

Heddlu Dyfed-Powys Police

Protocol on Injury on Duty Awards Police Officers

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Dated 16/06/05
Review Date 16/06/06

Protocol on Injury on Duty Awards – Police Officers

The purpose of this protocol is to provide guidance for the consistent practice and administration of police injury awards under the Police Pensions Regulations, 1987, and in accordance with HOC003/2004 the PNB's Guidance on Improving the Management of Ill-Health and Home Office Guidance on Medical Appeals under the Police Pension Regulation.

Protocol

1. Introduction

- 1.1 Within the terms of the Police Pensions Regulations, 1987 (PPR), Police Authorities have responsibility for implementing the relevant legislated procedures, leading to a police officer being medically retired, either with or without an injury award.
- 1.2 It is important that throughout the service of a police officer, records are maintained of injuries received on duty and in some instances, off duty and that notes be kept on the officer's personnel file of any remedial action taken. In cases involving injury, any default on the part of the officer should be honestly, fairly and accurately recorded by the officer and his or her supervisors.

2. Statement of Purpose

- 2.1 The Dyfed-Powys Police Authority will administer the allocation and review injury awards objectively, fairly and in accordance with the law through the delegation of its authority to the Chief Constable. It will seek to ensure that awards are timely, appropriate and in accord with medical and other evidence available, giving due regard to the interests of the individual and its public responsibilities.

3. Management

- 3.1 Supervisors at all levels are required to ensure that absence is monitored within their area of responsibility, in accord with Dyfed-Powys Police policy entitled 'Sickness Absence Management Policy for Police Officers'. Wherever an injury on duty is reported, whether or not it leads to absence, supervisors will ensure the appropriate records, i.e. an A324 ([Injury on Duty form](#)) are completed and enquiries made to establish the facts as to how the injury occurred and, where necessary, describe remedial action taken to avoid similar occurrences. The possibility that contemporaneous reports or statements may be required later should not be discounted as the evidence obtained may not become relevant for some years into the future. Such evidence should be held at Headquarters and placed on the injured party's file.

4. Injury Awards

- 4.1 To qualify for such an award, the injury must have caused, or substantially contributed to the disability which led to retirement, without the officer's own serious and culpable negligence or misconduct. Evidence will be required to substantiate a claim for an injury on duty, from the claimant and also, where it is relevant, of any default on the part of the officer.

- 4.2 The Police Authority will not normally consider the issue of an injury award at the same time as an ill-health retirement, particularly where further enquiries, either factual or medical are considered necessary. In such cases, ill-health retirement will not be delayed and officers, who consider they have justification for an injury award will be invited to apply in writing to the Head of Human Resources, providing evidence to substantiate their claim. Where such claims are substantiated at a later date, payment of the injury award will be backdated to the date of the claim.
- 4.3 In cases where the Authority determine that consideration will be given to an injury award application, they shall refer to a Selected Medical Practitioner (SMP), the question as to whether the disablement resulted from an injury received in the execution of duty and the degree of disablement (Regulation H1 (2) (c) and (d) of the Police Pensions Regulations (PPR). This is to be illustrated as the percentage by which the individual's police salary would fall, in order to reach the level of salary likely to be commanded in another occupation despite the injury.
- 4.4 Prior to any consultation or decision by the Force Medical Advisor (FMA) or SMP, Human Resources will supply to him / her via the Occupational Health Unit (OHU) a report setting out the history of the officer concerned. This will include details of education, training, postings, skills and experience and any other information, which may have a bearing on the officer's earning potential once they have left the service, i.e. additional information of current outside earnings and relevant job descriptions. Any evidence that an officer brought about, or substantially contributed to the injury, which led to disablement, should be attached to the file, as the Authority is empowered to refuse awards, or reduce their amount in such cases (Regulations H1 (3), A12 (3) and K3 Police Pensions Regulations (PPR) 1987.
- 4.5 The FMA or SMP will issue a certificate (not a report) dealing only with the questions referred under Regulation H1 (2) (c) and (d), PPR.

5. Reviews

- 5.1 As long as a pensioner is in receipt of an ill-health pension and would not, had they stayed in the police, have been entitled to reckon 25 years' pensionable service had he or she not been ill-health retired, or they have been required to retire on the grounds of age, the Police Authority may consider at intervals, whether the disability has become worse or ceased in consultation with a SMP (Regulation K1, PPR). These intervals are determined by the FMA or SMP on the granting of the award based on an assessment of the officer's health.
- 5.2 The Authority shall consider whether the degree of disablement has substantially altered and if it has, the pension will be revised accordingly (Regulation K2, PPR). In determining the degree of disablement in this process, the Authority shall refer the matter to a SMP, who will be required to deal with it in accord with Regulation H1 (2) (d), PPR (i.e. issue a certificate).
- 5.3 Prior to any consultation or decision by the FMA or SMP, Human Resources will send a questionnaire to the pensioner in which the pensioner can set out their history concerned since they left the service. This document will be referred to as the '**Injury on Duty Award Questionnaire**' (form 258a). This questionnaire will be returned directly to the OHU.

