

Schedule 1

Medical decisions: appeals and reconsideration

Referral of final decision for reconsideration

4.—(1) This paragraph applies if a medical authority has given a final decision in relation to a member of the police service (“the member”).

(2) For the purpose of this Schedule, a medical authority has given a final decision if—

- (a) the selected medical practitioner has given a medical decision and the time for giving notice of appeal against the decision under paragraph 2(1) has expired without an appeal to the IMR being made;
- (b) the selected medical practitioner has given a medical decision and, following the giving of notice of appeal under paragraph 2(1) the police pension authority has not yet notified the Department of the appeal; or
- (c) an appeal has been made to the IMR and the IMR has given a decision.

(3) The police pension authority and the member may, by agreement, refer the final decision to the medical authority for reconsideration.

(4) The medical authority must reconsider the final decision and, if necessary, issue a fresh report.

(5) A copy of the fresh report must be given to the scheme manager and to the member.

(6) The fresh report is final, subject to—

- (a) any further reconsideration of the final decision under this paragraph; or
- (b) any appeal under paragraph (2) against the medical decision—
 - (i) in respect of which the member gave notice before the final decision was referred under this paragraph; and
 - (ii) that the member requested be notified to the Department and referred to the IMR .

(7) If an appeal tribunal hearing an appeal under regulation 115, considers that the evidence before the medical authority which gave the final decision was inaccurate or inadequate—

- (a) the tribunal may refer the final decision to the medical authority for reconsideration in the light of such facts as the tribunal may direct; and
- (b) the medical authority must reconsider that final decision and, if necessary, issue a fresh report and certificate.

(8) A copy of the fresh report and certificate must be given to the scheme manager and to the member.

(9) Subject to any further reconsideration under this paragraph, the fresh report is final.