

Disability – Impact on Police Officer Recruitment and Ill Health Pensions

Contents

Policy Statement	2
Affect on Ill Health Pensions	2
Affect on Recruitment.....	3
Recruitment and Assessment Process	4
Appeals.....	7
Additional Information.....	9

Policy Statement

Summary

The holding of the office of constable will be treated as employment for the purposes of the Equality Act.

This guidance affects the:

- Recruitment process;
- Entitlement to police ill health pensions benefits;
- Occupational Health staff; and
- Force Medical Advisor (FMA) and Selected Medical Practitioner(s) (SMP).

Through this guidance, the Force will provide people with a disability the opportunity to compete for jobs and demonstrate their skills and abilities on a fair and equal basis. By removing barriers to employment, this will improve diversity in the Force and allow us to better reflect the community we serve.

Regulation 13 of the Police Regulations 2003

There is no duty on an applicant to reveal their disability. However, a false statement or concealment of a medical condition on the medical questionnaire, which would have been a material or substantial reason for refusing the job, could be grounds for dismissal or discharge under Regulation 13 of Police Regulations 2003.

Re joiners

Former officers applying to re-join the Force will be assessed for eligibility for ill health benefits in the same way as other recruits.

Transfers

Officers transferring from one HO force to another without a break in service will not be re assessed in terms of pension entitlement.

Scope

This policy applies to all police officers.

Affect on Ill Health Pensions

Eligibility for Ill Health Benefits

- Applicants who want to join the scheme must be assessed and meet certain standards in order to qualify for ill health benefits in the future.
- The decision on eligibility and access to the full benefits of the Police

Pension Scheme will be assessed based on whether the applicant:

- Meets the fitness criteria **at the time** of application. That is, it may not matter if they have a progressive medical condition which predisposes them to early ill health retirement; and
 - Is fit for immediate service but their risk of later ill health retirement makes their likely pension costs significantly higher than those without an identified risk of such retirement.
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Exclusion from the Scheme

- Individuals whose pension costs are likely to be disproportionately high, due to their risk of early retirement on the grounds of ill health, will be excluded from all ill health benefits under the Police Pension Scheme. This means that an ill health retirement award, or a deferred or ordinary police pension, cannot be paid on ill health grounds.
 - This applies whether the ill health is related to a disability under the Equality Act or not.
 - As a result, the pension contributions of this excluded group will be reduced.
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Affect on Recruitment

Introduction

- It is unlawful to automatically exclude any applicant with a disability.
 - Each case will be looked at on its own merits and recruits (both those with and without a disability) will be assessed on whether they will be fit for the job now, and for a reasonable time in the future.
 - This does not mean that applicants will be recruited who are not fit to perform the job. It means that we may recruit people who have;
 - A progressive medical condition which may predispose them to early ill health retirement; or
 - Had treatment for a condition which may recur and could ultimately lead to restricted duties.
 - There is an expectation that applicants who can fulfil a substantial part of the role will have to be recruited provided they meet all other requirements.
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Consistency in Procedure

- A decision made by the Force will apply to any other Force. To ensure a consistent approach between forces, each will use:
 - The standardised forms;
 - A suitably qualified SMP;
 - The reference tables and guidance as issued by Home Office, the NPCC and the College of Policing, and

- The appeal process described in this document.
 - All applicants, including those with a disability, will be assessed based on:
 - Their ability to perform the role, including all the core capabilities;
 - The functions and activities of an operational constable, as set out in the role profile, and
 - Their fitness for work, assessed in terms of the framework of National Medical Standards for recruitment.
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Medical Assessment

- All applicants, including those with a disability, will undertake a medical assessment by the Force Medical Advisor to:
 - Establish the nature and extent of any disability and ensure the applicant is fit and healthy to do the job now and for a reasonable time in the future;
 - Assess the need for reasonable adjustments or modifications and consider which can be made;
 - Costs, practicality and their likely effectiveness;
 - Establish their entitlement to ill health benefits; and
 - Provide a medical opinion as to the risk of premature ill health retirement.
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Risk of Premature Ill Health Retirement

- A medical opinion is required on the risk of the applicant becoming permanently disabled before reaching normal retirement age. That is, the point at which the applicant would have reached 35 years' service or the age of 60, whichever is the earliest.
 - This opinion will trigger a referral to an SMP where necessary.
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Confidentiality

- Existing standards of confidentiality will apply to all cases irrespective of disability or not.
 - The Force will be deemed to know about a person's disability if an employee (such as an Occupational Health Nurse) knows about the disability. In these circumstances, we cannot claim that we were unaware of the disability and use this as an excuse for not making a reasonable adjustment.
 - This is the case even if the person with a disability specifically asks for such information to be kept confidential.
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Recruitment and Assessment Process

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Initial Action

- To assess whether an applicant is suitable for the duties of an operational police constable, the following must be undertaken:
 - Receive and check the Application Form;
 - To ensure the applicant meets the Attendance standard;
 - To ensure any recorded convictions meet with the Force criteria on convictions; and
 - For information from applicants with a disability who require reasonable adjustments to the recruitment and assessment process;
 - Shortlist applicants and arrange for them to attend and undergo an assessment centre and interview;
 - Submit health questionnaire to Occupational Health for them to complete medical and pension assessments and take sample for Drug Testing; and
 - Perform background checks, including but not limited to biometric vetting and fitness test.
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Form A

- Form A records the decision making process along with a judgement about the applicant's fitness for work.

