



**Kent
Police**



Mr J Jarman
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Date: 16 February 2012

FOI Ref: 12/01/73

Dear Mr Jarman,

Freedom Of Information Request 12/01/73

I write in response to your application under the Freedom of Information Act 2000 received on 29 January 2012 in the following terms.

I am making a request for information concerning the administration of police injury pensions. When an injury pension is first granted (under Article 11 of the Police (Injury Benefit) Regulations 2006), or when an injury pension is reviewed (under Article 37-(1) of the Police (Injury Benefit) Regulations 2006) a Selected Medical Practitioner (SMP) is required to decide the degree of disablement, or any alteration in degree of disablement, as appropriate. The Regulations do not set out the method the SMP should use. However, the Home Office provided guidance in Part 5 of Guidance On Medical Appeals Under The Police Pensions Regulations 1987 And The Police (Injury Benefit) Regulations 2006. That guidance states, in Paragraph 9, 'The Regulations do not set out a specified procedure for assessing the degree of a person's disablement. The Administrative Court has, however, commented that the task in assessing earning capacity is to assess what the person is capable of doing and thus capable of earning. It is not a labour market assessment of whether somebody would actually pay that person to do what he or she is capable of doing, whether or not in competition with other workers. What follows here is the procedure suggested by the Home Office. This has no binding authority but it is the procedure which has been followed in most forces and by boards over recent years.'

I am requesting any documents that record whether or not your force SMP has at any time followed the procedure that is set out in the guidance. If there are multiple documents, then, in order to keep this request as simple as possible, you may provide a list allowing ready identification of those documents together with a 'Yes' or 'No' answer to the question, 'Did your force SMP at any time follow the procedure set out in the Home Office Guidance On Medical Appeals Under The Police Pensions Regulations 1987 And The Police (Injury Benefit) Regulations 2006?' If the answer is yes, or if you provide a document or documents that indicate the answer would be yes, then will you also inform me when this procedure was first brought into operation.

Kent Police has been following the relevant guidance since 2004. Since this time 49 officers have been through the process. As to documents, there are none held save for those used in each individual's case and therefore confidential to that individual. The information contained in such documents is therefore exempt under s.40(2) of the Freedom of Information Act in conjunction with s.40(3)(a)(i).

Thank you for your interest in Kent Police. If you have any queries in relation to your request or the application of the Freedom of Information Act generally, please contact this office quoting the reference number above.

Yours sincerely,

Mr Giovanni Cacciaccaro
Freedom of Information Advisor

Your right to complain

We take our responsibilities under the Freedom of Information Act seriously but, if you feel your request has not been properly handled or you are otherwise dissatisfied with the outcome of your request, you have the right to complain. We will conduct an internal review to investigate the matter and endeavor to reply within 20 working days. If your appeal concerns the decision to apply an exemption, it would assist the review if you would outline why you believe the exemption does not apply.

You may lodge your complaint by writing to:

Freedom of Information
Kent Police Headquarters
Sutton Road,
Maidstone
Kent
ME15 9BZ

Or by e-mailing freedomofinformation@kent.pnn.police.uk

If you are still dissatisfied following our internal review, you have the right under section 50 of the Act to complain directly to the Information Commissioner. Before considering your complaint, the Information Commissioner would normally expect you to have exhausted the complaints procedures provided by Kent Police.

The Information Commissioner can be contacted at:

FOI Compliance Team (complaints)
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF