

DERBYSHIRE CONSTABULARY/DERBYSHIRE POLICE AUTHORITY

PROTOCOL RE INJURY ON DUTY AWARDS – REVIEW PROCESS

1. Introduction

- 1.1 This protocol deals with the review of injury on duty awards paid to police officers who have left Derbyshire Constabulary and who have been injured in the execution of their police duties and are in receipt of an injury pension granted under Police Pensions Regulations 1987 as amended by the Police (Injury Benefit) Regulations 2006.
- 1.2 Police Regulations allow for awards to be reassessed at such intervals as the Police Authority (PA) may determine suitable. Such reviews allow for upward or downward movement, dependent upon the individual's potential loss of earnings capacity arising out of their injury.
- 1.3 Under Police Regulations the assessment and reassessment of an injury pension is a Selected Medical Practitioner (SMP) function.

2. Delegated Authority

- 2.1 The Chief Constable has the delegated authority from the PA for matters relating to police pensions including review of injury awards and shall vest in the staff of the HR Department the day to day management of review of injury pensions

3. Reviews

- 3.1 Retired officers who are granted an injury award will, at initial consideration, be notified of their percentage degree of disability. This assessment relates to their loss of potential earnings, as a percentage of their police salary, arising directly out of the injury sustained in the

execution of their duties as a constable. **(It does not relate to the degree or seriousness of the injury.)**

3.2 Injury awards will be reviewed periodically on the following basis:

3.2.1 There will be a 5 year rolling programme for all ex officers in receipt of an injury award. In addition the following criteria will be used for reviews outside of this timeframe:-

- At such intervals as the Force Medical Advisor / Selected Medical Practitioner may recommend as appropriate.
- At such intervals as the Chief Constable (delegated to the Head of HR) may determine in a particular case. (For instance if new information becomes available in relation to the ex officer's medical condition, earnings potential or updated case law).
- At the recipient's request where evidence of a change in medical circumstances relating to the qualifying injury is supplied.

3.3 It should be noted that where an ex officer is due for a review a formal consideration of a reassessment may not be required if there has been no substantial change to the degree of disablement warranting a reconsideration by the SMP.

3.4 The review will be initiated by contact being made with the ex officer asking that he / she complete a pro-forma. This will provide details of the work that the ex officer has been undertaking since the previous assessment and their current medical condition(s). At the same time they will be asked to complete an authority for the release of a full copy of their GP notes to the SMP. The pro-forma will include a statement that at this stage the case is being reviewed and that the ex officer will

be invited to have an examination by the SMP if formal reconsideration is to take place.

- 3.5 The HR Department will prepare a brief report to the SMP providing details of the ex officers duties when a Police Officer, his/ her service history including dates of recruitment and retirement, his / her rank when leaving the Force and dependent on his/ her age details of the updated police salary or ASHE figures relevant to the ex officer's age.
- 3.6 The HR report, the pro-forma and the consent to GP records will be provided to the SMP who will examine the facts to determine whether a reassessment is necessary.
- 3.7 If there has been no substantial change the ex officer will be written to advising that his / her degree of disablement will not be subject to reassessment at this time. They will be reminded of the criteria for re-assessment outlined at 3.2
- 3.8 Where the SMP has determined that there appears to be a potential change that warrants further examination, contact will be made to obtain a copy of the ex officers GP records.
- 3.9 An appointment will be made for the ex officer to be seen by the SMP and an assessment will be made based on their current medical condition(s), their current functionality and any improvements/reductions in their competencies.
- 3.10 The assessment will include the effect the qualifying injury is having on the ex officer's working capabilities when taking into account any changes to his / her assumed earning capacity (upper comparator).
(Note: If apportionment was considered at the previous assessment it should be included at this stage)

3.11 The HR Department will provide details to the SMP of potential job roles and earnings taking into account any comments following the examination. The sourcing of job roles will be discussed at a panel meeting with NARPO and Federation prior to submission to the SMP.

3.12 On receipt of this information the SMP is required to complete the formal report / certificate of the degree of disablement.

4. General

4.1 The content of this protocol does not affect the individual's right of appeal under The Police Pensions Regulations 1987.

5. Procedure

5.1 Data Storage

A spreadsheet detailing all former officers in receipt of an injury pension has been set up and will be maintained within HR. The spreadsheet details name, former rank, date of birth, review date, banding etc.

Data is also held by the Force's Pensions Administrator - Mouchel who hold both computerised and paper records of pension details, for all such former officers.

6. Injury Review Administrative Processes

6.1 A standard letter and pro-forma will be sent to all former officers who require a review based on the criteria at 3.2.

- 6.2 If no response is received within 28 days a second letter will be sent. Where no response is received within a further 28 days the case will be discussed with the Head of HR or his nominated deputy to consider appropriate action based on the individual circumstances of the case.
- 6.3 Where forms are returned within 28 days, an appointment will be arranged with the SMP for assessment. The SMP will issue a certificate in accordance with Police Pension Regulations and the ex-officer will be informed of the outcome of the review. Any change in banding will be notified to the Force's Pensions Administrators for adjustment of award.
- 6.4 The Pension Administrators will recalculate the injury award and send a letter informing the ex officer of changes and will deal with any queries regarding the payment of the award.
- 6.5 Where the SMP has recommended the review period this will be recorded, in other cases a meeting will be held with the Head of HR or his nominated representative to give consideration to the timeframe for further review in line with Police Pension Regulations.
- 6.6 Any appeals will be processed via Police Medical Appeal Board Procedures.

7. Failure to attend medical examination

- 7.1 If the retired officer fails to attend the examination with good reason then another examination date will be arranged.
- 7.2 If the retired officer fails to attend the examination without good reason then the case will be passed to the Head of HR and a decision will be taken based on the information that is available at the time.