



SCOTTISH PUBLIC PENSIONS AGENCY

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Firemasters

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Dear Sir or Madam

SCOTTISH FIRE SERVICE CIRCULAR No 1/2003

FIREFIGHTERS PENSION SCHEME

REGIONAL BOARDS OF MEDICAL REFEREES: NEW CONTRACT

1. This circular is to advise fire authorities about the introduction of new arrangements for the provision of Regional Boards of Medical Referees to deal with appeals under Rule H2 of the FPS. It replaces the advice given in Scottish Fire Service Circulars 6/1997, 3/1999, and 5/1999 Part A, which should be regarded as cancelled. It should be brought to the attention of all fire and local authority staff who are responsible for the administration of the FPS and to the attention of Fire Brigade Medical Officers.
2. The current contract with BUPA Wellness for the provision of Regional Boards of Medical Referees tendered in 1997 will cease on 31 January 2003. This was extended for 3 months from 1 November 2002. A tender exercise has been conducted to find a new supplier for these services and BUPA Wellness has been selected as the new Contractor. **With effect from 1 February 2003 new arrangements will be in place for the handling of appeals.**
3. The following Table sets out the new procedure and highlights where it differs from the current arrangements. The Commentary at H2 will be amended to reflect the changes. A copy of the revision is attached for ease of reference.

Submission of appeals

Appeals should be submitted to the ODPM with the following evidence:

- 2 copies of the fire authority's award decision letter.
- 2 copies of the appellant's notice of appeal (with attached Consent for Release of Medical Records).
- 2 copies of the medical opinion with which the appellant is dissatisfied.
- 2 copies of the form H2 – Appeal Notification from Fire Authority to ODPM.
- 2 Copies of the form H2 – Documents Form.
- The complete GP record (3 copies for the Board of Medical Referees).
- The complete record from the brigade Occupational Health file (3 copies for the Board of Medical Referees).
- Accident and incident reports relevant to the appeal (3 copies for the Board of Medical Referees).
- Original x-ray/scan films where appropriate (mainly orthopaedic cases).
- Complete hospital and specialist records where appropriate e.g. in cardiac cases details of tests are required with the final report (3 copies for the Board of Medical Referees).
- Any additional medical reports available to the fire authority relevant to the appeal (3 copies for the Board of Medical Referees).

This differs from the current arrangements, where notification of the appeal is submitted to the ODPM, but medical records are submitted to the Chairperson of the Board. Under the new Contract all medical records submitted to ODPM should be in sealed envelopes listing the records inside. The ODPM will not read the evidence, but will pass it onto BUPA Wellness. By requiring all the evidence to be submitted at the same time, any delays in arranging Board hearing dates should be kept to a minimum.

Hearing Dates

- Appellants and fire authorities will be asked to list dates when they and their representatives will not be available for appeal hearings for a period between 2 to 4 months from the date of the submission of papers.
- Appellants will be required to sign a consent form for the provision and release of medical evidence. A specimen can be found at Annex A. The consent form will have a life of six months.
- Appellants will be advised that cancellations or postponements will only be permitted in exceptional circumstances e.g. in respect of the appellant's illness (which will require a Doctor's certificate), attendance at a Court hearing, or bereavement (and then only of a close relative.) If an appellant is to be represented a substitute will have to attend if the representative is not available.
- Fire authorities will always be expected to find a substitute for any representative unable to attend.
- Appeal hearings will be at the venue nearest to brigade headquarters, but appellants may ask for the appeal to be heard at one of the other venues giving reasons for their preference. A Fire Authority will be able to raise reasonable objections.

The request for details of inconvenient dates is to assist BUPA Wellness with finding a suitable date for the hearing. The limited circumstances under which an appeal hearing can be cancelled differ from the current contract. The change is to assist the timely processing of appeal cases. Occasionally BUPA may be able to offer a date with less than 2 months notice because of the cancellation of another appeal. It would be for the appellant together with the Fire Authority to decide whether to accept an earlier date.

