

## PENSION REVIEWS FEBRUARY 2010

Since North Yorkshire Police Authority began its' rigorous review of police officers who saw their careers cut short as a result of receiving injuries on duty and were medically retired and received an injury award, North Yorkshire Police Federation has been involved in numerous appeals. Some successful, others not so and some which have become deciding and stated cases in how the process should be conducted. There has also been cases throughout England and Wales which have changed how these matters should be approached. There is no doubt that there are more individuals affected who may have not have been advised but just accepted it is a fait accompli, or been advised that the chances of a successful appeal are not very good and not proceeded.

The reviews in question are applicable to both under 65's and over 65's.

Following on from the recent announcement from NARPO that if your pension has already been reviewed that there are various courses of action that can be taken, North Yorkshire Police Federation fully support this stance and will be writing to all retired officers who they have represented in the following format;

### Pension Reviews Pre & Post 65 Years of Age

"We write with a view to updating you as to the changes in relevant case law directly affecting pension review matters.

North Yorkshire Police Authority automatically review a retired officers injury award upon reaching the age of 65 and reduce it to Band One, 0%, on the grounds that a person would no longer be in gainful employment upon reaching the age of 65.

This approach is no longer legal nor is it in accordance with developing and recent case law.

Two recent cases, Turner and Pollard also have a bearing in how the reviews should be conducted. The correct approach is to firstly establish whether or not there has been a **substantial** change to the degree of disablement, and if so, secondly, to establish whether there are new employment opportunities available to the individual that were not available at the time of retirement.

A more recent case (Laws) points out how matching role profiles to alter the degree of disablement may be unlawful. If someone gains additional qualifications after being medically retired to improve their job prospects, then this cannot be considered to alter the award.

One which went to the Pensions Ombudsman is the Ayres case and concerned the over 65 reviews which outlined flaws in the system.

NARPO Circular 41/09 dated 19/10/09 gives excellent advice and links can be found to the various cases and advice on how to proceed."

Further to this letter, whilst we will represent all our retired colleagues affected by the reviews, we are conscious of the additional workload this may present. To this end I have spoke to a number retired officers about volunteering to assist and support people through this process who support the idea.

Ian Rennie, the National General Secretary of the Police Federation of England and Wales of England and Wales will be obtaining the official view of NARPO. North Yorkshire Police Federation have discussed matters fully with a solicitor, Ron Thompson, who will be able to assist and advise people through their individual cases. Ron is a former partner with Pattinson and Brewers Solicitors and has now teamed up with Ian Townsend at Rebian Solicitors and there office is in Leeds. Ron can be contacted on [r.thompson@rebian.co.uk](mailto:r.thompson@rebian.co.uk). Rebian Solicitors have been accepted as conflict solicitors by the PFEW and their

services are utilized on a regular basis by North Yorkshire Police Federation for pension, civil, discipline, criminal, personal injury and employment issues.

Mark Botham  
Chairman North Yorkshire Police Federation

19<sup>th</sup> February 2010