



Managing Police Officer and Police Staff Medical Retirement Policy (Surrey and Sussex) (542/2025)

Abstract

This policy and procedure details Surrey Police and Sussex Police's approach to managing Police Officer and Police Staff Medical Retirement (MR). Any further queries, advice and support regarding this policy should be directed to People Resolution Centre (PRC) in the first instance. If appropriate, PRC will escalate to the HR Consultant, who will make contact with the line manager and offer further advice and guidance.

Policy

1. Introduction

1.1 The retirement provisions relating to police officers and police staff constitute a key confidence issue. It is essential that a proper balance is struck between the requirement for financial prudence in the use of public funds and the need to provide a fair service to individuals facing serious health issues.

1.2 This policy is necessary in order to protect the needs of individuals and the broader needs of Surrey Police and Sussex Police. It is acknowledged that the financial consequences of decisions made as a result of this policy will be significant for the Force, serving and retired police officers and police staff. Clear policy in this area will ensure that the reputation of Surrey Police and Sussex Police as employers, is preserved. Compliance with this policy will ensure an effective standardised approach to a sensitive issue.

2. Scope

2.1 The policy provides clear information on processes used in determining issues relating to Medical Retirement (MR) and injury on duty pension awards. The policy will be used in dealings with individuals suffering the effects of ill health, so severe that it has led to or may lead to MR.

3. Policy Statement

3.1 Policies and associated guidance should inform decision making which should consider organisational values, professional judgement (on the context and circumstances of each situation) and 'policing principles'. Decisions and subsequent action taken should be proportionate, legitimate and ethical as informed by the National Decision Model (NDM).

Surrey Police and Sussex Police will administer the allocation and review of MR pensions and injury on duty awards objectively, fairly and in accordance with the law, Local

Government Pension Scheme (LGPS) and Pension Regulations. It will seek to ensure, that awards are timely, appropriate and in accordance with medical and other evidence available, giving due regard to the interests of the individual and their public responsibilities.

Procedure

1. Introduction

1.1 Within the terms of the Police Pensions Regulations (PPR) 1987, PPR 2006, PPR 2015, Police (Injury Benefit) Regulations (PIBR) 2006, and Local Government Pension Scheme (LGPS) 2013, Police Pension Authorities (PPA) have responsibility for assessing and instigating the relevant legislated procedures, leading to a police officer or police staff member being retired due to ill health which, in the case of a police officer, may be with or without an injury on duty award in accordance with the PIBR.

1.2 It is important that throughout the individual's service, records are maintained of injuries received on duty and in some instances, off duty and that notes be kept on the individual's personal file of any remedial action taken. In cases involving injury, any default on the part of the individual should be honestly, fairly, and accurately recorded by the individual and their supervisors.

2. Management

2.1 Supervisors at all levels are required to ensure that sickness absence is monitored within their area of responsibility, in accord with the Forces performance and attendance management policies. Wherever an injury on duty is reported, whether or not it leads to absence, supervisors will ensure the appropriate records are completed and enquiries made to establish the facts as to how the injury occurred and where necessary, describe remedial action taken to avoid similar occurrences. The possibility that contemporaneous reports or statements may be required later, should not be discounted as the evidence obtained may not become relevant for some years into the future. Such evidence should be recorded and placed on the injured party's personal file. This is also a statutory requirement under Health and Safety legislation and is completed using the FIAMS (Sussex) or 12/2 (Surrey) injury reporting system.

2.2 Where necessary, due to the nature or cause of any absence, the absentee may be referred to Occupational Health and Wellbeing Department (OHWD), for assessment, as to their ability to resume their duties permanently, or through recuperative or adjusted duties.

2.3 If after examination, the Occupational Health Physician (OHP) is of the opinion that the prognosis for full recovery is poor, this fact will be indicated to the individual's Divisional / Departmental People Services Business Partner, the individual's line manager and the MR Case Officer in the OHWD.

The options available could include recuperative, and adjusted duties inclusive of reasonable adjustments, or consideration of MR and referral to a Selected Medical Practitioner (SMP – Police) or Independent Registered Medical Practitioner (IRMP - Staff) for consideration of Medical Unfitness / Permanent Disablement.

