Reference Number: UHB 279	Date of Next Review: 30 th Oct 2021
Version Number: 3	Previous Trust/LHB Reference Number:
	N/A

INDUSTRIAL INJURY CLAIMS PROCEDURE

Introduction and Aim

This procedure applies to Cardiff and Vale University Health Board (UHB) employees who are claiming that they have sustained an injury or have contracted a disease or other health condition that they believe is **wholly or mainly attributable to their NHS employment and is not due to or aggravated by their own negligence or misconduct.**

Management will need to follow normal absence management procedures during any period of absence. Therefore this guidance should be read in conjunction with the All Wales Managing Attendance at Work Policy.

<u>Section 4.9 of the All Wales Managing Attendance at Work Policy</u> states:

When one or more of the absences are related to:

- an industrial injury, incident or accident at work (including psychological harm), which has been reported to the manager as close to the time it occurred as practicable and where an incident report has been completed.
- or a serious condition acquired at work and which has been notified to the manager.
- Diarrhoea and vomiting (D&V) or similar infection, which is considered by Infection Control or Occupational Health to be associated with an outbreak in the working environment.

These periods of absence should normally be discounted when considering further action under the procedure for the management of frequent short term sickness absence.'

This procedure document outlines the process for UHB employees to follow when submitting an industrial injury claim and includes the following:

- Claims that can be approved by appropriate Senior Manager;
- Claims that need to be considered by the Industrial Injury Review Panel (psychiatric injury, e.g. work related stress/depression/anxiety);
- Appeal process for claims that have been rejected by the manager or review panel.

Please note:

Confirmation of a successful Industrial Injury claim does not represent a legal admission of liability for the injury/illness.

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Objectives

• Provide employees and managers with guidance on the process for submitting an industrial injury claim.

Scope

This procedure applies to Cardiff and Vale University Health Board (UHB) employees who are claiming that they have sustained an injury or have contracted a disease or other health condition that they believe is **wholly or mainly attributable to their NHS employment and is not due to or aggravated by their own negligence or misconduct.**

Equality and Health Impact Assessment	An Equality & Health Impact Assessment has not been completed because this guidance has been written to support the implementation the Sickness Absence Policy.
Documents to read alongside this Procedure	Managing Attendance at Work Policy Redeployment Policy and Procedure
Accountable Executive or Clinical Board Director	Director of Workforce and OD
Author(s)	Lianne Morse, Head of Operational HR

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the Governance Directorate.

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Summary	Summary of reviews/amendments		
Version Number	Date Review Approved	Date Published	Summary of Amendments
1	25.11.15	21/11/16	New Guidance
2	18/07/18	01/08/18	Document renamed as a Procedure; Decision process expanded and detailed Appeal process included
3	24/10/18	02/11/18	 Reference to the new All Wales Managing Attendance at Work Policy; Claims can be considered initially by an appropriate senior manager (with the exception of psychiatric injury) Claims relating to psychiatric injury, e.g. work related stress/.depression/anxiety are automatically considered by the Industrial Injury Review Panel; Decision will be confirmed in writing within 28 days (previously 7 days) Decision will be shared with the line manager as well as the individual.

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1. Injury Allowance

Injury Allowance is a top up payment and tops up sick pay or reduced earnings when on a phased return to work, to 85% of pay for a maximum of 12 months during sickness absence. If agreed by the manager, any unused Injury Allowance can also be used to extend phased return to work plans as an alternative to using annual leave (see the All Wales Managing Attendance at Work Policy).

2. Eligibility

Injury Allowance is payable to eligible employees who have injuries, diseases or other health conditions that are **wholly or mainly attributable** to their NHS employment.

2.1 What does 'wholly or mainly attributable to their NHS employment' mean?

"Wholly" means "totally" and "mainly" means "for the most part". "Attributable" is defined as a "contributory causal connection, it need not be the sole, dominant, direct or proximate cause and effect", However, the injury, disease or other health condition must have been sustained or contracted in the discharge of the employee's duties of employment or an injury that is not sustained on duty but is connected with or arising from the employee's employment.

