



Injury Benefit Reviews

Frequently Asked Questions

Q - Where does it say in the Regulations that Injury Benefit can be reviewed?

A - Regulation 37 of the *Police (Injury Benefit) Regulations 2006* enables the Police Pension Authority, at such intervals as may be suitable, to consider whether the degree of the pensioner's disablement has altered. If after such consideration it is found that the degree of the pensioner's disablement has substantially altered, the pension shall be revised accordingly.

Q - Will every Injury Benefit Pensioner have their pension reviewed?

A - No. The following Injury Benefit pensioners will not be subject to a review:

- All IB pensioners aged 72 and over;
- IB pensioners who have been diagnosed as terminally ill;
- IB pensioners who have received their Injury Award within the last 3 years unless the Selected Medical Practitioner (SMP) had recommended that their case be reviewed within a shorter period.
- IB pensioners who have been reviewed within the last three years.
- IB pensioners on Band 1 unless they declare that their disablement has got substantially worse.

Q - Have you written to injury pensioners aged over 72 about this review?

A - Yes. The Deputy Chief Constable wrote on 15 August 2017 to all the Injury Benefit pensioners aged 72 and over. This informed them that a review is under way, the Force does not intend to review their injury pension unless they request a review, and therefore there will be no change to their injury pension.

Q – I am approaching the age of 72. Will my injury pension be reviewed?

A – The process of reviewing a pension can take several months. Therefore, when you reach six months before your 72nd birthday, we will write to you to inform you that Staffordshire Police does not intend reviewing your injury pension unless at your request.

Q - When can I expect to have my Injury Benefit reviewed?

A - Over the coming months we will refer Injury Benefit pensioners to our Selected Medical Practitioner (SMP). We will write to you asking that you complete the necessary consent forms for access to your medical records. When we receive the forms back from you we will acknowledge receipt.

Q - How will my Injury Benefit pension be reviewed?

A - We will write to you to ask you to complete a Review Questionnaire and for your consent so that we may request your medical records and reports from your doctor. These will be handled by our Occupational Health staff only and they will be seen together with the Review Questionnaire by the SMP. At your examination, the SMP will review your injury disablement and decide whether there is any substantial alteration. Where possible, examinations take place at our Occupational Health site in Stafford. If it is impracticable for you to get to your examination you may request to be interviewed by the SMP via the internet.

Q – Can I claim reimbursement for travelling or other expenses incurred by me?

A – No. The Force does not reimburse expenses related to this.

Q - Will you use PEAM as part of my review?

A - No. Staffordshire Police does not use the Police Earnings Assessment Matrix (PEAM) either to calculate new Injury Awards or as part of the review process.

Q - Will I get a copy of the SMP's report?

A - Yes. You will be sent a copy of the SMP's report.

Q - Will my medical records be kept confidential?

A - Yes. Although correspondence with you will be from the HR Support Team in People Services, all your medical records and reports obtained with your consent from your GP practice will only be seen by our Occupational Health staff and the SMP. Non-medical staff will neither see nor have access to your medical records.

Q - What if I refuse to take part in this process?

A - When we write to you to request that you complete the Review Questionnaire plus the forms necessary for access to your medical records, we will ask for you to reply and return the forms within 28 days. You will be sent reminder letters at 21 days after our initial letter if we have not had your reply. You will be referred to Occupational Health for a decision on whether you should be examined by the SMP.

If you wilfully or negligently fail to submit to such medical examination, or to attend such medical interviews as the SMP may consider necessary in order for the SMP to make a decision, then the Police Pension Authority may make a

final decision on the medical evidence and advice as he in his discretion thinks necessary.

Q - Can my Injury Benefit pension be reduced or increased?

A - Yes. If the SMP decides that your disablement has substantially altered, your injury benefit pension may be revised accordingly. Where the SMP finds that your disablement has substantially reduced, your Injury Benefit banding may be reduced. However, **it cannot be reduced below Band 1** unless at the date of review you would have had less than 25 years' service had you continued to serve and you are deemed to be medically fit to re-join as an officer. If the SMP decides that your injury disablement has substantially worsened, **your injury benefit banding may increase** (to no more than Band 4). The SMP will conduct the appropriate calculation and you will receive a copy of that reassessment.

If the SMP decides that there has been no substantial alteration to your disablement, your Injury Benefit pension will remain unchanged. You will still be sent a copy of the SMP's report. The SMP may recommend that your disablement is reviewed again after a specified period.

Any alteration to your Injury Benefit pension as a result of the SMP's report will be with effect from the date of that report, subject to the Determination of the Police Pension Authority. You will be informed in writing of the change to your pension and the pension administrator (XPS) will be instructed to amend your pension payments accordingly.

Q - There were other injuries I sustained on duty which were not part of my original assessment for Injury Benefit. Can these be taken account of now as part of my review?

A - No. By law, the reviewing SMP cannot introduce into the assessment any new medical conditions caused by police duties.

Q - What if I disagree with the SMP's decision?

A - If you are dissatisfied with the SMP's report of your review, you must inform us of your intention to appeal **within 28 days of you receiving the SMP's report**. You must then provide details of the grounds of your appeal within a further 28 days. We will ask you to complete a standard form to do this.

Wherever possible your appeal will be dealt with locally in liaison with you and the SMP. If you remain dissatisfied then your appeal will be referred to a board of medical referees (the Police Medical Appeal Board). If you decide to appeal to the Police Medical Appeal Board, your injury pension will still be adjusted to the reassessed banding unless there is no change to your current banding. Further advice on the appeal process is available from the Police Federation, Superintendents' Association and the National Association of Retired Police Officers (NARPO).

Q - What about the 2008 Agreement?

A - There was an agreement reached in March 2008 between Staffordshire Police, NARPO and the Police Federation concerning implementation of Home Office Circular 46/2004. The Circular basically gave the option to reduce injury benefit to Band 1 when the pensioner reached age 65. Since then there have been changes in the law and several court judgements, which have changed the context in which injury pensions are managed. These changes mean that it is no longer lawful to reduce an injury benefit pension to Band 1 simply because the pensioner has reached age 65. State Pension Age is no longer fixed at 65, and many people choose to work beyond then. Since 2011 it has been illegal to require an employee to retire at a particular age, and it is no longer an option to reduce injury pension to zero (except in rare circumstances of being fit to re-join, or in cases of forfeiture). The arrangements as outlined in this document have been the subject of consultation by Staffordshire Police with NARPO and the Police Federation in succession to the 2008 Agreement.

Q – What about my 2008 review?

A – No injury pensions were reviewed at Staffordshire Police in 2008 by a medical authority under Regulation 37 of the Police (Injury Benefit) Regulations 2006.

Q - What happens if my disablement gets worse at some time in the future?

A - If you believe that the disablement for which you receive your Injury Benefit pension has become substantially worse, you may apply for your pension to be reviewed. If the Police Pension Authority agrees, we will arrange for you to be examined by the SMP. However, your Injury Benefit pension banding cannot increase beyond Band 4. The process of reassessment and rights of appeal are the same as detailed above.