



## Notes of Guidance

### Completion of Medical Review Certificate for a Current 3rd Tier Pensioner

Where the cessation of employment occurred after 31 March 2014, and where the Review is taking place 18 months after cessation of employment and before Normal Retirement Age.

#### The Completion of the Form - Section 2

- If **Section A1** and **B1** are ticked, the former employer can determine to cease payment of the pension (or can determine to continue payment, for so long as the person is not in gainful employment up to a maximum period of 3 years from the date of leaving shown in Section 1 or to the date the person attains normal pension age, if earlier).
- If **A1** and **B2** are ticked, the former employer can determine to continue payment, for so long as the person is not in gainful employment up to the date the independent registered medical practitioner has said that the person is likely to be capable of undertaking gainful employment or to the date the person attains normal pension age, if earlier (**or** can determine to cease payment of the pension; **or** can determine to continue payment, for so long as the person is not in gainful employment up to a maximum period of 3 years from the date of leaving shown in Section 1 or to the date the person attains normal pension age, if earlier).
- If **A2** has been ticked the former employer can determine to award an enhanced (tier 2) ill health pension, payable from the date of their determination. If they do so, there is no pension input amount for the purposes of the annual allowance test under the Finance Act.
- The opinion given by the approved registered medical practitioner does not, in itself, determine the cessation or otherwise of a benefit under the LGPS. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will or will not be payable. It is for the former employing authority to make the formal determination.

#### Glossary of Terms

- 'Normal pension age' means the employee's individual State pension age at the time the benefit was brought into payment, but with a minimum of age 65. State pension age is currently age 65 for men. State pension age was equalised to age 65 in November 2018. State pension age will continue to increase from December 2018 onwards. To determine an individual's State pension age please go to: <https://www.gov.uk/state-pension-age>
- '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.
- '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 the person's former employment.

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- The Independent Registered Medical Practitioner signing the certificate must have been approved for this purpose by the Pension Fund administering authority.
- 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.
- 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.

### **Disclaimer**

These notes were up-to-date when this form was updated in June 2019 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.

**This is a medical certificate provided by an independent, approved, duly qualified registered medical practitioner in respect of a 3rd tier pensioner whose pension is currently in payment in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013.**

## Local Government Pension Scheme

### Medical Review Certificate for a Current 3rd Tier Pensioner

Where the cessation of employment occurred after 31 March 2014, and where the Review is taking place 18 months after cessation of employment and before Normal Retirement Age.

#### Section 1 – Pensioner's Details (to be completed by the former Employer)

Name of Pensioner:		Title:	
Home Address:			
		Post Code:	
NI Number:		Date of Birth:	
Employer at date became a tier 3 ill health pensioner:			
Post title at date became a tier 3 ill health pensioner*:			
Date of Termination:			
<p><b>*Please attach job description and any other applicable details to distinguish nature of employment at date of becoming a Tier 3 ill health pensioner</b></p>			

The person named above was, at the date of cessation of their former position, certified as being permanently incapable of discharging efficiently the duties of his / her employment with his / her 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, it was nevertheless likely that he / she would be capable of undertaking gainful employment within 3 years of the date of cessation of employment (or by his / her normal pension age, if earlier). He / she was awarded a short-term, reviewable, tier 3 pension. It is now necessary to review, in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013, whether, and if so when, the above named person will be likely to be capable of undertaking gainful employment.

#### Section 2 – Medical Practitioner's Certification

<b>A</b>	I certify that, in my opinion, having considered their ill health or infirmity, the above named person:	✓
<b>1</b>	<b>IS STILL LIKELY</b> to be capable of undertaking gainful employment within three years of the date of leaving shown in Section 1 <b>(or by their Normal Pension Age, if earlier).</b>	
<b>2</b>	<b>IS UNLIKELY</b> to be capable of undertaking gainful employment within three years of the date of leaving shown in Section 1, but is likely to be able to undertake gainful employment at some point thereafter and is permanently incapable of discharging efficiently the duties of the employment they were undertaking at the date of leaving shown in Section 1 and which gave rise to the tier 3 ill health pension.	

If A1 has been ticked, please complete B1 or B2 and then proceed to Section 3.

If A2 has been completed, please proceed to Section 3.

<b>B</b>	I certify that, in my opinion, this pensioner:	✓
<b>1</b>	<b>IS CURRENTLY</b> capable of undertaking gainful employment.	
<b>2</b>	<b>IS NOT CURRENTLY</b> capable of undertaking gainful employment, but is likely to be able to do so by the date indicated below: <b>(Please enter a date any day up to the day preceding the third anniversary of the date of leaving shown in Section 1).</b>  <b>ENTER DATE:</b> <input type="text"/>	

### Section 3 – Medical Practitioner's Comments

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### Section 4 – Medical Practitioner's Declaration

I **DO** **DO NOT** attach a copy of my full report / assessment and 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\*\*

\*\*The latest versions of the guidance document, and the supplementary guidance document, are available from the relevant section at <http://www.lgpsregs.org/index.php/dclg-publications/dclg-stat-guidance>

<b>Print Name:</b>			
<b>Signature:</b>		<b>Date:</b>	

<b>Official stamp: (if applicable)</b>	
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