

The Chief Constable

Insert Address

Dear Sir/Madam,

RE: **Insert Name** - EMPLOYMENT and SUPPORT ALLOWANCE [ESA] and DEDUCTIONS FROM INJURY AWARD.

I am currently in receipt of an injury award and until **insert date** I was also in receipt of Incapacity Benefit, which was a '*relevant benefit*' as defined in Schedule 3 of Police [Injury Benefit] Regulations 2006 and as such my Injury Pension was reduced by the relevant amount of Incapacity Benefit I received.

The Government decided that Incapacity Benefit was to cease and those in receipt were to be migrated onto Employment and Support Allowance [ESA].

On **insert date** my Incapacity Benefit ceased and I was duly migrated onto ESA, which has been duly deducted from my injury Pension since that date.

It has now been brought to my attention that ESA is not defined as a '*relevant benefit*' in Schedule 3 of the Police [Injury Benefit] Regulations 2006 and as a consequence I do not believe it should be deducted from my Injury Pension.

I am aware that ESA is being treated in different ways by Forces across the country, some pension providers are deducting it from Injury Pensions others are not.

In an attempt to clarify the matter NARPO have written to the Home Office on this matter and part of that response includes the following:

*'I can confirm that the Home Office has not communicated a position or advice to forces, but we have stated what course of action we plan to follow. In principle, we believe it would be appropriate to change both the police pension and injury benefit regulations **to make ESA deductible**. However, forces must comply with the relevant regulations as they stand at this time; we would advise forces to do so, and would not direct them to any other interpretation.'*

In view of the response from the Home Office, it would appear that ESA is being unlawfully deducted from my Injury Pension and I therefore request that you cease deducting ESA from my Injury Pension and repay the amount deducted from my Injury Pension since I was placed on ESA on **insert date**.

If you do not intend to take this course of action and reimburse the monies owed to me as a result of the unlawful deductions, please provide your detailed reasons for so doing within 21 days.

Yours sincerely