Wherever the OHP / SMP / IRMP considers it appropriate, the individual may be referred to a 'treating' or 'independent' specialist for additional information. The individual will be required to attend any appointments scheduled, for this purpose. When an appointment falls outside of working hours a discussion should take place with the line manager.

2.4 If it is determined the individual is likely to be 'permanently medically unfit' for the ordinary duties of a police officer, or their current role for police staff (in accordance with the Pension / LGPS regulations), the MR Case Officer in OHWD will advise but not determine, in liaison with the individual's People Services' Consultant and the OHP the most appropriate outcome for future employment, having regard to all relevant and available factors.

2.5 It is for the Police Pension Authorities (PPA), to determine the individual's future with the service, at that time, taking into account all the relevant factors as they are known, or as they become known. MR should not be seen as automatic or inevitable.

3. Medical Retirement

3.1 This is a sensitive issue with personal and financial implications for the individual and the Force. It must be administered with sensitivity, understanding and confidentiality.

3.2 What is the process for Medical Retirement?

There are different rules and regulations to determine whether an individual is eligible for MR.

3.3 MR will only be considered in cases where all workplace adjustments and/or redeployment have been exhausted.

3.4 Following a discussion within the OHWD any request for MR, that are to be considered by the PPA, should be submitted by management or by an individual (informing the line manager), to the Director of People Services via the MR Case Officer.

3.5 This submission must include details of the role the individual performs and workplace adjustments that have been considered and/or made. In addition, details relating to redeployment options considered must be included. This is required even when the individual already has a Workplace Adjustment Passport.

3.6 Police officers and police staff can also request to be considered for MR without OHWD involvement by submission to the PPA. The Director of People Services has been appointed 'deferred powers' by the PPA and the MR Case Officer will forward all applications for consideration of MR to progress, on their behalf.

3.7 If the PPA grant permission for an application to proceed to the SMP / IRMP, the OHP will prepare a medical report detailing the medical history of the individual's condition. This report, accompanied by relevant clinical information, will be forwarded to the SMP / IRMP. A copy of the OHP referral and if requested, medical report, will be supplied to the individual concerned. Appeals can be made to the High Court if the PPA do not grant permission.

3.8 The SMP / IRMP will be asked to examine the medical evidence and assess the individual, in order to answer the question on permanence / medical unfitness (for police officers) and determine likelihood of undertaking employment (for police staff), in line with the relevant regulations.

3.9 The SMP / IRMP will then prepare a report for the PPA advising if the individual is unable to perform their duties, again using the relevant regulations. The organisation will then make a decision as to whether the individual is to be retained or medically retired.

3.10 An individual will usually remain on their current pay status (full or half pay) once they have made their application for MR. Discretion may be exercised in accordance with the relevant guidance (please see Surrey or Sussex guidance for further information). Once authority is given for the individual to be medically retired, they will revert to full pay.

3.11 Although MR can often be very acceptable to the individual, the process of ending the individual's employment and/or service is still counted as a dismissal under employment legislation and the minimum statutory procedures must be adhered to.

3.12 For police officers – for MR to be recommended the officer must be deemed to be permanently medically unfit until retirement age from the ordinary duties of a police officer. Further details on MR are available from OHWD and the Police Federation.

3.13 For police staff - the IRMP will determine whether the individual is incapable of efficiently discharging the role for which they were employed or any other 'gainful employment' because of their ill health and advise whether the individual is eligible for a category of medical retirement pension at tier 1, 2, or 3.

3.14 Both police officers and police staff have the right to appeal the SMP's / IRMP's decision.

4. Cancellation of Ill Health Awards

4.1 In some cases where a police officer retires from the service with an ill health pension, the PPA may consider at such intervals, as it may feel appropriate, whether or not the medical unfitness has ceased in accordance with PPR.

4.2 If it is determined the medical unfitness has ceased, the individual may be notified by the PPA that they may re-join the service in the rank they held at the time of their retirement, provided they do so within three months of the date of notification.

The decision to offer re-appointment or not, will be made by the Director of People Services in liaison with the OHWD after full consultation with the OHP and any other parties providing relevant information.

4.3 Whenever an individual re-joins, or declines to re-join, the OHWD will notify the appropriate Pensions Department for the individual's Force, as adjustment must be made to the pension entitlements, in accordance with PPR.