Board Members

<p>An appeal Board will consist of three doctors:</p> <ul style="list-style-type: none"> • Chairperson – Consultant Physician who is a Fellow or Member of the Faculty of Occupational Medicine. • Second member – Consultant Physician who is at least an Associate Member of the Faculty of Occupational Medicine. • Third member – Consultant Physician* with the relevant medical expertise pertaining to the particular medical condition to be heard by the Appeal Board. <p><i>*It may be necessary to have more than one Consultant with the relevant medical experience if the appeal concerns more than one medical condition.</i></p>	<p>These arrangements are already in place.</p>
<p>Locations for Scotland and nationwide Appeals may be heard in the following locations:</p> <p>Edinburgh – BUPA Murrayfield Hospital, 122 Costorphine Road, Edinburgh EH12 6UD. (To be confirmed)</p> <p>Glasgow – To be advised.</p> <p>Birmingham – BUPA Occupational Health Transport & Engineering, 7th Floor, 102 New Street, Birmingham, B2 4HQ.</p> <p>Bristol – Chesterfield Nuffield Hospital, Clifton Hill, Bristol, BS8 1BP.</p> <p>Leeds – To be advised.</p> <p>London – London Independent Hospital, 1 Beaumont Square, Stepney Green, London E1 4ND.</p> <p>Manchester – BUPA Hospital Manchester, Russell Road, Whalley Range, Manchester, M16 8AJ.</p> <p>When an appellant is too ill to travel BUPA Wellness will discuss with the individual how best to arrange the appeal.</p>	<p>This is an increase in the number of UK locations available at present. Appeals will normally be heard at the venue nearest brigade headquarters, but appellants will be able to say if they prefer another area (perhaps for ease of travelling). Fire Authorities will be able to raise reasonable objections to this. Efforts will be made to meet any preference but ultimately the decision will be made by BUPA Wellness who will need to take other matters into account, e.g. availability of specialist consultants and equipment.</p>
<p>Venues The following should be provided:</p> <ul style="list-style-type: none"> • A hearing room sufficient in size to accommodate the hearing i.e. three Board members, plus fire authority representatives* and appellant and any representatives*. • A private room with appropriate medical equipment for the third Board member to undertake the specialised medical examination. • A waiting room/area. • Appropriate reception and toilet facilities. • A facility to enable Board members to converse in private. <p><i>*Appellants and fire authorities/brigades will be asked to say how many people are likely to attend to ensure the venue is suitable.</i></p>	<p>This is similar to the current requirements.</p>

<p>Timetable</p> <ul style="list-style-type: none"> • Appeals should be completed within 16 weeks of BUPA Wellness <u>receiving all the required medical evidence.</u> • BUPA Wellness will acknowledge receipt of the appeal from ODPM within 5 working days and will advise fire authorities/brigades whether any additional information is required, copies to the appellant and ODPM. • Appellants and fire authorities will be given 2 months notice of the appeal date, but if a short-notice or cancellation date can be offered BUPA will do so. But it will be for interested parties to agree whether an earlier date is acceptable. • The Receipt of the Appeal Report should be within 10 days of the appeal hearing, (or 15 days in extenuating circumstances i.e. needing to obtain further information from a brigade or if the third Consultant is not available to sign, when BUPA Wellness will clear this with the ODPM). 	<p>This is similar to the current arrangements, but the cost of the appeal will now be linked to the 16 week and 10 day targets and if either is missed the price of the appeal would reduce by £200 or £400 if both targets were missed. Missing other targets would not affect the cost i.e. missing the acknowledgement of the appeal or the notification of the hearing date.</p>
<p>Obtaining information</p> <p>BUPA Wellness will up-date ODPM regularly on the progress of the appeals it has on hand.</p> <p>Any concerns the appellant or the fire authority has in regard to how the appeal process is operating or any policy issues should be put to the ODPM. Contact either:</p> <p>Ashim Manikandan, Fire Policy Division, Zone B, 17th Floor, Portland House, Stag Place, London SW1E 5LP. Telephone No. 020 7944 8087. E-mail. Ashim.Manikandan@odpm.gsi.gov.uk or</p> <p>Vidya Ramroop, at the same address, telephone number 020 7944 8157. E-mail Vidya.Ramroop.gsi.gov.uk.</p> <p>Inquiries about arrangements for hearings should be made to: Jackie Clark, BUPA Wellness, Battle Bridge House, 300 Gray's Inn Road, London, WC1X 8DU, telephone number 020 7656 3777. E-mail: Clarkja@BUPA.com.</p>	<p>This differs from current arrangements where appellants and fire authorities often contact BUPA Wellness direct about a range of issues.</p>
<p>Cost</p> <p>The Price for an appeal will be £4,200, but if the two main targets are not met the cost could decrease to £3,800 i.e.</p> <ul style="list-style-type: none"> • If the appeal not completed within 16 weeks of receipt of all medical evidence the price will decrease by £200. • If the report is not received within 10 working days of the appeal hearing (in extenuating circumstances, and with the approval of ODPM this deadline may be extended by a further 5 working days) the price will decrease by £200. • <p>1.1 The cost could further increase if a fourth member of the Panel is required because more than one medical condition is involved. Each additional member would cost £570.</p>	<p>This differs from the current cost of an appeal, which is £3,500.</p>

<p>Postponement/cancellation charges (not at BUPA Wellness' request) will be as follows: (please note that a working day is defined as Monday to Friday inclusive, excluding public holidays.)</p> <ul style="list-style-type: none"> • 1 working days' notice - £4,200. • 2 working days' notice - £3,800. • 3 working days' notice - £3,500. • 4/10 working days' notice - £2,500. <p>Only in exceptional circumstances will appeal dates be postponed. If the appellant asks for a postponement/cancellation within the periods shown above, he/she could be asked to pay the above charges. Fire Authorities will always be expected to attend hearing dates.</p>	<p>The postponement and cancellation charges differ from current arrangements.</p>
<p>Archiving of Appeals heard by BUPA</p> <p>BUPA Wellness will retain papers relating to any appeal for 12 months after completion of the report and will then destroy the medical records that have been sent to them.</p>	<p>This differs from current practice where BUPA Wellness has archived all records. The medical evidence in these records will now be destroyed.</p>

