

# Leicestershire County Council Pension Fund Guide to Ill Health Retirement

# November 2021 Version

This is intended to be a short reference guide for employers and Independent Registered Medical Practitioners (IRMPs) relating to LGPS members who retire on the grounds of ill health.

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## Current Scheme Members

**There must be a qualifying period of 2 years of continuous contributory membership.**

Ill health awards cannot be granted if a member has not been in the Leicestershire CC Pension Scheme for this length of time (unless they have transferred in or amalgamated previous benefits which take them over 2 years membership).

There are 2 certificates, one which states the member is permanently incapable of discharging efficiently the duties of their local government employment (Certificate A) and the second which does not support that view (Certificate B).

(Certificate A) Certificate of permanent incapability - is to be completed by the IRMP when the member fulfils the medical requirements in order to be granted ill health retirement by the employer. This completed certificate is to be submitted to the Pensions Section at the time of retirement, along with any other necessary supporting documentation which the employer needs to supply.

There is an additional provision concerning individuals who, due to their health condition, continue in employment but at reduced hours. If the medical practitioner determines that the member has worked wholly or partly part time as a result of the condition that has caused the ill health

retirement, then no account is taken of the reduction in membership attributable to that condition in assessing any resultant enhancement to the ill health award under tiers 1 or 2.

Please note that this refers to a **contractual** change in hours. A member being away from work or reducing their hours without a change to their contractual hours, perhaps on reduced or no pay sick leave or therapeutic return, is not covered by this clause, as they will have no detriment to their pension benefits in any case.

(Certificate B) A separate certificate (distinguished by a large **X** in the top corner) is to be

completed by the IRMP where the member does not fulfil the medical requirements and would not be able to be ill health retired. These certificates are to be retained by the employer in case of any future appeal by the member.

## What is the IRMP being asked to certify?

Assessing permanent incapability from the Local Government post forms the basis for the first part of the certification. The member must be, as a result of ill health or infirmity of mind or body, permanently incapable of discharging efficiently the duties of the employment the member was engaged in.

The IRMP must them complete ONE of the following 3 sections, which will determine the appropriate tier under which these benefits will be paid. These tiers are linked to likelihood of working again.

The first tier

* When the member is unlikely to be capable of undertaking gainful employment before reaching his Normal Pension Age (NPA). In these circumstances, the member receives benefits based on his accrued rights up to the date of termination and enhancement equal to all his/her prospective pension benefits from that date to his/her NPA.

The second tier

* If, on the other hand, the member is unlikely to be capable of undertaking any gainful employment within 3 years after leaving the employment but is likely to be able to do so before reaching his/her NPA, benefits equal to his accrued rights and enhancement of 25% of his/her prospective pension benefits to NPA will be awarded.

The third tier

* This is when the member is judged to be likely to be capable of undertaking gainful employment within 3 years after leaving the employment, or before NPA if earlier. An employee who leaves local government employment as a 3rd tier member will be entitled to their annual accrued benefits payable as a pension for such time as the 3rd tier member does not obtain gainful employment (or is capable of it), or until the employer stops payments following the review. The third tier pension is payable for a maximum of 3 years.

### What is Normal Pension Age?

This will be the member’s State Pension Age (SPA) but with a minimum of age 65. This is individual to members and depends on their date of birth. State Pension Age can be checked on [the UK Government website.](https://www.gov.uk/state-pension-age)

It should be noted that if the member is judged to be “permanently incapable of discharging efficiently the duties of his/her current employment because of ill-health or infirmity of mind or body” BUT is judged at that time to be **immediately** capable of undertaking any gainful employment, the member **cannot** be granted ill health retirement by the employer.

Finally, the provision referred to earlier concerning employees who are working **reduced hours** and therefore receiving reduced pay as a result of their condition needs to be addressed.

It is also important to note that all the regulations referred to in this guidance are subject to the civil law code. As such, the determination of questions is based on the balance of probabilities test and not on the stricter criminal law test of beyond reasonable doubt.

Once the employer has terminated the member’s employment on ill health grounds, the information provided on the medical certificate will be used by the employer to determine which level of enhancement the member will receive.

**Important note:**

Should release of benefits be granted, these will be from the date specified below:

Certificate A - As notified by the employer, which will be the date of leaving.
Certificate B - Not applicable

## Implications of third tier retirements

An employee who leaves local government employment as a 3rd tier member will be entitled to their annual accrued benefits payable as a pension for such time as the 3rd tier member does not obtain gainful employment (or is capable of undertaking it), or until the employer stops payments following the review.

The 3rd tier member will be required to notify the previous employer when employment is found providing details, including pay, working hours and length of contract of that employment, and the employer would then stop payments if this was ‘gainful employment.’ (A full list of definitions follows later in this guide).

If payments have continued when gainful employment has been found, the **employer** will have powers to recover any overpayment from the 3rd tier member.

### Members over 55

It should be noted that should either the review date take place, or the member find gainful employment on a date - after their 55th birthday, in reality, the member MAY not have their pension stopped, as they have passed their notional ‘eligible pension age’. They are able to continue to draw the pension on a voluntary retirement basis, however the benefits will be reduced in exchange for early payment. Because of this, and because reductions can be substantial, it is important that all members granted 3rd tier undergo the same review procedures, regardless of age. It could also be the case that the member’s condition may have worsened, and this would be picked up at the review.

If the member attains their normal pension age (NPA) within the first 18 months, then the pension would never cease, and the member will not be called for review. If the review recommends that the pension continues for a further 18 month period that takes the payment period past NPA, again, the pension would never actually cease.

## The 3rd tier review process

The previous employer will be required to undertake a review when payments have been made for 18 months if payments are still continuing at that point.

The Pensions Section will write to the Human Resources Section of the former employer approximately 2 months before the assessment date, to remind them of the approaching review. Enclosed with that letter of instruction will be an Employer declaration and also the Review certificate (for the IRMP).

In order to avoid any unnecessary reviews taking place, and the associated cost and inconvenience involved, the Employer is advised to write first to the member to ascertain whether they are in gainful employment, if so a review need not take place, and then the 3rd tier payments would be stopped.

However, if the member is not in gainful employment you must send them for a medical review.

The IRMP should be asked whether it remained the case that gainful employment could have been obtained within a reasonable period of leaving the former local authority employment (and the doctor should be asked to state the precise point at which gainful employment could be obtained) *or* if the member is judged to be incapable of undertaking gainful employment within a reasonable period but is likely to be able to obtain gainful employment before his retirement age.

