

Chief Officers Meeting

Disability Discrimination Act Pension scheme changes for new recruits

Background

From 1st October 2004 the provisions of the Disability Discrimination Act have applied to police officers. As part of the implementation of this legislation an amendment has been made to Police Pension Regulations. This amendment, which will apply only to new recruits and those seeking to rejoin the service following a break, allows Police Authorities to exclude officers from the ill health retirement provisions of the pension scheme where there is a disproportionately high risk of ill health retirement. Officers would pay reduced pension contributions but would not access ill health retirement provisions even if the reason for early retirement is not associated with the known disability.

Decision Making

When an applicant is examined by the Occupational Physician two questions will be considered. The first will relate to fitness to work as a police officer. The second will relate to risk of permanent disability before reaching normal retirement age. Where the Occupational Physician considers that there is a significantly increased risk of permanent disability the case must be referred to a Selected Medical Practitioner (SMP) for a decision to be made. The SMP then reports his or her decision to the Police Authority who are required to use tables provided by the Government Actuary's Department (GAD) to determine whether or not an applicant should be admitted to the full benefits of the pension scheme.

Delegation of responsibility

The guidance provided by the Home Office states that the Police Authority may delegate its' responsibilities for decisions on eligibility for ill health pension benefits. The advantage of such delegation would be that the process could be managed more efficiently without the need to refer such cases through appropriate Police Authority structures. The advantage of the Police Authority retaining this responsibility would be that decisions regarding recruitment, which are the responsibility of the Chief Constable, are completely separated from decisions regarding pension eligibility.

Conclusion

Chief Officers are asked to consider whether or not they would wish a recommendation to be made to the Police Authority that their responsibilities in respect of ill health pension provisions should be delegated to a nominated representative of the Chief Constable. On balance, although administratively more burdensome, I would recommend that the Police Authority retain responsibility as this reduces the risk of candidates feeling that recruitment decisions are influenced by pension decisions or vice versa.

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