

D R A F T
Injury Allowances
Payment Scheme

Personnel and Training Services
October 2004



1 Introduction

- 1.1 This scheme is part of the Local Government Superannuation Regulations 1986 and is administered by Personnel and Training Services. Salisbury District Council will depart from the scheme in very exceptional cases only.
- 1.2 The scheme applies where the relevant injury or incident occurred on or after 31 March 1972 or where an employee dies on or after that date as a result of a qualifying injury or disease.
- 1.3 The Council may review any allowance on learning of new evidence or circumstances.
- 1.4 Allowances are paid by Salisbury District Council and not the Superannuation Fund.
- 1.5 The award of an allowance is not an admission of any liability.
- 1.6 Any terms used in the scheme shall be construed in accordance with the Local Government Superannuation Regulations 1986 (as amended).
- 1.7 In all cases of payment of an injury allowance a claim should be made to the Council's insurers.
- 1.8 Pre-employment medical screening may need to be undertaken more thoroughly where it is suspected that an employee may be suffering from a recurring medical condition.
- 1.9 Further training will be needed on accident investigations in the light of this policy.

2 Scope

- 2.1 This policy applies to all employees of Salisbury District Council who are eligible to be a member of the Local Government Pension Scheme.

3 Entitlement

- 3.1 The scheme applies where an employee sustains an injury or contracts a disease as a result of anything he/she was required to do in carrying out his/her work.
- 3.2 If an employee is injured while travelling as a passenger in a vehicle to or from his/her place of work with the Council's express or implied permission **and** the vehicle was, at the time the injury was sustained, being operated on behalf of the Council (other than as a public transport vehicle), then the employee will be treated as having sustained a qualifying injury.
- 3.3 An injury allowance is payable to:
 - an employee who loses his/her employment as a result of an incapacity which is likely to be permanent, caused by the injury or disease or who suffers a reduction in remuneration as a result of the injury or disease.

- an eligible widow, permanently incapacitated dependent widower and any dependant(s) or an employee (or former employee in receipt of an allowance under this scheme) who dies as a result of the injury or disease.
- 3.4 Employees will only be eligible for an award if the injury or disease is wholly attributable to the incident and not if it caused the exacerbation of a current or previous condition.
- 4 **Procedure**
- 4.1 The Service Unit Head should forward the standard application form (see appendices 1 and 2) to any employee, widow, permanently incapacitated dependent widower or other dependant who may qualify for a benefit under this Scheme.
- 4.2 The completed application form should be returned to the relevant Service Unit Head who will then refer the employee (or written evidence in the case of death) to the Council's Occupational Health Adviser who will be asked to advise on:
- whether the injury or disease was received or contracted wholly in the execution of the employee's duties
 - the degree of disability if employment is terminated as a result of the injury or disease
 - whether the injury is likely to be temporary or permanent
 - if temporary, the possible length of the effect of the injury
 - whether the award should be subject to regular review
- 4.3 A copy of the relevant accident reports should also be taken into account when reaching a decision. The accident report will be an important document in determining whether an employee has an entitlement under this scheme and so managers should ensure that the appropriate form is completed at the time of the incident.
- 4.4 The decision about whether there is an entitlement to an award will be taken by the relevant Service Unit Head in conjunction with the Head of Personnel and Training Services. Appeals against whether an award was made should be made to a Policy Director. A final appeal regarding whether an award was made may be made to the relevant Secretary of State. There is no right of appeal against the amount of benefit awarded.
- 4.5 In the light of new medical evidence the Council may choose to review appropriate cases. The employee or widow etc may also request a review on the receipt of new evidence. These will be the only occasions when cases are reviewed.
- 5 **Assessment of Amount of Award to be Paid**
- 5.1 The Council is required to consider all the circumstances of the case, including contributory negligence or misconduct, on the part of the employee. Such circumstances will justify a reduction in the amount of the allowance.
- 5.2 Any award assessed will be reduced by the full amount of any other benefits received in relation to the injury or disease such as ill-health pension, statutory benefits or compensation or damages.
- 5.3 Loss of employment – The allowance will be assessed on the basis of the annual rate of remuneration on termination and degree of disability. The calculations will be in

accordance with appendix 3. The degree of disability will be certified by the Occupational Health Adviser. The allowance will be reviewed when the person reaches state pension age. The allowance will be reassessed or suspended if the person becomes capable of working again.

