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## **LETTER SENT BY E-MAIL ONLY**

Audrey Nicoll MSP  
Convener  
Criminal Justice Committee  
Room T2.60  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

25 November 2022

CO-110-2022

Dear Ms Nicoll

### **Ill-Health Retirement/Injury on Duty Award Processes**

I refer to your correspondence of 24 October 2022 regarding the above, following your engagement with former police officers.

The mental health and wellbeing of our workforce is a priority for the Authority. We work closely with Police Scotland to ensure that employee wellbeing is effectively tracked and monitored and there are appropriate mechanisms in place to support wellbeing. The Authority also expects all professional HR practices, such as keeping in touch and providing ongoing welfare support to officers and staff, to be in place.

Your correspondence raises a number of concerns about the processes for Ill-Health Retirement (IHR) and Injury on Duty (IOD) awards, both of which apply only to warranted police officers. We are disappointed to learn of the experiences of former officers regarding support and communication.

The Authority, in conjunction with Police Scotland, initiated a piece of work to review both processes in late 2019 and this work remains ongoing. The IHR or IOD processes aim to support police officers to retire when medically unable to continue with their service, and/or where they have been injured on duty. These processes also protect officers from unfair dismissal on the grounds of ill-health and/or injury and ensure public money is well spent.

A summary of each process is given below, along with information on the number of current cases and source of delays.

### **III-Health Retirement (police officers)**

The Authority follows guidance from the [Police Negotiating Board \(PNB\)](#) in processing applications by Police Scotland officers for ill-health retirement (IHR). The administration of the IHR process is undertaken by Police Scotland on the Authority's behalf. While the final decision on whether an officer should be retired on ill-health grounds rests with the Authority, under the relevant regulations it is the task of the independent doctor, known as the Selected Medical Practitioner (SMP) to determine whether an officer satisfies the criteria for IHR as laid down in the regulations. The SMP then issues a report setting out their determination. While the officer has a formal right of appeal against the SMP's determination to a panel of three independent doctors, the Authority has no such right of appeal against the SMP determination.

The Authority is aware of a current backlog in the processing of IHR applications by Police Scotland. This backlog is largely attributable to the knock-on effects of the pandemic, exacerbated by a UK-wide shortage of SMPs. The Authority's People Committee has been closely monitoring the situation and is satisfied that the actions taken by Police Scotland to address this backlog, including the appointment of a number of additional SMPs, are resulting in a steady reduction in the size of the backlog and a corresponding reduction in the overall time taken to process and conclude IHR applications. For example, in 2020 applicants were waiting on average 21 months for an appointment with a SMP. The waiting time has now been reduced to 12 months for recent applications for IHR. In recognition of these delays, steps have been taken to ensure that officers have their pay protected pending a decision on their IHR application. This ensures that officers suffer no financial detriment as a result of delays in the IHR process.

Having reviewed the number of current IHR applications, I can advise that there were 113 'live' cases as at September 2022. 39 of these cases have been in the IHR process for more than 12 months. The Authority is committed to ensuring IHR applications are processed as expeditiously as practicable so that delays are kept to a minimum. In conjunction with Police Scotland, the Authority will consider if anything further can be done to reduce delays and what improvements might be made in respect of single points of contact and general communication with officers while their cases are going through the IHR process. In doing so, the Authority and Police Scotland will take into account any representations by the Scottish Police Federation on behalf of its members.

## **Injury on Duty Awards (police officers)**

As you are aware, former police officers are entitled to receive an injury on duty (IOD) award if they are permanently disabled as a result of an injury received in the execution of their duty. However, an officer who retires from Police Scotland on ill-health grounds is not automatically eligible for an IOD award.

As with the IHR process, the IOD award process is administered by Police Scotland on the Authority's behalf. Where a former police officer applies for an IOD award, the case must be referred to an SMP for an independent assessment of whether the former officer is eligible for an IOD award in terms of the regulations. The SMP considers whether the former officer is permanently disabled as a result of an injury received in the execution of their duty and, if so, the former officer's 'degree of disablement'. This can be a medically complex and time-consuming process, particularly in those cases where the former officer is suffering from a psychological condition(s). Again, the SMP's determination is final, subject to the former officer's right of appeal to a panel of three independent doctors.

The IOD award process has similarly been subject to delays because of the pandemic and the lack of availability of SMPs. There are currently 30 'live' applications for IOD awards, some of which are currently with the SMP for consideration.

As with the IHR process, the Authority is committed to processing applications for IOD awards as expeditiously as practicable so that delays are kept to a minimum. In conjunction with Police Scotland, the Authority will therefore consider if anything further can be done to reduce delays, and what improvements might be made in respect of single points of contact and general communication with applicants while their cases are going through the process. Any representations by the Scottish Police Federation will be taken into account in this regard.

## **Ill-health retirement (police staff)**

The process for ill-health retirement of police staff is also administered by Police Scotland on behalf of the Authority. This process aligns with the requirements set out in the local government pension scheme. Members with a qualifying service of 2-years can apply for early retirement on ill-health grounds if it is determined that they are permanently unable to perform the duties of their job due to ill-health and are not immediately capable of undertaking other work.

A report from an Independent Registered Medical Practitioner (IRMP) is required before it can be determined whether or not the member of staff

qualifies for ill-health retirement. IRMPs from our Occupational Health provider Optima Health undertake this work.

The Authority is aware of delays in receiving reports from GPs and consultants for ill-health retirement of police staff.

I hope this information provides the Committee with some reassurance in respect of the issues raised and the Authority's commitment to processing all applications in a timely and effective manner.

I would emphasise that the Authority and Police Scotland are reviewing these processes. We have made contact with the Scottish Police Federation (who attend and participate at our People Committee) to ensure that they have an opportunity to feed in the experiences of their members and suggest improvements to both processes. We expect this work will be reported to the Authority in February 2023 and we will ensure that the Criminal Justice Committee is updated following this.

The Authority's People Committee, chaired by Professor Fiona McQueen, is attended by representatives from the staff associations and trade unions and provides an appropriate forum for issues such as those raised in your correspondence to be explored and examined in detail and on a regular basis.

Should you have any further queries, please do not hesitate to get in touch.

Yours sincerely

A handwritten signature in black ink that reads "Martyn Evans". The signature is written in a cursive, slightly slanted style.

MARTYN EVANS  
SPA Chair