



## FREEDOM OF INFORMATION REQUEST

**FOI Reference number:** FOI 29/2014

**Date:** 20 August 2014

**Request:**

1. Number of reviews of percentage disablement on IODs on reaching pensionable age by year?
2. Number of reviews where the reviewed percentage disablement caused a change in the banding as shown in Schedule B part V of the pension regulations (a) increase (b) decrease by sex?
3. Was these reviews conducted under the home office guidance 46/2004?
4. If so in view of the ruling in Leeds High Court what procedures have been put in place in respect of reviews carried out under 46/2004 which have reduced the banding?

**Answer 1.** Between 2008 and 2013 there were a total of 83 reviews carried out of former officers who had passed compulsory retirement age. The breakdown by year is as follows: - 11 in 2008; 32 in 2009; 1 in 2010; 0 in 2011; 38 in 2012; and 1 in 2013.

**Answer 2.** Of the 83 reviews carried out 4 increased in banding and 54 reduced in banding. To prevent the identification of individuals and to maintain confidentiality it is not possible to provide a breakdown by gender. The exemption under section 40(2) *Third Party Information* is therefore engaged.

**Answer 3.** Home Office Circular 46/2004 covers injury on duty awards for police services in England and Wales only. Similar guidance was provided by the Northern Ireland Office (whose responsibilities now fall within the Department of Justice of Northern Ireland - DOJNI) in circular 06/2007, published in May 2007.

The Board's Human Resources Committee considered Circular 06/2007 on 13 June 2007 and agreed to implement the guidance except that the Selected Medical Practitioner (SMP) should not be instructed to place the ex-officer in Band 1 at age 65.

The Board instead instructed the SMP to continue to carry out a calculation using the Annual Survey of Hourly Earnings (the ASHE survey). In a small number of cases the Board identified that the SMP had applied 0% in error or did not carry out a calculation. These cases have been returned to the SMP for reconsideration, by agreement with the former officers involved.

The appeal process is administered by the DOJNI who appoint an Independent Medical Referee (IMR). At the time of these reviews the IMR was instructed by the DOJNI to apply Circular 06/2007 and automatically place former officers who had passed compulsory retirement age in Band 1. Following the decision by the High Court in Simpson, judgment delivered on 21 February 2012, the IMR(s) were asked to consider the appeal again and provide a calculation in the small number of appeals where 0% had been applied.

**Answer 4.** The Board was informed by the DOJNI on 1 April 2014 of the withdrawal of the section of Circular 06/2007 dealing with reviews at compulsory retirement age. The Board is currently considering the issues highlighted in the ruling by Leeds High Court as part of a wider review of the Board's injury on duty award process by Senior Counsel. The Board has also written to the DOJNI on this issue.

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](mailto: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:-

The Information Commissioner's Office – Northern Ireland  
3rd Floor  
12 Cromac Place  
Gasworks  
Ormeau Road  
Belfast  
BT7 2JB.

Telephone: - 0303 1231114  
Email: - [ni@ico.org.uk](mailto:ni@ico.org.uk)

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