

MEDICAL CERTIFICATE H FIREFIGHTER: DEGREE OF DISABLEMENT ONLY

Notes on completion

This certificate can be used in the case of a regular or retained or volunteer firefighter.

A fire and rescue authority would issue this certificate for completion by an independent qualified medical practitioner if the authority had previously determined that an injury award was not due, but this decision is overturned by the Medical Appeal Board. In these circumstances it will have been decided that the former firefighter –

- is permanently disabled from performing the duties of his/her role (including firefighting), and
- the disability has been occasioned by a qualifying injury or injuries.

The authority must now seek an assessment of disablement from an independent qualified medical practitioner. This will not be the same medical practitioner that gave the original opinion. Clearly, as the questions of disability and injury have only just been decided by the Medical Appeal Board, these questions should not be raised again. The selected independent qualified medical should be asked to consider only –

- the effect the medical impairment would have on potential earnings capacity
- the apportionment of the qualifying injury or injuries to the disablement

having regard to the medical reports and the opinion of the Medical Appeal Board.

The certificate should be completed as follows.

Page 1: Personal details

This section should be completed by the fire and rescue authority before issue to the independent qualified medical practitioner. The information requested assumes that the firefighter has left the fire and rescue service. If this is not the case, adapt as appropriate.

Page 1: Details of incapacity

This should be completed by the fire and rescue authority. The independent qualified practitioner will pick up precise details from the background documents supplied with the certificate.

Page 1: Details of injury/injuries

This should clearly state which injury or injuries are being considered. Again, background documents will indicate how the Medical Appeal Board determined that these injuries relate to the disablement.

Pages 2 and 3: Opinion

This is for completion by the independent qualified medical practitioner. He/she should tick all appropriate boxes and give his/her medical assessment of the disablement

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Pages 2 and 3: Opinion (continued)

If the independent qualified medical practitioner 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.

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 on assessment of disablement

This section gives the medical practitioner an opportunity to elaborate on any medical issues not covered previously in the certificate.

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

Page 4: Apportionment of contribution of injury to disablement

The independent qualified medical practitioner can indicate here to what extent any 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.

The determination of the Medical Appeal Board must be taken into account.

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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After completion of the certificate

After the independent qualified medical practitioner has completed the certificate it should be passed to the fire and rescue authority. The medical opinion must be taken into account when assessing the degree of disablement. The "Assessment Form – Degree of Disablement" must be used for this purpose. The Assessment Form also takes into account non-medical considerations such as training and qualifications. The fire and rescue authority can decide who should complete the Assessment Form. For example, it could be completed by the medical practitioner him/herself although it is more usually completed by HR staff or an external provider of this kind of service. If the Assessment Form is prepared by a person other than the independent qualified medical practitioner, on completion it should be passed to the independent qualified medical practitioner for his/her confirmation that the occupations selected for assessing loss of earnings capacity are within the medical capability of the person. Such a check ensures that the selected occupations do not overestimate the person's capacity for further employment.

The firefighter can request a copy of the medical opinion within 14 days of being notified of the fire and rescue authority's decision. Both Certificate H and the Assessment Form as signed by the independent qualified medical practitioner forms should be issued to the firefighter.

If the firefighter is dissatisfied with the level of injury 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.

If the firefighter is dissatisfied with the level of award and believes the problem does not lie in the medical opinion but in non-medical aspects of the fire and rescue authority's decision, he/she can appeal under paragraph 3 of Part 6 of the Firefighters' Compensation Scheme (England) 2006.