

# **Injury Allowance**

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			01/08/2025		

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Date dd/mm/yy	Version	Author	Reason for changes
30/10/18	2	Sue Brown, Human Resources Advisor (HR)	General Review
26/04/22	3	Lauren Newton Human Resources Advisor (HR)	General Review, Minor Amendments

Consultation / Acknowledgements with Stakeholders			
Name Designation		Date Response Received	
Louise Ludgrove Executive Director of People and Culture.		25/08/2022	
Sharon Adams Interim Operational Director of HR		25/08/2022	

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#### 1 Introduction / Purpose

The Trust recognises it has a responsibility to support staff who sustain an injury, disease or other health condition which is attributable to their employment. The purpose of this procedure is to outline the provisions of the Injury Allowance application process (1).

#### 2 General Principles / Target Audience

This document is to be used by managers and employees in the application of the National Injury Allowance Scheme. It incorporates the changes to the NHS Injury Benefits Scheme (2) implemented from 31 March 2013.

#### 3 Definitions and Abbreviations

AFC Agenda for Change

FAQ Frequently Asked Questions

GP General Practitioner

HR Human Resources

HRBP Human Resources Business Partner

IA Injury Allowance

JNCC Joint Negotiation and Consultation Committee

NHS National Health Service

OD Organisational Development

PIB Permanent Injury Benefits

RIDDOR Reporting of Injuries, Diseases and Dangerous Occurrences 1995

UIR Untoward Incident Reporting

WBP Workforce Business Partner

#### 4 Roles and Responsibilities.

#### 4.1 Managers are responsible for

. • Ensuring all relevant documentation is completed and supporting evidence provided of any injury allowance claim submitted by a member of their staff.

Please see Injury Allowance – a guide for employers via <u>Injury-allowance-employers-guide.pdf</u> (nhsemployers.org) for further information.

#### 4.2 Employees are responsible for

• Completing the injury allowance application form and submitting all relevant documentation. Employees can obtain these documents from their line manager if they are absent from work.

Please see Injury Allowance – a guide for staff via <u>Injury-allowance-staff-guide.pdf</u> (<u>nhsemployers.org</u>) for further information.

#### 4.3 Workforce Business Partner's are responsible for

Reviewing any applications for injury allowance and determining eligibility.

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#### 5 Procedure

#### 5.1 What is Injury Allowance

Injury allowance is a top up payment and may contribute toward an employee's sick pay, or reduced earnings when on a phased return to work, to 85 per cent of average pay:

- for those covered by the NHS Terms and Conditions of Service Handbook (3), pay is as defined in paragraph 14.4, and paragraph 14.4 and 14.5 in Section 14(a) England
- for those staff not covered by the Agenda for Change pay arrangements, it is as defined in their contractual sick pay arrangements.

Injury Allowance is payable when an employee is on authorised sickness absence or on a phased return to work with reduced pay or no pay due to an injury, disease or other health condition that is wholly or mainly attributable to their NHS employment.

"Wholly" means "totally" and "mainly" means "for the most part". "Attributable" is defined in case law as a contributory causal connection; it need not be the sole, dominant, direct or proximate cause and effect.

However the injury disease or other health condition must have 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.

Section 22 of the NHS terms and conditions of service handbooks (3) says that the attritubtion of injury, illness or other health condition will be determined by the employer who should seek appropriate medical advice.

#### 5.2 Injury Allowance Application Process

#### 5.2.1 Step 1

Employees will have the opportunity to discuss the injury allowance process with their line manager during their well-being meetings / conversations. It is expected that discussions will have been held at the well-being meetings regarding Occupational Health input to ensure maximum assistance in obtaining opportunities for the employees return to work in the most appropriate efficient process.

The employee should advise their line manager that they are applying for Injury Allowance and can apply for Injury Allowance no more than 6 weeks before they are due to reduce to half pay. The employee may seek support regarding the process.

The employee will complete and sign part A of the Injury Allowance Application Claim Form (Appendix 1) and provide as much of the required supporting documentation as possible (see 4.2.2). The Employee must forward all documentation to their line manager to process, as soon as it is practicable.

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By signing the Application Claim Form the employee is making a declaration regarding their eligibility for this allowance.

#### 5.2.2 Step 2

The Line manager will complete and sign part B of the Injury Allowance Application form and collate all relevant information regarding the employee's eligibility for Injury Allowance. This information may help with the decision making.

Documents / information the line manager needs to support the Trust's decision:

- Untoward Incident Reporting (UIR) report(s) (Reporting of Injuries, Diseases and Dangerous Occurrences 1995 (RIDDOR)).
- Occupational Health Assessments.
- Job Description, including details of the location of work, duties of employment and training records, etc.
- Sickness Record.
- A full statement of events from the employee explaining what injury / disease they are claiming for and the circumstances leading to the claim.
- Appropriate medical advice, for example, from General Practitioner (GP) / Occupational Health.

#### 5.2.3 Step 3

The Line Manager sends all paperwork to their Workforce Business Partner (WBP) within 7 days of receipt of all the relevant documentation.

#### 5.2.4 Step 4

The WBP will validate the application and supporting documentation and will approve or reject it within 14 days of receipt or as soon as is practicable, dependant on whether additional evidence is required.

#### 5.3 Application of Allowance

Management will liaise with Occupational Health and seek advice before an employee returns to work. The payment of injury allowance will cease when the employee returns to work.

Annex 26 of the NHS Terms and Conditions Service Handbook (3) states that a final review of absence needs to be held. Injury Allowance may stop depending on the decisions made at this final review; that is:-

- return to substantive employment
- redeployment
- termination of contract.

The Allowance will cease to be paid when one of the following conditions is satisfied:

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- 12 month maximum payment period is reached.
- pay is no longer reduced below 85 per cent.
- employee returns to substantive employment.
- employee is redeployed (refer to Organisational Change and Redundancy Policy CORP/POL/255 Version 4).
- contract of employment is terminated, possibly resulting in access to ill health retirement benefits if they are a member of the NHS pension scheme.
- confirmed fraudulent activity

#### 5.4 Application Approved

The WBP or Nominated Deputy approves the application.

- The WBP informs the line manager of the outcome in writing.
- Line Manager informs payroll the application has been approved and sends a copy of the Injury Allowance Application Claim Form to Payroll for action, including details of any associated timeframe dates.
- Line Manager informs employee in writing the application has been approved, including details of any associated timeframe dates.
- All copies of correspondence to be placed on personal file.
- If the injury allowance application has an associated time frame, it is the responsibility of the manager to ensure payroll is adequately informed, thereby reducing the risk of a staff overpayment. However, if an overpayment has occurred, the staff member will be responsible for the repayment.
- Employees are required to claim any contributory state benefits they may be entitled to and must inform employers immediately on receipt of such benefits.
   Where timely notification is not provided any overpayment of injury allowance that arises must be recovered from the employee.

#### 5.5 Application Process

- Where an employee is not satisfied with the decision taken not to pay an Injury Alloqance, they will have a right of appeal against this decision and should use the Trust's Grievance Procedure – Seeking a Resolution (CORP/PROC/200 Version 6) and this will be heard at Stage 3 – Final.
- The outcome of the appeal will be notified to the employee and line manager within 14 days of the Stage 3 Hearing.

#### 5.6 Useful Information

The following documents provide additional information to employees and line managers concerning Injury Allowance:

- Employee Frequently Asked Questions (FAQ)
   <a href="https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2016/02/FAQs-for-Staff.pdf">https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2016/02/FAQs-for-Staff.pdf</a>
- Line Manager Frequently Asked Questions (FAQ)
   <a href="https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2016/02/FAQs-for-Employers.pdf">https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2016/02/FAQs-for-Employers.pdf</a>

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## 5.7 Suspicion of Fraudulent Activity.

Any suspicions of fraudulent activity will be referred to the Trust's Counter Fraud Specialist for investigation, in accordance with the Trust's Counter Fraud, Bribery and Corruption Policy.

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#### 6 References and Associated Documents

- 1. **BTHFT Procedure.** Development and Management of Procedural Documents. [Online] 15 04 2019. [Cited: 03 08 2022.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-PROC-001.docx. CORP/PROC/001.
- 2. **BTHFT OneHR**. Organisational Change and Redundancy Policy. [Online] [Cited: 14 09 2022.] https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2017/12/Organisational-Change-and-Redundancy.pdf.
- 3. **OneHR, BTHFT.** Grievance. [Online] 2022. [Cited: 14 09 2022.] https://www.bfwh.nhs.uk/onehr/hr-policies-advice/grievance/.
- 4. **BTHFT OneHR.** Sickness Absence. [Online] 2022. [Cited: 14 09 2022.] https://www.bfwh.nhs.uk/onehr/hr-policies-advice/sickness/.
- 5. **BTHFT PROCEDURE.** Grievance Procedure Seeking a Resolution. [Online] 15 05 2021. [Cited: 14 09 2022.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-PROC-200.docx.
- 6. **BTHFT Policy.** Organisational Change and Redundancy Policy. [Online] 19 05 2021. [Cited: 14 09 2022.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-255.docx. CORP-POL-255.
- 7. **BTHFT Procedure.** Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR). [Online] 17 08 2020. [Cited: 14 09 2022.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-PROC-320.docx.
- 8. **BTHFT Policy.** Management of Incidents, Incorporating Serious Incidents. [Online] 24 05 2022. [Cited: 14 09 2022.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-605.docx. CORP-POL-605.
- 9. **BTHFT PROCEDURE.** Attendance Management Policy. [Online] 28 07 22. [Cited: 14 09 22.] http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-011.docx.
- 10. **Crown 2013.** The Reporting of Injuries, Diseases and Dangerous Occurrences Regulation 2013. [Online] 2013. [Cited: 14 09 2022.] http://www.legislation.gov.uk/uksi/2013/1471/contents/made.
- 11. **NHS Business Authority.** NHS Injury Benefits Scheme. [Online] [Cited: 14 09 2022.] https://www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme.
- 12. **NHS Employers 2017.** NHS Injury Allowance Guidance. [Online] 27 03 2017. [Cited: 14 09 2022.] https://www.nhsemployers.org/articles/nhs-injury-allowance-guidance. NHS Injury Allowance Guidance.
- 13. **NHS Employers website.** NHS Terms and Conditions of Service Handbook. [Online] 04 08 2022. [Cited: 14 09 2022.] https://www.nhsemployers.org/publications/tchandbook.

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# **Appendix 1: Injury Allowance Application Form** PART A - TO BE COMPLETED BY EMPLOYEE Name Payroll number **Email address** Telephone number **Home Address Division Department** Job title Date of incident/injury Details of illness/injury sustained: Impact of illness/injury on ability to work and carry out daily activities: **Declaration of Employee: -** I declare that I understand and will abide by the terms of the Injury Allowance Procedure. I understand that if I knowingly provide false information this may result in disciplinary action, and I may be liable for prosecution and/or civil recovery proceedings. I consent to the disclosure of information from this form and any associated documentation to the Local Counter Fraud Specialist and/or the NHS Counter Fraud Authority, for the purpose of verification and the investigation, prevention, detection and prosecution of fraud. **Employee's Signature:** Date: Forward form and any supporting evidence to line manager for completion of Part

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# **Appendix 1: Injury Allowance Application Form** PART B - TO BE COMPLETED BY LINE MANAGER Name **Department Email address** Telephone number Date of incident/injury **Details of sick pay** entitlement Summary of absence including dates: Was an internal investigation into the injury/illness conducted? YES/NO Please attach copies of reports. Has the employee been referred to Occupational Health? Please attach copies of reports. The incident/injury has been recorded and a copy of the incident report form is attached: YES/NO (if no please provide explanation) Has a RIDDOR form been completed? YES/NO Any other relevant information: **Declaration of Line Manager: -** I declare that the information provided is true and correct, to the best of my knowledge. I confirm that the applicant is not a family member of a close friend, nor do I do I have any form of significant friendship with the applicant. I understand that if I knowingly provide false information this may result in disciplinary action, and I may be liable for prosecution and/or civil recovery proceedings. I consent to the disclosure of information from this form and any associated documentation to the Local Counter Fraud Specialist and/or the NHS Counter Fraud Authority, for the purpose of verification and the investigation, prevention, detection and prosecution of fraud. Line manager's Signature:

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Appendix 1: Injury Allowance Application Form
Date:
Forward form to Workforce Business Partner for completion of Part C
PART C – TO BE COMPLETED BY WORKFORCE BUSINESS PARTNER
All relevant information has been received and reviewed as part of the application: YES/NO
Injury allowance has been authorised for the named employee: YES/NO
Basis upon which application has been approved:
Rationale for not supporting claim for Injury allowance:
Workforce Business Partner's Signature:
<b>Declaration of Workforce Business Partner: -</b> I declare that the information provided is true and correct, to the best of my knowledge. I confirm that the applicant is not a family member of a close friend, nor do I do I have any form of significant friendship with the applicant. I understand that if I knowingly provide false information this may result in disciplinary action, and I may be liable for prosecution and/or civil recovery proceedings. I consent to the disclosure of information from this form and any associated documentation to the Local Counter Fraud Specialist and/or the NHS Counter Fraud Authority, for the purpose of verification and the investigation, prevention, detection and prosecution of fraud.
Workforce Business Partner's Signature:
Date:
Outcome letter should be sent to line manager advising of decision.

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### **Appendix 2: Equality Impact Assessment Form**

Department HR Service or Policy Procedure Date Completed: May 2022

#### **GROUPS TO BE CONSIDERED**

Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.

#### **EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED**

Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.

economic / deprivation.  QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	The Procedural Document is to ensure that all members of staff have clear guidance on processes to be followed. The target audience is all staff across the Organisation who undertakes this process.	Raise awareness of the Organisations format and processes involved in relation to the procedural document.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development impact on community safety  Crime Community cohesion	There is no identified impact on community safety/crime or community cohesion.	N/A	N/A	N/A	
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	Currently there is no evidence that shows who should benefit that does not.	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No negative impact has been identified in relation to any geographical or sub group of the population.	No action required at this time, but future review might see a change that will require action.	No impact identified at this time but might change at a future review.	No negative impact identified at this time.	
How does the service, leaflet or policy/ development promote equality and diversity?	Ensures a cohesive approach across the Organisation in relation to the procedural document.	All policies and procedural documents include an EA to identify any positive or negative impacts.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The Procedure includes a completed EA which provides the opportunity to highlight any potential for a negative / adverse impact.	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	The Trust is reflective of the community it serves. The Trust employs people from disadvantaged groups i.e. those who have a disability/learning disability/low social economic status.	To continue monitoring staff across all protected characteristics and comparing with the local demographic figures from the Council and ONS.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	This policy does not have any direct impact on the development to improve economic social conditions in deprived areas/use brown field sites/improves public spaces.	To continue monitoring this policy to ensure any review takes into account any changes re points I ii iii.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development promote equity of lifelong learning?	No it doesn't.	N/A	N/A	N/A	
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	Yes, to ensure appropriate support is offered to employees who are affected by an injury relevant.	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	

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Deep the condex leader to a select	No it doesn't	I NI/A		NI/A		I NI/A
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	No it doesn't.			N/A N/A		N/A
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	No it doesnt					.N/A
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	No particular group has been identified as having an impact as a result of this policy, whether adverse/negative.	Continue to review policy in line with legalisation.		and in approa suppo emplo	ites a positive clusive ach to rting our yees.	No negative impact identified at this time.
Does the policy/development promote access to services and facilities for any group in particular?	No it doesn't.	No action required at this time, but future review might see a change that will require action.  No action required at this time, but future review might see a change that will require action.		and inclusive approach to supporting our employees. This policy		No negative impact identified at this time.  No negative impact identified at this time.
Does the service, leaflet or policy/development impact on the environment   During development	No it doesn't.					
At implementation?				emplo		
	ACTIO	N:				
Please identify if you are now required to carry out a Full Equality  Analysis		Yes	No		(Please delete as appropriate)	
Name of Author: La Signature of Author:	uren Newton		Dat	e Sign	ed:	May 2022
Name of Lead Person: Ja Signature of Lead Person:	yne Taylor		Dat	e Sign	ed:	May 2022
Name of Manager: Vi Signature of Manager	cki Higgins		Dat	e Sign	ed:	May 2022

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