

Members' Benefits

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5.1 Civil Service Injury Benefit Scheme - Introduction

Purpose of the injury benefit arrangements

5.1.1 The Civil Service Injury Benefit Scheme (CSIBS) arrangements provide for injury benefits to be paid when a person covered by the arrangements is injured (or contracts a disease) or is killed in circumstances which satisfy the qualifying conditions of the provisions (5.3).

5.1.2 Benefits are payable to:

- the person covered by the injury benefit arrangements. The eligibility conditions set out in this section must be met; or
- eligible dependants (when the person is killed). Dependants must meet the eligibility conditions set out in this section.

5.1.3 The benefits are designed to bring the beneficiary's income from specified sources up to a guaranteed minimum figure.

5.1.4 Benefits are payable only in respect of loss of earning capacity (or loss of support in respect of a death).

NOTE Injury benefits are not intended to compensate for:

- loss of physical or mental faculties (unless the loss results in a reduced earning capacity (or loss of support)); or
- pain or suffering.

Who decides if benefits can be awarded?

5.1.5 The final decision on whether or not a person has suffered an injury for which benefits may be paid (called a qualifying injury) rests with the APAC. Some employers have delegated authority to decide qualifying injuries in respect of their own employees. Recognising

this, throughout this guidance on injury benefit we use the phrase APAC/employer in describing actions that may be taken by either body. We use single terms ('APAC' or 'employer') where the action is for that body alone.

Who is covered by the PCSPS arrangements?

5.1.6 The CSIBS arrangements are not restricted to members of the Civil Service pension scheme arrangements. The people covered by the CSIBS are set out in table 1.

Table 1[†] People covered by the CSIBS arrangements

Staff of Government departments (NOTE A)	All members of the Civil Service pension schemes, including the Partnership Pension Account and stakeholder schemes. Staff who are not pensionable in any of the above (such as casual staff whether or not they chose to join the partnership or stakeholder schemes). Staff who are covered by another occupational pension scheme which does not provide compensation for injury or death on duty (such as staff who are covered by the Federated Superannuation System for Universities). Staff who have opted out of the main Civil Service pension schemes.
Others	Ministers of the Crown. People employed in a civil capacity for the purposes of HM Government.

NOTE A The arrangements cover staff serving in the UK, and those recruited in the UK who are serving overseas.

5.1.7 Details of the arrangements are set out in the following chapters:

- 5.2 Administration of the injury benefit arrangements
- 5.3 Eligibility for an award (civil servants)
- 5.4 Benefits (civil servants)
- 5.5 Benefits (widows, widowers and civil partners of civil servants)
- 5.6 Benefits (children and dependants of civil servants)
- 5.7 Benefits (Government Ministers and non-civil servants)
- 5.8 Damages and compensation.
- 5.9 Conditional awards

Secondment from the Civil Service

5.1.8 Table 2 sets out who provides injury benefit cover for civil servants on secondment who are injured in the course of their duties with the borrowing employer.

[†] Reproduced in 5.3 and 5.7.

5.1.9 In cases of doubt consult the Cabinet Office (Civil Service Pensions Division).

5.1.10 Employers must:

- agree the arrangements for injury benefit cover with the borrowing employer *before* the secondment begins; and
- give secondees a written statement:
 - of the effect of the secondment on their pension arrangements generally;
 - explaining who is providing the cover (if any); and
 - describing the cover (when it is being provided by the CSIBS).

Table 2 Provision of cover for injury benefit

Salary paid by	Pension cover	Responsibility for paying injury benefit
Parent department	Member continues Civil Service pension scheme membership. (NOTE A)	Parent department under CSIBS
Borrowing employer	Member continues Civil Service pension scheme membership. (NOTE A)	Parent department under CSIBS
	Pension is: <ul style="list-style-type: none"> • transferred to borrowing employer's pension fund; and • returned to Civil Service pension scheme at end of secondment. <i>Member joins the borrowing employer's pension scheme during period of secondment.</i>	Borrowing employer (NOTE B)
	Unpaid special leave. <i>Member remains a member of Civil Service pension schemes but service is non-reckonable.</i>	Borrowing employer (NOTE B)

NOTE A The CSIBS also provides injury benefit cover for civil servants who have opted out of the Civil Service pension schemes and been seconded on terms which are defined as analogous to them .

NOTE B Injury cover may be given by the employer or the employer's pension scheme. Some employers do not have injury benefit arrangements. Where this is the case, the secondee must decide whether or not to accept the secondment without injury cover. The secondee may wish to take out private insurance.

Further information	Information	Reference
	General advice on secondment.	Civil Service Management Code 10

5.1.11 (paragraph deleted)

Secondment to the Civil Service

5.1.12 People working in the Civil Service on secondment from another employer are normally *not* given injury benefit cover by the CSIBS. Cover may be available from the lending employer or the lending employer's pension scheme.

5.1.13 Employing department may exceptionally decide to provide CSIBS cover for the duration of the inward secondment, where the sending employer or individual does not have similar cover in place. For example, in cases where the secondment going ahead substantially rests on whether or not CSIBS cover is provided, the receiving employer may see an advantage in offering CSIBS coverage.

5.1.14 Employers must:

- agree the arrangements for injury benefit cover *before* the secondment begins; and
- give the secondee a written statement:
 - explaining who is providing the cover (if any); and
 - describing the cover (when it is being provided by the CSIBS).

Service with the Reserved Forces

5.1.15 Civil servants who serve with the Reserve Forces during major conflicts (for example, the Gulf Conflict, the Balkans, Afghanistan, Iraq) usually receive injury benefit cover from the Armed Forces Pension Scheme (AFPS).

5.1.16 An *ex gratia* top-up payment may be made when the level of benefit payable by the AFPS arising from such conflicts is less than the benefits which would have been payable under the injury benefit provisions of the CSIBS.

5.1.17 Details of the award made by the AFPS must be sent to the APAC which makes a comparison of the benefits payable. For injuries sustained before 1 April 1998 authority to make an *ex-gratia* payment must be obtained from the Cabinet Office (Civil Service Pensions Division); employing departments have contingent authority to make *ex-gratia* payments for injuries sustained on or after this date (see 5.2.13 about meeting the costs of actual injury benefit).

5.1.18 An injury sustained in the course of normal Reserved Forces duty (for example, at annual camp) is not covered by the CSIBS arrangements; nor is it likely to be the subject of the kind of ex-gratia payment described above.

Damages and compensation payments

5.1.19 CSIBS injury awards are reduced or may be expunged when taking account of damages or compensation awarded or recovered as set out in table 3.

NOTE This arrangement prevents the payment from public funds of benefits to compensate for loss of earnings (or support) when compensation is being paid from other sources for the same purpose.

Table 3[†] Treatment of damages and compensation payments (NOTE A)

Circumstances	CSIBS	Damages taken into account in injury benefit calculation
Personal injury of civil servant.	The arrangements cover loss or impairment of the civil servant's earning capacity (5.3).	Only damages for: <ul style="list-style-type: none"> • actual loss of earnings; and • loss of future earnings.
Death of civil servant.	The arrangements cover loss of support from the civil servant by: <ul style="list-style-type: none"> • the widow, widower or civil partner (5.5); • children (5.6); and • adult dependants (classic only) (5.6). 	Only the amount included in the settlement for loss of support.

NOTE A This can include compensation under the Criminal Injuries Compensation Scheme (see below).

5.1.20 Details of the effect of damages and compensation payments are given in 5.8.

5.1.21 A *conditional award* is made whenever a claim for damages or compensation is outstanding (or may be made in the future).

NOTE Most injury awards are initially paid as conditional awards.

5.1.22 Details of conditional awards and the later recovery of CSIBS payments are given in 5.9.

[†] Copied from 5.9.

Compensation under the Criminal Injuries Compensation Scheme

5.1.23 Any person who is injured as a result of criminal action while in Great Britain can apply for compensation under the Criminal Injuries Compensation Scheme (CICS).

5.1.24 The CICS adjudicating board normally takes any CSIBS award already made into account when determining the level of compensation. Alternatively, the CSIBS award takes into account any CICS payment when the CICS award is paid first.

5.1.25 The CICS does not apply where injuries are sustained outside Great Britain.

5.1.26 The injury benefit arrangements provide for compensation equivalent to that payable under the CICS in respect of civil servants posted overseas who are injured as a result of criminal action (*see below*).

NOTE This also applies to civil servants posted overseas who are injured as a result of criminal action in circumstances outside their official duties.

5.1.27 The employer must send full details of the accident to the Scheme Medical Adviser to determine what rate of payment would be appropriate by reference to the CICS tariff (published on the Criminal Injuries Compensation Authority website www.cica.gov.uk).

Paying insurance premiums

5.1.28 Employers must take account of the fact that injury benefit cover is provided under the CSIBS when considering whether it would be cost effective:

- to refund premiums in respect of insurance against personal injury paid by people covered by the injury benefit arrangements; or
- to meet the cost (or part of the cost) of short-term life insurance policies taken out in connection with the performance of their official duties by or for people covered by the injury benefit arrangements.

5.1.29 Payments resulting from insurance premiums paid wholly or in part from public funds are taken into account when determining the CSIBS award (5.4 Annex C).

5.1.30 Payments resulting from insurance premiums paid for by those covered by the CSIBS arrangements have no effect on the injury benefits payable under the CSIBS.

NOTE This includes payments from insurance policies taken out by those travelling by air to supplement the compensation arrangements provided by airlines.

Benefits when qualifying injuries are sustained abroad

5.1.31 Those covered by the CSIBS arrangements who are normally employed in the United Kingdom (or normally based in the United Kingdom (for example, a diplomat)) may be granted an injury benefit award if they suffer a qualifying injury (5.3) when serving overseas.

5.1.32 The award is the greater of the following:

- the benefit which would have been payable under the CSIBS arrangements if the injury had occurred in the United Kingdom; or

NOTE No account is taken of social security benefits (industrial disablement; sickness; invalidity (5.4 Annex C)) unless the person has a current or future entitlement to them.

- the disablement benefit which the APAC/employer considers would have been payable by Jobcentre Plus if the injury had occurred in the United Kingdom (see Table 4); or
- the benefit which the APAC/employer considers would have been payable under the Criminal Injuries Compensation Scheme if the injury had occurred in the United Kingdom (see above).

Table 4 Assessing the benefit which would have been paid if the injury had occurred in the UK

<p>Disablement benefit is paid entirely in respect of loss of faculty resulting from an injury. This means that it can be paid while the person continues in employment without loss of earnings.</p> <p>The APAC/employer must:</p> <ul style="list-style-type: none">• advise the person to report the accident to Jobcentre Plus ; and• ask Jobcentre Plus to determine the claim as if the accident had occurred in the United Kingdom. <p>Jobcentre Plus advises the APAC/employer of the degree of disability, and the rate of benefit which would have been payable.</p> <p>This is the amount to be paid under the injury benefit arrangements unless the person is entitled to more favourable benefit.</p> <p><i>The award has to be reissued each year in line with increases to the rate of benefits as assessed by Jobcentre Plus.</i></p>
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Earlier arrangements

5.1.33 Before the introduction of the 1972 arrangements, injury benefit cover was provided under the Injury Warrants 1952-1971.

5.1.34 The Injury Warrants only applied to non-industrial staff. Industrial staff were specifically excluded.

5.2 Administration of the injury benefit arrangements

Responsibility of employers

5.2.1 Employers are responsible for day-to-day administration of the injury benefit arrangements, although that part of their responsibilities relating to decision-making and awarding under the CSIBS may have been delegated to an APAC. Employer's responsibilities include:

- informing their staff of their right to be considered for injury benefit;
- issuing advice. A copy of the leaflet *Civil Service Pensions Injury Benefits Scheme* must be given on request to a person covered by the injury benefit arrangements;
- responding to enquiries about the CSIBS; and
- where appropriate consulting their APAC when notified of an injury sustained on official duty in order to decide whether the injury benefit qualifying conditions have been met.

5.2.2 The employer must make sure that all reported injuries sustained on official duty are considered against the injury benefit qualifying conditions as soon as possible after they occur. This must *not* be left until an injury benefit claim is made, or until the person's pay is reduced.

NOTE Details of a reported injury must be sent to the APAC or that part of the employment dealing with injury benefit decisions, as the case may be, for a decision as to whether the injury is a qualifying injury within 5 working days of the collation of all the necessary

information (the necessary information and supporting documentation is set out in 5.2 Annex A)

Responsibility of APACs (Awarding authorities)

5.2.3 The responsibility of APACs for injury benefit work is set out in table 1.

Table 1 Responsibility for injury benefit work

APAC	Responsibility
Own staff	All aspects of injury benefit.
Staff of customer employers	Determining qualifying injuries and making awards. (NOTE A)

NOTE A Individual agreements between the APAC and the employer may extend the role of the former APAC.

5.2.4 Over and above any delegated authority employers have given APACs to decide injury benefit cases, APACs always make the injury benefit award itself. They do so using the following forms:

- awards for injured person: 5.4 Annex B
- awards for dependants: 5.5 Annex A

5.2.5 APAC/employers must follow the Cabinet Office instructions in this section when a case falls within their delegated authority. Cases which raise novel or contentious issues should be referred to the Cabinet Office (Civil Service Pensions Division) for advice.

Table 2 Cases which must be referred to the appropriate part of Cabinet Office (Civil Service Pensions Division)

<ul style="list-style-type: none"> • Cases involving novel or contentious issues (Policy & Practice Branch). • Cases of appeal against stage 1 decisions made under the Internal Dispute Resolution procedures (Pensions Complaints Branch). • Cases referred by OPAS or the Pensions Ombudsman (Pensions Complaints Branch) • Cases where there is a query about injury benefit on secondment
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5.2.6 † Conditional awards are made when a damages claim is outstanding (or may be made in future). Details of the effect of damages claims are given in 5.8.

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

5.2.7 †† Guidance on making conditional awards and the later recovery of CSIBS payments is given in 5.9.

5.2.8 When an award is made in respect of an injury caused by a criminal act, the APAC/employer must send a copy of the award to the Criminal Injuries Compensation Authority (see 5.1)

Criminal Injuries Compensation Authority

Incidents notified from within London and the Home Counties are normally dealt with by the CICA London office; for incidents in the rest of England, Scotland and Wales, the Glasgow address should be used. In Northern Ireland, contact the Compensation Agency.

The Secretary
Criminal Injuries Compensation Authority
Morley House
26-30 Holborn
LONDON EC1A 2JQ

The Secretary
Criminal Injuries Compensation Authority
Tay House
300 Bath Street
GLASGOW G2 4LN

The Secretary
The Compensation Agency
Royston House
34 Upper Queen Street
BELFAST BT1 6FD

Responsibility of the Cabinet Office

5.2.9 The Cabinet Office (Civil Service Pensions Division) is responsible for:

- injury benefit policy (Policy Branch)
- advising on contentious and doubtful cases (Policy Branch)

† Copied to 5.4, 5.5, 5.6, 5.7.

†† Copied to 5.4, 5.5, 5.6, and 5.7.

- determining injury benefit questions when there is a dispute against a stage 1 decision made under the formal IDR procedures or when a claim has been made to the Pensions Ombudsman (Pensions Complaints Branch).

NOTE questions relating solely to the extension of paid sick leave cannot be considered under IDR procedures because this is not a CSIBS benefit

Applications for injury benefit awards

5.2.10 The information and supporting documents which are required to consider an injury benefit claim are set out in Annex A.

5.2.11 Employers *must* forward this information to the APAC, or ensure that they have the information if they are making an injury benefit decision.

5.2.12 Applications and all the relevant information must be forwarded to the APAC or the relevant part of the employer's organisation for consideration as soon as it becomes clear that an award may be payable and *all* the required information is available. Examples of when to forward an application are given in table 3. The service standards which apply are set out in table 4.