5. Injury on Duty Awards - Police Officers Only

5.1 Injury pension awards are governed by the Police (Injury Benefit) Regulations 2006 (PIBR). To qualify for an Injury on Duty award, the injury must have caused, or

substantially contributed to the medical unfitness, without the individual's own serious and culpable negligence or misconduct. Evidence will be required to substantiate a claim for an injury on duty award, from the claimant and also, where it is relevant, of any default on the part of the officer.

5.2 The PPA will not consider the issue of an injury award for an officer at the same time as an MR, particularly where further enquiries, either factual or medical are considered necessary. In such cases, MR will not be delayed and police officers, who consider they have justification for an injury award will be invited to apply in writing to the MR Case Officer, providing evidence to substantiate their claim.

Where such claims are substantiated payment of the injury award will be backdated to the date of retirement. Where an individual retires before becoming medically unfit, the injury award will be backdated to the date of medical unfitness, unless this is not known, in which case it will be the date of the application.

5.3 In cases where the PPA determine that consideration will be given to a police officers' application for an injury on duty award, they shall refer to an SMP, questions as to whether the medical unfitness resulted from an injury received in the execution of duty and if so, the degree of medical unfitness in accordance with PIBR.

The degree of the medical unfitness is the percentage by which the police officer's earnings capacity has been affected by the injury i.e., the amount by which the individual's police salary would fall, compared to the salary the officer maybe able to receive in another occupation despite the injury. The SMP will usually be a separate individual to the OHP, however in some circumstances, such as critical illness cases, it may be necessary for the OHP to be the SMP.

5.4 Prior to any consultation or decision by the SMP, the OHWD will supply to the SMP, a report setting out the history of the officer concerned

This will include details of education, training, postings, skills and experience and any other information which may be relevant to the officer's earning potential once they have left the service.

Any evidence that an officer brought about, or substantially contributed to the injury which led to medical unfitness, should be attached to the file. The PIBR do not allow injury on duty awards where the injury is wholly or mainly due to the police officer's own serious and culpable negligence or misconduct.

5.5 The SMP will issue a report dealing only with the questions referred under PIBR.

6. Appeals – Police Officers Only

6.1 When an officer disagrees with the decision of the PPA not to accept a claim for MR or injury on duty award and to refer questions to an SMP, the officer may appeal the decision to the Crown Court (PPR and PIBR refers). In such cases the officer will be asked to complete an appropriate medical records consent form and such additional medical records will be sought as required.

The OHP will prepare a report setting out the medical evidence explaining why the officer is not permanently medical unfit. Wherever necessary, the OHWD will provide a report

detailing any supplementary information or evidence, which may be considered appropriate, and the papers will be submitted to the Force's Legal providers.

6.2 Where the officer is referred to the SMP, the SMP will complete a report, relevant to the questions raised by the PPA in accordance with the relevant PPR that apply to that officer. The officer will then be supplied with a copy of the report, and will be invited to comment on the factual accuracy of the report. Once the report has been considered by the PPA, the officer will be formally notified of the decision in writing.

The officer may choose to appeal the decision and in doing so should provide the PPA with such notice of appeal within 28 days of receiving the report. The officer should then provide a statement of appeal within a further 28 days. Once the statement is received the PPA may consider offering an internal review.

If this fails or is refused, the PPA will inform the Home office and Police Medical Appeals Board (PMAB) of the appeal, either way, within 14 days of receiving the officer's statement.

6.3 Where an officer is already retired and is dissatisfied with any decision by a SMP concerning entitlement to the early release of pension or an injury on duty award, the former officer may appeal the decision within 28 days of being supplied with a copy of the SMP's certificate.

An internal review may be considered, but if this is refused or fails, the PPA will instigate the procedures in accordance with the PIBR, in liaison with the Home Office and Police Medical Appeal Board (PMAB).

7. Injury on Duty Reviews Police Officers Only

7.1 Where it is necessary to determine the level of an officer's medical unfitness, it shall be determined by reference, to the degree by which their earning capacity has been affected.

7.2 An individual who is in receipt of an ill health pension and would not, had they stayed in the police, have been entitled to 25 years reckonable service, or could have been required to retire on the grounds of age, may be considered by the PPA at intervals, in consultation with an SMP as to whether the medical unfitness has ceased in accordance with the appropriate PPR.

