



Notes of Guidance

Completion of Medical Certificate for Current Member

General

The key questions that will determine whether immediate benefits are payable when a member's employment is terminated on the grounds of ill health or infirmity of mind or body are:

- at the date of termination the member must be under their Normal Pension Age in the 2014 scheme (see glossary of terms below for Normal Pension Age);
- at the date of termination the member must have met the 2 year qualifying service criteria for entitlement to a benefit (see glossary of terms below);
- the member must, as a result of ill health or infirmity of mind or body, be permanently incapable of discharging efficiently the duties of the employment the member was engaged in; **and**
- the member, as a result of ill health or infirmity of mind or body, must not be immediately capable of undertaking any gainful employment (see glossary of terms below) .

In addressing both these questions, employers will need to obtain an opinion from an approved Independent Registered Medical Practitioner (IRMP) qualified in occupational health medicine.

Employers are responsible for the provision of information to the Occupational Health Practitioners regarding the requirements of the member's normal job, details of sickness, absence and other relevant information.

The Completion of the Form

- If option A is completed with 'IS NOT' **OR** if option B is completed with 'IS', the member **does not**, in the medical opinion of the approved registered medical practitioner, meet the criteria for an ill health pension under the LGPS.
- If however, option A is completed with 'IS' **AND** if option B is completed with 'IS NOT', the member **is eligible**, in the medical opinion of the approved registered medical practitioner, for an ill health pension under the LGPS.
- If option A is completed 'IS' and B is completed 'IS NOT' **AND** option **T1** has been ticked, the member, in the medical opinion of the approved registered medical practitioner, meets the criteria for a **tier 1 ill health** pension under the LGPS. In this instance, the employee will be entitled to the immediate payment of accrued pension benefits with the highest level of enhancement (100% of prospective membership to the normal pension age).
- If option A is completed 'IS' and B is completed 'IS NOT' **AND** option **T2** has been ticked, the member, in the medical opinion of the approved registered medical practitioner, meets the criteria for a **tier 2 ill health** pension under the LGPS. The member is subsequently entitled to the immediate payment of

accrued pension benefits with the lower level of enhancement (25% of prospective membership to the normal pension age).

- If option A is completed 'IS' and B is completed 'IS NOT' **AND** option **T3** has been ticked, the member, in the medical opinion of the approved registered medical practitioner, meets the criteria for a **tier 3 ill health** pension under the LGPS. Under this arrangement, the member will be entitled to immediate payment of accrued pension benefits **WITHOUT** enhancement, reviewable after 18 months by the employing authority.
- If under Section 3, 'IS' has been highlighted (i.e. the employee is in part-time service and working reduced contractual hours wholly or partly as a result of the condition that caused or contributed to the member's ill-health retirement), the employer can calculate the Assumed Pensionable Pay upon which the member's enhancement to benefits is to be calculated as if the reduction in contractual hours and pay had not occurred.
- If under Section 4, 'DOES' has been highlighted, there is no pension input amount for the purposes of the Annual Allowance test under the Finance Act 2004 as the person meets the 'severe ill health condition' under section 229 of that Act.
- The opinion given by the approved registered medical practitioner does not, in itself, give entitlement or otherwise to an ill health award. Nor should the medical practitioner indicate to the member that such an award will or will not be made. It is for the employer to make the formal ill health award determination.

Glossary of Terms

- **2 year qualifying service criteria** - Employers will need to note that in cases where the process of ill health retirement is started before 1 April 2014, the member will not be entitled to immediate payment of ill health pension benefits if (1) ill health retirement occurs after 31 March 2014 and (2) if at the date of termination, the member does not meet the 2 year qualifying period for entitlement to an immediate pension.

Instead, the member would only be entitled to a deferred benefit (or the choice of a refund of contributions, less the statutory deductions) but could apply to the employer to have the deferred benefit brought into payment (at an unenhanced rate) subject to obtaining the relevant deferred ill health certificate from an Independent Registered Medical Practitioner.

To meet the Vesting criteria:

1. the member must have spent 2 years as an active member of the LGPS in England or Wales; or
2. the member must have transferred into the LGPS in England or Wales pension rights from a different occupational pension scheme (or from a European pensions institution) and the length of service in respect of benefits in that scheme was 2 or more years; or
3. the aggregate of the period the person has spent as an active member of the LGPS in England or Wales and of a different occupational pension scheme or European Pensions Institution in respect of which a transfer value payment has been accepted, is 2 or more years; or
4. the member has transferred pension rights into the LGPS in England or Wales from a pension scheme or arrangement that does not permit a refund of contributions to the member (e.g. from a personal pension scheme or stakeholder pension scheme); or
5. the member has paid National Insurance contributions whilst an active member and ceases active membership after the end of the tax year preceding that in which the member attains pensionable age (i.e. age 60 for a female or age 65 for a male) if the member has a Guaranteed Minimum Pension (GMP) accrued prior to 6 April 1997 or, in any other case, State Pension Age; or

6. the member already holds a deferred benefit under the LGPS in England or Wales or is in receipt of a pension from the LGPS in England or Wales (other than a survivor's pension or pension credit member's pension); or
 7. a transfer value payment has been made from the LGPS in England or Wales in respect of the member to a qualifying recognised overseas pension scheme.
- The Independent Registered Medical Practitioner signing the certificate must have been approved for this purpose by the administering authority.
 - 'Permanently incapable' means that the member will, more likely than not, be 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 pension age'.
 - 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 member's ability to undertake gainful employment.
 - '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 member's current employment.
 - 'Normal pension age' means the employee's individual State pension age at the time the employment is to be terminated, but with a minimum of age 65. 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:
<http://www.pensionsadvisoryservice.org.uk/state-pensions/know-your-state-pension-age>
 - 'Insignificant extent' means, for example, that the member could undertake voluntary work or unpaid work where out of pocket expenses are reimbursed or small amounts of travelling or subsistence payments are made. Any paid work should be insignificant, for example it should be infrequent or only for a few days during the year and the payment must be small in amount, not just as a proportion of the pay or salary they are earning in their current job.

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 in respect of a Current Member by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 36 of the Local Government Pension Scheme Regulations 2013 and for the purposes of section 229(4) of the Finance Act 2004.