

NORTHERN IRELAND POLICING BOARD

POLICE PENSIONS AND INJURY BENEFITS

FREQUENTLY ASKED QUESTIONS

INTRODUCTION/ CONTENTS

This Frequently Asked Question document has been prepared to assist understanding of some key questions on the process for application for an Injury on Duty Award. Also included is a process maps which sets out all of the key stages involved. Further information is also included on our website at [Police Pensions and Injury Benefits | Northern Ireland Policing Board \(nipolicingboard.org.uk\)](http://nipolicingboard.org.uk) and if you need to get in touch there are contact details included.

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POLICE PENSIONS & INJURY BENEFITS

FREQUENTLY ASKED QUESTIONS

WHAT IS AN INJURY ON DUTY AWARD?

As a Police Service of Northern Ireland (**PSNI**) officer, even if you aren't a member of your police pension scheme, you are automatically entitled to apply for an injury on duty award. This means you could receive financial compensation if you're permanently disabled because of an injury received on duty and have to leave PSNI employment as a result.

This includes injuries suffered while making a journey that was necessary to report for duty or to return home. You can also apply in instances where you're injured as a result of an off-duty incident that wouldn't have happened had you not been known to be a police officer.

The rules on Injury on Duty awards are set out in [PSNI & PSNI Reserve \(Injury Benefit\) Regulations 2006](#) (the **2006 Regulations**) and the Northern Ireland Policing Board (the **Board**) determines entitlement in the first instance, subject to the decision of a duly qualified medical practitioner in relation to certain statutory questions. Awards are administered, calculated, and paid by PSNI Pensions Branch.

Please note that injury awards can't be paid if the injury was caused by your own negligence or misconduct.

The full conditions regarding injury awards are contained in the 2006 Regulations. Although every effort has been made to ensure that the following guidance is accurate, it does not replace or supersede the 2006 Regulations.

THE INJURY ON DUTY ASSESSMENT PROCESS

Officials within the Board's Police Pensions and Injury Benefit Directorate will request all the relevant information in your case before the Board appoints a qualified doctor, known as a Selected Medical Practitioner (**SMP**) to assess your application. You (or the individual or organisation you have appointed to act on your behalf) will receive correspondence from the Board at various intervals, as your case progresses to

assessment. All cases are assessed by the SMP against criteria that are set by the regulations. They'll determine:

- whether you're disabled;
- whether your disability is likely to be permanent;
- whether your disability is the result of an injury received in the execution of duty; and
- the degree of disablement. This is expressed as a banding and put into one of four bands. These are:

BAND 1	25% or less (slight disablement)
BAND 2	more than 25% - but not more than 50% (minor disablement)
BAND 3	more than 50%- but not more than 75% (major disablement)
BAND 4	more than 75% (very severe disablement)

The SMP may also suggest that the degree of disablement should be reviewed on a particular date.

WHAT HAPPENS AFTER MY MEDICAL ASSESSMENT?

On receipt of the SMP's Report and Certificate, and if the Board determines that an award should be made, PSNI Pensions Branch will be informed in order to calculate how much you should be paid. You will be informed of this decision in writing by the Board with information in relation to payment received thereafter from PSNI Pensions Branch.

If the SMP considers the statutory threshold has not been met for an injury award the Board will inform you of same by written correspondence. You have 28 days to lodge an appeal with the Board and full details of the appeals process will be contained in this correspondence.

WHEN ARE SUCCESSFUL APPLICATIONS PAID?

The Board, further to *Regulation 29(1)* of the 2006 Regulations is responsible for determining the eligibility of an injury award. This includes the applicable date of payment of same. The date of disablement question (or “implementation date”) is not one of the four statutory questions required to be put to the SMP, rather it is an additional question put to the SMP and considered during the medical assessment process.

Where you become disabled after retirement the award will not be backdated to the date of retirement. The SMP is asked to consider the “implementation date” of your award based on the available medical evidence and (if applicable) the medical assessment in person. The “implementation date” is not itself expressly defined within the 2006 Regulations, however, Regulation 10(2) provides that no payment shall be made “*in respect of any period before [a former officer] became disabled.*”

The SMP will consider your case further to *Regulation 10(2)* and identify a disablement date which is then communicated to PSNI Pensions Branch. PSNI Pensions Branch will use this date to calculate payment of your award to include payment of any arrears if applicable. Where a person has retired before becoming disabled and the date on which they become disabled cannot be ascertained, it shall be taken to be the date on which the claim that they are disabled is first made known to the Board (Regulation 6(7)).

