



FREEDOM OF INFORMATION REQUEST

FOI Reference number: 11/2017

Date: 27 March 2017

Requests:

Please note all points listed refer only to applications for retrospective injury on duty claims:

1. What measures have been taken to resolve this issue of delayed claims?
2. How many retrospective injury claims have been made between April 2015 and February 2017?
3. How many of these claims have been settled?
4. How many claims were approved following initial examination by the Policing Board's Selected Medical Practitioner?
5. How many claims were approved following appeal of initial findings by the Policing Board's Selected Medical Practitioner?
6. How many were approved following referral to the Department of Justice?
7. When did the contract with Blackwell Associates Ltd. expire?
8. Has a new Selected Medical Practitioner been appointed?
9. Have there been any formal complaints made by a claimant against Blackwell Associates Ltd?
10. Have there been any formal complaints made against any member of NIPB staff?
11. How many of these claims relate to mental health issues?
12. Where any retrospective claim has been related to mental health issues has any claimant committed or attempted suicide before resolution of the claim?

Answers:

Where it is not specified, the time period examined for this response is taken to be April 2015 and February 2017 as stated in the request point 2 above.

1. What measures have been taken to resolve this issue of delayed claims?

Several measures have been taken by the Northern Ireland Policing Board (the Board) to ensure that all claims submitted by officers and former officers are processed expeditiously. In 2013, Senior Counsel was engaged to review the Board's existing administrative process within the current statutory and policy framework. Mr. David Scoffield QC reported in 2014, and his report is available on the Board's website <https://www.nipolicingboard.org.uk/sites/nipb/files/media-files/redacted-version-of-scoffield-report.pdf>. Mr. Scoffield's report made several recommendations to improve processes and these are being implemented by the Board.

The legal uncertainty during this period resulted in the suspension of some processes and this combined with a substantial increase in applications resulted to create a temporary backlog of claims. Following consultation with a range of stakeholders, including representatives of serving and former officers, the Board allocated further staff resources to the Administration Branch in 2016 to clear this backlog and implement the changes recommended by Mr. Scoffield. The Board's action is continuing to clear the backlog of cases however; the Board is mindful of the effect of any delay on officers and is continuing to improve its processes and communications through engagement with its partners in the process and consultation with stakeholders.

2. How many retrospective injury claims have been made between April 2015 and February 2017?

A retrospective injury claim has been taken to mean, claims submitted by former officers for injuries sustained in the performance of their duty and not claims submitted by serving officers as part of the ill health retirement process which are also considered by the Board.

There have been 156 retrospective injury claims submitted between April 2015 and February 2017.

Between April 2015 and March 2016, 102 new retrospective injury claims were received.

Between April 2016 to February 2017, 54 new retrospective injury claims were received.

3. How many of these claims have been settled?

Cases are not marked as closed (settled) until any appeal, tribunal or reconsideration has been finished and an additional 3 months has elapsed to allow for further external appeal for example to the Pension Ombudsman, to be notified.

The time taken to settle a case depends on a number of factors including the complexity of the case; the Branch's workload; the availability of medical specialists and the time taken to receive requested information.

Of the 156 retrospective injury claims submitted between April 2015 and February 2017, 67 cases (42.95%) have been closed.

Between April 2015 and March 2016, 102 retrospective injury claims were received of which 61 cases (59.8%) are closed.

Between April 2016 to February 2017, 54 retrospective injury claims were received of which 6 files (11.11%) are closed.

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4. How many claims were approved following initial examination by the Policing Board's Selected Medical Practitioner?

Approved figures are only available for the period, April 2015 to December 2016 as the quarter figures for the period January 2017 to March 2017 are not complete and require approval by the Board's Resources Committee. The figures provided are for cases which have been approved following referral to the Selected Medical Practitioners and approved by the Resources Committee during this period. Please note that these figures do not relate to the 156 new retrospective cases reported in answer 3 above as this group of cases is partially ongoing.

Approved 79
Not approved 375

5. How many claims were approved following appeal of initial findings by the Policing Board's Selected Medical Practitioner?

Within the regulations there are two methods of challenging the conclusions of the SMP. A request for a reconsideration under Regulation 31(2) of the PSNI and PSNI Reserve (Injury Benefit) Regulations 2006 and an Appeal to the Independent Medical Referee (which is organised by the Department of Justice (DOJ)) under Regulation 30 of the same regulations.

Figures for the number of reconsiderations were not collected separately for this period but the cases are contained in the figures in answer 4 above.

Figures for the cases referred to the DOJ appeal process are detailed in answer 6 below.

6. How many were approved following referral to the Department of Justice?

Between April 2015 and February 2017 there have been 117 appeals completed. Additional medical evidence is frequently made available by the applicant to the Independent Medical Referee (IMR) during the appeals process which was not available at the time of examination by the Selected Medical Practitioner (SMP).

51 (43.58%) were upheld (the IMR agreed with the recommendation(s) of the SMP).
49 (41.88%) were overturned (the SMP recommendations were overturned by the IMR).
17 (14.52%) were withdrawn by the applicant.

7. When did the contract with Blackwell Associates Ltd. expire?

The contract with Blackwell Associates Ltd expired on 30 September 2016. When possible, cases held by Blackwell Associates Ltd on that date were concluded by Blackwell but all cases were forwarded to the Board by January 2017.

8. Has a new Selected Medical Practitioner been appointed?

The Northern Ireland Policing Board has put in place new arrangements for the provision of Selected Medical Practitioner (SMP) services from the 1st October 2016. The Board has appointed Occupational Health Practitioners to act as the SMP whose role is to conduct all medical assessments in respect of ill health and injury on duty award applications in specifically designed facilities at the Board's premises in the Waterside Tower, 31 Clarendon Dock, Belfast. This approved list of SMPs is published on the Board's website at <https://www.nipolicingboard.org.uk/smp-arrangements-1st-october-2016>

9. Have there been any formal complaints made by a claimant against Blackwell Associates Ltd?

Yes.

10. Have there been any formal complaints made against any member of NIPB staff?

The formal complaints system for the Northern Ireland Policing Board is detailed at <https://www.nipolicingboard.org.uk/how-make-complaint>

No formal complaint has been made against Administration Branch staff.

11. How many of these claims relate to mental health issues?

The Policing Board does not hold information on how many of these claims relate to mental health issues.

12. Where any retrospective claim has been related to mental health issues has any claimant committed or attempted suicide before resolution of the claim?

The Policing Board does not hold information on the cause of death of officers or former officers.

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 write to the Board's Chief Executive at the following address:

Northern Ireland Policing Board
Waterside Tower
31 Clarendon Road
Clarendon Dock
Belfast BT1 3BG

Email: foi@nipolicingboard.org.uk

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:-

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.