Table 3 When to forward an application

Circumstances	Notes
Change in sick pay.	Person has exhausted the extension of sick pay at the full rate and has incurred, or is likely to incur, sick pay at a reduced rate (or unpaid sick leave). (NOTE A)
Re-grading.	Person is being downgraded or re-employed in a lower grade or moving to (or reducing) part-time hours.
Leaving the Civil Service.	Person is retiring, retiring on medical grounds or leaving the Civil Service.
Death.	<i>Application for benefit from a widow, widower, civil partner or dependant.</i>

NOTE A Sick pay at the full rate can be extended (5.4 Annex A).

Table 4 Action when an injury award may be payable

Action	Time
<p>The employer must:</p> <ul style="list-style-type: none"> • obtain all necessary information in respect of the award; and • submit the information to their APAC or that part of the employer's organisation that decides injury benefit awards . 	Within 5 working days of notification of the injury
<p>The APAC/that part of the employer's organisation that decides injury benefit awards must:</p> <ul style="list-style-type: none"> • Decide whether a qualifying injury has occurred; or • Submit to medical adviser for advice. 	Within 10 days of the receipt of full information
<p>The APAC/that part of the employer's organisation that decides injury benefit awards upon receipt of the medical adviser's advice must:</p> <ul style="list-style-type: none"> • Decide whether a qualifying injury has occurred. 	Within 5 working days of receiving the medical adviser's advice.
<p>The APAC/that part of the employer's organisation that decides injury benefit awards must:</p> <ul style="list-style-type: none"> • Notify the applicant of their decision 	Within 5 working days of making their decision.
<p>The APAC:</p> <ul style="list-style-type: none"> • Calculates the award providing a copy of the award calculation to the employer; • The APAC/that part of the employer's organisation that decides injury benefit awards advises the beneficiary of: <ul style="list-style-type: none"> ➤ the amount of injury benefit payable; ➤ the manner of payment; and ➤ the requirement to notify any changes of circumstances which might affect the award. 	Within 17 working days of the decision

Cost of injury benefits in respect of injuries sustained on or after 1 April 1998

5.2.13 Employers must meet the cost of benefits in respect of injuries sustained on or after 1 April 1998.

5.2.14 Capita Hartshead will make payment of benefits awarded from the Civil Superannuation Vote. A monthly account will then be sent to each employer showing the benefit paid. Where the employer holds an account with Capita Hartshead, the amount will be automatically deducted from that account. Employers not holding an account must reimburse the Civil Superannuation Vote within three days of receiving the bill. Payment must be made to Capita Hartshead.

5.2.15 The date of injury must be entered on all injury benefit award forms, so that Capita Hartshead can identify the cost to be met by the employer or by the Vote. The vast majority will now be payable by employers. Where there is no date of injury, for example in repetitive strain injury, the APAC must give an indication of the date of onset- this may be contained in the Scheme Medical Adviser's assessment of the injury..

5.2 Annex A Information to be provided

1 The following tables set out the information needed to consider and process an injury benefit claim.

2 Additional information may be needed to make the position clear in the following cases:

- part-time staff;
- staff who have opted out of the Civil Service pension arrangements ;
- Ministers and non-civil servants (5.7);

Application	Information	Supporting documents
Temporary allowance The person continues on sick leave after exhausting the extension of sick leave on full pay, including people working part-time on medical grounds.	Table 1A	Table 2A
Re-grading The person is likely to be downgraded; re-employed in a different capacity with reduced pay; or permanently move to part-time hours or reduce part-time hours.	Table 1A Table 1B	Table 2A Table 2B
Leaving the Civil Service The person retires, or retires on medical grounds or leaves the Civil Service.	Table 1A Table 1C	Table 2A Table 2C
Death (benefit for widow, widower or civil partner and dependants) The person dies as a direct result of the injury or disease.	Table 3	Table 4

Table 1A Information: temporary allowances

<p>NOTE: <i>The information in the following tables is that which should be collated (and as appropriate supplied to the APAC) in order for a decision on an injury benefit application to be progressed.</i></p> <p><i>See section 5.3 for details of the circumstances in which medical advice should be sought from the Scheme Medical Adviser, and the documentation required for that (all of which may be culled from the information and supporting documentation in these tables).</i></p>
<p>Person's</p> <ul style="list-style-type: none"> • full name • date of birth • grade/pay band/responsibility level. <p><i>Criminal Injuries Compensation claims only:</i></p> <ul style="list-style-type: none"> • <i>reference number</i> • <i>details of the amount paid (when the person has already received an award).</i>
Cause and circumstances of qualifying injury.
<p>Annual rate of half-pay. Annual rate of sick pay at pension rate (if applicable).</p> <p>Pensionable earnings at the end of full pay. Pensionable earnings at the end of half-pay (if applicable).</p> <p>Details of any (PCSPS) pension in payment or preserved for payment at a later date.</p>
<p>State whether the person has made a claim for damages in respect of the injury or disease.</p> <p><i>When there is a claim, give details (from the employing department's legal advisers: or from the person claiming injury benefit (if a third party claim)).</i></p> <p><i>When the claim has been settled, give:</i></p> <ul style="list-style-type: none"> • <i>a full breakdown of the amount of the damages showing details of any amount paid in respect of loss of earnings.</i>

Table 1B Additional information (re-grading)

<ul style="list-style-type: none"> • Any relevant information from table 1A. • As at the last day of service in the pre-injury grade: <ul style="list-style-type: none"> - reckonable service - pensionable earnings. • Last day of the pensionable earnings period. • As at the date of re-grading: <ul style="list-style-type: none"> - pay for the pre-injury grade } including London Weighting and - pay for the post-injury grade } any allowances.

Table 1C Additional information (retiring or leaving employment)

<p>Any relevant information from table 1A. Reckonable service (including enhancement of reckonable service). Pensionable earnings.</p> <p>Last day of the pensionable earnings period.</p> <p>Gross Civil Service pension or an annual allowance under the CSCS. Net pension after modification.</p> <p>Details (including payable date) of any other public service pension (valued as at the date of retirement).</p>

Table 2A Supporting documents: temporary allowances *send copies only*

<ul style="list-style-type: none"> ➤ Any departmental accident report. ➤ Any statements by witnesses. ➤ Case referral form Capita Health Solutions Med 4/05 – ensuring Customer and Location Codes and contact details at Part B are completed, and the applicant's consent to approach their own medical advisers. ➤ Personal statement from the applicant describing reasons for injury. ➤ Statement from employer accepting or disputing the applicant's statement. ➤ Statement from the applicant's line manager (in work related stress cases) ➤ Job description ➤ Completed Jobcentre Plus Industrial Injuries enquiries form (if available). ➤ Person's sick absence records for the last five years (if available) showing cause of incapacity. ➤ <i>This must cover the period from date of commencement in the Civil Service (or Government Service if a Minister or non-civil servant) to date of application.</i> ➤ Copies of any advice given by the scheme medical adviser ➤ Any original medical evidence relating to the injury (e.g. from a GP or hospital) ➤ Details of any grievance or disciplinary procedure and outcome ➤ Declaration from the person. This must: <ul style="list-style-type: none"> • state whether the person is receiving a pension (or has been awarded a preserved pension) in respect of any previous employment in the public service; <i>(examples: NHS, Local Government, nationalised industries)</i> • give the pension paying authority and reference number. <p><i>The APAC/employer must obtain written confirmation from the paying authority of the annual rate of pension appropriate to the date that the person started sick pay at less than the full rate.</i></p> ➤ Written confirmation from the person's local Jobcentre Plus office of the rates of any of the following paid in respect of the injury or disease: <ul style="list-style-type: none"> • sickness benefit • invalidity or incapacity benefit • industrial disablement benefit (including reduced earnings allowance or retirement allowance where applicable). <p>(NOTE A) (<i>see Annex B</i>)</p>

NOTE A Where no benefit is in payment Jobcentre Plus must confirm whether or not a claim has been made to the benefits listed.

Table 2B Additional supporting documents (re-grading) *send copies only*

<ul style="list-style-type: none"> ▶ Any relevant documents from table 2A; and ▶ Any advice from the scheme medical adviser on: <ul style="list-style-type: none"> • the nature of the injury or disease; and • the prospect of the person being able to fulfil the duties of the lower grade (or in the alternative capacity).
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**Table 2C Additional supporting documents
(retirement or leaving employment)**

send copies only

<ul style="list-style-type: none"> ▶ Any relevant documents from table 2A ▶ Medical retirement certificate (where appropriate). ▶ Details of current earnings (i.e. for conditional/permanent awards) ▶ Education/past job history – applicable where impairment of earnings is required (conditional/permanent awards)

Table 3 Information (widows', widowers', civil partners' and dependants' benefit)

<p>Deceased person's:</p> <ul style="list-style-type: none"> • full name • date of birth • grade. <p>Widow, widower, or civil partner :</p> <ul style="list-style-type: none"> • full name • date of birth <p>Eligible children:</p> <ul style="list-style-type: none"> • full name • date of birth <p>Other dependants (classic only):</p> <ul style="list-style-type: none"> • full name • date of birth • relationship to the deceased • evidence of the amount contributed to the dependant's support by the deceased • dependant's income from other sources.
<p>Circumstances of death.</p>
<p>Pensionable earnings.</p> <p>Last day of the pensionable earnings period.</p> <p>Annual amount of any Civil Service pension being paid to the widow, widower or civil partner, children and dependants (classic only).</p>
<p>State whether there is a claim for damages in respect of the person's death. Give any available information on the claim.</p>

Table 4 Supporting documents
(widows', widowers', civil partner's and dependants' benefit)
send copies only

<ul style="list-style-type: none">▶ Employer's investigation report.▶ Any statements by witnesses, coroner's report and other reports.▶ Advice from the Scheme Medical Adviser on the nature of the injury or disease which lead to the person's death (where appropriate).▶ The following certificates:<ul style="list-style-type: none">• a death certificate• marriage/civil partnership certificate (where there is an eligible widow, widower or civil partner)• full birth certificate: for each eligible child for each other dependant• certificate of full-time education or training) or) eligible children• medical evidence of incapacity) over age 17▶ Written confirmation of any Civil Service pension scheme or other public service pension payable (or in payment) to:<ul style="list-style-type: none">• the widow, widower, civil partner or eligible partner• children• dependants (classic only).

5.2 Annex B Model letter to Jobcentre Plus

1 The model letter in this Annex may be used to obtain confirmation of benefits from the member's local Jobcentre Plus office.

2 APAC/employers must obtain permission from the person before asking Jobcentre Plus for information about their benefits.

NOTE The person must give permission or the injury award cannot proceed.

Civil Service Injury Benefit Scheme

Request for benefit information

Part 1	Person's full name	
	Date of birth	National Insurance number
	Grade	
	Date of accident	Nature of injury
Part 2	Rates of benefits paid since the date of accident	
	Incapacity benefit	
	Industrial disablement benefit (including reduced earnings allowance or retirement allowance)	

We are considering the eligibility of the above person for an injury benefit award under the Civil Service Injury Benefit Scheme (CSIBS).

The purpose of the injury benefit award is to provide the injured person with a guaranteed minimum income from public funds. In determining the amount of any injury benefit which is payable under the CSIBS, we are required to take into account certain social security benefits which have accrued as a consequence of the injury.

I should be grateful, therefore, if you would complete part 2 above in respect of the rates of benefits paid to the person named above since the date of the accident. Where there is no benefit in payment it would be helpful if you could indicate if the person has made a claim. The person has given permission for this information to be released.

Send to:

The manager of the appropriate Jobcentre Plus office.
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5.3 Eligibility for an award (civil servants)

Eligibility conditions

5.3.1 A civil servant is eligible for injury benefits when:

- the injury is a *qualifying injury* ; and
- the conditions of *impairment of earnings capacity* are met; and
- the illness is deemed at least *mainly* attributable to duty (if sustained on or after 1 April 2003); and
- the civil servant's earnings are reduced in one of the ways set out in table 1.

Table 1: Ways in which earnings may be reduced

Sickness Pay is paid at less than the full rate.
Retirement before the pension age.
Downgrading; or re-employment in a different capacity with loss of earnings; or a move to part-time hours or a reduction in the number of part-time hours.

5.3.2 *Spare paragraph*

5.3.3 *Spare paragraph*

5.3.4 Civil servants may be eligible for injury benefit on reaching age 65 if they can demonstrate an impairment of earning capacity. This applies to:

- civil servants who continued in service after a qualifying injury, but who have not received an injury allowance or lump sum (other than a temporary allowance); and
- former civil servants who left the Civil Service (or who were dismissed) before age 65, without the immediate payment of a CSIBS award.

5.3.5 *Spare paragraph*

5.3.6 Injury benefit is not payable if the injury or death (or the disease or worsening of the disease) is wholly or mainly due to, or is seriously aggravated by, the person's own serious and culpable negligence or

misconduct.

EXAMPLE: Driving under the influence of alcohol or drugs on a duty journey.

Qualifying injuries

5.3.7 A qualifying injury must have occurred:

Civil servant	Date
Non-industrial civil servants	On or after 29 February 1972. (NOTE A)
Industrial civil servants	On or after 1 June 1972.

Note A: An injury to a non-industrial civil servant which occurred before 29 February 1972 counts as a qualifying injury when:

- the injury occurred in circumstances which satisfy the qualifying conditions of the Injury Warrants 1952-1971; and
- the civil servant's service continued after 29 February 1972.

5.3.8 A *qualifying injury* means death or injury in the course of official duty. The rules of the CSIBS cover injuries attributable to the nature of the duty (doing their job) and also attributable to being employed (doing things incidental to their job, for example, performance appraisal meetings or activities such as opening windows and using stairs).

For injuries sustained on or after 1 April 2003 death or injury must be *wholly* or *mainly* due to the employment. This means more than 50% attributable to duty (see the section on apportionment). An injury would be excluded where it is not wholly or mainly due to employment or where it is wholly or mainly due to, or seriously aggravated by, the individual's own negligence or misconduct.

Note: On or before 31 March 1997 death or injury must be *directly* attributable to the nature of the duty or arise from an activity which is reasonably incidental to it.

Between 1 April 1997 and 31 March 2003 death or injury must be *solely* attributable to the nature of the duty or arise from an activity which is reasonably incidental to it.

CSIBS also covers:

- death or injury as the result of an attack or similar act sustained while the person is not on duty, which is directly attributable to their being employed, or holding office;
- death or incapacity following the contraction of a disease to which the civil servant was exposed by the nature of his or her duty. For injuries sustained on or after 1 April 2003, the *wholly* or *mainly* criteria described above applies;
- death or injury (whether on duty or not) directly attributable to a disturbance abroad in an area where the civil servant was serving for the purpose of his or her employment (civil servants recruited in

the United Kingdom only). (See table 6 below);

- death or incapacity following the aggravation, as a result of duty in employment outside the United Kingdom, of a disease from which the civil servant was already suffering (civil servants recruited in the United Kingdom only).

Note: References to *injury* include references to disease. References to a *person being injured* are taken as references to a person contracting a disease. The date of injury is taken as the date on which the person contracted the disease.

Table 2 Meaning of 'official duty'

<p><i>In the course of official duty includes death and injury occurring:</i></p> <ul style="list-style-type: none"> • during the actual discharge of duty; • while on official premises for the purpose of official duty (but see exclusions below); • while taking action at the request of management to ensure the safety of staff; EXAMPLE Searching official premises for bombs. • while being evacuated from official premises at the request of management and while remaining within a designated area; • while on an official duty journey. (□ see table 3)

Table 3 Meaning of 'official duty journey'

<p><i>An official duty journey includes a journey between (Note A):</i></p> <ul style="list-style-type: none"> • the normal place of employment and the detached duty station; • any two points of detached duty; • the place of residence at the old station and the detached duty station; • a temporary residence at the detached duty station and the place of employment at that station, for the first 30 days of detached duty; • the place of residence and the place of employment, provided that the journey is: <ul style="list-style-type: none"> - required for official purposes; and - in addition to the normal home to office journey (for example, civil servants 'on-call'); • a weekend journey on concessionary travel terms granted to civil servants on detached duty or permanent transfer, making a visit to their home at their old station.