4. BUPA Wellness will issue Evaluation Sheets to appellants and fire authorities attending appeals seeking views about how satisfied participants were with the process. ODPM will also issue a separate Evaluation Sheet in a sample of cases. The results of both evaluations will form the basis of formal quarterly meetings that ODPM and this Agency will hold with BUPA Wellness.
5. BUPA Wellness has also agreed under the new contract to identify any points in the course of processing an appeal that might have implications for other brigades. These will be reviewed at the Quarterly meetings and where appropriate will be reported through Fire Service Circulars. The aim is to share information that may be of general benefit to firefighters and the Fire Service as a whole. Neither appellants nor fire authorities will be identified in the Circulars.
6. Fire Authorities are reminded that the Appeal Reports that BUPA Wellness produce are Confidential. They should only be seen on a 'need to know' basis.
7. ODPM and this agency will report on its monitoring of the contract through Fire Service Circulars on a regular basis.

Yours faithfully

Jim Preston

THE FIREMEN'S PENSION SCHEME ORDER 1992
Rule H2: Consent for Application for Release of Personal Medical Information

First read the other side of this form, then provide the following details and complete the declaration:

Surname **Mr/Mrs/ Miss/Ms/Other**

First Name(s) **Date of birth**

Job Title

Address.....

.....

Home telephone no...... **Mobile no.**

Full name and address of your family doctor (GP):

.....

.....

..... **Telephone No.**

Full name and address of your hospital specialist:

.....

.....

.....

..... **Telephone No.**

Your hospital registration number

.....

DECLARATION

I declare that I –

(a) (i) consent (ii) do not consent

to access to the medical information as detailed on the other side of this form, and

(b) (i) wish (ii) do not wish

to see the medical information before it is sent.

Signature **Date**

.....

H2 – Consent for Application for Release of Medical Records and Information: page 1

This form records your formal consent to:

The Fire Authority (Brigade Medical Adviser / Occupational Health) –

- **releasing a copy of your Occupational Health record. The information will be passed on (in sealed envelopes) to The Office of the Deputy Prime Minister for forwarding to BUPA Occupational Health Pensions Unit for the purposes of the Appeal. ***
- **obtaining medical information from your doctor(s) requesting either a copy of your medical records and, on occasion, a medical report on you. (The doctor will usually be your family doctor but this could also mean your hospital doctor or specialist.) This information will be passed on (in sealed envelopes) to The Office of the Deputy Prime Minister for forwarding to BUPA Occupational Health Pensions Unit for the purposes of the Appeal. ***

BUPA Occupational Health Pensions Unit –

- writing to your doctor(s) (if not provided above) requesting either a copy of your medical records or a medical report on you. (The doctor will usually be your family doctor but this could also mean your hospital doctor or specialist.) *
- sharing the information in these records / reports with Appeal Board members.
- submitting a report on completion of your Appeal to The Office of the Deputy Prime Minister for forwarding to yourself and your Fire Authority which will include relevant medical details and occupational history.
- retaining the medical information from the Brigade Medical Adviser / Occupational Health and your doctor(s) for a minimum of a year.

*Under the terms of the Medical Reports Act 1988 and the Data Protection Act 1988 you have the following rights:

- You can refuse to give consent if you wish.
- If you do give consent you have the right, if you wish, to see the medical information detailed above before it is sent to the person that has requested it.
- If you want to see the medical information before it is sent (note that the Fire Authority/BUPA will provide you with copies of all medical information submitted for the appeal after it has been sent) you must make this request of the relevant sender within 21 days of the date on which the information is requested. (You will comply with this deadline if you tick part (b)(i) of the Declaration overleaf.) If you do not meet this 21 day deadline (or you tick part (b)(ii) of the Declaration) the report will automatically be sent to the person that requested it (provided you have given consent).
- If you just want to see the information it will cost you nothing, but the provider of the information may charge you a fee if you want a copy to keep.
- Within the same period of 21 days, when you have seen the medical information you have the right to withdraw your consent to it being sent, if you wish.
- If you consider any of the medical information to be incorrect or misleading you can ask for it to be amended. You must do this in writing, again within the same period of 21 days. If the doctor does not agree that the information is incorrect or misleading he/she does not have to make amendments. Instead you will be invited to prepare a written statement giving your views of the disputed information. That statement will be included when the medical information is sent to the person that requested it.
- You will continue to have a right of access to the medical information for up to 6 months after it has been sent. (In fact copies of all medical information received as part of the appeal process will be sent to you automatically by the Fire Authority/Board.)
- The doctor has the right to withhold from you any information which he/she considers may cause serious harm to your physical or mental health. In some cases the doctor may allow you to see only part of the report.
- Your personal data will be processed fairly and securely in accordance with the Data Protection Act 1988.

H2 – Consent for Application for Release of Medical Records and Information: page 2