Home Office

The 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006

Government consultation

This consultation begins on Wednesday 12 May 2021

This consultation ends on Wednesday 7 July 2021

About this consultation

To:	This consultation is open to the public. We will be particularly interested to hear from serving and former police officers and other members of the police sector.
Duration:	From 12 May 2021 to 7 July 2021
Enquiries (including requests for the paper in an alternative format) to:	Review of regulation 12 Police Workforce and Professionalism Unit Home Office 6th Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: Reviewofregulation12PIB@homeoffice.gov.uk
How to respond:	Please send your response by 7 July 2021 to: Email: Reviewofregulation12PIB@homeoffice.gov.uk Alternatively, you can respond using the online survey at: https://www.gov.uk/government/consultations/regulation-12-of-the-police-injury-benefit-regulations-2006. If you are unable to use the online system, for example, because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email or post this to: Review of regulation 12 Police Workforce and Professionalism Unit Home Office 6th Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: Reviewofregulation12PIB@homeoffice.gov.uk If you are unable to access an electronic version of the document, please write to the above address and a paper copy will be provided. Please ensure you adhere to social distancing guidelines when sending post.
Response paper:	A response to this consultation exercise is due to be published by the Home Office at: gov.uk.

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Foreword

Our brave police keep us safe every single day and we owe them a debt of gratitude for the courage and dedication they demonstrate. The government recognises that it is very important that police officers who are totally and permanently disabled, as a result of an injury suffered on duty, receive a gratuity payment that reflects the severity of their injury and their subsequent inability to work. This will help them financially adapt to a new way of life when they have had no time to prepare for such consequences.

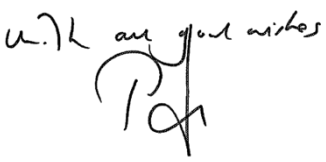
Regulation 12 of the Police (Injury Benefit) Regulations 2006 governs the provision of disablement gratuities for police officers totally and permanently disabled by an injury suffered on duty. The 12-month rule in regulation 12 limits the granting of the higher police injury gratuity to individuals for whom total and permanent disability manifests within 12 months of suffering an injury on duty. It has been argued that this rule may result in a difference in treatment between police officers who suffer physical conditions and those who suffer mental health conditions. The government takes this issue very seriously and is keen to ensure that the police injury benefit regulations are fully compliant with its obligations under the Equality Act 2010.

The wellbeing of our police is a key priority of mine, which is why I have personally accelerated work to introduce a Police Covenant. This will be enshrined in law and will ensure our police get the support and protection they deserve.

This consultation invites views on whether the 12-month rule is consistent with my duties under the Equality Act 2010. This consultation also invites views on whether both mental health injuries and physical injuries are given equal and fair treatment under regulation 12. Additionally, this consultation invites views on whether progressive mental health injuries that lead to total and permanent disablement are adequately catered for under regulation 12. Furthermore, this consultation invites views on the inclusion of any time limit for eligibility for the full disablement gratuity in regulation 12.

I would like to thank respondents in advance for contributing their views on this important matter.

Rt Hon Priti Patel MP



Home Secretary

Executive summary

This consultation focuses on the compatibility of the 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006 with statutory obligations under the Equality Act 2010 and the suitability of this rule for inclusion in regulation 12. Specifically, this consultation invites views on:

- Whether the 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006 is consistent with the Home Secretary's duties under the Equality Act 2010
- Whether both mental health injuries and physical injuries are given equal and fair treatment under regulation 12
- Whether progressive mental health injuries that lead to total and permanent disablement are adequately catered for under regulation 12
- The inclusion of any time limit for eligibility for the full disablement gratuity in regulation 12

This consultation will be open for views from 12/05 to 07/07.

