



SCOTTISH PUBLIC PENSIONS AGENCY

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Dear Sir or Madam

POLICE PENSIONS CIRCULAR No 2003/4

1 This circular follows on from the guidance given under SPPA circular 2003/3 issued on 30 May and outlines details of the revised appeals system and the changes required for the administration of appeals from 1 October. The necessary amendments to the Police Pensions Regulations, to introduce a board of medical referees, are now being finalised to come into force from 1 October.

The new procedures reflect part of the agreement reached by the Police Negotiating Board in May 2002 relating to the introduction of a medical board of referees.

It should be brought to the immediate attention of force personnel officers, force medical practitioners and the administrators of the Police Pension Scheme.

BACKGROUND

2 The PNB Agreement of 9 May 2002 Appendix G states that:

14 A fair and transparent system of medical retirement needs to be underpinned by a robust appeals system. The Police Pensions Regulations will therefore be amended so that medical referees appointed by the Home Office* are replaced by boards drawn from panels of medical practitioners (similar to the arrangements now in place in the fire service). The appellant may be required to bear the costs in the case of a vexatious or frivolous appeal.

15 The Police Pensions Regulations will be amended to provide for further measures to improve procedures and limit appeal cases where there are genuine differences of opinion:

- in addition to the current provisions for giving notice of appeal, for which there will now be a 28 day limit, there will be a requirement for the appellant to give a written statement of grounds for appeal within a further 28 days. These limits may be extended at the discretion of the police authority.
- The police authority and the appellant will have the opportunity to agree to an internal review of the SMP's decision in the light of the officers grounds of appeal, without prejudice to the formal right of appeal.

* SPPA in Scotland

- 3 SPPA circular 2003/3 Part E outlined that the service provider for police medical appeals will be BUPA Wellness for appeals made from 1 October. The circular also confirmed that the fixed cost (payable by the police authority) for each appeal will £4,200 with the exception where specified timescales are not met. These are that BUPA Wellness must complete an appeal within 16 weeks of receipt of all the required papers and provide its report within 10 working days (this can be extended with SPPA's approval to 15 working days). A reduction of £200 will be made for each target not met so where both targets are not met the fee for BUPA Wellness' services will be reduced by £400.

Action required for appeals received from 1 October.

- 4 The procedures that police authorities will need to follow from 1 October are detailed in the attached guidance. You will note that this commences from paragraph 55 as it continues on from the guidance issued under SPPA 200/3 on the introduction of changes to the management of ill-health. Although it will be a lengthy document it is strongly recommend that both documents are combined to create one ill health management/appeals procedure guidance.
- 5 The new procedures are set out in full in the attached guidance but the following are suggested as the key action points:
- An officer (hereafter called the appellant) receives the report of SMP and lodges an appeal. Police authority acknowledges receipt, requests completion of Police Officer's Notice of Appeal form (see appendix D of attached guidance) and remind the appellant that the form should be returned within 28 days of lodging the appeal. (**guidance paras 32-34, and 55 refer**).
 - Consider if, in agreement with the appellant, there are grounds for referring back to the SMP for reconsideration. (**paras 35 and 56**).

