



HR POLICIES & PROCEDURES (HR)

INJURY ALLOWANCE PROCEDURE

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EQUALITY IMPACT ASSESSMENT

1. INTRODUCTION & PURPOSE

- 1.1 This procedure is an outline of the rules of the NHS Injury Allowance (IA), the detailed rules of which take authority in all cases. Full details of the scheme are available on the NHS Pensions Agency website, which may be found at www.nhspa.gov.uk.
- 1.2 Injury Allowance forms part of the terms and conditions of NHS employment, full details of the IA provisions are set out in Section 22 of the NHS Terms and Conditions of service handbook, which may be found at www.nhsemployers.org
- 1.3 The NHS IA provides benefit for any NHS employee, who is eligible, who, due to a work related injury, illness or other health conditions are on authorised sickness absence or phased return to work with reduced pay or no pay. N.B. Managers and employees must ensure that all injuries / illnesses at work are recorded in accordance with Trust Policy and Procedures.
- 1.4 The IA is paid as an income top-up to eligible staff. The allowance will top up NHS sick pay (or earnings when on phased return on reduced pay) and certain other income i.e. contributory state benefits, up to 85 per cent of pay.
- 1.5 The allowance is limited to the period of the employment contract only and restricted to a period of **up to 12 months** per episode, subject to local absence management, return to work and rehabilitation policies.
- 1.6 The NHS IA covers all NHS employees, whether or not they are members of the NHS Pensions Scheme. Cover is provided from the first day of employment and continues throughout employment. Payment of IA is not dependant on length of service.
- 1.7 Payment of an NHS Injury Benefit does not represent a legal admission of liability for the injury.
- 1.8 All enquiries relating to NHS Injury Allowance should be referred HR who will seek advice from the Trust's Pensions Manager, who has to take advice from the NHS Pensions Agency.
- 1.9 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.

2. SCOPE

- 2.1 This procedure applies to all staff employed by the Trust.
- 2.2 This procedure does not apply to Bank Staff, Agency Staff, Contractors, Honorary contract holders or volunteers.

3. EQUALITY STATEMENT

- 3.1 This procedure will be applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the aforementioned protected characteristics, length of service, whether full or part-time or employed under a

permanent or a fixed-term contract or any other irrelevant factor.

- 3.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 3.3 Where there are barriers to understanding, eg, an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the HR Department.
- 3.4 Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

4. INJURY ALLOWANCE

4.1 There are three main tests for NHS Injury Allowance:

- is the condition “wholly or mainly attributable” to NHS employment?
- has the injury, disease, or other health condition been sustained or contracted in the discharge of the employees duties of employment or an injury that is not sustained on duty but is connected with or arising from the employees employment ?
- has, or will the condition result in a loss of earnings?

4.2 The level of proof required to determine if a loss of earnings (ability) is attributable to an injury is “on balance of probability”. In all cases the civil burden of proof - "on the balance of probability" (more likely to than not) will be used to determine the outcome.

4.3 The IA is paid as an income top-up to eligible staff. The allowance will top up NHS sick pay (or earnings when on phased return on reduced pay) and certain other income i.e. contributory state benefits, up to 85 per cent of pay (the pay calculation to determine the 85 per cent is based on the best of the last three years of employment). IA is based on actual NHS pensionable pay and not the whole time equivalent if the applicant is working part time

4.4 The allowance is limited to the period of the employment contract only and restricted to a period of up to 12 months per episode, subject to local absence management, return to work and rehabilitation policies.

4.5 The injury allowance payment is subject to National Insurance Contributions and income tax but is not subject to pensions contribution deductions. Contributory state benefits received for loss of earnings will be offset at the rate at which they are actually received by the employee. All other benefits or payments received are not taken into consideration.

4.6 Eligible employees who make a phased return to work can receive the injury allowance as a pay top up to 85 per cent of pay as defined in paragraph 14.4 and paragraphs 14.4 and 14.5 in Section 14(afc), if their pay is reduced during an employer approved period of rehabilitation, subject to the 12 month (maximum) timescale that IA is payable for.

4.7 Should an employee suffer recurring absences following a return to work, which remains ‘wholly and attributable’ to the original injury, any remaining / unused allowance (to a maximum of 12 months) may be used to top the employees pay up to 85 per cent.

4.8 Individuals who feel they may be eligible for IA should raise this with their line Manager in the first instance, and then complete the IA application (appendix A). Employees claiming injury allowance are required to provide all relevant information, including medical evidence, incident

report, that is in their possession or that can be reasonably obtained, to enable the HR Advisor to determine the claim.

