

# Pensions



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## Purpose of guidance

1. Since 6 April 2006 there has been a new Police Pension Scheme in place for new entrants, the provisions of which are set out in the Police Pensions Regulations 2006. New entrants and those who opted out and now wish to opt back in can only be members of the new scheme. Therefore, this guidance applies only to the new Police Pension Scheme 2006, which for brevity shall be referred to as the Police Pension Scheme in the rest of this document. The intention of this guidance is to inform and advise recruiters, force managers, pensions administrators, police authorities, occupational health staff and safety and welfare staff, including force medical advisers (FMAs) and selected medical practitioners (SMPs), in their dealings with disabled recruits to the Police Service. It should be read in conjunction with the guidance on recruitment.

## Outline of provisions in the Police Pension Scheme

2. Individuals whose pensions costs are likely to be disproportionately high due to their risk of early retirement on the grounds of ill-health are excluded from all ill-health benefits under the Police Pension Scheme, whether related to a disability under the Disability Discrimination Act (DDA) or not. However, the pension contributions of this excluded group are also reduced.
3. The Government Actuary's Department (GAD) has produced reference tables for use in the health screening of new entrants to the scheme. These tables are used by the police authority in conjunction with a report issued by a medical practitioner selected by the authority. This enables the police authority to identify those individuals for whom the cost of providing scheme benefits as a whole, including those for ill-health, is expected to be more than 50 per cent greater than for the comparable officer in the same age group who has no identified risk of early retirement on the grounds of ill-health. It is these individuals who are excluded from the ill-health benefits. Exclusion means that an ill-health

retirement award cannot be paid; neither can a deferred police pension be approved for early payment on ill-health grounds. This policy mirrors the approach taken by the Principal Civil Service Pension Scheme.

## How the decision is made

4. It is important to note the division of roles between chief officers and the police authority. Chief officers (or those delegated by them) are responsible for recruitment, and the police authority (or its delegates) is responsible for decisions on eligibility for ill-health pension benefits. Each force assesses candidates' suitability for the duties of an operational police constable before conducting health checks and medical assessments. Assessing all candidates and deciding who is most suitable before conducting health checks will help to minimise allegations of disability discrimination against forces on the grounds that the job was not offered due to prejudicial health reasons. For the purposes of this guidance, candidates are defined as applicants wishing to join a police force, including former officers seeking to rejoin a force. It does not include transferees from one Home Office force to another.
5. Candidates who are successful at the SEARCH assessment centre are sent a health declaration form, which they should complete and take to their GP for confirmation/comment. It is made clear on this form that the medical information being given here and at subsequent examinations will lead, among other things, to an opinion being formed of the risk of early retirement of the applicant through ill-health. This form will be returned on completion to the occupational health unit. All candidates are examined by the occupational health unit/FMA to establish fitness for work. This procedure is discussed in the guidance on recruitment. However, there is also a medical opinion as to the risk of becoming permanently disabled before reaching normal retirement age (age 55). This will inform the decision on eligibility and access to the ill-health benefits of the Police Pension Scheme.
6. As well as medically examining the applicant, the occupational health unit/FMA examines the health declaration and any other relevant information relating to the applicant's health and proposed police

service. The FMA identifies whether there are any health problems or risks of disablement which might be expected to prevent service to normal retirement age. This may involve the FMA in obtaining specialist reports from the applicant's treating physician. These decisions are recorded on Form A, along with a judgement about fitness for work. This form can be completed by the FMA without referral to the SMP where they consider that there is no significantly increased risk of the applicant becoming permanently disabled for police duties.

7. Where the FMA considers that there is a significantly increased risk of permanent disablement, or where they are in doubt about the issue, the case must be referred to a suitably qualified SMP. This may mean finding an SMP with qualifications relating to the particular condition under examination or taking specialist advice. Referral should be made by sending Form A to the SMP. The FMA normally also makes a recommendation as to how soon permanent disablement is likely to occur, but needs not do so in finely balanced cases. The SMP needs to see every applicant who has been recommended by the FMA. The SMP makes a final decision based on a balance of probabilities. Subject to appeal, the SMP's decision is final.
8. The SMP reports their decision to the police authority on Form B. A copy must also be sent to the applicant. The police authority then uses the report issued by the SMP in conjunction with reference tables produced by the GAD – see Form C. The tables determine the application of the health standard identified by the SMP. The police authority will use the tables to cross-reference age last birthday at entry and duration to assumed retirement due to ill-health. For each category in the tables, an 'include' or 'exclude' will determine whether the applicant, if successful, would be entitled to the full benefits of the Police Pension Scheme or would be excluded from the ill-health benefits of the scheme. Although the FMA and SMP do not need to refer to the actuarial tables used by the police authority to make the medical decision, they should have access to and a basic knowledge of them. In the case of recruits, the costs of this entire procedure are borne by the police authority and not the applicant. However, where the applicant is an officer who has opted

out of the Police Pension Scheme and is seeking to resume pension contributions, the costs are borne by the applicant.

