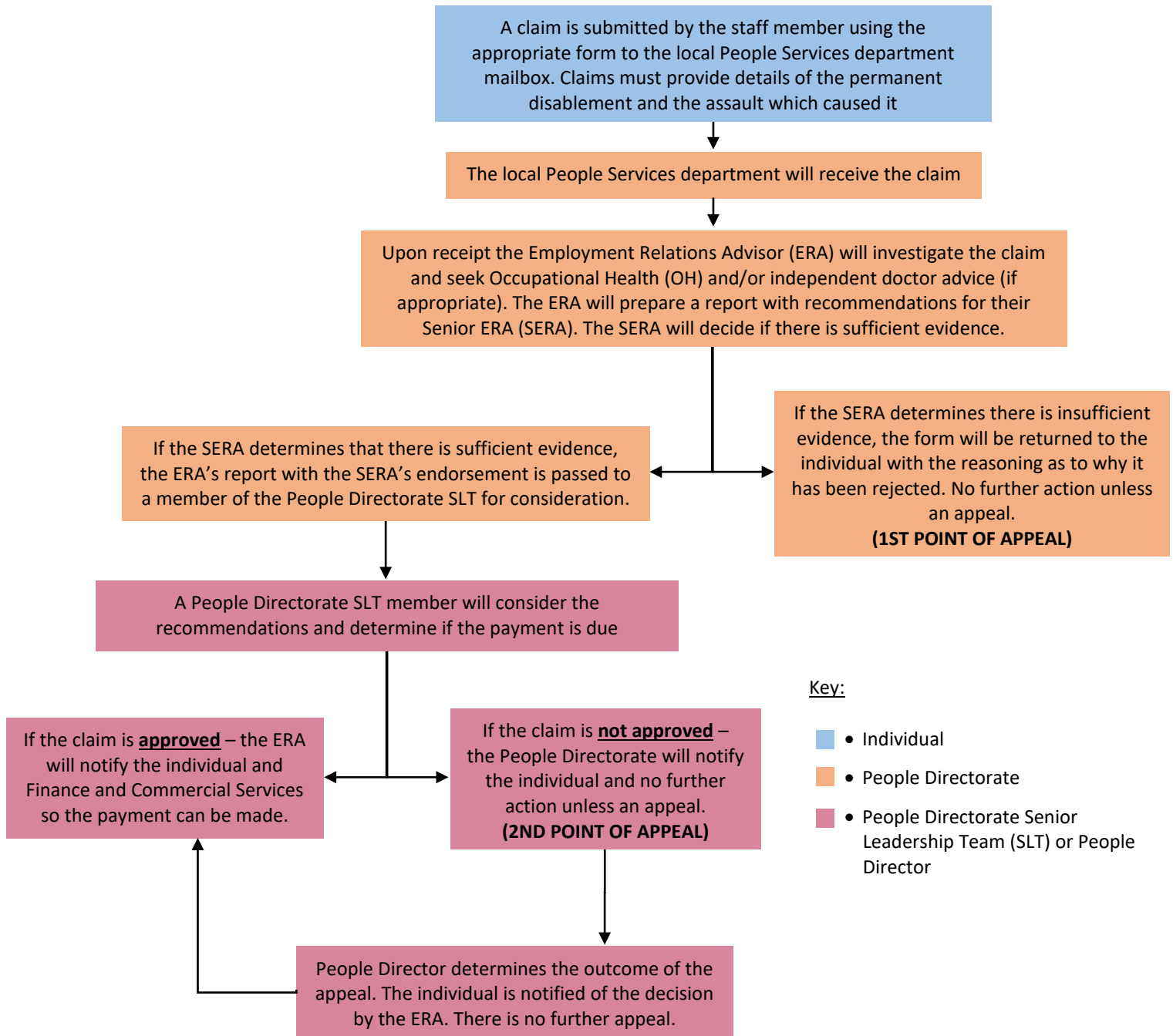


Death or Permanent Disablement Arising from Assault – Police Staff

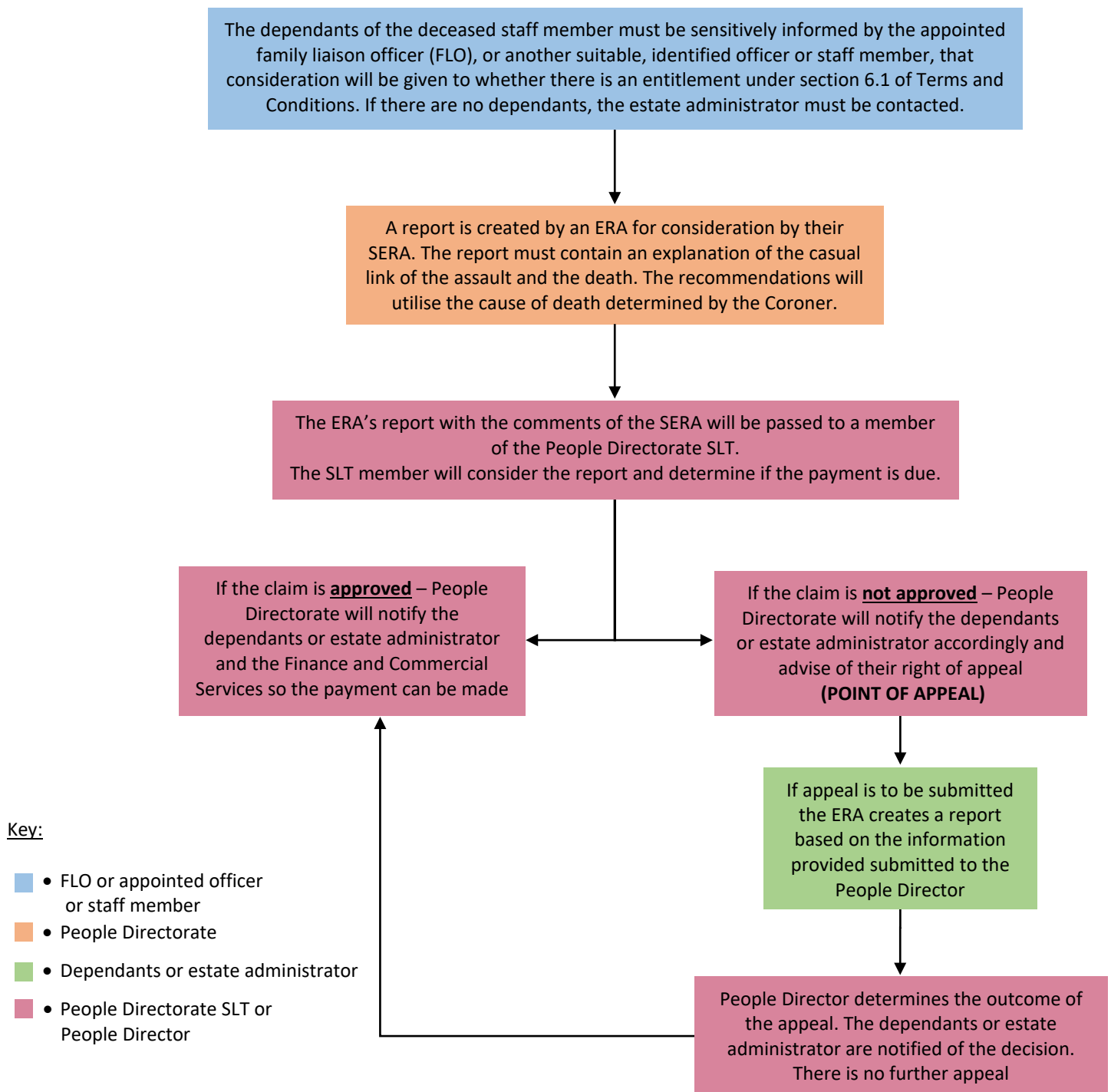
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Flowchart - Permanent Disablement Arising from Assault



Flowchart - Death Arising from Assault



Policy Statement

Summary	West Yorkshire Police (WYP) has a duty of care to all its employees, and if a police staff member dies or is permanently disabled as a result of a violent or criminal assault they suffered in the course of, or as a consequence of, their employment, the Force will make a payment to them or, in the event of death, to their dependants.
Scope	This policy applies to all police staff.