Introduction

This consultation invites views on the following matters:

- Whether the 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006 is consistent with the Home Secretary's duties under the Equality Act 2010
- Whether both mental health injuries and physical injuries are given equal and fair treatment under regulation 12
- Whether progressive mental health injuries that lead to total and permanent disablement are adequately catered for under regulation 12
- The inclusion of any time limit for eligibility for the full disablement gratuity in regulation 12

This consultation welcomes views from any member of the public but is specifically interested in the views of those serving or who have served with the police, and any groups or individuals with an interest in policing in England and Wales.

Copies of the consultation paper are being sent to:

National Police Chiefs' Council

Association of Police and Crime Commissioners

College of Policing

Police Federation of England and Wales

Police Superintendents' Association

Chief Police Officers' Staff Association

National Association of Retired Police Officers

Disabled Police Association

This list is not exhaustive or exclusive and responses are welcomed from any member of the public with an interest in or views on the subject covered by this paper.

The 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006

This section sets out the matter on which the Home Office is consulting.

Regulation 12 of the Police (Injury Benefit) Regulations 2006 relates to the disablement gratuity to which police officers totally and permanently disabled as a result of an injury sustained while on duty are entitled.

An officer who suffers from an injury resulting in less serious disablement would still benefit from both an ill-health pension combined with an injury pension and gratuity under regulation 11 of the 2006 Regulations. The text of regulation 12 (as amended) is below, with the wording setting out the 12-month rule in bold text.

12. Disablement gratuity

(1) This regulation applies to a person who—

(a) receives or received an injury without his or her own default in the execution of his or her duty,

(b) ceases or has ceased to be a member of a police force, and

(c) within 12 months of so receiving that injury, becomes or became totally and permanently disabled as a result of that injury.

(2) Subject to the provisions of regulations 22 and 23 (abatement), the police pension authority for the force in which a person to whom this regulation applies last served shall pay to him or her a gratuity of an amount equal to whichever is the lesser of the following amounts, namely—

(a) five times the annual value of his or her pensionable pay on his or her last day of service as a member of a police force;

(b) the sum of four times his or her total remuneration during the 12 months ending with his or her last day of service as a member of a police force and the amount of his or her aggregate pension contributions in respect of the relevant period of service.

(3) For the purposes of paragraph (2)(b) the amount of aggregate pension contributions in respect of the relevant period of service shall be calculated—

(a) in the case of a person by whom, immediately before his or her last day of service as a member of a police force, pension contributions were payable under regulation G2(1) of the 1987 Regulations or would have been so payable but for an election under regulation G4(1) of the 1987 Regulations, in the same way as if the award were one payable under those Regulations, calculated in accordance with regulation A10 of those Regulations;

(b) in the case of a person by whom, immediately before his or her last day of service as a member of a police force, pension contributions were payable under regulation 7 of the 2006 Regulations or would have been so payable but for an election under regulation 9 of the 2006 Regulations, in the same way as if the award were one payable under those Regulations, calculated in accordance with regulation 26 of those Regulations.

(4) For the purpose of paragraph (2)(b), the amount of aggregate pension contributions for a person with service under the 2015 scheme is—

(a) for a person with service only under the 2015 scheme, the sum of all member contributions and payments for added pension made by the person under the 2015 Regulations in relation to the person's period of service under the 2015 scheme;

(b) for a person who is or was a 1987 transition member with continuity of service, the sum of contributions—

(i) calculated as if sub-paragraph (a) applied, and

(ii) calculated as if paragraph (3)(a) applied; and

(c) for a person who is or was a 2006 transition member with continuity of service, the sum of contributions—

(i) calculated as if sub-paragraph (a) applied, and

(ii) calculated as if paragraph (3)(b) applied.

Under the Equality Act 2010, public bodies are required by the Equality Duty to have due regard to the need to:

• Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act

• Advance equality of opportunity between people who share a particular protected characteristic and people who do not share it

• Foster good relations between people who share a particular protected characteristic and people who do not share it

The Act prohibits both direct and indirect discrimination on grounds of disability.

Direct discrimination on grounds of disability occurs when a person is treated less favourably than someone else is or would be because of that disability.