9. It is for force managers decide whether to appoint a candidate. This may involve a risk assessment and/or further discussion with the candidate, the SMP, the occupational health unit, the health and safety adviser and other experts to determine the most appropriate and effective adjustment.

## Informing applicants

10. Applicants are informed as to whether they would be eligible for the ill-health benefits of the scheme. The implications of the ill-health benefits exclusion is explained to those who are affected at this time, so they can make an informed choice about whether they wish to continue with their application through the final stages. This explanation is in the form of a standard note (Form D). The recruitment unit attaches to Form D a copy of both the police authority's decision (Part I of Form C) and the SMP's report (Form B), so that the applicant can make an informed decision about whether to appeal.
11. Applicants need to be fully informed about the consequences of this decision. They should be told exactly what their entitlements would be and made aware of the possibility of having to leave the force without an ill-health pension or an injury award under certain circumstances (see section below on injury awards). They should also be encouraged to seek independent financial advice on where to invest the reduction in their contributions. Such applicants should also sign a declaration that they fully understand the implications of their exclusion from the ill-health benefits (see Form E).
12. Once an applicant is admitted to the Police Pension Scheme with a restriction on access to ill-health benefits, the decision is final subject to appeal against the medical assessment within the time limits allowed. The decision cannot be revisited once an officer is recruited. If an applicant falls to be excluded from ill-health benefits, they should be made aware of this fact by the managers who are handling the recruitment process. Such applicants may not apply to another force to try to attract a more favourable pensions outcome. A decision made by one force will apply to other forces. Applicants who reapply are required to declare the fact to the next force. Forces should therefore check the outcome of previous applications with the respective force. In order to avoid reapplications being used as a means of reviewing appeal decisions, an applicant who does not qualify for ill-health benefits and decides not to accept an offer of appointment will not be able to apply for a new assessment of eligibility for ill-health benefits for

## Appeals procedure

13. There is a formal appeals procedure for applicants who disagree with the decision that they should be excluded from ill-health benefits. The recruitment unit also sends the applicant an appeal form (Form F) with Form D. An applicant who is dissatisfied with the SMP's report must lodge an appeal within 28 days. For the appeal to proceed, appellants must provide evidence in the form of a report that a medical practitioner has examined the applicant and disagrees with the SMP's opinion. (It is not necessary for that medical examination to have been conducted since the SMP's report.) The evidence must be provided within two months of receipt of the authority's decision, with the SMP's report attached. Where the appellant is unable to provide such evidence within two months, they may request more time, but this should be granted only in exceptional circumstances.
14. If the SMP agrees with the medical evidence adduced by the applicant in support of their case and the revised SMP's report results in the police authority allowing the applicant access to ill-health benefits, the revised report shall be final and no further appeal action is necessary. In any other case the police authority shall arrange for a third registered medical practitioner to examine the applicant and to report in writing to the authority and the applicant. The third registered practitioner shall be acceptable to both the SMP and the medical representative of the applicant, except that in the event of a failure to agree, the police authority may appoint such third medical practitioner as it considers appropriate. The third practitioner should, where necessary, be a specialist.
15. Where the third medical practitioner disagrees with any part of the SMP's report, they will issue a revised report, which shall be final. In the event of a revised report, the police authority will determine by reference to the GAD tables whether or not the applicant is to be given access to ill-health benefits. Applicants who want to appeal against the decision should be advised that their application will be deferred until the appeal has been determined. In these circumstances, applicants are told that their vacancy will be safeguarded and honoured for a month after the outcome of the appeal.

## Consistency across forces

16. It is important to ensure the greatest possible consistency in pensions policy under the DDA across forces. Forces must adhere to this guidance and use suitably qualified SMPs. The use of standardised forms and certificates and of simple reference tables in conjunction with guidance will remove a large element of uncertainty about the process. FMAs who are in doubt about the assessment of the risk of early retirement through ill-health will refer the cases to an SMP, as is current practice with ill-health retirement cases. This should strengthen the accuracy of the medical opinion on which the pensions policy rests. There is also an appeals process for any cases in which applicants feel they have not been assessed fairly (see the flow diagram on page 35).