Note A: Departure from a reasonably direct route for unofficial purposes will disqualify all or part of the journey as an official duty journey. Main meal breaks are also excluded.

Table 4 Death or injury as a result of disturbance abroad

<p>This covers death or injury as a result of war, revolution, serious and widespread internal disturbance, deliberate acts by the population, or sporadic political disturbances.</p> <p>Claims in respect of death or injury caused by <i>deliberate acts of the local population</i> must be considered in the light of the circumstances of the death or injury and the situation in the area. Such claims are acceptable where law and order has broken down even if internal disturbance is not serious and widespread.</p>

5.3.9 Civil servants who suffer an injury (which is not a qualifying injury) as a result of criminal action while serving overseas may be eligible for a PCSPS compensation payment (☐ see *Compensation under the Criminal Injuries Compensation Scheme (5.1)*).

Exclusions

5.3.10 The following are not qualifying injuries:

- death or injury occurring on or after 1 April 2003 assessed as being below the threshold to be deemed as *mainly* attributable to duty (see **apportionment** below);
- death or injury occurring during ordinary travel between home and the place of employment. 'Travel' in these circumstances is normally considered to have ended or begun once the person has crossed the threshold, usually marked by a door, of the *building* in which they work (e.g. injuries sustained in the car park of an establishment are not qualifying injuries);
- death or injury which is unrelated to the nature of the person's official duty;
- death or injury which occurs during a main meal break, whether this was on official premises or not;
- death or injury while remaining at a detached duty station over a weekend, except when this was the result of an attack or similar act which was directly attributable to being employed or holding office;
- death or injury while working at home, unless:
 - the work was authorised by the employing department; and
 - it can be clearly established that the death or injury was directly attributable to the nature of the official duty;
- death or injury while on special leave, whether paid or unpaid, unless this arises in circumstances which have been agreed by the employer beforehand (agreeing coverage is likely to be exceptional; an example might be where the employer is sponsoring a person to take professional exams)

Consulting the Scheme Medical Adviser

5.3.11 Medical advice *must* be obtained from the medical adviser for the

conditions set out in table 5 below in order to:

- help in establishing whether a qualifying injury has occurred; or
- help in establishing a causal link between an injury and the civil servant's work.

Table 5 Case where referral *must* be made to Scheme Medical Adviser

<p>Writer's cramp.</p> <p>Tenosynovitis or repetitive strain injury (RSI).</p> <p>Diseases. Any case where it is claimed that a person has contracted a disease in the course of official duty. The medical adviser should be asked to establish whether there is a direct causal link between the disease and the employment.</p> <p>Work related stress or mental illness. These injuries should be determined in the same manner as any other claim i.e. use the medical advice provided when making a decision.</p> <p>The fact that the injury is caused by an individual's perception of events should not invalidate a claim. It is important though to identify cases where a person suffers from a pre-existing clinical condition such as clinical depression or a history of mental health problems.</p> <p>Musculo-skeletal. For example, a 'bad back'. It can be difficult identifying a causal link between this type of injury and a particular incident, especially if there is a pre-existing condition. Again, use the advice provided by the medical adviser when making a decision.</p>
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5.3.12 All referrals to the medical adviser should be made using the form "Application for medical advice – injury benefit award". This is available on the Civil Service Pensions website: www.civilservice-pensions.gov.uk. The following documents must be attached:

Flag	Documents required
1.	Relevant accident reports and/or accident book entries. If no entry exists please say so and ensure that the date of the injury is clearly stated
2.	Personal statement from applicant describing reasons for injury.
3.	Statement from employer accepting or disputing the applicant's statement. This should explain the reasons for disputing any element of the personal statement and also details of any disciplinary/grievance procedure (and outcome).
4.	Any witness statements (obtained by either employer or applicant)
5.	Job description.
6.	Sickness absence details. Clearly identify the date the absence relevant to the injury started.
7.	Copies of any Capita Health Solutions' (as scheme medical advisor) correspondence relating to the case.
8.	Medical in confidence envelope and any original medical evidence relating to injury.
9.	Details of current earnings (for permanent awards only).
10.	Education/past job history – applicable where assessment of impairment of earnings is required (i.e. permanent award).
11.	Medical consent form

Note: Failure to include any item is likely to result in the medical adviser returning the case as incomplete.

5.3.13 APAC Decision makers use the medical adviser's advice as part of the evidence they have collated when accepting or turning down a claim to a qualifying injury. As with all decisions concerning whether or not to grant an injury benefit award, the final decision rests with the APAC/employer. It is *not* a decision that can be made by the medical adviser.

5.3.14 As well as the conditions described in table 5 above, the APAC/employer should consult the medical adviser in cases where there is some doubt in relation to a medical aspect of the application.

5.3.15 Where the injury was sustained on or after 1 April 2003 the Scheme Medical adviser will also need to be consulted about apportionment.

Apportionment

5.3.16 Apportionment is based on the principle of proportionality. In practice, it involves a medical assessment of the proportion of duty-related contribution to an employee's injury, and adjusting the level of award to reflect this assessment. Applied appropriately, apportionment prevents over-compensation in cases where an injury is '*mainly*' but not '*wholly*' attributable to duty.

5.3.17 For injuries sustained on or after 1 April 2003 the medical adviser will as well as providing advice about causal linkage and, if required, the degree of earnings impairment, also include an assessment of *apportionment*.

5.3.18 The medical adviser will provide advice on whether the illness is '*wholly*' (more than 90%) or '*mainly*' (more than 50% but less than 90%) attributable to the nature of the duty.

5.3.19 If the medical adviser considers that the illness is less than 50% attributable to duty, it cannot be considered as '*mainly*' attributable to duty and the injury benefit claim will fail. In other words a qualifying injury has not occurred and an award cannot be made. Under these circumstances there is no need for the medical adviser to assess impairment of earnings capacity.

Table 6 Apportionment bands

	Degree of injury attributable to duty	Proportion of Guaranteed Minimum Income calculated in accordance with the table to CSIBS rule 1.7 (same proportion applies to any lump sum payable under CSIBS rule 1.9)
	Under 50%	Not a qualifying injury – no injury benefit payable.
Low	50-70%	60%
Medium	71-90%	80%
High	91-100%	100%

Impairment of earnings

5.3.20 Injury benefits are payable when there is an impairment to the civil servant's earning capacity as a direct result of a qualifying injury (and additionally, for injuries sustained on or after 1 April 2003, if the conditions for *apportionment* are met). The greater the impairment the greater the benefits.

Note: When the qualifying injury is an aggravation of an existing disease, injury benefit is payable in respect of the degree of impairment caused by the aggravation only.

5.3.21 The APAC/employer must obtain a medical assessment from the medical adviser when a civil servant's earnings could be reduced as a result of a qualifying injury (see table 2). The referral should be made using the form: "Application for medical advice – injury benefit award". This is available on the Civil Service Pensions website: www.civilservice-pensions.gov.uk.

5.3.22 The APAC/employer determines the degree of impairment from the advice given by the medical adviser.

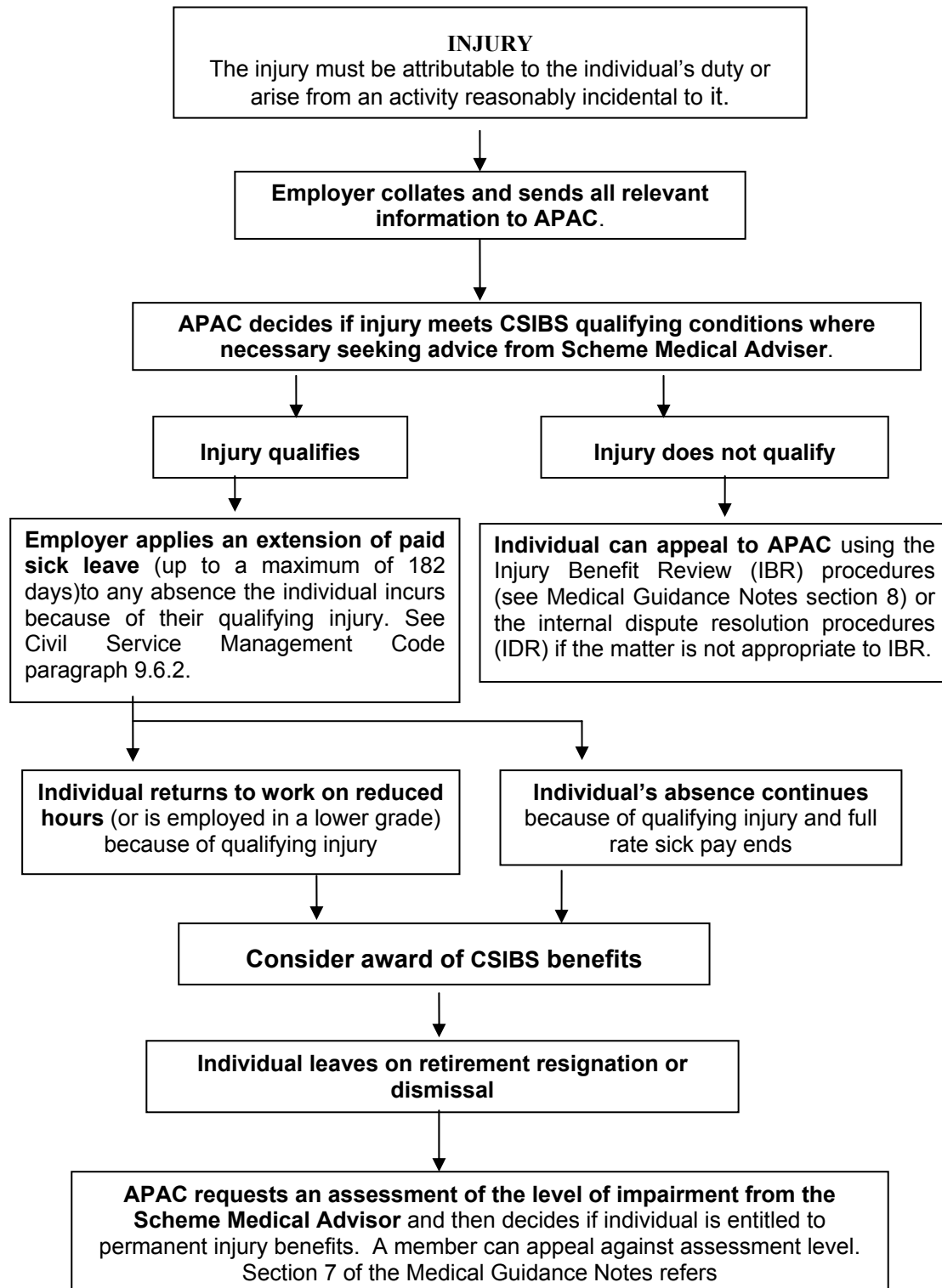
5.3.23 Civil servants who have reached age 65 must demonstrate an impairment of earning capacity. This is often not straightforward. Guidance is given in table 7.

Table 7 Establishing *impairment of earnings capacity* (staff who have reached 65)

- | |
|---|
| <ul style="list-style-type: none">• Ask the medical adviser for an opinion.• Examine any earlier claim to damages to see whether the long term effects of the qualifying injury were discussed during the settlement of the claim.• Consider the level of industrial disablement benefit (if any) in payment.
<i>The assessment of disability is an indication of the severity or otherwise of the effects of a qualifying injury.</i>• Is there any evidence that the person would have continued in any form of employment beyond age 65 had it not been for the qualifying injury?. |
|---|

5.3.24 The following flow chart outlines the CSIBS process:

CIVIL SERVICE INJURY BENEFIT SCHEME (CSIBS) PROCESS



5.4 Benefits (civil servants)

When are benefits payable?

5.4.1 The injury benefits described in this chapter are payable when the eligibility conditions in 5.3 are met.

5.4.2 A civil servant who suffers a qualifying injury may be granted an extension of fully paid sick leave up to a maximum of a further 6 months. Details are given in Annex A.

Injury awards and benefits

5.4.3 The injury benefit award is made by the APAC using form IB 1 (Annex B).

5.4.4 The injury benefits payable to a civil servant are:

- a lump sum (payable if the civil servant is leaving the Civil Service); and
- an injury allowance.

5.4.5 Details are given in table 1.

NOTE When the person dies as a result of the injury, benefit may be paid to the widow, widower or civil partner (5.5). Benefit may also be paid in respect of dependent children or other relatives (5.6).

Table 1 Injury benefits which may be paid to a civil servant

Civil servant's circumstances	Benefits which may be paid	
	Benefit	Payment period (NOTE A)
Receiving pay at less than the full rate (or sick pay at pension rate or no pay).	Temporary allowance. (☞ see Annex D, example 1)	From: <ul style="list-style-type: none"> day the person commences sick pay at less than the full rate (or no pay). To: <ul style="list-style-type: none"> the day before the civil servant returns to work; or the date the civil servant leaves the Civil Service (or retires); or the day before a change in the rate of sick pay, e.g. SPPR to no pay. (NOTE B)
Working part-time on medical grounds (PTMG) and receive sick pay at less than full rate for hours not worked.	Temporary allowance. (☞ see Annex D, example 8)	From: <ul style="list-style-type: none"> day the person begins working PTMG. To: <ul style="list-style-type: none"> the day before the civil servant resumes normal hours; or the date the civil servant alters PTMG hours (NOTE D).
Retiring from the Civil Service on medical grounds or on early retirement or severance terms or other than at his own request (e.g. dismissal on inefficiency, resignations (unless there is a disciplinary action pending –see below) grounds due to medical reasons).	Annual allowance and a once-only lump sum. (☞ see Annex D, example 2) <i>Civil servants who cannot receive an allowance because their income exceeds the guaranteed minimum income, receive a lump sum only.</i>	From: <ul style="list-style-type: none"> day after the date of retirement. To: <ul style="list-style-type: none"> date of death.
Leaving the Civil Service (for example, disciplinary reasons-including resignation where disciplinary actions are pending against the individual		From: <ul style="list-style-type: none"> day the person reaches the pension age. To: <ul style="list-style-type: none"> date of death.
Downgraded or re-employed in a different capacity as a result of a qualifying injury (including moving to, or reducing, part-time hours).	The lesser of: <ul style="list-style-type: none"> an annual allowance (as if the person was retiring on grounds of ill-health); or the difference between: <ul style="list-style-type: none"> the salary of the person's grade at the time of injury; and the salary of the lower grade, plus any disablement benefit. 	From: <ul style="list-style-type: none"> the date the civil servant is 'regraded'. To: <ul style="list-style-type: none"> the day before the civil servant returns to the former grade and undertakes the full range of duties; or the day before the civil servant is regraded or promoted (or moves from, or increases, part-time hours) and there is a change of earnings (NOTE C); or the day before any further reduction in earnings (NOTE D); or the date the civil servant retires or leaves the Civil Service (NOTE D).

NOTE A In call cases, payment continues to the appropriate date shown pending review (see below).

NOTE B The award is reviewed when there is a change in the type of sick pay. A fresh award may be payable.

NOTE C The award ceases when the salary increase resulting from the change in circumstances exceeds the loss of earnings which previously arose. Employers must monitor the civil servant's future salary level when the salary increase does not exceed the previous loss of earnings at the time of regrading.

NOTE D A further award may be payable.

Damages and compensation

5.4.6 Awards are reduced to take account of damages awarded or recovered in respect of loss of earnings (5.8).

5.4.7 [†]This can include compensation under the Criminal Injuries Compensation Scheme when this has been paid before the CSIBS injury award. (5.1)

5.4.8 ^{††}Conditional awards are made when a damages claim is outstanding (or may be made in future). Details of the effect of damages claims are given in 5.8.