The Review certificate will be completed by the IRMP, and a copy forwarded to the Pensions Section, along with the Employer declaration, with Part B completed.

Please ensure that all is done to complete this process within the 2-month time period, so that the pension benefits are paid correctly, and pensions are not under or overpaid for any period.

### What does the IRMP need to consider?

If the IRMP is of the opinion that the member remains capable of undertaking any gainful employment within the reasonable period, the employer will have powers to stop payments at the date specified by the IRMP. The IRMP may recommend that there is an immediate capability to undertake any gainful employment or they may propose a further review date. If a date is not specified, then the payments will cease on the third anniversary of the member’s date of leaving.

### What if the member’s condition has worsened?

If it is deemed that the members condition has worsened, and this is still due to the condition that the original assessment was made on, and so is now considered being not likely to be capable of undertaking any gainful employment within 3 years of the date of leaving, this will result in the pension being uplifted to 2nd tier, from the 18 month point onwards.

A member could in the future ask the employer to review their entitlement after the 18 month review. The employer can determine that a 3rd tier member becomes a 2nd tier member upon the certification by the IRMP following the review even if the payment of the 3rd tier benefit has been stopped, as long as it is within 3 years of the pension having been stopped. The pension would be re-instated from the date the member became so incapable. A separate certificate is also available.

A determination to uplift 3rd tier to 2nd tier pension can only be made for a period of 3 years after the cessation of the pension. This will ensure late applications are not made for years to come.

### What if an unrelated condition arises affecting the health of the member?

If the member suffers further ill health due to an **unrelated** health condition (i.e. a separate condition to that on which the original assessment was based), then an application for the pension to be

brought back into payment can also be considered. However, there would be no uplift to the
benefits.

## Turning down a retirement – alternative duties

Should the IRMP be unable to certify permanent incapacity, they may wish to indicate to the employer that they may wish to seek alternative or ‘lighter duties’. Should the employer be able to make this offer to the member, this may be a successful solution. However, should the member be referred once more if the alternative duties do not work out, they must be a re-assessed on their substantive post should the new arrangement only have been on a trial basis.

Should the change have been contractual they should be assessed against the new duties. Where alternative duties are suggested but are not available a final decision will be based on the duties of the substantive post.

## Members with more than one post

If a person holds more than one post, then you may need to issue a **separate certificate** for each post. This is because the determination is based upon their ability to carry out the role of that post, and members may hold jobs with different skills, manual requirements and responsibilities. Employers must however use their own discretion. For a member with multiple part time roles of a similar nature, an employer may issue a single certificate which refers to both posts at the header.

## Deferred members and current employees who have opted out of the pension scheme

A deferred member may apply for early payment of their deferred benefits if they become permanently incapable of performing the duties of their former post by reason of ill health or infirmity of mind or body, and is unlikely to be capable of undertaking gainful employment before normal pension age, or for at least three years, whichever is the sooner.

The IRMP must make his/her decisions based on the condition of the member at the date the application for early payment of the pension was made. This date is indicated on the Certificate.

(Deferred Councillor members also fall under separate legislation and have a separate certificate).

There are 4 categories of deferred Local Government member

* those who ceased membership prior to 1 April 1998
* those who ceased membership between 1 April 1998 and 31 March 2008, both dates inclusive.
* those who ceased membership between 1 April 2008 and 31 March 2014, both dates inclusive
* those who ceased membership on or after 1 April 2014

The rules governing each are slightly different.

It is therefore important to note that the date of leaving the pension scheme is vital in deciding what certificate you will need to select.

If the employee has a deferred pension because they finished their pensionable employment, then the date of leaving the post and the date of leaving the scheme will be one and the same.

For a current employee who has opted out of the pension scheme and therefore has deferred benefits the date they opted out of the scheme is used to determine whether to select Certificate C, D, E or F.

**Please check with the Pensions Section if you have any doubts as to what date/certificate to use.**

**You will therefore need to watch out for members who have opted out of the scheme but have not left employment, as their ill health application comes under the deferred member rules, not active member rules. They may also have an application for an active member pension and a deferred member pension running simultaneously.**

### Employees who ceased membership prior to 1 April 1998

In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable because of ill health or infirmity of mind or body of discharging efficiently the duties of their former employment and, if so:

* the date from which the applicant became permanently incapable (based on evidence that was discoverable at the time). This date is needed because the deferred pension is to be paid from the date on which the applicant became permanently incapable, which might be earlier than the date the deferred member submitted his / her application for early payment. If it is earlier than the application date, but after the date of leaving, the deferred pension is paid from the date the member became permanently incapable. However in the unlikely event that date is the same or earlier than the date of leaving, then morally the member would by default become entitled to retrospective ill health benefits with enhancement.

If,therefore, the person turns out to have been permanently ill at the time of leaving and was not seen by an Independent Registered Medical Practitioner at that time, the employer can still ask the Independent Registered Medical Practitioner whether the person would have met the permanent ill health definition under the LGPS Regulations at the date of leaving (based on the medical evidence that would have been discoverable at the date of leaving) and, if so, award an ill health pension, changing the original reason for leaving. Please contact the Pensions Section for further advice should this now unlikely situation arise.

* whether the applicant has a life expectancy of less than 1 year (as, if so, the pension can be commuted into a one off lump sum payment equal to 5 years of pension)
* whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment and, if so, the date from which the applicant became so incapable. This information is required to determine whether, and if so the date from which Pensions Increase is to be applied.

### Employees who ceased membership between 1 April 1998 and 31 March 2008 (both dates inclusive)

In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable because of ill health or infirmity of mind or body of discharging efficiently the duties of their former post and:

* whether the applicant has a life expectancy of less than 1 year (as, if so, the pension can be commuted into a one-off lump sum payment equal to 5 years of pension.
* whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment. This information is required to determine whether Pensions Increase is to be applied.
* If so the member may elect to receive payment of their retirement benefits ‘immediately’. A High Court case (Hamilton Vs Monmouthshire CC) confirmed this to mean ‘immediately from the date of application’ not ‘immediately from the date of incapacity’. Nonetheless if the OH physician believed that the permanent incapacity existed and was capable of being discovered at the date the person left employment, then enhanced ill health retirement benefits could be paid retrospectively. If, however, the person claims to have been permanently ill at the time of leaving and was not seen by an Independent Registered Medical Practitioner at that time, the employer can still ask the Independent Registered Medical Practitioner whether the person would have met the permanent ill health definition under the 1997 Regulations at the date of leaving (based on the medical evidence that would have been discoverable at the date of leaving) and, if so, award an ill health pension, changing the original reason for leaving. Please contact Pensions Section for further advice should this now unlikely situation arise.