If the FMA considers...	Then...
there is no significantly increased risk of the applicant becoming permanently disabled for police duties;	the FMA can complete this form without referral to the SMP.
there is a significantly increased risk or has concerns in this regard;	the FMA will have to refer the case to a suitably qualified SMP.
the applicant is not fit for the police service;	the FMA can complete this form without referral to the SMP.

- In all cases FORM A is returned to the Resourcing Department who will formally notify the applicant of the result. Where an applicant is unsuccessful, the FMA will provide the applicant with an additional letter by way of explanation.
 - **Note:** The FMA is referred to as the Force Medical Advisor or FMA on these forms.
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**Medical
Assessment &
Form B**

- In order to make a decision on fitness for role or eligibility the FMA may request additional medical evidence.
- This will normally be a report from the applicant's GP or treating physician but in a small number of cases an independent report may be obtained.

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- Any such request is made only with the applicant's explicit and informed consent.
 - Should consent not be given for the request the applicant must be made aware that the force will not be able to make a decision on eligibility.
 - In all cases, if the examining Force Medical Advisor (FMA) considers that an applicant's eligibility to join the Ill health benefits is in doubt then a referral to the SMP must be made to ask the SMP the relevant questions in relation to the likelihood of future permanent disablement and the probably timeframes.
 - The SMP must complete Form B.
 - Any such referral is made only with the applicants explicit and informed consent.
 - Should consent not be given for the referral the applicant must be made aware that the force will not be able to make a decision on eligibility.
 - The FMA can partially complete Form A in relation to the applicant's current fitness for role prior to the referral to the SMP .
 - Upon receipt of Form B, the FMA must fully complete Form A, ensuring that both are sent to Resourcing Department.
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**Formal
Notification
Letters -
Included**

- The resourcing Department will notify the applicant of the outcome.
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**Formal
Notification
Letters -
Excluded**

- If the applicant is to be excluded from the Ill health benefits scheme , the resourcing Department will send the applicant the following information:
 - Notification of the outcome;
 - Form B (Report of the Selected Medical Practitioner SMP);
 - Form C (For Police Authority use);
 - Form D (Notification of Limitation on Benefits);
 - Form E (Declaration of Understanding); and
 - Form F (Applicants Notice of Appeal).
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**Form E
(Excluded)**

- Applicants must sign and return the Form E within 28 days of receipt of the letter, notifying them of the limitation on ill health benefits, to declare that they wish to continue with their application to join the Force.
- If they continue with their application, they will be advised at this stage to seek independent financial advice on where to invest any savings through reduced contributions.
- This will enable them to provide for their future should they become permanently disabled and cease to serve in the Force.

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**Form F
(Excluded)**

- If the applicant wants to appeal against the medical decision leading to their exclusion from the ill health benefits of the Police Pension Scheme, they must complete and return the Form F within 28 days of receipt of the letter.
- This must be returned to the Practice Manager, Occupational Health Department who will acknowledge receipt within 14 days.
- **Note:** The applicant must discuss with the resourcing Department any potential delays in the recruitment process or request a delay should they wish to resolve the appeal before any anticipated start date.

Appeals**Supporting
Evidence**

- For the appeal to proceed, the applicant must, within 28 days of submitting Form F, provide their full grounds of appeal along with evidence in the form of a report from a medical practitioner who has examined them and provides an opinion to the contrary.
- An appeal can only proceed where there is new medical evidence to support the appeal, otherwise the SMP decision is final.
- In exceptional circumstances applicants may request more time to produce this evidence.
- Any such request must be made to the Occupational Health Practice Manager who will review the request and notify the applicant within 14 days if it has been successful.

**Appeal Process
– Eligibility for
Ill Health
Benefits (SMP)**

- The Practice Manager will re-refer the relevant questions in relation to eligibility to join the pension scheme to the original SMP who will consider the evidence produced by the medical representative of the applicant and either:

Decide to	Action
Allow the appeal	<p>If the SMP supports the appeal and their revised report results in the Force allowing the applicant to be included in the ill health benefits scheme, then the revised report is final, and no further action is necessary.</p> <p>The newly completed Form A and B must be sent to the Resourcing Department.</p>

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Decline the appeal	If the SMP does not support the appeal, then the Force will arrange for a registered Third Medical Practitioner to examine the applicant and to report in writing to the Force and the applicant.
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Third Medical Practitioner (TMP) –

- The TMP must be acceptable to both the SMP and the medical representative of the applicant, except that in the failure to agree, the 'Scheme Manager' (Pensions Manager) may appoint such a TMP as he/she considers appropriate.
 - The TMP will, where necessary, be a specialist.
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Third Medical Practitioner (TMP) – Change of Opinion

- Where the TMP disagrees with any part of the SMP's report, they will issue a revised report, which shall be final.
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Third Medical Practitioner (TMP) – No Change of Opinion

- Where the TMP does not change the medical opinion of the SMP, they must still complete a report, which shall be final.
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Additional Information

Compliance

This policy complies with the following legislation, policy and guidance:

- Equality Act 2010
 - Recruitment and Selection Policy
 - Disability Policy
 - Police Pension Regulations 2015
 - Police Regulations 2003
 - Data Protection Act 2018
 - Disability Discrimination Act 1995
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Further Information

Further guidance in relation to this policy can be sought from:

- Home Office – Disability and the Police – Recruitment
 - Home Office – Disability and the Police – Pensions
 - GOV.UK – Disabled People HR Resourcing Team
 - The Employee Relations Team
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