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

5.4.9 ^{††}Guidance on making conditional awards and the later recovery of CSIBS payments is given in 5.9.

Amount of the lump sum

5.4.10 A lump sum is payable if a civil servant leaves the Civil Service (table 1).

5.4.11 The lump sum is expressed as a proportion of pensionable earnings. Its amount depends on the degree of impairment. Where the injury was sustained on or after 1 April 2003 and the injury is assessed as mainly attributable to duty, the lump sum is paid in proportion with this assessment. The amount is given in table 3.

[†] Copied to 5.5, 5.6 and 5.7.

^{††} Copied from 5.2.

Amount of the injury allowance

5.4.12 The amount of the annual allowance or temporary allowance is the difference between:

- the civil servant's guaranteed minimum income (table 3); and
- specified 'other income'. This is the income which the civil servant receives from:
 - certain pension and insurance schemes; and
 - certain social security benefits.

NOTE : the award will be reduced where the injury was sustained on or after 1 April 2003 and is considered *mainly* attributable to work.

5.4.13 Details are given in Annex C. Examples of calculations are given in Annex D.

NOTE No allowance is payable when the specified 'other income' received by the civil servant is equal to or more than the guaranteed minimum income.

5.4.14 Injury allowances in payment are subject to review from time to time. Details are given in *Review of allowances* below.

The guaranteed minimum income

5.4.15 The civil servant's guaranteed minimum income is expressed as a percentage of pensionable earnings (see below). It is based on:

- the degree of impairment of the earning capacity and where appropriate degree of apportionment; and
- the civil servant's reckonable service in the PCSPS or actual service, whichever is the greater (see below).

5.4.16 The level of the guaranteed minimum income is:

- for *annual allowances*: see table 3.
- for a *temporary allowance* (except where the member is working part-time on medical grounds): 85% of pensionable earnings.

- for a *temporary allowance* where the member is working part-time on medical grounds: see table 3a

NOTE The degree of impairment is always deemed to be total impairment when a temporary allowance is payable.

5.4.17 Examples are given in Annex D.

Table 3 Guaranteed minimum income (annual allowance) and lump sum amount

Degree of impairment of earning capacity (NOTE B)	Guaranteed minimum income percentage of pensionable earnings				Lump sum
	Length of service (NOTE A) (greater of reckonable or actual service)				Proportion of pensionable earnings
	<i>less than 5 years</i>	<i>5 years and over, but less than 15 years</i>	<i>15 years and over, but less than 25 years</i>	<i>25 years and over</i>	
Slight impairment. <i>More than 10% but not more than 25% impaired.</i>	15%	30%	45%	60%	1/8
Impairment. <i>More than 25% but not more than 50% impaired.</i>	40%	50%	60%	70%	1/4
Material impairment. <i>More than 50% but not more than 75% impaired.</i>	65%	70%	75%	80%	3/8
Total impairment. <i>More than 75% impaired.</i>	85%	85%	85%	85%	1/2

NOTE A Where past reckonable service has been reduced following pay restructuring, reckonable service for this purpose is the *unreduced* amount.

NOTE B When the qualifying injury is an aggravation of an existing disease, injury benefit is payable only in respect of the degree of impairment caused by the aggravation and not to any impairment caused by the existing disease.

Table 3a Guaranteed minimum income (temporary allowance) where member is working part-time on medical grounds (PTMG)

Guaranteed minimum income (GMI):	<p>GMI (expressed as percentage) =</p> $\frac{A}{B} + \frac{85\% (B - A)}{B}$ <p>Where: A = the PTMG hours the member works; and B = the member's normal conditioned hours</p>
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Further information	Information	Reference
	Reduction of past reckonable service following pay restructuring.	Pensions Manual Service & Pay: 2.2

Pensionable earnings and reckonable service

5.4.18 Pensionable earnings and reckonable service are, in most cases, calculated in the normal way. The exceptions are set out in table 4.

NOTE The earnings cap applies in the normal way.

Table 4 Pensionable earnings and reckonable service: special cases

Civil servant's circumstances	Calculation
Opted out of the PCSPS.	Pensionable earnings and reckonable service are calculated as if the person was a member of the PCSPS for all service.
Has been employed in a designated appointment.	Pensionable earnings is the pay applying to the person's last period of service. Reckonable service is the whole of the person's reckonable service.
Employed part-time (regular hours).	Pensionable earnings is calculated using the formula: $\text{full-time pensionable earnings} \times \frac{\text{part-time hours}}{\text{full-time hours}}$
Employed part-time (irregular hours).	Pensionable earnings is: $\text{full-time pensionable earnings} \times \frac{\text{average weekly part-time hours}}{\text{full-time hours (NOTE A)}}$

NOTE A The average hours are based on the cycle of the civil servant's work pattern, e.g. monthly or fortnightly. This must be adjusted to give a weekly average.

EXAMPLE The average hours of a fortnightly work pattern must be divided by 2 to give a weekly average.

Further information	Information	Reference
	Pensionable earnings. The earnings cap. Reckonable service.	Pensions Manual Service & Pay: section 5 Service & Pay: 5.1 Service & Pay: section 2

Re-employment

5.4.19 Civil servants who are in receipt of an annual allowance following earlier injury or disease continue to be entitled to the allowance during re-employment.

5.4.20 The normal abatement provisions are applied as if the allowance was a normal retirement pension paid by the PCSPS.

NOTE The allowance is added to:

- any occupational pension payable from public funds; or
- any occupational pension for which all or part of the contributions are payable from public funds; or
- any personal pension or State Earnings Related Pension (only civil servants who have opted out of the Civil service pension schemes).

5.4.21 Employers must advise the APAC when re-employment ends.

5.4.22 The APAC reviews the allowance when re-employment ends. This involves:

- reassessing the guaranteed minimum income; and
- obtaining a fresh medical assessment of the earnings impairment from the Scheme Medical Adviser

5.4.23 When a further award is payable it is based on:

- total reckonable service (or actual service when this is greater); and
- pensionable earnings at final leaving.

5.4.24 It is payable from the date of the second retirement.

Review of allowances

5.4.25 APACs review the annual allowance in payment in the circumstances set out in table 5. (This includes injury benefits awards where no actual payment is currently being paid because the GMI is completely expunged by other payments.) The Paying Authority (Capita Hartshead) sends APACs a list of all their former staff and the former staff of their customer employers receiving injury benefit. On receipt of the list APACs send to each beneficiary a copy of the declaration form (IB 1a) at Annex E, and issue reminders as necessary.

5.4.26 Employers must inform the APAC when the circumstances of a serving civil servant change (as defined above).

5.4.27 On receipt of the returned declaration form (Annex E) the APAC recalculates the injury award to reflect changes in circumstances set out in table 5.

NOTE Failure to review entitlement each year may lead to the overpayment of benefit. Where recovery of an overpayment is unsuccessful the APAC which failed to undertake the review will be liable to reimburse the employer .

5.4.28 The revised award is normally payable from the date of the change in circumstances.

NOTE When the award is revised following the civil servant's deterioration in health (CSIBS rule 1.10(i)) the revised award is payable from the date of the medical adviser's letter to the APAC accepting the deterioration.

NOTE CSIBS rule 1.10 (i) does not apply where the injury was sustained on or after 1 April 2003 i.e. there is no review where a deterioration in health is cited in these circumstances.

Pensions increase

5.4.29 An annual allowance payable under the injury benefits arrangements qualifies for pensions increase in the same way as a Civil Service pension scheme ill health retirement pension when the qualifying conditions in 6.3 are met.

Income tax

5.4.30 Injury benefits which are paid to civil servants who remain in the Civil Service, and the widows, widowers, civil partners and other dependants, are subject to PAYE. The Paying Authority is responsible for applying PAYE.

5.4.31 Benefits, both conditional and final, are exempt from tax when paid to an injured person who has retired or left the service as a result of a qualifying injury.

Table 5 When the annual allowance is reviewed

Circumstances	Notes
The civil servant applies for a review (NOTE A)	Civil servants receiving injury benefit may apply for a review on the grounds that the condition relating to the qualifying injury has deteriorated. The civil servant must supply medical evidence from the GP or hospital consultant attesting to the deterioration (does not apply where the injury was sustained on or after 1 April 2003).
Change (downwards) in the rate or class of social security benefits payable. Change of rate within class or type of social security benefit.	For example, when there has been a change from the higher to lower to higher rate of incapacity benefit, or an element paid for a dependant ceases t, or when the State retirement benefit is substituted for incapacity or invalidity benefit Also for example where an incorrect level within the class or type of benefit was assessed in the first instance and then corrected (NOTE B). <i>This includes cases when account has been taken of notional social security benefits which are not then paid (Annex B).</i>
End of a period of re-employment.	See <i>Re-employment</i> above.
Change of circumstances set out in table 1.	
A PCSPS pension is being reduced because of National Insurance modification.	
A relevant pension comes into payment.	The allowance is reviewed when a pension comes into payment which: <ul style="list-style-type: none"> • has been paid for wholly or partly from public funds; or • is a personal pension (except a partnership or stakeholder pension) or state earnings-related pension (civil servants who have opted out of the PCSPS).
Change in type of pay.	
A civil servant on a lower rate of pay due to age reaches adult age.	The original award is recalculated using the equivalent adult's pay applicable to the date the person originally became eligible for an award. The revised award is paid from the date the person reaches the adult age. (NOTE C)

NOTE A Where the allowance has been awarded in respect of an injury sustained on or after 1 April 2003 the civil servant *cannot* request a review on the grounds that the condition relating to the qualifying injury has deteriorated (see CSIBS 1.10a).

NOTE B Before 13 April 1995 a person could defer payment of State pension until age 70 (men) or 65 (women) and continue to receive invalidity benefit.

NOTE C The APAC must be given details of the person's actual pensionable earnings and the equivalent adult pensionable earnings. The revised award does not affect payments made before the person reaches the adult age.

5.4 Annex A Extension of paid sick leave

Sick absence associated with a qualifying injury

1 Staff who are injured on duty may be eligible for a period of full paid sick leave which is in addition to an separate from the normal sick leave arrangements. This is known as an *extension of paid sick leave*.

2 Although qualification for extensions of paid sick leave are determined using the CSIBS qualifying injury criteria, the extension itself is *not* a CSIBS provision. Besides determining whether or not a qualifying injury has occurred, the APAC/employer should *not* be involved in the counting of sick leave, which is more properly an employer/HR function and responsibility.

3 The maximum extension which may be granted in respect of a particular qualifying injury is six months' leave on full pay. An extension of paid sick leave is counted *before* applying the normal departmental or agency sick pay arrangements.

4 A separate extension of up to six months' sick leave on full pay may be granted in respect of a *separate* qualifying injury. Only one six month extension of paid sick leave may be granted in respect of a particular qualifying injury (or disease).

NOTE consideration is against the CSIBS criteria prevailing at the time the injury was sustained – for example, *solely attributable* (for injuries sustained between 1 April 1997 and 31 March 2003) or *wholly or mainly attributable* (for injuries sustained on or after 1 April 2003).

NOTE the full provision of up to six months' sick leave on full pay is available to those whose injury is deemed *mainly attributable* (post 1 April 2003). In other words, the sick leave extension is not pro rated for those falling into this category.

Action by APACs/employers

- 5 APACs/employers must:
- decide whether a qualifying injury has occurred (5.3); and
 - notify the person when an extension of sick leave has or has not been granted

6 If an employer normally uses an APAC in determining whether or not a qualifying injury has occurred, they must also do so for extensions of sick leave(5.2).

7 Once the six months' extension has been exhausted, normal department or agency sick leave provisions apply to any subsequent sick absence (whether or not the absence relates to the qualifying injury).

8 When the person returns to work before exhausting the six months' extension of paid sick leave, the employer must monitor whether any subsequent period of sick absence is attributable to the qualifying injury (they will use the appropriate criteria – e.g. *solely*, or *wholly* or *mainly*)

NOTE The employer must ask the medical adviser for advice when it is not clear whether the subsequent period of sick leave is associated with the qualifying injury.

9 When the subsequent period of sick absence is related to the qualifying injury, the employer may grant sick leave on full pay for the balance of the extension period of six months without affecting the normal sick leave arrangements.

NOTE The normal department or agency rules governing sick pay apply when the subsequent period of sick absence is *not* related to the qualifying injury.

Example	<p>A member of staff with a history of back trouble suffers a further injury to his back meeting the conditions of a qualifying injury (5.3). The sick leave immediately following the injury is accepted as attributable to the injury.</p> <p>If the person returns to work and is subsequently absent due to back trouble the APAC/employer <i>must</i> consult the medical adviser to establish whether the sick absence is attributable to the qualifying injury or to the pre-existing condition.</p>
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	Information	Reference
Further information	Extension of paid sick leave.	Civil Service Management Code 9.6

5.4 Annex B Injury Benefit award form (civil servant)

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Injury Benefit Award (civil servant)

Form
IB 1

Please 4 box below

<p>Conditional award</p> <p><i>This award will be revised if the beneficiary recovers damages in respect of the qualifying injury not provided for in the calculation overleaf.</i></p>	
<p>Final award</p>	

Details of the beneficiary

Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/> (Full name in block letters)	
Department/agency	
Grade/pay band	
Length of service	Pensionable earnings
Date of injury	Assessment of impairment of earnings capacity
Payable date for award	

Information for pensions increase purposes only

Effective date	Basic injury benefit
----------------	----------------------

λ **Authorisation of award. Please denote under which CSIB rule the award is being made (e.g. 1.3 (i)).**

Our reference:

.....

Your reference:

.....

(To)

I authorise payment of the award set out overleaf.

(Signed)

Contact for enquiries

Name

Official address

Postcode

Telephone/FAX
email address**Summary of award****Beneficiary (civil servant)**

Name				Date of birth	
Lump sum					
			Gross lump sum	<i>less</i> damages (if any)	Lump sum awarded
Annual allowance					
Guaranteed Minimum income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>Less</i> damages (if any)	Annual allowance awarded

Please give details of the calculation, including the application of apportionment for cases where the injury has been sustained on or after 1 April 2003, specifying any social security benefits that have been taken into account.

5.4 Annex C Other income which is taken into account

Amount of allowance

1 The annual allowance or temporary allowance is the difference between:

- the guaranteed minimum income (5.4); and
- specified 'other income'. This is the income which the civil servant receives from:
 - certain pension and insurance schemes; and
 - certain social security benefits.

2 The value placed on the pension, insurance and social security benefits is calculated as at the date appropriate to the case:

- the date of retirement;
- the date that reduced sick pay or sick pay at pension rate begins;
- the date that sick pay ends;
- the date of re-grading.

Payments from pension and insurance schemes

3 Table 1 sets out the payments from pension and insurance schemes which are taken into account:

- when assessing whether the person is receiving less than the guaranteed minimum income; and if so
- in calculating the annual allowance required to bring the income up to the guaranteed minimum.

4 Pensions which are not in payment at the time the annual allowance is calculated are not taken into account until they come into payment.

Example	A personal pension is payable at age 65. (Civil servants who have opted out of the PCSPS.)
The personal pension is not taken into account until the person reaches age 65.	

Table 1 Payments taken into account

Income	Notes
Occupational pensions.	The annual amount of any occupational pension paid wholly or partly from public funds (NOTE A). This includes: <ul style="list-style-type: none"> • a PCSPS retirement pension or annual compensation payment (NOTES B and C); and • any other periodic PCSPS payment other than a PCSPS injury allowance. <p><i>For example, an annual allowance paid in respect of a person who has been downgraded on improved terms.</i></p>
	The annual amount of any occupational pension for which all or part of the contributions are payable from public funds (other than a partnership or a stakeholder pension) This includes an appropriate sum representing benefits payable by a scheme such as FSSU.
S2P (SERPS) or personal pension payments. <i>Civil servants who have opted out of the PCSPS.</i>	The annual amount of any state earnings-related pension or personal pension.
Insurance payments.	The annual amount (or annuity value) of any insurance payment purchased wholly or partly from public funds. <i>When the payment is made partly from public funds, the annual amount or annuity value taken into account is proportionate to the payment from public funds.</i>

NOTE A Pensions payable under the Partnership pension account or stakeholder pension are not taken into account (CSIBS rule 1.8 (i))

NOTE B When the civil servant is being re-graded, the amount of the PCSPS pension taken into account is the amount of the PCSPS ill health retirement pension that would be payable if the person were to be medically retired (with reduced earnings) at the date of re-grading.

