



<b>Meeting</b>	<b>Legal Committee</b>
<b>Date</b>	<b>1 August 2023</b>
<b>Location</b>	<b>Video Conferencing</b>
<b>Title of Paper</b>	<b>Statistical Report on Ill Health Retirement and Injury on Duty Awards</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 paper provides the Legal Committee with an update on the ill health retirement and injury on duty considerations since the proposal of the Committee, and subsequent approval by the Chair, that these remain the delegated responsibility of the SPA Chief Executive.

## 1 BACKGROUND

- 1.1. At a meeting of the Legal Action, Claims and Appeals Committee on 28 January 2020 Members agreed that a report on the business approved under the delegated responsibility would become a standing agenda item for the Committee. This covers the requirements of the scheme of delegation that updates on the approvals made are submitted to the Committee for information.
- 1.2. This report details the applications received, the recommendations from Police Scotland, and the decisions taken in cases in the period 04 March 2023 to 14 July 2023

## 2 FURTHER DETAIL ON THE REPORT TOPIC

### 2.1. Ill Health Retirement / Redeployment

- 2.1.1. Applications for retirement on the grounds of ill health (IHR) 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. In considering whether a person is permanently disabled, Regulation H1 of the 1987 Regulations provides that the Police Authority shall refer certain questions to the Authority's Selected Medical Practitioner (SMP) who shall provide a report with their determination.
- 2.1.2. Subsequent to the receipt of the documentation from the SMP a robust process is undertaken within Police Scotland to conclude, give the capabilities that have been determined by the SMP as permanently disabled, whether any redeployment opportunities exist. Whether any opportunities for redeployment have been identified is contained within the report that is submitted to the Authority with comments and a recommendation provided by the Director of People and Development (on behalf of the Chief Constable as permitted by the regulations).
- 2.1.3. The table below presents information on the number of cases presented by Police Scotland, which have been considered by the Authority in the period 04 March 2023 to 14 July 2023.

	No of IHR Submitted to SPA	Recommended by Police Scotland		Decision by SPA	
		IHR	Redeployment	IHR	Redeployment
March	14	12	2	12	2
April	12	11	1	11	1
May	15	11	4	11	2
June	5	4	1	5	2
July	2	2	0	2	0
<b>TOTAL</b>	<b>48</b>	<b>40</b>	<b>6</b>	<b>41</b>	<b>6</b>

2.1.4. Two cases submitted in May 2023 required further consideration and legal opinion prior to a decision being made. The decision on the 2 cases was communicated to Police Scotland in June.

## 2.2. Injury on Duty

2.2.1. Applications for Injury on Duty (IOD) awards are dealt with in terms of the Police (Injury Benefit) (Scotland) Regulations 2007. Regulation 30 of the 2007 Regulations provides that, where a police authority is considering whether to grant an IOD award to an individual, it should refer questions to the SMP.

2.2.2. Subsequent to the receipt of the documentation from the SMP, Police Scotland complete their administration process which includes requesting comments from the ex-officer and completing the 'Police Authority Report – Injury on Duty Award' form. Once complete this form is submitted to the Director of People and Development for comment prior to its onward submission to SPA.

2.2.3. At a previous committee, members were presented with legal opinion on the level of discretion that SPA have with regards to cases when the SMP has determined as IOD award is appropriate.

2.2.4. 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 04 March 2023 to 14 July 2023.

	No of IOD Submitted to SPA	Recommended by Police Scotland		Decision by SPA	
		Approved	Not Approved	Approved	Not Approved
March	2	2	0	2	0
April	8	8	0	8	0
May	8	8	0	8	0
June	4	4	0	4	0
July	7	7	0	7	0
<b>TOTAL</b>	<b>29</b>	<b>29</b>	<b>0</b>	<b>29</b>	<b>0</b>

- 2.3. Members are invited to note the information contained in the report.

### **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. A number of officers have been maintained on full pay due to the delays in the IHR process.
- 3.3. 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. All officers are notified of the outcome of their request for IHR/IOD at the earliest opportunity and regular contact is being maintained with officers who at all stages of the process.

### **5 LEGAL IMPLICATIONS**

- 5.1. There are legal implications in this report. The SPA must comply with the regulation stated in the report.

### **6 REPUTATIONAL IMPLICATIONS**

- 6.1. There are reputational implications in this report. The reputation of the SPA 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 no equality implications in this report.

### **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.