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NHS INJURY ALLOWANCE GUIDELINES

Introduction and Aim

NHS staff who are injured or become ill due to their employment may under certain specific circumstances, be entitled to financial assistance if their pay is reduced as a result of their health problems.

These Guidelines outline the specific criteria that need to be satisfied in order for Injury Allowance (IA) to be awarded and the steps that need to be followed in the application process. Full details of the scheme are available on the NHS Pensions Agency website, which may be found at www.nhspa.gov.uk and at Section 22 of the NHS Terms and Conditions Handbook at www.nhsemployers.org/tchandbook.

Linked Policies, Procedures and Written Control Documents

All Wales Sickness Absence Policy

Scope

These Guidelines apply to all staff who work for Public Health Wales and are covered by the NHS Terms and Conditions Handbook. It does not apply to Bank Staff, Agency Staff, Contractors, honorary contract holders or volunteers.

Equality and Health Impact Assessment

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Approved by

Senior Leadership Team

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Accountable Executive Director/Director

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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Corporate Governance](#).

Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
1	25 April 2020	25 April 2018	16 May 2018	Review of previous Injury Allowance Protocol undertaken in January 2018.

1. Introduction

The NHS Injury Allowance (IA) provides benefits for any eligible NHS employee who, due to a work related injury, illness or other health conditions (physical or mental health), are on authorised sickness absence or phased return to work with reduced pay or no pay.

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 e.g. contributory state benefits, up to 85 per cent of pay.

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 the All Wales Sickness Absence Policy and return to work and rehabilitation procedures.

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.

Payment of an NHS IA does not represent a legal admission of liability for the injury.

2. Roles and responsibilities

Employee:

An employee who believes that they may qualify for IA should in the first instance discuss their particular circumstances with their line manager. Should they then decide to make a claim they should ensure that their application contains all available supporting medical information.

Line Manager:

Line Managers should provide advice and guidance to any member of staff who believes that they may qualify for injury IA. Once a claim is received they should link with the People and OD Team in order to commence the process for considering the claim.

People and Organisational Development:

The People and Organisational Development Team will provide advice and guidance to staff and managers in respect of NHS IA. They will ensure that all claims received, including appeals, are

processed in a timely manner and that they are considered by the appropriate senior managers/directors.

Occupational Health:

Occupational Health will be asked to provide up to date advice in relation to a claimant's medical condition.

Payroll:

Upon receipt of a request from People and OD, Payroll will make any necessary adjustments to an employee's sick pay.

3. Procedure/Process/Protocol

Criteria:

There are three main tests for NHS Injury Allowance:

- the condition must be "wholly or mainly attributable" to NHS employment
- 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
- the condition has or will result in a loss of earnings

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 contractual NHS duties
- sickness absence as a result of disputes relating to employment matters such as investigations or disciplinary action, or as a result of a failed application for promotion, secondment or transfer
- injury, disease or other health condition due to or seriously aggravated by the employee's own negligence or misconduct

The level of proof required to determine if a loss of earnings (ability) is attributable to an injury is "on balance of probability".

The injury allowance payment is subject to National Insurance Contributions and income tax but is not subject to pension 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.

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

Should an employee suffer recurring absences following a return to work, which remains 'wholly and mainly 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.

Making an application:

Individuals who feel they may be eligible for IA should raise this with their line Manager in the first instance, and then complete the claim template form which is attached at Appendix A to these Guidelines.

Employees claiming injury allowance must provide all relevant information that is in their possession or that can be reasonably obtained (including medical evidence, incident report etc) in support of their application.

All applications for Injury Allowance will be reviewed and authorised by an appropriate Senior Manager within the directorate concerned, who will be supported by the People and OD Team. The Occupational Health Service may also be called upon to provide supporting information.

Employees will be informed in writing of the outcome of their application by the Senior Manager who has considered the claim. This will be done as soon as is practicable once all the necessary documentary evidence has been obtained and considered.

If they are deemed not eligible for Injury Allowance, employees have a right of appeal against this decision. The appeal must be made in writing to the Assistant Director of People and OD within 10 working days of receipt of the initial decision, clearly stating the grounds upon which the appeal is based. The appeal will be considered by the appropriate Director within the service concerned who will be supported by a senior member of the HR Team. The outcome of the appeal will be provided to the employee within 15 working days of receipt of the appeal letter.

4. Training requirements

These guidelines will be available to all staff and managers via the Public Health Wales intranet. Training on the management of sickness absence will be provided to line managers.

5. Monitoring compliance

The policy lead will monitor these guidelines to ensure that they continue to support NHS Injury Allowance in line with the NHS Terms and Conditions Handbook.

6. Appendices

A Form for claiming IA is attached at Appendix A.

Appendix A – NHS Injury Allowance Claim Form

This form should be completed by employees who believe they may qualify for Injury Allowance and presented to their line manager who will then arrange for the application to be considered.

Name	
Address	
Date of birth	
Directorate	
Job Title	
Band	
Summary of absence including dates:	
Occupational health letters/reports attached?	YES / NO
Incident report attached	YES / NO
Medical evidence (other than OH)	YES / NO
Details of sick pay entitlement:	
Any other supporting information:	

Signed (Employee)