



Medical Reports – HOD pension increase

This document is to be provided to medical specialists who are requested by Pillar Administration on behalf of SAS Trustee Corporation (STC) to provide a medical report on a pensioner member of the Police Superannuation Scheme (PSS) who is seeking an increase in a hurt on duty (HOD) pension.

1. Pension increases that are payable

An HOD pension is payable to a former member of the Police Force who is medically discharged because of their incapacity to undertake their duties of office where the incapacity was due to a medical condition caused by a HOD (ie work-related) injury.

The minimum rate for an HOD pension is 72.75% of the salary payable on the pensioner's last day of service in the Police Force.

The minimum rate can be increased:

1. by up to 12.25%, depending on the extent to which the pensioner is currently incapacitated for work **outside** the Police Force because of the medical condition. If the pensioner is totally incapacitated for work, the maximum rate of 85% of that salary is payable; and
2. by up to 27.25%, if the pensioner is **totally** incapacitated for work outside the Police Force **and** the HOD injury that caused the medical condition occurred because the pensioner was required to be exposed to risks in their police duties to which members of the general workforce are not normally required to be exposed, commensurate with the risks the pensioner was required to be exposed. Up to 100% of the pensioner's salary on their last day of service may be payable.

2. Criteria for entitlement to a pension increase of up to 12.25%

In determining whether an applicant is entitled to an increase of pension (from the base rate of 72.75%) of a rate up to 12.25%, the following criteria must be satisfied:

1. the applicant is currently incapacitated for work outside the Police Force to some extent, ie the applicant cannot, because of the medical condition, earn in a labour market reasonably open to the applicant as much as a person with the applicant's education, experience, qualifications and skills could earn in such a labour market; and
2. the medical condition causing the applicant's incapacity was one determined by the Commissioner of Police to have been caused by an HOD injury.

The percentage increase in the HOD pension to which the applicant is entitled is the difference between what the applicant is or could be earning and what such a person could be earning.

An applicant will only be entitled to an increase of 12.25% (ie, to 85% of salary) if they are **totally** incapacitated for work outside the Police Force.

It is important to note that the test for total incapacity is not one for *total and permanent* incapacity.

3. Medical opinion to be based on probability

STC, in making a decision as to whether an applicant is incapacitated for work outside the Police Force, may have regard to medical advice and/or a vocational assessment.

The medical report that will assist STC make a decision should provide an opinion that is based on the **probability** of a certain matter, rather than the mere **possibility** of it.

If you are unable to make an assessment on a particular matter, you should say so in the report and explain why.

4. Matters to consider when providing the written medical report

You are asked to provide a written report drawing on the following:

1. a detailed medical history from the applicant;
2. a full clinical examination of the applicant;
3. any medical documents provided to you including those that relate to the time that the applicant left the Police Force;
4. the information provided in and with the applicant's Application (PSS Form 14) that is provided to you; and
5. your examination and interview of the applicant.

Please refer to any reports that you rely upon in arriving at an opinion.

5. Questions to be answered and suggested report format

You should provide your report on your letterhead. A suggested format is provided for you to include the relevant information in your report. If you would like to use this format, you can download a Word document from the website at www.statesuper.nsw.gov.au.

Please return the attached list of questions, your report based on those questions and the privacy statement to:

Pillar Administration
PSS Team
PO Box 1229
Wollongong NSW 2500

Report on HOD pension increase applicant

Medical history and findings

Date of examination: ...

Applicant's details (name, DOB, address): ...

General history of the applicant (including dates of injuries/medical conditions, brief history of circumstances of injuries/medical conditions): ...

Clinical history of applicant (summary of injuries received/medical conditions experienced and diagnoses made, summary of all treatment provided, details and dates of clinical investigations carried out, details of any previous or subsequent injuries, condition or abnormality): ...

Examination findings (including list of injuries/medical conditions, findings on comprehensive clinical examination including negative findings, comments on consistency of presentation, and where appropriate, how this compares to medical reports and other material sighted): ...

Answers to questions*:

Part 1 – Questions addressing HOD pension increase criteria

1. The Commissioner of Police determined that an HOD injury caused the following medical condition/s [*Pillar – please insert relevant medical condition/s from Commissioner's determination*] that the applicant had on their last day of service in the Police Force. Does the applicant currently have that medical condition/s? If so, please describe the exact nature of the medical condition/s.
2. Does one or more of the medical conditions identified in your answer to Question 1 prevent or restrict the applicant in undertaking any activities or performing any functions? If so, please explain how.
3. Taking account of **only** those limitations arising from the/those medical condition/s identified in your answer to Question 1, please describe how the applicant's capacity for work is affected.
4. What is your prognosis for each/the medical condition identified in your answer to Question 1?
5. What is the applicant's likely capacity to undertake work in the future, having regard to that/those medical conditions?
6. Does the applicant suffer from any **other** medical conditions that affect the applicant's capacity to work? If so, how? Please comment on the applicant's current state of health.

