

How does Ill Health Process work?

IT IS IMPORTANT THAT THIS FAQ IS READ IN CONJUNCTION WITH SEC CIRCULAR 07/2007

Since 2002 Guidance has been offered to the application of the Police Pension Regulations.

New procedures have been introduced which ensure the independence of the scheme.

The Force **must** refer you to an Independent Selected Medical Practitioner if they are considering whether you are permanently disabled from the “ordinary duties of a constable”. They can only refuse if your case is considered, ‘Vexatious or frivolous’.

The referral to the Selected Medical Practitioner can be either requested by the Force, or by the officer provided it is supported by suitable medical evidence. The Federation can assist you to get this if you feel that you should be referred. If the Force refuses to refer you, the decision is subject to an appeal within 21 days to the Crown Court, therefore contact the Police Federation as soon as possible if this is the case.

The test on the Ordinary duties of a Police Officer is intended to be a robust one that includes physical activities such as arrest and restraint, running and walking reasonable distances, as well as psychological tests, such as understanding and managing information. The inability to do any one of the activities identified would render an officer permanently disabled from “ordinary duties”.

If after referral you disagree with the decision of the Selected Medical Practitioner you can appeal to a Police Medical appeal Board (Within 28 days).

You can get further advice on how to do this from the Federation Office. The timescales are strict so it is essential that you contact the Federation Office as soon as you receive the report. However, the fact that you may be permanently disabled does not automatically mean you will be retired.

This is a managerial decision (A20 Process) based on the report of the Selected Medical Practitioner on an officer’s capability, the identification of a suitable post, and the completion of a suitable risk assessment. You are able to provide comments on your own wishes but ultimately it is a decision for management whether you are retained or retired. There is no appeal against this decision and the only challenge would be by Judicial Review if the decision to retain an officer were irrational.

If the decision is taken to retain you then you should be provided with a proper career pathway. Obviously if you are quite young in service this is even more important.

For example just because you are disabled does not mean that you cannot be promoted. In fact the Disability Discrimination Act provides that an employer should

positively discriminate for disabled people and identify roles that are particularly suitable for disabled people.

If you were retained then good practice would be to have a career meeting with your line manager and personnel officer to discuss how your future career can be structured and managed. We would encourage you to request such a meeting.

You should though bear in mind that the new rule under Winsor that are due to be implemented under Winsor from September 2014, mean that officer must be fully deployable. Officers who are not fully deployable and have a long standing medical condition, may find themselves on adjusted duties and subject to a potential 8% cut in pay after one year and redeployment to a Police Staff role after 2 years (If such a role is available).