

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
	HUMAN RESOURCES COMMITTEE	
date	6 October 2006	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

ILL HEALTH RETIREMENTS

1. PURPOSE OF REPORT

To update Members on information relating to numbers of ill-health retirements, specifically those leading to enhanced pension payments.

2. BACKGROUND

2.1 Under the provisions of the Firefighters' Pension Scheme those deemed "regular" firefighters under Rule A15 have access to early payment of pension benefits where an Independent Qualified Medical Practitioner (IQMP) certifies that they are permanently unable to undertake firefighting or associated duties (Rule H1) and are therefore deemed to be "permanently disabled" (Rule A10).

2.2 Under the 1992 Scheme, this meant that those certified by an IQMP as "permanently disabled" could opt for early payment of pension benefits with an enhanced service element to the pension payment. The cost of this enhancement to be met by the Fire & Rescue Authority. The alternative to early retirement is redeployment within the Service until normal retirement age.

3. REPORT

3.1 These provisions have been amended from 1 April 2006 such that ill health benefits are now based upon an upper and lower benefit depending on the severity of the disability. These changes are further explained in a separate report to the Committee.

3.2 In addition, a Special Injury Award is payable if the injury or illness leading to the permanent disability is work related. This is a separate benefit, calculated in accordance with Rule B4 of the FPS, and is based upon the loss of earnings capacity resulting from the disability. The award takes the form of a lump sum payment and annual pension. Determination of Special Injury Awards is delegated to the Head of Human Resources.

3.3 In 2005 there were 10 ill-health retirements from Service, of which 4 were awarded a Special Injury Award. The medical reason for these retirements are as follows :

Quarter	Medical Condition	Special injury Award
1	Hip injury	No
	Osteoarthritis (knee)	Yes
	Osteoarthritis (knee)	No
	Osteoarthritis (shoulder)	Yes
	Osteoarthritis (knee)	Yes
	Depressive illness	No
	Chest condition	No
2	Ankle injury	Yes
	Shoulder injury	No
3	Aortic valve replacement	No

- 3.4 In 2006, there have been 9 ill-health retirements from Service, of which 3 have been awarded a Special Injury Award. The medical reasons for these retirements are as follows :

Quarter	Medical Condition	Special Injury Award
1	Respiratory condition	Yes
	Depression/PTSD	Pending
	Knee condition	No
2	Sleep apnoea	No
	Cancer	No
3	Osteoarthritis (knee)	Yes
	Loss of function (shoulder)	Yes
	Achilles tendon rupture	Pending
	Visual occlusion	No

- 3.5 Additionally, there are currently 4 appeals to the Medical Appeals Board in respect of access to ill-health retirement benefits, and 1 appeal in respect of a Special Injury Award (and 1 pending).
- 3.6 The above analysis shows that a significant proportion of conditions leading to ill-health retirement result from osteoarthritis and musculoskeletal injury.
- 3.7 In order to manage and reduce the incidents of work related injury, a number of controls and support mechanisms have been implemented. These include :

- § Comprehensive pre-employment medical and fitness testing to ensure that prospective employees meet medical and fitness standards in line with the role they will be undertaking (taking into account any reasonable adjustments which may be made to the workplace or working arrangements) ;
 - § Workplace risk assessments to ensure that the work environment, working practices and PPE are designed to minimise exposure to injury ;
 - § Prescribed fitness activity and provision of suitable equipment ;
 - § Investigations of work related accidents/injury ;
 - § Regular medical and fitness tests for operational personnel ;
 - § Review and treatment of musculoskeletal injury by the Occupational Health team ;
 - § Individual rehabilitation programmes for those recovering from injury ;
 - § Application of workplace adjustments, including the provision of specialist equipment ;
 - § Implementation of modified duties.
- 3.8 In considering the employment or continued employment of employees with potentially debilitating medical conditions, the Service takes account of the requirements of the Disability Discrimination Act and its duty to consider reasonable adjustments to ensure that the Service does not discriminate against persons with a disability.
- 3.9 In view of the changes to the provisions of the pension scheme, it is likely that a large proportion of future ill-health retirements will be based on lower tier benefits – ie: that the individual, whilst unable to undertake operational firefighting or associated duties, may be able to gain regular employment outside of the Service. In this event, the previous cost of pension enhancement to the Authority will be reduced.
- 3.10 A recent Circular (FPSC 11/2006) has clarified that ill-health benefits will only be available to those employees who are unable to undertake firefighting or associated duties. As most retirements relate to operational fitness this will mean that the previous option to take early retirement as an alternative to redeployment to non-operational duties will no longer be available.
- 3.11 The Service will therefore increasingly need to identify redeployment opportunities which will allow the individual to remain in employment until normal retirement age. The Service is currently undertaking a review of the implications of this for future service provision. If redeployment opportunities are not available then the Service would need to consider dismissal on the grounds of capability.

4. FINANCIAL IMPLICATIONS

It has not been possible to obtain the costs of enhancement and special injury awards to the Authority from the Pensions Section for inclusion in this report. Details will therefore be circulated to Members prior to the meeting.

5. PERSONNEL IMPLICATIONS

Work is being undertaken to review the current redeployment policy to take account of the implications of the changes to the pension scheme provisions. A revised policy will be presented to the Human Resources Committee at a later date.

6. EQUALITY IMPACT ASSESSMENT

The Service must take account of the provisions of the Disability Discrimination Act in considering whether any reasonable adjustments can be made to facilitate the continued employment of an employee who has a disability within their present role, and must not discriminate against disabled applicants at the point of entry.

7. RISK MANAGEMENT IMPLICATIONS

The increasing requirement to re-deploy firefighters who are no longer operationally fit, but are able to undertake other aspects of the firefighter role, may potentially affect the Service's ability to maintain operational capability and resilience – ie: that there will be fewer personnel to provide operational cover. The Authority will also potentially face a higher level of applications to the Employment Tribunal for unfair dismissal or breach of the Disability Discrimination Act in cases where redeployment is not achievable.

8. RECOMMENDATIONS

- 8.1 That Members note the contents of this report.
- 8.2 That the review of the redeployment policy be considered by the Human Resources Committee at a later date.

9. BACKGROUND PAPERS FOR INSPECTION

None.

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