- 4.9 Any work related incident that has resulted in either an injury or an illness must be recorded on Datix in line with the Trust's incident/complaint reporting procedure.
- 4.10 The Trust decides whether injury allowance is appropriate, i.e. whether the injury, disease or health condition qualifies for the allowance.
- 4.11 All applications for Injury Allowance will be reviewed and authorised by the employee's Line Manager and HR Advisor.
- 4.12 Once an application for Injury Allowance has been authorised, the line manager should complete the ESR variation form and pass it to the HR Advisor who will send it to SBS for auctioning.
- 4.13 In cases where there is doubt or a dispute of opinion then advice of an independent HR Advisor will be sought. The Occupational Health Service may also be called on to give some guidance or supporting information.
- 4.14 The following circumstances will not qualify for consideration of injury allowance: -
- injury whilst on a normal journey travelling to and from work, except where the journey is part of their contractual NHS duties;
 - sickness absence as a result of disputes relating to employment matters, conduct or job applications;
 - injury, disease or other health condition due to or seriously aggravated by the employee's own negligence or misconduct
- 4.14 Eligible employees are required to claim any contributory state benefits they may be entitled to and to declare receipt of such benefit(s) to their employer. Timely notification will ensure that overpayments of injury allowance are not made.
- 4.15 Your Injury Allowance will automatically have the equivalent value of standard benefits deducted before payment and this will only be adjusted for actual benefits received once you have provided the payroll department with confirmation of your benefits. If you are not entitled to any state benefits, you must provide evidence of this from the Jobcentre as deductions will continue to be made until this is received.
- 4.16 Employees will be required to repay any monies relating to any overpayments that occur in line with the Trusts Overpayment Policy.
- 4.17 Eligible employees who have to change jobs permanently to a position on lower pay due to a work related injury, illness and/or other health condition, will receive a period of protected pay that is the same as local provision for pay protection during organisational change. See Pay Protection and Redeployment Policy for further information.

5.0 INDUSTRIAL INJURY BENEFIT

- 5.1 This is a government benefit and applies to the whole population, not just NHS employees. Benefits are paid by the Benefits Agency if an employee has sustained either an injury or disease which has caused disability.
- 5.2 To claim benefit, the individual should be advised to go to the Benefits Agency / Job Centre Plus and request the appropriate form. There are a number of leaflets available which

advise on how to claim for specific work related diseases.

5.3 This benefit is independent of those benefits outlined in the rest of this Procedure.

6.0 APPEAL

6.1 Employees have the right to appeal against the decision if they are deemed not eligible for Injury Allowance. The appeal must be sent to the HR Manager clearly stating the grounds for appeal and asking for their case to be reviewed. This appeal must be made in line with the Trusts Grievance Policy. Feedback by the employees line manager (decision maker) will form the informal stage of the Grievance Procedure, if a Grievance is pursued.

7.0 MONITORING

7.1 It is the responsibility of Individuals to record any injuries at work via the correct reporting procedures.

7.2 A written record of all decisions taken in accordance with this policy should be retained on the employee's personnel file.

7.3 Documentation relating to employees will be treated with the utmost confidentiality and in accordance to the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) and the Lifecycle Policy

7.4 Employees have the right to access any documentation held on them in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679)

7.5 Statistical analysis and reports will be provided to the relevant bodies as required and to appropriate internal departments/managers and meetings as required.

8.0 REVIEW

8.1 The procedure will be reviewed bi-annually and/or in the event of changes to NHS policy, employment legislation and/or NHS best practice guidance.

9.0 FURTHER READING/INFORMATION

- Pay Protection Policy
- Overpayment Policy
- Sickness Absence Policy
- Section 22: Injury Allowance (NHS terms and conditions of service handbook)
- Section 14: Sickness Absence (NHS terms and conditions of service handbook)
- NHS Employers – Injury Allowance – a guide for staff

Websites and Links:

- NHS Employers – www.nhsemployers.org



South Central Ambulance Service **NHS**
NHS Foundation Trust

Northern House
Units 7-8 Talisman Business Centre
Bicester
Oxfordshire
OX26 6HR

Injury Allowance Application

Name:

Job Title:

Manager:

Date of sickness (DD/MM/YYYY):

Date of Incident (DD/MM/YYYY).....

Statement of events explaining what injury/disease the applicant is claiming for and the circumstances leading to the claim:

[Empty rectangular box for statement of events]

Occupational Health Advice (include any letters / reports):

[Empty rectangular box for Occupational Health Advice]

IR1 (copy enclosed) Yes / No

Or

DATIX reference

Variation Form completed and attached Yes / No

Details of Sick Pay Entitlement:

--

Any other relevant information:

--

Employees Signature:

Date:.....

