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From: David Bulpitt
Sent: 01 October 2014 13:49
To: Philip Johnson [REDACTED]
Subject: Emailing: Injury Award Review Process - Final version 03.04.14.doc
Attachments: Injury Award Review Process - Final version 03.04.14.doc

Your message is ready to be sent with the following file or link attachments:

Injury Award Review Process - Final version 03.04.14.doc

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**Guidance on
Police Pension
Injury Award
Review
Process**

Injury Awards Reviews

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.

1.2

A Police Pension Authority is required to review an injury award from time to time. 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, require Police Pension Authorities to periodically consider whether the degree of a retired officer's disablement attributable to the qualifying injury (including theoretical earnings capacity) has substantially altered. This can increase or decrease over a period of time and therefore should be reflected in the injury award 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.

2.4

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

- (1) The Head of HR Business Support**
- (2) 2 representatives from the Police Federation**
- (3) 1 representative of each of the local NARPO branches**
- (4) Attended by the Head of Occupational Health or their nominee,**

to meet on an annual basis to discuss issues of general import relating to the review of injury awards including any proposed changes. The Group's minutes will be circulated after the meeting to all members of the Group.

Contact Details

Avon and Somerset Police Federation Office -- 01275 878854

NARPO – Bristol Branch

Secretary; Ms Pat GATES -- 01785812580

NARPO – Avon and Somerset Branch

Secretary; Mr Dave LEACH -- 01179866187

OHU -- 01275 814929

Process for the Review of an Injury Award for Former Officer

1. A letter will be sent to you with a number of enclosures:
 - Injury Award Review Questionnaire (to be returned within 14 days)
 - FAQs
 - Injury Award Appeal Procedure
 - DWP Consent Form
 - Consent form for release of records to the SMP and to obtain the GP records (to be returned to Occupational Health so that these can be obtained prior to the appointment)
2. In most cases once your medical information is received, the Selected Medical Practitioner (SMP) will review your case.
3. An appointment will then be made for you to meet with the SMP.
4. At your appointment the SMP may decide that they need to write to your GP or Consultant.
5. You need to be aware that obtaining your medical information will take a month or longer.
6. The SMP will request from HR your potential earnings (based on his assessment of you), and an internal report will be completed providing the SMP with the following information: -
 - a. Your rank on retirement
 - b. Relevant Police Salary Scale
 - c. Qualifications
 - d. Employment pre Police Service
 - e. Relevant Police experience
 - f. Training courses attended
 - g. Any other relevant information
7. The SMP will then calculate your new banding, which could remain the same, increase or decrease. The new certificate will indicate the banding of your award and when the SMP recommends that you would need to be reviewed again.
8. The Pensions Department will be informed of your injury award banding. Any decrease will be imposed with a month's notice, any increase backdated to the date of the SMP's decision.
9. You will receive a letter from HR with your certificate and this will outline any changes to your banding. Any change to your award will not be implemented for a period of three months from the date of the letter and if you are dissatisfied with the outcome you have 28 days to give notice of appeal (see the appeal procedure).

INJURY AWARDS APPEAL PROCEDURE

1. The appeals procedure is governed by Regulation 31 of The Police (Injury Benefit) Regulations 2006.
2. Where a person is dissatisfied with the decision of the selected medical practitioner as set out in a report under regulation 30(6), he/she may, within 28 days after he/she has received a copy of that report give notice to the Head of HR that he/she appeals against the decision.

Within a further 28 days of that notice being received that person has to supply to the Head of HR a statement of the grounds of his/her appeal.

3. It is possible at this stage for a decision to be made by the Police Pension Authority to carry out an internal review and refer the matter back to the SMP for reconsideration to correct mistakes either as to fact or as to law, which have or may have resulted in an officer being paid less than his full entitlement under the regulations. It may also reduce the need for a full appeal, but if following such reconsideration there is still no agreement then the appeal process continues.
4. Once all the documentation has been completed, it will be forwarded to The Police Medical Appeals Board to make a determination.
5. At the hearing the Board will review the submissions from both parties. The submissions will include:-
 - what work they believe the appellant can do
 - what mental/physical capabilities the jobs they have in mind entail
 - where applicable, details of any jobs the appellant has done since retirement
 - what earnings would be expected from such possible or actual jobs the earnings of the appellant as a Police Officer – or, in the case of a review of loss of earning capacity or claim arising after the officer has left the police service, the appellant's police earnings updated to the time of review.

The Board will usually interview and/or examine the appellant.

6. If either party wish to be represented at the hearing their intention must be disclosed to the Board and the other party at least 35 days prior to the date of the hearing.
7. Submissions are shared with both parties and both parties have the opportunity to send in written comments on the evidence of the other. Any written comments or statements must be submitted to the Board and other party at least 7 days prior to the date of the hearing.

8. A hearing may also be attended by the SMP (acting on behalf of the force) and an appropriately qualified medical practitioner (acting on behalf of the appellant) although they can only observe and not participate in the proceedings, including any examination.
9. Once the Board has made its decision, it will provide a written statement advising of the final decision to the Police Pension Authority, the appellant.
10. Where the Board disagrees with any part of the SMP's report, the Board will supply a revised report.

