

**Police Injury Pensions  
Freedom of Information Requests  
Sept-Oct 2011**

**Reviews of Injury Pensions**

A FOIA request was made to all 43 police forces in England and Wales.

The purpose was to see how many injury pensions had been reviewed in the period January 2005 to December 2009 – this being the time-frame when the influence of Home Office circular 46/2004 was active. HOC 46/2004 was issued in August of that year and the Home Office advised that all reviews be suspended in March 2010.

A secondary purpose of this research was to obtain copies of any policy documents, or any other document that would illustrate how injury pensions were currently being administered. A final question asked if each force had recommenced reviews.

Earlier research, back in 2008, had shown that a majority of forces had not followed the guidance, but some 17 forces had implemented policy or had taken actions that placed them in an unlawful position. Some of these forces had local arrangements and agreements, or were considering action, so the picture was not entirely clear-cut. What did clearly emerge from the earlier research however was that prior to the Home Office issuing its guidance not a single force routinely reviewed injury pensions, and there was no concept of holding reviews at normal force retirement age or at age 65, nor any attempts to reduce pensions at those points. Pensions were calculated according to the Regulations, not ASHE.

The request asked:

I am requesting information under the terms of the Freedom of Information Act. It concerns the review of police injury pensions as per Regulation 37-(1) of the Police (Injury Benefit) Regulations 2006.

Will you please provide me with the following data:

1) How many reviews of police injury pensions have been conducted since January 2005? I ask that you provide the data set out year by year commencing from January 2005 up to and including December 2009.

2) Of these reviews,

a) how many resulted in an increase in the pension paid?

b) How many resulted in a decrease in the pension paid?

c) How many resulted in no alteration in the pension paid?

3) If your force has a policy document, or any other form of document or documents, setting out the procedure for the administration and review of police injury pensions, please supply a copy.

4) In a letter dated 10th March 2010, the Home Office advised all forces that all reviews be suspended. Has your force recommenced reviews since that date, and if so when?

## **Responses**

Responses were of varying quality – possibly because some responders had failed to read the request correctly, or because the request was not worded tightly enough, or the data available was not capable of being provided in the way requested.

All 43 forces responded to the request. However, three forces refused to supply the information requested. The Freedom of Information Act provides a range of exemptions that can be applied to allow the information to be withheld. The three forces that applied an exemption all claimed that the cost of retrieval would exceed the statutory limit of cost. This indicates that these forces do not routinely collate or analyse data concerning injury pension reviews. In other words, they have no idea how many reviews were held, or what the result of those reviews were. The forces were Dyfed Powys, Hampshire and West Mercia.

These forces were not amongst those who had taken up the Home office guidance. It is reasonable to conclude that they have not been actively reviewing injury pensions.

One other force, Dorset, supplied partial information then requested a delay to allow them to see if they could provide the rest of the information. This delay has extended so long that the researcher has decided to publish the results of the research as it stands, with a view to amending it later should Dorset finally provide full information.

The responses were set out in a spreadsheet and a calculation was made to show what percentage of reviews had resulted in no alteration, an increase or a decrease in the pension paid.

To help further understand the responses, any relevant notes or comments that were contained in the responses are reproduced here.

## **Analysis and Conclusion**

Of the forces that supplied useable information two forces, Humberside and West Yorkshire reported that they had recommenced reviews. Humberside gave no reason, and West Yorkshire stated that the case of Laws (a Judicial Review held in the Administrative Court, which the respondent, former Metropolitan officer Belinda Laws won) provided 'clarity', allowing reviews to be recommenced.

Eight forces had some form of policy document. Of these, only Cambridgeshire's could be classed as comprehensive. The others were sparse, lacking in detail and not up to date. This would seem to indicate that forces continue to place a low priority on addressing issues surrounding the administration of injury pensions. It could also indicate that forces lack any sense of the direction they should be taking. The Home Office has promised revised guidance, but this is not likely to appear until at least early 2012 and there is no reason to assume that all forces will see any value in it.

In 2008, there were around 13872 former officers in receipt of an injury pension in England and Wales.

The number of reviews has risen year on year, from 438 in 2005 to 779 in 2009.

The total number of reviews, assuming that no pensioner was reviewed more than once in the selected period, was 3,159. This represents only 22.77% of the total.

Of these reviews, 143 (4.53%) were increased, 1,070 (33.87%) were decreased and 1,948 (61.67%) remained unaltered.

Fourteen forces either conducted no reviews, or very few reviews. These were Cheshire, Cleveland, Cumbria, City of London, Devon and Cornwall, Durham, Gloucestershire, Hertfordshire, Kent, Lancashire, Norfolk, North Wales, South Yorkshire, and Warwickshire.

