



## SCOTTISH PUBLIC PENSIONS AGENCY

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### **POLICE PENSIONS CIRCULAR No 2004/2**

- 1. AMENDMENTS TO TIMELIMITS FOR INJURY ON DUTY AND DEGREE OF DISABLEMENT APPEALS**
- 2. ADDITIONAL LOCATION FOR ILL HEALTH/INJURY APPEALS**
- 3. MISCELLANEOUS**

**This circular should be brought to the attention of pension and personnel managers and staff who are responsible for the administration of the Police Pensions Scheme (PPS).**

#### **1. AMENDMENTS TO THE TIMELIMITS FOR APPEAL FOR INJURY ON DUTY AND DEGREE OF DISABLEMENT APPEALS.**

SPPA circulars 2003/3 and 2003/4 identified the change in both ill-health management and appeals made against decisions covering ill-health and injury awards. At the time the changes were introduced it was intended to leave the original timelimit of 14 days for appeals made against a decision of the Selected Medical Practitioner (SMP) under regulation H1 (2) (c) (d) (injury on duty and degree of disablement) pending a review of injury awards.

The Home Office have aligned the appeal timelimits for injury award appeals with those made against permanent disablement decisions so that all appeals made under H2 are now subject to 28 days. This change also means that in making any appeal under H2 an officer will now have to include their grounds of appeal which was originally restricted to appeals made against SMP decisions under H1 (a) and (b) (permanent disablement). It is proposed to introduce these changes for forces in Scotland.

The Home Office have also decided to replace the SMP certificate in relation to injury and degree of disablement cases with a report. However, at this stage it is our intention to continue with the use of a certificate in these cases. This may help to highlight the majority of cases where the FMA can act as SMP as outlined in SPPA circular 2003/6 and 2004/1.

#### **What action needs to be taken?**

Amendments to Regulations H2 and Schedule H will be required and these will be drafted and

included with other changes planned for the Police Pension Regulations for consultation as soon as possible.

In the meantime the following changes should be introduced administratively until the necessary regulatory changes come into force.

- a. An officer must be given a copy of the SMP certificate without the need to request it.
- b. On receipt of the SMP's certificate an officer will have 28 days to make an appeal. This timelimit may still be extended at the discretion of the police authority.
- c. The appeal notification must include the officer's grounds of appeal in all cases.

The appeal notification form issued with SPPA circular 2003/4 has been amended to take into account this change and is at annex A. The form has been further amended to establish exactly what question the appeal is being made against. Although this information should be clear from the accompanying evidence BUPA Wellness, who will provide the medical boards for appeals, have requested that the specific question under appeal is identified by the appellant to ensure there is no doubt from any of the parties involved.

To date SPPA have only received two appeals under the new procedures introduced from 1 October 2003. Both cases are awaiting the necessary documentation outlined in SPPA circular 2003/4 before they can proceed. If appeals have been made against injury or degree of disablement decisions can police authority staff responsible for the appeals ensure that the grounds of appeal are included in the appeal notification form before issue to SPPA with all the required documents.

## **2. ADDITIONAL LOCATION FOR ILL HEALTH/INJURY APPEALS**

BUPA Wellness has confirmed that it has now acquired an additional site in Scotland for appeal hearings. The address is Abermed Industrial Doctors Ltd, 56 Carden Place, Aberdeen AB10 1UP. The attached amended appeal notification form at annex A takes this additional venue into account. This additional venue should be brought to the attention of officers who may have already submitted an appeal to the police authority which has not yet been passed to the SPPA.

## **3. MISCELLANEOUS**

A query was recently raised regarding the timing of reviews of injury awards under Regulation K2. Although the regulations provide for a date when review on ill-health awards will no longer be required (Regulation K1 (b) and (c)), this is not the case for the review of injury awards. Police authorities have a duty to keep all injury pensions under review at such intervals as they consider appropriate, including where the former officer reaches and passes compulsory retirement age.

However following a survey undertaken by the Home Office it would appear that there is a wide variation in how police forces address the question of review once an officer reaches the relevant compulsory retirement age. As a result the Home Office are in the process of preparing guidance on this particular matter for consideration by the PNB. Once agreed, the guidance will be issued later in the year.

Yours faithfully



Jim Preston

APPEAL FORM 1

THE POLICE PENSION SCHEME REGULATIONS 1987
Appeal against opinion on a medical issue
Police Officer's Notice of Appeal

To the Chief Police Officer, ..... Police Authority

Complete both sides of the form starting with this side. If there is insufficient room for any of the information required, continue the details on to an additional piece of paper and attach to this form.

1. I wish to appeal to the Board of Medical Referees, under Regulation H2 of the Police Pension Scheme, against the medical practitioner's decision. Please clearly state what specific decision you are appealing against and the date it was given

.....

2. The reasons or grounds for my appeal are as follows - This section must be completed.

.....

.....

Set out above the reasons why you disagree (a brief explanation is only required) with the medical opinion, including any factual issues which you wish to raise in support of your appeal. If you are unable to provide this information immediately do not delay sending this form. You must provide the reasons within 28 days of your appeal being made with the police authority or for a longer period at the discretion of the police authority.

3. I attach the following supporting documents -

.....

.....

.....

4. The following specialists have treated me for the condition in question -

.....

.....

Give the names of any specialists that have treated you for your medical condition - this is to avoid such a person being appointed to the Board for the appeal hearing

5. I have/have not served with the British Transport Police or the Ministry of Defence Police. Please delete inappropriate word(s). If you have served in either service before please state which one. (This will ensure that any doctor who may have dealt with you in this service is not appointed to the board).

6. The dates when neither my representatives nor I would be able to attend a hearing in 2 to 4 months' time are as follows -

Example: if the appeal is submitted on, say, 15 April you should record dates during the period 15 June to 14 August when you and your representatives would not be able to attend a hearing.

Now complete the other side of this form

***Read and complete the other side of this form first***

**Complete the following only if you prefer the venue for the appeal not to be the nearest to police headquarters:**

6. I understand that the appeal is likely to be heard at the venue nearest to Police headquarters. However I have a preference for the venue indicated below. The reason why it would be more suitable is as follows –

.....  
.....  
.....

Tick the venue you consider to be the most suitable –

- Edinburgh:  
BUPA Murrayfield Hospital, 122 Costorphine Road, Edinburgh EH12 6UD
- Glasgow:  
Nuffield Hospital, Beaconsfield Road Glasgow G12
- Aberdeen  
Abermed Industrial Doctors Ltd  
56 Carden Place  
Aberdeen AB10 1UP

There are other UK (outwith Scotland) venues that may be considered in exceptional circumstances.

**I have attached my signed and dated Consent Form for the application for release of personal medical information**

Signature ..... Date .....

**Complete the following details in block capitals –**

Full name .....

Rank ..... Police number .....

Address .....

Home telephone number ..... Mobile telephone number .....  
contact e-mail address.....

Details of Representative:

Name..... Organisation.....

Address.....

Telephone number..... E-mail address.....