## Reduction in contributions

17. The reduction in officer pension contributions will be equivalent to 3.5 per cent of pensionable pay. This reduction reflects an actuarial calculation of the average cost borne by the police authority and the officer of providing ill-health early retirement benefits across the Police Pension Scheme as a whole. It is important to note that the 3.5 per cent reduction reflects the average cost of providing the benefits to the current membership, excluding those with an identified risk of retirement through ill-health, and not the cost of providing such benefits to the excluded group.



## Injury awards

18. The recruitment process will have screened out applicants whose physical or mental health would be at particular risk from operational police duty. For instance, some applicants with a cardiovascular or musculoskeletal condition may be liable to have the deterioration of their condition either aggravated or accelerated by the wear and tear of operational police duties. Other applicants may have a condition that renders them particularly vulnerable in an assault or fall. In both types of case the force will need to weigh up whether the risk of harm is too great to recruit the applicant, given its duty of care and the need for recruits to carry out operational duties.
19. Even with such measures to reduce the risk of harm to members of the force, no officer is totally secure from injury, and it is important that applicants understand the key points of the circumstances in which an injury award is payable. An injury award is payable where an officer has been made permanently disabled as a result of an injury received in the execution of duty. In the context of injury awards, permanent disablement means being permanently disabled for the ordinary duties of a member of the force.
20. A decision to exclude an officer from the ill-health benefits of the Police Pension Scheme does not affect their eligibility for an injury award. Unlike an officer who opts out of the Police Pension Scheme under Regulation 9, an officer who is excluded from ill-health benefits under Regulation 8 of the Police Pensions Regulations will not have their injury pension reduced by reference to a notional ill-health pension and will therefore receive the full injury pension. This can provide valuable protection against injuries that are unrelated to a pre-existing condition. However, officers with a pre-existing condition could be left without either an ill-health pension or an injury award if an injury in the execution of duty has accelerated disablement and forced their retirement from the police force.
21. The courts have held that an injury which does not cause but accelerates the onset of permanent disablement does not qualify for an

injury award under the Police Injury Benefit Regulations. However, given the critical importance of whether an injury award is paid, police authorities and their SMPs should bear the following considerations in mind when dealing with such cases:

- Where an injury has accelerated the permanent disablement, the SMP should be able to give an estimate of the year in which that disablement would have arisen in any case.
- The further away the estimated year of the onset of permanent disablement had there been no injury, the greater the element of doubt over a decision that the injury accelerated and did not cause that disablement.

**22.** Care should therefore be taken to ensure that officers who are excluded from ill-health benefits understand that there is a risk of being left without either an ill-health retirement award or an injury award if an injury in the execution of duty leads to permanent disablement and early retirement. It is to be noted, of course, that permanent disablement does not necessarily mean that the individual is disabled for non-police work.

**23.** Although all recruits will be expected to carry out the full duties of a patrol constable in their first few years, particular care should be taken in relation to those excluded from ill-health benefits to keep their state of health under review and also to assess the need for adjustments to ensure that they are not placed on duties which expose them to unnecessary risk of injury or accelerated deterioration of their medical condition.

## Alternative financial provision to an ill-health pension

**24.** Excluded officers should be encouraged to seek independent financial advice as to the best way to invest the 3.5 per cent reduction in the contribution rate in respect of ill-health benefits, to offset the risk described above.

## Rejoiners and transferees

25. Former officers applying to rejoin a police force will be assessed for eligibility for ill-health benefits in the same way as other recruits. Officers transferring from one Home Office force to another without a break in service will not be re-assessed in terms of pension entitlement. Also excluded from reassessment are officers who have been on a career break, those who have successfully appealed against dismissal or requirement to resign and former officers who are rejoining having been ill-health retired and now recovered.

## Officers seeking to resume payment of pension contributions

26. A regular serving officer who seeks to cancel their election not to pay pension contributions will be required to submit to a medical examination. If it is finally determined following examination that the likely cost of providing them with ill-health benefits is disproportionately high, they will be entitled to join or rejoin the scheme only on the basis that they will not be eligible for ill-health benefits if they retire on the grounds of permanent disablement.
27. In these cases, the SMP should complete Form B and the police authority Form C. These should be available to the officer on request. If the officer has been excluded from ill-health benefits, Form C, Form F and the question and answer (Q&A) sheet should be sent to the officer. The appeals procedure is as set out for applicants to a police force.

# Police Service recruitment – Police Pension Scheme 2006 health standard

## Form A: Report by the force medical adviser

This form is for recording the decision of the force medical adviser (FMA) on whether an applicant to the force is fit for police service and can be expected to remain able to carry out the ordinary duties of a member of the force until normal retirement age (age 55).

