

2.04 Early Retirement on Medical Grounds

The policy outlines how retirement on medical grounds is managed in NICS.

It covers:

- What procedures are in place to handle this eventually – Section 2 Procedures
- What information is disclosed – Section 3 Disclosure of Information
- What you need to do to appeal a decision – Section 4 Appeals (1) Against Medical Retirement , or (2) Against Refusal to Allow Medical Retirement
- Pension benefits in this instance can be found on the Pensions website – web address given below
- The annex sets out what information is required to present to a medical board – Annex 1

The following terms within this policy are defined in the glossary:

Normal age of retirement

You may also be interested in the following policies:

2.02 Retirement on Age Grounds, 2.03 Early Retirement and Early Severance,
3.01 Sickness Absence, the Pensions Website at www.civilservicepensions-ni.gov.uk

This policy is version 4

For a printable version please click the icon. Please make sure that your printed version is current with the one on this portal.

This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

2.04 EARLY RETIREMENT ON MEDICAL GROUNDS

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2.04 EARLY RETIREMENT ON MEDICAL GROUNDS

1. Introduction

As appropriate, Departments may retire you early on medical grounds. You may also apply to be considered for medical retirement. These rules do not apply to you if you are over 65, or if you have formally retired on or after reaching the minimum retirement age and have been re-employed.

You have access to ill-health benefits when they are justified. However, Departments should be aware that in some cases, following discussion with you, alternatives to medical retirement may be more appropriate.

A retirement certificate must be issued in each case by a Medical Adviser, usually from the Occupational Health Service, approved by the Department of Finance & Personnel. The criteria for medical retirement are that the breakdown in your health is such that it prevents you from carrying out your duties and that the ill-health is likely to be permanent.

In particular circumstances, for example when forgoing notice as at paragraph 3.1 in the policy 2.05 Notice, more specific information on pension benefits may be relevant. Departments should consult Civil Service Pensions as appropriate and you may access their website at www.civilservicepensions-ni.gov.uk for information on pension scheme rules and benefits.

2. Procedures

2.1 If a Department proposes to retire you for medical reasons, or if you wish to retire on medical grounds, the case will be referred to the Occupational Health Service (OHS) at the earliest possible stage. If, in accordance with the advice given by the OHS, the Department decides to retire you, the retirement should not actually take place before the date of the retirement certificate, but action should take place immediately on its receipt. It should be noted that if the retirement does not take place within 4 months and 10 days of the date of the retirement certificate (the additional 10 days being allowed for the transmission of documents and for you to be informed) it will be necessary to resubmit the case to the OHS for recertification.

Notice Periods

2.2 The Department will notify you of the decision and give you a minimum of 9 weeks' notice and, in accordance with the rules set out in the Notice paragraph 3.1, in the policy 2.05 Notice of the Leaving the Service Part of the Electronic Staff Handbook, a maximum of 13 weeks' notice (calculated on the basis of continuous employment) of the date on which retirement is to take effect, unless a shorter period is mutually convenient. Normal sick pay will be payable at the appropriate rate set out in Annex 3 (Sick Absence) of section 3.01 of the Leave and Attendance section of the Electronic Staff Handbook. You may be given the opportunity to bring forward the effective date of retirement by signing a declaration to this effect. However forgoing notice can mean a delay in the provision of

pension benefits. In the event of this option, it should be noted, especially if you have been provided in advance with an estimate of benefits, that there could be a change to pension benefits as a result of the effect on pensionable pay and service credit. It is important also that the Department notifies you of the financial consequences for dependants should you die before the end of the formal period of notice. If the cancellation of an appointment during probationary service is being considered, the period of notice will be 5 weeks.

3. Disclosure of Information

3.1 The OHS will write to the GP informing him/her that his/her patient has been recommended for medical retirement. OHS will issue a copy of the retirement certificate to you if this is requested in writing. In addition, with your written consent, the OHS will provide details of the case on request to the headquarters of the appropriate trade union and will be prepared to discuss the case on an in-confidence basis with the appropriate trade union official.

4. Appeals (1) against Medical Retirement, or (2) against Refusal to allow Medical Retirement

4.1 You will be fully informed by the Department of your right to appeal to an independent medical board. The make-up of the board will be determined by the OHS and based on medical need. You will also be acquainted in detail with the terms and conditions set out in paragraphs 4.2 to 4.10.

