

Scofield Review

December 2014

- This meeting is being recorded. **ALL SPEAKERS ARE ASKED TO IDENTIFY THEMSELVES BEFORE MAKING COMMENTS.**
- This presentation aims to provide an overview of the Scofield Review. Chapters 1 and 14 have been disseminated, however, the remaining chapters are subject to legal privilege and will not be shared.
- There can be no discussion of individual cases during today's presentation.
- The Board has received a number of inappropriate personal comments about the Board's staff. Personal comments will not be tolerated and if any such comments are made you will be asked to leave.

Background

- In light of the Simpson judgment in February 2012, Home Office Circular 46/2004 and the reciprocal Northern Ireland Office Circular 06/2007 were withdrawn (the latter by the Department of Justice, DOJ).
- 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 various stakeholders was also established.
- 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.

Terms of Reference

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

IOD Awards – NI v E&W

- The Board are currently receiving an average of 10-15 new applications per week. The Metropolitan Police service, with over 30,000 officers receives on average 22 applications per year.
- In 2013/14 the Board processed 325 cases. Currently we have approximately 500 applications, 500 reviews and 200 appeal cases.
- From available information no police service in England and Wales has more than 650 IOD Awards in payment. In NI there are over 2,300 in payment. The total cost of IOD Awards has increased from £15.1 million in 2007/08 to £24.4 million in 2013/14.
- The cost to date this year is £17 million and is expected to rise to £28 million by year end.

Scofield identified six limitations (Chapter 1)

1. Cumbersome decision-making process under the regulations – medical/non-medical questions
2. Nature and purpose of IOD Awards
3. Time limit for retrospective applications
4. Double recovery – civil claims and IOD Award applications
5. Absence of guidance on the ill-health retirement and IOD Award schemes

Limitations 1- 5 must be addressed by the DOJ. The Board's role is that of administrator in this process following the legislation and guidance of the DOJ.

6. Resources – Board staff and duty of care

David Scoffield Recommendations (Chapter 14)

1. Consider major reform of the IOD Award scheme
2. Regulations to deal expressly and unambiguously with intent of IOD Award Scheme
3. Simpler decision-making process under the Regulations
4. Introduce a time limit for retrospective applications
5. Cease double recovery
6. Consider moving the IOD Award administration from the Board to PSNI
7. NI specific guidance

David Scoffield Recommendations (Chapter 14)

8. Consider more basic assessment using Bands only
9. Review definition of “permanent”
10. Guidance to SMPs and IMRs
11. Review intervals to be decided on medical advice
12. Amendment to permit reviews based on medical evidence without reference to an SMP, where appropriate
13. No automatic reviews of officers at age 65 or CRA
14. Cease reviews of cases marked permanent
15. SMPs/IMRs to mark cases as permanent only in exceptional cases

Action Plan - Responsibilities

- The Department of Justice will be responsible for addressing limitations 1 – 5. In order to address these issues the Department has advised it will:
 1. Carry out a review of the policy intent behind the IOD Award Scheme;
 2. Review the issue of over 65 reviews and provide guidance;
 3. Examine the issue of double recovery claims; and
 4. Consult on draft IOD regulations in 2015.
- The Board is working to address the pressures faced by staff in the administration of the IOD Award Scheme (limitation 6). It is envisaged this issue will be lessened by the Department addressing the limitations in respect of the legislative and policy framework for the IOD Award Scheme.

How can you help?

- Update your Members on today's meeting
 - Direct individuals to the NIPB Website – there will be a dedicated section on Scofield Review
- Encourage others to refrain from contacting the Board – updates will be issued by letter and on the website

The Scofield Report is currently with the DOJ for consideration. As such the Board is not in a position to answer questions on any action that will be taken to address the recommendations. It would therefore be appreciated if individuals would refrain from contacting the Board as this only holds up efforts to progress this work.