

# Scottish Terms and Conditions Committee

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Ref: STAC(TCS02)2015

11 June 2015

To: Chief Executives,  
Directors of Finance,  
Directors of Human Resources -  
NHS Boards and Special Health Boards,  
NHS National Services Scotland (Common Services Agency) and  
Healthcare Improvement Scotland

CC: Members, Scottish Partnership Forum  
Members, Scottish Terms and Conditions Committee  
Members, Scottish Workforce and Governance Committee

Dear Colleague

## **SCOTTISH TERMS AND CONDITIONS COMMITTEE INJURY ALLOWANCE WORKING GROUP**

We previously wrote seeking comments on draft guidance and the responses assisted the considerations of the Working Group. Final documentation has now been considered by STAC and the attached guidance is being issued on behalf of the Committee.

The NHS circular PCS(AFC)2013/1 outlined new injury allowance provisions which took effect from 31 March 2013. As well as some changes to the eligibility conditions, responsibility for administering the new system passed from SPPA to each individual Health Board. However, concerns were raised that provisions under the new arrangements were not being applied consistently around NHS Scotland so STAC agreed that a working group be formed to examine this. The working group has now considered the position and reported back to STAC. STAC is now recommending that each Health Board adopt the accompanying documents.

The group have reviewed the NHS Staff Council Guidance for both employers and employees, and the existing injury allowance policies across NHS Scotland. Overall, these policies are very similar; however there are some areas of disparity. The working group do not feel that a standard policy is necessary; however, we do feel that further guidance in some areas is required to ensure consistency of application and this is why we are issuing the attached guidance. In implementing the guidance locally, we would also draw your attention to the following points which, when taken with the accompanying guidance, constitute what we consider to be the minimum standard expected of each Board in relation to injury allowance:

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- Purpose of panel – that a panel objectively considers applications based on information provided; there is no requirement for a medical practitioner to be part of the decision making process.
- Each Health Board should demonstrate accessible, transparent and robust local arrangements.
- Constitution of panels – panel membership should be of sufficient seniority to make binding decisions whilst also based on a partnership approach (and therefore should have staff side involvement).
- Guidance should be provided on timeframes, recognising the potential for financial hardship in such cases.
- An appeal process should be built into the local policy, rather than referring to the Grievance policy.
- Specialist medical reports – that any specialist reports required to assist in the decision making is independent of any panel member and is at no additional cost to the applicant.

Finally, NHS Injury Benefit is a no fault compensation scheme and so the mechanisms applied to the scheme should reflect this in spirit, action and requirements.

Yours sincerely



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NHS Greater Glasgow & Clyde  
**STAC Management Side Co-Chair**



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