

***3<sup>rd</sup> Tier Ill Health Retirement Review Certificate for a Suspended 3<sup>rd</sup> Tier Pensioner where the cessation of employment occurred after 31 March 2014 – England and Wales – Review taking place at the request of the member whilst the 3<sup>rd</sup> tier pension is in payment or within 3 years after payment of the 3<sup>rd</sup> tier pension has been discontinued (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 tier 3 pension was originally discontinued (if appropriate)\*:

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 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 (3), 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 pension age (1), if earlier). He / she was awarded a short-term, reviewable, tier 3 pension and has made a request, either whilst the tier 3 ill health pension is still in payment or within 3 years of it being discontinued, for the employer to determine whether or not to move him / her to a tier 2 ill health 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 ill health pension, be uplifted to a tier 2 ill health pension.

(\*delete as appropriate)

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

**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 completed, please move to Part D.**

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

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

I further certify that, in my opinion, the employee

B10: **DOES**                       B11: **DOES NOT**                      **satisfy the following statement:**

As a result of his / her ill health or infirmity, the employee 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).

Please now complete Part D.

**Part D: 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 latest version of the guidance document is available at  
<http://www.lgpsregs.org/index.php/dclg-publications/dclg-stat-guidance>))

### **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. 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>
- (2) 'Permanently incapable' means that the person is, 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 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 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 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 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 3<sup>rd</sup> tier pensioner who, in accordance with regulation 37 of the Local Government Pension Scheme Regulations 2013, has requested a review, whilst the 3<sup>rd</sup> tier pension is in payment or within 3 years after payment of the 3<sup>rd</sup> tier 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.*