SHROPSHIRE COUNTY PENSION FUND

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

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

Surname of employee:

Forenames:

Mr / Mrs / Miss / Ms*

Date of birth:

NI Number:

Home address:

Employer at date became a tier 3 ill health pensioner:

Position (post title) at date became a tier 3 ill health pensioner:

Nature of employment at date became a tier 3 ill health pensioner**:

Date of leaving:

Date member asked for early payment of suspended 3rd tier ill health pension:

The person named above was, at the date of cessation of their former position, certified as being, on the balance of probabilities, permanently incapable *(2)* 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 *(3)* before their normal retirement age *(1)*, it was nevertheless likely that he / she would be capable of undertaking gainful employment *(3)* within 3 years of the date of cessation of employment (or by his / her normal retirement age *(1)*, if earlier). He / she was awarded a short-term, reviewable, 3rd tier pension which was subsequently suspended. It is now necessary to determine, in accordance with regulation 31(7) of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 whether he / she is permanently incapable of undertaking *(5)* any gainful employment *(3)* before his / her normal retirement age *(1)*.

(*delete as appropriate)
(** please give full description of the requirements of the job and / or attach copy of job description if available)

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**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 NOT** permanently incapable of undertaking *(5)* any gainful employment *(3)* before his / her normal retirement age *(1)*

☐ B2: **IS** permanently incapable of undertaking *(5)* any gainful employment *(3)* before his / her normal retirement age *(1)* and that the date he / she became so incapable, based on evidence available at that time, was:

[Enter date] ☐ (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 in Part A, and will be used as the date from which the suspended tier 3 pension will be brought into payment).

Please now complete Part C.

**Part C: General statement to be completed by the approved** *(4)* **registered medical practitioner.**

I do / do not* 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**.

…… Date: ……
Signature of independent registered medical practitioner *(6)*
……..
Printed name of independent registered medical practitioner *(6)*

Registered medical practitioner's / company's official stamp
(Optional)

(* delete as appropriate)
(** the guidance document, and the supplementary guidance document, are available from the table at http://lgpsregs.org/timelineregs/Statutory%20Guidance%20and%20circulars/statguide.htm)

**Explanatory notes to accompany certificate**
**Meaning of terms used**

*(1)* '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].
*(2)* '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 – 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 the person's 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.

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**General – notes for employers**

If 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.

If B2 is ticked, the 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. 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. 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.

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*These notes were up-to-date when this form was reviewed 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).*