

INJURY AWARD APPLICATIONS

Background

Officers can apply for an injury award once they have left the force or at the time they are retired on the grounds of permanent disablement.

Injury awards are given to officers to compensate for loss of earnings, where there is evidence to support the fact that the officer's permanent disablement is the result of an injury received in the execution of duty.

The awards are in four bandings:

Level 1 0 -25% (lowest)

Level 2 Over 25% - 50%

Level 3 Over 50% - 75%

Level 4 Over 75% - 100% (highest)

e.g. 25.1% = banding 2 (over 25% - 50%)

Application

Former officer can apply for an injury award either by writing into the Human Resources Department themselves or via the Police Federation as their representation. (Form AD87) Detailed information must be supplied to support their application: for example details of the injury, the type of injury, date of injury, accident reports, names of witnesses and so on.

Failure to provide such information will result in the application not being progressed and thus, not being considered by the Selected Medical Practitioner (SMP).

The Injury Award Team member will write to the former officer to acknowledge receipt of the application, enclosing a medical consent form. If the former officer left the Force voluntarily prior to their compulsory retirement age the letter should also inform the individual that should they be successful in their application for an injury award they will be placed within the 0-25% banding, as they do not have a loss of earnings capacity. This is because they would still be working as a police officer had they not made the decision to leave.

Once the form has been returned by the former officer the Human Resources Department will forward it to the Occupational Health (OH). A copy should also be made and retained within the former officer's personal file.

Once the medical consent form has been received by OH the former officer's GP notes should be requested.

Applications from former officers over the compulsory retirement age

Former officers over the compulsory retirement age for their rank who make an application for an injury award will be assessed against the National Average Earnings (NAE) figure, as it is no longer appropriate to use the former officer's police pay scale as the basis for his/her pre-injury earnings capability.

Applications from former officers aged 65 or over

Former officers aged 65 or over who make an application for an injury award will not normally be referred to the SMP for consideration.

Applications from former officers who voluntarily left the Force prior their compulsory retirement age

Former officers who submit an application for an injury award having voluntarily left the force before reaching their compulsory retirement age and who are subsequently found to be permanently disabled as a result of a qualifying injury on duty will normally be deemed to have no loss of earnings capability and will be placed in the 0-25% banding. This is because the former officer does not have a reduced earnings capacity as they would still be working for the force if not for their decision to leave.

Applications from former officers who are dismissed / required to resign

Former officers who submit an application for an injury award having been dismissed / required to resign from the force and who are subsequently found to be permanently disabled as a result of a qualifying injury on duty will normally be deemed to have no loss of earnings capability and will be placed in the 0-25% banding. This is because the former officer would still be working for the force, had they not been dismissed / required to resign.

Injury Award Application Summary Report

The Injury Award Team member must prepare the Injury Award Application Summary Report (Completion of the summary will involve investigating the claims outlined within the application and, if necessary, liaising with management team to clarify the background to the case. Documentary evidence should be attached, for example accident reports and witness statements.

Once completed, the Injury Award Team member should then forward the AD87 and supporting documentation to the Selected Medical Practitioner (SMP), via OH. The purpose of this is to establish whether the former officer is permanently disabled from the ordinary duties of a police officer and whether the former officer's disablement was the result of an injury received in the execution of duty.

This stage of the procedure should be completed within 28 days unless there is a dispute of non-medical fact, in which case the process may be delayed.

Disputes of non-medical Fact

If there are any disputes of non-medical fact then an Annex to the Injury Award Application Summary will need to be provided, along with any supporting documentation. The annex should summarise the available evidence and list the potential findings of fact available to the SMP. There is no set time limit on the Annex being prepared, as it will depend upon how many facts are in dispute and how extensive the available evidence is.

The Annex together with all supporting documentary evidence inc. statements etc. should be provided as a pack to the SMP before the appointment with the former officer.

SMP Assessment

Once the SMP has received the AD87 and supporting documentation they will review this, as well as the former officer's OH record, GP notes and any other additional information that the SMP deems appropriate. It will usually be necessary for the SMP to have access to GP records prior to the assessment.

If the former officer does not provide consent to access their GP records and the SMP deems that this information is necessary in order for him/her to reach a defensible determination in relation to the injury award application then the application will not be progressed until this is provided.

