



FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

FOI Reference number: FOI 25/2024

Date: 8 April 2024

Context – this request follows on from FOI 03/2024 relating to determining the degree of a persons disablement for both ill-health / retrospective IOD awards.

Request:

Could the SMP please provide clear and specific clarification on how they comply with the following direction at Section 4 of the Joint Guidance Document supplied?

“In order to do so, you should compare the situation with the injury present to a notional situation where it has not occurred. The loss of earning capacity will then be the difference between these two situations.”

I specifically request:

1. Full and detailed explanation regarding how the above direction is to be interpreted by the SMP i.e. how is the effect the applicant’s disability has on their earnings capacity specifically determined?

Also, what information, further guidance, or criteria SMP use make this determination? Or, is this an interpretation of the individual medical practitioner?

2. Why does the NIPB instruct the SMP not to use any salary information when making their determination?

Answer:

1. With regard to question one, this is a request for an explanation and does not constitute a valid Freedom of Information Act request. The question asks the Board to provide an explanation of a particular action rather than to provide a copy of recorded information.
2. With regard to question 2, recommendation 8 of Mr David Scoffield QC’s ‘*Review of the present arrangements for the payment of ill health pensions and injury on duty awards to former police officers*’ stated that:

‘In the course of development of this further guidance, serious consideration should be given to abandoning the currently recommended method of calculating percentage disablement, including detailed reliance on the ASHE survey and comparison with the officer’s notional uninjured police salary, in favour of a much more basic approach, whereby the relevant medical authority would simply make a judgment in the round as to

the severity of the impact of the duty injury on the officer's earning capacity, so as to select the officer's appropriate band without the need to calculate a specific percentage disablement figure.'

The Northern Ireland Policing Board drafted a new policy on the assessment of degree of disablement in order to make the process simpler for medical practitioners. The new policy was introduced for all assessments conducted with effect from 12 August 2015.

If you have queries about this request or the decision, please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should contact the Board's Chief Executive -

Via Email: foi@nipolicingboard.org.uk

Or in writing at the following address:

Northern Ireland Policing Board
James House
Block D
2 – 4 Cromac Avenue
The Gasworks
Belfast
BT7 2JA

You should contact the Board within 40 working days of this response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner's Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at the following web link –

www.ico.org.uk/foicomplaints

or in writing at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone: - 0303 1231114
Email: - ni@ico.org.uk

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ www.nipolicingboard.org.uk.

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.