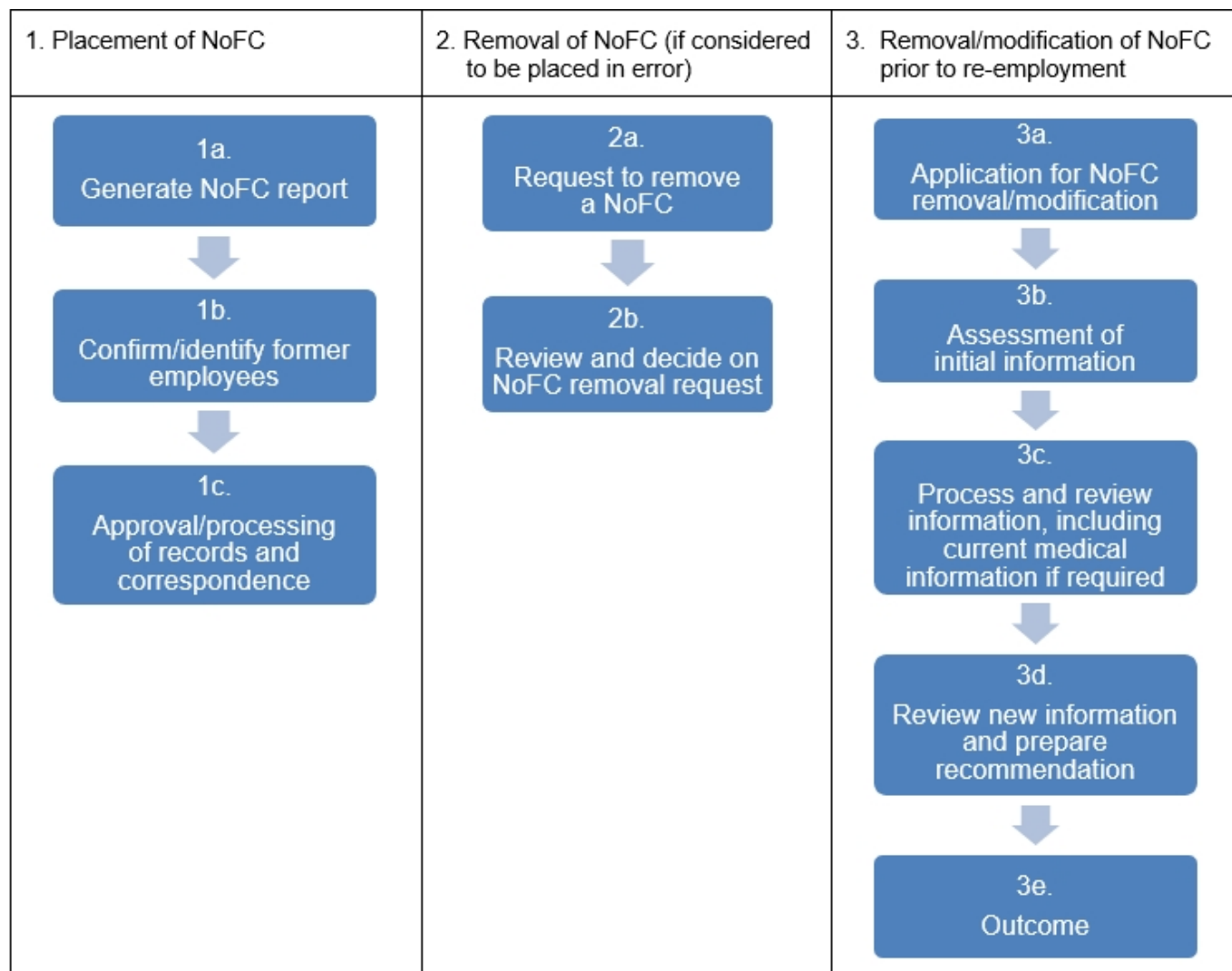


Image 1 Notice of further considerations process flowchart

1. Placement of NoFC

Generate NoFC report

- MyHR Business Information and Support Unit generates the NoFC report monthly, which details former employees who have been ill health retired or who have resigned citing 'health reasons' and forwards the report to the Organisational Safety and Wellbeing (OSW) team, central office.
- OSW team provides the NoFC report by email to regional senior injury management consultants for review and requests responses within two weeks.

Confirmation/identification of former employees requiring a NoFC

Regional senior injury management consultants review the NoFC report and provide the OSW team with:

- a list of former employees in the NoFC report who should not be advised by letter about a NoFC on their employment records and the reasons for this recommendation. A letter will not be sent when a

former employee has a terminal illness or where receipt of the letter by the former employee is reasonably suspected to be detrimental to their health and wellbeing

- details of any former employees who are incorrectly identified in the NoFC report.

In conjunction with reviewing the NoFC report, the senior injury management consultants, including OSW, also identify former employees who meet all three of the following:

- recently ceased work with the department
- were not identified in the monthly NoFC report because their notice to cease employment was not processed for 'health reasons' at the time of their separation
- the region or work unit was aware that the former employee had an unresolved medical condition(s) at the time of their separation and a NoFC should be applied to ensure that the department will not be placing the health and safety of the individual, or any other person at the workplace, at an unacceptable risk if the former employee is re-employed.