NOTE C The pension or annual compensation payment *before* surrender (under the arrangements in 2.5), repackaging or commutation is taken into account.

	Information	Reference
Further information	Commutation of annual compensation payment.	Pensions Manual Early Retirement: 4.4
	Repackaging of early retirement benefits.	Early Retirement: 4.5
	Serious ill health commutation.	Early Retirement: 7.5

FSSU and insurance payments

5 Where a person does not opt to joint the PCSPS and benefit is payable under FSSU these must be taken into account in a way which will not put the person at an advantage over those pensionable under the PCSPS. Three quarters of any benefit arising from the continued membership of FSSU will be taken into account.

6 Any payment from an insurance policy for which the premiums were paid wholly or partly from public funds will be taken into account. Where the premiums were partly funded from the public purse then the amount of the proceeds taken into account will be the same proportion as the contribution from the public purse in relation to the total premium. Where the proceeds are in the form of a lump sum the Scheme Actuary must give advice on the annual value.

Social security benefits

7 The annuity or annual value of the following social security benefits is taken into account:

- when assessing whether the person is receiving less than the guaranteed minimum income; and if so
- in calculating the annual allowance required to bring the income up to the guaranteed minimum.

8 The social security benefits are:

- industrial disablement benefit (table 2); and
- incapacity benefit (table 3).

NOTE Incapacity benefit replaced sickness benefit and invalidity benefit from 13 April 1995.

9 The notional value of these benefits must be taken into account when there is a potential entitlement to them but they are not in payment.

Example	The notional value must be taken into account when the civil servant has not made a claim or ceases to make a claim.
----------------	--

10 The employer must advise the civil servant to make an immediate claim to Jobcentre Plus. Delay in claiming may affect the benefit payable.

11 The APAC reviews the CSIBS injury award when Jobcentre Plus turns a claim down, providing the refusal was not the result of the civil servant's late claim for social security benefits.

Table 2 Industrial disablement benefit

Industrial disablement benefit is for people who disabled as a result of a work-related injury or disease.

The benefit is paid at varying rates depending on the severity of the disability.

The following additional elements may be paid and are also taken into account for injury benefit purposes:

- Reduced earnings allowance
- Retirement allowance
- Industrial death benefit

Recipients of industrial disablement benefit may also receive the following additional elements, which are NOT taken into account for injury benefit purposes:

- Constant care allowance
- Exceptionally severe disablement allowance
- Unemployability supplement
- Early incapacity addition

Further information on this and other Jobcentre Plus benefits can be found at www.jobcentreplus.gov.uk

Table 3 Incapacity benefit

Incapacity benefit is for people under State pension age who are unable to work because of an illness or disability.

The benefit is paid at 3 basic rates:

- short-term lower rate: paid for the first 28 weeks of sickness;
- short-term higher rate: paid from the 29th to the 52nd week (inclusive);
- long-term rate: paid after 52 weeks.

Increases may be paid in respect of:

- age;
- adult dependants;
- child dependants.

The rate of benefit for people who transferred from sickness benefit or invalidity benefit may be calculated differently from more recent claims.

All elements of incapacity benefit are taken into account.

Further information on this and other Jobcentre Plus benefits can be found at www.jobcentreplus.gov.uk

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5.4 Annex D Examples: injury benefit calculations

Examples

- | | |
|-----|--|
| 1 | Temporary Allowance while on sick leave |
| 2 | Return to work part time on medical grounds |
| 3 | Reduction in hours due to a qualifying injury |
| 4 | Retirement (April 2003 criteria - classic arrangements). |
| 5 | Retirement on medical grounds (April 2003 criteria – premium arrangements). |
| 6 | Review after retirement (April 1997-2003 criteria) |
| 7 | Retired with another public service pension (April 1997- March 2003 criteria). |
| 8/9 | Calculating lump sums where apportionment applies. |

Note: You must make the award a *conditional* one if the person has made a damages or compensation claim or there is a possibility of them making a claim (5.8).

Example 1	Temporary Allowance while on sick leave		
<p>A civil servant was injured on 2/2/2007. His salary is reduced from full to half pay on 20 June 2007. He receives SSP until 17/8/2007 and his salary is further reduced to SPPR on 7 September 2007. Short Term Incapacity Benefit is paid from 20/8/2007</p> <p>The award is recalculated when there are changes to benefits and the civil servant is moved to SPPR.</p> <p>A temporary allowance is paid. No lump sum is payable (5.4 table 1).</p> <p>The award is calculated when the loss of earnings occurs.</p>			
Date pay reduces to half		20 June 2007	
Full salary	Annual Amounts	£21,740	
Half pay		£10,870	
Pensionable earnings at 20 June 2007		£20,921	
GMI on 20 June 2007 (85% of pensionable earnings)		£17,782.85	
Social Security benefits:			
Statutory Sick Pay (SSP) to 19 August 2007 @ £72.55 a week		£3,784.69	
Incapacity benefit from 20 August 2007 @ £61.35 a week *		£3,200.42	
* Annual amount = weekly amount x 52.1666			
Change to ½ pay on 20 June 2007	20 June 2007 to 19 August 2007		
	GMI	£17,782.85	
	Half pay	£10,870	
	SSP	£3,784.69	
	IB due	£3,128.16	
The award is recalculated when SSP ends.			
Pensionable earnings at 20 August 2007		£21,200	
GMI on 20 August 2007 (85% of pensionable earnings)		£18,020	
Change from SSP to Incapacity Benefit on 20 August 2007	20 August to 6 September 2007		
	GMI	£18,020	
	Half pay	£10,870	
	Incapacity Benefit (Short term rate)	£3,200.42	
	IB due	£3,949.58	
The award is recalculated when the rate of sick pay changes			
Pensionable earnings at 07/09/2007	£21,237.00	GMI	£18,127.95
Change of sick pay to pension rate (SPPR)	7 September 2007 and continuing		
	GMI	£18,127.95	
	SPPR	£2,861	
	Incapacity Benefit (Short term rate)	£3,200.42	
	IB due	£12,066.53	

Example 2	Return to work part-time on medical grounds	
A civil servant is injured at work on 14 July 2004. A temporary allowance is paid. The member returns to work on part time medical grounds from 7 August 2006		
Date pay reduces to half		12 December 2005
Full salary	Annual Amounts	£21,458
Half pay		£10,729
SPPR (from 8 May 2006)		£ 2,472
Pensionable earnings at 12/12/2005		£21,140
GMI on 12/12/2005 (85% of pensionable earnings)		£17,969
Social Security benefits at 12/12/2005 (Annual)		£ 7,830
12 December 2005 – 7 May 2006		
Change to ½ pay on 12 December 2005	GMI	£17,969
	Half pay	£10,729
	Social security benefit	£ 7,830
	IB due	Nil
8 May 2006		
Change to SPPR on 8 May 2005	GMI	£18,162.80
	SPPR	£2,472
	Social security benefit	£8,143.20
	IB due	£7,547.60
Return to work, initially on part-time medical grounds		
Full-time salary		£21,967
Part Time hours from 7 August 2006		24 HPW
Part Time hours from 4 September 2006		30 HPW
Return to full-time hours (36HPW)		9 October 2006
The GMI is calculated using the formula in Table 3a of section 5.4		
7 August 2006		
GMI	$\frac{24}{36} + \frac{85\% (36 - 24)}{36} = 95.00\%$	£21,967
		£20,868.65
Actual Pay		£14,644.67
SPPR (£2,472 x 12/36)		£ 824.00
IB Due		£5,399.98
4 September 2006		
GMI	$\frac{30}{36} + \frac{85\% (36 - 30)}{36} = 97.50\%$	£21,967
		£21,417.82
Actual Pay		£18305.83
SPPR (£2,472 x 6/36)		£ 412.00
IB Due		£2,699.99
Note: No IB payable after return to full-time hours		

Example 3	Reduction in hours due to a qualifying injury	
A civil servant reduces their hours from 37HPW to 25HPW following a qualifying injury on 14 October 2007		
Full time equivalent salary		£22,056.00
Part-time salary		£14,902.70
Industrial injuries disablement benefit		£ 2,061.10
Ill-Health retirement pension amount at 14 October 2007		£ 5,301.25
Reduction in hours due to a qualifying injury	The lesser of	
	Option A	
	IHR Rate	£5,301.25
	Option B	
	FT Salary minus (PT salary + benefit). (£22,056.00 – (14,902.70 + £2,061.10))	£5,092.20
In the above example Option B applies		

Example 4	Retirement (April 2003 criteria - classic arrangements).	
A civil servant is medically retired with a loss of earnings following a qualifying injury. The civil servant is eligible for an annual allowance and a lump sum (5.4 table 1). The injury was sustained after April 2003 so the “wholly or mainly” criteria is being used, the injury being deemed as “mainly” attributable. The person is a member of classic .		
Pensionable earnings		£32,963.75
Reckonable Service		26 years 243 days (including enhancement)
PCSPS Pension		£10,987.52
Social Security Benefits (annual total of incapacity benefit + industrial disablement benefit)		£4,982.43
Guaranteed Minimum Income		Material Impairment - 80%
Degree of injury attributable to duty		Low – 60%
Retirement (April 2003 criteria - classic arrangements).	Minimum Income guarantee (£32,963.75 x 80% x 60%)	£15,822.60
	PCSPS Pension	£10,987.52
	Social Security Benefits	£4,982.43
	IB Due - £15,822.60 – (£10,987.52 + £4,982.43)	£ 0 (income is greater than MIG)
	Lump sum (£32,963.75 x 3/8 x 60%)	£7,416.84

Example 5	Retirement (April 2003 criteria – premium arrangements).	
A civil servant is medically retired with a loss of earnings following a qualifying injury. The civil servant is eligible for an annual allowance and a lump sum (5.4 Table 1). The injury was sustained after April 2003 so the “wholly or mainly” criteria is being used, the injury being deemed as “mainly” attributable. The person is a member of premium .		
Pensionable Earnings		£32,963.75
Reckonable Service (not enhanced – lower tier)		18 years 123 days
PCSPS Pension		£10,073.90
Assume maximum commutation for lump sum (not including additional lump sum, so use the old maximum (pension x 2.25)).		£10,073.90 minus (£10,073.90 x 2.25/12) = £8,185.04
Assumed PCSPS pension for CSIBS calc		£8,185.04
Social Security Benefits (annual total of incapacity benefit + industrial disablement benefit)		£4,982.43
Guaranteed Minimum Income		Total impairment - 85%
Degree of injury attributable to duty		Medium - 80%
Retirement (April 2003 criteria – premium arrangements).	Minimum Income Guarantee (£32,963.75 x 85% x 80%)	£22415.35
	PCSPS Pension	£8,185.04
	Social Security Benefits	£4,982.43
	IB Due £22,415.35 – (£8,185.04 + £4,982.43)	£9,247.88
	Lump Sum £32,963.75 x ½ x 80%	£13,185.50

Example 6	Review after retirement (April 1997-2003 criteria)	
A civil servant suffers a qualifying injury on 14 February 2003 (therefore 1997-2003 criteria apply) and is subsequently retired on ill health grounds. He is eligible for an annual allowance and a lump sum. The person is in classic .		
Pensionable Earnings		£28,375.00
Reckonable Service (including enhancement)		28 years 301 days
PCSPS Pension		£10,223.76
Social Security Benefits (annual total of incapacity benefit + industrial disablement benefit)		£5,729.79
Guaranteed Minimum Income		Impaired 70%
Review after retirement (April 1997-2003 criteria)	Minimum Income Guarantee (£28,375.00 x 70%)	£19,862.50
	PCSPS Pension	£10,223.76
	Social Security Benefits	£ 5,729.79
	IB Due £19,862.50 – (£10,223.76 + £5,729.79)	£ 3,908.95
	Lump Sum £28,375.00 x ¼	£ 7,093.75
	In January 2005 the member's condition has deteriorated. Pre 1 April 2003 rules apply. The Scheme Medical Adviser concludes that total impairment now applies. Use the original pensionable earnings and social security benefit figures. The revised award is payable from the date of the letter from the scheme medical adviser.	
	Minimum Income Guarantee (£28,375.00 x 85%)	£24,118.75
	PCSPS Pension	£10,223.76
	Social Security Benefits	£ 5,729.79
	IB Due (£24,118.75 – (£10,223.76 + £5,729.79))	£ 8,165.20

Example 7	Retired with another public service pension (April 1997- March 2003 criteria).	
A civil servant is medically retired on 18 April 2003 following a qualifying injury. The civil servant is eligible for an annual allowance and a lump sum (5.4 table 1) The member sustained the injury in 2002 and so the criteria being used are that in use between April 1997 and March 2003.		
Pensionable Earnings		£15,463.50
Reckonable Service (including enhancement)		16 years 145 days
PCSPS Pension		£ 3,169.48
Armed Forces Pension		£ 1,460.00
Social Security Benefits (annual total of incapacity benefit + industrial disablement benefit)		£ 6201.04
Guaranteed Minimum Income		Material Impairment 75%
Retired with another public service pension (April 1997- March 2003 criteria).	Minimum Income Guarantee (£15,463.50 x 75%)	£11,597.62
	PCSPS Pension	£ 3,169.48
	Armed Forces Pension	£ 1,460.00
	Social Security Benefits	£ 6,201.04
	IB Due £11,597.62 – (£3,169.48 + £1,460.00 + £6,201.04)	£ 767.10
	Lump Sum £15,463.50 x 3/8	£ 5,798.81

Example 8	Calculating a lump sum where apportionment applies.	
Pensionable Earnings		£25,000.00
Impairment of earning capacity		Impairment = lump sum of ¼ pensionable earnings
Assessed apportionment level		Low = 60% of lump sum
Lump Sum - £25,000 x ¼ x 60%		£ 3,750.00

Example 9	Calculating a lump sum where apportionment applies.	
Pensionable Earnings		£32,000
Impairment of earning capacity		Total Impairment = lump sum of ½ of pensionable earnings
Assessed apportionment level		Medium = 80% of lump sum
Lump Sum - £32,000 x ½ x 80%		£12,800.00

5.4 Annex E Injury benefit review declaration form

A sample of form 1B 1a follows this page.

Reference
Name
Address

Form **1B 1a**

Injury Benefit Review

Please complete and return this form to ensure you receive the correct level of injury benefit. A pre-paid envelope is enclosed for return.

Give the details of any pension or benefit you or a dependant has received from Jobcentre Plus in the last 12 months.		
	Yourself	Dependants
Name of benefit		
Weekly rate		
Jobcentre Plus reference		

We will need your consent to approach Jobcentre Plus so that they can give us details of your claim. Please sign below to show that you consent to this, and give the address of the Jobcentre Plus office that is handling your claim.	
Jobcentre Plus	
Address	
Signature	Date

Please inform this office if you:

- Are receiving a new benefit from Jobcentre Plus or if the rate of an existing benefit changes;
- you recover damages or compensation in respect of your injury giving details of the amounts awarded and of your legal representatives;
- begin receiving a pension paid from another public service pension scheme (e.g. the Armed Forces Pension Scheme, NHS pension scheme).

5.5 Benefits (widows, widowers, surviving civil partners of civil servants)

When are benefits payable?

5.5.1 Injury benefits are paid to the spouse or civil partner of a civil servant covered by the injury benefit arrangements when a civil servant dies as a direct result of a qualifying injury (5.3).

