

Guidance issued by the Staffordshire Pension Fund for Scheme Employers and Independent Registered Medical Practitioners

Ill Health Template – active member (see appendix 1)

Overview

LGPS members require demonstrable evidence of the decision making process used by Independent Registered Medical Practitioner (IRMP) and Scheme employer when determining any ill health retirement application. All appropriate considerations should be detailed correctly to ensure the ill health retirement process has been completed in a fair and robust manner and can stand up to scrutiny via either the LGPS's formal pension dispute process or ultimately where a complaint is lodged with the Pensions Ombudsman.

IMPORTANT NOTE:

As part of the completion of the ill health retirement process, it is recommended by MHCLG (noted within the “Statutory Ill Health Retirement guidance to accompany the Local Government Pension Scheme Regulations 2013”) that the IRMP provides a narrative report to accompany their ill health certificate. The primary reason for this is to enable the Scheme employer to understand the reasoning behind the IRMP’s certification.

It is important that the narrative report provides sufficient evidence of what the IRMP has, and has not, considered when forming their opinion together with their rationale, to enable Scheme employers to make informed decisions in relation to potential ill health retirements.

The IRMP supporting report

The IRMP supporting report has been produced to enable Scheme employers and their IRMPs to ensure a structural, evidence based process has been followed.

Part A should be completed by the Scheme employer setting out details of the LGPS Member.

Part B provides the detailed narrative of the IRMP’s decision making process in determining whether, in the IRMP’s opinion, the relevant test is satisfied. This should include the following:

- The IRMP should document the specific evidence considered in the case, together with reasons why any evidence has been disregarded (not just “I have reviewed the file.....”).
- If the IRMP’s opinion differs to any significant medical opinion in this area or differs to the conclusion of any of the specialist medical consultants of the Member, an explanation for the differing view should be provided along with supporting evidence.
- In order for the Scheme employer to understand the factors that the IRMP has considered, the IRMP should provide details of all the illnesses/conditions the IRMP has taken into

account and the impact of Member's illnesses/conditions on Member's state of health and level of mobility.

- Where treatment/intervention is available to assist the Member's illnesses/conditions, the IRMP should specify what treatment/intervention is available, when improvement is likely to be seen and the level of improvement expected.
- In the conclusion section, the IRMP should set out the detailed decision making process they used in coming to their conclusion including current and future prognosis of the Member. Best practice in this area would also be for the IRMP to state when concluding:
 - **Tier 1** – Why they have come to this conclusion.
 - **Tier 2** – Why they have come to this conclusion and commentary on how the Member will/may attain gainful employment before normal pension age.
 - **Tier 3** - Why they have come to this conclusion and commentary on how the Member will/may attain gainful employment within 3 years of leaving employment.
 - **Member should not retire on ill health grounds** – Why they have come to this conclusion and why they can either currently work in gainful employment or the expectation of when this might be expected to occur.
- Where the IRMP considers that the Member is able to undertake work, the IRMP should advise the type of work they consider the Member could undertake, when the Member is likely to be able to undertake such work and whether any adjustments are required. **When considering the type of work, the member's salary expectation, competencies or their aptitude should NOT be taken into account.**
- Appropriate medical evidence should be provided by the IRMP to back up their conclusion.

It is expected that the template IRMP supporting report will be completed by the IRMP. However, in the event that the IRMP produces a separate report rather than completing the template IRMP supporting report, the IRMP **must answer the same questions, provide the same evidence and give the same reasons** for his/her decision as those required in the template IRMP supporting report as part of any separate report produced by the IRMP.