Police Staff Terms and Conditions

Introduction	<ul style="list-style-type: none">• This policy must be used in conjunction with Terms and Conditions policy - Section 6.1. The Terms and Conditions policy details the death and permanent disablement provisions, including the details of the amounts payable, the meaning of dependants and the scale of compensation in death, permanent disablement or partial permanent disablement cases.• The policy details the procedure for considering and processing submissions that are brought under the provisions of Section 6.1 in Terms and Conditions.
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Procedure – Permanent Disablement Arising from Assault

Application and initial assessment	<ul style="list-style-type: none">• The staff member must complete, providing sufficient details, and submit the Permanent Disablement Arising from Assault form to the local People Services department mailbox. (The form may be completed on behalf of the staff member, if appropriate.)• People Services will forward the form to the relevant Employee Relations team. Following receipt, (if appropriate) an Employee Relations Advisor (ERA) will make a referral to Occupational Health (OH) to establish if there is sufficient evidence to assess whether the individual has a specific disablement. OH may seek specialist advice if necessary.• If it is uncertain whether a disablement was caused by the assault or whether the condition is permanent, advice may also be sought from an independent doctor.
Employee Relations	<ul style="list-style-type: none">• An ERA will make recommendations to their Senior ERA (SERA) based on the relevant information available.

**Advisor (ERA)
decision**

- The SERA will decide if there is sufficient evidence to assess whether the individual has a specific injury, whether this is permanent and whether there is a causal link to the assault.
 - If the SERA determines that there is not sufficient evidence, the form will be returned to the applicant with justification as to why it has been declined. No further action will be taken.
 - This is the first point when an appeal may be submitted. Appeals at this point are considered by a manager of an equivalent level to the SERA making the original decision, such as a chief inspector. This independent manager will review the case and may reverse or confirm the decision made by the SERA.
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**People
Directorate
Senior
Leadership
Team (SLT)
member**

- Where the SERA determines that there is sufficient evidence, the ERA's report with the SERA's endorsement is passed to a member of the People Directorate SLT for consideration.
 - The People Directorate SLT member will decide if the payment is to be made. If the payment is approved, the Finance and Commercial Services department will be notified in order that a payment can be made to the individual, or their dependant(s) or estate administrator. A budget will be identified from which to draw the funds.
 - If the People Directorate SLT member does not approve the claim, the individual must be notified that no further action will be taken.
 - This is the second and final point when an appeal may be submitted. Appeals at this point are considered by the People Director, who will review the case and may reverse or confirm the decision already made by the member of the People Directorate SLT.
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Procedure – Death Arising from Assault

**Application and
assessment**

- In the event that a person dies following an assault, their dependants must be notified by the appointed family liaison officer (FLO), or another suitable, identified manager, that consideration will be given to whether there is an entitlement under section 6.1 of Terms and Conditions.
- If there are no dependants, the estate administrator must be contacted.
- Following notification being given to the dependants, a report will then be generated by an ERA using the Death Arising from Assault form for consideration by a member of the People Directorate SLT. The report will provide details of the submission together with copies of the completed form and any other documentation relevant to the claim. Evidence of a causal link between an assault and the person's death must be explained. The submission will also provide details of the payment that would be made. The ERA's recommendations will utilise the cause of death determined by the Coroner.

- The SERA will add their comments to the report before it is submitted for consideration by a People Directorate SLT member.
 - The People Directorate SLT member will determine if payment is to be made and their decision must be sensitively notified to the dependants or estate administrator by the appointed FLO or another suitable, identified manager.
 - If the People Directorate SLT member does not approve the claim, the dependants or estate administrator must be notified that no further action will be taken unless they wish to appeal.
 - If the dependants or administrator elect to appeal, upon receiving notification and grounds an ERA will create and submit a report on their behalf. This will be considered by the People Director, who will review the case and may reverse or confirm the decision already made by the member of the People Directorate SLT.
 - All claims will be dealt with sensitively and on a case-by-case basis taking account of the individual circumstances.
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Appeals

Principles

- An appeal can be made at the points detailed above.
 - There are 3 grounds for appeal, and these are:
 - Procedure has not been adhered to;
 - Decision reached is perverse; or
 - New medical information is available.
 - An appeal must be submitted in writing to the relevant SERA within 14 days of written notification of the original decision to the individual or their dependant(s) or estate administrator. It must clearly state the grounds and reasons for the appeal.
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Additional Information

Compliance

This policy complies with the following legislation:

- Data Protection Act 2018
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