

Police Federation
Of England and Wales



Ffederasiwn Heddlu
Lloegr a Chymru

Established by Act of Parliament

Federation House, Highbury Drive, Leatherhead, Surrey KT22 7UY
Telephone 01372 352022 Fax 01372 352078
Email GenSec@polfed.org www.polfed.org

FROM THE GENERAL SECRETARY'S OFFICE

IR/sg

17 March 2010

JBB CIRCULAR NO : 009/2010

Dear Colleagues

INJURY AWARDS

The purpose of this Circular is to highlight to JBBs a letter recently sent by the Home Office to Chief Officers and Police Authorities, a copy of which is attached. The letter concerns injury awards and in particular reviews of degree of disablement.

The Home Office gives clear advice to Police Authorities, with one exception, to defer any reviews until after the Court of Appeal has given its decision in the case of Laws which is anticipated in July this year. The exception is where there has been a deterioration in the pensioner's condition.

We would expect Police Authorities to be aware of, and to follow this advice. If the appropriate personnel in your Force/Authority are not aware of the letter you should draw it to their attention. If your Authority continues with reviews despite the advice, please inform Mariam Moollan in the Research Dept: mariam.moollan@polfed.org

Yours sincerely

IAN RENNIE
General Secretary



Home Office

Police Finance & Pensions Unit
Room No: 6th Floor Fry Building, 2 Marsham Street, London SW1P 4DF
Switchboard 0870 000 1585 Fax 0870 336 9011 Direct Line 020 7035 1880
E-mail johnalexander.gilbert@homeoffice.gsi.gov.uk www.homeoffice.gov.uk

Chief Officers England & Wales
Chairs of Police Authorities

Our Ref
Your Ref
Date

10 March 2010

Dear Colleague

INJURY PENSION REVIEWS

As announced in September by the Policing Minister, David Hanson, the Home Office has been conducting a review of the Home Office Guidance (within HO Circular 46/2004) on police authorities exercising their duty to review police injury awards, particularly where former officers reach age 65.

Good progress has been made on the review of this guidance and it is intended that this should result in revised and expanded guidance being published in due course. However, further development of revised guidance is currently constrained by the fact that a legal issue, which is central to the final shape the guidance will take, is currently awaiting the decision of the Court of Appeal.

The matter in dispute before the Court of Appeal relates to the scope of the factors that may legitimately be taken into account when reviewing an injury pension. It appears to us that this is such a fundamental issue that any further decisions by a medical authority (whether the selected medical practitioner or the Police Medical Appeal Board) are highly likely to be challenged by one party or the other until such time as the Court of Appeal has decided the point. While we are not revoking the existing guidance we recognise the need for interim guidance to tide forces over until the outcome of the Court of Appeal case is known. We currently expect a determination in July. What follows is our interim guidance.

The decision whether and when to review the injury pension of a former officer lies with the police authority. With one exception we therefore advise police authorities to defer any planned reviews until the Court of Appeal has made its decision. The exception is any case involving deterioration in a medical condition, either where an individual requests a review on those grounds or where the police authority is already aware of such a situation.

Where an individual seeks a review not on the basis of a change in his or her condition but on the basis of a change in the case law, it is suggested that the police authority should decline the request but undertake to consider it further once the legal position has been

clarified. The police authority should make it clear in its written response that a commitment to reconsider a case once the legal position has been clarified does not necessarily mean that the request will be agreed, since the decision will be taken in the light of all the circumstances at the time.

If you or your practitioners involved in managing these cases have any questions, please contact me, or :Peter Spreadbury (Senior Policy Adviser, Police Pensions Team) (peter.spreadbury@homeoffice.gsi.gov.uk (020 7035 1893) or: Sara Alderman (Policy Adviser, Police Pensions Team): sara.alderman@homeoffice.gsi.gov.uk (020 7035 1882)

Yours sincerely

A handwritten signature in black ink that reads "John Gilbert". The signature is written in a cursive style with a large initial 'J'.

John Gilbert
Head of Police Pensions Section