### Medical opinion

Applicant's full name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Gender: \_\_\_\_\_

Ethnicity (16 + 1 categories): \_\_\_\_\_

Proposed role: \_\_\_\_\_

Having examined the health declaration and other relevant information relating to the health and proposed appointment of the above-named applicant to the force, and having examined the applicant, it is my opinion on a balance of probabilities that:

1. There are/are no\* identified health problems which might prevent the applicant from carrying out the duties of an operational police constable now or for a reasonable time.\*\*

\* delete if not applicable

\*\* the Disability Discrimination Act guidance on recruitment explains that 'while "reasonable time" will itself vary according to all the circumstances of the case, including the quality of the service that the applicant can offer, a period of approximately five years of police service will be the norm and will be the longest period of time that will be considered'. For the purpose of this medical assessment the FMA should take 'reasonable time' to mean five years, since issues such as quality of service are not a medical matter. It will be for the recruitment unit to take such considerations into account according to the individual circumstances of a case.

2. There are/are no\* identified health problems which are liable to be aggravated by carrying out the duties of an operational police constable now or for a reasonable time.\*\*
3. There are/are no\* identified health problems, the onset of which is liable to be accelerated by carrying out the duties of an operational police constable now or for a reasonable time.\*\*
4. There are/are no\* identified health problems which render the applicant at particular risk of disablement by carrying out the duties of an operational police constable now or for a reasonable time.\*\*
5. The following is a description of the identified health problems *(Please describe below. A diagnosis is not required but rather an assessment of how capability for police duties will be impaired):*

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**Where the applicant is assessed as not fit for police service, the form should be referred back to the recruitment office without a long-term health assessment.**

**Where there are identified health problems**

6. The applicant would require adjustment(s) to enable him/her to carry out the duties of an operational police constable. The nature of the adjustment(s) is attached. *(Please attach details of adjustments on a separate sheet)*

\* delete if not applicable

\*\* the Disability Discrimination Act guidance on recruitment explains that 'while "reasonable time" will itself vary according to all the circumstances of the case, including the quality of the service that the applicant can offer, a period of approximately five years of police service will be the norm and will be the longest period of time that will be considered'. For the purpose of this medical assessment the FMA should take 'reasonable time' to mean five years, since issues such as quality of service are not a medical matter. It will be for the recruitment unit to take such considerations into account according to the individual circumstances of a case.

## Long-term health assessment

7. There are/are no\* identified health problems which are liable to be aggravated by carrying out the ordinary duties of a member of the force before reaching normal retirement age.
8. There are/are no\* identified health problems, the onset of which is liable to be accelerated by carrying out the ordinary duties of a member of the force before normal retirement age.
9. There are/are no\* identified health problems which render the applicant at particular risk of injury leading to disablement by carrying out the ordinary duties of a member of the force before normal retirement age.
10. There are/are no\* identified health problems which might be expected to render the applicant permanently disabled for the ordinary duties of a member of the force before normal retirement age.
11. The following is a description of the identified health problems and risks of disablement or permanent disablement (*Please describe below. A diagnosis is not required but rather an assessment of how capability for police duties will be impaired*):

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Where the FMA considers there is a significantly increased risk of permanent disablement, or where they are in doubt about the issue, they must refer the case to the selected medical practitioner for a decision.

\* delete if not applicable

12. In view of the applicant's medical condition and any particular risk posed to it by ordinary police duties, in my assessment the following factors give rise/may give rise\* to a significantly increased risk of the applicant becoming permanently disabled for the ordinary duties of a member of the force before normal retirement age:

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*Complete either section 13 or section 14*

13. Taking the above factors into consideration, it is likely that the onset of permanent disablement will occur in (*tick as applicable*):

- 0–5 years  
 6–10 years  
 11–20 years  
 over 21 years

*OR:*

14. I do not feel able to suggest a likely timescale for the onset of permanent disablement, but I would identify the following factors as relevant to that timescale:

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\* delete if not applicable

## Declaration

These opinions are given in good faith and are based solely on the information provided to me and on my own examination of the applicant as part of the recruitment process. I confirm that I am a registered medical practitioner acting for the police force.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## Police Service recruitment – Police Pension Scheme 2006 health standard

### Form B: Report by the medical practitioner selected by the police authority

This form is for recording the decision of the selected medical practitioner on whether an applicant to the force or a regular police officer who previously opted out of the Police Pension Scheme and now wishes to rejoin has a significantly increased risk of becoming permanently disabled for the ordinary duties of a member of the force before normal retirement age (age 55). A copy of this report must be supplied to the person who is subject to the report.