### Employees who ceased membership between 1 April 2008 and 31 March 2014 (both dates inclusive)

In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is permanently incapable because of ill health or infirmity of mind or body of discharging efficiently the duties of their former post and, if so:

* whether the ill health or infirmity is likely to prevent the applicant from undertaking any gainful employment, whether in local government or elsewhere, within 3 years of the date of application or, if earlier, before age 65. The intention is that only deferred pensioners who, at the date of application had they had still been employed by the (ex) employer, would have fallen into the 1st or 2nd tier, will be able to have their deferred pension brought into payment
* The date that the member became ‘permanently incapable’. This date will determine when the pension starts.
* whether where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment. This information is required to determine whether, Pensions Increase is to be applied.

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### Employees who ceased membership on or after 1 April 2014

In these cases, the IRMP has to certify whether, in his / her opinion, the applicant is likely to be permanently incapable because of ill health or infirmity of mind or body of discharging efficiently the duties of their former post and, if so:

* whether the ill health or infirmity is likely to prevent the applicant from undertaking any gainful employment, whether in local government or elsewhere, within 3 years of the date of application or, if earlier, before state pension age. The intention is that only deferred pensioners who, at the date of application had they had still been employed by the (ex) employer, would have fallen into the 1st or 2nd tier, will be able to have their deferred pension brought into payment
* The date that the member became ‘permanently incapable’. This date will be used by the employer to determine when the pension starts.
* whether, where the applicant is under 55, he / she is permanently incapable by reason of disability caused by physical or mental infirmity of engaging in any regular full-time employment. This information is required to determine whether Pensions Increase is to be applied.
* A critical difference for this class of member is that the employer must determine the date that the member became eligible for early release of the pension. Therefore, the doctor is additionally required to indicate a date that the member first met the criteria for early release of the deferred pension. The employer can then introduce the pension from this date if it so decides. Therefore, the pension is not payable from the date of the member’s application or the date the IRMP signed the certificate, but could potentially be backdated to the beginning of the incapacity.

IN ALL CASES: Permanently incapable’ means that the person will, more likely than not, be incapable until, at the earliest, their normal pension age, which will be their state pension age with a minimum of 65 (age 70 in the case of former coroners).

### Procedures

**The date the member left the pension scheme** will determine which of 4 Certificates are appropriate for signing. Please note these are different to those for current scheme members, and are clearly marked that they relate to deferred members.

There is not an equivalent ‘X’ refusal certificate for deferred members as the certificates cater for both certifying and not signing off an ill health retirement.

Should release of benefits be granted, these will be from the date specified below;

Certificate C - The date certified in Part A as the date of the member became permanently incapable.

Certificate D - The date of application

Certificate E - The date certified in Part A as the date of the member became permanently incapable.

Certificate F - The date decided by the employer based on when the member met the criteria for early release

## Elected Councillor Members

As Councillor members are no longer allowed to participate in the LGPS\*, there is only the facility for what must be presumed to be a former Councillor member to apply for the early release of his deferred pension benefits on ill health grounds. The IRMP must make his/her decisions based on the condition of the member at the date the application for early payment of the pension is made. This date needs to be indicated on the Certificate.

Should release of benefits be granted, these will be from the date specified below;

Certificate H - The date of application by former Councillor

\*Certificate G – No longer exists as ward councilors are no longer allowed to join the pension scheme

## Information when a member has a terminal illness

Good practice advice was issued to scheme employers in May 2019 regarding the unusual scenario where a member who had been granted ill-health retirement then unfortunately died before their retirement date.

This would have an impact on the benefits paid.

As such, Pensions Section recommends the following:

1. If you have a scheme member with a terminal illness please contact the Pensions Section immediately (I’m sure you do this anyway) at pensionsbenefits@leics.gov.uk
2. The Pensions Section will calculate the benefits between:
	1. Death in service
	2. Tier one ill health retirement
3. If Tier one provides the higher benefits (it usually does, but not always) the employer must request their Occupational IRMP complete the ill health certificate A, as quickly as possible. This must be supported by an accompanying letter from the employer. (This is more than likely to be the usual practice anyway, so should be nothing different to your current process).
4. You may decide to use the **date the IRMP has signed the ill health certificate A as the member’s date of leaving** (not the date the IRMP examines the scheme member which is also shown on the certificate).  You do not need the scheme member to work their notice period, thereby negating the risk of them passing before retirement. (Some employers already follow this process, but not all do).

The ill health insurance (for employers that have this) usually pays out for tier one and tier two ill health retirements, but not for death in service

## Making your decision and the Appeal process

Should the IRMP complete the certificate NOT recommending ill health retirement or early release of a deferred pension, the employer will need to write to the member/former member advising them as to why their request has not been granted by the employer (or former employer). Even if the member has been granted ill health retirement, it is possible that the member still may wish to object to this. Perhaps they do not believe themselves to be permanently incapable, or maybe they wish to disagree with the tier they have been awarded.

It should be noted that all Scheme Members have the right of appeal. This takes place once the Employer has made the decision which the member is dissatisfied with, or within 6 months of the date of the determination. In the first instance, a member may appeal under that employer’s own internal appeals procedures, using the means available to any employee who disagrees with any decision made which affects the nature of their employment. If they remain dissatisfied, then he can turn to the Pensions Appeal process, IDRP, and appeal to the Specified Person of his Employer to review the case. The member can contact the Pensions Section and request an **information leaflet and form**, which will contain the name and address of the Specified person nominated by their employer/former employer.

Should this review fail, he may appeal in the Second Stage to the Administrating Authority i.e. Leicestershire Council Pension Fund, who will refer the matter to one of the County Council Legal Advisors.

The following paragraph should always be inserted in any letter from the employer in which they are being informed of a decision affecting their pension:

### Right of Appeal

If you are dissatisfied with any decision given in this notification you may, within six months of receiving this letter, appeal in writing under the approved Internal Disputes Resolution Procedure (IDRP). It is suggested however, that any points of difference should firstly be addressed with us on an informal basis. Should you still be unhappy and wish to pursue IDRP, you can contact The Leicestershire County Council Pensions Section who will provide you with a Complaints form, which will include with the name and address of the ‘Specified Person’ nominated by our organisation, who would formally investigate your complaint. In the unlikely event of a disagreement progressing beyond this stage, details to enable an appeal to the final stage two ‘Appointed Person’ nominated by the pension scheme’s administering authority, would be provided with the decision reached by the ‘Specified Person’.