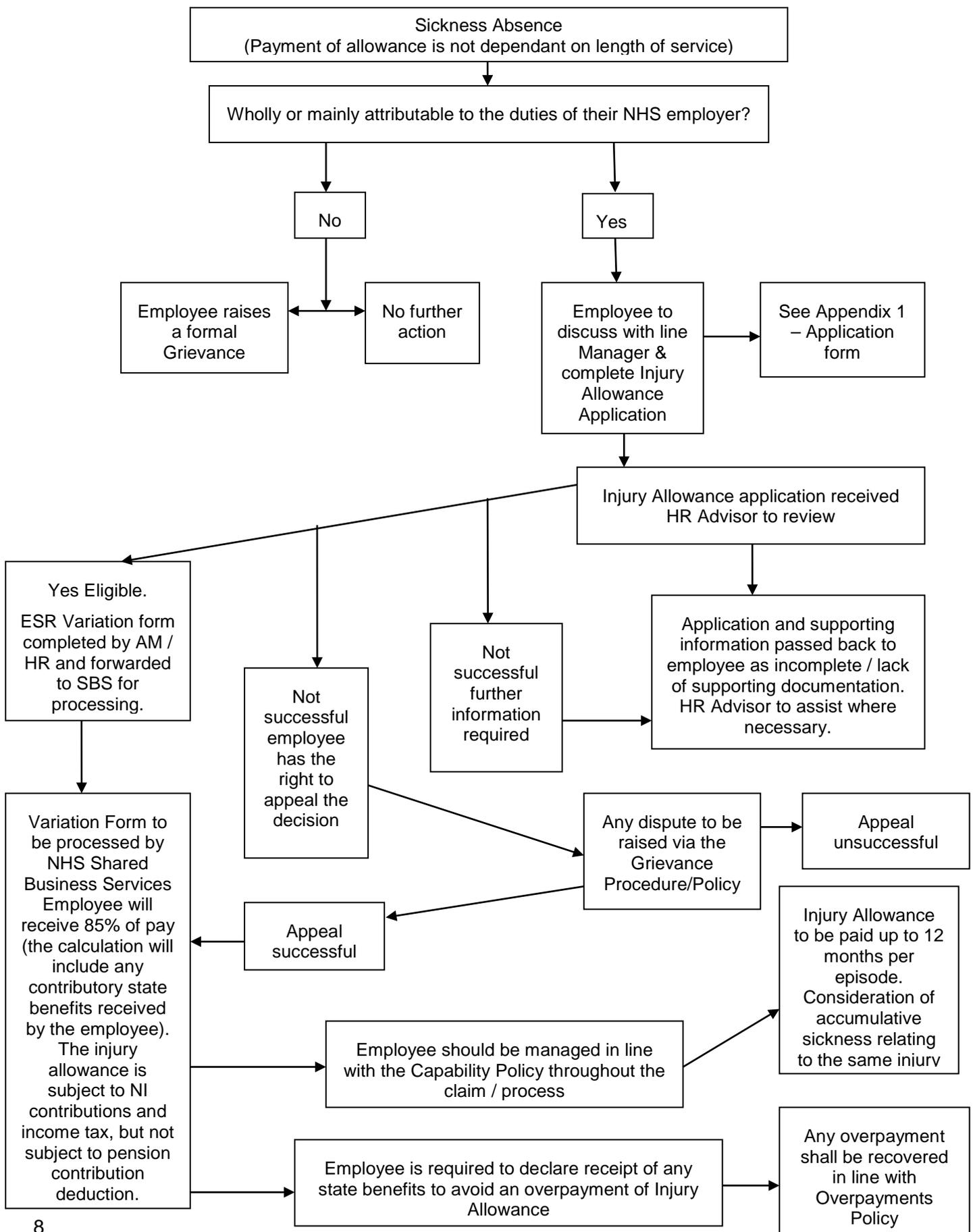
Managers Signature:

Date:.....

Office use only

Employees Full Name	
Employees Address	
ESR Number	
NI Number	
Place of Work (ie Station)	
Type of Injury or Disease	
Date of Accident / Incident (if applicable)	
Date Sick Leave Commenced	
Date of Reduction in Earnings / IA Payable Date	
Date IA ceases (payable for 12 months)	

Injury Allowance Process



Equality Impact Assessment Form Section One – Screening

Name of Function, Policy or Strategy: **Injury Allowance**

Officer completing assessment: **Rachael Clarke**

Telephone: **01869 365147**

1. What is the main purpose of the strategy, function or policy?
To provide clarity and guidance on the procedure to determine if employees are eligibly for Injury Allowance.
2. List the main activities of the function or policy? (for strategies list the main policy areas)
Sickness Absence Management Injury Allowance Payments to be determined for employees
3. Who will be the main beneficiaries of the strategy/function/policy?
Managers HR Managers / Advisors Trust Employees Potential Trust Employees
1. Use the table overleaf to indicate the following:- a. Where do you think that the strategy/function/policy could have an adverse impact on any equality group, i.e. it could disadvantage them? b. Where do you think that there could be a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups?

