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The Chief Executives, Fife Council and Dumfries & Galloway
Council
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Our ref: POL/06/01/01;
POL/18/06/00

20 March 2009

Dear Colleague

**POLICE PENSIONS CIRCULAR No 2009/3
THE POLICE PENSIONS SCHEME MEDICAL APPEALS. CHANGE IN PROCEDURES
REGARDING APPEAL SUBMISSIONS TO THE BOARD**

This circular should be brought to the immediate attention of HR, Legal staff and administrators of the Police Pension Scheme who are responsible for police medical appeals. As copy is automatically issued to the Scottish Police Federation.

Police Pensions Circular 2008/4 outlined details of the new contractor Health Management Limited (HML) and incorrectly outlined that there were no significant changes to the procedures or legislation as a result of HML's appointment. This is to confirm that the following changes are applicable and were outlined at a seminar held last week for both police authority and Scottish Federation representatives.

The changes are:

- Submissions to the board must be made no later than 35 days before the hearing date (previously no less than 10 working days)
- Responses to submissions no later than 7 days before the hearing (previously no less than 5 working days)

As a result there will be changes necessary to both the pension and injury benefit regulations to reflect the new timescales. These changes will be made with the next

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planned amendment to the scheme which is expected to be issued for consultation shortly. Although some authorities will already be aware of these revised timescales they will be applied with immediate effect.

At the current time 4 appeals have been sent to HML from Scottish forces and to date one case is scheduled to be heard this month. The 35 and 7 day time limits will apply to the other 3 cases (and all subsequent appeals submitted to HML) when a hearing date is agreed.

The question of whether legal representation was necessary at medical appeal hearings was discussed at last week's seminar which included both Police Authority and Federation representatives. The benefits for this change were acknowledged by both parties and it was agreed in principle that the use of legal representation will be restricted to exceptional cases and will apply with immediate effect. It is intended that this change should be subject to a 12 month review to ensure that any concerns raised by either side can be fully addressed. This change supports the PNB guidance that neither party to the appeal should need legal representation at the hearing and that any legal points should have been put to the board in writing in advance of the hearing.

The SPPA Guidance on Medical Appeals has obsolete references both to the timelimits on submissions and references to BUPA the previous contractor. A link has now been put on to the SPPA website to the Home Office guidance which has been updated to reflect HML as the new contractor. Although there are just a few mainly cosmetic changes required to the guidance we will aim to have a Scottish version put onto the SPPA website. In the meantime if you have any queries on this guidance please contact SPPA.

HML have also confirmed that venues for hearings will now include Perth in addition to the original venues of Glasgow, Edinburgh and Aberdeen.

Although police authorities may already be aware the Pension and Injury Benefit regulations provide that a medical authority (i.e. the SMP or Medical Appeal Board) can be asked to look at their/its decision again where both the police authority and officer are in agreement that such a request should be made. Such a request is without prejudice to any further action that either side may choose to take but may help in avoiding the need for either an appeal or a judicial review. The key condition is that both parties must be in agreement to such a referral.

Finally although appeals are no longer sent via SPPA copies of the non medical documents (i.e. not those in a sealed envelope) should also be copied to SPPA when sending the documents to HML.

If you have any queries on the information provided in this circular then please contact SPPA.

Yours sincerely



Jim Preston