**The Pensions Ombudsman Service has issued advice for good practice to aid employers in their decision – the decision to award ill health retirement is being made by the employer (not the IRMP, they are providing the medical opinion):**

* The employer must obtain an IH certificate from IRMP
* The employer must make the decision after considering the IH certificate – but they are NOT bound by it
* The employer must weigh up all evidence and come to a decision
* The employer may give more weight to some evidence than others – as long as it shows it has done so and why.

Failure to give the reasons for the decision, failure to follow the process, failure to consider all evidence would all equal maladministration.

The Pensions Ombudsman Service therefore chose to also highlight the importance of scheme employers obtaining narrative reports from independent registered medical practitioners (IRMPs) in dealing with ill-health retirement cases.

Narrative reports are reports that help employers to understand the reasoning behind the medical opinion the IRMP has given. As the decision to award an ill-health retirement is that of the employer, a full understanding of the IRMP’s reasoning will be important to minimise the risk of the employer making a poor or flawed decision, potentially resulting in a mal-administration claim from the member.

## How to action a referral

When referring a pension scheme member or ex-member for a medical examination, the appropriate forms for that member should be supplied to the IRMP by the employer.

This should include certificates for both agreeing and turning down the recommendation for ill health retirement for active members, or the dual purpose certificates for deferred members.

Before sending the documents on to the IRMP, the employer will need to complete the first part of the Certificate, which comprises of some personal details of the (ex) scheme member.

In all cases the employer will need to ensure that the IRMP has in their possession information concerning the nature of the (former) employment in order that they can make an informed judgement.

The website contains flow charts to help HR staff and line managers understand the referral process and the part they play in it.

In the view of the LGPC Secretariat, where a scheme employer has made a decision to expect a narrative report to be supplied by an IRMP, they should make this clear at the time of commissioning the IRMP to provide a medical opinion. If an IRMP refuses to do this, the scheme employer may wish to consider appointing a different IRMP to avoid any risk of them making a poorly informed decision.

## Ill Health Retirement Costs

Once an ill health retirement case has been processed, the cost of that case to the employer is calculated. The approach to financing that cost will depend on whether the employer has arranged to take out an ill health insurance policy with Legal and General.

### Process updated effective from 1st April 2020:

**Employers with ill health insurance;** for any cases where the scheme member was granted either **tier one** or **tier two** ill health retirement, an invoice will be issued by the Pensions Section, which must be paid. The employer would then reclaim the money from Legal and General.

Invoices will not be issued for any tier three cases or where a deferred pension has been brought into payment on ill health grounds. These costs will be included in the calculation of the employer contribution rate by the fund actuary at the next valuation.

**Employers without ill health insurance;** those costs are recorded internally and are assessed on a quarterly basis by the Pensions Section, who will compare those costs to the ill health ‘allowance’ that the fund actuary has calculated for each employer. The Pensions Section will write to employers annually at the end of each tax year to advise of the costs incurred and ask them to consider if they wish to pay that cost. This option is to help employers manage their future employer rates. If an employer chooses not to make payment, the cost will be reviewed at a future valuation within their future rate.

If it is noted that during the quarterly assessments that costs are higher than expected, the Pensions Section may decide to contact employers prior to the end of the tax year to discuss any specific actions that may be required.

If you are interested in finding out more about ill health insurance, please email pensions@leics.gov.uk.

## Glossary of terms

### Independent Registered Medical Practitioners

An independent registered medical practitioner qualified in occupational health medicine (IRMP) means —

1. holding a diploma in occupational medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State; and for the purposes of this definition, “competent authority” has the meaning given by section 55(1) of the Medical Act 1983; or
2. being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.

**Important:**

The employer is responsible for ensuring that the selected medical practitioner has the appropriate qualification(s). If you change your doctor or provider, please ensure that you inform Leicestershire CC Pension Fund, of the new arrangements, supplying the doctors’ details, proof of their relevant qualification, and supply scanned copies of their signatures.

### Permanently Incapable

This is defined as meaning that “the member will, more likely than not, be incapable until, at the earliest, normal pension age. In addressing questions about permanency, whether in terms of the local government employment or gainful employment elsewhere, consideration must be given, not to the immediate or foreseeable future, but to the date when the member attains his/her normal pension age.

### Gainful employment

Means paid employment for not less than 30 hours in each week for a period of not less than 12 months

### Reasonable period

Means a period of 3 years.

It should be noted however, that if the member is judged to be “permanently incapable of discharging efficiently the duties of his/her current employment because of ill-health or infirmity of mind or body” as stated in Regulation 20, HOWEVER, is judged at that time to be capable **immediately** of obtaining gainful employment, the member cannot be granted ill health retirement.

### Reduced likelihood substitute for “likely to be not immediately capable”

From the outset, the policy objective has always been to incentivise a return to work for those people forced to leave their local government employment because of ill-health but who are otherwise capable of carrying out a wide range of employment elsewhere. Regulation 20 does not therefore provide an ill-health retirement benefit to any member whose employment was terminated by reason of permanent health for the purposes of regulation 20(1)(a) but who, at that time, was judged to be immediately capable of undertaking gainful employment as defined in regulation 20(14).

It follows that a 1st, 2nd or 3rd tier pension can only be awarded to a member whose likelihood of undertaking gainful employment, because of that permanent incapacity, is reduced.

**FORM I-HNOTN**

**LOCAL GOVERNMENT PENSION REGULATIONS**

## NOTIFICATION OF ILL HEALTH RETIREMENT TO PENSIONS SECTION

**NAME OF MEMBER:**

**DATE OF BIRTH:**

**NATIONAL INSURANCE NUMBER:**

**NAME OF EMPLOYING BODY:**

Please find enclosed a copy of the Ill Health Certificate signed by our Independent Registered Medical Practitioner (IRMP) relating to the application for Ill Health Retirement under the provision of the Regulations of the Local Government Pension Scheme. This application for ill health retirement is supported by medical opinion.

I therefore on behalf of the employing body authorise that Ill Health retirement has been granted on the following terms (please tick one of the following statements as applicable), and require the Pensions Section to commence payment of the appropriate pension benefits as defined under the relevant Regulations:

**( )** Ill Health Retirement of a current scheme member Tier 1 Award

**( )** Ill Health Retirement of a current scheme member Tier 2 Award

**( )** Ill Health Retirement of a current scheme member Tier 3 Award

For current scheme members only: The date of leaving will be: \_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_.

