

**HR Guidance**

**Fire Pension Schemes - ILL HEALTH RETIREMENT Process – What to Expect**

**Introduction**

The Council aims to support the health and well-being of its employees and will support you to remain in work wherever possible; however some of you may no longer be fit to continue working as a result of ill health. Where this may be the case, your manager will follow an Ill Health Retirement (IHR) process or you may ask to be considered for Ill Health Retirement.

This guidance is intended to help you understand the steps involved in the process and the rules and regulations, which must be applied. IHR should be a last resort after all other options to support you in the workplace have been explored and may only be considered in the case of serious illness. It therefore does not apply to short-term illness / absences.

**Scope**

This applies to active members of the Fire Pension Schemes (1992, 2006, 2006 modified and 2015).

(There is a separate process for early payment of deferred pensions).

**Before an IHR referral is made**

\*Normally you will have been discussing with your manager the reasons for your absence and the measures which you and your manager can take to support a return to work as soon as possible. These might include lifestyle changes, a phased return, reasonable adjustments, alternative employment etc. Your manager may have made a referral to the Council’s Occupational Health Service (OHS) to seek advice about the support you will need in the workplace.

You may also have had an appointment with an Occupational Health Physician or an Occupational Health Advisor and may have support from a trade union representative.

If you, your manager or the OHS consider that you may be permanently incapable of discharging efficiently the duties of your employment, an IHR referral will be made by your manager, through the OHS portal, with the support of People Management.

\*Please note that there is a ‘Fast Track’ process if you are terminally ill and time is a critical factor.

**The IHR Referral to OHS**

Your manager will make a referral to OHS and provide:

* Details about your job role and the circumstances in which you perform your job such as the physical aspects like lifting or carrying, shift work etc.
* Your sickness absence dates and reasons.
* Details of the medical condition(s) that are known to your manager.
* Steps taken to support your return to work or to remain in work.
* A Fire Pension Scheme IHR certificate with Section One completed.

Your manager will ask the OHS to arrange for an Independent Qualified Medical Practitioner (IQMP) to provide a medical opinion on your fitness for work and / or the likelihood of you being able to return to work, and to complete the medical sections of the pension certificate, which is based on the relevant Fire Pension Scheme IHR criteria.

Your manager will discuss this referral with you and will give you a copy of the referral.

**The OHS**

The OHS will send you a medical consent form (if you have not already completed one) so that they can approach your GP, and others involved in your medical care such as consultants, to obtain your relevant medical information.

Once the OHS has received all the information from the GP and Consultant(s) they may arrange an appointment for you to see them, unless you have already had a face-to-face appointment.

(Your GP and consultants are busy people and don’t always respond to requests for information and reports in a timely manner. Therefore, it would be helpful if you could talk to your GP and consultant about the referral to OHS, and, ask them to respond to requests for information as soon as possible).

It may also help to speed up the process, if you can send copies of any relevant and / or recent medical reports to OHS so that they can be taken into account.

The OHS will then review your case and if they consider that IHR is an option, they will then refer your case and medical information to an IQMP. Both OHS Physicians and IQMP’s are Doctors who are additionally qualified and must be registered to practice in Occupational Health.

IQMP’s also have to be fully conversant with the rules and regulations of the various Fire Pension Schemes as there are strict criteria for IHR. The IQMP will provide their medical opinion in relation to the criteria. Their role and responsibilities are detailed in the pension regulations.

The IQMP will review the paperwork and determine whether or not there is sufficient medical information on which to form a medical opinion and complete the IHR pension certificate.

This stage of the process is normally a paper-based assessment as you will have previously been seen by OHS or you are so seriously ill that you would, in any event, be unable to attend an appointment.

The IQMP will decide whether they need to:

* Contact your doctor(s) for more information;

and / or

* See you in person to undertake further medical assessments. In this case, you will be asked to attend a medical appointment.

The IQMP will provide a report setting out their medical opinion and the reasons for it and complete the IHR pension certificate. This report is for pension purposes.

The report and certificate will be sent to your manager and a copy to People Management.

**The Medical Opinion**

The IQMP is required to provide a medical opinion only. It is the employer who makes the decision on IHR and, if approved, the Tier to be awarded.

**The Fire Pension Schemes – Ill Health Retirement Regulations**

The relevant Fire Pension Scheme has criteria which must be met before IHR can be approved. These are:

1. You must be an active member (i.e. paying into the FPS) immediately prior to the termination of your employment;
2. You must have paid into the FPS for at least:

|  |  |  |
| --- | --- | --- |
| **Scheme** | **Lower Tier** | **Higher Tier** |
| FPS 1992 | 2 years whole time equivalent pensionable service i.e. paying into the FPS | Minimum 5 years pensionable service |
| FPS 2006, 2006 Modified, 2015 | Minimum 3 months pensionable service | Minimum 5 years pensionable service |

1. Your employment is terminated by the employer on the grounds that you are:

|  |  |
| --- | --- |
| **Scheme** | **Criteria** |
| 1992 Scheme | Permanently disabled for the performance of the duties of their role. |
| 2006 Scheme / Retained  | Permanently disabled for the performance of the duties of their role. |
| 2006 Modified Scheme  | Permanently disabled for the performance of the duties of their role. |
| 2015 Scheme | Incapable of performing any duties of the role in which last employed, because of incapacity of mind or body, which will continue until normal pension age (60).  |