## Notes on Responses

All 43 forces responded. Most took their time and used up all the 20 working days allowed. Several delayed, but advised of the delay. The last force to respond was Dorset. Three forces refused to supply the requested information – Dyfed-Powys, Hampshire and West Mercia. The exemption used was the cost of retrieval of information would exceed the statutory limit. A revised request was made to Dyfed-Powys for part of the information.

Avon and Somerset: 'Police Pension Regulations are followed, along with the Home Office Guidance document. However, the latter is being reviewed by the Home Office at this current time.'

Bedfordshire: 'The procedure for administration and review of police injury pensions is contained within the Police Pension Regulations. Bedfordshire Police have conducted two reviews in 2010, one in February and one in May.'

Cambridgeshire: 'Cambridgeshire Constabulary suspended reviews with effect from 10 March 2010 and has not recommenced reviews since then. However this does not preclude a pensioner requesting a review of their pension.' Cambridgeshire has had a policy, since January 2008 and it follows the Home Office guidance. That policy is currently being revised.

Cheshire: 'Only 1 review has taken place (at the request of the individual) – it resulted in a decrease of the injury award. We do not have a review policy as we do not routinely carry out reviews at present.'

Cleveland: Have held no reviews, and have no policy.

Cumbria: Have held only two reviews from Jan 2005 to Dec 2009. No policy and reviews are suspended.

City of London: There have been no reviews of injury pensions since 1 January 2008. We are advised that information relating to reviews prior to this date has been archived, but we have been unable to identify any relevant records. We have reviewed previous FOI responses relating to injury pensions and have identified no reviews that have taken place since 2005. The force does not hold a current policy or procedure relating to the review of injury pensions.

Derbyshire: They have a policy but it will be reviewed when revised Home Office guidance is received.

Devon and Cornwall: Have not held any reviews since January 2005. One is currently underway – nor known why but probably by request of the pensioner. No policy document. No mention of waiting for revised HO guidance.

Dorset: Delayed response.

Durham: 'Durham Constabulary does not hold its own specific policy for administration and review of policy injury pensions. You may be interested to know that internal administration procedures will be reviewed and it is anticipated that an up to date procedural document will be produced following relevant

instruction from the Home Office.' It appears that Durham follows Home Office guidance – they provided a link to a FOIA response from 2008, from the Home Office, that erroneously stated that the PNB had approved HOC 46/2004.

Dyfed-Powys: Refused on grounds of cost. Revised request made. Due 10<sup>th</sup> November. Response on 11<sup>th</sup> October – refused on grounds of cost. Reviews are suspended.

Essex: 'We do not have a policy document in respect of the review of Ill Health pensions and injury awards; we conduct reviews in accordance with the Police Pension Regulations and Police (Injury Benefit) Regulations. The decision as to whether or not to review and the frequency of same is considered on an individual basis as recommended by the Selected Medical Practitioner (SMP). We do not review beyond age 65; the injury award applicable at the final review prior to age 65 remains unchanged for life, i.e. we do not automatically reduce injury awards to Band 1.'

Greater Manchester: They follow the HO guidance and have no formal policy, but have suspended reviews. However, at the request of the pensioners concerned have held 18 reviews since March 2010. No results of these reviews provided, but it is highly probable that they were increased or were in fact Reg 32-(2) reconsiderations.

Gloucestershire: They have conducted no reviews since January 2005. Gloucestershire Constabulary will develop guidance for future reviews once the Home Office has issued further guidance.

Gwent: No policy document. Hold few reviews.

Hampshire: Refused on grounds of cost. Revised request made. Also refused. They are being obstructive. Internal review requested. A final response revealed some information. They have no policy, they have conducted reviews, but are not currently holding any reviews.

Hertfordshire: They have a policy but it seems to have never been implemented, as they say they have held no reviews since January 2005. (Cambridgeshire's new CC was formerly DCC in Hertfordshire, and Hertfordshire's CC is a former Cambs officer)

Humberside: Seem to have recommenced reviews in April 2011. They do not have a policy document but provided a flow chart for reviews – similar to one other forces have.

Kent: There have been no reviews of police injury pensions since January 2005. Kent Police holds no policy document since it follows guidance from the Home Office.

Lancashire: Hold almost no reviews – no policy document.

Leicestershire: 'Whilst the review process re-commenced in 2009 no actual pension payments have been altered. We are still waiting for up-to-date advice and guidance from the Home Office on the correct processing of Injury Awards, before undertaking any Injury Award reviews.' The Injury Award Process has been suspended pending up to date guidance being issued by the Home Office in relation to the processing of injury awards.