4.2 To exercise this right you must provide medical evidence in the form of a new report which is comprehensive and **clearly** supports your case on medical grounds. This applies regardless of whether the appeal is against medical retirement or against refusal to allow medical retirement.

4.3 The decision of the medical board will be final and no further appeal can be allowed.

4.4 Guidance as to what is required in a medical board is shown at Annex 1. It should be noted that OHS will reject the appeal if the medical evidence is not comprehensive or does not support your case. You must bring the requirements as shown in Annex 1, to the attention of the medical practitioner who prepares the report.

4.5 You should forward the appeal and supporting medical evidence through the Department within 4 weeks of the date of the letter notifying you of the OHS outcome. Exceptionally the Department will allow a late appeal to be considered, provided it is made with the supporting evidence within 8 weeks of the date of the letter.

4.6 If you are unfit to make the appeal personally, a close relative or friend or trade union representative may appeal on your behalf within the appeal period.

4.7 The timescales for appeal should afford adequate time for you or the appropriate trade union to decide whether there are grounds for an appeal. Pending the outcome of an appeal, you will not be allowed to remain at work or to resume duty, nor will sickness pay be continued beyond the last day of service notified to you.

4.8 Where entitlement has been established, Civil Service Pensions will arrange for appropriate pension benefits to be paid with effect from the day following your last day of service, but you should be warned that benefits will have to be returned immediately if the appeal is successful. The case, together with the supporting medical evidence, will be referred to the OHS who will make arrangements for convening the board and for presenting the case to them.

4.9 If you are summoned to attend a medical board you may claim travelling and subsistence expenses as if on official business.

4.10 If an appeal against medical retirement is successful, or an appeal against not being medically retired fails, you are regarded as having remained on normal conditions of service during the interim period. Any pension award which has already been made must be cancelled, and payments will have to be retrospectively adjusted to the rate of salary which you would have been entitled to receive during that period. If an appeal against medical retirement fails, you are regarded as having been medically retired at the date originally agreed by the Department.

5. Terms

5.1 The pension benefits payable on retirement on medical grounds are set out in the Principal Civil Service Pension Scheme (NI) [PCSPS (NI)] found at www.civilservicepensions-ni.gov.uk.

Early Retirement on Medical Grounds

ANNEX 1

Paragraph 4.4

Details Required in a Medical Report being submitted in Support of an Appeal against an OHS decision

1. When you wish to submit a medical report as an appeal against a decision by OHS, the following details must be included in the report, otherwise it will be rejected by the OHS.
2. You are asked, therefore, to bring these details to the attention of the medical practitioner who will be compiling the report on your behalf.
3. The requirements are as set out below and you should note that a report must clearly show how it supports your appeal.

Medical report details required on appeal:-

- Diagnosis / Diagnoses.
- Results of investigations.
- Current symptomatology, objective findings and disabling effects of condition(s).
- Course of illness including trigger factors, with dates of onset and recurrence.
- Treatment and response.
- Future treatment proposed.
- Specialist referrals - name, address and date of referral.
- **Appeal against not being Medically Retired:** Prognosis - outline reasons for considering that the employee is permanently unfit for the duties of his/her post/grade and permanently incapable of rendering regular and effective service in his/her post/grade (if applicable).
- **Appeal against Medical Retirement:** Prognosis - outline reasons for considering that the employee is fit for the duties of his/her post/grade and capable of rendering regular and effective service in his/her post/grade, and a specific return to work date.
- Clearly state the medical reasons for supporting an appeal.

Notes:

(1) To satisfy the requirements of the PCSPS (NI), ill-health retirement only applies as follows:

Members of the Classic arrangement – Permanent means a medical condition which renders them permanently incapable of carrying out their duties. Permanent means up to retirement age.

Members of the Classic Plus and Premium arrangements - There are two tiers of benefits payable depending on the level of incapacity as determined by the Scheme Medical Advisors:

Lower tier: Permanent incapacity resulting in being unable to carry out their duties

Upper tier: Permanent incapacity resulting in being unable to carry out any work. This is subject to review at a minimum of 5-yearly intervals.

Members of the Partnership Arrangements – If the member has to leave the Civil Service before reaching age 60, and the Medical Adviser agrees that they cannot do their job, because their health has broken down permanently.

(2) Rehabilitative return to work, job-share and part-time working may be options available to allow a return to work.