2.2 Situations where Injury Allowance may be considered

Some examples:

- physical or psychiatric injury sustained or disease contracted due to a specific incident or series of incidents
- injury sustained or disease contracted that does not manifest itself for several years, for example, asbestosis or Hepatitis C following a needle stick injury
- injury sustained while travelling on official duty, for example, road traffic accident (RTA), while travelling in an official car from one NHS premises to another
- injury sustained while travelling on official duty, for example, road traffic accident (RTA), while travelling in an official car from one NHS premises

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- injury inflicted off duty, the cause of which can be attributed to NHS employment (for example, being assaulted on the way home from work by ex-patient)
- injury, disease or other health condition contracted due to a series of incidents relating to NHS employment (for example, exposure to noxious substances causing injury, condition or disease over a period).

2.3 Are there any circumstances where Injury Allowance cannot be considered?

Injury Allowance cannot be considered in the following circumstances:

- Where an employee is injured while on a normal journey to and from work, except where the journey is part of their contractual NHS duties of employment
- Where an employee is on sickness absence as a result of disputes relating to employment matters such as investigations or disciplinary action, or as a result of a failed application for promotion, secondment or transfer
- Where an employee sustains an injury or disease which is aggravated by their own negligence or misconduct

Neither is it payable:

- Where there is no reduction in pay below 85%;
- Where the employment contract ends.

2.4 When is Injury Allowance unlikely to be payable?

<u>Injury Allowance is unlikely to meet the wholly and mainly attribution</u> test in the following circumstances:

- where the injury or disease is attributable to some other cause, for example the natural progression of a pre-existing condition, normal wear and tear or a non- work related injury, condition or disease
- where a person suffers from a pre-existing or non-work related condition (injury or disease) unless there is some new work related cause and effect over and above the original problem.

Further guidance can be sought from <u>NHS Employers Injury Allowance – Guide for Employers</u> and in the <u>Guide for Staff</u>

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3. Industrial Injury Claims

3.1 Employee Responsibilities

All incidents should be recorded using an electronic incident reporting form (DATIX web). Guidance on using DATIX web for staff, supervisors and managers can be found on the Health Board's Intranet site.

Individuals who subsequently wish to submit an industrial injury claim should do so by completing Part A of the Industrial Injury Claim Form in full (Appendix 1) at the earliest opportunity and pass to their line manager to immediately complete Part B. Ideally, the employee and the line manager should complete the application form at the same time. Please note any incomplete applications may be returned pending further information which may delay the outcome.

Employees should continue to comply with their responsibilities under the All Wales Managing Attendance at Work Policy during any period of absence.

Employees will be required to complete any forms sent to them by the Payroll department to ensure any Injury Allowance payments for successful industrial injury claims can be processed in a timely manner.

Employees who have exhausted full sick pay entitlement and remain on sickness absence, may also move to half sick pay until the outcome of the claim is known, after which Injury Allowance payments will be backdated retrospectively for successful claims.

To support their claim, employees should provide <u>all</u> relevant information in line with normal absence management procedures. They must also provide <u>all</u> relevant information, including medical evidence, that is in their possession or that can be reasonably obtained, to enable the employer to determine the claim. This could include:

- a statement giving details of the injury sustained or the disease contracted that is, the condition) and how it is connected to their NHS employment (that is, what caused it)
- a copy of the accident report (Datix) they or a colleague completed.

It must be noted that if all of the relevant information is not submitted, the appropriate Senior Manager or the Review Panel considering the claim may

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request further information which will delay the application being processed or may reject your claim on the basis of 'insufficient evidence'.

