



# North Yorkshire Pension Fund

## Tier 3 Ill Health Retirement Review Certificate for a Suspended Tier 3 Pensioner who left after 31 March 2014.

Review taking place 3 or more years after the date of cessation of the tier 3 pension (and before normal pension age (1))

Medical certificate to be provided by an independent, approved, duly qualified registered medical practitioner in respect of a tier 3 pensioner **whose pension is currently suspended** and who requests early reinstatement on health grounds in accordance with regulation 38 of the LGPS Regulations 2013.

### Part A - to be completed by the employer

#### Personal Details

Employee's full name:			
Title:		Date of birth:	
NI Number:			
Home address & postcode:			

#### Employment Details at date became a tier 3 ill health pensioner

Employer:	
Position (post title):	
Nature of employment: (attach job description and full information on requirements of the job)	
Date of leaving:	
Date tier 3 pension was originally discontinued:	
Date member asked for early payment of suspended pension:	

The person named above was, at the date of cessation of their former position, certified as being permanently incapable (2) of discharging efficiently the duties of their employment with their employer because of ill health or infirmity of mind or body, and that, although not immediately capable at that time of undertaking other gainful employment (3), it was nevertheless likely that they would be capable of undertaking gainful employment (3) within 3 years of the date of cessation of employment (or by their normal pension age (1), if earlier).

The person named above was awarded a short-term, reviewable, tier 3 pension which has subsequently been suspended. They have applied for early reinstatement of the suspended pension and so it is now necessary, in accordance with regulation 38 of the Local Government Pension Scheme Regulations 2013, to determine whether they are unlikely to be capable of undertaking (5) any gainful employment (3) before their normal pension age (1).

**Part B - to be completed by the approved (4) registered medical practitioner**

Please tick either B1 or B2

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

**B1: IS LIKELY** to be capable of undertaking (5) any gainful employment (3) before their normal pension age (1).

**B2: IS UNLIKELY** to be capable of undertaking (5) any gainful employment (3) before their normal pension age (1).

**Part C - to be completed by the approved (4) registered medical practitioner**

I do / do not (delete as appropriate) attach a copy of my full report / assessment and I certify that:

I am registered with the General Medical Council

**AND**

I hold a diploma in occupational health medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State (with 'competent authority' having the meaning given by Section 55(1) of the Medical Act 1983), or I am an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or of an equivalent institution in an EEA State

**AND**

I have given due regard to the guidance issued by the Secretary of State when completing this certificate\*\*.

Signature of independent registered medical practitioner

Practitioner's / company's official stamp (optional)

Printed name of independent registered medical practitioner

GMC reference number

Date

\*\* the guidance document is available at <http://lgpsregs.org/schemeregs/lgpsregs2013.php>

**Part D - to be completed by the employer**

- I have considered the medical practitioner's report and all other available information, and I hereby authorise and approve the tier 3 ill health pension being brought back into payment from **(enter date)**
- I have considered the medical practitioner's report and all other available information, and I hereby authorise and approve the continued suspension of the tier 3 ill health pension.

Where medical experts (i.e. IRMP/Specialist/Consultant/GP) disagree due to conflicting medical opinion, please document here why your decision is weighted towards one medical opinion over another, in order to comply with Pensions Ombudsman guidance. Please also document here your reasons for awarding a different level of benefit than that recommended in this certificate if you have done.

Signed by authorised manager:

Date:

Print name:

Job Title:

## Explanatory notes to accompany certificate

### Meaning of terms used

- (1) 'Normal pension age' means the employee's individual state pension age at the time the deferred benefit is to be brought into payment, but with a minimum of age 65. To determine an individual's state pension age please go to [www.gov.uk/state-pension-age](http://www.gov.uk/state-pension-age).
- (2) 'Permanently incapable' means that the person was, more likely than not, incapable of discharging efficiently the duties of their former employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal pension age – see (1).
- (3) 'Gainful employment' means paid employment for not less than 30 hours in each week for a period of not less than 12 months. It does not have to be employment that is commensurate in terms of pay and conditions with that of their former employment.
- (4) The independent registered medical practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- (5) The independent registered medical practitioner is providing an opinion on the person's capability of undertaking gainful employment based solely on the effect the medical condition has on the ability to undertake gainful employment.
- (6) The independent registered medical practitioner signing the certificate does not have to be a different independent registered medical practitioner to the one who originally certified the scheme member's permanent incapacity at the date of leaving i.e. the same practitioner can sign this certificate too.

### General – notes for employers

If B1 is ticked, the 3<sup>rd</sup> tier ill health pension remains suspended as the member does not satisfy the requirements to have it brought back into payment.

If B2 is ticked, the employer can bring the suspended 3<sup>rd</sup> tier ill health pension back into payment from the date they determine. Pension increases will be payable under the Pensions (Increase) Act 1971 even if the member is under age 55.

The opinion given by the approved registered medical practitioner does not, in itself, determine whether the suspended pension is brought back into payment. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will be payable.

### **It is for the former employing authority to make the formal determination.**

If the former employer agrees to bring the suspended Tier 3 ill health pension into payment early, the pension is payable from the date of the former employer's determination that the member meets the criteria for early release of the suspended Tier 3 ill health pension under the LGPS (and not from the date of the member's application for early payment or from the date the IRMP signs this certificate).

These notes were up to date when this form was reviewed in March 2020 and are provided for information only. They confer no contractual or statutory rights and in the event of any dispute the appropriate legislation will prevail.