



NOTTINGHAMSHIRE
POLICE
PROUD TO SERVE

PD 539 Police Officer Medical Retirement (A20)

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Linked Documents: PS 147 Attendance Management
PS 174 Restricted, Recuperative Duties Policy
PD 281 Police Staff Medical Retirement Procedure

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
1	Feb 2008	Stella Robinson	Head of Occupational Health	New procedure
2	Sept 2014	James Lunn	Senior HR Partner	Review

SECTION 2 INTRODUCTION

Nottinghamshire Police is committed to retaining skilled and experienced police officers who can make a valuable contribution to the organisation. In situations where police officers face significant medical problems which seriously affect their ability to undertake their post the Force is committed to posting them into suitable alternative posts, making reasonable adjustments to posts within the establishment structure and approving restrictive and recuperative duties to assist recuperation and retention.

In all situations of ill health, priority is given to both the needs of the individual police officer and the operational resilience of Nottinghamshire Police.

As a last resort, either the individual police officer concerned, their line manager or the Force Medical Advisor (FMA) can apply for the medical retirement of the police officer under A20 Police Pension Regulations 2006 and relevant Home Office Circulars.

It may be appropriate to submit a medical retirement application immediately in the rare eventuality that a significant medical condition develops suddenly in a short period of time.

SECTION 3 AIMS / OBJECTIVES

This procedure has been developed to outline the fair, transparent and objective process for making a medical retirement application under A20 Police Pension Regulations 2006.

This procedure relates to the medical retirement of all police officers, other than those of ACPO rank where the matter will be managed by the Police and Crime Commissioner (PCC).

SECTION 4 DETAILS

4.1 ELIGIBILITY

A police officer may be considered for medical retirement if the proposed retirement is due to a permanent disablement and either:

- they have two years pensionable service , or
- the permanent disablement is as a result of injury on duty (with no service restrictions).

The Force Selected Medical Practitioner (SMP) will consider the issue of permanent disablement as defined under Police Pension Regulations 2006 and take consideration of the following:

- For 1987 scheme members: is the person permanently disabled for the ordinary duties of a member of the force?
- For 2006 onwards scheme members: is the person permanently disabled from the ordinary duties of a member of the force and if so, does the SMP consider they are permanently disabled for regular employment?

Representatives of Nottinghamshire Police will consider specific disabilities and overall capabilities to see whether there are reasonable adjustments and alternative duties which could be undertaken whilst remaining a police officer.

4.2 ROLES AND RESPONSIBILITIES

- The **Head of HR&OD** will assume delegated authority from the PCC to decide if the police officer should be medically retired on the basis of the reports of the SMP.
- The **Senior Manager - HR Operations** (or their nominated representative) will:
 - coordinate all medical retirement applications;
 - approve referrals to the SMP;
 - coordinate any appeals from the applicant regarding the SMP report (including any necessary referral to Police Medical Appeal Board);
 - assume delegated responsibility from the Chief Constable to produce a report on the retention of police officers under Regulation 20.
- The **Selected Medical Practitioner** (SMP) will assess whether the individual is permanently disabled and provide appropriate medical reports.
- The **Force Medical Advisor** (FMA) will provide relevant medical background to the SMP.

4.3 APPLICATION PROCESS

The process is as follows:

- Application for medical retirement submitted
- Referral to FMA for medical assessment
- Referral to SMP for medical assessment
- Referral to Head of HR&OD for a decision.

Application for medical retirement submitted

The relevant line manager, the FMA or the individual police officer, may request a referral to the SMP for assessment for medical retirement. The relevant line manager or the individual police officer would make this application via their HR Business Partner, who will seek the advice of the Senior Manager - HR Operations. If the referral is made by the line manager, they must ensure that the individual police officer is notified in advance.

If the referral is made by the individual police officer, the Senior Manager - HR Operations may decline to forward the referral if the application can reasonably be considered 'vexatious or frivolous' or if the police officer's case for medical retirement has already been decided upon (unless the new application contains further medical evidence). The Senior Manager - HR Operations will provide a written explanation for any such refusal and outline the police officer's right of appeal to the Crown Court.

Referral to FMA

The Senior Manager - HR Operations will:

- write to acknowledge receipt of the application and explain the process;
- make a referral to the FMA.

In cases where death is likely to be imminent or the police officer is totally incapacitated due to a physical condition, the FMA may act as SMP to expedite the application.

Referral to SMP

The FMA will provide their report to the SMP or to a board of two or more doctors if the condition is sufficiently complex.