Employees may also be asked to give permission for Occupational Health or GP records to be accessed or for a new Occupational Health referral to be made

Employees may also wish to provide additional supporting and corroborating evidence to help determine eligibility, for example witness statements, DWP benefit statements, copies of any relevant letters and correspondence relating to any other medical advice received. Further information on corroborating evidence can be found in the NHS Employers Injury Allowance - Guide for Employers and in the Guide for Staff

3.2 Line Manager Responsibilities

Line Managers will need to follow normal absence management procedures during any period of absence.

Once the employee has completed Part A and provided their supporting documentation to their line manager, the line manager should immediately complete Part B of the application form.

The line manager must also include any appropriate and supportive corroborative evidence to assist the decision making process. Such evidence will include

a) Injury at work:

- An injury, physical, psychological or both, as a result of an incident at work, should be recorded in the accident book or by some method of workplace recording (e.g. DATIX) and countersigned by a manager. If the incident has been deemed to be serious enough there may also be a form completed for the Health and Safety Executive (HSE) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requirements which may also be available.
- Information related to DWP benefit claims.
- If there was an accident at work, but it was not entered in the accident book, but was witnessed by a colleague, a statement from that witness could be helpful by way of corroboration.
- If there is doubt about the date of an accident at work and it was not recorded or witnessed but the person attended their GP, the GP may be able to confirm that attendance and the date from the notes.

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- If the person attended A&E, the GP may have been sent a discharge summary. The person may be able to get a copy, or, with consent, may be able to request the A&E records or GP records.
- If the person attended occupational health following the injury, they may be able to help with dates and details.
- If the person has sought compensation through a lawyer and has evidence, such as expert medical reports, or details of judgements and outcomes, which may be helpful relating to this, then it will be useful to have these. The person should be aware that it is not necessary to prove that the employer was negligent to get Injury Allowance; it is a no-fault scheme.
- If the person has already been awarded Injury Allowance for a previous episode of absence and has any relevant documents about it, it may be useful to submit these.

b) Diseases/other health conditions contracted through work:

The following examples show different ways to corroborate that the person may have contracted a disease or condition through work:

- If the person has contracted a notifiable infectious disease such as hepatitis or tuberculosis, there will be documentation from GP, occupational health and/or public health departments confirming this, copies of which the employee may be able to submit, or give consent to obtain.
- If the person has contracted an occupational disease, which is on the list for reporting to the HSE under Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR), the occupational health department will be able to give documentation confirming this, or the applicant give consent for these to be accessed.

Once the line manager has completed Part B of the application form and indicated whether they support the claim or not, they should:

- Take a copy of the application form and all relevant documentation to share with the employee concerned;
- Forward the form and all relevant documentation to the appropriate Senior Manager for consideration (please refer to appendix 4);

If the claim relates to psychiatric injury, e.g. work related stress/depression/anxiety the forms and all relevant documentation need to be forwarded to the HR Operations Team, via CAVHR_ActionPoint@wales.nhs.uk for submission to the next Industrial Injury Review Panel

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4 Decision Process

Claims considered by the appropriate Senior Manager

On receipt of the completed Industrial Injury Claim form and supporting information, the appropriate Senior Manager will review the claim and determine the outcome. It is important applications are completed in full to enable the Senior Manager to consider the claim. Any incomplete applications may be returned pending further information which may delay the outcome or indeed result in the claim being rejected because of insufficient evidence. Employees are therefore encouraged to seek advice from their line manager, Human Resources and/or trade union representative when completing claim forms.

The appropriate Senior Manager will make their decision based on whether the absence is wholly or mainly attributable to the employee's NHS Employment which is defined as "more likely than not".

After considering the claim the Senior Manager will confirm the outcome of the claim to the individual, in writing using Part C of the claim form (appendix 1), this will normally be within 28 calendar days of receipt of the application, however if further clarification/information is required this timescale will be extended accordingly. Part C & D of the form will be completed by the Senior Manager. The reasons for the approval or rejection of the claim will be provided.

