

## TERMS OF REFERENCE

### Background on Injury on Duty Awards

The Board has a statutory duty under the RUC Pensions Regulations 1988; the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006; and the Police Pension (NI) Regulations 2009 to administer applications for ill health retirement, injury on duty awards and other awards in respect of serving and former police officers.

Home Office Circular 46/2004, published August 2004, instructed police forces to place former officers who had reached compulsory retirement age for the service (i.e. over 65) in the lowest band of Degree of Disablement upon review of their injury on duty award. The Northern Ireland Office issued similar guidance (Circular 06/2007) to the Board in 2007. The Board did not apply this guidance.

In light of the *Simpson* judgment in February 2012<sup>1</sup>, Home Office Circular 46/2004 and the reciprocal Northern Ireland Office Circular 06/2007 were withdrawn. The Board's policy at that time was to continue to calculate loss of earnings, with the exception that police salary would no longer be used in the calculation. This approach was afterwards approved by the Department of Justice (policing and justice powers were devolved from the Northern Ireland Office in 2010) in June 2012.

Following a number of concerns raised by former officers and various representative groups a decision was taken by the Board in March 2013 to suspend the review of injury on duty awards. A working group chaired by the Board's Chief Executive and comprising of various stakeholders was also established to consider the current policies and procedures for the review of injury on duty awards and make recommendations to the Board and Department of Justice on present policies and procedures.

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<sup>1</sup> In *Simpson* Mr Justice Supperstone found that the section in Home Office Circular 46/2004 "Review of Injury Pensions Once Officers Reach Age 65" and paragraph 20 of the Guidance on Medical Appeals which instructed police forces to place the former officer in the lowest band of Degree of Disablement as they would not normally be expected to be earning a salary in the employment market was unlawful.

## **Senior Counsel Review**

In July 2013 the Board agreed to engage Senior Counsel to review the Board's existing administrative process within the current statutory and policy framework. Mr David Scoffield QC was appointed to carry out the review.

The review will include:

1. Consultation with stakeholders;
2. An examination of the legislative landscape and regulatory policy framework for the administration of injury on duty awards, including any limitations;
3. Consideration of recent Pension Ombudsman and Medical Appeal Tribunal decisions;
4. Analysis of the processes and procedures followed by the Board in accordance with legislation and policy; and
5. Identification of any limitations in the legislative framework and policy guidelines.