

**GUIDANCE ON MEDICAL APPEALS
UNDER THE POLICE PENSIONS REGULATIONS 1987 AND THE POLICE
(INJURY BENEFIT) REGULATIONS 2006**

SECTION 8

CONDUCT OF THE HEARING

Before the hearing takes place, the board will have confirmed who may attend the hearing in addition to the appellant and the SMP and in what capacity – e.g. who will be speaking for either party. Because of the nature of the appeal, neither party should need legal representation at the hearing. Legal points should have been put to the board in writing in advance.

2. Suitable accommodation must be arranged by the board with facilities to cater for all those attending and for any medical examination required. On arrival, those attending the hearing will be shown to a waiting room until the board members are ready to start the appeal. There should be separate waiting rooms for each party to the appeal. When the board is ready, a member of the board will escort those attending the hearing to the appeal interview room. Under no circumstances will the board see one party without the other party attending also being present. (This requirement does not, however, confer on a non-medical representative a right to attend a medical examination.)

3. A hearing will normally be as informal as possible, consistent with it being conducted in an orderly and business-like way. It will be for the board to ensure that order is kept. At the start of the hearing, the board chair will confirm with the appellant and the police authority representative in attendance, the medical questions to be decided. The chair will also mention the medical records and factual submissions obtained and considered by the board in advance of the hearing. The Chair will also refer to any refusal to give consent for release of medical records which the board wanted to see.

4. The board will then go through the submissions sent in by the parties, asking each party to set out the case in their submission orally, and asking for clarification and further information as necessary. . The parties will not normally be allowed to submit new evidence at the hearing, but this should not deter them from answering the questions put by the board fully and truthfully. The parties will also be given the opportunity to comment on each other's submissions. However, neither should interrogate the other; any points should be raised via the board.

5. The interview will then be adjourned for the appellant to be medically examined in a separate examination room. The length of the examination will depend upon the type of medical condition involved. While the examination takes place, any non-medical representatives present for either party will be asked to wait in the reception area or waiting room. The SMP has the right to attend the examination, but only as an observer. The appellant may have one medical representative also in attendance as an observer. In cases where the SMP is not present one medical representative of the police authority may attend the examination as an observer in his or her stead.

6. After the examination, the hearing will be re-convened in the interview room. The chair will tell the parties if the board members have any further questions. The chair will then sum up the key points of the medical examination and provide the SMP and the medical

representatives with the opportunity to raise questions about it. Unless a further examination is necessary as a result, the chair should then sum up the key facts and history of the case, as understood by the board, and give both parties the opportunity to make further comments or raise questions with the board members.

7. The hearing will then be concluded and the board chair will inform the attendees that the board will discuss the case and reach a decision on the relevant medical questions (see section 9 on the Decision of the Board). Each party will be asked by the board Chair to complete, before they leave, a short questionnaire giving feedback on the conduct of the board and the administrative arrangements.