



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

1 Pacific Quay
Glasgow
G51 1DZ
SPAChairOffice@spa.police.uk

LETTER SENT BY E-MAIL ONLY

Audrey Nicoll MSP
Convener
Criminal Justice Committee
Scottish Parliament
EDINBURGH
EH99 1SP

20 March 2023

CO/033/2023

Dear Convener

POLICING AND MENTAL HEALTH

I refer to your correspondence of 28 February 2023 regarding policing and mental health and the Authority's review of Ill Health Retirement (IHR) and Injury on Duty (IoD) processes.

IHR / IoD Review Update

As scheduled, an update on the ongoing work to review the IHR / IoD processes was considered by the Authority's People Committee on 28 February 2023. I have attached the full report at Appendix A for your awareness. The People Committee, with representation and contribution from the Scottish Police Federation (SPF), discussed this work at length and explored the handling / administration of these processes, the improvements made to date and the next steps. Authority officials have also met with SPF representatives to discuss their members' feedback on these processes.

I would like to assure you that the SPF, and other workforce representatives, are far more than 'observers' at our People Committee meetings. All public sessions of our People Committee are streamed live and recordings available to watch again. At these meetings workforce representatives give their view, provide their experience and comment regularly. For example at our meeting on 28 February 2023, members of the People Committee welcomed comments from the SPF confirming that

the steps taken to date in relation to IHR and IoD have improved the process for their members. You can watch the Committees consideration and the input and discussion around this update at the following link: [People Committee 28 February 2023](#). The discussion begins 25 minutes into the meeting.

As outlined in the report, further work and improvement is planned in the months ahead. Future reporting to the People Committee will provide additional data, with projected case numbers supporting oversight and assurance that arrangements continue to achieve desired outcomes and that optimal arrangements are in place for those involved. Reporting will also include analysis of feedback from those who have been through the process.

Workforce mental health and wellbeing

The Authority always wants to understand better the nature and scale of the concerns police officers and staff have about the advice and support provided to them when they experience mental health and wellbeing issues. The People Committee are taking this work forward with support and input from Police Scotland and will report by the end of this calendar year. I outlined in my correspondence of 3 February 2023 that the Authority will continue to discuss the impact of mental health and vulnerability on policing with a workforce focused event in mid- 2023. This will be a jointly hosted event with Police Scotland and SPA Forensic Services that will focus on the exposure to, impact and mitigation of trauma on our officers and staff. We are grateful to our workforce representatives who are already involved in planning the event to ensure that experiences and suggestions of the workforce inform that discussion.

I hope this addresses the committee's further requests.

Yours sincerely



MARTYN EVANS
SPA Chair

Enc Appendix A – Ill Health Retirement and Injury of Duty Review Update

APPENDIX A



SCOTTISH POLICE
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Agenda Item 3.2

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|----------------------------------|---|
| Meeting | SPA People Committee |
| Date | 28 February 2023 |
| Location | MS Teams |
| Title of Paper | Ill Health Retirement and Injury of Duty Review Update |
| Presented By | Chris Brown, Deputy Chief Executive Resources |
| Recommendation to Members | For Discussion |
| Appendix Attached | No |

PURPOSE

The 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) processes that was initially reported to the Legal Committee.

This update relates specifically to the handling / administration of these processes and summarises improvements made in these areas.

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 Authority's Legal Committee; and
 - The approach, communication, governance and approval arrangements underpinning the processes and reporting to the Authority's 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. As resource and expertise has focused on supporting and progressing the backlog of cases, the progress of this review in relation to the approach, communication, governance and approval arrangements has been impacted.

2 FURTHER DETAILS ON REVIEW

- 2.1. In 2022, resources were identified to progress aspects of the review related to the approach, communication, governance and approval arrangements. To date, the following areas have been reviewed;
 - The process for the submission of injury awards to the SMP;
 - The process of governance and approval following receipt of the SMP decision; and
 - The arrangements in place for dealing with applications for IHR/IoD awards.
- 2.2. A number of process improvements have been identified and implemented. These are set out below.

