



Department of
Justice
An Roinn Dlí agus Cirt
Mánnystrie O tha Laa
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18 July 2024

REFERENCE: FOI\24\71 (FOI\24\43 RELATES)

**FREEDOM OF INFORMATION REQUEST - FOI 24/43 FOLLOW UP - INDEPENDENT
MEDICAL REFEREES 2024**

Dear Sir,

Thank you for your request for information received by the Department of Justice on the 13 June 2024, detailed below: -

Request

Follow up to FOI 24/43.

- 1. Is Section 4. Degree of Disablement Assessment Method of Joint Guidance for Medical Practitioners on Injury on Duty Awards, used by an IMR to determine an officer's Disablement or is it just their professional assessment / opinion.*
- 2. Are all elements of Section 4. Degree of Disablement Assessment Method of Joint Guidance for Medical Practitioners on Injury on Duty Awards used by the IMR to determine the officer's banding. If they do not, why not.*
- 3. You state in a previous FOI 24/43 that the IMR uses their professional opinion to determine the officer's degree of disablement, the officer's degree of potential*

earnings capacity and the officer's banding. Do they record, in their written notes or Certificate, how their professional opinion determines the banding decision as per Schedule 3 of the 2006 Regulations. Section 2&3.

4. *In Chadwick and Harvison, it mentions the officer's skills and qualifications in relation to their potential earnings capacity to help with banding decision. This is also mentioned in the Joint Guidance section 4.*

Why is this not considered by the IMR in their decision making. (banding decision)

5. *Do the DOJ intend to add the Joint Guidance into the 2006 Regulations?*

6. *The Home Office have withdrawn their Joint Guidance to SMP / IMR's during 2022, stating that it was outdated and unlawful in parts. With this in mind, do the DOJ intend to review / withdraw their Joint Guidance?*

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.

Request

Follow up to FOI 24/43.

1. *Is Section 4. Degree of Disablement Assessment Method of Joint Guidance for Medical Practitioners on Injury on Duty Awards, used by an IMR to determine an officer's Disablement or is it just their professional assessment / opinion.*

An officer's degree of disablement is assessed by the Independent Medical Practitioner (IMR) in accordance with all aspects of both the 'Joint guidance for Medical Practitioners on Injury on Duty Awards' and Schedule 3 of the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006 (the 2006 Regulations).

2. *Are all elements of Section 4. Degree of Disablement Assessment Method of Joint Guidance for Medical Practitioners on Injury on Duty Awards used by the IMR to determine the officer's banding. If they do not, why not.*

An IMR in their assessment of an Injury on Duty award follows the Joint Guidance for Medical Practitioners on Injury on Duty awards.

3. *You state in a previous FOI 24/43 that the IMR uses their professional opinion to determine the officer's degree of disablement, the officer's degree of potential earnings capacity and the officer's banding. Do they record, in their written notes or Certificate, how their professional opinion determines the banding decision as per Schedule 3 of the 2006 Regulations. Section 2&3.*

Following an assessment of an appellant's Injury on Duty award, the IMR will document their findings concerning the case and record the result of the appeal in their professional opinion. A report will be prepared and, if required, a certificate will be issued as to the appellant's assessment.

4. *In Chadwick and Harvison, it mentions the officer's skills and qualifications in relation to their potential earnings capacity to help with banding decision. This is also mentioned in the Joint Guidance section 4.*

Why is this not considered by the IMR in their decision making. (banding decision)

Based on criteria outlined in the 2006 Regulations the IMR is asked to determine the degree of an officer's disablement by which their earning capacity has been affected as a result of an injury received in the execution of their duty as a police officer. On that basis, an IMR is asked to consider an officer's skill/experience in order to determine potential earnings capacity.

5. *Do the DOJ intend to add the Joint Guidance into the 2006 Regulations?*

The 'Joint Guidance for Medical Practitioners on Injury on Duty Awards' was placed on a statutory footing on 02 July 2024.

6. *The Home Office have withdrawn their Joint Guidance to SMP / IMR's during 2022, stating that it was outdated and unlawful in parts. With this in mind, do the DOJ intend to review / withdraw their Joint Guidance?*

It is the responsibility of the Northern Ireland Policing Board to review the Joint guidance for Medical Practitioners on Injury on Duty Awards. You may wish to direct your question to the Northern Ireland Policing Board (the Board) at foi@nipolicingboard.org.

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 conducted.

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

Yours faithfully

Records & Information Manager