- If there is no internal review or a review does not produce a new decision the police authority should gather all the necessary information that will be required by the appeal board to allow an appeal to be heard. This includes copies of the police authority's decision, the notice of appeal, the SMP's report and the full medical records. It should also include copies of the appellants consent for the release of his medical records. All the necessary documentation should be submitted to Dorothy Hamilton at the SPPA. Failure to include any necessary document(s) will result in delay in the appeal being submitted to BUPA Wellness. **(A full list of all the documentation required is at paras 60 to 61 and 64-65).**
 - The information provided will allow BUPA Wellness to consider preferences on the location of the hearing, ensure that any doctor appointed to the board has not been involved in the appellant's medical history and to avoid any dates where each party has stated they will not be available. BUPA Wellness will notify each party of the date selected for the hearing and will require both parties to confirm in writing acceptance of the date and details of those person(s) intending to attend **(paras 69-71).**
 - Changes to the Regulations will be in place from 1 October that prescribe timelimits for all submissions (no later than 10 working days before the hearing date) and responses to submissions (no later than 5 working days before the hearing date) to be made to the board. A working day excludes weekends and public holidays. The reasoning for this change is to avoid either party making very late submissions/responses that could result in costs being incurred for consequential adjournments **(paras 72-73).**
 - Attendance at the hearing for both parties **(paras 78-84)**
 - Costs. There is a significant increase in the costs when compared to the current charges made by single medical referees. The introduction of medical boards should see more professional and robust decisions being given and therefore the increase in costs should be viewed against the overall aim of the better management of ill health. Although responsibility for the payment of BUPA Wellness' fees rests with the police authority discretion has been introduced for the police authority to seek part or all of the fees incurred due to a late withdrawal or adjournment that was the result of the appellant's action or inaction. **(paras 93 to 99)**
- 6** The changes outlined both in the attached guidance and SPPA 2003/3 will need considerable preparation if the introduction is to be smoothly achieved. The attached guidance adds to that already issued under SPPA 2003/3 on 30 May with the specific aim of allowing sufficient preparation time. However, if there are any queries reading the guidance issued as a whole then either myself 01896 893223 or my colleague Dorothy Hamilton 01896 893224 can be contacted for help and advice.

This is a continuation of the guidance on ill-health issued under SPPA Circular 2003/3 and should be read in conjunction with that guidance

54. Regulation H2 provides for a right of appeal where a person is dissatisfied with any part of the decision of the selected medical practitioner (SMP) as set out in his or her report under regulation H1. An appeal will be heard by a board of medical referees (more information about this is given below). Details of how the officer (hereafter called the appellant) is required to give notice of an appeal and to state the grounds of appeal are set out in paragraphs 32 to 34 of the guidance on ill-health management sent out under SPPA Circular 2003/3. The purpose of the appeal board is to determine a medical appeal in a fair, orderly and authoritative way, with both parties given the opportunity at the hearing to put their case fully and to answer each other's points. Although the hearing will be conducted without too much formality or the need for legal representation, both parties will be required to have provided prior written submissions setting out the key points of their case in order to minimise the need for adjournments - given the cost and delay otherwise involved.

Grounds of appeal

55. On receipt of a notice of appeal the police authority should confirm receipt and provide the appellant with forms to use for stating the grounds of the appeal and to provide the following :

- the name of any specialist who has previously treated the appellant for the condition in question; this is to avoid such a person being appointed to the board for the appeal hearing;
- if the officer has previously served in either the British Transport Police or Ministry of Defence Police; this is to avoid any doctor who may have seen the officer in the previous service being appointed to the board.
- his or her written consent (solely for use in connection with determining the appeal) for the release of the Occupational Health file, together with any other records released to the SMP, for use by the board that will consider the appeal; and
- confirmation, where consent for the release of the OH file is given, whether he or she wishes to receive a copy of any such records.
- his or her current home address,
- name and address of any representatives he will be using for his appeal,
- confirmation where correspondence for the appeal should be sent including if possible a contact telephone number and
- dates within the next 2-4 months where he and/or his representatives will not be available.

Templates for this use are at Annex D. On receipt of the statement of grounds of appeal the police authority should check whether there is scope for offering the appellant an internal review of the case under regulation H3. Such a review may help to avoid an unnecessary appeal, but would be without prejudice to the appellant's appeal proceeding if the issue could not be resolved – see paragraph 35 above.

New medical evidence

56. If the appellant refers in the grounds of appeal to medical evidence unknown to the SMP, he or she should be asked to produce the relevant medical report or opinion for the SMP so that, if both parties agree, the SMP's decision may be reviewed in the light of this under regulation H3.

57. If an internal review under H3 is agreed and the SMP requires further medical details to consider the issue fully, the appellant should be asked for consent to any records which are relevant being released to the SMP and, where appropriate, being added to the OH file. (Some records, which do not relate to an appellant's service in the force, may not be suitable for the OH file, but should be seen by the SMP and, if the appeal proceeds, the appeal board.) The police authority will bear the reasonable expenses involved in obtaining those records.

