



Joint Superannuation Services: Providing the Research Councils' Pension Scheme since 1994

# Injury Benefit Scheme

## A brief guide

This booklet 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.

We have tried to use as little jargon as possible. Technical terms are shown in bold and explained at the end of the booklet.

## 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 Research Councils Injury Benefit Scheme (RCIBS) 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 Research Councils or an organisation that participates in the RCIBS arrangements.

Note: you do not have to be a member of the Research Councils pension arrangements.

You should contact your JSS Pensions Administration if you are unsure about your eligibility.

### How is injury benefit assessed?

Injury benefit is paid when a qualifying injury impairs your earning capacity. Research Councils 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 RCIBS rules. JSS Pensions Administration 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 31 March 2003); or wholly or mainly attributable to the nature of your duty if you sustain an injury on or after 1 April 2003;
- 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 Research Councils.

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;

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## **JSS Pensions Administration**

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- 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.

For more information, ask JSS Pensions Administration.

### **What are the benefit levels?**

In assessing the amount of injury benefit payable, JSS Pensions Administration will take into account any payment that you are receiving from public funds. This includes sick pay or Research Councils 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 RCIBS gives you a guaranteed level of income which is the percentage of your pay that you are guaranteed as income from public funds.

If you are on sick leave and your pay has been reduced, you are guaranteed 85% of your pay, or income 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?**

You will receive a proportion of the guaranteed level of income, based on an assessment of the extent of your injury that is attributable to your duty.

### **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, JSS Pensions Administration 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, there is a formal procedure for injuries sustained on or after 1 April 2003. Ask JSS Pensions Administration for details of the 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 RCIBS benefits.

#### **How do I find out more?**

If you or your family wish to make an injury benefit claim you should contact JSS Pensions Administration. They 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 RCIBS employer.

You can obtain more information about the Research Councils pension arrangements from the JSS website: <http://jsspensions.nerc.ac.uk/default.asp>

### **Technical terms**

JSS holds your pension records and administers your pension on our employer's behalf, including working out and arranging pension payments. JSS also processes injury benefit claims on behalf of your employer.

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