NOTE Where the member has an unmarried partner (including a same-sex partner who is not the member's civil partner) who is eligible for a partner's pension under **premium** or **classic plus**, that partner is not eligible to be considered for injury benefit.

5.5.2 The APAC/employer must take advice from the scheme medical adviser when there is doubt as to whether the civil servant's death was the direct result of a qualifying injury.

5.5.3 The widow, widower or civil partner must meet the eligibility requirements for family benefit under the relevant section of the PCSPS to which the civil servant belonged.

NOTE For deaths before 1 July 1987, a widower had to be permanently incapacitated and wholly or mainly dependent on the civil servant.

	Information	Reference
Further information	Eligibility requirements for a widow's, widower's or civil partner's pension.	Pensions Manual Family Benefits: 6.1
	Dependants of UK-based staff serving overseas. Compensation for dependants of officers injured as a result of terrorist or criminal activity abroad. <i>This scheme does not apply to the UK based civil servants themselves.</i>	Civil Service Management Code 8.6

Injury awards and benefits

5.5.4 The injury benefit award is made by the awarding authority (5.2) using form IB 2 (Annex A).

5.5.5 The widow, widower or civil partner is granted:

- a lump sum. This is not paid when a lump sum has already been paid to the civil servant (see 5.4); and
- an annual allowance.

Damages and compensation

5.5.6 Awards are reduced to take account of damages awarded or recovered in respect of loss of support (5.8).

5.5.7 [†]This can include compensation under the Criminal Injuries Compensation Scheme when this has been paid before the CSIBS injury award (5.1).

5.5.8 ^{††}Conditional awards are made when a damages claim is outstanding (or may be made in future). Details of the effect of damages claims are given in 5.8.

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

5.5.9 ^{††}Guidance on making conditional awards and the later recovery of CSIBS payments is given in 5.9.

[†] Copied from 5.4.
^{††} Copied from 5.2.

Lump sum

5.5.10 The lump sum is 6 months' pensionable earnings.

NOTE When death occurred before 1 January 1986 the lump sum was 3 months' pensionable earnings.

5.5.11 The lump sum is paid as soon as possible after the date of the civil servant's death.

Annual allowance (widow's, widower's or civil partner's)

5.5.12 The annual allowance for a widow, widower or civil partner brings their income (if any) from certain pension schemes to a guaranteed minimum income of 45% of the civil servant's pensionable earnings.

5.5.13 This allowance is calculated as the difference between:

- the guaranteed minimum income of 45% of the civil servant's pensionable earnings; and
- any income the widow, widower or civil partner receives from an occupational pension paid wholly or partly from public funds. This includes:
 - any PCSPS pension payable under the family benefits arrangements or payable in the widow's, widower's or civil partner's own right (except for any spouse/civil partner pension paid under **partnership** or stakeholder accounts);
 - any state earnings-related pension and any personal pension (when the civil servant had opted out of the PCSPS).

NOTE This excludes any benefits payable in respect of eligible children.

NOTE Industrial death benefit was also taken into account when deaths occurred before 12 April 1988 (the benefit was not paid in respect of deaths after this date.)

5.5.14 No injury allowance is paid when the pensions above equal or are greater than the guaranteed minimum income.

5.5.15 The annual allowance is paid from whichever dates in table 2 produces the more favourable result for the widow, widower or civil partner

Table 2 Alternative arrangements for paying the annual allowance

Short-term widow's, widower's or civil partner's pension or short-term increase to a widow's, widower's or civil partner's pension	Date when payment of the annual allowance starts
Paid.	183 rd day after the date of the civil servant's death. (NOTE A)
Not paid. (NOTE C)	The day after the date of the civil servant's death. (NOTE B)

NOTE A When death occurred before 1 January 1986, the annual allowance was paid from the 92nd day after the member's death.

NOTE B Including cases where the civil servant left the Civil Service before 6 April 1978 and dies after leaving.

NOTE C short term pension/increase is not paid to spouses or civil partners under the **premium** and **classic plus** arrangements, so these will always fall into the 'Not paid' category

5.5.16 Allowances paid to widows', widowers' or civil partners where the **classic** arrangements apply are subject to the same principles on restrictions and restoration as pensions paid under the **classic** family benefits arrangements.

5.5.17 Allowances paid to widows', widowers, or civil partners under the **premium** and **classic plus** arrangements reflect the family benefits principles of those arrangements – with injury benefits remaining in payment for life.

Example	Allowances ceased on remarriage/civil partnership or co-habitation in classic may be restored when the relationship ends, or on compassionate grounds.
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Further information	Information	Reference
	Paying the widow's, widower's or civil partner's pension.	Pensions Manual Family Benefits: 6.3

Limit on the total of injury benefit annual allowances (widow, widower, surviving civil partner, children and dependants)

5.5.18 The total of injury benefit annual allowances awarded to the widow, widower, civil partner, children and other dependants is subject to a limit of 100% of the civil servant's pensionable earnings (calculated as set out in 5.4).

Income tax

5.5.19 Injury benefits which are paid to widows, widowers and civil partners are subject to PAYE. This is carried out by the Paying Authority.

5.5 Annex A Injury Benefit award form (dependants)

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Injury Benefit Award (dependants)

Form
IB 2

Please 4 box below

<p>Conditional award <i>This award will be revised if the beneficiary recovers damages (in respect of the qualifying injury) not provided for in the calculation overleaf in respect of the deceased person.</i></p>	
<p>Final award</p>	

A conditional or a final award may be revised if the widow, widower or surviving civil partner remarries enters, into a civil partnership or begins to live with a partner as husband and wife or as civil partners.

Details of the deceased person

<p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Miss <input type="checkbox"/></p> <p><i>(Full name in block letters)</i></p>	
<p>Department</p>	
<p>Grade</p>	<p>Date of death</p>
<p>Length of service</p>	<p>Pensionable earnings</p>
<p>Payable date for lump sum</p>	
<p>Payable date for annual allowances</p>	

Information for pensions increase purposes only

<p>Effective date</p>	<p>Basic injury benefit</p>
-----------------------	-----------------------------

λ Authorisation of award. Please denote under which CSIBS rule the award is being made (e.g. 1.3(i))

Our reference:

Your reference:

(To)

I authorise payment of the award set out overleaf.

(Signed)

Contact for enquiries

Name

Official address

Postcode

Telephone/FAX

Email address

Summary of award

Beneficiary (widow, widower or civil partner)

Name				Date of birth		
Lump sum						
				Gross lump sum	<i>less</i> damages <i>(if any)</i>	Lump sum awarded
Annual allowance						
Guaranteed Minimum income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>less</i> damages <i>(if any)</i>	Annual allowance awarded	

Please give details of the calculation specifying any social security benefits that have been taken into account (note: apportionment does not apply to deaths in service due to a qualifying injury)

Beneficiary (child or other dependant)

Name					Date of birth
Annual allowance					
Guaranteed Minimum Income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>less</i> damages (if any)	Annual allowance awarded

Name					Date of birth
Annual allowance					
Guaranteed Minimum income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>less</i> damages (if any)	Annual allowance awarded

Please give details of the calculation (**note:** apportionment does not apply to deaths in service due to a qualifying injury)

--

Beneficiary (child or other dependant)

Name					Date of birth
Annual allowance					
Guaranteed Minimum Income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>less</i> damages (if any)	Annual allowance awarded

Name					Date of birth
Annual allowance					
Guaranteed Minimum income	<i>less</i> gross PCSPS pension	<i>less</i> social security benefits	Gross annual allowance	<i>less</i> damages (if any)	Annual allowance awarded

Please give details of the calculation (**note:** apportionment does not apply to deaths in service due to a qualifying injury)



5.6 Benefits (children and dependants of civil servants)

When are benefits payable?

5.6.1 Injury benefits are paid to the child (or children) or dependants of a civil servant covered by the CSIBS when the civil servant dies as a direct result of a qualifying injury (5.3).

5.6.2 The child or dependant must meet the PCSPS eligibility requirements of the section to which the civil servant belonged (see below).

	Information	Reference
Further information	Dependants of UK-based staff serving overseas	Civil Service Management Code
	Compensation for dependants of officers injured as a result of terrorist or criminal activity overseas. <i>This scheme does not apply to the UK based civil servants themselves.</i>	8.6

Eligibility (children)

5.6.3 A child must meet the eligibility requirements for family benefits under the PCSPS section to which the member belonged.

NOTE For deaths before 1 July 1987, an award was not paid to the child of a woman when there was a surviving widower who was not himself eligible for injury benefits.

	Information	Reference
Further information	Conditions of eligibility under classic .	Family Benefits: 7.2
	Condition of eligibility under classic plus or premium	The relevant rules

Eligibility (dependants)

5.6.4 An eligible dependant must have been wholly or mainly dependent on the civil servant at the time of death. The relationship between the dependant and the civil servant must be one of the following:

- mother (including step-mother and adoptive mother);
- father (including step-father and adoptive father), but only where the mother is dead;
- brother (including half-brother and step-brother);
- sister (including half-sister and step-sister);
- an adult son, daughter, brother or sister of the civil servant who is incapacitated and continues to be dependent after childhood and full-time education. (The incapacity is normally required to be permanent.)

NOTE Evidence must be supplied showing dependency.

The above categories apply to **classic** only. There are no similar arrangements for dependants in either **classic plus** or **premium**.

Injury award and benefits

5.6.5 The injury benefit award is made by the APAC/employer using the form at 5.5 Annex A.

5.6.6 An annual allowance is payable in respect of eligible children (up to a maximum of 4) and eligible dependants. Details are set out below.

5.6.7 When there is no eligible widow, widower or civil partner, the lump sum which would have been paid to the widow, widower or civil partner (5.5) is paid for the benefit of any eligible children or dependants of the civil servant (provided a lump sum has not already been paid to the civil servant under 5.4).

5.6.8 Payment is made to one of the following groups *only*, in the following order of priority:

- eligible child or children; or, *if none*
- dependent parent (**classic** only); or, *if none*
- dependent brother or sister (**classic** only).

5.6.9 The lump sum is divided equally where there is more than one child (or more than one dependent brother or sister where the civil servant was in **classic**).

5.6.10 The lump sum is payable from the day after the civil servant's death.

Damages and compensation

5.6.11 Awards are reduced to take account of damages awarded or recovered in respect of loss of support (5.8).

5.6.12 [†]This can include compensation under the Criminal Injuries Compensation Scheme when this has been paid before the CSIBS injury award (5.1).

5.6.13 ^{††}Conditional awards are made when a damages claim is outstanding (or may be made in future). Details of the effect of damages claims are given in 5.8.

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

5.6.14 ^{††}Guidance on making conditional awards and the later recovery of PCSPS payments is given in 5.9.

Annual allowance (children)

5.6.15 An annual allowance is paid in respect of each eligible child up to a maximum of 4 children at any time. When there are more than 4 children, any 4 may be chosen to be paid an allowance. When a child ceases to be eligible, another eligible child is paid an allowance.

NOTE Allowances for adult incapacitated children in **classic** (dependants) may be paid in addition to the maximum number (4) of children's allowances.

[†] Copied from 5.4.

^{††} Copied from 5.2.

5.6.16 The annual allowance for a child is the difference between:

- the guaranteed minimum income (table 1); and
- specified 'other income'. This is any income the child receives from the following:
 - any pension payable under the PCSPS family benefit arrangements;
 - any occupational pension payable from public funds (or for which all or part of the contributions are payable from public funds) except for any paid under the **partnership** or stakeholder accounts;
 - any State earnings-related pension and any personal pension deriving from the civil servant having opted out of the PCSPS.

NOTE Injury awards are conditional whenever there is an outstanding claim for damages or compensation or while the possibility of such a claim remains (5.8).

5.6.17 No injury allowance is paid in respect of a child whose specified 'other income' is equal to or greater than the guaranteed minimum income.

NOTE Injury benefits are reduced or suspended when damages or compensation is paid (☞ see 5.8)

Table 1 Guaranteed minimum income for eligible children (NOTE A)

Circumstance	Guaranteed minimum income for each child <i>percentage of civil servant's pensionable earnings (NOTE B)</i>
Injury benefit also paid to widow, widower or civil partner.	10%
No injury benefit paid to widow, widower or civil partner.	20%

NOTE A Benefit is payable for a maximum of 4 children at any one time.

NOTE B Pensionable earnings is explained in 5.4.

5.6.18 The lower (10%) rate is increased to 20% if the widow, widower or civil partner dies or if the injury benefit paid to the widow, widower or civil partner is cancelled because of a damages payment.

NOTE The rate which is used in the Guaranteed Minimum Income calculation when an eligible child ceases to be eligible and an allowance is paid to another eligible child, is the rate which applied to the calculation for the previous child.

5.6.19 A children's allowance is paid from the same date as that for an eligible widow, widower or civil partner (5.5). The allowance is paid from the day after the date of death when there is no eligible widow, widower or civil partner under the **classic** arrangements, otherwise following the cessation of the short term pension/increase. Under the **classic plus** and **premium** arrangements the children's allowance is paid from the day after the death of the civil servant.

5.6.20 The allowance is paid during the period of childhood and full-time education on the same basis as a children's pension under the family benefits arrangements relating to the PCSPS section to whom the civil servant belonged. It is paid to the person in receipt of the children's pension under the family benefits arrangements.

5.6.21 Two allowances are paid when, as a result of the deaths of 2 civil servants, an allowance is payable in support of the same child in respect of each civil servant.

NOTE When 3 or more civil servants are involved, the 2 allowances which are paid are those which, in the opinion of the awarding authority, give the most favourable overall result.

	Information	Reference
Further information	Period of payment. Who receives a children's pension?	Pensions Manual Family Benefits: 7.3

Annual allowance (dependants) – classic only

5.6.22 An annual allowance is paid in respect of each eligible dependant.

5.6.23 The annual allowance for a dependant of the civil servant (other than the widow, widower or civil partner) is the difference between:

- the guaranteed minimum income (table 2); and
- specified 'other income'. This is any income the dependant receives from the following:
 - any pension payable under the PCSPS family benefit arrangements;
 - any occupational pension payable from public funds (or for which all or part of the contributions are payable from public funds) except for any paid under the **partnership** or stakeholder accounts;

- any state earnings-related pension and any personal pension deriving from the civil servant having opted out of the PCSPS.

NOTE Injury benefits are conditional whenever there is an outstanding claim for damages or compensation or while the possibility of such a claim remains (5.8).

5.6.24 No injury allowance is paid when the specified other income is equal to or greater than the guaranteed minimum income.

NOTE Injury benefits are reduced when damages or compensation is paid (see 5.8).

Table 2 Guaranteed minimum income for a dependant

Circumstance	Guaranteed minimum income for eligible dependant (NOTE A) <i>% of civil servant's pensionable earnings (NOTE B)</i>
Injury benefit also paid to widow, widower or civil partner.	20% each
No injury benefit paid to widow, widower or civil partner.	45% each

NOTE A Allowances for adult incapacitated children may be paid in **classic** in addition to children's allowances (table 1).

NOTE B Pensionable earnings is calculated as set out in 5.4.

5.6.25 The lower (20%) rate is increased to 45% if the widow, widower or civil partner dies after the award has been made or if the injury benefit paid to the widow, widower or civil partner is cancelled because of a damages payment.

5.6.26 Allowances to dependants are paid from the day after the date of the civil servant's death.

5.6.27 Payment continues until the death of the dependant.

Limit on the total of injury benefit annual allowances (widow, widower, civil partner, children and dependants)

5.6.28 There is a limit on the total of annual allowances awarded to:

- the widow, widower or civil partner; plus
- children and other dependants.

5.6.29 The limit is 100% of the civil servant's pensionable earnings. Figures to use in deciding whether the limit applies are:

- the civil servant's pensionable earnings as defined in 5.4;
- the annual allowances payable before deduction of damages or compensation (5.8).

