



Guidance

Police Pension

Injury Award

Review

Process

Police Pension Injury Award Review

1 Background

1.1

Under the Police (Injury Benefit) Regulations 2006 an officer receives an injury award where he or she has ceased to be a member of a police force and is permanently disabled as a result of an injury received without his or her own default in the execution of his or her duty. The award consists of a gratuity and a monthly payment, both of which are related to the loss of earning capacity of the officer. This document is intended to explain the Regulations in clear, easily understood terms (whilst remaining true to the meaning of the Regulations) in an attempt to ensure understanding of the process to be followed.

1.2

The Police Pension Authority, the Chief Constable, is required to review an injury award at such intervals that may be suitable. This is because the injury award is linked to the loss of potential earning capacity, which may vary with changing circumstances. However, although the actual amount paid may change, the injury award cannot, under current legislation, be removed entirely and so is payable for life.

2 Review of Injury Awards

2.1

The Police (Injury Benefit) Regulations 2006, Regulation 39, require Police Pension Authorities to consider at such intervals that may be suitable, whether the degree of a retired officer's disablement attributable to the qualifying injury (i.e. the level of the impaired earnings capacity) has substantially altered. This can increase or decrease over a period of time and therefore should be reflected in the injury award percentage disability banding.

2.2

Any decision taken by the SMP on behalf of a Police Pension Authority including a decision relating to loss of earnings capacity may be the subject of appeal by an officer to an independent body, the Police Medical Appeal Board. This includes decisions on ill-health and injury awards. There is therefore an existing right of appeal for an individual officer who considers that their injury award has been unfairly changed.

2.3

The Police Pension Authority will establish a liaison group consisting of;

- (1) The Director of HR and Finance and/or the Head of HR
- (2) 2 nominees from the Police Federation
- (3) 1 representative of each of the local NARPO branches
- (4) The Head of Occupational Health or their nominee
- (5) HR Manager to support the process

to meet on a quarterly basis to discuss issues of general import relating to the review of injury awards including any proposed changes. Following the meeting, the action points will be circulated after the meeting to all members of the Group.

CONTACT DETAILS

Avon and Somerset Police Federation Office

Email: policefederation@avonandsomerset.police.uk

NARPO - Bristol Branch

www.bristolnarpo.co.uk

NARPO – Avon and Somerset Branch

Email via: asnarpo@blueyonder.co.uk

Occupational Health Unit

Email: occupationalhealth@avonandsomerset.police.uk

Peninsular Pensions

Great Moor House

Bittern Road

Sowton Industrial Estate

Exeter

EX2 7NL

Email: pensions@devon.gov.uk

HR

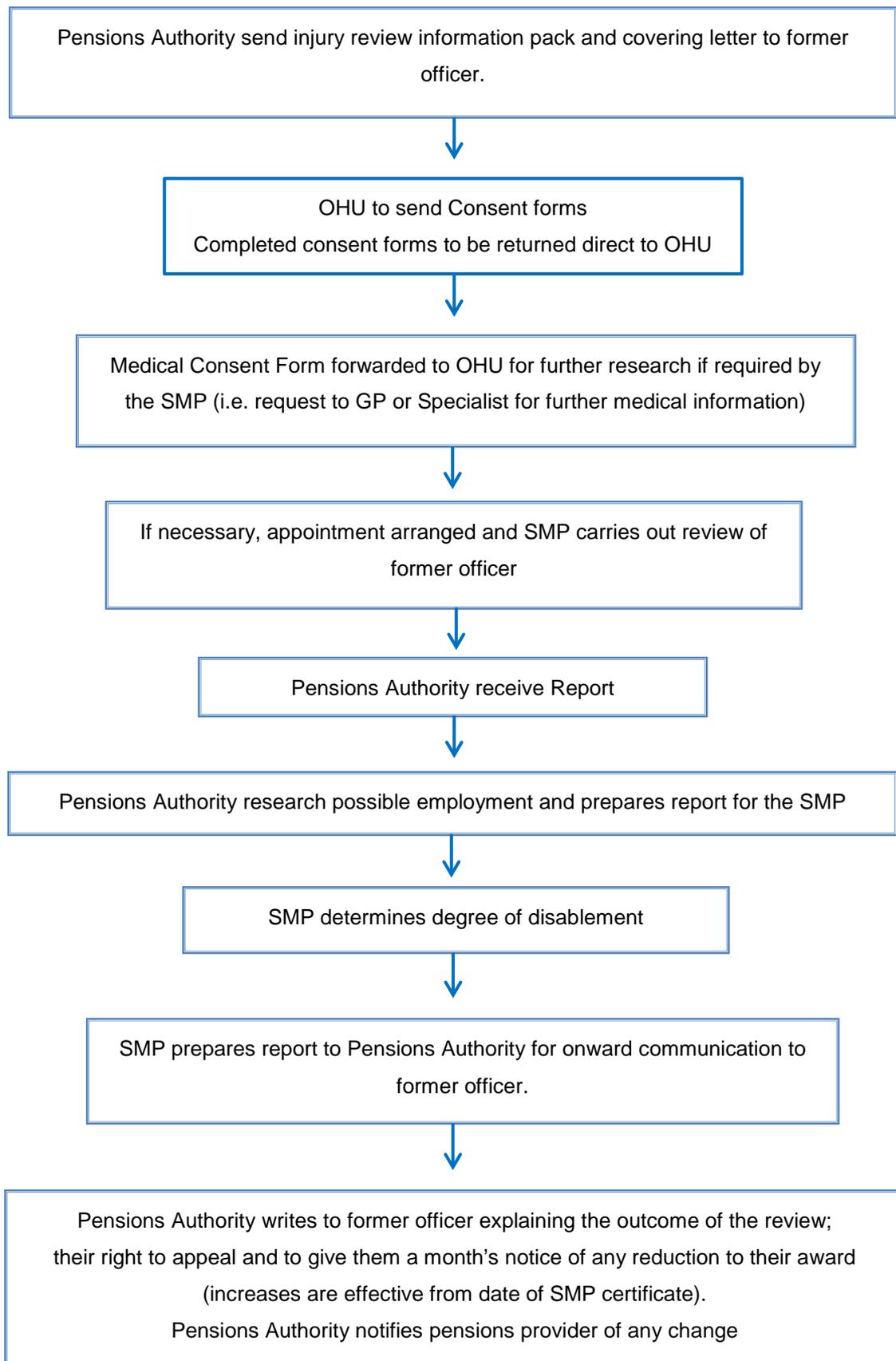
Email: IODreviews@avonandsomerset.police.uk

