



## FREEDOM OF INFORMATION REQUEST

Please note the text of this request has been reproduced exactly as received.

**FOI Reference number: FOI 45/2022**

**Date: 3 February 2023**

### **Request:**

Reference - the most recent joint Guidance to Selected Medical Practitioners.

In Chapter 11. Of the guidance the following is recorded.

" There are two additional matters on which your opinion is sought, if you determine on a first-time application the claimant meets the criteria for an IOD Award, **which are not detailed** in the 2006 Regulations: "

QUESTION 1: What type of awards do you say are *not* detailed in the 2006 regulations and why do you say they are not.

### **Answer:**

The relevant sentence in respect of this question, located at Page 22 of the Joint Medical Guidance, is as follows: "There are two additional matters on which your opinion is sought, if you determine on a first time application the claimant meets the criteria for an IOD Award, which are not detailed in the 2006 Regulations..": The portions underlined for emphasis are relevant in that it draws to the attention of the Selected Medical Practitioner (SMP) and/or Independent Medical Referee (IMR) about two matters not expressly outlined within the Regulations on which their opinion is sought namely: the proposed implementation date of an award (if any) and the proposed reassessment date of an award (if any).

Having read the article on the N.I.P.B Website "" Chief Constable of South Yorkshire V Lloyd Kelly " Could I please have clarification on the following.

QUESTION 2: Is it the Northern Ireland Policing Board's position that when a person ceases or has ceased to be a Police Officer and is permanently disabled as a result of an injury received without his own default in the execution of his duty, they only become entitled to an award pursuant to the above regulations when the Selected Medical Practitioner decides on the implementation date in their particular case.

### **Answer:**

Further to Regulation 29(2) of the 2006 Regulations, *"...the question whether a person is entitled to any, and if so what, awards under these Regulations shall be determined in the first instance by the Board."* In order to assist this decision making function, the Board is entitled to rely on the duly qualified medical practitioner to include in relation to its consideration of the

implementation date of an award as pursuant to Regulation 10(2), “...no payment shall be made on account of the [Injury on Duty award] in respect of any period before he became disabled.”

In the same article you quote the Appeal Court Judge Lord Justice Phillips as follows “ The Chief Constable was wrong to equate the time that it was determined that there was an entitlement and with that entitlement coming into existence.’

QUESTION 3: When does the Northern Ireland Policing Board say that :-

1. Entitlement is determined within the regulations.

AND

2. When does entitlement come into existence within the regulations.

**Answer:**

Per Regulation 10(1), being “permanently disabled” is one of the statutory conditions which must be satisfied before entitlement to an IOD arises. The question of permanent disability is assessed by a duly qualified practitioner pursuant to express statutory questions set out at Regulation 29(2).

Regulation 40(1) addresses the period in relation to which the IOD, once entitlement is established, is payable, but is subject to Regulation 10(2) which again provides that, where a person does not become disabled until after ceasing to serve, no injury pension shall be payable in respect of any period before he became disabled.

If you have queries about this request or the decision please contact the Board quoting the reference number above. If you are unhappy with the service you have received and wish to make a complaint or request a review you should write to the Board’s Chief Executive at the following address:

Northern Ireland Policing Board  
Waterside Tower  
31 Clarendon Road  
Clarendon Dock  
Belfast BT1 3BG

Email: [foi@nipolicingboard.org.uk](mailto:foi@nipolicingboard.org.uk)

You should contact the Board within 40 working days of this response.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner. Generally, the Information Commissioner’s Office cannot investigate or make a decision on a case unless you have exhausted the complaints procedure provided by the Board. The Information Commissioner can be contacted at: -

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone: - 0303 1231114

Email: - [ni@ico.org.uk](mailto:ni@ico.org.uk)

Please be advised that Policing Board replies under Freedom of Information may be released into the public domain via our website @ [www.nipolicingboard.org.uk](http://www.nipolicingboard.org.uk).

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.