Indirect discrimination on grounds of disability occurs when a person is put at a disadvantage as a result of the application of a rule or policy which is discriminatory in relation to disability, if it cannot be shown that the rule or policy is a proportionate means of achieving a legitimate aim.

Under current regulations (the Police (Injury Benefit) Regulations 2006) a large gratuity is provided to those officers who sustain catastrophic disablement within 12 months of

receiving an injury in the line of duty. This helps them to financially adapt to a new way of life when they have had no time to prepare for such consequences.

The existing 12-month limit, however, may not cater for progressive mental and physical health conditions. For instance, mental health conditions in particular may not manifest themselves to the injured officer until potentially years after a traumatic event, or a series of traumatic events.

The 12-month rule may, therefore, disadvantage police officers who develop mental incapacity, in comparison to those who develop physical injury, because the nature of their disability may mean they are prevented from accessing the large gratuity payment that could otherwise help them adapt and cope with the effects of disablement.

Therefore, we would like to gather views regarding whether the 12-month rule is consistent with the Home Secretary's duties under the Equality Act 2010. We would also like to gather views on whether both mental health injuries and physical injuries are given equal and fair treatment under regulation 12. Additionally, we would like to gather views on whether progressive mental health injuries that lead to total and permanent disablement are adequately catered for under regulation 12. Furthermore, we would like to gather views on the inclusion of any time limit for eligibility for the full disablement gratuity in regulation 12.

We would welcome responses to the following questions set out in this consultation paper. The following questions seek views regarding:

- **Whether the 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006 is consistent with the Home Secretary's duties under the Equality Act 2010**
- **Whether both mental health injuries and physical injuries are given equal and fair treatment under regulation 12**
- **Whether progressive mental health injuries that lead to total and permanent disablement are adequately catered for under regulation 12**
- **The inclusion of any time limit for eligibility for the full disablement gratuity in regulation 12**

We request that you do not provide any personally identifiable information (for example, names, dates, and locations) in your answers to the following questions.

Q1. In your view, is the 12-month rule in regulation 12 of the Police (Injury Benefit) Regulations 2006 consistent with the Home Secretary's duties under the Equality Act 2010?

Yes	No

Please explain your answer.

Q2. In your view, are both mental health injuries and physical injuries given fair and equal treatment under regulation 12?

Yes	No

Please explain your answer.

Q3. In your view, are progressive mental health injuries that lead to total and permanent disablement adequately catered for under regulation 12?

Yes	No

Please explain your answer.

Q4. In your view, should there be any time limit on eligibility for the full disablement gratuity in regulation 12?

Yes	No

Please explain your answer. If yes, what would you consider an appropriate time limit?

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself. Please note you are completing this section **voluntarily**. Please be aware that by responding electronically we will have your email address. Your details will be held securely according to data protection legislation. More information on what data we are collecting, why and how it will be looked after can be found here: https://www.gov.uk/government/consultations/regulation-12-of-the-police-injury-benefit-regulations-2006.

Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
If you have previously served within policing, please indicate here	
If you are a family member of someone serving within policing, please let us know your relationship to the officer	
Date	
Company name/organisation (if applicable)	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent. Please also indicate if you agree for your response to be made public and associated with the group.

Contact details and how to respond

Please send your response by 7 July 2021 to:

Review of regulation 12
Police Workforce and Professionalism Unit
Home Office
6th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Email: Reviewofregulation12PIB@homeoffice.gov.uk

Alternatively, you can respond using the online survey at:
https://www.gov.uk/government/consultations/regulation-12-of-the-police-injury-benefit-regulations-2006.

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Home Office at the above address.

Extra copies

Further paper copies of this consultation can be obtained from the above address, and it is also available online here.

Alternative format versions of this publication can be requested from:
Email: Reviewofregulation12PIB@homeoffice.gov.uk

Publication of response

The Home Office will endeavour to provide a response to this consultation by autumn 2021. The response paper will be available online at: gov.uk.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

https://www.gov.uk/government/publications/consultation-principles-guidance

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