



North Yorkshire Pension Fund

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

Review taking place at the request of the member whilst the pension is in payment or within 3 years after payment of the pension has been discontinued (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 who, in accordance with regulation 37 of the LGPS Regulations 2013 has requested a review, whilst the tier 3 pension is in payment or within 3 years after payment of the tier 3 pension has been discontinued (and before normal retirement age), to determine whether or not the person meets the criteria to be uplifted to a tier 2 pension.

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 case to be reviewed: | |

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 and has made a request, either whilst the tier 3 pension is still in payment or within 3 years of it being discontinued, for the employer to determine whether or not to move them to a tier 2 pension. It is therefore now necessary to determine, in accordance with regulation 37(10) of the Local Government Pension Scheme Regulations 2013, whether the person can, due to the medical condition that resulted in the original award of a tier 3 pension, be uplifted to a tier 2 pension.

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/WAS LIKELY to be capable of undertaking (5) gainful employment (3) within three years of the date of leaving shown in Part A (or by their normal pension age (1), if earlier).

B2: IS UNLIKELY to be capable of undertaking (5) gainful employment (3) within three years of the date of leaving shown in Part A but is likely to be able to undertake (5) gainful employment (3) at some point thereafter and is permanently incapable (2) of discharging efficiently the duties of the employment they were undertaking at the date of leaving shown in Part A and which gave rise to the tier 3 ill health pension.

If B1 has been ticked, please go to Part D

If B2 has been ticked, please move to Part C if, and only if, the form is being completed within the same Scheme year (ending 31st March) that the person named in Part A ceased employment (as shown in Part A); otherwise, please go to Part D

Part C - Severe ill health test statement - as required by HMRC

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

B3: DOES

B4: DOES NOT

satisfy the following statement:

As a result of their ill health or infirmity, the person named in Part A is unlikely to be capable of taking on any other paid work in any capacity, otherwise than to an insignificant extent (6) before state pension age (7).

(Note: the answer to this question is used to determine whether or not the person could be subject to a tax charge in accordance with the annual allowance test under the Finance Act 2004).

Part D - 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

Printed name of independent registered medical practitioner

GMC reference number

Date

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

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

Part E - 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 retirement benefits continuing to be paid on the following basis:

- Uplift the current ill health benefits to tier 2 from (enter date) payable for the rest of the former employee's life.
- Do not uplift the current ill health pension to tier 2 as the former employee does not currently meet the criteria. Benefits will continue to be paid on the tier 3 basis until the end of the 3 year payment period.

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.
- (2) 'Permanently incapable' means that the person is, 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 member does not, in the independent registered medical practitioner's opinion, satisfy the requirements to be uplifted to a tier 2 ill health pension.

If B2 is ticked, the member does, in the independent registered medical practitioner's opinion, satisfy the requirements to be uplifted to a tier 2 ill health pension and the former employer can determine to award an enhanced (tier 2) ill health pension, payable from the date of their determination.

If B2 has been ticked and the former employer determines to award an enhanced (tier 2) ill health pension, payable from the date of their determination, there is no pension input amount for the purposes of the annual allowance test under the Finance Act 2004 and Pensions Increase 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 or is uplifted to tier 2. 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 person is not capable, due to the medical condition that resulted in the original award of a tier 3 ill health pension, of undertaking (5) gainful employment (3) within three years of the date of leaving shown in Part A and is permanently incapable (2) of undertaking any gainful employment (3) before his / her normal retirement age (1), regulation 37 of the Local Government Pension Scheme Regulations 2013 does not permit a tier 1 ill health pension to be awarded. Where a tier 3 ill health pension was originally awarded the person would, in order to obtain a tier 1 ill health pension, have to have made a successful appeal under the Internal Dispute Resolution Procedure with the appeal being launched within 6 months of initially being notified of the award of a tier 3 ill health pension (or such longer period as the person hearing the appeal considers appropriate).

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.