Claims relating to Psychiatric Injury, e.g. work related stress/depression/anxiety

On receipt of the completed Industrial Injury Claim form, the HR Operations Team will submit the claim with supporting documentation to the Industrial Injury Review Panel for them to review the claim and determine the outcome. It is important applications are completed in full to enable the Panel to determine the claim. Any incomplete applications may be returned pending further information which may delay the outcome or indeed result in the claim being rejected because of insufficient evidence. Employees are therefore encouraged to seek advice from their line manager, Human Resources and/or trade union representative when completing claim forms.

The Review Panel will make their decision based on whether the absence is wholly or mainly attributable to the employee's NHS Employment which is defined as "more likely than not".

Following the Review Panel, the HR Operations Team will confirm the outcome of the claim to the individual and line manager, in writing in writing using Part C of the claim form (appendix 1), this will normally be within 28 calendar days of receipt of the application, however if further

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clarification/information is required this timescale will be extended accordingly. Part C & D of the form will be completed by the Review Panel. The collective reasons for the Panel approval or rejection of the claim will be provided.

Notifying Payroll

If the claim is successful, Payroll will be notified in order to issue a letter to the individual requesting authorisation for the Benefits Agency to provide details of any payments being made to them. Once the Benefits Agency have confirmed the amount and which benefits are being received by individual, this will enable Injury Allowance to be paid to top up any reduced earnings to 85%. The employee should make Payroll aware each time a change in benefits applies, as this could affect the amount of Injury Allowance due. On receipt of the Industrial Injury Claim outcome from the panel, the manager will be required to confirm with Payroll the allowances or payments linked to working patterns or additional work commitments (e.g. Unsocial Hours payments) both owed to the employee and then on an ongoing basis for the length of the sickness absence period (where the reason for absence remains due to the industrial injury).

If a successful claim is received for an absence linked to a previous industrial injury, Payroll will be notified that the employee has a **recurring** industrial injury, providing details of the original injury (obtained from the claim form). The manager will again be required to provide Payroll with information regarding any payment owed.

5 Appeal

If an employee disagrees with the outcome of a decision about their Industrial Injury application, they have the right of appeal. The Appeal process is outlined in Appendix 2.

All employees have the right to appeal against the decision to reject their industrial injury claim to the Deputy Director of Workforce and OD. An employee who wishes to appeal (appellant) against the decision made by the review panel or senior manager must lodge their intention to appeal within 14 calendar days of receiving written notification of the decision.

This notification of intention to appeal should indicate the grounds on which this appeal is based.

An Appeal Officer will be appointed and the administrative arrangements put in place within 14 calendar by the HR Operations Team and wherever possible the appeal heard within 28 calendar days of the notification of appeal being received.

The appeal panel will consist of an Appeal Officer and a Workforce and OD Advisor and where appropriate a further panel member. In exceptional circumstances it may be necessary to extend this deadline with the

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agreement of both parties but every effort should be made to hear the appeal promptly.

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Appendix 1

Industrial Injury Claim Form

PART A - TO BE COMPLETED BY EMPLOYEE

Please complete the application as fully as possible as any incomplete applications may result in the Senior Manager or Review Panel rejecting your claim on the basis of 'insufficient' evidence' If a question does not apply to your particular case, please record "Not Applicable" or "N/A" in the box.

CONTACT DETAILS		
Name		
Job Title		
Payroll/ Employee Number		
Department/ Base		
Directorate		
Clinical Board		
Home Address		
Preferred email address		
Preferred Tel. Number		
Name, job title and contact details		
for line manager		
Name and contact details for union representative		

CLAIM DETAILS	
Date of incident/s	
Incident number/s (if applicable)	
Date sickness absence	
commenced	
Date returned to work from	
absence (if applicable)	
Please provide details of the	
incident and an explanation for why	