Preparation of medical documents for appeal

58. Where there is no internal review of the SMP's decision under H3, or where such a review produces no new decision, the police authority will proceed with the dispatch of the appeal documents as soon as possible. Where a review has been undertaken under H3 the police authority should confirm with the appellant that the contact address(es) are still correct and request an update of the confirmed dates of the appellants/representatives unavailability for the following 2-4 months if necessary.

59. It will be for the board chair to arrange as necessary to seek any additional information which will also be covered by the appellant's consent form.

Documents required by the Appeal Board

60. The police authority will send to the designated contact point at the SPPA the following –

- 2 copies of the police authority's award decision letter.
- 2 copies of the appellant's notice of appeal Appeal form 1 Annex D (with attached Consent for Release of Medical Records Appeal form 2 Annex D).
- 2 copies of the medical opinion with which the appellant is dissatisfied either the Selected Medical Practitioners report or a certificate issued under H1 (2) (c) or (d).
- In appeals against H1 (2) (a) or (b) 2 copies of the appellant's written grounds of appeal.
- 2 copies of the Appeal form 3 Annex D – Appeal Notification from Police Authority to SPPA. see paragraph 62
- 2 Copies of the Appeal form 4 Annex D – Documents Form.
- The complete GP record (3 copies for the Board of Medical Referees). (It is anticipated that in making the decision under appeal that this would have already been obtained. If not the full record must be supplied as detailed).
- The complete record from the 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 police authority relevant to the appeal (3 copies for the Board of Medical Referees).

These documents should be itemised on referral to SPPA. A template form Appeal form 4 for this use is at appendix D. All documents should be sent to the SPPA as soon as possible to ensure that the information regarding the appellant's availability etc is as up to date as possible.

61. The appeal notification should include:

- details of the appellant's full name, date of birth and current address; (obtained under paragraph 58)
- a statement whether correspondence should be sent to the appellant or to a representative and the contact address, and telephone number if available, for the purpose of communications about the appeal. (Except in the case of a legal representative or a representative acting under power of attorney, the appellant should provide written consent to the representative acting on his or her behalf for this purpose.) The appellant or representative must notify the police authority and the appeal board of any subsequent change of contact details; (obtained under paragraph 58)
- details giving the name of any specialist who has previously treated the appellant for the condition in question;(included in the notice of appeal)
- the name of a contact person in the OH Department to whom enquiries about obtaining medical records can be made by the appeal board chair;
- whether the SMP wishes to attend – or an indication of when this information can be given;
- the name and status of any person or persons wishing to attend on behalf of the police authority – or an indication of when this information can be given;
- Both the police authority and the appellants confirming dates when they will not be available for appeal hearings for a period between 2 to 4 months from the date of the submission of papers. (This will allow the board to immediately exclude any known unsuitable dates). (A template for appeal notifications Appeal form 3 is at Annex D.)
- SPPA will send to the appellant a copy of the list of forms and copies of the medical records provided by the police authority.

62. Each party will be required to send their submission and any supporting documents to the board chair, copied to the other party and the SPPA no less than 10 working days before the hearing. Although this is the very latest date, both the police authority and appellant should aim to provide their submissions as soon as possible to allow adequate time for a response to be made if applicable. The very latest a response can be made by either party to a submission is no less than 5 working days. Working days are days excluding Saturday and Sunday and public holidays. The introduction of these timelimits should reduce the need for adjournments due to late submissions of evidence or responses to submissions and the costs involved.

63. If at any stage of an appeal, an appellant or a police authority does not understand the nature of the other's case then every effort should be made to resolve the matter in correspondence between the parties. Any party sending such correspondence should copy it to the board and SPPA. Both parties should be mindful of the costs involved in late postponements, withdrawals and adjournments.

Despatch of medical documents

64. Where the appellant has given the necessary consent, SPPA will refer all medical records as provided by the police authority to BUPA Wellness for the attention of the board selected to hear the appeal.

