ILL HEALTH RETIREMENT POLICY

1 Definition

1.1 An employee will be retired on ill-health grounds if an independent registered medical practitioner (IRMP) certifies that they are permanently incapable\(^1\) of performing the duties of their post on grounds of ill health or infirmity of mind or body.

2 Consideration by Occupational Health

2.1 The Council will not proceed with any case of ill-health retirement without first exploring a range of options to support employees in returning to work, including redeployment possibilities.

2.2 Occupational Health (OH) will review existing medical evidence to assess whether there appears to be a case for ill health retirement. If additional medical information is required, the employee may be requested to attend an appointment to see OH and/or their GP/Consultant may be asked to provide a report.

2.3 If there is sufficient medical evidence to support the case for ill health retirement, it will be referred to an IRMP who has had no prior involvement with the employee’s case.

3 Role of the Independent Registered Medical Practitioner

3.1 The IRMP will review the medical evidence and may request further reports from the employee’s GP/Consultant.

3.2 Where the IRMP determines that the employee is permanently incapable of performing the duties of their post on grounds of ill health or infirmity of mind or body, they will also indicate the likelihood of the employee being capable of employment in the future. This will determine which Tier the employee satisfies, in relation to the ill-health retirement benefits (see section 6).

3.3 If the IRMP determines that the employee is not permanently incapable of performing the duties of their post on grounds of ill health, this decision is final. The employee has no right of appeal against such a finding.

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\(^1\) Permanently incapable means that an employee will, more likely than not, be incapable of performing the duties of their post until their 65\(^{th}\) birthday at the earliest.
4 Notifying the Employee

4.1 Where the IRMP determines that the employee is permanently incapable of performing the duties of their post, a meeting will be arranged between the line manager, the HR advisor and the employee. The meeting may take place either at the workplace or, if necessary, at the employee’s home. The employee should be informed of their right to be accompanied by a trade union representative or a work colleague.

4.2 The purpose of the meeting will be to:

(a) notify the employee that their contract of employment with the Council is being terminated following the decision of the IRMP. The employee should be issued with the notice of dismissal letter at this meeting. The employee will be entitled to the notice due under their contract of employment or the minimum statutory entitlement, whichever is the greater.

(b) provide the employee with an estimate of pension benefits, which HR will have obtained from the Council’s pensions administrator, in advance of the meeting.

(c) clarify that, where appropriate, redeployment options will continue to be sought until the date that the employee’s contract terminates. Managers should consider, for example, whether any suitable part-time roles exist and must also be alert to any appropriate opportunities arising during the notice period that did not exist when the notice was issued.

(d) inform the employee of their right of appeal against the decision to terminate their contract of employment.

5 Right of Appeal

5.1 An employee who wishes to appeal against the IRMP’s decision, must notify their Chief Officer within 10 clear working days of the meeting, attaching their grounds of appeal and a letter from a qualified medical practitioner, disputing the IRMP’s medical opinion.

5.2 The question of the fitness of the employee to discharge efficiently the duties in question shall be referred to a Medical Referee nominated by OH. The decision of the referee, on whether the opinion of the IRMP is upheld, shall be final.

Outcome of the appeal

5.3 Where the IRMP’s medical opinion is not upheld, the employee’s notice of termination will be withdrawn. Consideration must be given to any action which may need to be taken to support the employee in their continued employment.

5.4 Where the outcome of the appeal is that the IRMP’s assessment is upheld, the employee will be informed in writing and the previously
6 Ill-health retirement benefits

6.1 An employee will be eligible for early payment of pension benefits, on grounds of ill health, if:

- they have at least three months’ pensionable service in the LGPS, or have equivalent transferred rights from another pension scheme; and
- they have been certified by an independent registered medical practitioner as being permanently incapable of performing the duties of their post on grounds of ill health or infirmity of mind or body.

6.2 Where the IRMP has determined that the employee is permanently incapable of performing their duties due to ill-health, they will also establish which Tier of benefits the employee should be retired on:

<table>
<thead>
<tr>
<th>Tier</th>
<th>Description</th>
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<tbody>
<tr>
<td>Tier 1</td>
<td>Applies where the employee is totally incapacitated and will not be able to undertake gainful employment before their normal retirement date. Their benefits will be based on their accrued rights plus an enhancement on their prospective service up to their normal retirement date.</td>
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<tr>
<td>Tier 2</td>
<td>Applies where the employee cannot undertake gainful employment* within a reasonable period of leaving Local Government employment, but they may be able at some date in the future before their normal retirement date. Their benefits will be based on their accrued rights plus an increase of 25% of their prospective service up to their normal retirement date.</td>
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<tr>
<td>Tier 3</td>
<td>Applies where the employee cannot undertake gainful employment* but is deemed capable of obtaining gainful employment within 3 years of leaving employment. They will be entitled to immediate payment of benefits without an enhancement. This outcome is subject to an Occupational Health review after 18 months. Payments are payable either:</td>
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<tr>
<td></td>
<td>- Until the employee returns to gainful employment (within 3 years of date of termination)</td>
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<tr>
<td></td>
<td>- Until the employee is considered capable of obtaining gainful employment at the 18 month review</td>
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<td>- For three years</td>
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6.3 An employee should contact the Council’s pensions administrator (details can be found on the intranet under Pensions) for any information regarding their ill-health retirement benefits.

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2 Gainful employment means paid employment for not less than 30 hours a week in each week for a period of not less than 12 months.