Part 2 – Question on deterioration of medical condition (where this is not the first application for an increase)

7. Has the applicant's medical condition changed since their last application for a pension increase was decided? If so, please describe how it has changed and how that change has affected or is affecting the applicant's capacity for work since that time.

Part 3 – General questions

8. If applicable, please explain why your conclusions differ from those of other reports about the applicant.
9. If you are unable to make an assessment of any of the questions, please say so and explain why.
10. Please make any further comments that you think are relevant on the applicant's condition or fitness for employment.
11. Please indicate if you have any objection to this report being released directly to the applicant and explain why.

Statement of compliance with Expert Witness Code of Conduct contained in Schedule 7 of the *Uniform Civil Procedure Rules 2005*.

* Please refer to the enclosed Notes on HOD Pension Increase Questions.

Notes for answering the Questions (PSS Medical Report I4)

PART ONE – Questions addressing HOD pension increase criteria

Question 1: Does the applicant currently have that medical condition/s? If so, please describe the exact nature of the medical condition.

Matters to take into account

- a) Information provided to you during your interview with the applicant and your examination of the applicant.
- b) Any records or reports, including rehabilitation reports and the applicant's Application Form (PSS Form I4) provided to you.
- c) The medical conditions and symptoms the applicant has identified as currently existing – refer to the answer to Q27 of the Application Form.
- d) The applicant's last day of service in the Police Force – refer to the answer to Q12 of the Application Form.
- e) The illnesses or injuries (whether or not work related) that the applicant has suffered since leaving the Police Force – refer to the answer to Q25 of the Application Form.
- f) Whether the HOD injury that caused the medical condition at the time the applicant left the Police Force has been exacerbated since it first occurred.
- g) The treatment of the HOD injury and the history of recovery.

Matters to address in your opinion

If you are of the opinion that the applicant **currently has** the medical condition identified by the Commissioner, please:

- a) Describe the exact nature of each medical condition in appropriate medical terms.
- b) Explain how long you think the applicant has had each medical condition.
- c) Say whether the HOD injury that caused the medical condition at the time the applicant left the Police Force is still a cause of the current medical condition.
- d) Explain your answer to (c).

If you are of the opinion that the applicant **does not** currently have a medical condition that was identified by the Commissioner, please explain your answer.

Question 2: Does one or more of the medical conditions identified in your answer to Question 1 prevent or restrict the applicant in undertaking any activities or performing any functions? If so, please explain how.

Matters to take into account

- a) The medical conditions you identified in your answer to Question 1.
- b) The interests, hobbies, pastimes or pursuits the applicant has participated in since leaving the Police Force – refer to the answer to Q20(a) of the Application Form.
- c) The interests, hobbies, pastimes or pursuits the applicant has given up, and the reason for giving them up, since leaving the Police Force – refer to the answer to Q20(b) of the Application Form.
- d) The work undertaken by the applicant since leaving the Police Force – refer to the answer to Q21 of the Application Form.
- e) Any illnesses or injuries suffered by the applicant since leaving the Police Force – refer to the answer to Q25 of the Application Form.
- f) The applicant's current medical conditions and symptoms – refer to the answer to Q27 of the Application Form and any relevant information from your interview with the applicant.
- g) Whether any HOD injury has been affected by any activity or other events since leaving the Police force or the ageing process or the passage of time.
- h) The treatment of the injury and the history of recovery.

Matters to address in your opinion

If you are of the opinion that one or more of the medical conditions you identified in your answer to Question 1 **does prevent** or restrict the applicant from undertaking any activities or functions, please:

- a) Describe the activities and functions that you think the applicant is now unable to perform, or is restricted in performing.
- b) Describe how any medical condition is preventing or restricting the applicant from undertaking those activities or functions.

If you are of the opinion that the applicant is **not prevented** from undertaking any activities or functions or you are unable to make an assessment, please explain your answer.

Notes for answering the Questions (PSS Medical Report I4)

Question 3: Taking account of only those limitations arising from the/those medical condition/s identified in your answer to Question I, please describe how the applicant's capacity for work is affected.