The relevant test

The relevant test is whether:

- (i) the Member is suffering from a condition that, will more likely than not, render them incapable to return to their role before state pension age or (if sooner) age 65 (an individual's state pension age should be checked online by following the steps here: <https://www.gov.uk/state-pension-age>); and
- (ii) if so, whether the Member has, as a result of that illness, a reduced likelihood of being capable of undertaking any "gainful employment" before reaching state pension age. **For this purpose, "gainful employment" means paid employment for not less than 30 hours in each week for a period of not less than 12 months.**

If the above test is satisfied, the Member is entitled to one of the following level of benefits:

Tier	Degree / level of ill health	LGPS pension and level of enhancement
1	Unlikely to be capable of undertaking any gainful employment before normal retirement age	Accrued pension rights plus an enhancement of membership of 100% of prospective benefits up to normal retirement age

2	Unlikely to be capable of undertaking any gainful employment within 3 years of leaving employment but likely to be capable before normal retirement age	Accrued pension rights plus an enhancement of membership of 25% of prospective benefits up to normal retirement age
3	Likely to be capable of undertaking gainful employment within 3 years of leaving employment or normal retirement age if sooner	Accrued pension rights only with no enhancement, with award subject to review and suspension

The role of the Scheme employer

The decision regarding a Member's ill health retirement ultimately resides with the Scheme employer and not the IRMP. Consequently, the Scheme employer must be satisfied that the conclusion reached by the IRMP is both appropriate to the evidence presented and effectively aids their decision. The template supporting report will provide the documentary evidence of the IRMP's decision making and should enable the Scheme employer to making an informed decision based on the IRMP's report. However, the Scheme employer should seek further clarification from the IRMP where the report does not provide sufficient detail in relation to the points set out above or does not satisfy their own review of the evidence provided in a case.

The Scheme employer should, within their decision letter to the Member, set out the evidence they have considered and demonstrate the clear decision making process they have completed when reaching their conclusion.

Appendix 1

Local Government Pension Scheme (LGPS) – Ill Health Template to be completed by the Scheme Employer and the Independent Registered Medical Practitioner (IRMP). Please note this template must not be forwarded to Staffordshire Pension Fund, but the leavers form and Ill Health Medical Certificate must be sent.

PART A – DETAILS OF THE LGPS MEMBER (<i>To be completed by the Scheme Employer <u>before</u> submission to the IRMP</i>)	
Name of Employer	
Name of LGPS Member	
Date of birth of LGPS Member	
Role of LGPS Member	
Employer of LGPS Member	
Date last worked	
Brief summary of the case	
Medical evidence/documents provided to IRMP (list author and date of document)	
SECTION B – MEDICAL ANALYSIS OF ILL-HEALTH REQUEST (to be completed by the IRMP upon assessment of the ill-health early retirement request)	
Consideration of medical evidence relevant to the Member's ability to work	Evidence considered (<i>List author and date of document</i>):
	Evidence <u>not</u> considered/used (<i>List author and date of document along with reasons why such evidence has been</i>

	disregarded):
	Please provide a detailed explanation with supporting evidence if your opinion differs to any significant medical opinion in this area or differs to the conclusion of any of the specialist medical consultants of the Member:
List of all the illnesses/conditions suffered by the Member relevant to their ability to work	
Impact of Member's illnesses/conditions on Member's state of health and level of mobility	
Is there any treatment/intervention available to assist the Member's illnesses/conditions that has not already been exhausted/considered? If so, please specify what treatment/intervention is available, when improvement is likely to be seen and level of improvement expected	
Conclusion	Conclusion reached (detail decision making process used):
	Current and future prognosis of the Member based on your conclusion:
	If you consider the Member is able to undertake "gainful employment", please advise of the type of work you consider the Member could undertake and when the Member is likely to be able to undertake such work. Please also advise whether any adjustments are required and, if so, what adjustments

	<i>should be expected:</i>			
	<i>Any additional notes/comments to aid the Scheme employer's decision:</i>			
References used				
Opinion	Tier 1 <input type="checkbox"/>	Tier 2 <input type="checkbox"/>	Tier 3 <input type="checkbox"/>	Not supported <input type="checkbox"/>

IRMP Signature

Print Name

Date