PROCESS FOR THE REVIEW OF AN INJURY AWARD FOR FORMER OFFICER

1. A letter will be sent to the former officer enclosing the Guidance Document which outlines the process to be followed and includes Frequently Asked Questions.
2. Details of the former officer will be forwarded to the Occupational Health Unit and appropriate forms will then be sent to the individual seeking consent for the release of records to the SMP and to obtain GP records. (These will be required by the SMP prior to the appointment).
3. If necessary, the SMP will write to the individual's GP or consultant in order to obtain the most up to date medical reports. Please note that obtaining the relevant medical information will take a month or longer.
4. If the SMP considers it necessary, an appointment will then be made for the individual to meet with him/her. The questions he/she will address are:-
 - Whether the disability caused by the qualifying injury has altered and,
 - Whether that alteration has substantially altered the earnings capacity of the individual.
5. The SMP will then provide a report to the Police Pensions Authority (PPA) regarding the individual's capability to work requesting an indication of the level of earnings which could potentially be received (based on the SMP's assessment). An internal report will then be completed providing the SMP with the following information where possible:
 - a. Rank on retirement
 - b. Relevant Police Salary Scale
 - c. Examples of job salaries based on the locality where the individual resides in accordance with the guidance given by the SMP in respect of the individual's capability to work.
 - d. Any other relevant information
6. The SMP will then calculate the new figure, if appropriate, which could remain the same, increase or decrease. The new certificate will indicate the new degree of disablement and when the SMP recommends the next review should take place.
7. It is emphasised that the award cannot be totally withdrawn. The only options available to the SMP and Pensions Authority are for the award to be increased, stay the same or reduce.
8. On receipt of the information from the SMP, a letter and copy of the certificate will be forwarded to the individual from HR and, if appropriate, this will outline any changes to the percentage disability banding. The Pensions Provider will also be notified at this stage. If the award is to increase, the change to the award will be implemented from the date the certificate is signed by the SMP. Where the award is to reduce, the individual will receive written

notification giving one month's notice from the date of the letter from HR. The individual is entitled to appeal and any appeal should be made within 28 days of the date of that letter in line with the Appeal Procedure (details of which will be provided at the time of written notification of the change in award).

PROCESS FLOW CHART INJURY ON DUTY AWARD REVIEWS



FREQUENTLY ASKED QUESTIONS

1. **I was under the impression that no further reviews would be necessary as the Injury award was for life.**
 - Unfortunately this is not the case for the vast majority of individuals. Under Regulation 37 of the Police Injury Benefit Regulations 2006 the Injury Award (except in cases where the disability has ceased) is for life **but NOT** the percentage degree of disablement.
 - The certificate provides the percentage calculation and a recommendation of frequency of reviews.
 - Historically, some certificates issued have not indicated a review period. However, the Police Pension Authority will consider setting review periods and to then review awards accordingly.

2. **What does the Injury Review consider?**
 - The H1 certificate provided at the time of retirement certifies the disabling injury or condition and also the percentage of disablement. The review does not address the permanence of the disability, **only** the percentage degree of disablement. As indicated earlier, although the degree of disablement may change, the injury award cannot, under current legislation, be removed entirely.
 - When reviewing an individual, the SMP will assess what the individual is capable of doing and thus capable of earning.

