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DYFED-POWYS

Diogelu ein Cymuned - Safeguarding our Community

**Chief Constable of Dyfed Powys
Pension Injury Allowance
Discretions (LGPS)**

Version 2

VERSION CONTROL

Version	Date	Author	Reason for Change
2	27/03/14	Diane Jones	Chief Financial Officer changed to Director of Finance/CFO and suitability for publication section completed.
1	14/11/13	Diane Jones	Transfer of policy to new force template

EQUALITY IMPACT ASSESSMENT

Section 4 of the Equality Act 2010 sets out the **protected characteristics** that qualify for protection under the Act as follows: Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; Sexual Orientation.

The **public sector equality duty** places a proactive legal requirement on public bodies to have regard, in the exercise of their functions, to the need to:

- eliminate discrimination, harassment, victimisation, and any other conduct that is unlawful under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The equality duty applies to all protected characteristics with the exception of Marriage and Civil Partnership, to which only the duty to have regard to the need to eliminate discrimination applies.

Carrying out an **equality impact assessment** involves systematically assessing the likely or actual effects of policies on people in respect of all the protected characteristics set out above.

An equality impact assessment should be carried out on any policy that is **relevant** to the public sector equality duty.

An equality impact assessment has been completed on this policy, click [here](#).

HUMAN RIGHTS ACT

CERTIFICATE OF COMPLIANCE

This policy has been drafted in accordance with the Human Rights Act and has been reviewed on the basis of its content and the supporting evidence and it is deemed compliant with that Act and the principles underpinning it.

Name: R Jones, Senior Solicitor
Department: Legal Services Department
Signed: R Jones

Freedom of Information Act 2000

Section 19 of the Freedom of Information Act 2000 places a requirement upon the Force to publish all policies on the Force website. Policies are why we do things and procedures are how we do them. A case-by-case review of procedures must be undertaken to protect law enforcement and health and safety considerations. Where a combined policy and procedure document is being produced the Force is legally required to publish the policy section and assess the procedure part to ensure no sensitive information is published.

There is a requirement therefore to review this document to establish its suitability for publication. Please identify below whether the document is suitable for publication in its entirety or not. Where it is believed that disclosure will be harmful please articulate the harm that publication would cause and highlight the relevant sections within the document. Where it is perceived that there is harm in disclosure the document should be forwarded to the FOI Unit for review.

Suitability for publication

Suitability for publication	Yes/No	Date	Signature
Document is suitable for publication in its entirety	Yes	27 th March 2014	Diane Jones
Document is suitable for publication in part, I have identified those sections which I believe are not suitable for disclosure and have articulated below the harm which would be caused by publication.	Yes	27 th March 2014	Diane Jones
Harm – in publication None			Diane Jones

FOI review – to be completed by FOI Unit

Suitability for publication	Yes/No	Date	FOI Decision Maker
Document is suitable for publication in its entirety			
Document is suitable for disclosure in part and relevant redactions have been applied. A public facing version has been created.			
Once review has been undertaken FOI decision maker to return document to policy author and following sign-off document to be published within Force Publication Scheme. Any future changes to the document should be brought to the attention of the FOI Unit, as appropriate.			

Pension Injury Allowance Discretions (LGPS)

1. POLICY STATEMENT

1.1. The discretions that Scheme Employers must publish in relation to injury allowances are made under the provisions of the:

- Local Government (Discretionary Payments) Regulations 1996
- Local Government Pension Scheme (Benefits, Membership & Contributions) Regulations 2007 (as amended)
- Local Government Pension Scheme (Administration) Regulations 2008

1.2. The Government released the Local Government (Discretionary Payments) (Injury Allowances) Regulations 2011, effective from the 16th January 2012. These Regulations revoke Parts V, VI and VII of the 1996 Regulations covering injury allowances and gratuities and brings forward some new injury allowance provisions.

1.3. One of the main features of the 2011 Discretionary Payment Regulations is a requirement for the employer to publish a written policy statement (which must be kept under review) on whether they intend to adopt a discretionary injury benefit scheme.