#### Medical opinion

Applicant's full name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Gender: \_\_\_\_\_

Ethnicity (16 + 1): \_\_\_\_\_

Proposed role: \_\_\_\_\_

Having examined the individual's health declaration, the FMA's report and other relevant information relating to the health and, if appropriate, the proposed appointment of the above-named applicant to the force, it is my opinion on a balance of probabilities that:

1. There are/are no (*delete as appropriate*) identified health problems which might be expected to render the applicant permanently disabled for the ordinary duties of a member of the force before reaching age 55.
2. The health problems are as follows:

\_\_\_\_\_

\_\_\_\_\_

3. There appears to be a significantly increased risk of the applicant becoming permanently disabled for the ordinary duties of a member of the force and I estimate that this is likely to occur in *(tick as applicable)*:

- 0–5 years
- 6–10 years
- 11–20 years
- over 21 years

### Declaration

These opinions are given in good faith and are based solely on the information and reports provided to me and on my own examination of the individual. I confirm that I am a registered medical practitioner selected by the police authority under Regulation 8 of the Police Pensions Regulations 2006.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Police Service recruitment – Police Pension Scheme 2006 health standard

### Form C: For use by or on behalf of the police authority

This form is for recording the police authority's decision on whether an applicant to the force or a regular police officer who previously opted out of the Police Pension Scheme and now wishes to join or rejoin meets the scheme's health standard for eligibility for the ill-health benefits of the scheme.

#### Part I

Full name: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Gender: \_\_\_\_\_

Ethnicity (16 + 1): \_\_\_\_\_

Proposed role: \_\_\_\_\_

The above individual has been assessed by Dr: \_\_\_\_\_, the SMP, as presenting a significantly increased risk of permanent disablement for the ordinary duties of a member of the force in (*tick as applicable*):

- 0–5 years
- 6–10 years
- 11–20 years
- over 21 years

The information above must be used in conjunction with the actuarial tables below. The SMP's assessment of estimated length of time to the onset of permanent disablement, as indicated above, should be compared with the age of the applicant on entry to the scheme, to determine whether the applicant is to be included or excluded from the ill-health benefits of the Police Pension Scheme 2006, given the risk of retirement through ill-health once so disabled.

Age	Duration to retirement through ill-health			
	0–5 years	6–10 years	11–20 years	Over 21 years
Under 20	Exclude	Exclude	Exclude	Include
20–24	Exclude	Exclude	Include	Include
25–29	Exclude	Exclude	Include	Include
30–34	Exclude	Exclude	Include	Include
35–39	Exclude	Include	Include	Include
Over 40	Include	Include	Include	Include

The police authority has decided to include/exclude (*delete as appropriate*) the applicant from the ill-health benefits of the Police Pension Scheme 2006.

Signed on behalf of the police authority: \_\_\_\_\_

Date: \_\_\_\_\_

## Part II

If the applicant has been excluded from ill-health benefits, the first page (Part I) of this form should now be sent to the applicant together with:

- Forms D, E, and F and the Q&A sheet (in the case of an applicant to the police force); or
- Form F and the Q&A sheet (in the case of an officer seeking to rejoin the Police Pension Scheme).

The remainder of this form should now be completed by the police authority and retained for the duration of the service of the officer or of the applicant, should they decide to continue with their application.

1. The police authority has sent Forms D, E and F plus the Q&A sheet to the applicant.
2. The applicant/officer has/has not (*delete as appropriate*) appealed against the exclusion from ill-health benefits.
3. The police authority has received the signed declaration that the applicant understands the implications of their exclusion from the ill-health benefits.
4. The police authority has sent Form F and the Q&A sheet to the officer.

# Notification of limitation on benefits under the Police Pension Scheme 2006

## Form D: Information for the applicant

Although you meet the health criteria for recruitment to the Police Service, unfortunately you have not met the longer-term health standards required to enjoy the full range of benefits under the Police Pension Scheme 2006. I enclose a copy of the police authority's decision (Form C) and a copy of the report of the medical practitioner selected by the police authority (Form B), on which the police authority's decision is based. This letter explains the implications of this to you and, in particular, how your pension rights are affected. You have a right of appeal against this decision. More details are given below. I also attach a Q&A sheet, which you may find helpful.

