



Agenda Item 2.2

Meeting	People Committee
Date	28 February 2024
Location	MS Teams
Title of Paper	Ill Health Retirement Review Closure Report
Presented By	Jackie Kydd, Workforce Governance Lead
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

This purpose of this paper is to provide a final report to Members of the People Committee on the review of the Ill Health Retirement (IHR) and Injury on Duty (IoD) award processes, following quarterly updates over the last 12 months.

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. Previous reports to the Committee throughout 2023 outlined improvements that had been identified and implemented, including:
 - Enhanced communication prior to approval between Police Scotland and the Authority.
 - A senior People and 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.
 - The recruitment of 5 additional SMPs and subsequent additional appointments to reduce the processing timescales.
 - A 6-month trial which commenced in May 2023 to fast-track IHR cases to Police Scotland's Director of People and Development.
 - An interim process change, where, when possible, the SMP that considered IHR also conducted the IoD determination without the need for face-to-face appointments, unless requested by the officer therefore reducing the requirement to re-live trauma.

2 FUTURE DETAIL ON REPORT TOPIC

- 2.1. The improvements highlighted above are now part of a business-as-usual process and have resulted in a significant reduction in the average wait times for a SMP appointment, which has reduced from 13 months in 2021-22 to 5 months in 2022-23. The number of live IHRs has reduced over the calendar year from 101 to 57. Similarly, the number of IOD cases has reduced over the calendar year from 48 to 39.
- 2.2. Following discussions with Optima Health and required changes to the internal Police Scotland administrative processes, the simultaneous consideration of IHR and IoD awards is expected to commence in March 2024.

Evaluation of 6-month trial

OFFICIAL

- 2.3. From May – November 2023, a trial took place to fast-track IHR cases to the Director of People and Development where they met the following criteria:
- All key competencies required to be a police officer were permanently affected.
 - The officer was permanently unfit for Regular employment (30 hours or more).
- 2.4. 7 officers met the criteria during the evaluation timescale to be fast-tracked, taking an average of 27 days (ranging from 16-42 days) to progress from SMP appointment to sign off by the Director of P&D. In comparison, 8 officers who met the criteria from January – May 2023, prior to the introduction of the fast-track process, took an average of 61 days (ranging from 35-82 days) from SMP appointment to sign off by the Director of P&D. It is useful to note that officers are provided with 28 days to consider the content of the SMP report and a further 28 days to consider the posting panel information and provide a response.
- 2.5. This trial showed the value in the decision to fast-track, albeit to a small number of individuals, in time saved to complete the process when there was no possibility of the officers being suitable for a role in policing. This fast-track process will now continue as standard practice.

Internal Audit

- 2.6. The paper to the People Committee in November 2023 outlined that a full update on the Internal Audit would be presented as part of the IHR/IoD review closure report in February 2024.
- 2.7. The Q3 Wellbeing Report (item 2.1) sets out further information in relation to the this.

Criminal Justice Committee Correspondence

- 2.8. The SPA Chief Executive provided a written update to the Criminal Justice Committee on IHR and IoD following the commitment given in the initial response in March 2023. This update outlined the improvements to the process that have been reported to the Committee over the last 12 months.
- 2.9. Communication with staff associations was highlighted as being of great value and regular discussion on the topics of IHR and IoD will continue.

Next Steps

- 2.10. A joint Authority/Police Scotland paper was presented to the Scottish Police Consultative Forum (SPCF) on 31 August 2023. At this meeting it was agreed the current process would be updated to allow SMPs to simultaneously consider IHR and IoD awards.
- 2.11. The establishment of a working group to include representatives from SPA, Police Scotland, Scottish Government, SPF, ASPs and SPPA was agreed. This working group will:
- Support a collaborative review to replace Police Negotiating Board Guidance 10/4: Improving the Management of Ill Health, which was implemented in 2010.
 - Consider appropriate approaches to reviewing Ill Health Retirement and Injury on Duty decisions to consider whether the retired officer's condition has changed (i.e. deteriorated or improved).
 - Consider the extent to which the Authority should have a role in determining whether disablement was as a result of an injury received in the execution of duty and/or whether the person concerned has brought about or substantially contributed to the disablement by their own default (currently determined by the SMP on behalf of the Authority as per Regulation 30(2) of the Police (Injury Benefit) (Scotland) Regulations 2007).
 - Consider key questions in relation to Regulation 12 of the Police (Injury Benefit) (Scotland) Regulations 2007 which include:
 - Are both mental health injuries and physical injuries given fair and equal treatment?
 - Are progressive mental health injuries that lead to total and permanent disablement adequately catered for?
 - Consider the merits of implementing some form of Injury Compensation Scheme for officers who are injured but are not ill health retired.
- 2.12. The first working group meeting is scheduled to take place in March 2024 and any updates/proposals will be provided to PNB, SPCF and/or the Police Pensions Scheme Advisory Board (SAB) as well as this committee at the appropriate time.

3 FUTURE COMMITTEE REPORTING

- 3.1 As agreed in November, 6 monthly reporting will be presented to the committee detailing the number of IHR approvals and IoD awards, following the delegation of approvals to the Chief Executive.

4 FINANCIAL IMPLICATIONS

- 4.1 There are financial implications associated with this report. The payment of an injury award is a cost borne by SPA/Police Scotland.
- 4.2 Commitment has been given previously that financial considerations are not part of the approval process.

5 PERSONNEL IMPLICATIONS

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

6 LEGAL IMPLICATIONS

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

7 REPUTATIONAL IMPLICATIONS

- 7.1 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.

8 SOCIAL IMPLICATIONS

- 8.1 There are no social implications in this report.

9 COMMUNITY IMPACT

- 9.1 There are no community implications in this report.

10 EQUALITIES IMPLICATIONS

- 10.1 There are equality implications in this report. 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.

11 ENVIRONMENT IMPLICATIONS

- 11.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to:

- Note the information contained within this report.