



Notes of Guidance

Completion of Medical Review Certificate for a Suspended 3rd Tier Pensioner

Where the cessation of employment occurred before 1 April 2014, with the Review taking place within 3 years of the date of cessation of the 3rd tier pension, and before Normal Retirement Age.

The Completion of the Form

Section 2A - The questions in this part relate to whether or not the person can, due to the medical condition that resulted in the original award of a tier 3 ill health pension, be uplifted to a tier 2 pension in accordance with regulation 20(11) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

Section 2B - 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 in accordance with regulation 31(7) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

- If **A1 AND B1** is ticked, the 3rd tier ill health pension remains suspended as the member does not satisfy the requirements to have it brought back into payment due to either the original or a new medical condition.
- If **A2** is ticked, the former employer can determine to award an enhanced (2nd tier) ill health pension, payable from the date of their determination.
- If **A1 AND B2** are ticked, the former employer can bring the suspended 3rd tier ill health pension back into payment from the date the person became permanently incapable of undertaking any gainful employment.
- **Annual Allowance** - If **A2** has been ticked and the former employer determines to award an enhanced (2nd tier) ill health pension, payable from the date of their determination, or if **B2** has been ticked and the suspended tier 3 pension is brought back into payment, there is no pension input amount for the purposes of the annual allowance test under the Finance Act 2004.
- **Pensions Increase** - If **A2** or **B2** have been ticked, Pensions Increase will be payable under the Pensions (Increase) Act 1971 even if the member is under age 55.
- 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 gainful employment within three years of the date of leaving shown under Section 1 and is permanently incapable of undertaking any gainful employment before his / her normal retirement age, neither regulation 20 nor regulation 31 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) 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).

- 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.

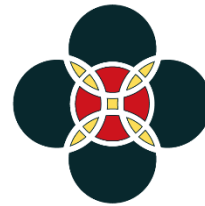
Glossary of Terms

- ‘Normal retirement age’ means age 65 (apart from in the case of a small number of protected members who have a normal retirement age of 60 e.g. employees who were transferred to local government from the Learning and Skills Council for England on 1 April 2010).
- ‘Permanently incapable’ means that the person was, more likely than not, incapable of discharging efficiently the duties of their employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal retirement 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.
- 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 not currently in payment, in accordance with regulation 20 or 31 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as amended) and regulation 56 of the Local Government Pension Scheme (Administration) Regulations 2008 (as amended).



Local Government Pension Scheme

Medical Review Certificate for a Suspended 3rd Tier Pensioner

Where the cessation of employment occurred before 1 April 2014, with the Review taking place within 3 years of the date of cessation of the 3rd tier pension, 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 (T3) ill health pensioner:			
Post title at date became a T3 ill health pensioner:			
Nature of employment at date became a T3 ill health pensioner*:			
Date of Termination:			
Date member asked for case to be reviewed:			
<p>*Please give full description of the requirements of the job and / or attach copy of job description if available</p>			

The person named above was, at the date of cessation of their former position, certified as being, on the balance of probabilities, 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 having a reduced likelihood of being capable of undertaking other gainful employment before their normal retirement age, 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 retirement age, if earlier). He / she was awarded a short-term, reviewable, tier 3 pension which was subsequently suspended. It is now necessary to determine, in accordance with regulation 20(11) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 and within 3 years of the tier 3 pension being suspended, whether he / she can, due to the medical condition that resulted in the original award of a tier 3 ill health pension, be uplifted to a tier 2 pension and, if not, whether in accordance with regulation 31 (7) of those Regulations, the person can have the tier 3 pension brought back into payment due to a medical condition other than that which resulted in the original award of a tier 3 ill health pension.

Section 2A – Medical Practitioner’s Certification

Section 2A: The questions in this part relate to whether or not the person can, due to the medical condition that resulted in the original award of a tier 3 ill health pension, be uplifted to a tier 2 pension in accordance with regulation 20(11) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

I certify that, in my opinion and having regard <u>only</u> to the medical condition that resulted in the <u>original</u> award of a Tier 3 ill health pension, the person named in Section 1:		✓
A1	IS / HAS BEEN capable of undertaking gainful employment within three years of the date of leaving shown under Section 1 (or by their normal retirement age, if earlier). (If this is ticked, please proceed to Section 2B)	
A2	IS NOT / HAS NOT BEEN capable, due to the medical condition that resulted in the original award of a Tier 3 ill health pension, of undertaking gainful employment within three years of the date of leaving shown in Section 1, but is likely to be capable of undertaking gainful employment before his / her normal retirement age. (If this is ticked, please proceed to Section 3)	

Section 2B – Medical Practitioner’s Certification

Section 2B: 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 in accordance with regulation 31(7) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007.

I certify that, in my opinion, and having regard to a medical condition <u>other</u> than that which resulted in the original award of a tier 3 ill health pension, the person named in Section 1:		✓
B1	IS NOT permanently incapable of undertaking any gainful employment before his / her normal retirement age. (Please proceed to Section 3)	
B2	<p>IS permanently incapable of undertaking any gainful employment before his / her normal retirement age and that the date he / she became so incapable on evidence available at that time, is as below: (Please proceed to Section 3).</p> <p>**ENTER DATE: <input type="text"/></p> <p>**Note: The date entered can be earlier than, and need not correspond with, the date the person asked for the case to be reviewed, as shown under Section 1, and will be used as the date from which the suspended tier 3 pension will be brought into payment.</p>	

Section 3 – 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 table at: <http://lgpsregs.org/timelineregs/Statutory%20Guidance%20and%20circulars/statguide.htm>

Print Name:			
Signature:		Date:	

Official stamp: (if applicable)	
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