



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.

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.

2.3

The Police Pension Authority will establish a liaison 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 878 854

Email: policefederation@avonandsomerset.police.uk

NARPO - Bristol Branch

Chairman: Mr Robin Hobbs

Email: robinhobbs@blueyonder.co.uk

0117 907 1477

07774 877813

NARPO – Avon and Somerset Branch

Hon Secretary: Mr Dave Leach

Email: asnarpo@blueyonder.co.uk

0117 986 6187

Occupational Health Unit

Email: occupationalhealth@avonandsomerset.police.uk

01275 814 929

Peninsular Pensions

Great Moor House

Bittern Road

Sowton Industrial Estate

Exeter

EX2 7NL

Email: pensions@devon.gov.uk

01392 383 000

Christine Jones

Email: IODreviews@avonandsomerset.police.uk

01275 816 161

PROCESS FOR THE REVIEW OF AN INJURY AWARD FOR FORMER OFFICER

1. A letter will be sent to the former officer with the following enclosures:
 - Injury Award Review Questionnaire (*to be returned within 14 days*)
 - Frequently Asked Questions (FAQs)
 - Injury Award Appeal Procedure
 - Department for Work and Pensions (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 the medical information is received, the Selected Medical Practitioner (SMP) will review the case.
3. An appointment will then be made for the individual to meet with the SMP.
4. At the appointment the SMP may decide that they need to write to the individual's GP or Consultant.
5. Please note that obtaining the relevant medical information will take a month or longer.
6. The SMP will then request from HR an indication of the level of earnings which could potentially be received (based on his assessment); and an internal report will be completed providing the SMP with the following information where possible:
 - a. 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 the new banding, if appropriate, which could remain the same, increase or decrease. The new certificate will indicate the banding of the award and when the SMP recommends the next review should take place.
8. A letter and certificate will be forwarded to the individual from HR and this will outline any changes to the banding. Any change to the award will be implemented one month from the date of the letter. Any appeal should be made within 28 days in line with the Appeal Procedure which is attached to this documentation.

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), they may, within 28 days after they have received a copy of that report give notice to the Head of HR that they appeal 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 their 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.

FREQUENTLY ASKED QUESTIONS

- **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.

- **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 the 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.

- **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.
- **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.
- **Will the SMP be in possession of all the relevant facts to conduct the injury award review?**
 - At review, if the SMP feels that they have not received all the relevant and up to date facts, 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, unless there are exceptional circumstances:

Occupational Health Services
Unit 12 Portis Fields
Middle Bridge Business Park,
Bristol Road,
Portishead
BS20 6PN
- **Does the OHU have wheelchair access?**
 - Yes, the OHU has wheelchair access and facilities

- **May 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.
- **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.
- **Are you paying travel expenses?**
 - Travel expenses will not be reimbursed.
- **If I work on a voluntary basis, does this affect the assessment of my potential earnings?**
 - The fact that someone can carry out tasks would form part of any assessment.
- **If my injury award changes what will this mean in monetary terms?**
 - Peninsular Pensions (who administer the Pension Scheme on behalf of the Constabulary) will notify the individual and give one months' notice of the change from the date of the decision.
- **May I see the information passed to the FMA/SMP by the Force?**
 - Yes, including the FMA's referral papers to the SMP.
- **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 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.



**POLICE PENSION INJURY AWARD REVIEW
QUESTIONNAIRE**

First Name (s)

Last Name

Collar Number when serving:

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 *(delete as appropriate)*

Weekly mileage

2. Make/model

Manual/auto *(delete as appropriate)*

Weekly mileage.....

3. Make/model

Manual/auto *(delete as appropriate)*

Weekly mileage.....

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 a claim 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.....

E-mail.....

Please also confirm the following:

A contact telephone 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
(Inland Revenue)**

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:**

Christine Jones
HR Manager
HR Planning
Avon & Somerset Constabulary
PO Box 37
Valley Road
PORTISHEAD
BS20 8QJ

CONSENT FORM
(Department for Work & Pensions)

Name:

I (print full name) **consent** to the Department for Work 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:

Christine Jones
HR Manager
HR Planning
Avon & Somerset Constabulary
PO Box 37
Valley Road
PORTISHEAD
BS20 8QJ



Occupational Health Services
Unit 12 Portis Fields, Middle Bridge Business Park, Bristol Road, Portishead BS20 6PN
 Telephone: 01275 814943 Fax: 01275 814944
 Office Hours: 8.30am – 4.30pm

**CONSENT FOR DISCLOSURE OF MEDICAL INFORMATION DURING ASSESSMENT OF
 INJURY AWARD APPLICATION/INJURY AWARD REVIEW**

I, (rank) (no) (name), confirm my willingness to undergo statutory medical assessment under the Police Injury Benefit Regulations (2006). I agree to attend all medical consultations with the Selected Medical Practitioner (SMP) appointed to my case, and I further consent to attend any consultation(s) with Specialist(s) or other medical practitioner(s) deemed necessary by the SMP, and for report(s) to be provided to inform the SMP’s judgement.

I accept that the SMP may need to scrutinise copies of my Occupational Health records, GP records, Specialist reports from litigation, hospital records, or other records in order to inform his/her opinions, and I consent to full copies of these records being released to the SMP and/or any other medical practitioner involved. I consent to Occupational Health applying to obtain my General Practitioner records from:

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If I am Permanently Disabled due to a qualifying injury, I understand that the SMP will prepare a preliminary report that will contain medical details about me sufficient for the Avon and Somerset Constabulary Police Management to identify (if appropriate) example job roles, with associated salaries, to allow my reduction in earnings capacity to be calculated in accordance with the Regulations and Home Office guidance. The SMP will then submit a final report if he/she agrees. I consent for disclosure of medical information about me by the SMP for these purposes.

If the SMP judges me not to have a qualifying injury under the Regulations, I consent to provision of a final report form and Medical Annex to the Chief Constable, Avon and Somerset Constabulary, (or his/her delegated representative). I understand that this information will be used to provide background details and explanation for the SMP’s judgement.

Provision of report – please circle choice below*

- *a) I wish to be provided with a copy of the reports by the SMP or other medical practitioner at the same time as the reports are mailed to the Avon and Somerset Constabulary/the SMP.
- *b) I wish to be provided with a copy of any medical report before it is provided to the intended recipient. Under this option, the report will be mailed by Special Delivery and I understand that I will have 3 working days from receipt to inspect the report. If I do not contact the author within this timespan, I consent to the report being released to the intended recipient.

I acknowledge that I can correct any issues of fact by writing to the recipient of the report(s) (copy to the author), but I cannot require a medical practitioner/SMP to alter his/her opinion on my case. Nonetheless, in accordance with the Regulations, I understand that I can request formal, “internal review” of the SMP’s decision and/or exercise my right of appeal to a Police Medical Appeal Board or through the Courts.

I understand that at any time in The Procedure, I may elect to withdraw my consent to attend a medical consultation, or for medical information about me to be disclosed, by writing to the Head of Human Resources, Avon and Somerset Constabulary, and informing the medical practitioner/SMP concerned at the time. I acknowledge that withdrawal of consent may have the effect of halting The Procedure while the Avon and Somerset Constabulary confirms, via the SMP, that the consultation or disclosure is necessary to progress my case. I understand that in these circumstances the Avon and Somerset Constabulary may decide the issue of Permanent Disability itself and that I will not enjoy a right of appeal to a Medical Appeal Board.

Signature: Name: Date:
 (please print)