If the SMP requires further information from the Injury Award Team prior to his/her assessment he/she may contact the relevant member of the Injury Award Team to request this additional information.

Should the SMP feel they require additional medical information or should he / she consider it necessary for an additional specialist practitioner to be used in order to reach a defensible determination, the SMP should organise this. The Force will pay for any information deemed necessary by an SMP.

The SMP will then look to establish:

1. Whether the former officer is disabled; and if the answer is yes,
2. Whether the disablement is permanent; and if yes,
3. Whether the former officer's disablement is the result of an injury received in the execution of duty.

In cases where the reduction in earnings capacity is either 0% or 100% this may be confirmed by the SMP without the need for a further medical examination, but in most cases an examination is necessary.

If the SMP deems that he/she needs to examine the former officer, then the SMP should contact OH.

The former officer will be required to attend an appointment if the SMP deems that it is necessary, even if this involves significant travelling time e.g. they are now living abroad. Reasonable travel expenses will be paid either as mileage at public transport rate or the cost of a standard train ticket. Other forms of travel may be authorised but the former officer must consult with the Injury Award Coordinator prior to travelling to determine whether this is possible.

Advisory Letter

After the SMP assessment (whether or not an examination was necessary), the SMP will forward an SMP advisory letter to the relevant member of the Injury Award Team.

Possible outcomes:

To grant an Injury Award

If the SMP determines that the former officer is permanently disabled and the permanent disablement is deemed to be linked to a qualifying injury on duty, the SMP will provide an advisory letter to that effect.

They will also provide details of:

- a) what type of duties the officer's permanent disablement prevents him/her from doing, and
- b) what type of employment he/she could successfully carry out, taking account of their permanent disability caused by an injury on duty but ignoring all other medical conditions.

In these circumstances the Injury Award Team member will be required to complete a **Potential Earnings Assessment**.

Non-granting of an Injury Award

If the SMP judges that the applicant is not permanently disabled, or, if there is permanent disablement a link with a qualifying injury on duty, he/she will provide a SMP report to that effect. This will be accompanied by an Annex explaining the rationale for the recommendation(s). An injury award cannot be awarded if it is confirmed that the officer is not permanently disabled from the ordinary duties of a police officer or that the officer's disablement is not a result of an injury received in the execution of duty.

In these circumstances there is no need to progress with the remainder of the procedure as the individual does not meet the criteria for an injury award. However, the former officer still has the right to appeal against the decision. This must be lodged within 28 days of receipt of the notification letter.

Potential Earnings Assessment is based on the information provided by the SMP regarding the type of duties and employment

A Potential Earnings Assessment contains information on the potential earnings of the former officer and makes appropriate recommendations on their injury award banding. The assessment should be in line with Home Office Guidance, appropriate job descriptions, person specifications and advertisements will also need to be provided. The Potential Earnings Assessment will assume that any potential employers comply with their duty under the Disability Discrimination Act.

REVIEW OF INJURY AWARD BANDING

Background

Hampshire Police is under a positive duty to periodically review Injury Awards at intervals considered appropriate. Once a decision has been taken to review an award the former officer is required to comply with the injury award review process. A former officer may request for their injury award to be reviewed at any point, upon submission of relevant medical evidence.

Appeal

Once a former officer has received confirmation of the injury award review decision they have 28 days in which to appeal.

Former officers who reach their compulsory retirement age

Once a former officer reaches their compulsory retirement age under the Police Regulations an injury award review will be undertaken. This is because it is no longer appropriate to use the former officer's police pay scale as the basis for their pre-injury earnings capacity. The new basis for the former officer's earnings capability, had there been no injury, will be the National Average Earnings figure at the time of the review. This figure will be used when undertaking the potential earnings assessment for the former officer.

The loss of earning capacity for the purpose of establishing Degree of Disablement should

therefore be assessed by reference to the % proportion the former officer's actual earning capacity bears to the National Average Earnings figure. This ensures that former officers are placed on an equal financial footing with others in the employment market at a time when they could not have been assumed to be earning a police salary.

Former officers who reach their State Pension Age

Once a former officer reaches state retirement age an injury award review will be undertaken. This ensures that former officers are placed on an equal financial footing with others in the employment market.

INJURY AWARD APPEALS

Once a former officer has received a Statement of Injury Report notifying them of the outcome of their injury award application or review they have 28 days in which to appeal against this decision..