



3rd Tier III Health Retirement Review Certificate for a Current 3rd Tier Pensioner – England and Wales – Review taking place within 3 years of date of cessation of employment (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 ceased to be an active Scheme member:

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. It is now necessary to review, in accordance with regulation 20 of the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, whether he / she is still capable of undertaking (5) gainful employment (3) within 3 years of the date of cessation of employment (or by his / her normal retirement age (1), if earlier).

(*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 STILL** B2: **IS NOT**

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 retirement age (1), if earlier). (Note: the answer to this question is used purely to determine whether the former employer can determine to uplift the person from a tier 3 to a tier 2 benefit).

If B2 has been ticked please move to Part C of this form.

If B1 has been ticked, please tick B3, B4 or B5

I certify that, in my opinion, the person named in Part A

B3: **IS STILL** suffering from the condition that rendered him / her, at the date of ceasing employment, permanently incapable (2) of discharging efficiently the duties of his / her employment because of ill health or infirmity of mind or body **and**, as a result of that condition, he / she still has a reduced likelihood of being capable of undertaking (5) any gainful employment (3) before reaching his / her normal retirement age (1).

B4: **IS STILL** suffering from the condition that rendered him / her, at the date of ceasing employment, permanently incapable (2) of discharging efficiently the duties of his / her employment because of ill health or infirmity of mind or body **but**, as a result of that condition, he / she **does not** now have a reduced likelihood of being capable of undertaking (5) any gainful employment (3) before reaching his / her normal retirement age (1).

B5: **IS NOT STILL** suffering from the condition that rendered him / her, at the date of ceasing employment, permanently incapable (2) of discharging efficiently the duties of his / her employment because of ill health or infirmity of mind or body.

If B3, B4 or B5 have been ticked, please tick B6 or B7, then complete Part D

I certify that, in my opinion, the person named in Part A

B6: **IS** currently capable of undertaking (5) gainful employment (3).

B7: **IS NOT** currently capable of undertaking (5) gainful employment (3).

**Part C: To be completed by the approved registered medical practitioner.
Severe ill health test statement - as required by HMRC.**

If B2 has been ticked I further certify that, in my opinion, the person

B8: **DOES** B9: **DOES NOT**
satisfy the following statement:

As a result of his / her ill health or infirmity, the employee was unable to continue in his / her former job and 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 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**.

AND, IF B2 HAS BEEN TICKED

I have / have not* (8) previously advised, or given an opinion on, or otherwise been involved in this case and I am not acting, and have not at any time acted, as the representative of the employee named in Part A, the employer or any other party in relation to this case.

..... Date:

Signature of independent registered medical practitioner (8)

.....
Printed name of independent registered medical practitioner (8)

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

(* delete as appropriate)

(** the latest versions of the guidance document, and the supplementary guidance document, are available from the table at

<http://timeline.lge.gov.uk/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) 'Insignificant extent' means, for example, that the person 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 were earning in their former job (i.e. the job which gave rise to the 3rd tier ill health retirement pension).
- (7) State pension age is currently age 65 for men. State pension age for women is currently being increased to be equalised with that for men. The Government has announced that it will speed up the pace of State pension age equalisation for women, so that women's State pension age will reach 65 by November 2018. The State pension age will then increase to 66 for both men and women from December 2018 to October 2020. Under current legislation the State pension age is due to rise to 67 between April 2034 and April 2036 and to 68 between April 2044 and April 2046. For a full breakdown of State pension ages please see <http://www.pensionsadvisoryservice.org.uk/state-pensions/state-pension-age-calculator>
- (8) 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. However, if B2 has been ticked and the certificate has been signed by the independent registered medical practitioner who originally certified the scheme member's permanent incapacity at the date of leaving, the former employer will have to obtain confirmation from a different independent registered medical practitioner before being able to determine to award an enhanced (2nd tier) ill health pension.

General

If B2 is ticked, the former employer can determine to award an enhanced (2nd tier) ill health pension, payable from the date of their determination (but see (8) above).

If B2 and B8 have been ticked and the former employer determines to award an enhanced (2nd tier) 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 as the person meets the 'severe ill health condition' under section 229 of that Act.

If B3 or B4 or B5 and B6 have been ticked, the 3rd tier ill health pension will cease to be payable.

If B3 or B4 or B5 and B7 have been ticked, the 3rd tier ill health pension will continue in payment but must cease after it has been in payment for three years (unless the person reaches normal retirement age (1) before then or the pension is stopped before then upon the person obtaining gainful employment).

The opinion given by the approved registered medical practitioner does not, in itself, determine the cessation or otherwise of a benefit under the LGPS. Nor should the medical practitioner indicate to the individual that a benefit under the LGPS will or will not be payable. It is for the former employing authority to make the formal determination.

These notes were up-to-date when this form was updated in November 2011 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 currently in payment in accordance with regulation 20 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) and for the purposes of section 229(4) of the Finance Act 2004.

Declaration by the Employer

An enhanced (2nd tier) ill health pension is payable from the date of the determination and I attach confirmation from a second independent registered medical practitioner that an award an enhanced (2nd tier) ill health pension applies.

The 3rd tier ill health pension ceases to be payable from:

The 3rd tier ill health pension will continue in payment but must cease after it has been in payment for three years (unless the person reaches normal retirement age before then or the pension is stopped before then upon the person obtaining gainful employment).

Signed for the Employer:

Name in block capitals:

Date:

Designation/grade:

Upon completion the employer should return this form, to: London Pensions Fund Authority, Dexter House, 2 Royal Mint Court, London, EC3N 4LP