

**MEDICAL CERTIFICATE D**  
**FORMER FIREFIGHTER: AFTER-APPEARING INJURY**  
**Notes on completion**

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This certificate will apply in the case of a former regular or retained or volunteer firefighter who, after leaving the service, claims that he/she is suffering from a disability occasioned by an injury received in the exercise of duties as a firefighter.

Note that in the case of this type of injury, the effects do not manifest themselves at the time of retirement. In the case of a regular firefighter who retired on ill-health grounds, it cannot apply in respect of the disability upon which the ill-health benefits were based since the question of injury would have been considered at the time of retirement. But if a new additional disability has appeared which could possibly have been occasioned by a qualifying injury, then this certificate could apply. However, it more usually applies in the case of a regular firefighter who has retired with entitlement to an ordinary or short service pension, or to a retained or volunteer firefighter who retired without entitlement to benefits.

The certificate should be completed as follows.

**Page 1: Personal details**

“Nature of award made on leaving Fire Service” should be completed with details of the award made if the person was a regular firefighter. For a retained or volunteer firefighter where no award has been made, this should be completed with “None”.

“Date on which claim of disablement first made known to Fire and Rescue Authority” will be the date from which the injury award would be put into payment if the independent qualified medical practitioner supplies the appropriate certificate of disability but cannot identify the date on which the person became disabled.

**Page 1: Details of incapacity**

If this section is completed by the fire and rescue authority it should be checked by the independent qualified medical practitioner to ensure it correctly matches his/her understanding of the medical condition. It may be better if completed by the independent qualified medical practitioner.

The inclusion of this section should make it clear which areas of disability are considered in order to prevent the situation where a person at appeal presents different ailments to those considered in the opinion.

If the former firefighter requests, and is provided with a copy of the medical opinion, he/she should check that the details given here are as he/she understands them.

**Page 1: Details of injury/injuries**

As with “Details of incapacity” this should clearly state which injury/injuries are considered.

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**Notes on completion (continued)**

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**Page 2: Opinion**

This is for completion by the independent qualified medical practitioner. He/she should tick all appropriate boxes, having regard to the definitions of expressions where they are provided.

If he/she does not examine the firefighter but forms his/her opinion based on written medical evidence only, the words "EXAMINED" to "AND" at the beginning of the opinion should be deleted.

Point 2 refers to the duties of a regular firefighter. This is the test even in the case of a retained or volunteer firefighter. The person is to be treated as a regular firefighter under various rules for award purposes.

The test of disablement is to be considered in the context of the ability to engage in firefighting. The question of capability to perform other non-firefighting duties does not arise here. That would apply only if there has been no break in continuity of appointment. There will have been such a break in the case of an "after-appearing" injury.

Part 2 does not include the question about the person being capable of other regular employment as appears on some other certificates. This is because there is no question of a lower tier or upper tier ill-health pension in this case.

In respect of Point 3, when considering if disablement is permanent, the Firefighters' Compensation Scheme (England) 2006 requires a fire and rescue authority to have regard to whether the disablement will continue until normal pension age. Normal pension age applies only to serving firefighters; it does not apply here. Consequently the fire and rescue authority may wish to have regard, instead, to whether the disablement would continue for the foreseeable future.

Point 4 considers the question of default for establishing if the injury is a "qualifying" injury. It is not considered in respect of the disability because that would only apply in consideration of an ill-health award (Rule K3 of the Firefighters' Pension Scheme 1992).

Point 5 refers to the date on which the person became disabled. If this cannot be identified, the pension is put into payment with effect from the date at which the claim of disability was first made known to the fire and rescue authority – see Page 1: Personal details.

Point 6 would not be ticked by the independent qualified medical practitioner if, in respect of Point 4, he/she states that the disablement has not been occasioned by an injury received without the firefighter's own default in the exercise of duties, etc. In such a case, the fire and rescue authority would not consider the injury to be "qualifying" for the purpose of an award, and so there would be no need for medical guidance on the extent to which the person's earning capacity had been affected. This applies only where an injury award is made.

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**Page 3: Assessment of disablement**

This is for completion by the independent qualified medical practitioner only if, in respect of Point 4 on Page 2, he/she states that the disablement has been occasioned by an injury received without the person's own default in the execution of duties, etc., as a firefighter. If not relevant, the independent qualified medical practitioner should draw a line through this section and mark "Not Applicable".

Only medical issues should be considered here, not skills, qualifications, etc. which would be taken into account for completion of the Degree of Disablement Assessment Form.

**Page 4: Comments**

This section gives the medical practitioner an opportunity to elaborate on any medical issues not covered on any of the previous pages.

Again, only the medical issues should be considered, not skills, qualifications, etc.

**Page 4: Apportionment of contribution of injury to disablement**

This is for completion by the independent qualified medical practitioner only if, in respect of Point 4 on Page 2, he/she states that the disablement has been occasioned by an injury received without the person's own default in the exercise of duties, etc. as a firefighter. If not relevant, the medical practitioner should draw a line through this section and mark "Not Applicable"

The independent qualified medical practitioner can indicate here to what extent the injury, if it should be considered a "qualifying" injury, contributed to the disability. For example, the independent qualified medical practitioner may be of the opinion that some other injury which cannot be classed as qualifying (e.g. off-duty) was the main cause of the disability, whereas the injury which may be considered as "qualifying" simply exacerbated it.

This is important when assessing the degree of disablement. This must be done by reference to the degree to which the earning capacity has been affected as a result of the qualifying injury; if the earning capacity has been affected as a result of something else, this should be noted for assessment purposes. The independent qualified medical practitioner should give reasons for the apportionment.

**Page 4: Suggested date for review**

This section allows the independent qualified medical practitioner to suggest a date for review. It is for the fire and rescue authority, however, to decide when such a review should take place.

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**Notes on completion (continued)**

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**After the completion of the certificate**

After the independent qualified medical practitioner has completed the certificate it should be passed to the fire and rescue authority who will consider the opinion and take the appropriate action.

If the fire and rescue authority decide that there is entitlement to an injury award the degree of disablement should be calculated using "Assessment Form – Degree of Disablement".

The person can request a copy of the medical opinion within 14 days of being notified of the fire and rescue authority's decision. If an injury award is to be made and degree of disablement has been calculated, this forms part of the medical opinion and a copy of the assessment of degree of disablement should be issued to the person with the medical opinion.

If the firefighter is dissatisfied with the decision as to award and believes the problem lies in the medical opinion, he/she can appeal against the opinion under paragraph 2 of Part 6 of the Firefighters' Compensation Scheme (England) 2006 Scheme.

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