If you continue with your application and are successful, you can join the Police Pension Scheme 2006 and build up valuable rights to a police pension payable from age 55 (normal retirement age) provided that you are still in service at that point and have not left the scheme. However, the specific risk attached to your becoming permanently disabled before you reach retirement age means that you will not be eligible for additional ill-health benefits. More details are given in the Q&A sheet, but the main benefit to which you would not be entitled is an ill-health pension if you had to be retired from the force on medical grounds.

As a potential recruit to the Police Service you have been assessed as medically fit to carry out the duties of an operational police constable for a reasonable period, but you should understand that the force would need to bear in mind its health and safety obligations when assigning you to particular posts in order to ensure that your health is not placed under undue risk.

Although the force will do whatever is reasonable to minimise the effects of any disability you have, this may with time affect the scope of the jobs you can undertake. Should you become permanently disabled, the force would seek to retain you as a police officer wherever practicable, but that may be possible in only a limited number of career options.

Where retention as a police officer is not possible, it may be necessary to terminate your service. If this were to occur you would not receive a pension or other benefit (unless you were entitled to an injury award) until age 65 (or immediately if you are 55 or over at the time of leaving).

As an officer excluded from ill-health benefits you would pay reduced contributions to the Police Pension Scheme – currently at a rate of 6 per cent instead of 9.5 per cent of your pensionable pay.

In the event of permanent disablement, an officer in your position could still receive an injury award. Such an award is not dependent on an officer paying pensions contributions, but it would be paid only where permanent disablement was attributable to an injury in the execution of duty and not to a pre-existing condition. We do not want to overstate this risk, but policing is a demanding career. Before you decide to continue with your application you should therefore bear the risk in mind that you could be retired from the Police Service early without an immediate pension.

Once an applicant is admitted to the Police Pension Scheme 2006 with a restriction on access to ill-health benefits, the decision is final subject to appeal against the medical assessment within the time limits allowed. I should point out that because the cost of retirement through ill-health is less as you grow older, it is possible that if you reapply when you are older you may not be excluded from early ill-health benefits. There is a minimum period of three years before you can reapply for a fresh assessment of the risk of retirement through ill-health. However, there can be no guarantee of the outcome of this issue, nor any guarantee of your acceptability in future as a police officer.

We want you to make an informed choice. We would in particular advise you to consider the option of using the savings from the reduced pension contributions to help you make provision for your future, should you become permanently disabled and leave the force. If you are at all unsure of your best options you should seek independent financial advice and also consider the possibility of insurance.

If, as we hope, you want to continue with your application, you will first need to decide whether or not to appeal against the medical decision that led to your exclusion from ill-health benefits. If you do not want to appeal, please

sign and return to this office the attached declaration – Form E. If you want to appeal, please complete and return Form F. In either case, the completed form must be returned to this office within 28 days of the date of receipt of this letter.

If you require further clarification of your position before signing the declaration at Form E, please contact me as soon as possible at:

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# Notification of limitation on benefits under the Police Pension Scheme 2006

## Form E: Declaration of understanding Police applicants only

Please read the following and sign the declaration below.

I wish to continue with my application for the post of constable. I understand that, if my application is successful, I may join the Police Pension Scheme but that, in view of my medical condition, I will be excluded from its ill-health benefits, which include an immediate ill-health award or early payment of a deferred pension.

If my application is successful, I understand that:

- the decision to exclude me from ill-health benefits as a member of the Police Pension Scheme is final subject only to an appeal, which I may make within 28 days on the form provided (Form F);
- the force will need to take its health and safety obligations into account when assigning me to particular posts and that this may in time affect the range of jobs I can undertake;
- the force will try to retain me where practicable if I become permanently disabled for the ordinary duties of a member of the force, but that this is likely to be possible only within a limited number of posts;
- if I become permanently disabled and the force is unable to retain me, I will be liable for medical retirement without an ill-health pension;
- I may qualify for an injury award in certain circumstances, but that such an award is not payable if it is found that a pre-existing condition, rather than an injury on duty, caused my permanent disablement or if the onset of that disablement was only accelerated and not caused by the injury on duty; and
- if I join the Police Pension Scheme I will pay 6 per cent\* of my pensionable pay in contributions towards my pension as a result. (This is 3.5 per cent

\* 9.5 per cent is the current standard contribution rate. This is subject to review, and therefore the 6 per cent may increase over time irrespective of the cost of providing ill-health benefits.

lower than the 9.5 per cent\* standard employee contribution rate.) I confirm that I have been advised to take independent financial advice as to how to make the most prudent use of the saved contributions to provide for my future should I become permanently disabled and cease to serve as a member of the force.