The approach of referring the question of when an officer became disabled to the SMP to inform the Board’s decision on the implementation date of awards is supported by the [Scofield Review](#), being a wholesale review conducted by David (now Mr Justice) Scofield in relation to the Injury on Duty Scheme. This position is further supported by caselaw to include in particular that of Mr Justice Treacy in [Re DB’s application](#).

The first payment, including any lump sum and backdated arrears, will be made as soon as practicable after the injury award has been approved by the Board. The injury allowance would then be paid monthly on the first banking day of each month. The PSNI are responsible for making all payments associated with awards.

QUERYING THE IMPLEMENTATION DATE OF AWARDS

As outlined above, the implementation date of an award is not a statutory question provided for under the 2006 Regulations. Accordingly, there is no statutory mechanism whereby the implementation date can be queried/appealed in isolation. However, there are various appeals and challenge routes provided for under the 2006 Regulations under which your case can be reviewed and which may lead to a review

of the implementation date. This include a reconsideration of the original decision under regulation 31(2) or an appeal to the Independent Medical Referee (being the independent appeals process managed and administered by the Department of Justice) under regulation 30. In both of these cases the Board will ask the medical authority for their opinion on the date of disablement. An officer may also appeal to a Medical Appeal Tribunal pursuant to Regulation 33(1) if they are “*aggrieved by the refusal of the Board to admit a claim to receive ... a larger award than that granted...*”

WHAT DOES ANY INJURY AWARD ENTAIL?

If you qualify, you'll receive an ongoing, tax free, monthly, injury allowance and a one-off, tax free lump sum payment.

The purpose of the injury allowance is to account for any loss of earnings suffered due to your injury (or injuries) and make sure that you have a guaranteed minimum income in the future. If your total income from 75% of your gross police pension and other relevant work related benefits¹ is less than your guaranteed minimum income, you will be paid an injury allowance to make up the difference. If your police pension and relevant work related benefits add up to more than your guaranteed minimum income, no injury allowance will be payable. (This may change in the future should work related benefits cease or reduce).

The relevant work related benefits will be deducted regardless of whether you claim them or not. PSNI Pensions Branch will ask all applicants if they have applied for the applicable benefits and for confirmation of same if these are in payment. Please also note that the State Pension is not taken into account in these calculations.

GUARANTEED MINIMUM INCOME

The minimum income guarantee is a percentage of your pensionable pay. The percentage depends on:

- your length of police service (including forces other than PSNI and any service transferred into your pension scheme, if applicable); and
- your level of permanent disability as a direct result of your injury, assessed by a SMP.

¹ Such as Employment Support Allowance (ESA) or Industrial Injuries Benefit (IIB).

There are four bands of disability and [Schedule 3 of the 2006 Regulations](#) outlines the minimum income guarantee that applies in each case, expressed as a percentage of the pensionable pay.

The lump sum calculation similarly depends on your degree of disablement, and it's expressed as a percentage of your average pensionable pay per the 2006 Regulations.

WHAT HAPPENS IF SOMETHING CHANGES?

If you're successful in being awarded injury benefits, it is your responsibility to inform **PSNI Pensions Branch** of:

- any change in circumstances, such as name, address, or phone number
- any change in bank details (which must be supplied in writing)
- any changes to relevant benefits, such as start or stop dates, or variations in rates.

Additionally, it is your responsibility to inform the **Board** of:

- any substantial change in your disability that may require your condition to be reassessed.

Please note that this list is not exhaustive and if you don't inform PSNI Pensions Branch and/or the Board of any relevant changes, any overpayment of pension will be reclaimed, and the pension may be suspended.

Contact details for both the Board and PSNI Pensions Branch are included at the bottom of this document and on the Board's website at the following link [Contact Us](#).

INJURY AWARD REASSESSMENTS

Further to *Regulation 35* of the 2006 Regulations, the Board has the statutory basis to review injury awards at suitable intervals at its discretion. If it finds any significant changes, for example that the injury is substantially better or worse than at the previous assessment, then the injury allowance may be adjusted accordingly. The Board seeks the SMP's assistance in determining suitable review dates and these dates are outlined within the SMP's Report and Certificate which is shared with you for your review and retention.

If a Regulation 35 Reassessment of your injury award falls due, you will be notified in writing by the Board and your case would be referred to a SMP for consideration.

Please be advised that Regulation 35 Reassessment review the level of banding only and, as such, an award cannot be revoked in its entirety under Regulation 35.