3. **Why have injury awards not been reviewed in the past in line with the applicable Pension Regulations? Why now?**
 - In the recent past the practice in Avon and Somerset Constabulary has generally been not to review injury awards. This was not the result of a formal policy decision and is contrary to the applicable Regulations. A decision has now been taken that we will fall in line with the Regulations.

4. **Does the review process take the form of a personal review with the SMP?**
 - Yes, in order to allow for full representations to be made to the SMP, in most cases it will take the form of a personal review. Should the individual not attend, consideration will be given to proceeding with the review based on the medical reports available (unless there are exceptional circumstances warranting postponement). The individual will be kept up to date with any decision to proceed in this way

5. What if I refuse to attend?

- The Police Pension Authority will consider your reason for non-attendance and whether the case can be progressed in your absence. Each case will be considered on an individual basis.

6. What if I choose not to engage with the process?

- In this case, your circumstances will be reviewed in light of the information available to the SMP at the time. However, you will appreciate that this is not an ideal situation and we would prefer to make any assessment on current information. In view of this, you are strongly encouraged to complete and return the questionnaire and supporting documents and to engage with the process.
- You are reminded that should you choose not to engage, there is no right of appeal to the board of medical referees as to the decision of the SMP on the degree of the disablement.

7. Will the SMP be in possession of all the relevant facts to conduct the injury award review?

- On initial receipt of the completed consent forms, the SMP will, where necessary, contact your GP or consultant to obtain the most current information. At the review, if the SMP feels that they need further detail and having obtained your consent, they will write to anyone who they feel may be able to assist before making any decision.

8. If I work on a voluntary basis, does this affect the assessment of my potential earnings?

- The fact that someone is able to work in this way would form part of the assessment by the SMP. Voluntary work will be considered in terms of its therapeutic or restorative value and assessed accordingly.

9. May I see the information passed to the FMA/SMP?

- Yes

10. Can you not just take my Doctors report to carry out the assessment?

- Whilst it is appreciated that you personally may feel that your situation has not improved and that this process may affect you in a detrimental way, the purpose of the review by the SMP is to confirm whether or not there has been any significant change in your condition. It is considered that the best way for him/her to do this may be to meet with you to obtain the full picture rather than rely solely on medical reports received from your GP or consultant.
- The requirement to attend for reviews has always been present in the Injury Award Regulations.

11. Is a copy of the original H1 Certificate being sent to the individual prior to review?

- This is not routinely part of the process as each individual will have received a copy of the H1 certificate at the time of the original decision and on any subsequent review.
- However, if an individual requests a copy of the appropriate H1 certificate this will be supplied where possible.

12. May I have representation at the medical/appointment?

- We have no objections to individuals bringing a 'friend' or relative for moral support. However, they will not be expected to speak on your behalf as you will appreciate that the SMP would prefer to converse with you directly. For security reasons we need to have details of any individual accompanying you prior to the appointment to enable us to make the appropriate arrangements.

13. Where will the appointment be?

- All appointments will usually be held at the Occupational Health Unit, unless there are exceptional circumstances – if this applies in your case, please contact the Occupational Health Unit. This is located in Portishead away from the Force Headquarters site.

Occupational Health Services
Unit 12 Portis Fields
Middle Bridge Business Park,
Bristol Road,
Portishead
BS20 6PN

- 14. Does the OHU have wheelchair access?**
- Yes, the OHU has wheelchair access and facilities
- 15. What happens when individuals live long distances away from the Occupational Health Unit in Portishead?**
- We will endeavour to be flexible in such cases, but it is the responsibility of the individual to attend if called for review.
- 16. Are you paying travel expenses?**
- Travel expenses will not be reimbursed.
- 17. If my injury award changes what will this mean in monetary terms?**
- When the necessary certificate has been received from the SMP, HR will notify any change to Peninsular Pensions (who administer the Pension Scheme on behalf of the Constabulary).
 - In the case of a reduction in the percentage disability banding you will receive notification from HR giving one month's notice of the change from the date of the letter from HR. Peninsular Pensions will then contact you with details as to how the change impacts on the monies you receive.
 - Where there is an increased percentage disability banding, this is effective from the date of the certificate signed by the SMP. Similarly, in this case Peninsular Pensions will contact you with details as to how the change impacts on the monies you are receiving.
 - If there is no change to the percentage disability banding level, a letter confirming this will be sent by HR.
 - All letters will include an indication as to when the next review is anticipated in line with the recommendation of the SMP.
- 18. Will any reduction in percentage disability banding be applied retrospectively?**
- No, as indicated above, any reduction will only take place 28 days from the date of the letter sent by HR confirming the outcome of the review.

19. Would it not be fairer to apply the reviews to those who retire on medical grounds from now onwards?

- The Force is spending public money and is subject to accountability and audit scrutiny.
- The Force is not applying any changes retrospectively as a result of review of injury awards.
- If the injury review results in a reduction of more than one band, sympathetic consideration will be given to a phased reduction on a case by case basis.
- Cognisance will also be taken on a case by case basis of any formal information held on the occupational health records relating to injury on duty reviews. The omission of a specified review period from the certificate will not be a consideration in the exercise of any discretion.