I do not want to appeal against my exclusion from ill-health benefits under the Police Pension Scheme. *(Delete if you have appealed but were unsuccessful and now wish to confirm your wish to continue with your application)*

Signed: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Date: \_\_\_\_\_

## Notification of limitation on benefits under the Police Pension Scheme 2006

### Form F: Appeal against exclusion from ill-health benefits under the Police Pension Scheme 2006

#### Applicant's appeal against the opinion of the selected medical practitioner

You should return this form within 28 days of receiving the selected medical practitioner's report.

To the clerk, \_\_\_\_\_ police authority

1. I have received the decision of the police authority dated \_\_\_\_\_ to exclude me from ill-health benefits under the Police Pension Scheme 2006. I am dissatisfied with the opinion of the medical practitioner selected by the police authority on which its decision is based.
2. I wish to appeal against the report of the selected medical practitioner dated *(Give date of report)*  
\_\_\_\_\_
3. I will provide the medical evidence needed for an appeal within two months from the date I received the selected medical practitioner's report. The name and full address of my medical practitioner is *(Give the name and address of the medical practitioner whom you are asking to provide medical evidence in support of your appeal. Without such evidence your appeal will not be able to proceed):*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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  
decide the appeal):*

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5. I understand that in view of my appeal I will not be required to decide  
whether I want to continue with my application before the outcome  
of the appeal is known. (For applicants for appointment to a police  
force only.)

Signed: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Date: \_\_\_\_\_

## Question and answer sheet

- Q)** If I have a condition with long-term health implications, how was I able to meet the recruitment criteria?
- A)** The Police Service is committed to recruiting suitable officers who can undertake the duties of an operational constable for a reasonable period of time, in order to make use of the training invested in them. You have been assessed as fit for operational duty for such a period but there are concerns that you will not be able to remain fit for the ordinary duties of a member of the force in the longer term.
- Q)** What is a reasonable time?
- A)** The DDA guidance on recruitment explains that ‘while “reasonable time” will itself vary according to all the circumstances of the case, including the quality of the service that the applicant can offer, a period of approximately five years of police service will be the norm and will be the longest period of time that will be considered’.
- Q)** What is the Police Pension Scheme that I would be joining?
- A)** As of 6 April 2006, all new entrants and those who opted out and now wish to opt back in have to join the new Police Pension Scheme 2006. All references to the Police Pension Scheme that you are joining are to the 2006 scheme.
- Q)** How do you establish the longer-term health standards required for access to ill-health benefits under the Police Pension Scheme 2006?
- A)** As part of your application, you were asked to provide medical information and undergo a medical examination to determine the likelihood of your becoming permanently disabled for the ordinary duties of a member of the force. Your medical assessment has indicated that you are likely at some point in the future to need retirement through ill-health due to an existing medical condition. The police authority, acting for the Police Pension Scheme 2006, used this information in conjunction with actuarial tables which determined that the cost of providing scheme benefits to you is expected to be more than 50 per cent greater than for the comparable average officer in the same group.

- Q) How does this decision affect my pension rights?**
- A)** If you are offered a job as a police constable you can still join the Police Pension Scheme 2006. The Police Pensions Regulations 2006 allow an officer to retire with an immediate ordinary pension from age 55. In addition to such personal awards there are survivor benefits for spouses and dependent children. However, you would not be eligible for early payment of a deferred pension because of permanent disablement, and your membership would not extend to payment of an ill-health pension on compulsory retirement on medical grounds. To compensate for this, you would pay reduced contributions to the scheme at an actuarially assessed reduction of 3.5 per cent.
- Q) What are the ill-health benefits under the Police Pension Scheme 2006?**
- A)** Where an officer is assessed as permanently disabled for the ordinary duties of a member of the force and is retired from the force on medical grounds, they will receive either an award in the form of a repayment of contributions or an ill-health pension. Alternatively, a former officer who left the force with a deferred pension (which comes into payment at 65) may have that pension put into early payment on being assessed as permanently disabled for regular employment. Exclusion means that an ill-health retirement pension cannot be paid, neither will a deferred pension be approved for early payment on ill-health grounds.
- Q) What happens if I become permanently disabled?**
- A)** An officer who is assessed as permanently disabled for police duties may be retired from the force on medical grounds. As a matter of policy a force will seek to retain a permanently disabled officer wherever practicable. The force would try to keep you on, but the choice of jobs you could do safely could be limited. In any case, retention is not always possible and medical retirement may be necessary. As an officer excluded from ill-health benefits you would not receive an ill-health pension on compulsory retirement on medical grounds, nor would you receive early payment of a deferred pension.
- Q) Would I be able to find a police staff job in the force if I could not stay on as a police officer?**
- A)** If the force could not keep you on as a police officer it might be possible for you to become a member of police staff instead of being

medically retired, since the fitness requirements for police staff jobs are not as high as for police officers. However, this would depend, among other things, upon your condition and whether there is an existing, vacant police staff post which you are able to do. You should also note that police staff have separate pay and conditions from police officers, and an officer would have to resign or retire from the force in order to be re-engaged as a member of police staff. If you were offered a police staff job it would be at the rate of pay applicable to police staff.