If you consider that your injury has improved or deteriorated, you can apply to the Board for a Regulation 35 Reassessment by contacting the Board and submitting;

1. The relevant [Reassessment Application Form](#); and
2. Up-to-date medical evidence to support your claim.

WHAT HAPPENS TO MY INJURY AWARD IF I DIE?

The injury allowance ceases when you die but if your death was caused or hastened by the injury, certain adult survivors and dependent relatives may be able to claim a Special Award. Details of these awards are contained within the 2006 Regulations.

ILL HEALTH RETIREMENT

As an active member of the [PSNI Police Pension Scheme](#) you may qualify for a pension if you're suffering from serious ill health. If you've been a member of the pension scheme for more than two years and you're permanently unable to work to your normal pension age due to ill health or injury, you could qualify for ill health retirement. The level of pension awarded to you in these circumstances will depend on the severity of your condition and your potential for employment in the future.

The Ill Health Retirement process is initiated at PSNI Occupational Health and Wellbeing before a referral is made to the Board. The Board will thereafter prepare your case for consideration by the SMP.

If you qualify for ill health retirement, there are two levels of ill-health pension depending on the severity of your illness:

1. A standard ill health pension. This becomes payable if you're permanently unable to carry out your duties as police officer, but you could take on other work outside the police force. If you qualify, you will receive a pension benefits based on the benefits you have earned so far.
2. An enhanced top-up ill health pension, payable in addition to a standard ill health pension. This additional payment is made if you are unable to carry out any regular employment at all (of at least 30 hours a week). If you qualify, the top-up has the effect increasing your pension by up to half of the additional pension you might have built up had you been able to continue working.

Other benefits may be available to cases in which you become terminally ill and/or you need to retire on the grounds of ill health but have been in the scheme for less than two years. The Board will be able to assist you directly in any such cases.