For these former employees identified in regions, the regional senior injury management consultants provide the employees' details and recent leave history in the response to the OSW team.

Approval and processing of records and correspondence

OSW team:

- collates all responses and validates the details of each former employee identified by the regions to ensure there is evidence to support the placement of a NoFC due to their medical condition(s)
- seeks approval from Director OSW for the placement of the NoFC on the former employees' electronic employment record.

After approval of recommendations, the OSW team:

- sends letters to former employees to advise them that the NoFC will be placed on their payroll record, except where approval has been given not to send a letter
- places the NoFC on the former employee's electronic employment record.

2. Removal of NoFC (if considered to be placed in error)

Request to remove a NoFC (if considered to be placed in error)

A former employee can make a request by email that the placement of a NoFC be reviewed, where they believe that the NoFC has been placed in error by contacting the author of the notification letter.

Review and decide on the NoFC removal request

- Director OSW reviews the request for the NoFC to be removed from the former employee's employment record.
- The outcome will be to either remove the NoFC or maintain the NoFC on the employee's record.
- OSW team will inform the former employee of the decision in writing.

3. Removal/modification of NoFC prior to re-employment

Application for NoFC removal/modification prior to re-employment

Former employee applies for their NoFC to be removed/modified prior to, or as part of, making an application for re-employment. This should be done by email to [Injury Management](#). However, the former employee may initially contact their local departmental HR team who will send them a letter outlining the process (DoE employees only).

Assessment of initial information

Re-employment applications involving NoFC removal/modification are assessed by the Director OSW or Regional Director HRBP as relevant on two criteria:

- The applicant's capacity to undertake the full inherent requirements of the position(s) they are applying for
- The department's ability to ensure that it meets its workplace health and safety obligation to the applicant and to ensure that it does not place the health, safety and wellbeing of the individual or others at risk. This specifically relates to the duty of care for students as its highest priority.

The re-employment assessment process may vary from person to person depending on their unique circumstances; however, all assessments consist of two phases:

- A review of historical medical and employment related information, including whether there were any Ethical Standards or Employee Relations matters at the time of, or prior to their separation date that need to be considered
- An assessment of the clinical change to the medical condition(s) that may affect the applicant's current ability to safely perform the inherent requirements of the position/s for which they are applying.

Process and review new information, including current medical information if required

The information required by the department is determined on a case by case basis, depending on circumstances. Regions decide who is best placed to undertake this processing and review work. This may include claims management officers, senior human resource officers or senior injury management consultants.

The region, including central office (based on the applicant's last location of employment with the department), will contact the applicant and:

- follow re-employment guidelines and review relevant paperwork
- advise the applicant that they are responsible for all costs associated with obtaining the requested medical information
- if required, seek approval to obtain relevant information from their treating medical practitioners.

Review information and prepare recommendation

The senior injury management consultant will review the medical information and assessment against the criteria and prepare a recommendation.

Outcome

The HR delegate will review the recommendation and make a decision if the NoFC is to be modified or removed.

HR delegates for modification/removal of a NoFC are:

- Director OSW if the former employee was:
 - ill health retired; or
 - was previously employed by central office.
- Regional Director HRBP for regional former employees (unless ill health retired).

Request approved

If the request is approved, the OSW team will modify/remove the NoFC and the relevant decision makers will advise the applicant in writing of the decision.

The applicant is then able to apply for appropriate re-employment with the department. For some previous employees, there may be ongoing medical restrictions that they will need to comply with to be eligible for re-employment.

Request not approved

If there are concerns that the re-employment will place the applicant or a person in a departmental workplace at an unacceptable health and safety risk, a letter is sent to the applicant by the decision maker outlining the department's concerns and advising the applicant that their request has not been approved.

Definitions

Term	Definition
Notice of Further Consideration (Health reasons)	A Notice of Further Consideration (Health Reasons) is a 'flag' that is placed on an individual's electronic employment record. It indicates that there is a specific health issue or issues that require consideration by the department before that individual can undertake any further work for the department.
Inherent requirements	Inherent requirements are those genuine occupational requirements activities, conditions and practices that are essential. Some features of a position will not be inherent requirements as there are different ways of achieving the same outcome.

Legislation

- [Public Sector Act 2022 \(Qld\)](#) chapter 5, part 7
- [Work Health and Safety Act 2011 \(Qld\)](#) section 19
- [Information Privacy Act 2009 \(Qld\)](#) chapter 2 and schedule 3
- [Right to Information Act 2009 \(Qld\)](#)

- [Human Rights Act 2019 \(Qld\)](#)

Delegations/Authorisations

- [Human Resource Delegations Manual](#) (DoE employees only)

Policies and procedures in this group

- Nil

Supporting information for this procedure

- Nil

Other resources

- [Recruitment and selection policy](#)
- [Ill health retirement procedure](#)

Contact

For further information, please contact:

Organisational Safety and Wellbeing Unit
Email: InjuryManagement@qed.qld.gov.au

Review date

15/03/2024

Superseded versions

Previous seven years shown. Minor version updates not included.

Nil

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