**Q) Will I also be excluded from an injury award?**

**A)** All officers, whether they are members of the Police Pension Scheme or not, are eligible for injury awards. The decision to exclude you from the ill-health benefits of the Police Pension Scheme does not affect your eligibility for an injury award. Injury awards, which consist of a lump sum gratuity and a pension, provide valuable protection to former officers against loss of earnings as a result of permanent disablement through an injury which is not related to a pre-existing condition received while on duty or otherwise in the execution of their duty as a member of a force. However, the courts have held that an injury which does not cause but accelerates the onset of permanent disablement does not qualify for an injury award under the Police Injury Benefit Regulations. This means you could be left without either an ill-health pension or an injury award where an injury in the execution of duty has accelerated disablement and led to early retirement. The decision whether to grant an injury award and the level of award will depend on the circumstances.

**Q) When would I receive an injury award?**

**A)** An award would be paid where it was found that your permanent disablement was the result of an injury without your default in the execution of duty. An award will not be granted where permanent disablement was caused not by the injury but by a pre-existing condition, or where, for instance, the effect of the injury was confined to accelerating the onset of a permanent disablement which was expected to develop even without the injury.

- Q) Is there any way I could get cover for retirement through ill-health?**
- A)** You are strongly encouraged to seek independent financial advice about how to invest the savings you would make in your scheme contributions, to provide you with some cover in the event of retirement through ill-health.
- Q) What if I disagree with the decision that has been made?**
- A)** If you are dissatisfied with the medical report which has led to the decision to exclude you from ill-health benefits and you wish to appeal against it, you have 28 days from receipt of the report within which to lodge an appeal with the police authority. The necessary form (Form F) is attached. In order to avoid frivolous challenges, the Police Pensions Regulations require you to provide evidence that a medical practitioner has examined you and disagrees with the selected medical practitioner's opinion on the likelihood or likely timing (or both) of your retiring through ill-health. Otherwise your appeal cannot be pursued. (Although your medical practitioner must have examined you, they need not have examined you since the date of the report by the selected medical practitioner to the police authority.) You will need to provide medical evidence in support of your appeal within two months of receiving the medical practitioner's report. The police authority will only agree an extension that it considers reasonable in the circumstances of the case. Once you have produced your medical evidence, the police authority will show it to its selected medical practitioner.
- Q) What if the selected medical practitioner agrees with my evidence?**
- A)** If the selected medical practitioner agrees with the medical evidence you provide in support of your case and their revised report to the police authority results in the authority allowing you access to ill-health benefits, no further appeal action will be necessary.
- Q) What if I stay excluded from the ill-health benefits?**
- A)** In any other case your appeal will proceed and the police authority will arrange for a third registered medical practitioner to examine you and report in writing to the authority and yourself. The third medical practitioner must be acceptable to both the selected medical

practitioner and your medical practitioner, but in the event of a failure to agree, the police authority may appoint a third medical practitioner of its choice. The third medical practitioner will, where necessary, be a specialist. Where the third medical practitioner disagrees with any part of the selected medical practitioner's report, they will issue a revised report. In the event of a revised report, the police authority must reconsider whether or not you are to be given access to ill-health benefits and notify you of the outcome. There is no further appeal against an exclusion from ill-health benefits based on the third medical practitioner's report.

- Q) Can I reapply for ill-health benefits once I have joined the force?**
- A)** Once an applicant is admitted to the Police Pension Scheme with a restriction on access to ill-health benefits, the decision is final subject to appeal against the medical assessment within the time limits allowed. You cannot alter the decision once it has been made and/or you have been recruited.
- Q) What if I decline this offer of an appointment? Can I reapply for ill-health benefits?**
- A)** You can reapply, but in order to avoid reapplications being used as a means of reviewing appeal decisions, which are final, there is a minimum period of three years before you can reapply for a fresh assessment of the risk of retirement through ill-health. You should also bear in mind that there can be no guarantee of the outcome of a fresh application on this issue, nor any guarantee of your acceptability in future as a police officer.



Pensions guidance: flow diagram