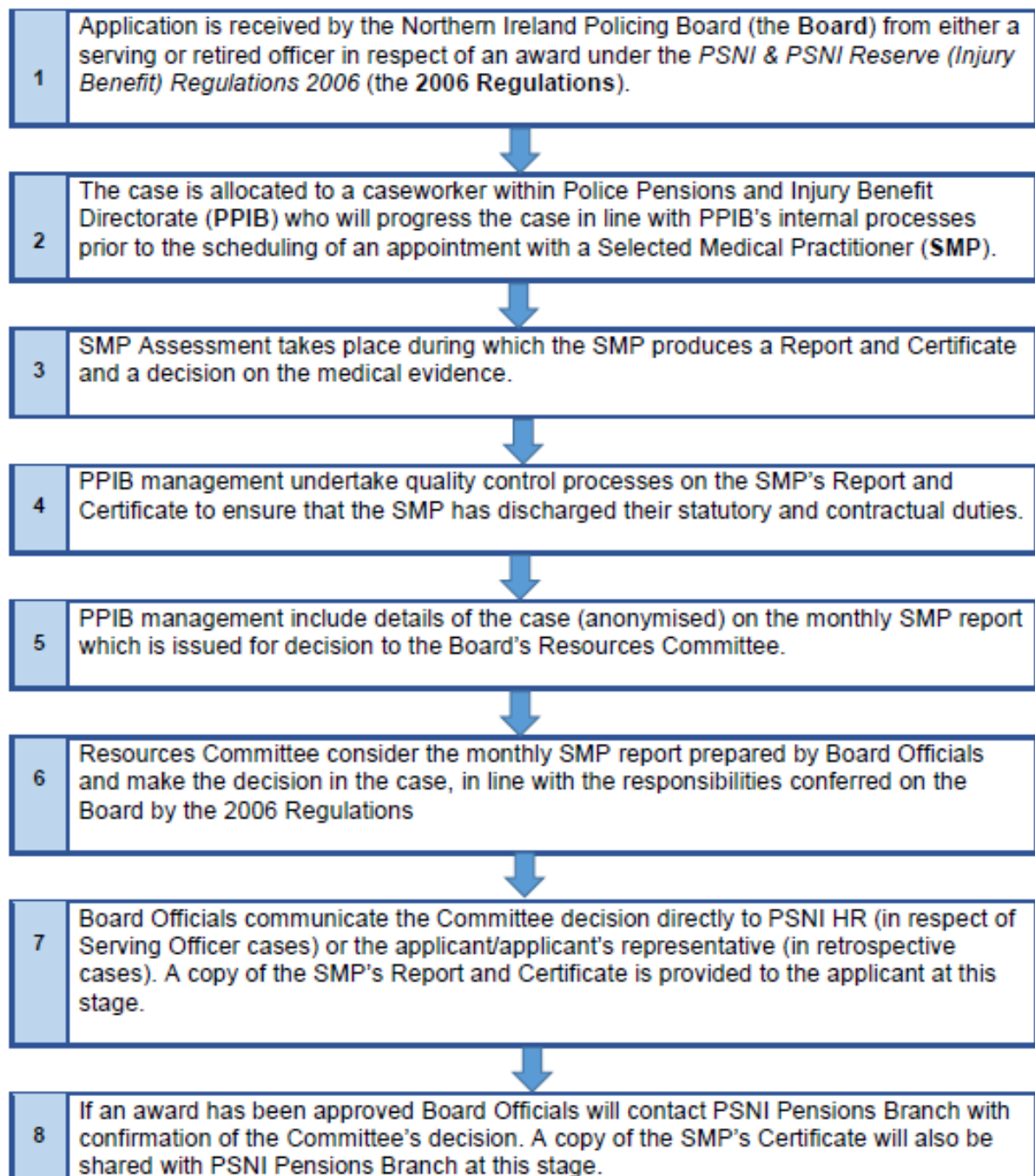
HOW TO APPLY FOR ILL HEALTH RETIREMENT

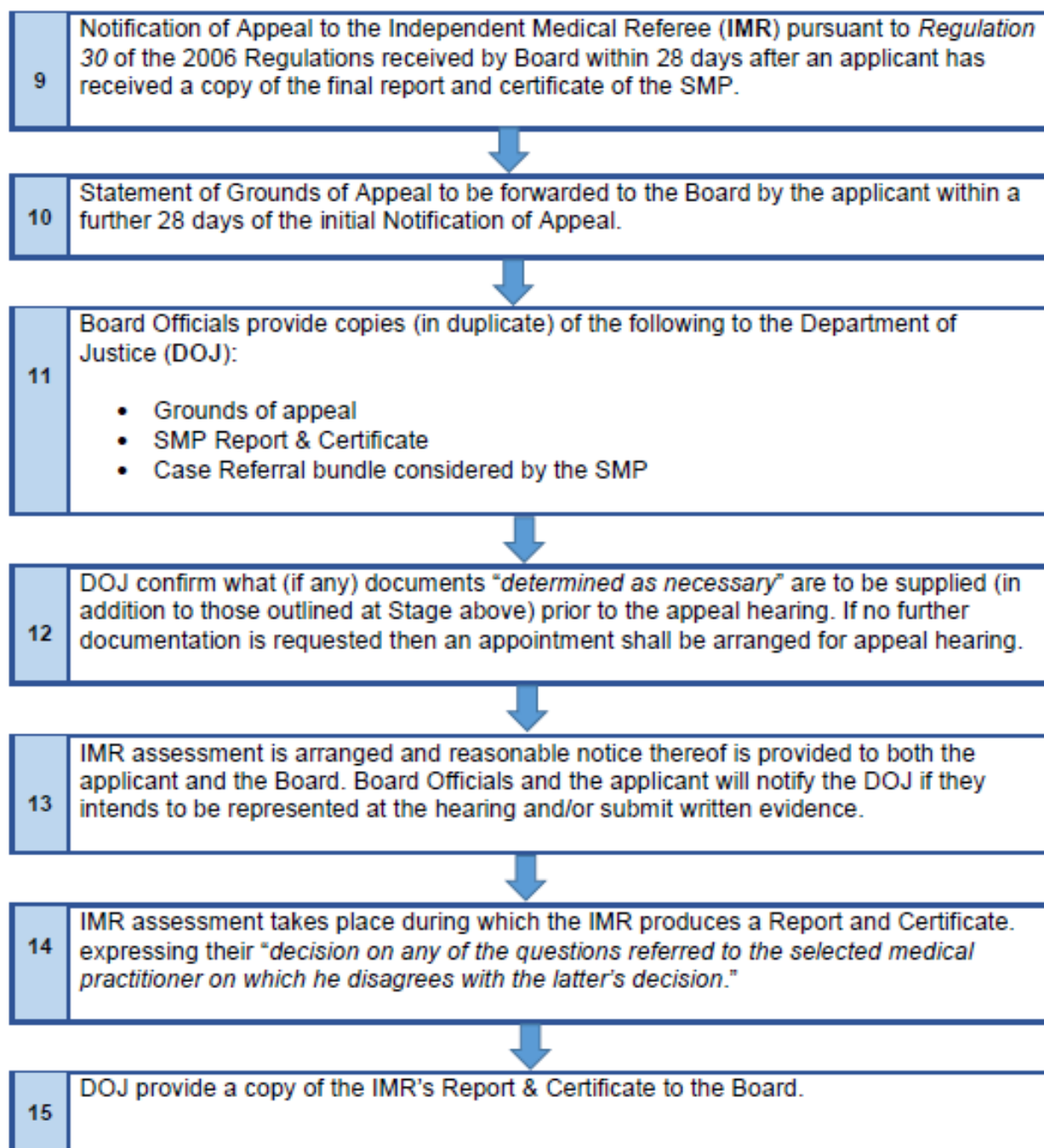
All applications for Ill Health Retirement originate at PSNI and you should contact your line manager and/or PSNI Occupation Health and Wellbeing in this respect.