5.6.30 When the limit applies, the allowance paid to each beneficiary (before deduction of damages or compensation) is scaled down pro rata to bring the total of all allowances to 100% of the civil servant's pensionable earnings.

5.6.31 When the annual allowance payable to a beneficiary is reduced because of a damages settlement, the reduction is made to the scaled-down allowance figure.

NOTE The scaled-down allowances paid to other beneficiaries are not increased as a result of the reduction in the total allowances in payment.

Reassessing the effect of the limit

5.6.32 The award is reworked whenever a beneficiary dies or ceases to be eligible.

Example	The widow, widower or civil partner or another beneficiary dies. A child ceases to be eligible (for example, on leaving full-time education).
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5.6.33 The percentage of pensionable earnings used in calculating the Guaranteed Minimum Income for each child or dependant remains the same as the percentage used in the initial calculation.

NOTE This depends on whether a widow, widower or civil partner was paid injury benefit under the initial award.

5.6.34 The 100% limit is applied before making a deduction for damages or compensation. After any scaling down has been done to keep the revised award within the limit, a full deduction is made for damages or compensation received by any beneficiary. Pensions increase is then added if appropriate.

5.6.35 The revised award (including any pensions increase) is paid from the date of the change in the number of beneficiaries.

5.7 Eligibility and benefits

(Government ministers and non-civil servants)

Eligibility

5.7.1 The people covered by the CSIBS injury benefit arrangements are set out in table 1.

Table 1[†] People covered by the PCSPS injury benefit arrangements

Staff of Government departments (NOTE A)	All members of the Civil Service pension schemes, including the partnership account and stakeholder scheme. . Staff who are not pensionable in any of the above (such as casual staff who chose not to join partnership). Staff who are covered by another occupational pension scheme which does not provide compensation for injury or death on duty (such as staff who are covered by the Federated Superannuation System for Universities). Staff who have opted out of the Civil Service pension arrangements.
Others	Ministers of the Crown. People employed in a civil capacity for the purposes of HM Government.

NOTE A The arrangements cover staff serving in the UK, and those recruited in the UK who are serving overseas.

5.7.2 This chapter is concerned with injury benefits which may be paid to:

- Government ministers (but not ministers of the devolved administrations in Scotland, Wales, and Northern Ireland); and
- non-civil servants employed in a civil capacity for the purposes of HM Government.

5.7.3 Non-civil servants may be employed on a temporary or permanent basis and may be paid or unpaid (☞ see *Example 1*).

[†] Copied from 5.1.

Example 1	<p>People appointed by Government ministers to serve on Royal Commissions.</p> <p>People appointed by Government ministers to attend overseas conferences as official delegates.</p> <p>Prison Visitors.</p>
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5.7.4 People employed to give a service in the course of their profession, trade or business (such as a builder contracted to undertake maintenance on a building, or a management consultant or cleaners) are not included.

When are benefits payable?

5.7.5 All injury benefit claims in respect of non-civil servants and Government ministers must be referred to either the government department's APAC or the section within the department dealing with injury benefit applications

5.7.6 Benefits are payable when the person's earning capacity has been impaired as a result of a qualifying injury (5.3).

NOTE The qualifying injury must have taken place:

on or after 29 February 1972:	Government Minister
after 31 May 1972:	non-civil servant.

5.7.7 For Government ministers, the impairment of earnings incapacity is based on a medical assessment. For injuries sustained on or after 1 April 2003 the award may be reduced following the assessment of the proportion of the injury attributable to duty, as for civil servants.

5.7.8 For non-civil servants employed in a civil capacity the impairment of earnings capacity must be demonstrated. Again, where injuries are sustained on or after 1 April 2003 the award may be reduced following the assessment of the proportion of the injury attributable to duty, as for civil servants.

Injury awards and benefits (Government ministers)

5.7.9 An eligible minister may be paid an annual allowance and a lump sum.

5.7.10 The annual allowance gives a guaranteed minimum income after taking into account certain payments.

NOTE No allowance is payable when the payments from other sources equal or exceed the guaranteed minimum income.

5.7.11 Benefit information is set out in table 2.

Table 2 Benefit information

Terms of appointment	Calculating guaranteed minimum income (NOTE A)		Payment of allowance: date and conditions
	Reckonable service <i>(For purposes of guaranteed minimum income.)</i>	Pay	
Pensionable (or entitled to a pension in respect of past service in Ministerial office).	Treated as 15-25 years.	Ministerial salary.	The Minister must cease to hold office. The Minister must not hold any other office for which the salary is paid from monies voted by Parliament. Payable from date of ceasing office to date of death.
Not pensionable.	Total service in Ministerial office.	Ministerial salary at the more favourable of: <ul style="list-style-type: none"> • date of injury; or • date of ceasing to hold office. 	The Minister must cease to hold office. Payable from date of ceasing office to date of death.

NOTE A The pay and service in this table are used to calculate the guaranteed minimum income at the rate shown in table 2 of 5.4, depending on the degree of earning incapacity.

5.7.12 The annual allowance is subject to the same restrictions and reductions that apply to a civil servant (5.4 Annex B).

5.7.13 The lump sum is paid as soon as possible after the last day in service.

5.7.14 The value placed on the benefits, pensions and other income is calculated as at the following appropriate date:

- the date of ceasing to hold office; or
- the date the annual allowance starts.

Injury awards and benefits (dependants of Government ministers)

5.7.15 An allowance and lump sum may be paid to an eligible widow, widower, civil partner, child or dependant if a Minister dies as a result of qualifying injury.

5.7.16 The calculations and conditions are the same as those which apply on the death of a civil servant (5.5 or 5.6).

NOTE The guaranteed minimum income is based on the Ministerial salary at the date of death or injury (whichever is the more favourable).

The restrictions and reductions set out in 5.5 and 5.6 apply.

5.7.17 The allowance and lump sum are payable immediately following death.

Injury awards and benefits (non-civil servants)

5.7.18 The eligible person may be paid an allowance and lump sum. The annual allowance is an amount which gives a guaranteed minimum income after taking into account certain payments.

5.7.19 The guaranteed minimum income is based on the salary and emoluments which the employer considers would have been paid to a civil servant engaged on similar duties.

5.7.20 The reckonable service used for establishing the guaranteed minimum income and the date of payment for the allowance are given in table 3. The lump sum is paid as soon as possible after the last day of service.

5.7.21 The guaranteed minimum income is as set out in 5.4 and is dependent on the level of earnings impairment. The payments taken into account are set out in 5.4 Annex B.

Table 3 Reckonable service and circumstances in which an award is paid

Person's normal employment	Reckonable service for guaranteed minimum income purposes	Award payable
Public sector.	Length of service in normal employment.	<ul style="list-style-type: none"> • on retirement; or • on later retirement, after continuing in service following an injury.
Private sector (or unemployed).	Length of employment for the purposes of HM Government (the length 'employed' by HM Government).	When the employment for the purposes of HM Government ceases.

5.7.22 A temporary allowance may be paid when the impairment of earning capacity is short-term. This allowance is calculated as for a temporary allowance for a civil servant (5.4), based on the salary and emoluments which the employer considers would have been paid to a civil servant engaged on similar duties and applied as the APAC/employer thinks fit.

5.7.23 The value placed on the benefits, pensions and other income is calculated as at the following appropriate date:

- the date of ceasing to hold office; or
- the date the annual allowance starts.

Injury benefits (dependants of non-civil servants)

5.7.24 An allowance and lump sum may be paid to an eligible widow, widower, civil partner, child or dependant if the person dies as a result of a qualifying injury. The calculation and conditions are the same as those which apply on the death of a civil servant (5.5 or 5.6).

NOTE The guaranteed minimum income is based on the salary and emoluments of a civil servant employed on similar duties.

5.7.25 The restrictions and reductions in 5.5 or 5.6 apply.

5.7.26 The benefits are paid on:

- the day following the date of death; or
-
- the day following the cessation of any short-term pension to which the widow, widower or civil partner is entitled at a higher rate than the guaranteed minimum income.

Damages and compensation

5.7.27 Awards are reduced to take account of damages awarded or recovered in respect of loss of earnings (or loss of support when the person has died) (5.8).

5.7.28 [†]This can include compensation under the Criminal Injuries Compensation Scheme when this has been paid before the CSIBS (5.1).

5.7.29 ^{††}Conditional awards are made when a damages claim is outstanding (or may be made in future). Details of the effect of damages claims are given in 5.8.

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

5.7.30 ^{††}Guidance on making conditional awards and the later recovery of PCSPS payments is given in 5.9.

[†] Copied from 5.4.

^{††} Copied from 5.2.

5.8 Damages and Compensation

Damages and compensation

5.8.1 The CSIBS arrangements provide benefits on a *no fault* basis. This means that the benefits are payable whether or not the Crown as employer was negligent and whether or not the injury was caused by a third party.

5.8.2 An injured employee has the right to sue for damages if there is evidence that the employer or a third party was responsible for the accident or incident which caused the injury.

5.8.3 Damages awarded for personal injury consist of 2 elements:

- **special damages.** These deal with quantifiable losses and expenditure (as a result of the injury) up to the date of settlement. They cover:
 - actual loss of earnings; and
 - extra expenditure (such as medical expenses).
- **general damages.** These deal with items which are less easy to quantify. They cover:
 - loss of future earnings;
 - loss of pension rights;
 - pain and suffering.

5.8.4 Damages on the death of a civil servant may include compensation to dependants for loss of support.

Note: This is sometimes called *loss of dependency*.

5.8.5 The APAC/employer must ask the beneficiary's legal adviser for a breakdown of the damages when the element for *loss of future earnings* is not clear.

5.8.6 If the claim has been settled on an inclusive (or global) basis it will be necessary for the legal adviser to look at the evidence on which the settlement or award was based in order to make an assessment of whether the payment includes an award for loss of earning capacity and if so, how much.

Effect on injury awards

5.8.7 Under the CSIBS arrangements, payments from certain other sources which provide compensation for the same losses must be taken into account when calculating the injury benefit award. (☞ see table 1) This leads to the injury award being reduced or in some cases, extinguished (☞ see table 2).

Note: This is to prevent the payment of benefits from public funds to compensate for loss of earnings or support where such compensation is paid from other sources.

Table 1 Damages or compensation taken into account in calculating

Damages or compensation (paid to a person covered by the CSIBS) are taken into account when they are paid in respect of loss of earnings or support.

This includes:

- compensation paid by an airline;
- compensation paid under the Criminal Injuries Compensation Scheme (unless the CICS has already taken the CSIBS award into account) (5.1);
- damages or compensation paid by the employer either as directed by a Court or where the amount has been settled out of Court
- compensation paid under an injury compensation scheme provided under local legislation (when the injury occurred outside of the United Kingdom).

Airlines. Passengers on most airlines are covered for death or injury by the airline under the provisions of the Warsaw Convention (as amended by the Hague protocol) or the Montreal Agreement. The amount of compensation payable in the event of death or injury differs according to the arrangement covering the airline.

CSIBS injury benefits take account of any compensation paid by an airline in respect of the death or injury of an eligible person travelling by air on a duty journey. The compensation is treated in the same way as damages, whether or not the compensation arises from legal action.

Table 2[†] Treatment of damages and compensation payments (Note A)

Circumstances	CSIBS injury benefit	Damages taken into account in injury benefit calculation
Personal injury of civil servant.	The arrangements cover loss or impairment of the civil servant's earning capacity (5.3).	Only damages for: <ul style="list-style-type: none"> • actual loss of earnings (special damages); and • loss of future earnings (general damages).
Death of civil servant.	The arrangements cover loss of support from the civil servant for : <ul style="list-style-type: none"> • the widow, widower or civil partner (5.5); • children (5.6); and • adult dependants (classic only) 	Only the amount included in the settlement for loss of support.

	(5.6).	
--	--------	--

Note: A This can include compensation under the Criminal Injuries Compensation Scheme (see below).

Making the award - damages and compensation

5.8.8 A *conditional award* is made whenever a claim for damages or compensation is outstanding (or may be made in future). Most injury awards are initially paid as conditional award.

5.8.9 Details of conditional awards and the later recovery of CSIBS payments are given in 5.9.

5.8.10 When a CSIBS injury award is made *after* a damages or compensation claim has been settled, the award takes into account at the outset any amount paid in respect of loss of earnings or support.

5.8.11 The APAC/employer should arrange to receive details of the damages or compensation as set out in table 3.

Table 3 Information required by the APAC/employer

The date and terms of the settlement.
Confirmation when the settlement was made by a court.
Details of any orders, awards, compromises etc affecting the settlement.
A breakdown of the settlement, for example, showing: <ul style="list-style-type: none"> • special damages; • actual loss of earnings and loss of future earnings elements; • pain and suffering element.

5.8.12 The APAC calculates the award and the reduction because of the damages awarded for loss of future earnings or support:

Table 4 Reduction in injury award paid to an adult beneficiary

Damages	Payment to beneficiary
Less than the injury benefit lump sum (where payable).	The amount of the damages is deducted from the lump sum. The balance is paid to the beneficiary.
More than (or the same as) the lump sum.	No lump sum is awarded. The balance of the damages (after deducting the amount of the injury benefit lump sum) is converted into an annuity figure. The annual allowance is reduced by the amount of this annuity figure. (NOTE A; NOTE B) (* see <i>example 1</i>)

Note A: The annuity figure is calculated by the Scheme Actuary.

Note B: No annual allowance is paid when the annuity value of the balance of the damages, together with the occupational public service pension and specified social security benefits, are more than the guaranteed minimum income.

Table 5 Reduction in injury award paid in respect of a dependent child

Damages	Payment to beneficiary
Less than the injury benefit lump sum (where payable).	The amount of the damages is deducted from the lump sum. The balance is paid to the beneficiary.
More than (or the same as) the lump sum.	No lump sum is awarded. The balance of the damages is calculated (after deducting the amount of the lump sum). The injury benefit allowance is withheld until the total withheld (including any pensions increase) equals the balance of damages. <i>The allowance is then reinstated (at the full rate plus pensions increase) provided the child is still eligible for benefit.</i>

Example 1	Annual allowance:	£2,503.59
	Lump sum:	£1,440.44
	Effective date:	29 April 1992
	Damages	£15,000
	Date of damages settlement:	28 July 1995
Damages		£15,000
Lump sum:	£1,440.44	
Arrears of annual allowance (NOTE A): (29 April 1992 to 28 July 1995)	£8,951.30	
Total payable under the injury benefit arrangements		£10,391.74
Balance of damages		£4,608.26
Award		
Guaranteed Minimum Income (£11,523 x 60%)		£6,913.80
PCSPS pension	£4,410.50	
Balance of damages (converted to an annuity)	<u>£ 342.17</u>	
Total to offset against Guaranteed Minimum Income		£4,752.67
Annual allowance under injury benefit arrangements		£2,161.13
The injury benefit award is an annual allowance of £2,161.13. No lump sum is paid.		

Note: A Assumes that no interim annual allowance has been paid.

Further recovery of damages following the death of the civil servant's widow, widower or surviving civil partner

5.8.13 When there is an eligible widow, widower or civil partner,

an adult dependant (in **classic** only) is eligible for an allowance which would provide a guaranteed minimum income of 20% of the member's pensionable earnings (5.6).

5.8.14 On the death of the widow, widower or civil partner, the dependant becomes eligible for a guaranteed minimum income based on 45% of the member's pensionable earnings.

5.8.15 The revised allowance payable to the dependant following the death of the widow, widower or civil partner is:

- the allowance needed to provide a guaranteed minimum income of 45% of the civil servant's pensionable earnings; less
- the annual value of the full damages awarded in respect of the dependant.

5.8.16 This is calculated as at the date of the original calculation. The revised allowance (with pensions increase) is payable from the date of death of the widow or widower or civil partner.