		Positive Impact	Negative Impact	Reasons
GENDER	Women	N/A	N/A	
	Men	N/A	N/A	
RACE	Asian or Asian British People	N/A	Yes	Language difficulties
	Black or Black British People	N/A	Yes	Language difficulties
	Chinese people and other people	N/A	Yes	Language difficulties
	People of Mixed Race	N/A	Yes	Language difficulties
	White (inc Irish) people	N/A	Yes	Language difficulties
Disabled People		N/A	Yes	Possible learning difficulties
Lesbians, gay men and bisexuals		N/A	N/A	
Transgender		N/A	N/A	
AGE	Older People (60+)	N/A	N/A	
	Younger People (17 to 25) and children	N/A	N/A	
Faith Groups		N/A	N/A	
Equal Opportunities and/or improved relations		N/A	N/A	Yes – ensuring that a fair and consistent process is followed for all Trust staff.

Notes:

Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and to the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

5. If you have indicated that there is a negative impact, is that impact:		
	Yes	No
Legal (it is not discriminatory under anti-discriminatory law)	X	
Intended		X
Level of Impact	High	Low
		X
If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.		
6(a). Could you minimise or remove any negative impact that is of low significance? Explain how below:		
Clear, simple language used. Line managers support and guide their staff to understand what has been written in the procedure and the impact/effect it would have on them.		
6(b). Could you improve the strategy, function or policy positive impact? Explain how below:		
By using clear and simple language.		
7. If there is no evidence that the strategy, function or policy promotes equality, equal opportunities or improves relations – could it be adopted so it does? How?		
N/A		

Please sign and date this form, keep one copy and send one copy to the Trust's Equality Lead.	
Signed:
Name:
Date:

Equality Impact Assessment Form Section Two – Full Assessment

Name of Function, Policy or Strategy: Injury Allowance Procedure

Officer completing assessment: Rachael Clarke

Telephone: 01869 365 147

Part A

1. Looking back at section one of the EqIA, in what areas are there concerns that the strategy, policy or project could have a negative impact?

Gender	<input type="checkbox"/>
Race	<input checked="" type="checkbox"/>
Disability	<input checked="" type="checkbox"/>
Sexuality/Transgender	<input type="checkbox"/>
Age	<input type="checkbox"/>
Faith	<input type="checkbox"/>

2. Summarise the likely negative impacts:-

Difficulties with understanding relating to language problems and/or learning disabilities

No perceived issues relating to other groups.

3. Using the table below, give a summary of what previous or planned consultation on this topic, policy, function or strategy has or will take place with groups or individuals from the equality target groups and what has this consultation noted about the likely negative impact?

Equality Target Groups	Summary of consultation planned or taken place
Gender	
Race	

Equality Target Groups	Summary of consultation planned or taken place
Disability	
Sexuality	
Older People	
Younger People	
Religion/ Belief	
Transsexuality	

4. What consultation has taken place or is planned with Trust staff including staff that have or will have direct experience of implementing the strategy, policy or function?

No consultation required as this is a procedure......

5. Check that any research, reports, studies concerning the equality target groups and the likely impact have been used to plan the project and guide or indicate what research you intend to carry out:-

Equality Target Groups	Title/type of/details of research/report
Gender	
Race	
Disability	
Sexuality	
Older People	

Equality Target Groups	Title/type of/details of research/report
Younger People	
Religion / Belief	
Transsexuality	

6. If there are gaps in your previous or planned consultation and research, are there any experts/relevant groups that can be contacted to get further views or evidence on the issues?

Yes (Please list them and explain how you will obtain their views)

.....

.....

No

Part B

Complete this section when consultation and research has been carried out

7a. As a result of this assessment and available evidence collected, including consultation, state whether there will be a need to be any changes made/planned to the policy, strategy or function.

7b. As a result of this assessment and available evidence, is it important that the Trust commissions specific research on this issue or carries out monitoring/data collection?

(You may want to add this information directly on to the action plan at the end of this assessment form)

.....

.....

.....

.....

8. Will the changes planned ensure that negative impact is:

Legal?

(not discriminatory, under anti-discriminatory legislation)

Intended?

Low impact?

9a. Have you set up a monitoring/evaluation/review process to check the successful implementation of the strategy, function or policy?

Yes

No

9b. How will this monitoring/evaluation further assess the impact on the equality target groups/ensure that the strategy/policy/function is non-discriminatory?

Details:

.....
.....
.....

Please complete the action plan overleaf, sign the EQIA, retain a copy and send a copy of the full EQIA and Action Plan to the Trust's Equality Lead.

Signed:

Name:

Date:

