

Freedom of Information Request

Request:

In the financial years April to end of March 2006/7/8/9/10;

- 1 How many requests for permanent injury benefit.
- 2 How many successful.
- 3 How many of these were subsequently told the decision had been changed.
- 4 How many successful at first appeal.
- 5 How many successful at second.
- 6 How many successful with the Ombudsman.

How many staff do you have on the injury benefits team, what grades are they on and what are their qualifications and training.

Status: Complete**Response Date:** 24 May 2010

Where you have asked for data over a 5-year period ending March 2010, data for year ending March 2010 is not yet available. Therefore where information is available it has been provided over the five-year period to March 2009. Accordingly the answers to your questions are:

Questions 1&2

The following table shows the total number of Permanent Injury Benefit outcomes (decisions) in each year ending 31 March 2009. The outcomes are separated to show where a benefit may be payable (PIB accepts>band 1) and where it is not (PIB rejects<Band 2).

NHS Permanent Injury Benefit Outcomes					
Year	20004/2005	2005/2006	2006/2007	2007/2008	2008/2009
PIB – total outcomes	639	559	568	483	961 *
PIB accepts > Band 1	247	151	114	108	147
PIB rejects & < Band 2	392	408	454	375	814

*The large increase in PIB applications in 2008/2009 is the result of a recent major Injury Benefits review exercise.

The next table expands the data above and shows the breakdown of PIB rejects; causation accepted but not permanent and less than Band 2 assessments where;

PIB reject means - the application failed the attribution requirement; ie the injury/condition is not wholly or mainly attributable to NHS duties

Causation accepted but not permanent means – the injury/condition meets the attribution requirement but it has not produced any permanent effect

Less than Band 2 means – the attribution requirement has been satisfied, the injury/condition does have a permanent effect but the associated Permanent Loss of Earning Ability is less than 10%

NHS- PIB rejects & < Band 2 breakdown (causation accept but not permanent was only introduced in the full year of 05/06)					
Year	20004/2005	2005/2006	2006/2007	2007/2008	2008/2009
Total - rejected	392	408	454	375	814
Attribution rejected	270	277	300	246	654
Causation accepted but not permanent	N/A	86	101	81	84
Causation accept Band 1	122	45	53	48	76

Question 3

It is not clear what your question refers to.

If it relates to cases where the initial decision has been made by our medical advisers, Atos Healthcare, and subsequently changed by NHS Pensions, we do not have any readily accessible data and would have to conduct a manual trawl and interrogation of all IB files. NHS Pensions would therefore confirm that the Authority holds information falling within the description specified in your request. However, I estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations and for non-central Government departments it is set at £450. This represents the estimated cost of one person spending 2½ working days in determining whether the Authority holds the information, and locating, retrieving and extracting the information. Under section 12 of the Freedom of Information Act the Authority is not obliged to comply with your request and I will not be processing your request further.

If on the other hand the question revolves around appeals then it and the subsequent questions at 4 & 5 are too vague. It is not clear what you mean by “successful”. Because of the entitlement structure involving separate consideration of “attribution” and “Permanent Loss Of Earning Ability” it is difficult to offer any meaningful data. What NHS Pensions can offer in relation to your question is data relating to the number of appeals where the attribution test has been satisfied and the appeal relates to the assessment of Permanent Loss Of Earning Ability – see table below. What this shows is the total number of applications in each year falling within each of the 5 Bands.

NHS Pensions recognises that this may not be what you are seeking but we do not have access to the number of cases where the application fails on the question of attribution and is subsequently successful. The data will exist but not in a format that can be identified or obtained within the appropriate limit of £450 described above.

5 year numbers of Bandings for Permanent Injury Benefit accepts (this excludes causation accept but not permanent cases in the last 4 years- in 2004/5 there was no category of causation accept but not permanent- hence greater numbers in band 1)						
2008/9	Band 1	Band 2	Band 3	Band 4	Band 5	Total
Initial	43	29	42	5	13	132
Appeal 1	20	6	16	5	14	61
Appeal 2	6	2	3	2	3	16
Appeal 3	7	1	3	1	2	14
Total	76	38	64	13	32]	223
2007/8	Band 1	Band 2	Band 3	Band 4	Band 5	Total
Initial	21	14	26	5	4	70
Appeal 1	11	10	20	0	6	47
Appeal 2	11	1	11	2	0	25
Appeal 3	5	3	2	1	3	14
Total	48	28	59	8	13	156
2006/7	Band 1	Band 2	Band 3	Band 4	Band 5	Total
Initial	18	15	26	3	6	68
Appeal 1	23	9	22	4	5	63
Appeal 2	10	5	4	5	1	25
Appeal 3	2	4	3	0	2	13
Total	53	33	55	12	14	167
2005/6	Band 1	Band 2	Band 3	Band 4	Band 5	Total
Initial	26	24	42	6	10]	108
Appeal 1	13	11	28	4	3	59
Appeal 2	4	4	4	0	5	17
Appeal 3	2	0	6	2	2	12
Total	45	39	80	12	20	196
2004/5	Band 1	Band 2	Band 3	Band 4	Band 5	Total
Initial	82	51	65	19	20	237
Appeal 1	24	19	26	3	10	82
Appeal 2	5	7	11	4	3	30
Appeal 3	3	0	6	1	2	12
Total	114	77	108	27	35	361

Question 6

Under section 21 of the Act, we are not required to provide information in response to a request if it is already reasonably accessible to you. The information you requested is not centrally collated by NHS Pensions but is available in the public domain and can be obtained by a search of the determinations listed on the Pensions Ombudsman's own website www.pensions-ombudsman.org.uk.

Question 7

There are 9 staff in the Injury Benefit team including support, administrative and managerial grades. These staff fulfil the entry qualifications required under Civil Service or NHS recruitment procedures and meet the necessary criteria for the post. Staff have an in depth technical knowledge of the NHS Injury Benefits Scheme and its interaction with other sources of income such as pension schemes and social security benefits and work closely with the Scheme's Medical Advisers with regard to the clinical aspects of applications.