Matters to take into account

- a) It is important to note that any increase in the HOD pension can only be determined on the basis of the applicant's current work incapacity being caused by the medical conditions that incapacitated the applicant at the time of leaving the Police Force, and that the Commissioner decided were the result of work related (HOD) injury. The applicant may currently have other medical conditions and any impact they have on the applicant's capacity for work should be explained (see Question 6 below).
- b) Your examination of the applicant and any medical or other records provided.
- c) The medical conditions identified in answer to Question I that you believe caused the applicant's incapacity at the time they left the Police Force.
- d) The employment undertaken by the applicant while in the Police Force – refer to the answer to Q18 of the Application Form.
- e) Any employment the applicant has undertaken since leaving the Police Force – refer to the answer to Q21 of the Application Form.
- f) Any unsuccessful attempts by the applicant to find employment since leaving the Police Force and the reasons why those attempts were unsuccessful – refer to the answer to Q22 of the Application Form.
- g) Any re-training or vocational training undertaken or planned by the applicant – refer to the answer to Q23 of the Application Form.
- h) Whether the applicant is currently registered with an employment agency or is otherwise looking for work – refer to Q24 of the Application Form.

Matters to address in your opinion

Please give your opinion on the following matters.

- a) How and the extent to which the applicant is prevented from, or restricted in, undertaking any work, and what work they are not capable of undertaking, because of their HOD medical condition.
- b) What kind of work the applicant is capable of undertaking with their HOD medical condition and why.
- c) Whether the applicant is capable of employment on a full-time basis, or on a part-time basis only (number of hours per week).
- d) Taking account of the applicant's education, experience, qualifications and skills, what kind of work the applicant would be capable of undertaking if they did not have the HOD medical condition.
- e) The extent to which the applicant's capacity for work might be affected by their motivation to work.

Question 4: What is your prognosis for each/the medical condition identified in your answer to Question I?

Matters to address in your opinion

In respect of each of the HOD medical conditions identified in your answer to Question I, please give your opinion on:

- a) How long the medical condition is likely to continue.
- b) Whether there is likely to be any improvement and, if so, the extent of expected improvement and how long such improvement may take.
- c) Whether there is likely to be a deterioration and if so, the extent of the deterioration and over what period it might take.
- d) The prospect of the applicant's full recovery.
- e) The need for any future treatment for the medical condition, the likelihood of the applicant undertaking that treatment and likely outcome.

Notes for answering the Questions (PSS Medical Report I4)

Question 5: What is the applicant's likely capacity to undertake work in the future, having regard to that/those medical conditions?

Matters to address in your opinion

- a) Whether you consider, taking account of the prognosis of each HOD medical condition addressed in Question 4, the applicant's capacity for work is likely to increase or decline because of an improvement or deterioration in that medical condition.
- b) Whether the applicant could take any action (eg additional training) that might increase the applicant's capacity for work.
- c) Whether you consider the applicant's future capacity for work will be affected by their motivation for work.

Question 6: Does the applicant suffer from any other medical conditions that affect the applicant's capacity for work? If so, how? Please comment on the applicant's current state of health.

Matters to take into account

- a) Information provided to you during your interview with the applicant and your examination of the applicant.
- b) Any records or reports, including rehabilitation reports and the applicant's Application Form (PSS Form 14) provided to you.
- c) The medical conditions and symptoms the applicant has identified as currently existing – refer to the answer to Q27 of the Application Form.

Matters to address in your opinion

If you are of the opinion that the applicant **currently has** a medical condition other than those identified in Question 1, please:

- a) Describe the exact nature of each other medical conditions in appropriate medical terms.
- b) Explain how long you think the applicant has had each medical condition.
- c) Indicate whether any such medical condition prevents the applicant from undertaking any activities or functions and how it affects their capacity for work.
- d) Provide an opinion of the present general health of the applicant.

If you are of the opinion that the applicant **does not** currently have any other medical condition, please explain your answer.

Notes for answering the Questions (PSS Medical Report I4)

PART TWO – Question on deterioration of medical condition

Question 7: Has the applicant's medical condition changed since their last application for a pension increase was decided? If so, please describe how it has changed and how that change has affected or is affecting the applicant's capacity for work since that time.

Matters to take into account

- a) Any medical reports provided to STC for the purpose of any previous applications by the applicant for an increase in the HOD pension.
- b) The answer to Q29 in the applicant's Application Form (PSS Form I4).

Matters to address in your opinion

- a) Whether or not there has been a deterioration in the applicant's HOD medical condition since the previous pension increase application was decided.
- b) The extent to which any change in the applicant's medical condition has altered the applicant's capacity for work and how it is manifest.

PART 3 – General questions

Question 8: If applicable, please explain why your conclusions differ from those of other reports about the applicant.

If your opinion differs in any way from any of the other reports provided to you, please explain how your opinion differs and why.

Question 11: Please indicate if you have any objection to this report being released directly to the applicant and explain why.

Comments in your report may not support the applicant's claim for an increase in their HOD pension. If this is the case, we will want to give your report to the applicant so they have the opportunity of addressing those comments.

In any case, you may think it is not in the applicant's best interests to release the report to them. Please indicate

whether or not you have any objection to the release of your opinion to the applicant.

If you do object to the report being released to the applicant, please indicate why.