7.3 Where an injury award is payable, it is for the PPA to determine the intervals at which a review may take place. In deciding the review intervals, the PPA may take into consideration the advice / recommendation of the SMP who carried out the initial assessment or further information may come to attention of the PPA which suggests a review should be carried out.

The PPA shall consider whether the degree of medical unfitness has substantially altered in accordance with the advice of the SMP who determined the injury award and if it has, the award will be revised accordingly in accordance with PIBR.

In determining the degree of disablement in this process, the PPA shall refer the matter to an SMP, who will be required to deal with it in accord with PIBR and will issue a report accordingly.

7.4 Prior to any consultation or decision by the SMP, the OHWD will supply a report setting out the history of the former officer concerned. This will include details of education, training, postings, skills, experience, subsequent employment, and any other information, which may have a bearing on the former officer's earning and employability potential since they left the service.

7.5 The final part of the review process will involve an assessment by the SMP who will initially address the medical unfitness of the individual being reviewed, if necessary, during private consultation and examination.

The SMP will first determine whether the individual's condition has remained the same since the original assessment, or last review; whether it has improved, or whether it has worsened.

Once this medical appraisal is complete, the SMP will consider the contents of the OHWD report, to assist in determining the individual's potential earning capacity.

7.6 Individual's residing outside of Surrey / Sussex and who are subject to review, shall, at the discretion of the PPA, be requested to attend OHWD, or elsewhere for any examination. Reasonable travel and subsistence expenses will normally be reimbursed.

7.7 An individual subject to a review and living abroad, may be requested to see an SMP within reasonable travelling distance of their homes, after consultation by the OHWD with British Authorities overseas (e.g., Embassies, Consuls, Armed Forces). Alternatively, the individual may be requested to attend a meeting with the SMP within the UK. It would be in the individual's interests to comply with any such request, otherwise the PPA has the discretion to base its decision on such evidence and medical advice as it determines necessary.

8. Cases of Non Co-operation Police Officers Only

8.1 Where an individual fails to co-operate with the review of a pension, the PPA will consider the case in accordance with PIBR and will write to the individual, explaining the process and again seek their co-operation.

If the individual wilfully or negligently fails to submit themselves to a medical examination, or to attend such interviews as the SMP may consider necessary in order to reach a decision, the PPA may make their determination on such evidence and medical advice, as in their discretion, they think necessary.

8.2 When considering a review of an injury pension, it is common practice to ask the individual to complete a questionnaire and medical consent form. However, if the individual has not completed the medical review questionnaire as supplied, the PPA would then have the discretion to base its decision on such evidence and medical advice, as it determines necessary.

8.3 Should the individual fail to attend any meeting with the SMP, or fail to co-operate at all without good cause, the PPA would then have to use such evidence and medical advice as is available to determine whether the degree of disablement has altered. Any

subsequent appeal is likely to be defended, or the case may be reassessed if the individual is then able to co-operate.

9. Appeals Police Staff - Internal Dispute Resolution Procedure (IDRP)

9.1 Should an individual wish to appeal the decision of the IRMP, that they do not meet the eligibility criteria for medical retirement or disagree with the pension tier they have been awarded in accordance with the LGPS, they can write to the Director of People Services with an explanation as to why they are appealing within 6 months or the date they were informed of the decision of the IRMP and in accordance with the LGPS IDRP process.

The Director of People Services has 2 months to investigate the content and reason for the appeal, at which point, they are required to notify the individual of the decision. If it is not possible to provide the decision within 2 months, then an interim reply will be sent explaining the reason for the delay and providing an expected date for the decision. The Director of People Services cannot overturn the medical decision of the IRMP in the case but can investigate to ensure the requirements of the LGPS regulations have been followed. If the individual is unhappy with the decision of the Director of People Services, they can escalate their appeal to be investigated by the Head of the Pensions Department administering the Pensions on behalf of the PPA.

10. Employment Data

10.1 Surrey Police and Sussex Police collect and process personal data relating to police officers and police staff to manage the employment relationship. It is important that individuals understand how that data is collected and used in order to meet the Force's data protection obligations. Further details can be located on the intranet by searching for 'Privacy Notice'.

Team: Occupational Health