3. GOVERNANCE OF ILL HEALTH RETIREMENT/INJURY ON DUTY AWARDS

- 3.1 The governance process for dealing with applications for IHR and/or IoD has been fully reviewed and a number of improvements have been made including;

- Enhanced communication routes have been introduced, before approval, requiring explicit liaison between Police Scotland's Director of People and Development's Office and the Authority;
 - A senior resource has been recruited to oversee the IHR and IoD processes and report regularly on any risks and gaps, ensuring early identification and mitigation. This role is also responsible for conducting quality assurance checks and obtaining feedback from officers and those involved in the process on an ongoing basis to inform improvements.
 - A Service Delivery Escalation process is being finalised, setting out the options and route for highlighting and addressing any failings or feedback.
- 3.2 The decision on whether to grant an IHR or IoD award remains the responsibility of the Authority, discharged via delegated authority from the Authority's Legal Committee to the Authority's Chief Executive. This arrangement is monitored quarterly through reporting to the Legal Committee, including the number of IHR and IoD applications approved under that delegated authority.
- 3.3 Improvements to the oversight and governance of these processes will include additional reporting to the Authority's People Committee on the effectiveness of the processes and satisfaction of the officers and those involved.

4. PROCESS AND ADMINISTRATION OF IHR / IoD AWARDS

- 4.1 The administration of IHR and IoD applications is undertaken by Police Scotland on behalf of the Authority by way of a service back arrangement. This is detailed in an agreement in terms of section 83 of the Police and Fire Reform (Scotland) Act 2012.
- 4.2 We have undertaken a risk based assessment of these processes and we remain content that the current service back arrangements are appropriate.
- 4.3 A number of improvements have been identified to strengthen the current arrangement including;
- Improvements in the recording and monitoring of cases and timeframes throughout both processes;
 - Officers beginning the process, are now offered an early meeting to discuss their application. A representative is assigned to their case to provide a single point of contact through the process. We will monitor this approach to ensure it improves the experience of officers in the process.

- Steps have been introduced to ensure all relevant information is submitted in advance of an officers appointment with the SMP to ensure the practitioner has all the information it needs to base their decision and prevent further delay.
- Five more SMPs have been recruited to work on Police Scotland IHR and IoD cases – this is an increased from 1 SMP who undertook this work for Police Scotland prior to 2020.
- Additional appointments have been made available to Police Scotland officers. In January 2023, 23 SMP appointments (17 IHR and 6 IoD) were utilised. This focus will continue to drive down waiting times.

5. CURRENT CASELOAD

- 5.1 During quarter 3 the number of officers in the IHR process reduced from 113 to 101. The number of IHR cases in the process for more than 12 months had reduced to 22. During Q3 the Authority approved the IHR of 25 officers and approved an IoD award for 3.
- 5.2 All cases continue to be assessed and progressed in date order unless there are exceptional circumstances that would necessitate a higher priority being assigned to a specific case. Some cases are more complex than others and rely on specialist opinion from external medical practitioners who are working on a range of cases. It is therefore difficult to predict when some cases will be concluded. Efforts will continue to minimise the time that officers are in the process and reporting to the People Committee on this will continue.

6. NEXT STEPS

- 6.1 The improvements detailed above, will continue to be monitored to ensure that any further enhancement can be identified and implemented as quickly as possible.
- 6.2 The Authority will work with the relevant bodies to review existing police pension regulations and guidance issued by the Police Negotiating Board (PNB) underpinning these processes.
- 6.3 Engagement between the Authority and Scottish Police Federation took place in February 2023 to discuss their members' feedback on these processes. This was a positive session that provided further insight which will be fed into the ongoing work on the continuous improvement of the IHR and IoD processes. Further meetings will be scheduled to allow the Authority to hear directly from workforce representatives on the experiences of their members.
- 6.4 We will continue to report progress and improvement to the

Committee.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications in this report.

8. PERSONNEL IMPLICATIONS

8.1 There are personnel implications in this report. These have all been fully considered under the relevant section.

9. LEGAL IMPLICATIONS

9.1 There are potential legal implications in this report. Any challenges on the current arrangements in place for dealing with applications for IHR and IoD will be appropriately managed.

10. REPUTATIONAL IMPLICATIONS

10.1 There are potential reputational implications in this report.

11. SOCIAL IMPLICATIONS

11.1 There are no social implications in this report.

12. COMMUNITY IMPACT

12.1 There are no community implications in this report.

13. EQUALITIES IMPLICATIONS

13.1 There are equality implications in this report. Equality screening will be completed as required.

14. ENVIRONMENT IMPLICATIONS

14.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of the report.