

National Attendance Management Forum

This Guidance is about:	Procedural guidance on Assessing and re-assessing the degree of disablement as a result of an injury received in the execution of duty
Purpose	To assist Forces in producing their own individual guidance
Relevant Legislation	The Police (Injury Benefit) Regulations 2006
From:	National Attendance Management Forum
Date of implementation:	1st March 2013
Updated:	February 2014 (review due after Injury Benefit Regs 2013 enactment)
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NATIONAL ATTENDANCE MANAGEMENT FORUM

ADVISORY POLICY ON THE AWARD AND REVIEW OF INJURY PENSIONS

PURPOSE OF ADVICE

This advisory policy concerns the award and review of injury awards under the Police (Injury Benefit) Regulations 2006 (The Regulations). The purpose of this advice is to ensure as far as possible that injury awards are granted and reviewed in a consistent manner by medical authorities in compliance with the Regulations and the body of case law which interprets the relevant provisions of the Regulations.

This information has no legal authority but has been produced to assist Forces in formulating their own individual guidance, which may then require a review by their own Legal Services Departments.

Procedural Guidance Notes covering a framework process will support the objectives of this advisory policy by covering the following areas.

Appointment of SMP

Selected Medical Practitioners (SMP) who are appointed should understand the legal, factual and medical complexities of a particular case and will be provided with sufficient training and guidance to enable them to properly discharge their statutory function. The appointment of an SMP cannot be easily withdrawn.

Case Management Powers

SMP's will be provided with information on the powers available to them to manage the process dealing with issues such as evidence and requests made by parties.

Meaning of Permanent Disablement

The guidance will provide details on the relevant test for "disablement" and "permanence". In particular the guidance will detail the difference between being symptomatic and being vulnerable and the consequences for the SMP's determination.

Granting of Awards

SMP's will be provided with guidance on the legal tests and the necessary procedures to follow when granting an award. This will include guidance on causation, apportionment and resolving disputes of fact.

Reviews of Awards

SMP's will be provided with guidance on the legal tests and the necessary procedures to follow when reviewing injury awards.

Reconsideration of the Previous SMP/Appeal Board Decision

Where the Police Pensions Authority and the pensioner agree that the previous determination of the medical authority should be reconsidered, the guidance will provide advice on relevant procedures and legal tests to be adopted.

Stakeholders

The Procedural Guidance Notes are designed to assist all interested parties, such as Police Pensions Authorities, staff associations and pensioners, to understand the necessary requirements of the processes and some of the unavoidable complexities in certain cases.

Appendices to Procedural Guidance

The appendices provide useful information to management, selected medical practitioners and retired officers on the basic processes, which although generic can be adapted to meet the requirements and agreements within separate Forces.

Role of Selected Medical Practitioners

Individual SMP's can use their own process for assessing the degree of disablement and any references within this guidance are to enable the SMP to develop the best process in each individual case. However, the SMP may need to defend that process at any future PMAB hearing.