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you feel it is wholly or mainly due to your NHS Employment.	
Please include details of what happened, time & date	
Please continue on a separate sheet if required.	
Please include details of how the injury or disease affects your ability to work or carry out normal daily activities.	
Have these symptoms continued? If yes, for how long and has it been continuous or ad hoc?	
Is this absence related to a previous industrial injury?	Yes / No
Yes - please include details for why you feel this episode of absence is linked to a previous confirmed industrial injury and provide details of the previous industrial injury. Was there a specific incident or trigger that led to this absence? If so, please give details such as time and date of onset as precisely as possible.	
If this incident is related to any manual handling duties, please indicate what equipment you utilised (if any) or any reasons for not using the appropriate equipment. When did you last complete your Manual Handling training?	

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Have these symptoms continued? If yes, for how long and has it been continuous or ad hoc?	
Are there any other factors that have contributed to the injury sustained or disease contracted?	
If so, provide details here	
Did you report this issue to your line manager? If so, please include their name and the date you reported it.	
What support were you offered? Was this support timely? Has it been on-going?	
If you did not report your concerns to your line manager, can you offer a reason for not doing so?	
Are you aware of the following Policies & Services?	
Dignity at Work	Yes / No
Whistle Blowing	Yes / No
Grievance	Yes / No
Have you accessed any of the support mechanisms available to staff, such as the policies referenced above, and/or Occupational Health?	Yes / No
Have you accessed any of the self-help advice available on the UHB Intranet?	
If yes, Did you accept this support? What advice was provided? Did you feel that the support was	

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adequate? What did you feel could have been done differently? If not, please indicate why?	
Did you discuss your situation with any other member of staff, including trade unions? If not, please indicate why. If so, please provide details.	
Please include any other information which you feel is relevant evidence to support your application	
Name	
Signature	
Date	

Checklist of Documents to Attach to Part A of Claim Form

Please note some information may be available from your line manager. Please number each document (if available) and submit with the claim form

Number	Description	Tick
	A statement giving details of the injury sustained or the disease contracted that is, the condition) and how it is connected to your NHS employment (that is, what caused it) – required	
	Copy of the accident report e.g. DATIX form	
	Witness statements	
	DWP benefit statements	
	Relevant medical advice e.g. GP/ Hospital	

Please forward the form along with your supporting documentation to your line manager to complete Part B

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PART B - TO BE COMPLETED BY LINE MANAGER

Please complete the application as fully as possible as any incomplete applications may result in the Senior Manager or Review Panel rejecting your claim on the basis of 'insufficient' evidence' If a question does not apply to your particular case, please record "Not Applicable" or "N/A" in the box.

CONTACT DETAILS FOR LINE MANAGER		
Name		
Job Title		
Department / Base		
Directorate		
Clinical Board		
Email Address		
Telephone number		
CLAIM DETA	AILS (from line manager's records)	

CLAIM DETAILS (from line manager's records)		
Date of incident/s		
Date sickness absence commenced		
Date returned to work from absence (if applicable)		
Is the employee advising this absence is related to a previous industrial injury?	Yes / No	
If yes, please include details of the previous episode of absence including start date and end date of the original absence and your view on whether the new episode is likely to be related or not supported by relevant information/ evidence e.g. OH report. Then skip to name and signature.		
If no, please include details of the new injury sustained or disease contracted and your view on whether it is wholly or mainly due to their NHS Employment. Please		

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Please provide any other relevant information, including whether or not you think this claim should be supported	
Was the support accepted to your knowledge? Provide details where applicable	
What support did you offer? Was this support timely? Has it been ongoing?	
Did the employee report the issue to you previously? If so, please include when and details of what was reported	
Are you aware of any other factors that have contributed to the injury sustained or disease contracted? If so please provide details here (without breaching confidentiality)	
Was there a specific incident or trigger? If so, please give details such as time and date of onset as precisely as possible.	
Please include details of how the injury or disease affects the employee's ability to work and/or carry out normal daily activities	
support your view with relevant information/ evidence e.g. OH report	

