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12 April 2001

Copy to all Local Authorities

**General Scheme of Injury Grants under Articles 49 and 109 of the
Local Government (Superannuation) (Consolidation) Scheme, 1998**

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1. Introduction

- 1.1 Circular letter S.9/97, dated 16 July 1997, devolved responsibility to health boards and hospitals for the making of injury grants under the special scheme for nurses absent from work as a result of serious physical assault in the course of their duty.
- 1.2 It has now been decided to devolve responsibility for **all injury grants** (i.e. the general scheme in addition to the special scheme) for health board and hospital staff to health boards and hospitals in accordance with the terms of this circular letter.

2. Grant and Calculation of Injury Allowance

An injury grant **should be granted** where the health board/hospital is satisfied that the conditions set out in article 49 or 109 of the Local Government (Superannuation) (Consolidation) Scheme, 1998 are met. Where a health board/hospital decide to grant an injury allowance, the following procedures should be followed:

- the gross amount should be determined as five-sixths of the remuneration (inclusive of emoluments) of the position in which the person received the injury;
- any other allowance (e.g. pension) payable by the health board/hospital to or

in respect of the person falls to be deducted from the gross amount [see articles 49(2)(a) and 109(2)(a)];

- if the claimant is retiring or has died, the annualised value of the lump sum or death gratuity (divided by 52 for employees) is deducted from the gross amount also [see articles 49(2)(b) and 109(2)(b)]; the lump sum/death gratuity is annualised by establishing the difference between a pension calculated on the basis of 60ths and 80ths, i.e. by dividing the lump sum/death gratuity by 9;
- any relevant benefits or pensions payable under the Social Welfare Acts to or in respect of the person fall to be deducted from the gross amount [see articles 49(2)(c) and (d) and 109(2)(c) and (d)];
- court awards or out of court settlements arising from any action taken by an officer or employee against the health board/hospital on foot of the injury will not affect either the grant of an injury allowance or the amount of the allowance granted;
- in the event of legal action the court and/or all relevant parties should be informed of the amount of the injury grant in payment or to be paid so that this can be factored in to the amount of any award or settlement subsequently made;
- the injury allowance is payable with effect from the date the injury occurred;
- the injury allowance is calculated in accordance with the formula $A \times B$,
where -
A is the net sum arrived at after the necessary deductions have been made as outlined above and
B is the person's degree of impairment (see paragraph 3 below);
- the injury allowance should be revised to take account of increases in the remuneration of the person's post/former post and, if applicable, any relevant social welfare benefits or pensions payable to or in respect of him/her;
- the injury allowance should also be revised in the light of any change in the person's degree of impairment or any additional sums due to the person (e.g. a retirement lump sum and pension if the person retires or resigns after the date the injury allowance commences); where the conditions set out in article 49 or 109 of the Local Government (Superannuation) (Consolidation) Scheme, 1998 are no longer met, the allowance should cease to be paid.

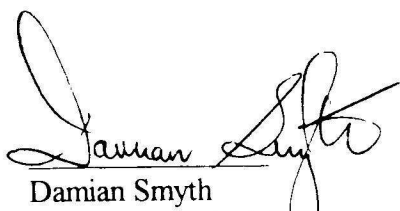
3. Degree of Impairment

In sanctioning cases under the general scheme to date and in the absence of any access to a Chief Medical Officer, this Department has had regard to a person's degree of disability as assessed by the Department of Social, Community and Family Affairs for the purposes of the payment of disablement benefit. In the context of the devolution of responsibility for injury grants under the general scheme to health boards/hospitals, each health board/hospital should arrange its own independent medical assessment of the person's degree of impairment, **i.e. the degree (expressed in percentage terms) to which the person's capacity to contribute to his/her own support is impaired**. The assessment of a person's degree of impairment should be made as soon as possible following the injury.

4. General

- 4.1 It must be stressed that while any pension and lump sum payable to the person are taken account of in determining the amount of the allowance, they are payable in full together with the injury allowance.
- 4.2 Examples of the calculation of an injury allowance under the general scheme are set out in the Appendix to this circular letter.
- 4.3 Any enquiries in relation to this circular letter should be addressed to the Superannuation Section of the Department, Government Offices, Ballina, Co Mayo – telephone (096) 24406, 24408, 24409, 24410.

Mise le meas,



Damian Smyth
Assistant Principal Officer
Superannuation Section

To each Health Board and Hospital to which the Local Government Superannuation Code applies.

APPENDIX

CALCULATION OF INJURY ALLOWANCE UNDER ARTICLE 49/109 OF THE LOCAL GOVERNMENT (SUPERANNUATION) (CONSOLIDATION) SCHEME, 1998

Example I

A Revision Scheme officer is injured in the course of his/her duties and has to retire as a result. All the relevant conditions for the payment of an injury allowance are met. He/she has 25 years service inclusive of ill-health added years.

Pensionable Remuneration	=	£18,000
(I) 5/6 of P.R.	=	£15,000
(II) Annual Pension ($£18,000 \times 25/80$)	=	£ 5,625
(III) Lump Sum ($=£16,875$, i.e. $£18,000 \times 25 \times 3/80$) Annualised value = $£16,875/9$	=	£ 1,875
(IV) Social Welfare Disablement Benefit £ 50 p.w. ($£50 \times 52.18$)	=	£ 2,609
(V) I - (II + III + IV)	=	£ 4,891
(VI) Degree of Impairment	=	60%
(VII) Net injury allowance (60% of £4,891)	=	£2,934.60

In this case the officer is paid a pension of £5,625 a lump sum of £16,875 and an injury allowance of £2,934.60.

Example II

The officer in Example I is subsequently assessed as 70% impaired/disabled. At that point, the pensionable remuneration applicable to the person's former office is £21,000. The injury allowance falls to be adjusted as follows:

Pensionable Remuneration	=	£21,000
(I) 5/6 of P.R.	=	£17,500
(II) Annual Pension ($£21,000 \times 25/80$)	=	£ 6,562.50
(III) Lump Sum ($=£16,875$, i.e. $£18,000 \times 25 \times 3/80$) Annualised value = $£16,875/9$	=	£ 1,875 (original value applies)
(IV) Social Welfare Disablement Benefit £ 65 p.w. ($£65 \times 52.18$)	=	£ 3,391.70
(V) I - (II + III + IV)	=	£ 5,670.80
(VI) Degree of Impairment	=	70%
(VII) Net injury allowance (70% of £5,670.80)	=	£3,969.56

Example III

A Revision Scheme employee is fatally injured in the course of his/her duties. All the relevant conditions for the payment of an injury allowance are met. He/she has 10 years' service and when potential service to age 65 is taken into account, 40 years' service is reckonable for spouses' and children's pension benefits. The employee leaves a spouse and 3 children under the age of 16.

Pensionable Remuneration (weekly)	=	£420
(I) 5/6 of P.R.	=	£350
(II) Spouse's Pension $[1/2 \times (\pounds420 - 212\{2 \times \text{OAP}\}) \times 40/80]$	=	£ 52
(III) Children's Pension $[3/6 \times (\pounds420 - 212\{2 \times \text{OAP}\}) \times 40/80]$	=	£ 52
(IV) Gross Death Gratuity = £21,840 Annualised value = $\pounds21,840/9 = \pounds2,426.67$ Weekly value = $\pounds2,426.67/52$	=	£ 46.67
(V) Social Welfare Widow's Pension p.w.	=	£ 140.10
(VI) I - (II + III + IV + V)	=	£ 59.23

In this case the employee's spouse is paid an injury allowance of £59.23 per week by the local authority in addition to the death gratuity and spouse's and children's pension benefits.