If you are permanently disabled for duty, the next criteria, which determines if the Higher Tier is applicable or not, is whether you are able to undertake ‘regular employment’. The exact scheme criteria is set out below:

|  |  |
| --- | --- |
| **Scheme** | **Criteria** |
| 1992 Scheme | Additionally not capable of undertaking regular employment. |
| 2006 Scheme / Retained  | Also permanently disabled from undertaking regular employment. |
| 2006 Modified Scheme  | Also permanently disabled from undertaking regular employment.  |
| 2015 Scheme | Also because of incapacity of mind or body, which will continue until normal pension age, be incapable of undertaking regular employment.  |

‘Regular employment’ means paid employment for not less than 30 hours in each week over an average period of not less than 12 consecutive months. Non-medical factors such as your knowledge and skills to undertake certain types of work or the general availability of work in a particular area are not relevant. Also, the assessment would be made on the basis of whether or not you would be capable of undertaking gainful employment not whether or not you would actually want to or someone would employ you.

**Meeting with your Manager**

Normally (unless Fast Track process) you will be invited to a meeting with your senior manager (this may be a manager more senior to your line manager) to discuss the outcome of the IHR referral. The meeting is part of the Attendance and Wellbeing Procedure. You can choose to have the support of a trade union representative or co-worker at this meeting. If you have a carer, they may also attend to support you but they cannot take an active part in the discussions.

The manager will check that all other relevant options have been fully explored as IHR should be a last resort. This should include:

* A phased return
* Reasonable adjustments to the job
* Reasonable adjustments to working hours / arrangements
* Other reasonable support where available e.g. equipment
* Search for alternative employment

The manager will also check with you to ensure that you have provided all the necessary information that you consider relevant.

The manager will then consider all the relevant factors and make the necessary decisions. The decisions will be made in relation to the FPS regulations only. Managers are unable to make decisions about IHR or the Tiers on purely compassionate grounds.

You will either be informed at the end of the meeting of the decision or it may be necessary to reconvene if further information is required.

If the decision is to terminate your employment on the basis of ill health, and you qualify for Ill Health Retirement benefits you will either be given notice of termination of employment or, where you have requested IHR, notice does not apply and a mutual leaving date can be agreed.

Confirmation will be provided in writing.

**The Employer Decision**

It is the employer’s decision whether the criteria above are met and then the tier to be awarded. The regulations state that before the employer makes these decisions they must have obtained an opinion and certificate from an IQMP.

The employer (the Council) is bound by the IQMP’s opinion on medical matters only and should consider all other relevant evidence when arriving at their decision. Therefore, the Council is entitled to ask further questions of the IQMP to obtain clarity and / or challenge their opinion where there is conflicting information, before making the decision. For example:

* Is the certification / basis of opinion provided by the IQMP complete, or is anything missing or incorrect;
* have all appropriate treatment options been explored;
* have you cooperated with the medical treatment options available;
* have you made lifestyle changes which might improve your health condition such as weight management, stopping smoking or using harmful products such as alcohol or non-prescribed drugs;
* are there any other medical factors which the IQMP has not known about;
* has the IQMP applied the criteria correctly;
* have non-medical factors affecting the ability to carry out regular employment been appropriately considered;
* are there any other sources of evidence, which might contrast the medical opinion e.g. sporting / social activities.

In some cases, the manager may decide that they need further medical information from the IQMP before making the decision. (The IQMP will then determine whether or not they need to go back to your GP or other medical professionals for any further information).

**The IHR Tiers**

A **Lower Tier pension** will be applicable where you are unable to perform the duties of your role due to incapacity until at least normal pension age but you are capable of undertaking regular employment.

A **Higher Tier pension** is payable if you have has completed 5 years pensionable service and are unable to perform the duties of your role due to incapacity until at least normal pension age, and, you are also not capable of undertaking regular employment.

**Estimates of Pension Benefits**

When ill health retirement is being considered your manager will arrange to obtain estimates of your Ill Health pension benefits. You can also ask for estimates of these benefits by going direct to Your Pension Service at **askpensions@localpensionspartnership.org.uk**If you have signed up to My Pension Online you can obtain your own estimates.

**Fast Track Process**

If you are terminally ill with a life expectancy of less than a year, your manager, People Management and the OHS will do all they can to expedite this process. Provided that the IQMP can obtain the relevant medical reports quickly, they will prepare their report and complete the IHR pension certificate. The manager will then contact you or your representative, discuss, and agree a termination date.

**Restrictions**

If you have previously received an ill health retirement pension there may some restrictions on your entitlement to receive a new ill health pension.

**Appeals**

You will be given clear reasons for the decision in writing. You can appeal against the decision not to grant IHR or the tier awarded. The Internal Disputes Resolution (Appeal) Procedure is available on the HR pages of the intranet at <https://www.cumbria.gov.uk/eLibrary/Content/Internet/536/5901/6049/4224215411.docx> or from YPS at **askpensions@localpensionspartnership.org.uk**

**If you have any queries or require further information, please contact:**

* Your line manager
* People Management on 01228 221231 or via the People Management Portal at <https://peoplemanagement.cumbria.gov.uk/helpdesk/WebObjects/Helpdesk.woa>