FAQs

- **Does the review process take the form of a personal review with the FMA?**
 - Yes, in order to allow for full representations to be made the Force has decided to offer individual appointments to anyone whose award is to be reviewed.
- **Is a copy of the original H1 Certificate being sent to individual prior to review?**
 - This is not part of the process as ALL individuals will have received a copy of the H1 certificate at the time of the original decision and on any subsequent review.
 - If an individual requests a copy of the appropriate H1 certificate this will be supplied.
- **What happens when individuals live long distances away from Force HQ?**
 - We will endeavour to be flexible in such cases, but it is the responsibility of the individual to attend if called for review.
- **Are we paying travel expenses?**
 - Travel expenses will not be reimbursed.
- **Do I need to attend?**
 - Each individual will be requested to attend. Reviews may still be undertaken if the individual does not attend (unless there are exceptional circumstances warranting postponement).
- **What if I refuse to attend?**
 - The Police Pension Authority may suspend the payment of your injury award until an examination is undertaken.
- **Will the SMP be in possession of all the relevant facts to conduct the injury award review?**
 - At review if the SMP feels that he or she has not got all the relevant and up to date facts in they will write to the individual's GP or consultant to obtain more information about the medical background, or to anyone that can assist before making any decision.

- **Where will the appointment be?**
 - All appointments will usually be held at the Occupational Health Unit, Portis Fields, Portishead, unless there are exceptional circumstances.
- **Can I have representation at the medical/appointment?**
 - We have no objections to individuals bringing a representative with them. However, we need to have details of the representative prior to the appointment to enable us to make the appropriate arrangements.
- **I help out at a Charity shop, does that affect my potential to earn assessment?**
 - The fact that someone can carry out tasks would form part of any assessment.
- **Do OHU have wheelchair access?**
 - Yes, OHU has wheelchair access and facilities
- **If my injury award is reduced what will this mean in monetary terms?**
 - The Pensions Section will notify the individual and impose the change within a month of the decision.
- **Can I see the information passed to the FMA / SMP by the Force?**
 - Yes, including the FMA's referral papers to the SMP.
- **What does the Injury Review consider?**
 - The H1 certificate 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.
- **I was under the impression that no further reviews would be necessary as the Injury award was for life. In view of this why are cases being reviewed?**
 - 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 Regulations **impose** an obligation on police pension authorities to set review periods and to review awards.
- **Why have injury awards not been reviewed in the past in line with the applicable Pension Regulations?**
 - 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.
- **How is the Annual Survey of Hours and Earnings (ASHE) applied?**
 - This figure is used to assess the earnings loss when compared to the income you are able to earn.
- **What is the ASHE median figure?**
 - This is reviewed on an annual basis and can be provided when requested.
- **Would it not be fairer to apply the above aged 65 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.

First Name (s)

Last Name

Date of Retirement:

The Police Pension Authority, in exercising the powers conferred upon them by Police Injury Benefit Regulations, is to consider the degree to which your earning capacity is affected by your degree of disability. To assist in this process you are required to complete this questionnaire fully and accurately.

Your injury award is being assessed in relation to the following:

PLEASE ANSWER ALL QUESTIONS

1. Have you performed any work following your retirement?

YES/NO (*delete as appropriate*)

If YES, please give details including salary or other earnings.

(This should include all work, paid or unpaid, full or part time, casual, helping out in a friend's or relative's business, odd jobs, voluntary work, etc.)

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2. Do you receive any other earned income? YES/NO (*delete as appropriate*)

If YES, please give details: -

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3. Do you drive/ride motor vehicles? YES/NO(delete as appropriate)

If YES, please give details below: -

- | | |
|--|---------------|
| 1. Make/model.....manual/auto.
mileage..... | Weekly |
| 2. Make/model.....manual/auto.
mileage..... | Weekly |
| 3. Make/model.....manual/auto.
mileage..... | Weekly |

4. Do you participate in any sporting, fitness or other regular recreational activity? YES/NO. (delete as appropriate)

If YES, please give details, frequency, etc.

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5. Has the DWP assessed your disability?

YES/NO *(delete as appropriate)*

N.B. In accordance with the applicable Pension Regulations you are required to submit claims for all relevant benefits, e.g. Disability Living Allowance, Industrial Injury Benefit, Reduced Earnings Allowance.

If you fail to do so, an equivalent amount may be deducted from your injury award pension.

If YES, the date and result (% disablement) of your last assessment?

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6. Please include here any other relevant information not included in your replies elsewhere in this questionnaire which you wish us to consider. (Continue overleaf if necessary.)

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7. To ensure our records are accurate, please confirm your address:

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.....Post Code.....

Please give details of any new address anticipated:

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.....Post Code.....

E-mail.....

Please also confirm the following:

A contact telephone number:

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Date on which you retired as a police officer:

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Your ex Collar number

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Thank you for your assistance

I(print full name) declare that the
information I have provided is correct to the best of my knowledge and belief
and I understand that I may be liable to prosecution and/or payment of my
injury award may be reduced or suspended if I have provided any information
which is either misleading or inaccurate.

Signed

Date.....

CONSENT FORM

Name.....

I (print full name) **consent** to the Inland
Revenue providing Avon and Somerset Constabulary Ill-Health Pensions
Review with details of my employment(s), tax code and earnings.

Signed..... Date.....

When completed please sign and return the form along with any additional
information to

Named individual
HQ HR
Force Headquarters
Valley Road
PORTISHEAD
BS20 8QJ

CONSENT FORM

Name:

I (print full name) **consent** to the
Department of Works and Pensions providing the Avon and Somerset
Constabulary with details of all relevant benefits paid to me upon retirement.

Signed.....Date.....

When completed please sign and return the form along with any additional
information to

Named individual
HQ HR
Force Headquarters
Valley Road
PORTISHEAD
BS20 8QJ