2. POLICY AIM

2.1. To set out the LGPS injury allowance discretions for Dyfed Powys as a Scheme Employer.

3. APPLICABILITY

3.1. This policy applies to staff who are members of the Local Government Pension Scheme (LGPS).

4. RELATED POLICIES, PROTOCOLS, PRACTICES OR SERVICE AGREEMENTS

4.1. Internal:

- a. Flexible & Early Retirement Policy
- b. Pension Discretions (LGPS) Policy

5. MONITORING

5.1. The Director of Finance / CFO will provide assurance to the Chief Constable that the policy is being adhered to and monitored for its effectiveness and identified inefficiencies.

6. REVIEW

6.1. This policy will be reviewed and updated annually by the Head of Financial Governance, to ensure it remains up to date for any changes to legislation and other guidance.

6.2. The Chief Constable will update, publish and copy to the Dyfed Pension Fund (Carmarthenshire County Council) this Employer Discretion.

6.3. Should this policy be amended, a revised statement would need to be published within one month of the date of revision.

7. WHO TO CONTACT ABOUT THIS POLICY

Head of Financial Governance

Employing Authority Discretions

**Local Government Pension Scheme Regulations
(Discretionary Payments)(Injury Allowances) Regulation 2011**

Discretion	Regulation	Determination
<p>Whether to Grant an Injury Allowance</p> <p>Whether to grant an injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.</p>	3 (1)	To consider each case on its merit
<p>Amount of Injury Allowance to be Awarded</p> <p>Amount of injury allowance following reduction in remuneration as a result of sustaining an injury or contracting a disease in the course of carrying out duties of the job.</p>	3 (4) & 8	Injury allowance will be based on the member's degree of disability as assessed by the Independent Registered Medical Practitioner.
<p>Entitlement to an Injury Allowance</p> <p>Determine whether a member continues to be entitled to an Injury Allowance awarded under regulation 3 (1).</p>	3 (2)	The injury allowance will be re-assessed by the Independent Registered Medical Practitioner on a periodic basis.
<p>Cessation of Employment, Amount of Injury Allowance to be Awarded and Entitlement to an Injury Allowance</p> <p>Whether to grant an injury allowance and determine the amount following cessation of employment as a result of permanent incapacity caused by sustaining an injury or contracting a disease in the course of carrying out the duties of the job. Also, determine whether a member continues to be entitled to an injury allowance awarded under regulation 4 (1) [Permanent incapacity].</p>	4 (1), 4 (3) & 8, 4 (2)	The injury allowance will be based on the Independent Registered Medical Practitioner's assessment of the member's degree of disability, who will also re-assess the allowance on a periodic basis.

Discretion	Regulation	Determination
<p>Whether to Suspend or Discontinue an Injury Allowance</p> <p>Whether to suspend or discontinue the injury allowance awarded under regulation 4 (1) if the member secures paid employment for not less than 30 hours per week for a period of not less than 12 months.</p>	4 (5)	To apply this discretion
<p>Cessation of Employment</p> <p>Whether to grant an injury allowance following cessation of employment with entitlement to immediate LGPS pension where a regulation 3 payment was being made at the date of cessation of employment but regulation 4 does not apply.</p>	6 (1)	Pay to be assessed at the rate which would have been approved had the member not been absent from the original employment.
<p>Amount of Injury Allowance to be Awarded</p> <p>Determine the amount of any Injury Allowance to be paid under regulation 6 (1) [Pensioners]</p>	6 (1)	Injury allowance to cease upon retirement.
<p>Ceasing the Payment of an Injury Allowance</p> <p>Determine whether and when to cease payment of an injury allowance payable under regulation 6 (1).</p>	6 (2)	Not to apply this discretion.
<p>Granting an Injury Allowance to a Survivor(s)</p> <p>Whether to grant an injury allowance to the spouse, civil partner, nominated co-habiting partner or dependent of an employee who dies as a result of sustaining an injury or contracting a disease in the course of carrying out the duties of the job.</p>	7 (1)	Injury allowance to cease upon death of member.
<p>Amount of Injury Allowance to be Awarded</p> <p>Determine the amount of any injury allowance to be paid under regulation 7 (1)</p>	7 (2) & 8	Not to apply this discretion

Discretion	Regulation	Determination
<p>Ceasing the Payment of an Injury Allowance</p> <p>Determine whether and when to cease payment of an injury allowance payable under regulation 7 (1).</p>	<p>7 (3)</p>	<p>Not to apply this discretion</p>