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Please continue on a separate sheet if required.	
Name	
Signature	
Date	

Checklist of Documents to Attach to Part B of Claim Form

Please only submit new documentation not already provided in Part A. Please number the documents as follows:

Number	Description	Tick
	Internal investigation report including details of the injury sustained or the disease contracted by the employee and how it is connected to their NHS Employment (that is, what caused it)	
	Accident report e.g. DATIX form	
	Occupational Health Department advice/copies of GP certificates/other medical advice/reports received (please ensure that the employee has provided consent for these to be shared)	
	Job description, including details of the location of work, duties of employment and training records, etc.	
	A full statement of events from the employee explaining what injury/disease they are claiming for and the circumstances leading to the claim	
	Documents that may be helpful by way of corroboration: (see section 3 of guidance notes and list here) e.g. witness statements	

Please take a copy of the application form and supporting information and share with employee before forwarding to Senior Manager or Review Panel is the claim is related to work related stress/depression/anxiety.

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Appendix 1

	BY THE SENIOR MANAGER OR
	RY REVIEW PANEL
Employee Name	
Payroll/ Employee Number	
Industrial Injury claim successful	Yes
	No
Please detail the reasons for your decis	sion:
Place continue on a sonarate shoot if	roquirod
Please continue on a separate sheet if	required.
Please continue on a separate sheet if	required.
·	
Claim is linked to a previous industrial	required. Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable)	
Claim is linked to a previous industrial	
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced	
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence	
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable)	Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable)	
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable) SENIOR MANAGEI	Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable)	Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable) SENIOR MANAGEI Name:	Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable) SENIOR MANAGEI	Yes / No / N/A
Claim is linked to a previous industrial injury (if applicable) Date sickness absence commenced Date returned to work from absence (if applicable) SENIOR MANAGEI Name:	Yes / No / N/A

Please Note

A copy of this completed form must be given to the employee and the line manager confirming the decision taken. A copy will also be placed on the employee's personal file.

If the claim is unsuccessful please refer to the Appeal process outlined in Appendix 2.

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Appendix A

PART D - NOTIFICATION TO PAYROLL - TO BE COMPLETED BY SENIOR MANAGER OR REVIEW PANEL			
Employee Name			
Payroll/ Employee Number			
Industrial Injury claim successful	Yes No		
Claim is linked to a previous industrial injury (if applicable)	Yes / No / N/A		
Date sickness absence commenced			
Date returned to work from absence (if applicable)			
Name:			
Signature:			
Date:			

Please continue on a separate sheet if required.

For successful claims:

- The Senior Manager or Review Panel will notify the Shared Services Payroll Department
- The line manager will notify payroll of any monies owed (e.g. USH)
- Payroll will send the employee forms to complete to determine eligibility for Injury Allowance should the employee move to half sick pay during their sickness absence (where the reason for absence remains due to the confirmed industrial injury)

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Appendix 2

Industrial Injury Appeal Process

Should an employee be dissatisfied with the decision that their Industrial Injury Claim cannot be considered or be dissatisfied with the decision made by the Senior Manager or Review Panel, they have a right of appeal. The employee must submit their intention to appeal within 14 calendar days of receipt of the written Industrial Injury Claim decision. The grounds for the appeal should be clearly set out.

The Appeal Hearing will be arranged, which will be heard by an appropriate senior manager, not previously involved in the case and nominated by the Director of Workforce & OD. The Senior Manager may wish to be supported by a Workforce & OD advisor as appropriate. The employee should be advised of their right to be accompanied by a Trade Union representative or a workplace colleague.

The Appeal Hearing will normally be held within 21 calendar days of receipt of the letter of appeal, unless all parties have agreed an alternative timescale.