Lincolnshire: Said they had no information on policy or whether reviews had been recommenced. This must be taken as meaning there is no policy and reviews are suspended or they are simply not holding reviews.

Merseyside: 'Merseyside Police does not have a specific bespoke policy but follows Home Office guidance. Since 10/03/10 Merseyside Police has only conducted one review. The review in question relates to a unique case whereby Merseyside Police was asked to review a specific case by a local Member Of Parliament.'

Metropolitan Police: Held a lot of reviews. Policy document not produced – guidance to officers only.

Northamptonshire: I can confirm that as of May 2009, Northamptonshire Police had reviewed 51 ex-officers in respect of such awards. The figures provided date from the beginning of 2007 when records of this type were kept. There were a few reviews carried out between 2004 - 2007 but only a small amount and they would all have been pensioners who had recently retired who were fully expecting to be reviewed - not those having retired from years back. 9 Injury Awards have gone down (this figure includes the 4 that were reduced to band 1 at 65), 2 Injury Awards have gone up, 4 have been reduced to Band 1 at 65. Northamptonshire Police have reviewed 53 officers since 2005 of which 6 reviews led to an increase, 15 led to a decrease and 32 led to no change.

In 2004 the Home Office issued Guidance to Forces on reviews of injury awards. The Guidance stated that it was being issued to help ensure a fairer, more cohesive approach to the payment of injury benefits. The Guidance states that in the view of the Home Office a more standardised approach is needed to safeguard the rights of the Officer and to ensure fair treatment. Forces were reminded of their duty to ensure that all current injury awards were kept under review at such intervals as they consider appropriate, including where the former officers concerned are now above the compulsory retirement age. At their meeting on 23 February 2005, the Northamptonshire Police Authority determined that Northamptonshire Police would implement this Guidance.'

Norfolk: 'Norfolk Constabulary has not reviewed any police injury pensions since January 2005. Please see below information taken from the Committee meeting minutes of a meeting held on 11th February 2009. The decision was made not to conduct any reviews and that decision remains the case at present.'

North Wales: Published a policy in March 2009. It has not been used so far, as no reviews have taken place.

North Yorkshire: They follow Home Office guidance. Reviews are suspended unless a pensioner requests one due to a substantial change to their condition.

Northumbria: Refused initially. Revised request entered and due on 9<sup>th</sup> November and provided on 28<sup>th</sup> Oct. Records prior to 2007 are not readily searchable and would cost too much to process. Details provided on numbers of reviews since. No policy, but a procedure document provided that, if followed, would include unlawful actions. Reviews still suspended.

Nottinghamshire: Provided numbers – information not held re policy document.

South Wales: Their current policy has been withdrawn. They will amend when the Home Office issue revised guidance.

South Yorkshire: 'I contacted our HR Department in an attempt to source any data relevant to your request. I have been informed by the HR Manager (Injury, Ill Health and Pensions), that South Yorkshire Police have undertaken no reviews and that we have no such policy.'

Staffordshire: They quoted the regulations, which formed the whole of the response to the question of whether they had a policy. However, they then said that they gave 'consideration' to HOC 46/2004 and PNB joint circular 03/19. Reviews are still suspended.

Suffolk: Have held 70 reviews since January 2005, and 66 resulted in no alteration in banding. They do not have a policy, and continue to suspend reviews.

Surrey: They have a policy, updated in February 2011. Reviews are currently suspended.

Sussex: No policy but have been reviewing. Currently suspended reviews awaiting revised HO guidance.

Thames Valley: Have been busy – 374 reviews since January 2005. They have suspended reviews but are currently identifying which pensions need to be reviewed. They say they follow the 1987 and 2006 Regulations and guidance from the Home Office – HOC 10/2004

Warwickshire: Have held no reviews since January 2005 and are not holding any now.

West Mercia: Refused to supply details due to cost. Did say that they have no policy.

West Midlands: No Policy.

West Yorkshire: They have conducted a programme of reviews since at least January 2005. They ran a project to review all pensioners over the age of 65 from 2007 to 2009 – 140 reviews were conducted and all resulted in a lower banding. They have also recommenced reviews since January 2011. They say that in December 2010 it was agreed that the Laws case had provided clarity as to how to proceed.

Wiltshire: Wiltshire Police are still awaiting the revised, expanded guidance from the Home Office before proceeding with reviews in general and therefore do not have a process at this stage. Therefore no information held. No information held on recommencing reviews, so assume they are on hold.