- 5.4 Reduction in Remuneration – The maximum allowance is the difference between the employee's reduced remuneration including any SSP or other benefits and what it would have been but for the injury or disease. Non-contractual overtime or additional hours will not be included for this purpose. In these circumstances remuneration is only deemed to have reduced when an employee goes on to half or no pay. The award will be payable from the date remuneration was reduced. The award will be reviewed when the employee retires.
- 5.5 Death Benefits – An allowance may be paid to a widow or eligible widower and to any dependants. The allowance payable to the widow or widower shall cease on remarriage or cohabitation. All allowance will not be payable if the marriage or cohabitation took place after the deceased ceased to be employed by the Council.
- 5.6 Dependant Orphans' Allowance – An allowance may also be paid to dependant orphans.

**Salisbury District Council
Injury Allowance Scheme**

**Application form for an Injury Allowance
Confidential when complete**

Name	
Reason for claim	*loss of employment *a reduction in remuneration (*please delete as appropriate)
Full details of injury sustained or disease contracted	
Please give details of any other benefits received in relation to the incident (para 5.2 refers)	
Signed	
Date	
Service Unit	
Home Address	
Telephone Number	

The information given on this form will be held on a manual filing system and processed electronically on a secure SDC computer system and will only be used for the purposes of assessing the employee's eligibility for an injury allowance and for monitoring, reporting and statistical purposes.

**Salisbury District Council
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Application form – Widow's/Eligible Widower's and/or Children's Allowance

<p>I, _____ (name in capitals) hereby declare that I am the widow/eligible widower* of the late _____ (name in capitals) who died on _____ (date) as a result of a qualifying injury or disease and who was employed as _____ (job title) by Salisbury District Council.</p>	
<p>I formally apply for the grant of:</p>	
<p>1 A Widow's/Widower's allowance and enclose my marriage certificate and the death certificate of my late spouse.</p>	
<p>2 Children's Allowances(s) on behalf of the following eligible children whose birth certificates I enclose (see note overleaf). Please list the full names of the eligible children</p>	
<p>Please note that the certificates referred above must be the original copies as photocopies are not acceptable.</p>	
<p>Please give details of any benefits received in relation to the death of your spouse</p>	
<p>Signed</p>	
<p>Date</p>	
<p>Home Address</p>	
<p>Telephone Number</p>	

The information given on this form will be held on a manual filing system and processed electronically on a secure SDC computer system and will only be used for the purposes of assessing the employee's eligibility for an injury allowance and for monitoring, reporting and statistical purposes.

Notes

- 1 An eligible widower is one who is permanently incapacitated and dependant on his wife.
- 2 An eligible dependant is one who:
 - is under the age of 17 years or
 - has since age 17 received full time education
 - is incapacitated by reason of ill-health or infirmity of mind or body which arose whilst still a child as set out above.

A guardian may make an application for an allowance on behalf of an eligible dependant.

Additional Information

- 1 In certain circumstances a dependant's allowance can be paid to a child who is not the legitimate child of the deceased employee but was dependant upon him/her.
- 2 If a child, 17 years or over is undergoing full time training for which remuneration is received, then the entitlement to a child's allowance may be affected by earnings.

**Salisbury District Council
Injury Allowance Scheme****Amount Payable where there has been a Permanent Loss of Employment**

Degree of Disablement (as certified by Occupational Health Adviser)	Proportion of Remuneration Payable
Slight Disablement (25% or less)	37.5%
Minor Disablement (more than 25% but less than 50%)	55%
Major Disablement (50% to 75%)	72.5%
Very severe Disablement (more than 75%)	85%