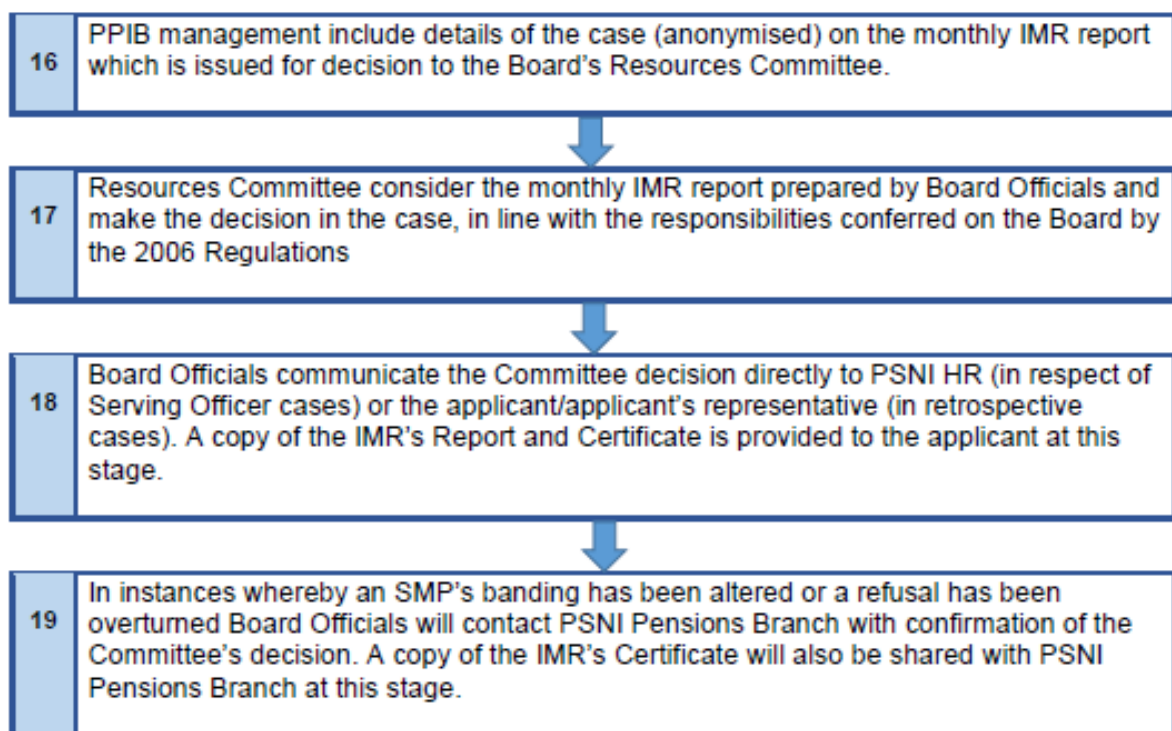
Payment of a pension on the grounds of ill health can only be made following an assessment by the Board's SMP. The Board will correspond with you directly to inform you about the outcome of the SMP's assessment, to include any appeal routes available to you if applicable.

KEY STAGES IN THE PROCESS

APPLICATION PROCESS UNDER THE PSNI & PSNI RESERVE (INJURY BENEFIT) REGULATIONS 2006







NOTES

- 1.1 Board Officials have prepared the attached flowchart being the process overview for initial applications only to the SMPs and IMRs.
- 1.2 The process relates to initial applications under the 2006 Regulations only and does not include applications made under the various police pension schemes.
- 1.3 This process does not relate to specific applications made by virtue of either *Regulation 31(2)* or *Regulation 35* of the 2006 Regulations.

CONTACT DETAILS

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Police Pensions and Injury Benefits
Frequently Asked Questions**

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