- 5.4 The final part of the review process will involve an assessment by the FMA or SMP. The FMA or SMP will initially address the degree of disablement of the pensioner being reviewed, if necessary during private consultation and examination. The FMA or SMP will first determine whether the pensioner's condition has remained the same since the original assessment, or last review; whether it has improved, or whether it has worsened. Once this medical appraisal is complete, the questionnaire information may be taken into account by the FMA or SMP to assist in determining the pensioner's potential earning capacity.
- 5.5 Pensioners living outside the Dyfed-Powys Police area and who are subject to review, shall, at the discretion of the Authority, be required to attend Dyfed-Powys Police OHU, or elsewhere for any examination. Reasonable travel and subsistence expenses will normally be reimbursed.
- 5.6 Pensioners subject of review and living abroad, may be directed to see a SMP within reasonable travelling distance of their homes, after consultation by the Human Resources Unit with British Authorities overseas (e.g. Embassies, Consuls, Armed Forces). Alternatively, the pensioner may be advised to attend a meeting with the FMA or SMP within the UK. In this circumstance, reasonable travel and subsistence expenses from the nearest port of entry in the UK to the place of examination, will be made. Failure on the part of the pensioner to co-operate may be addressed under Regulation H4 of the Police Pensions Regulations, 1987 as outlined in Paragraph 9.

6. Review of Injury Pensions once Former Officers reach Compulsory Retirement Age

- 6.1 Once a former officer receiving an injury pension reaches what would have been his compulsory retirement age under the Police Pensions Regulations.

These are:

Police Constable / Sergeant	55 years of age
Inspector / Chief Inspector	60 years of age
Superintendent / Chief Superintendent	60 years of age

- 6.2 The Force will review the award payable, since it is no longer appropriate to use the former officer's police pay scale as the basis for his or her pre-injury earning capacity.
- 6.3 In the absence of a cogent reason for a higher or lower outside earnings level, it is suggested that the new basis for the person's earning capacity, had there been no injury, should be the mean figure under ASHE (Annual Survey of Hours and Earnings) currently at £26,989 at the time of the review. The loss of earning capacity for the purpose of establishing degree of disablement should therefore be assessed by reference to what the percentage proportion the person's actual earning capacity bears to ASHE.
- 6.4 This procedure should help to ensure that former officers are treated in a consistent way across forces. They will be placed on an equal financial footing with others in the employment market at a time when they could not have been assumed to be earning a police salary.

7. New Cases

- 7.1 Applications received for injury awards from former officers over 65 should not normally be referred to the FMA or SMP for consideration.

8. Appeals

- 8.1 Where an officer already retired is dissatisfied with any decision by a SMP concerning entitlement to an injury award or review of that award, he or she may appeal the decision under Regulation H2 within 28 days of being supplied with a copy of the certificate. Internal review may be attempted but if this is refused or fails the Police Authority, through the Human Resources Department of the Force, will instigate the procedures laid down in Schedule H of the PPR, in liaison with the Home Office and Medical Appeals Board.

9. Cases of Non Co-operation

- 9.1 Wherever a pensioner fails to co-operate with the review of an injury award, the Police Authority will consider the case within the terms of Regulation H4 (PPR) and will write to the pensioner, explaining the process and again seek their co-operation. If the pensioner wilfully or negligently fails to submit to a medical examination, or to attend such interviews as the FMA or SMP may consider necessary in order to reach a decision, the Authority may make their determination on such evidence and medical advice as in their discretion they think necessary.
- 9.2 To assist with this determination pensioners who fail to co-operate, or only co-operate conditionally, will be provided with an appointment to see the FMA or SMP at Police Headquarters, or other location specified by the Authority.
- 9.3 If they attend, but have not completed a review questionnaire they will be provided with one by the FMA or SMP and asked to complete it forthwith. Once completed the FMA or SMP will conduct the consultation and examination.
- 9.4 Should the pensioner fail to attend any meeting with the FMA or SMP, or fail to co-operate at all, the injury on duty percentage award will be reduced to the lowest band, unless there are clear and unequivocal reasons for not doing so. Any subsequent appeal will be defended, or the case may be reassessed if the pensioner is then able to co-operate.

Note 1 – *In the case of an officer who is under retirement age but has already left the service for reasons other than ill-health retirement, it is suggested that the comparator used should still be equivalent police salary. This is because, even if the ex-officer had been dismissed, forces would still have discretion to re-employ and he or she could therefore still be deemed capable of earning that salary.*