

10 May 2024

REFERENCE: FOI\24\43

FREEDOM OF INFORMATION REQUEST - INDEPENDENT MEDICAL REFEREES 2024

Dear Sir,

Thank you for your request for information received by the Department of Justice on the 16 April 2024, detailed below: -

Request

1. Could I please have the procedure / guidance used by the IMR's to determine a Police officer's medical banding when being assessed for an IODA appeal.
2. Have the DOJ any role in the IMR's decision making process during, before or after an officer's assessment for banding has been determined by an IMR.
3. Is there any consideration given to other public Departments assessment of the officer's permanent disablement or ability to work. For example, Medical Support Services.
4. How is the degree of disablement relating to loss of earnings capacity determined and calculated by the IMR.
5. How is the officer's degree of disablement assessed by the IMR.
6. How is the officer's potential earning capacity assessed by the IMR.
7. How does an IMR determine an officer's banding based on his calculations.
8. Could you please explain how apportionment is considered by the IMR.

9. Are the officer's skills, educational qualifications, experience, and courses considered when potential earnings capacity is considered by an IMR. When is this information obtained from an officer and delivered to an IMR for consideration.

This response addresses your questions:

The Freedom of Information Act 2000 gives you two rights of access when you write to us asking for information. You have the right to know whether we hold recorded information falling in scope of your request, and you have the right to receive this recorded information subject to cost limit or exemption.

Freedom of Information is a request for recorded data that the Department of Justice holds. To be helpful the response to your question has been supplemented with additional information answered under Line of Business.

1. Could I please have the procedure / guidance used by the IMR's to determine a Police officer's medical banding when being assessed for an IODA appeal.

Joint Guidance for Medical Practitioners on Injury on Duty Awards (V2) (Attached at Annex A) provides IMR's with guidance on how to conduct assessments for Injury on Duty Awards appeals in assessing an appellant. This guidance is based on the Police Service of Northern Ireland and the Police Service of Northern Ireland Reserve (Injury Benefits) Regulations 2006 (the 2006 Regulations) which can be found [here](#).

2. Have the DOJ any role in the IMR's decision making process during, before or after an officer's assessment for banding has been determined by an IMR.

No. The DoJ does not have a role in any decisions made by the IMR.

3. Is there any consideration given to other public Departments assessment of the officer's permanent disablement or ability to work. For example, Medical Support Services.

The appellants appeal file is provided by the Northern Ireland Policing Board (the Board) to the Department. All medical material considered by the Selected Medical Practitioner (SMP) is contained therein. An IMR reviews the appeal file as per the 2006 Regulations.

4. How is the degree of disablement relating to loss of earnings capacity determined and *calculated by the IMR*.

The IMR's appeal assessment is based on the appellants appeal file, review of the SMP's report and certificate, the IMR professional assessment, and Schedule 3 of the 2006 Regulations.

5. How is the officer's degree of disablement assessed by the IMR.

The officer's degree of disablement is assessed by the IMR professional in accordance with Schedule 3 of the 2006 regulations.

6. How is the officer's potential earning capacity assessed by the IMR.

The IMR will determine in their professional opinion the extent to which the officer's disablement affects their earning capacity as per Schedule 3 of the 2006 Regulations.

7. How does an IMR determine an officer's banding based on his calculations.

The IMR will determine in their professional opinion the extent to which the officer's banding as per Schedule 3 of the 2006 Regulations.

8. Could you please explain how apportionment is considered by the IMR.

Apportionment is generally defined as an estimate of the degree to which work related or non-work-related factors may have caused or contributed to a permanent impairment and/or loss of earnings. The concept of apportioning benefits ensures that the employer is responsible for compensating only for the proportion of impairment and loss of earnings that result from a work-related injury. It is the professional judgement of the IMR (and initially the Selected Medical Practitioner (SMP)) based on their professional judgement as to the degree of apportionment awarded.

9. Are the officer's skills, educational qualifications, experience, and courses considered when potential earnings capacity is considered by an IMR. When is this information obtained from an officer and delivered to an IMR for consideration.

No. The IMR assessment is based on criteria outline in the 2006 Regulations which does not consider officer's skills, educational qualifications, experience, or courses when potential earnings capacity is considered.

If you are unhappy with the result of your request for information you may request an internal review within two calendar months of the date of this letter. If you request an internal review, please do so in writing stating the reasons to the address above.

If following an internal review, you were to remain dissatisfied you may make a complaint to the Information Commissioner and ask the Commissioner to investigate whether the DOJ has complied with the terms of the FOIA. You can write to the Information Commissioner at:

Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The Commissioner will not investigate a complaint unless an internal review procedure has been carried out.

Further details on the role of the Information Commissioner and the handling of appeals can be found at: www.informationcommissioner.gov.uk

Yours sincerely

Records & Information Manager