Further recovery of damages following the cancellation of the award to the widow, widower or surviving civil partner

5.8.17 The adult dependant's guaranteed minimum income (**classic** only) is increased when the injury benefit award to the widow, widower or civil partner is cancelled following a damages settlement (5.6). The calculation is the same as that made on the death of the widow, widower or civil partner.

5.9 Conditional awards

Making a conditional award

5.9.1 CSIBS awards are reduced to take account of damages or compensation awarded or recovered as set out in table 1 (see 5.8).

Table 1[†] Treatment of damages and compensation payments (NOTE A)

Circumstances	PCSPS injury benefit	Damages taken into account in injury benefit calculation
Personal injury of civil servant.	The arrangements cover loss or impairment of the civil servant's earning capacity (5.3).	Only damages for: <ul style="list-style-type: none"> • actual loss of earnings (special damages); and • loss of future earnings (general damages).
Death of civil servant.	The arrangements cover loss of support from the civil servant by: <ul style="list-style-type: none"> • the widow, widower or civil partner (5.5); • children (5.6); and • adult dependants (classic only) (5.6). 	Only the amount included in the settlement for loss of support.

NOTE A This can include compensation under the Criminal Injuries Compensation Scheme (see below).

5.9.2 A *conditional award* is made whenever a damages or compensation claim is outstanding (or may be made in future).

5.9.3 The conditional award covers the civil servant's own injury benefits (or any benefits awarded to a spouse or civil partner or other dependant).

NOTE Most injury awards are initially paid as conditional awards. The award remains conditional until the claim is settled or the possibility of a claim being made ceases.

[†] Copied to 5.1 and 5.8.

5.9.4 The employer must keep the APAC informed when it becomes aware that a damages or compensation claim exists, giving any available details of the claim.

5.9.5 For each award the APAC gives the employer details of:

- the conditional award; and
- the employer's right, in the event of a successful damages or compensation claim:
 - to recover injury benefits already paid; and
 - to reduce future injury benefits.

5.9.6 The employer must advise beneficiaries of the terms and conditions of the award

NOTE When the employer's legal advisers are dealing with a damages claim at the time a conditional injury award is made, the employer must give the legal advisers the following information before advising the beneficiary:

- the award details; and
- the contents of the *Notice to Beneficiaries*.

5.9.7 All letters notifying a beneficiary of a conditional award must carry a warning to this effect (table 1).

Table 1 Warning to be given with correspondence about conditional awards

The CSIBS administrator always seeks to recover the conditional payments made under the scheme when the beneficiary recovers damages which include an element in respect of loss of earnings or support.

This action is taken even though the Notice to Beneficiaries may indicate that the Scheme Administrator's power to recover is discretionary. You are advised to inform your legal advisers of this.

5.9.8 Beneficiaries must sign a form accepting that, when necessary, they will repay the conditional injury award as required by the employer.

Action after a conditional award has been made

5.9.9 The employer must make arrangements to be kept advised of the progress of any outstanding damages or compensation claim.

NOTE This applies whether the claim is against the employer or a third party.

5.9.10 While the conditional injury award is in payment, the Paying Authority issues a declaration once a year for the beneficiary to complete.

NOTE The declaration includes a reminder to the beneficiary to advise the APAC/employer in the event of a successful claim for damages or compensation against a third-party.

5.9.11 The Paying Authority reports to the APAC/employer any change of circumstance which is likely to affect entitlement to injury benefits.

Action when a compensation or damages claim is settled

5.9.12 As soon as a damages settlement has been completed, the APAC/employer must:

- arrange for the Paying Authority immediately to suspend the annual allowance payments made under the interim award; and
- give the APAC the information in table 1.

Table 1 Information required by the awarding authority

The date and terms of the settlement.

Confirmation when the settlement was made by a court.

Details of any orders, awards, compromises etc affecting the settlement.

A breakdown of the settlement, for example, showing:

- special damages;
- loss of earnings element;
- pain and suffering element.

5.9.13 Beneficiaries who have been awarded a conditional award are required to repay the lesser of:

- the part of the conditional award equal to the damages or compensation relating to loss of earnings (or loss of support);
- the amount paid under the conditional award.

NOTE The amount recovered is net of any tax paid on the injury benefits (see below).

5.9.14 This may involve a reduction in (or cancellation of) the injury allowance.

5.9.15 The APAC :

- obtains from the Paying Authority the total injury benefit which has been paid up to the date of damages settlement; and

NOTE This is the lump sum, annual allowance and any pensions increase.

- determines the amount to be recovered, and advises the employer .

Recovering conditional benefits

5.9.16 The beneficiary is expected to repay the overpaid conditional injury benefits as soon as possible after receiving the damages or compensation.

5.9.17 APAC/employers must quickly seek recovery from the beneficiary to make sure that action is started within the legal time limits. (This may be done through the beneficiary's solicitor or other representative.)

NOTE Time limits run from the date the claim for compensation or damages is determined (not from the date payment is received by the beneficiary). When the beneficiary is the person covered by the injury arrangements, legal proceedings to effect recovery cannot be taken:

- after the beneficiary's death; or
- more than 2 years after the damages or compensation is determined.

5.9.18 The APAC/employer must recover from the beneficiary the amounts given in table 2 or 3 and any associated income tax.

Table 2 Recalculation and repayment of injury benefit (adult)

Damages	Repayment by the beneficiary
Less than the injury benefit lump sum and other payments already made.	<p>The beneficiary must repay an amount equal to the damages.</p> <p><i>The original annual allowance (including any pensions increase) is reinstated with effect from the date it was suspended.</i></p>
More than (or the same as) the lump sum and other payments already made.	<p>The beneficiary must repay the total of the lump sum and other payments made up to the date the annual allowance was suspended.</p> <p>An annual figure equal to the balance of the damages (after repayment of lump sum and other payments) is calculated by converting the <i>balance of damages</i> figure to an annuity. (NOTE A)</p> <p>The annual allowance award is recalculated by deducting the annuity value of the <i>balance of damages</i> from the original allowance.</p> <p><i>The revised annual allowance (including any pensions increase) is paid with effect from the date the original allowance was suspended. (NOTE B)</i></p>

NOTE A The annuity figure is obtained from the Scheme Actuary.

NOTE B No annual allowance is paid when the annuity value, occupational public service pension and specified social security benefits are more than the guaranteed minimum income. The injury benefit award is cancelled.

Table 3 Recalculation and repayment of injury benefit (child)

Damages	Repayment by the beneficiary
Less than (or the same as) the injury benefit lump sum and other payments already made.	<p>The beneficiary must repay an amount equal to the damages.</p> <p><i>The original annual allowance (including any pensions increase) is reinstated with effect from the date it was suspended.</i></p>
More than the lump sum and other payments already made.	<p>The beneficiary must repay the total of the lump sum and other payments made up to the date the annual allowance was suspended.</p> <p>The balance of the damages is calculated (after deducting the amount of the lump sum). The injury benefit allowance is withheld until the total withheld (including any pensions increase) equals the balance of damages. (NOTE A)</p> <p><i>The allowance is then issued (at the full rate plus pensions increase) provided the child is still eligible for benefit.</i></p>

NOTE A The total amount withheld is recalculated in April each year to add pensions increase.

5.9.19 The case should be referred to the employer's legal advisers:

- when there is any difficulty in obtaining repayment; or
- when repayment has not been made within 6 months of the date that the damages or compensation were determined.

NOTE The Cabinet Office may, in some cases, authorise PCSPS benefits to be reduced or withheld until repayment is completed. This is only likely to occur when the beneficiary refuses or is unable to repay by other means and must not be considered as an alternative means of the beneficiary repaying overpaid benefits.

5.9.20 When the repayment has been received, the APAC :

- recalculates the injury benefit award, taking the damages or compensation paid into account (*see example 2*); and
- authorises a revised (reduced) award for payment.

NOTE In some cases the injury award is cancelled following a successful damages or compensation claim.

5.9.21 The Paying Authority pays the injury allowance as shown in table 2.

Example 2	Damages	£11,000
	less: lump sum and annual allowance paid to date allowance was suspended	<u>£3,897.71</u>
	Balance of damages	£7,102.29
	Annuity value of £7,102.29 is £399.82 a year.	
The award is recalculated when the beneficiary has repaid the lump sum and injury allowance (£3,891.71).		
Minimum income guarantee (£8,036.72 x 65%)		£5,223.87 pa
PCSPS pension	£ 476.97	
Incapacity benefit	£ 3,250.50	
Industrial disablement benefit	£ 922.30	
		<u>£4,649.77 pa</u>
Original annual allowance		£ 574.10 pa
less: balance of damages (annuity value)		<u>£ 399.82 pa</u>
Revised annual allowance		£ 174.28
The revised annual allowance is £174.28. This is paid from the date the original allowance was suspended. The lump sum has been recovered.		

Recovering tax

5.9.22 The amount recovered from the beneficiary is net of any tax paid on the injury benefits.

5.9.23 The APAC/employer must ask the beneficiary's tax office for repayment of the income tax giving the details in table 3.

NOTE This request is made at the same time as seeking repayment from the beneficiary.

Table 3 Information required by HM Revenue and Customs

Beneficiary's full name.
Tax district reference.
Date damages or compensation was settled.
For each tax year , starting when the conditional award began to the date of the damages or compensation settlement:
<ul style="list-style-type: none"> - the gross amounts paid under the conditional injury award; and - the income tax deducted.
The amount to be recovered:
<ul style="list-style-type: none"> - the gross amount of injury benefit being recovered; - the amount after tax has been deducted (the amount to be repaid by the beneficiary); - the tax which has been deducted (the amount to be recovered from the Inland Revenue).

5.9.24 The sums recovered from the beneficiary and HM Revenue and Customs are paid to the Paying Authority as appropriations-in-aid of the Civil Superannuation Vote.

NOTE The APAC/employer must advise the Paying Authority of the award to which the repayment relates.

5.9 Annex A Model letter to the Scheme Actuary

The model letter in this Annex may be used to obtain an annuity value which is the equivalent to a lump sum.

**Civil Service Injury Benefits Scheme
Request for an annuity value**

Person's full name	
Date of birth	Pensions increase deemed date
Effective date for amended award *	
Lump sum to be converted	Annuity value <i>(to be completed by the Scheme Actuary)</i>

* The pension (which is payable for the life of the person) will be reduced by the annuity value of the lump sum with effect from this date.

Would you please complete the above form by giving the annuity value for the lump sum.

Please return the form to me.

Send to:

The Civil Service Pension Scheme Actuary
Hewitt, Bacon and Woodrow
Parkside House
Ashley Road
Epsom
Surrey KT18 5BS
e-mail: cspensions@hewitt.com

5.10 CSIBS Appeals

5.10.1 The following pages describe the procedures where an applicant wishes to appeal against the employer's decision in relation to injury benefit.

5.10.2 It is for the APAC or employer (depending on whether the employer has fully contracted injury benefit work to their APAC) to make decisions on whether or not a qualifying injury has occurred. Often the APAC/employer decision will have been made having taken into account the advice the scheme medical adviser. APAC/employer decisions on impairment of earnings levels and on apportionment will be based on medical adviser advice.

Eligibility

5.10.3 Appeals under these procedures follow one of two routes depending on the nature of the appeal:

- Route 1 - appeals in relation to the APAC/employer decision in not accepting that an injury is a qualifying injury (for injuries sustained at any time), and/or about level of earnings impairment (for injuries sustained on or before 31 March 2003); and
- Route 2 - appeals in relation to the medically assessed level of apportionment and/or level of earnings impairment made by the medical adviser (for injuries sustained on or after 1 April 2003)

5.10.4 Beyond these routes if the appellant remains unsatisfied they have the right to ask for their case to be investigated under the internal dispute resolution procedures.

5.10.5 When submitting an appeal to the scheme medical adviser under either of the two routes described you should forward the case papers/material referred with the original application (see 5.3 Annex B). Additionally, mark the case clearly as an appeal in a covering letter. Ensure also that the fresh medical evidence is provided and

marked as such. Any other material new to the medical adviser should be noted in the covering letter and provided.

Route 1 – qualifying injury

5.10.6 A person may wish to appeal against an APAC/employer decision not to accept an injury as a qualifying injury (where the injury has been sustained at any time) or about the level of impairment assessment (where the injury was sustained on or before 31 March 2003). There is no formal appeal or complaints procedure in relation to such decisions. However, best practice suggests that such appeals should be on the basis of fresh medical evidence where the medical evidence has been a pivotal part of the original decision-making.

5.10.7 Fresh medical evidence will certainly be required where the APAC/employer decision not to grant an award has been predominantly on the basis of medical advice provided by the medical adviser.

Route 2 – level of impairment and/or apportionment

5.10.8 The following arrangements cover appeals about the medically assessed level of apportionment and /or level of earnings impairment for injuries sustained on or after 1 April 2003. All such appeals should be made through the APAC/employer, which calls on further advice from the medical adviser as part of the appeals process.

5.10.9 An appeal should be made within 12 months of the initial award decision. There is a limit of up to two appeals within this 12 month period. The second appeal may be notified up to and including the day the 12 month period ends - under these circumstances the appeal process may go beyond 12 months in its entire *duration*.

5.10.10 All appeals, (whether the first or any second one) should be on the basis of fresh medical evidence.

NOTE: It is for the appellant to source, provide and pay for any further medical evidence, *not* the employer

5.10.11 The employer must forward the complete case file to:

Capita Health Solutions
Greyfriars
10 Queen Victoria Road

COVENTRY
CV1 3PJ

NOTE: Unless previously supplied, the employer should give the appellant details of the scheme's qualifying criteria. It will also be helpful to provide a copy of these Guidance Notes. Employers can provide either the relevant extract from the Medical Guidance Notes, or the whole document. The member should be encouraged to give a copy of whatever is provided to their medical carers as background.

5.10.12 The file for the medical adviser *must* contain the following:

- **The new medical evidence.** This must be from a registered medical practitioner. Copies of reports previously considered do not represent new evidence and are not acceptable. Complete reports are needed; extracts or part reports are not acceptable. If the appellant wishes the medical evidence should be submitted in a sealed envelope for the attention of the medical adviser
- **the applicant's (or their representative's) letter of appeal.** This should set out the basis for the appeal (e.g. against the level of apportionment and/or earnings capacity)
- **all relevant information relating to the previous consideration of the case** whether held by the employer or by their occupational health provider (including the complete sickness absence record and a job description)
- **All other papers previously submitted by the employer** as part of the original application (including scheme medical adviser correspondence)

5.10.13 Failure to include any of this material will result in the case being returned. Please flag the papers on the file, and do not send the scheme medical adviser any other files (e.g. personal, HR or Superannuation files).

5.10.14 The first appeal may uphold the original decision or result in an increase to the level of award.

5.10.15 Any second appeal may do as the first appeal but can, in addition, lower the level of apportionment and/or earnings impairment if the new medical evidence justifies it. The second appeal will be carried out by the Chief Medical Officer or their deputy

5.10.16 The appeal is paper-based, although an examination may be specified if the medical adviser considers it necessary.

5.10.17 Consideration of a first appeal is by a medical adviser physician different from the one who gave the original advice. Any second appeal is considered by a medical adviser physician different from either the one who gave the original advice and who considered the first appeal – in most cases the physician considering the second appeal will be either Capita Health Solution's Chief Medical Officer or their deputy. Whether considering a first or second appeal there are three different options open to the medical adviser:

- Uphold the appeal remitting the case back to the APAC/employer for a final decision
- Reject the appeal (it goes no further) remitting the case back to the Authorising Authority/employer for a final decision
- Referring a border-line case to a physician independent of the medical adviser for a further paper-based assessment. The independent physician may uphold or reject the case at this final stage, remitting it back to the Authorising Authority/employer for a final decision

5.10.18 Approaches to the APAC/employer about procedural irregularities, for example where it appears that a piece of available information was not seen by the person making the final decision or by the medical adviser, *are not part of these appeals procedures*. For all practical purposes such approaches may be dealt with in an ad hoc way as they occur.