The SMP will assess the application and provide their report to the Senior Manager - HR Operations.

The Senior Manager - HR Operations will write to the police officer within 7 calendar days of receipt of the SMP report to outline the conclusions, enclosing a copy of the SMP report, advising the next steps in the process and outlining their right of appeal.

Where the SMP **does not support** that the police officer has a permanent disablement, the police officer will be sent a letter from the Senior Manager - HR Operations confirming the decision of the SMP and will have 28 calendar days to give notice of any appeal. The relevant line manager will arrange a meeting with the individual to agree a plan for any additional supportive requirements / reasonable adjustments in the workplace.

Where the SMP **confirms** that the police officer has a permanent disablement, the letter will:

- Confirm that a report will be submitted to the Head of HR&OD requesting a decision regarding the medical retirement or retention of the police officer. The police officer will be provided with a copy of the report in due course and given the opportunity to comment on its content.
- Invite the police officer to outline whether they wish to remain in Force.
- Explain that they have 28 calendar days to give notice of any appeal.
- State that if the police officer is not appealing the SMP's decision that s/he may submit written comments on Part 2 of the report so that they can be considered by the SMP and the timescales for this.

The Senior Manager - HR Operations will prepare a report for the Head of HR&OD within 28 days of the receipt of the SMP's report, enclosing:

- a copy of the SMP's report;
- an assessment of the police officer's suitability and aptitude for retention;
- assessment of posts available and scope for retention;
- recommendation regarding retention/ retirement.

The Senior Manager - HR Operations will provide a copy of the above report to the police officer concerned and give them 28 days to provide any comments relating to its content.

If an appeal against the SMP's report is received, the Head of HR&OD will only make a determination regarding medical retirement before the conclusion of the appeals process in exceptional circumstances.

If the applicant provides new medical evidence closely relating to the determination to be made on medical retirement, the Senior Manager - HR Operations will decide the most appropriate course of action, including further referral to the SMP.

The SMP will be asked to provide a new report only where it is likely to resolve the issue under dispute. There is no right of appeal against a new report issued after an internal review. If a new report will not resolve the issue to the satisfaction of the police officer, the SMP will not issue one and the appeal against the original report regarding permanent disability will be progressed.

The Senior Manager - HR Operations may, after consultation with the Head of HR&OD, forward the matter to the Secretary of State via the Police Medical Appeal Board as per the appeal procedure. The Police Medical Appeal Board will then manage the appeal as per their own procedures. If the Secretary of State upholds the appeal and decides that:

- the police officer is not permanently disabled, they will be reinstated with any decision to retire being made void. This will result in re-engagement and back pay and the police officer will be required to pay back any pension received to which they are not entitled.
- the police officer is permanently disabled, the Head of HR&OD will be asked to determine whether the police officer should be medically retired or retained.

After 28 days has elapsed, or once any appeal has been resolved, the Senior Manager - HR Operations will submit the report (and any comments/ additional medical reports received) to the Head of HR&OD for consideration.

Referral to Head of HR & OD

The Head of HR&OD will consider the report of the Senior Manager - HR Operations and confirm their decision to the Senior Manager - HR Operations who will write to notify the police officer of the decision.

If the Head of HR&OD decides to proceed with medical retirement, the letter will provide the notice of the retirement which will normally be 28 days.

4.4 APPEALS

Individual applicants have a right of appeal against the medical report of the SMP via a Police Medical Appeal Board.

Individual applicants have no right of appeal against the decision of the Head of HR&OD whether to retain them in service or authorise medical retirement. Police officers will be able to provide comments on the content of the report prior to it being considered by the Head of HR &OD.

4.5 NEW MEDICAL EVIDENCE

A decision to retain a police officer may only be reconsidered by the Head of HR&OD in exceptional circumstances where there is a significant change in the police officer's condition or the operational requirements of the Force which invalidates the assumptions on which the police officer was retained in the first instance. In such circumstances the Senior Manager - HR Operations will determine if a review is necessary, and if so will instigate a referral to the FMA.

If medical retirement is granted, the Head of HR&OD may at any point up to when a police officer would have reached 25 years pensionable service or compulsory retirement age, consider if disablement has ceased. This will be in line with a report from the SMP.

4.6 RECORDS

The Senior Manager - HR Operations will maintain all relevant files for 12 months after the date of retirement, after which all information will be recorded on the individual's personal files.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights and other legislation relevant to policing.