**( )** Early release of a deferred pension benefit for a former member who left LGPS before 1st April 2014 (Certificates C, D, or E)

**( )** Early release of a deferred pension benefit for a former member who left LGPS after 1st April 2014 (Certificate F)

For deferred members with Certificate F: The date the pension will commence will be:

\_\_\_\_\_\_/\_\_\_\_\_\_/\_\_\_\_\_\_ (This date should reflect the date the member met the IH criteria – check your certificate F for the date which has been recommended by the IRMP))

**( )** Ill Health Retirement of a Councillor member

If you require any further information, please contact me directly.

AUTHORISED BY (NAME)

JOB TITLE

SIGNATURE

DATE

## Certificate A

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND**

**CERTIFICATE OF PERMANENT INCAPABILITY FOR THE EARLY PAYMENT OF PENSION BENEFITS TO A CURRENT MEMBER**

**REGULATION 35**

**THIS PART TO BE COMPLETED BY EMPLOYER**

Name

Address

Employer Place of Work

Nature of Employment

(job description and full information on requirements of the job are attached)

**PARTS A, B & C TO BE COMPLETED BY IRMP before certifying**

**PART A**

I have examined the above named on: (Dates)

I now certify that: - In my opinion he/she is permanently incapable of discharging efficiently the duties of his/her current employment because of ill-health or infirmity of mind or body. In addition I certify below my opinion of their likelihood of being capable of undertaking gainful employment (whether in local government or otherwise).

**Please tick one of the following three statements:**

**( )** **1.** In my opinion the above named person has no reasonable prospect of being capable of undertaking any gainful employment before their normal retirement age (i.e. their own State Pension Age but with a minimum age of 65)

**( )** **2.** In my opinion the above named person is unlikely to be capable of undertaking any gainful employment within three years of leaving local government employment, however it is likely that they will be capable of undertaking any gainful employment before their normal retirement age (i.e. their own State Pension Age but with a minimum age of 65)

**( )** **3.** In my opinion the above named person is capable of undertaking gainful employment within three years of leaving this employment (or their own State Pension Age whichever is the sooner but with a minimum age of 65).

**PART B**

**HMRCSevere ill health test statement**

I further certify that in my opinion the employee **DOES ( ) OR DOES NOT ( )** satisfy the following statement, **OR ( ) this is not applicable as member is over State Pension Age**.

As a result of his/her ill health the above named person is unlikely to be capable of taking on any other paid work in any capacity, otherwise than to an insignificant extent (infrequent or just a few days a year) before State pension age, which may be later than 65.

**PART C**

Have the employee’s contractual hours been reduced and had reduced pensionable pay as a consequence, as a result of their ill health or infirmity or mind or body? **Yes / No** (delete as appropriate)

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date………….. .…..

Signed - Independent Registered Medical Practitioner

OR, I have reviewed the records on ……………………….(date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP ……………………………………………………………

Registered IRMP’s company name or official stamp……………………………………………………..
**Revised May 2019**

**x**

## Certificate B

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND**

**CERTIFICATE TO BE USED IN CASES WHERE ILL HEALTH RETIREMENT IS NOT RECOMMENDED
FOLLOWING AN APPLICATION FOR THE EARLY PAYMENT OF PENSION BENEFITS TO A CURRENT MEMBER**

**THIS PART TO BE COMPLETED BY EMPLOYER**

Name

Address

Employer Place of work

Nature of Employment
(job description and full information on requirements of the job are attached)

TO BE COMPLETED BY IRMP before certifying

I have examined the above named on: (Dates)

I now certify that: Please tick one of the 2 following statements before certifying

**( ) 1.** In my opinion he/she is NOT permanently incapable of discharging efficiently the duties of his/her current employment because of ill-health or infirmity of mind or body

OR

**( ) 2.** In my opinion he/she is permanently incapable of discharging efficiently the duties of his/her current employment because of ill-health or infirmity of mind or body HOWEVER, is judged at this time to be immediately capable of undertaking any gainful employment.

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their normal retirement age (i.e. their own State Pension Age but with a minimum age of 65)”.

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Certificate C

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND
CERTIFICATE OF PERMANENT INCAPABILITY
LGPS REGULATIONS 1995 AND LGPS (TRANSITIONAL PROTECTIONS) REGULATIONS 1997
FOR THE EARLY PAYMENT OF DEFERRED BENEFITS – REGULATION D11**

**THIS PART TO BE COMPLETED BY FORMER EMPLOYER**

Name

Address

Former employer Date of Application by member

Nature of Employment
(job description and full information on requirements of the job are attached)

Date this pensionable employment ceased (**this must be BEFORE 1.4.1998**)

**PARTS A, B & C TO BE COMPLETED BY IRMP before certifying**

I have examined the above named on: (Dates)

I now certify that:

**PART A**

**( )** In my opinion he/she IS permanently incapable of discharging efficiently his/her former pensionable employment because of ill-health or infirmity of mind or body. The date the member became permanently incapable is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_. This was
discoverable at that time based on evidence available at that time.

**OR**

**( )** In my opinion he/she IS NOT permanently incapable of discharging efficiently his/her former pensionable employment because of ill-health or infirmity of mind or body.

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their normal retirement age”.

**PART B**

Is the member permanently incapable of discharging efficiently the duties of any regular full-time employment because of ill-health or infirmity of mind or body? **Yes / No** (delete as appropriate)

If so, the date the member became so incapable is: .

**PART C**

Does the member have a life expectancy of less than 1 year? **Yes / No** (delete as appropriate)

If yes, is the member aware of this **Yes / No** (delete as appropriate)

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Certificate D

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND
CERTIFICATE OF PERMANENT INCAPABILITY
LGPS REGULATIONS 1997
FOR THE EARLY PAYMENT OF DEFERRED BENEFITS – REGULATION 31**

**THIS PART TO BE COMPLETED BY FORMER EMPLOYER**

Name

Address

Former employer Date of Application by member

Nature of Employment
(job description and full information on requirements of the job are attached)

Date this pensionable employment ceased (**this must be BETWEEN 1.4.1998 and 31.3.2008 inclusive**)

**PARTS A, B & C TO BE COMPLETED BY IRMP before certifying**

I have examined the above named on: (Dates)

I now certify that:

**PART A**

In my opinion he/she IS, at the date of application permanently incapable of discharging efficiently his/her former pensionable employment because of ill-health or infirmity of mind or body. **Yes / No** (delete as appropriate)

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their normal retirement age”.

If Yes, **PLEASE COMPLETE PARTS B and C before certifying**

**PART B**

Is, at the date of application, the member permanently incapable of discharging efficiently the duties of any regular full-time employment because of ill-health or infirmity of mind or body? **Yes / No** (delete as appropriate)

**PART C**

Does the member have a life expectancy of less than 1 year? **Yes / No** (delete as appropriate)

If yes, is the member aware of this **Yes / No** (delete as appropriate)

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Certificate E

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND
CERTIFICATE OF PERMANENT INCAPABILITY
LGPS (BENEFITS, MEMBERSHIP AND CONTRIBUTIONS) REGULATIONS 2007
AND LGPS (ADMINISTRATION) REGULATIONS 2008.
FOR THE EARLY PAYMENT OF DEFERRED BENEFITS – REGULATION 31**

**THIS PART TO BE COMPLETED BY FORMER EMPLOYER**

Name

Address

Former employer Date of Application by member

Nature of Employment
(job description and full information on requirements of the job are attached)

Date this pensionable employment ceased (**this must be BETWEEN 1.4.1998 and 31.3.2014**)

**PARTS A & B TO BE COMPLETED BY IRMP before certifying**

I have examined the above named on: (Dates)

I now certify that: **PLEASE COMPLETE PARTS A and B before certifying**

**PART A**

**( )** In my opinion he/she is permanently incapable of discharging efficiently his/her former pensionable employment because of ill-health or infirmity of mind or body **AND** this condition is likely to prevent him/her from being capable of undertaking any gainful employment before age 65, or for at least three years whichever is the sooner.

If so, the date the member became so incapable is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

**( )** In my opinion he/she is **NOT** permanently incapable of discharging efficiently the duties of his/her former employment because of ill-health or infirmity of mind or body OR that they are permanently incapable of discharging efficiently his/her **former pensionable employment** because of ill-health or infirmity of mind or body **BUT** this condition is unlikely to prevent him/her from being capable of undertaking any gainful employment before age 65, or for at least 3 years whichever is the sooner.

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their normal retirement age”.

**PART B**

Is the member permanently incapable of discharging efficiently the duties of any regular full-time employment because of ill-health or infirmity of mind or body? **Yes / No** (delete as appropriate)

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Certificate F

**LEICESTERSHIRE COUNTY COUNCIL PENSION FUND
CERTIFICATE OF PERMANENT INCAPABILITY
LGPS REGULATIONS 2013
FOR THE EARLY PAYMENT OF DEFERRED BENEFITS – REGULATION 38**

**THIS PART TO BE COMPLETED BY FORMER EMPLOYER**

Name

Address

Former employer Date of Application by member

Nature of Employment
(job description and full information on requirements of the job are attached)

Date this pensionable employment ceased (**this must be AFTER 1.4.2014**)

**PARTS A & B TO BE COMPLETED BY IRMP before certifying**

I have examined the above named on: (Dates)

I now certify that: **PLEASE COMPLETE PARTS A and B before certifying**

**PART A**

**( )** In my opinion he/she is permanently incapable of discharging efficiently his/her former pensionable employment because of ill-health or infirmity of mind or body **AND** this condition is likely to prevent him/her from being capable of undertaking any gainful employment before normal retirement age (i.e. their own State Pension Age but with a minimum of age 65), or for at least three years whichever is the sooner.

If so, the date that the member met this criteria for the first time is, in my opinion \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date)

**OR**

**( )** In my opinion he/she is **NOT** permanently incapable of discharging efficiently the duties of his/her former employment because of ill-health or infirmity of mind or body OR that they are permanently incapable of discharging efficiently his/her **former pensionable employment** because of ill-health or infirmity of mind or body **BUT** this condition is unlikely to prevent him/her from being capable of undertaking any gainful employment before normal retirement age (i.e. their own State Pension Age but with a minimum of age 65), or for at least 3 years whichever is the sooner.

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their normal retirement age which is their own State Pension Age but with a minimum of age 65”.

**PART B**

Is the member permanently incapable of discharging efficiently the duties of any regular full-time employment because of ill-health or infirmity of mind or body? **Yes / No** (delete as appropriate)

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Certificate H

**LEICESTERSHIRE COUNTY COUNCIL**

**CERTIFICATE OF PERMANENT INCAPABILITY**

**FOR THE EARLY PAYMENT OF DEFERRED BENEFITS FOR A COUNCILLOR MEMBER**

**THIS PART TO BE COMPLETED BY THE COUNCIL**

Name

Address

Former employer Date of Application by member

**Former Employment: Ward councillor**

**TO BE COMPLETED BY IRMP before certifying**

I have examined the above named on: (Dates)

I now certify that: please tick the appropriate boxes:

**( )** In my opinion he/she **IS** permanently incapable of discharging efficiently his/her **former employment** because of ill-health or infirmity of mind or body.

**( )** In my opinion he/she **IS** permanently incapable of discharging efficiently the duties of **any regular full-time employment** because of ill-health or infirmity of mind or body.

**( )** In my opinion the above named person has a life expectancy of **less** than one year.
Is the member aware of this? **Yes / No** (please delete as appropriate)

**( )** In my opinion the above named person has a life expectancy of **one year or more**.

**OR**

**( )** In my opinion he/she **IS NOT** permanently incapable of discharging efficiently his/her former employment because of ill-health or infirmity of mind or body.

In giving my opinion I am aware that “Permanently Incapable” means “that the member will, more likely than not, be incapable until at the earliest, their age of 65”.

**I further certify that I have not previously advised or given an opinion on or otherwise been involved in the case for which this certificate has been requested.**

**I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations**

**Additionally I certify that I am not acting, and have not at any time acted, as the representative of the person named above, the members Employer or any other party in relation to this case.**

 Date

Signed - Independent Registered Medical Practitioner

**OR**, I have reviewed the records on (date) and confirm the above statements to be true.

 Date

Signed - Independent Registered Medical Practitioner

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Leicestershire County Council Pension Fund logoWHAT YOU SHOULD KNOW IF YOU HAVE BEEN AWARDED A THIRD TIER ILL HEALTH RETIREMENT BENEFIT

You have been awarded a **third tier ill health retirement benefit** which occurs when a scheme member is judged to be capable of undertaking gainful employment within 3 years after leaving that local government employment. You will be entitled to your pension benefits whilst you are not in gainful employment, or until the employer stops payments following a review. However, the third tier pension is only payable for a **maximum of 3 years.**

Gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

**What do I need to do if I re-enter employment?**

You must notify your previous employer if employment is found at any time during the 3 years, providing details, including pay, working hours and length of contract of that employment, and the employer would then stop payments if this was ‘gainful employment.’

If payments have continued when gainful employment has been found, the employer will have powers to recover any overpayment from you.

**When will my situation be reviewed?**

The review will take place 18 months after your retirement, if your pension is still being paid.

**What will happen next?**

Firstly, your previous employer will ask you if your circumstances had changed, seeking details of working hours, pay and length of contract. If the employer decides, from the information provided, that you are in gainful employment then the 3rd tier payments will be stopped. The employing authority will then notify the Pensions Section and inform them when payments should be stopped.

If you are not in employment, you will then be referred to the Independent Occupational Health Practitioner (IRMP) for a medical review.

**What can happen at the medical review?**

If, as a result of the employer’s enquiry, it is found that you had not found gainful employment, the employer will seek a further opinion from the IRMP concerning your condition which resulted in the 3rd tier pension. If your condition is the same, the pension will continue for a further 18 months at which point it will stop. However, if it is decided that you are now capable of undertaking any gainful employment, (even if you are not actually working), then the pension will be stopped immediately.

If your condition has worsened, the employer could determine that your 3rd tier pension should become a 2nd tier pension. The pension would be uplifted to a second tier level from the 18 month point. However it is important to note that only the monthly pension will increase. Tax laws do not allow any further tax-free lump sum to be paid.

**What if my condition worsens in the future?**

The employer can determine that a 3rd tier member becomes a 2nd tier member upon the certification by the Independent Occupational Health Practitioner following the review even if the payment of the 3rd tier benefit has been stopped, as long as it is related to the original condition and is within 3 years of the pension having been stopped. So, if your condition worsens to a point where you are incapable of undertaking gainful employment during this time, you will need to contact your former employer once more to ask to be referred again. If it was re-introduced at an uplifted level, only the monthly pension would be re-introduced and uplifted. Tax laws do not allow any further tax-free lump sum to be paid.

You can also apply for the pension to be re-introduced due to an unrelated condition, but in this case an uplift to 2nd tier is not allowed, and so a lifelong unenhanced pension could be paid to you.

If your application is made after 3 years from the pension having been stopped, your application will be assessed depending on whether you are incapable of undertaking gainful employment and, once again, if the pension was re-introduced and made permanent in this instance it would not attract an enhancement.

**Does it make a difference if I am close to retirement age?**

It should be noted that should either the pension be stopped, or you find gainful employment on a date after your 55th birthday, the pension would not need to be stopped, as you have passed your earliest ‘eligible retirement date’. The Pensions Section will advise you of the value of your continuing pension, as in some cases, especially if you are not 65 yet, it may be less than the 3rd tier benefit level, in case you do wish to defer the pension until a later date.

**This page is a brief guide to the Scheme and cannot cover every personal circumstance. In the event of any dispute over your pension benefits, the appropriate legislation will prevail. This page does not confer any contractual or statutory rights and is provided for information purposes only.**

April 2014

## Employer Third Tier Review Declaration

A review has taken place for a member who was awarded a third tier ill health retirement, and has reached the 18 month review date

Name of Member

Date Left

Date of Birth

National Insurance number

**Please tick either Part A or part B as appropriate**

1. [ ] I have already ascertained that the member has found gainful employment. The date that this statement became true was:

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. [ ] The member informed me that they are not working in gainful employment. I therefore sent the member for a third tier review to the IRMP, and the completed review certificate is attached.

Signed for on behalf of the employer:

Print name:

Job title: Date:

## 3rd Tier Ill Health Retirement Review Certificate for a Current 3rd Tier Pensioner – Pension in payment still - Review taking place within 3 years of date of cessation of employment.

**Part A: To be completed by the employer**

Name of former employee

Date of birth: NI Number:

Home address

Former employer Date of cessation of former position

Title and Nature of former employment (n.b. job description attached):

**Part B Declaration**

The above named was awarded a reviewable third tier ill health retirement in line with the guidelines and definitions contained in the Local Government Pension Regulations.

It is now necessary to review, whether he / she is still capable of obtaining gainful employment within 3 years of the date of cessation of employment.

I certify that, in my opinion, having considered their ill health or infirmity, the person named in Part A:

Please tick one of the following statements as being true

**( )** The member is currently capable of undertaking any gainful employment. This will result in the member’s pension ceasing from the review date which is \_\_\_\_\_\_\_\_\_\_\_\_\_.

**( )** The member is still likely to be capable of undertaking any gainful employment within 3 years of the date of leaving, and in my opinion this will remain the case for at least the next 18 months. (Unless the member obtains gainful employment. I do not therefore need to see the member again. This will result in the member’s pension continuing for up to a further 18 months, and then it will cease.

**( )** The member is still likely to be capable of undertaking any gainful employment within 3 years of the date of leaving. This will result in the member’s pension continuing for up to a further 18 months (unless the member obtains gainful employment). I would like to review the member on \_\_\_\_\_\_\_\_\_\_\_\_\_\_. (This date should be a date greater than 18 months but less than 3 years after the date of leaving).

**( )** The member’s condition has worsened, and is now considered being not likely to be capable of undertaking any gainful employment within 3 years of the date of leaving. This will result in the pension being uplifted to 2nd tier.

**Part C General Statement**

I **do / do not** (please delete as necessary) attach a copy of my full report/assessment

Certified by - Independent Registered Medical Practitioner. I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations.

 Date

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## 3rd Tier Ill Health Retirement Review Certificate for a Suspended 3rd Tier Pensioner – Review taking place within 3 years of date of cessation of the 3rd tier pension (and before normal retirement age).

**Part A: To be completed by the employer**

Name of former employee

Date of birth: NI Number:

Home address

Former employer Date of cessation of former position

Title and Nature of former employment (n.b. job description attached):

Date of application for review and/ or early payment of benefits:

**Part B Declaration**

The above named was awarded a reviewable third tier ill health retirement in line with the guidelines and definitions contained in the Local Government Pension Regulations. It was suspended on the grounds that the member no longer met that criteria, and either returned to, or was capable of returning to, gainful employment.

The person has now requested a further review (within 3 years of the date of cessation the 3rd tier pension) claiming that their position has changed and they are no longer capable of undertaking any gainful employment

I certify that, in my opinion, (and for statements 1 and 2) having regard only to the medical condition that resulted in the original award of a tier 3 pension, and for statement 3 (due to a medical condition other than that which resulted in the original tier 3 award) and related to the person named in Part A:

Please tick one of the following statements as being true. The person named in Part A ;

1. **( )** Is still capable of undertaking any gainful employment. The pension will therefore not be re-introduced.
2. **( )** Is no longer capable (due to the original condition) of working within 3 years of the date of leaving. This will result in the introduction of a life-long 2nd tier pension being introduced from the date of application (above).
3. **( )** Is no longer capable (due to the onset of an unrelated condition) of undertaking any gainful employment. This will result in the introduction of a life-long un-enhanced pension being introduced by the date this certificate is signed.

**Part C Declaration**

Is the member permanently incapable of discharging efficiently the duties of any regular full-time employment because of ill-health or infirmity of mind or body? **Yes / No** (delete as appropriate)

If so, the date the member became so incapable is: .

**Part D General Statement**

I **do / do not** (please delete as necessary) attach a copy of my full report/assessment

Certified by - Independent Registered Medical Practitioner. I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations

Signed Date

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## 3rd Tier Ill Health Retirement Review Certificate for a Suspended 3rd Tier Pensioner – Review taking place 3 years or more after the date of cessation of the 3rd tier pension (and before normal retirement age).

**Part A: To be completed by the employer**

Name of former employee

Date of birth: NI Number:

Home address

Former employer Date of cessation of former position

Title and Nature of former employment (n.b. job description attached):

Date of application for review and/ or early payment of benefits:

**Part B Declaration**

The above named was awarded a reviewable third tier ill health retirement in line with the guidelines and definitions contained in the Local Government Pension Regulations. It was suspended on the grounds that the member no longer met that criteria, and either returned to, or was capable of returning to, gainful employment.

Please tick one of the following statements as being true.

I certify that, in my opinion the person named in Part A;

1. **( )** Is still capable of undertaking any gainful employment. The pension will therefore not be re-introduced.
2. **( )** Is no longer capable of undertaking any gainful employment. This will result in the introduction of a life-long un-enhanced pension being introduced by the date this certificate is signed.

If so, the date the member became so incapable is: .

**Part C General Statement**

I **do / do not** (please delete as necessary) attach a copy of my full report/assessment

Certified by - Independent Registered Medical Practitioner. I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations

Signed Date

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## 3rd Tier Ill Health Retirement Review Certificate for a Suspended 3rd Tier Pensioner where the cessation of employment occurred before 1 April 2014 – Review taking place 3 years or more after the date of cessation of the 3rd tier pension (and before normal retirement age)

**IMPORTANT: 2 PAGE DOCUMENT PAGE 1 OF 2**

**Part A: To be completed by the employer**

Name of former employee

Date of birth: NI Number:

Home address

Former employer Date of cessation of former position

Title and Nature of former employment (n.b. job description attached):

Date of application for review and/ or early payment of benefits:

**Part B (i) Declaration regarding original medical condition**

The above named was awarded a reviewable third tier ill health retirement in line with the guidelines and definitions contained in the Local Government Pension Regulations. It was suspended on the grounds that the member no longer met that criteria, and either returned to, or was capable of returning to, gainful employment.

Please tick one of the following statements as being true:

I certify that, in my opinion the person named in Part A, and only having regard to the medical condition that resulted in the original award and no other;

1. **( )** Is still capable of undertaking any gainful employment. The pension will therefore not be re-introduced.
2. **( )** Is no longer capable of undertaking any gainful employment. This will result in the introduction of a life-long un-enhanced pension being introduced by the date this certificate is signed.

 If so, the date the member became so incapable is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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*3rd Tier Ill Health Retirement Review Certificate for a Suspended 3rd Tier Pensioner where the cessation of employment occurred before 1st April 2014 – Review taking place 3 years or more after the date of cessation of the 3rd tier pension (and before normal retirement age)* ***Continued***

**IMPORTANT: 2 PAGE DOCUMENT PAGE 2 OF 2**

**Part B (ii) Declaration regarding subsequent medical condition (if required)**

The questions in this part relate to whether or not the person can, due to a medical condition other than that which resulted in the original award of a tier 3 ill health pension, have the suspended tier 3 ill health pension brought back into payment.

1. **( )** Is not permanently incapable of undertaking any gainful employment before normal retirement age
2. **( )** Is permanently incapable of undertaking any gainful employment before normal retirement age.

 If so, the date the member became so incapable, based on evidence available at that time is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(The date can be earlier than and need not correspond with the date the person asked for the case to be reviewed and will be sued as the date the pension will be brought into payment)

**Part C General Statement**

I **do / do not** (please delete as necessary) attach a copy of my full report/assessment

Certified by - Independent Registered Medical Practitioner. I am qualified to make this determination in accordance with the definition of ‘qualified’ as it appears in the above LGPS Pension Regulations

Signed Date

Printed name of IRMP

Registered IRMP’s company name or official stamp

**Revised May 2019**

## Specimen Copy of the letter HR will receive as a Review period approaches

Dear Sir/Madam,

**LOCAL GOVERNMENT PENSION REGULATIONS**

**ILL HEALTH RETIREMNT BENFITS – THIRD TIER AWARD REVIEW REQUIRED**

**MR. JOHN SMITH ADDRESS DATE OF BIRTH ETC.**

You will see from your records that Mr. John Smith was awarded a reviewable third tier ill health pension entitlement on 18th October 2010 (copy of original certificate attached).

The Employer is obliged to review Mr Smith’s working capability after 18 months has elapsed. I am therefore writing to remind you that you need to establish Mr. Smith’s capability.

First of all you will need to find out whether Mr. Smith has found gainful employment. ‘Gainful employment is defined as ‘paid employment for not less than 30 hours in each week for a period of not less than 12 months’.

If they have, you will need to notify the Pensions Section immediately, by completing Part A of the Employer declaration, so that the third tier benefit can be stopped.

If the member has not found gainful employment you will need to arrange a referral to your IRMP for a third tier review to take place. On the conclusion of that review, please complete Part B of the Employer declaration, and return it to the Pensions Section along with the Review Certificate, completed by the IRMP.

Checklist:

1. Contact the member to ascertain whether they are in gainful employment.
2. Following the results of that enquiry, if part A of the Employer declaration is relevant, you need do no more than complete that and forward it to the Pensions Section. If Part B is relevant, then the medical referral and review must take place.
3. Once the review has taken place and you have the IOPHs completed Review certificate, please complete Part B of the Employer declaration and return that to the Pensions Section with a copy of the Review certificate.

I look forward to hearing from you in due course.

Yours faithfully,

Pensions Manager