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Reference: T10640/14

Dear

Thank you for your e-mail of 5 August in about the police injury award scheme and Employment and Support Allowance.

Taking your questions in turn:

Can you please confirm:

i) that you have not issued any amendment to the Police (Injury Benefit) Regulations 2006 to included ESA as an 'additional benefit'

I can confirm that the Home Office has not issued amendments to these regulations in respect of ESA.

ii) Any advice /guidance/information you have issued in any form to police forces or pension providers regarding the deduction from an injury pension of ESA since its introduction in October, 2008.

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iii) Any advice /guidance/information you have issued in any form to police forces or pension providers regarding following the Police (Injury Benefit) Regulations 2006 as they currently stand and not to preempt Government thinking by applying their own interpretation of this legislation, especially in respect of the deduction of ESA from an injury pension.

We received a letter about ESA from the National Association of Retired Police Officers (NARPO) in March 2014 and in our response we wrote:

“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 the 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.

You will appreciate that while we consider the legal position we are unable to confirm whether future changes would be retrospective. I would like to reassure you though that I understand your concerns and that we are taking positive steps to resolve this matter.”

We have restated that on an online forum for police pensions practitioners and we have responded to a number of individual queries with advice to adhere to the regulations. The regulations do not currently cover ESA so we would expect forces to stick to the regulations and not deduct the ESA.

I hope that this helps to clarify the position.

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