65. An appellant's decision to withhold written consent for disclosure of the medical information held on the OH file will be notified to the appeal board. The appellant should understand that withholding consent for the release of relevant medical information will, at the very least, make the board feel at a disadvantage in being able to decide the appeal and may even lead the board to conclude that the appellant is concealing information detrimental to his or her case. It is possible that any gaps in the medical evidence will be filled by the detailed medical examination, and questions asked of the appellant at the appeal hearing. However, unless the board can be satisfied that it has all the information from the appellant that it needs in order to make a fully informed decision, the board will dismiss the appeal.

Location of hearing

66. Suitable venues to hear appeals are currently based in Edinburgh and Glasgow. BUPA Wellness is investigating the possibility of obtaining another suitable venue in Scotland. Appeals will normally be heard at the location in or nearest to the force area. But appellants will be able to say if they prefer another area (perhaps for ease of travelling). Police authorities will be able to raise reasonable objections to this. Efforts will be made to meet any preferences 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.

67. The board of Medical Referees will consist of at least 3 members as follows –

- Chair: a Consultant Physician who is a fellow or member of the faculty of Occupational Medicine.
- Second member: a Consultant Physician who is at least an Associate Member of the Faculty of Occupational Medicine.
- Third member: a Consultant Physician with the relevant medical expertise pertaining to the particular medical condition on which the appeal is based.

68. Where an appeal relates to more than one medical condition, a specialist who is able to deal with each condition will be appointed to the board. Where more than one specialist is required if more than one condition is under consideration then the relevant number of specialist will be appointed which will add to the overall cost of the appeal.

The Chairman has a second or casting vote if a decision cannot be reached because of equal voting among members of the board.

Arrangements for the hearing

69. The appeal board will notify both parties in writing of the date, time and place of the appeal hearing. The notification will give at least 2 months' notice of the hearing date and will include all relevant details about the venue and the arrangements for attending the hearing. An address at which the board can be contacted in advance of the hearing will also be given. The notification will also give the names of the board members in order to ensure the independence of the board and provide a brief background of the procedures followed by medical boards. It is important that the board Chair should be notified immediately if either the appellant or the police authority is aware that any of the nominated members have been involved previously with the case or there is any other reason why the member should not decide the appeal. However, this occurrence should be avoided by the appellants earlier confirmation of appeal details (see para 55 above).

70. The notification sent to each party will include a reply form for each to use to confirm that they have noted the date and whether they can attend. The reply form will also confirm that each party has read and understood the costs that may be incurred in the event of postponing, withdrawing (and thereby leading to the hearing being cancelled) or failure to attend the hearing, once the date has been set. Unless both parties to the appeal agree there are quite exceptional circumstances, the board will require the appellant to attend in order that he or she may be both interviewed and medically examined.

71. The appellant and the police authority should each confirm with the board in writing, whether or not they will be attending the hearing. Where despite an attempt by the board to do so, an agreed time and place cannot be set, the board will set a date and ensure that each party receives a copy of the notification, with the fact and time of delivery recorded and with the appellant taking personal receipt.

Submission of written evidence

72. The revision of Schedule H of the Police Pension outlines the terms for written evidence. For the purpose of medical appeals evidence includes submissions or representations provided by either party in support of their case, whether medical or non-medical, as well as any supporting medical or non-medical reports and records.

73. The notification referred to in paragraph 69 above will also inform each party that a statement of the case together with any supporting written evidence must be provided to the board and the other party no less than 10 working days prior to the hearing date. Any response by the other party to that statement may be submitted to the board and the first party at any time up to not less than 5 working days before the hearing date. The notification will also point out that if any new evidence is submitted outwith these timelimits that there is a risk that that party will bear the costs of the adjournment, if necessary, as a result of the late submission/response. In each case the board should

specify the dates concerned so that both parties have a common understanding of the deadlines involved.

Request for postponement

74. If, after a hearing date has been fixed, a party seeks a postponement, a request should be made in writing to the board chair and copied to the other party, giving reasons for the request. The board chair will consider the request and decide whether to grant a postponement. Where a hearing has to be postponed, the board will, where possible, arrange a new date for the hearing which is suitable to both parties or, where this is not possible, set a date giving both parties at least two months' notice, as set out in paragraph 69 above. Where a hearing is postponed after a request made with 10 working days or less notice of the date of hearing the appropriate fees will be due to the board. In the majority of cases the fees will be the responsibility of the police authority. However, where the appellant's request for a postponement has resulted in a fee being due, then the police authority will have the discretion to seek part or all of the fees from the appellant. The police authority will be required to establish the reason(s) for postponement and if this was outside the appellant's control or if there were exceptional reasons. Exceptional circumstances would cover for example-

- In the event of illness supported by a medical certificate
- Requirement to attend a Court hearing or
- In the case of a family bereavement (close family)

This is not an exhaustive list and the decision on what can be reasonably accepted as "exceptional circumstances" will be for the police authority to determine. For the fees involved see paragraphs 98-99 below.

Failure to attend

75. If either party fails to attend, the board will decide how to proceed. Where the police authority representative fails to attend without good reason but the appellant is present, it is likely that the board will proceed to hear the appeal in that representative's absence.

76. Where the appellant fails to attend, the board may either offer the appellant another opportunity to attend, by adjourning the case, or deem the appeal to be withdrawn. Regulation H4 (b) provides that an appeal shall be deemed to be withdrawn where the appellant wilfully or negligently fails to submit himself to such medical examination or to such interviews as the medical authority determining the appeal may consider necessary. – See paragraphs 98-99 below.

Withdrawal from appeal

77. Where a party withdraws from the appeal, the other party is deemed to have won the appeal. Where withdrawal was with 10 working days or less notice before the hearing date and a fee is incurred for the board, the fees will be paid by the police authority. However, where the appellant has sought the withdrawal which has resulted in a fee being due then the police authority will have the discretion to seek part or all of the fees from the appellant – see paragraphs 74 above and 98-99 below.

Attendance of representatives at hearing

78. As paragraph 76 above makes clear, the presumption is that the appellant is required to attend. If the appellant or the police authority arranges to have others attend each will bear the costs involved, whatever the outcome. Although there is not the same degree of necessity, it will be helpful if the SMP also attends. It is the SMP's decision which is under appeal and his or her presence will help to ensure that that decision is properly understood by the appeal board. Neither the board nor either party may refuse the appellant or the SMP the right to attend the hearing.

79. The board should allow others to attend as well in order for each party to make their case effectively, provided that the numbers involved do not detract from a properly conducted hearing and provided the board is clear about the status of each person present. The purpose of a board of medical referees is to determine disputed medical issues without the need for formal advocacy or legal argument. In this context "representative" does not imply an advocate as in court proceedings. Although no formal advocacy is required, the appellant (or his or her representative) and the police authority representative will normally be invited to explain their written submissions at the hearing. In addition the appellant, the SMP and others attending as representatives may be required to answer questions which the board may put to them in order to clarify issues and help it reach a decision. All this will be done as informally as possible, consistent with an orderly process which ensures that each party is fairly and equally treated.

80. Those attending a hearing other than the appellant or the SMP will fall into the following categories:

- Medical practitioner appointed by either party to attend in order to deal with medical issues;
- Non-medical representative of either party to present their case and to deal with questions or points the board or the other party may raise.
- Appellant's friend or relative accompanying him or her for moral support.

The board chair will make reasonable efforts to set a date which is suitable for the appellant and the SMP and which also allows each party to have one representative or companion. The board cannot undertake, however, to set a date suitable for other would-be attendees.

Medical practitioners

81. It will be for the police authority to decide whether the attendance of the SMP will be sufficient to ensure that the decision under appeal is effectively represented to the board or whether the FMA or another medical practitioner should appear specifically as its medical representative. If the SMP cannot attend the authority may decide to send the FMA or other medical representative in his or her place. It is open to the appellant to appoint his or her own medical representative as well. Neither the board nor either party may impinge on the right of a medical representative for each party to attend the hearing. Each party should ensure however that the board chair and the other party are given notice of the representative's attendance and of the evidence the representative will give.

The notice given should comply with the time limits set out in paragraph 73 above, depending on whether an original submission or a response is involved.

Other representatives

82. It will be for the appellant to decide whether he or she wants representation at the hearing on any non-medical issues, or whether he or she will deal with them. The police authority also needs to consider its representation. In some cases the SMP or a medical representative may also deal with any non-medical issues on behalf of the police authority, but the authority may consider it preferable for there to be a non-medical representative for that purpose. The board may wish to clarify with the parties any issues which are not within the province of a medical representative. In doing so the board will bear in mind the need for parity of treatment between the parties, with the evidence of one party not treated as inherently more authoritative than that of the other.

83. Because of the nature of the appeal, neither party should need legal representation at the hearing. Legal points can be put to the board in writing in advance of the hearing. If the appellant wishes to bring a friend or relative to provide moral support, the board should establish whether he or she will also act as a spokesperson. It will be in the interests of an orderly hearing to establish beforehand who will be speaking for either party.

84. If either party wishes to bring along a non-medical representative or companion, they should apply to the board chair, stating the name and status of the person as soon as possible, but not later than 14 days before the hearing. Each party should also notify the other of anyone who will be attending as their non-medical representatives. It will be for the board to ensure that numbers are reasonable and fairly balanced and it has discretion to limit the numbers attending and to refuse individuals permission to attend. Normally each party should have no more than one non-medical representative present. Provided a companion for the appellant is not to take part in the proceedings, he or she should normally be allowed to attend the hearing in addition to such a representative. Where the board exceptionally refuses an individual permission to attend it should give the reasons.

Conduct of hearing

85. On arrival, those attending the hearing will be shown to a waiting room until the board members are ready to start the appeal. When the board is ready, a member of the board will escort those attending the hearing to the appeal interview room. Under no circumstances will the board see one party without the other party attending also being present. (This requirement does not, however, confer on a non-medical representative a right to attend a medical examination.)

86. A hearing will normally be as informal as possible, consistent with it being conducted in an orderly and business-like way. It will be for the board to ensure that order is kept. At the start of the hearing, the board chair will confirm with the appellant and the police authority representative in attendance, the medical questions to be decided. The chair will also mention the medical records and factual submissions obtained and

considered by the board in advance of the hearing. The Chair will also refer to any refusal to give consent for release of medical records which the board wanted to see.

87. The board will then give the opportunity to both parties to comment on issues relevant to the appeal and asking for clarification and further information as necessary. The parties will not normally be allowed to submit new evidence at the hearing, but this should not deter them from answering the questions put by the board fully and truthfully. The parties will also be given the opportunity to comment on each other's submissions. However, neither should interrogate the other; any points should be raised via the board.

88. The interview will then be adjourned for the appellant to be medically examined, in a separate examination room. The length of the examination will depend upon the type of medical condition involved. While the examination takes place, any non-medical representatives present for either party will be asked to wait in the reception area or waiting room. The SMP has the right to attend the examination, but only as an observer. The appellant may have one appointed medical representative also in attendance as an observer. In cases where the SMP is not present one medical representative of the police authority may attend the examination as an observer in his or her place.

89. After the examination, the hearing will be re-convened in the interview room. The chair will tell the parties if the board members have any further questions. Both parties will then be given the opportunity to make further comments. Unless, in an exceptional case, a further examination is necessary, the hearing will be concluded and the chair will inform the parties that the Board will discuss the case between themselves and reach a decision on the question(s) before it (see "The decision of the board" below). The medical carried out by the Board will be expected to take 30 to 60 minutes and the whole hearing from start to finish is expected to take 2 to 3 hours.

91. The board will not inform the parties of its decision on the day of the hearing. The board must produce a detailed report of proceedings and its decision on the relevant medical issues and send it to both parties and also to the Scottish Ministers. This should normally be sent within 10 working days of the hearing (or in 15 days in special circumstances, e.g. if more information is required for it to reach a decision or if the consultant member of the board is not available to sign). This decision will be summarised in a form attached to its report.

The decision of the board

92. Regulation H2 (3) states that the medical decision of the board is final, subject to a review under regulation H3. The board must reach a decision on any question it is considering on appeal in clear and unambiguous terms. Where there is room for doubt, the board should reach its decision on the balance of probabilities, making it clear in which way the balance is tipped and why.

Costs

93. The board's fees and expenses will be paid by the police authority with the exception of where fees have been incurred for a late withdrawal, postponement or

adjournment (see paragraphs 73-77) or where the board reports that the appeal was frivolous or vexatious – see paragraphs 96. In these exceptions the police authority can seek recovery of part or all of the fees involved. The full charge for each appeal is on a fixed basis at **£4,200**. However this fee will be reduced by £200 if the board fails to complete the appeal within sixteen weeks of receipt of all the medical evidence and by £200 if the board fails to provide its report within 10 working days (or in exceptional circumstances and with SPPA’s approval, 15 working days). Should the medical issues under appeal require additional members of the board there will be an additional £570 fee for each additional member.

94. Each party to the appeal will need to meet his or her own expenses of attending the hearing. If the appeal is successful, the police authority will refund to the appellant only his or her personal expenses in attending the hearing, where reasonably incurred. There will be no reimbursement of other fees or costs, such as for solicitors, medical or staff association representatives or others such as the appellant’s spouse or partner, or for seeking a further medical opinion. Reasonable travel costs extend to travel within the UK.

95. The only exception to the procedure for paying expenses set out in the paragraph 94 above is where the police authority agrees in advance to pay a retired appellant’s travelling and accommodation costs in excess of what they would have been, had the appeal be held at the location nearest to the appellant’s home, in return for the appellant’s agreement to attending a hearing at a location in or nearest to the force area. In such cases the appellant’s costs may also include such reasonable excess costs of those accompanying him or her as are agreed by the police authority. Any costs agreed under this paragraph will not be recoverable by the police authority, whatever the outcome of the appeal.

96. If the board decides in favour of the police authority, and reports (whether or not at the request of the police authority) that the board’s opinion is that the appeal was frivolous or vexatious the police authority can under paragraph 8(2) of Schedule H require the appellant to meet, either in whole or in part, the board’s fees and expenses.

97. The appellant should keep a record of their expenses together with any receipts, since the police authority may refuse to pay for insufficiently documented costs.

Costs of failure to attend, or of late postponement, adjournment or cancellation

98. Where the appellant is responsible for a hearing being cancelled or postponed with 10 working days or less notice, or for a hearing being adjourned, the police authority may require him or her, to pay a charge, as set out below. (see paragraphs 73-77 above)

1 day’s notice or less (up to 23 hours 59 minutes)	£4,200
2 day’s notice (24 hours up to 47 hours 59 min)	£3,800
3 day’s notice (48 hours up to 71 hours 59minutes)	£3,500
4 to 10 days notice (72 hours up to 239 hours 59 minutes)	£2,500

* A working day is defined as being Monday to Friday inclusive, excluding public holidays

99. Where paragraph 98 applies but the cancellation, postponement or adjournment was outside the appellant's control or that there were exceptional reasons; or there is a cancellation, postponement or adjournment to which paragraph 98 does not apply, the police authority will be required to pay the relevant cancellation charge. In each case the board will state the reasons for the cancellation, postponement or adjournment

Annex D Template forms to use for appeals received from 1 October 2003

Appeal Form 1: This form can be used to capture full details of the appellant and the reasons for his appeal. Once an officer states that he/she wishes to appeal this form should be issued for completion. The officer has 28 days to confirm his/her reasons for appeal.

Appeal Form 2: This confirms the appellant's consent or non-consent for the release of his medical records to the medical board. A consent form must be completed in all cases.

Appeal Form 3: This form can be used to confirm details of the appeal to the SPPA and confirms the documents that must accompany it. Failure to enclose any document(s) will delay the appeal being sent to BUPA Wellness.

Appeal Form 4: This form details all the documents submitted to the SPPA for the appeal.

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 opinion dated –

Give date of opinion

2. The reasons or grounds for my appeal are as follows –(Currently this is only required where you disagree with a decision about your permanent disablement. It is not required where you are only appealing against an injury on duty or degree of disablement decision. However if you wish to give your grounds for appeal in these cases please feel free to do so).

.....
.....

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 (in appeals against permanent disablement decisions) 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

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.....

APPEAL FORM 2

<p style="text-align: center;">THE POLICE PENSION SCHEME 1987 Appeal against opinion on a medical issue Consent for Application for Release of Personal Medical Information</p>
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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

Rank

Address

.....

Home telephone no. Mobile no
contact e-mail address

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*

Consent for Application for Release of Personal Medical Information

This form records your formal consent to:

The Police Authority (Police Medical Adviser / Occupational Health) –

- releasing a copy of your Occupational Health record. The information will be passed on (in sealed envelopes) to The Scottish Public Pensions Agency (SPPA) 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 SPPA 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 SPPA in addition to that provided for yourself and your Police Authority which will include relevant medical details and occupational history.
- retaining the medical information from the Police 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 1998 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 Police 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 Police 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 1998.

APPEAL FORM 3

THE POLICE PENSION SCHEME 1987 Appeal against opinion on a medical issue Appeal Notification from Police Authority to SPPA

To: Police Policy Division
Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

From: Give Police authority's name and address

Date Ref

Name of appellant and rank

Current address.....contact phone number.....

Contact e-mail address.....

Representative name.....Organisation.....

Address.....

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

The above-named gives notice that he/she is appealing to the Board of Medical Referees under Regulation H2 of the Police Pension Scheme 1987, against the decision of the Police Authority dated based on the opinion of their selected medical practitioner, that (states medical issue to be decided in appeal):

.....
.....

I enclose 2 copies of the Documents Form listing all the items relevant to, and submitted in connection with, this appeal. These include –

- Police Authority's award decision letter (2 copies)
- Opinion of medical practitioner (2 copies)
- Appellant's notice of appeal with attached Form of Consent for Application for Release of Personal Medical Information (2 copies)
- The complete record from the General Practitioner (3 copies)
- The complete record from the Police occupational health file, including accident/injury reports where relevant and, in cases where the degree of disablement is to be decided, details which produced the Police Authority's own degree of disablement including details of salary, qualifications, training, etc. (3 copies)
- Original x-ray/scan films where appropriate (mainly orthopaedic cases)
- Complete hospital and specialist records where appropriate (3 copies)
- Other relevant documents used by the authority to consider the appellant's case (3 copies)
- A list of the specialists that have treated the above-named for the condition in question (2 copies)

(All medical documents must be placed in a sealed envelope and marked with the contents)

Appeal Form 3 page 1

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Appeal Notification from Police Authority to SPPA

(Complete if appropriate)

In the Notice of Appeal to Board of Medical Referees, the appellant has given a preference for the appeal to be heard at

.....

rather than at the venue which would be the nearest the Police headquarters which would be –

.....

The Police Authority –

can agree to this

cannot agree to this because:

.....

The SMP wishes to attend the hearing. Yes/No

SMP's contact details: Name..... Address.....

.....

Contact telephone number.....contact e-mail address.....

SMP's unavailability to attend a hearing in 2 to 4 months time (state applicable dates).....

A representative of the police authority wishes to attend the hearing. Yes/No

Contact details: Name..... Organisation name if applicable.....

Address.....

Contact telephone number.....contact e-mail address.....

Police authority representative's unavailability to attend a hearing in 2 to 4 months time (state applicable dates).....

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.

(Complete in all cases)

Signed Date

For (Police Authority)

Contact name at Police Authority:

Position:..... **Telephone no.**

Appeal Form 3 page 2

APPEAL FORM 4

THE POLICE PENSION SCHEME 1987

Appeal against opinion on a medical issue

List of Documents submitted to the SPPA for the Chairman of the Board of Medical Referees

Name and rank of appellant

Enclosed for your attention are copies of the documents/records listed below. All medical documents have been placed in a sealed envelope marked with the contents –

No.	Date	Detail of documentation
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

If necessary, continue the list on to an additional page and attach to this form

Signed Date

For..... (Police Authority)

Contact name

Telephone no. contact e-mail address.....

Address