At least 7 calendar days before the Appeal Hearing the Appeal Officer must receive the nature of the appeal and all documentary evidence in support of it. The Senior Manager who made the decision or review panel representative will provide a summation of the decisions and accompanying rationale. Failure to comply may result in either the appeal being postponed or the appeal going ahead without this information.

The purpose of the appeal is to establish if the decision taken was reasonable in light of the grounds raised by the employee. The appeal is not a re-hearing of the original evidence.

The Appeal Hearing must restrict itself to looking at the grounds of appeal made by the employee and ensuring that these grounds are adequately examined in order to reach a proper judgement on whether the appeal should be upheld.

The appeal will take account of any substantial new information cited in the grounds for appeal.

The decision reached by any level of appeal hearing is considered final. No further appeal mechanism will operate within the UHB.

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Conduct of the Appeal

The Appeal Officer will act as Chair of the appeal hearing and will introduce those present and state the order of proceedings which is as follows:

- Both the Senior Manager or Review Panel representative and the employee and his/her representative will remain present throughout the proceedings until the Appeal Panel adjourn to deliberate in private.
- The appellant or his/her representative shall confirm their grounds of appeal and provide information supporting their case.
- The members of the Appeal Panel shall have the opportunity to ask questions of the appellant.
- The Senior Manager or Review Panel representative will present the justification for the decision.
- The appellant or representative shall have the opportunity to ask questions of the Senior Manager or Review Panel representative.
- The members of the appeals panel shall have the opportunity to ask questions of the Senior Manager or Review Panel representative.
- The Senior Manager or Review Panel representative will have the opportunity to sum up. New information must not be introduced at this stage.
- The appellant or representative will have opportunity to sum up. New information must not be introduced at this stage.
- The Appeal Panel may, at its discretion, adjourn the appeal hearing in order that further information may be sought and reviewed.
- The Appeal Panel shall deliberate in private only, recalling both parties to clarify any points of uncertainty on evidence already given. If a recall is necessary both parties shall return.
- When a decision is reached by the Appeal Officer they should inform the appellant and Senior Manager or Review Panel representative of the outcome immediately or within 7 calendar days.

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Appendix 3 Industrial Injury Application process flow chart

Work Related incident/accident occurs



Employee completes accident form e.g. DATIX and informs a manager



Employee sources relevant information as per guidance in section 4.1



Line Manager sources relevant information, refers employee to Occupational Health if needed and investigates incident as per guidance in section 4.2



Employee completes Part A of Appendix 1 and Line Manager completes Part B of Appendix 1 and submits to: Senior Manager or to HR Operations Team via CAVHR_ActionPoint@wales.nhs.uk for claims relating to psychiatric injury, e.g. work related stress/anxiety/depression



Senior Manager considers the claim
Psychiatric Injury Claims -HR Operations Team submits to next available Industrial
Injury Review Panel



Senior Manager completes Part C&D of Appendix 1, then sends to employee and line manager

Psychiatric Injury Claims - Industrial Injury Review Panel completes Part C&D of Appendix 1 then sends to employee and line manager



Successful Claims Unsuccessful Claims







Payroll informed by Senior Manager or Review Panel Representative

Individual has the right of appeal



Line Manager informs Payroll Services of any payments owed and future payments (e.g. Unsocial Hours)



Payroll sends the employee forms to complete and return. Payroll pays Injury Allowance where applicable

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Appendix 4 – Examples of appropriate Senior Manager

Employee Submitting Claim – Part A	Line Manager completing Part B	Senior Manager considering Claim – Part C&D
Housekeeper	Housekeeping Supervisor	Operational Services Manager
Staff Nurse	Ward Sister/Manager	Senior/Lead Nurse
Medical Secretary	Admin Manager	Deputy/Directorate Manager
Senior Nurse	Lead Nurse	Director of Nursing
Directorate Manager	Director of Operations	Deputy Chief Operating Officer
Theatre Practitioner	Clinical Leader	Theatre Manager
Catering Assistant	Catering Supervisor	Head of Catering