

PCSPS(NI)

Principal Civil Service Pension
Scheme (Northern Ireland)

Injury Benefits Scheme

A brief guide



Department of
**Finance and
Personnel**

www.dfpni.gov.uk

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Civil Service Pensions

This leaflet is designed as a brief summary of the injury benefits available to you and your dependants. It does not cover every aspect; the full details are contained in the scheme rules which are the legal basis of the scheme. You should note that nothing in this booklet can override the rules, and in the event of any unintentional difference, the rules will apply.

Your questions answered

What is injury benefit?

Injury benefit is paid to bring your income up to a guaranteed level if you are injured while on duty. It may be paid to you, or your dependants if you are killed on duty. The Civil Service Injury Benefits Scheme (NI) [CSIBS(NI)] rules set out who can receive the benefits and the level of the guaranteed income.

Who can get it?

You may qualify for injury benefits if you are currently employed in the Northern Ireland Civil Service (NICS) or an organisation that participates in the CSIBS(NI) arrangements. Note, you do not have to be a member of the PCSPS(NI) pension arrangements. You should contact us if you are unsure about your eligibility.

How are injury benefits assessed?

Injury benefit is paid when a qualifying injury impairs your earning capacity. NICS injury benefit is not compensation for the loss of any mental or physical faculties, or for pain and suffering.

Earning capacity

Your earning capacity can be impaired for many reasons. For example:

- you are receiving sick pay at less than your full rate of pay;
- you left your employment other than at your own request;
- you are down-graded or become re-employed at a lower rate of pay or you change to part-time hours.

Qualifying injuries

You can only receive injury benefit if you have sustained a qualifying injury as defined in the CSIBS(NI) rules. We will normally determine whether you have sustained a qualifying injury.

A qualifying injury includes the following:

- injury or death in the course of your official duty. This means an injury that is solely attributable to the nature of your duty or arising from an activity reasonably incidental to it (for injuries sustained on or before 30 November 2005); or wholly or mainly attributable to the nature of your duty if you sustain an injury on or after 1 December 2005;
- incapacity or death from an attack while off duty but directly attributable to your being employed by the government;
- incapacity or death from a disease to which you were exposed solely, wholly or mainly by the nature of your duty;

- incapacity or death from a medical condition which is aggravated by your service abroad;
- injury or death as a result of a disturbance abroad in an area where you were serving (provided you were recruited in the United Kingdom);
- injury or death as the result of a terrorist attack or assault which is not in the course of your official duty but is directly attributable to your being employed in the NICS.

You will not qualify for injury benefit if your death or injury is unrelated to your employment or happens while you are:

- travelling to and from work;
- during a main meal break;
- working at home, (unless the work is authorised by your employer and is solely, wholly or mainly attributable to the nature of your official duty);
- on special leave (whether paid or unpaid);
- deviating from the most direct route on a duty journey or during any breaks in a duty journey;
- at work but not carrying out your duties; for example, sport, any form of entertainment, leisure activities, or giving blood.

You will also be excluded from injury benefits if your injury or death is a result of your own negligence or misconduct.

Please contact us for more information.

What are the benefit levels?

In assessing the amount of injury benefit payable, we will take into account any payment that you are receiving from public funds. This includes sick pay or PCSPS(NI) pension and any other Public Service pension. It will also normally take into account any State benefits that you are receiving for the injury.

The CSIBS(NI) provides for payment of benefits based on a percentage of pensionable earnings.

If you are on sick leave the benefit will be based on 85% of your pensionable earnings taking account of benefits payable from public funds. In any other circumstances, the percentage will depend on the length of your reckonable service. This is the service which counts towards your pension. Part-time service will count on the basis of hours worked and how much the injury has impaired your earning capacity.

What if my injury is assessed as only mainly attributable to duty?

The amount of any award will be reduced based on an assessment of the extent to which your injury is attributable to the nature of duties.

Can I claim damages?

Injury benefit is paid on a no fault basis. That means you can receive it whether or not there is negligence on the part of your employer in connection with your injury.

Receiving injury benefit does not interfere with your right to sue your employer. However if you receive damages, we will offset the amount of injury benefit that you have received against these.

What happens to my dependants?

If you die as a direct result of a qualifying injury, your widow, widower, surviving civil partner, children and even your parents may all be considered for payment of injury benefit. The level of benefits they would receive would also be a percentage of your pay.

Can I appeal against:

- **the decision not to award benefit;**
- **the level of benefit awarded?**

Yes, you may appeal against the decision not to award benefit or the level of benefit awarded under the Internal Dispute Resolution (IDR) procedures.

Contact us for more information on this process.

Other Information

Industrial Injury Disablement Benefit

You should note that any award of industrial injury benefit has no bearing on whether you will qualify for CSIBS(NI) benefits.

How do I find out more?

If you or your family wish to make an injury benefit claim you should contact us. We will ask you to provide certain information about the illness or injury and also about any pensions or benefits you are receiving. If you have retired, please contact your last CSIBS(NI) employer.

You can obtain more information about the PCSPS(NI) from the website:

www.civilservicepensions-ni.gov.uk

Contact details:-

Civil Service Pensions
Waterside House
75 Duke Street
LONDONDERRY
BT47 6FP

Tel: 028 7131 9000
Fax: 028 7131 9234

Email: cspensions.cpg@dfpni.gov.uk
Web: www.civilservicepensions-ni.gov.uk

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