



Agenda Item  
3.3

<b>Meeting</b>	<b>SPA People Committee</b>
<b>Date</b>	<b>27 November 2023</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	<b>Ill Health Retirement and Injury on Duty</b>
<b>Presented By</b>	<b>Jackie Kydd, Workforce Governance Lead</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

This purpose of this paper is to provide an update to Members of the People Committee on the review of the Ill Health Retirement (IHR) and Injury on Duty (IoD) award processes.

Decisions made under delegated approval following changes to the Governance Framework, approved at the Authority meeting on 24 August, that decisions in relation to applications for ill health retirement, and injury on duty awards would be added to the responsibilities of the People Committee.

## **1 BACKGROUND**

- 1.1. The Authority, in conjunction with Police Scotland, initiated a piece of work to review the Ill Health Retirement (IHR) and Injury on Duty (IoD) award processes in late 2019, prior to the Covid-19 pandemic.
- 1.2. Two strands of work have been taken forward under this review:
  - The legal arrangements underpinning the processes, reporting to the Legal Committee; and
  - The approach, communication, governance and approval arrangements underpinning the processes, reporting to the People Committee.
- 1.3 Throughout 2020 and 2021, as a result of the pandemic, appointments with Selected Medical Practitioners (SMP) were severely curtailed or unable to go ahead. In addition, there were significant delays in receiving the necessary information from GPs and other relevant NHS specialists to progress cases.
- 1.4 Previous reports to the People Committee in February, May and August 2023 outlined improvements that had been identified and implemented, including:
  - Enhanced communication prior to approval between Police Scotland and the Authority;
  - A senior People & Development (P&D) resource to oversee processes and report on risks and gaps;
  - Improvements in the recording and monitoring of cases and timeframes throughout both processes;
  - The offer to officers of a meeting to meet their P&D point of contact and discuss the application process;
  - Ensuring all required information is submitted in advance of the SMP appointment;
  - The recruitment of 5 additional SMPs;
  - Additional SMP appointments from January 2023 to reduce processing timescales;
  - A 6 month trial commenced in May 2023 to fast-track IHR cases to Police Scotland's Director of People and Development;
  - An interim process change where SMPs are conducting IoD determinations without the need for face-to-face appointments.

## **2 FUTHER UPDATE ON REPORT TOPIC**

Ill Health Retirement / Injury on Duty Review

- 2.1 An Authority/Police Scotland joint paper was presented to the Scottish Police Consultative Forum (SPCF) on 31 August 2023.
- 2.2 It was agreed that the current process would be updated to enable SMPs to consider applications for IHR and IoD awards simultaneously. This will result in improved timescales for officers as well as removing the need for potentially traumatic situations to be reiterated to SMPs when they are considering both the IHR and IoD applications.
- 2.2 Additionally, the establishment of a working group was agreed that would progress the following outcomes:
- replace PNB Circular 10/4 (the current IHR guidance document for police authorities and senior managers developed in August 2010) to capture the current position and/or enable further improvements in the process;
  - ensure a clear position with regards to the extent to which IHR/IOD decisions are reviewed in order to consider potential deterioration or improvement in medical condition related to IHR/IOD;
  - ensure Regulation 12 of the Police (Injury Benefit) (Scotland) Regulations is fit for purpose (and if required put forward recommendations for amendment); and
  - ensure the option to develop an Injury Compensation Scheme for officers is fully considered.
- 2.3 Membership of the working group would include representatives from SPA, Police Scotland, Scottish Government, SPF, ASPS and SPPA.
- 2.4 Progress to establish the working group is ongoing and the outcomes of the work will be progressed via the relevant governance groups currently in place. This may result in updates/proposals to PNB, SPCF and/or the Police Pensions Scheme Advisory Board (SAB).

Internal Audit

- 2.5 The findings of the IHR and IoD internal audit was presented to the SPA Audit, Risk and Assurance Committee on 7 November 2023.
- 2.6 A full update on the report, including progress on the management actions, will be presented as part of the IHR/IOD review closure report in February 2024. In summary BDO provided moderate assurance over the design and limited assurance over the

operational effectiveness of the Scottish Police Authority's arrangements in place in relation to IHR and IoD awards, finding that overall the design of controls governing the IHR and IoD process were generally sound.

- 2.7 Six findings were identified however it was noted that although improvement actions from the ongoing joint review have been implemented in recent months, continued focus continues to be required to ensure processes are wholly robust and efficient, and to ensure arrangements are conducive to a consistently positive experience for users.

Approvals under Delegated Responsibility

- 2.8 The scheme of delegation requires that updates on the approvals made under the delegated responsibility of the Committee are reported to the Committee.
- 2.9 Applications for retirement on the grounds of ill health are determined under Regulation A20 of the Police Pensions Regulations 1987 which allow that the Police Authority may determine that an officer ought to retire on the grounds that he/she is permanently disabled for the performance of his/her duties as a police officer.
- 2.10 The table below details the applications received, the recommendations from Police Scotland, and the decisions taken in cases in the period 15 July 2023 to 9 November 2023:

	No of IHR Submitted to SPA	Recommended by Police Scotland		Decision by SPA	
		IHR	Redeployment	IHR	Redeployment
July	5	2	3	2	3
August	9	8	1	8	1
September	3	3	0	3	0
October	6	6	0	6	0
November	5	4	1	4	1
<b>TOTAL</b>	<b>28</b>	<b>23</b>	<b>5</b>	<b>23</b>	<b>5</b>

- 2.11 Applications for Injury on Duty (IOD) awards are dealt with in terms of the Police (Injury Benefit) (Scotland) Regulations 2007.
- 2.12 The table below presents the information on the number of cases presented by Police Scotland, which have been considered by the Authority in the period 15 July 2023 to 9 November 2023:

	No of IOD Submitted to SPA	Recommended by Police Scotland		Decision by SPA	
		Approved	Not Approved	Approved	Not Approved
July	2	2	0	2	0
August	4	4	0	4	0
September	7	7	0	7	0
October	3	3	0	3	0
November	0	0	0	0	0
<b>TOTAL</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>16</b>	<b>0</b>

2.13 Following the transfer of reporting from the Legal Committee to the People Committee it is proposed that reporting of the above information moves to six monthly allowing for an annual position to be reported following the end of the financial year.

### **3 FINANCIAL IMPLICATIONS**

3.1 There are financial implications associated with this report. The payment of an injury award is a cost borne by SPA/Police Scotland.

3.2 Commitment has been previously given that financial considerations are not part of the approval process.

### **4 PERSONNEL IMPLICATIONS**

4.1 There are personnel implications associated with this report as outlined throughout.

### **5 LEGAL IMPLICATIONS**

5.1 There are legal implications associated in this report as outlined throughout.

### **6 REPUTATIONAL IMPLICATIONS**

6.1 There are potential reputational implications in this report. The reputation of the Authority may be damaged if applications for IHR/IOD are not managed appropriately.

### **7 SOCIAL IMPLICATIONS**

7.1 There are no social implications in this report.

### **8 COMMUNITY IMPACT**

8.1 There are no community implications in this report.

## **9 EQUALITIES IMPLICATIONS**

9.1 There are equality implications in this report. The intention of the proposed changes are intended to have a positive impact on officers progressing through the IHR/IoD process. Any broader review of the PNB guidance will be supported by an EqHRIA.

## **10 ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

### **RECOMMENDATIONS**

Members are invited to:

- Note the information contained within this report.
- Approve reporting of information on approvals under delegated responsibilities to move to six monthly, allowing for an annual position to be reported following the end of the financial year.