

# Ill Health Retirement – Guide for Members

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# 1 Introduction

## 1.1 General

This guide tells you about the eligibility conditions, criteria and procedure for applying for ill health retirement benefits from your Civil Service Pension scheme if you have to leave your job early because you are ill.

It does not tell you how ill health retirement benefits are calculated or what benefits may be paid. If you wish to find out more about what benefits may be paid you should refer to the appropriate scheme booklet.

You should note this guide does not cover all aspects of the ill health retirement procedure or your employer's responsibilities. It also does not override pension scheme rules. If there is a difference between any aspect of this guidance or the scheme rules, the scheme rules will apply.

## 2 Before making an application for an ill health retirement assessment

### 2.1 Points to consider

Ill health retirement should be a last resort and when you have health problems the expectation is you should seek the necessary treatment. When a medical condition is severe enough to warrant ill health retirement, it is generally expected that you will have had the benefit of a specialist opinion during your illness.

## 3 Ill Health Retirement Qualifying Conditions

In general, members of **classic, classic plus, premium, partnership or nuvos**, must have at least 2 years' qualifying service and have suffered a permanent breakdown in health involving incapacity for employment. In this context 'permanent' normally means until you reach scheme pension age.

## 4 Ill Health Retirement Criteria

- a. **classic** - the criteria for ill health retirement in classic are that an individual is prevented by ill health from discharging his or her duties and that the ill health is likely to be permanent.
- b. **classic plus, premium and nuvos** - there are two levels, or tiers, of ill health retirement. The tier given depends on the effect of the incapacity on your ability to carry out work. If they are unable to decide which of the criteria is met, the Scheme Medical Adviser can recommend a provisional pension benefit at the rate most appropriate at the time.

- **Upper tier level:** An individual has suffered a permanent breakdown in health and the resulting incapacity prevents them from discharging their own job and of undertaking any other gainful employment.
  - **Lower tier level:** An individual has suffered a permanent breakdown in health and the resulting incapacity prevents them from discharging their own job or a comparable job.
- c. **partnership** – If you have a **partnership** pension account, you may receive ill health retirement benefits if the Scheme Medical Adviser assesses that your breakdown in health is permanent and that you are incapable of doing your own or a comparable job (this is similar to the **premium** and **nuvos** lower tier ill health retirement criteria – see above).

**Please note:** An explanation of the meaning of particular terms mentioned above is given in **Annex A**.

## 5 Who does the ill health retirement assessments?

All ill health retirement assessments must be done by the Scheme Medical Adviser. The Scheme Medical Adviser is appointed under contract to the Scheme Management Executive at the Cabinet Office as the sole provider of advice on access to medical-related Civil Service Pension Scheme benefits. The current provider is Capita Health & Wellbeing.

## 6 How do I apply for ill health retirement?

You can ask for ill health retirement if you have to leave your job early because you are ill, as long as you are a member of a Civil Service pension scheme and meet your scheme's ill health retirement qualifying conditions (see paragraph 3).

Your employer can also put you forward for ill health retirement and should do so if they intend to dismiss you for inefficiency due to poor performance or attendance and either they, or you, consider that the causes of this may make ill health retirement appropriate. They must tell you if they intend to refer you for ill health retirement and must also tell you of your right to apply for it. See section 6.3.2 of the Civil Service Management Code (CSMC), 2009 – available on the website, [www.civilservice.gov.uk/about/resources/civil-service-management-code](http://www.civilservice.gov.uk/about/resources/civil-service-management-code).

Before starting the application process, your employer must first investigate, with support and advice from their occupational health (OH) provider, ways of helping you return to, or stay in work.

For an application to be supported it is necessary to demonstrate that you not only have a medical condition that means you are unable to do your job or a comparable job. You also need to demonstrate that, despite appropriate treatment, the resulting incapacity is likely to be permanent. In other words

both the ill health and the incapacity must be likely to be present until your scheme pension age.

If you or your employer, wish to start the application process, your employer will ask you to complete an application form for an ill health retirement medical assessment. You may be given the whole form and asked to complete the relevant 'member' part and return it to your employer. Alternatively, you may just be given the relevant 'member' part to complete and return to your employer for them to incorporate with the rest of the form – your employer may decide to separate the parts of the form to speed up the application process.

A summary of the contents of each part of the order form and the evidence required by the Scheme Medical Adviser to complete an ill health retirement assessment are given in paragraph 7. A copy of the current order form can be found on the Civil Service pension website:

[www.civilservice.gov.uk/pensions/guidance-for-employers/forms](http://www.civilservice.gov.uk/pensions/guidance-for-employers/forms).

**Please note:** The Scheme Medical Adviser may also need to consider whether or not a member satisfies the criteria for HMRC severe ill health, in relation to the Annual Allowance. This separate assessment is only carried out if the member may be affected by the new annual allowance limits. More information about the effect of these changes on the ill health retirement process is given in **Annex D** of this guide.

## **7 The IHR form**

### **7.1 IHR Form - overview**

The IHR form is in two parts. P1 is for you to complete and sign (as relevant) and P2 is for your employer to fill in.

### **7.2 IHR - P1 in more detail**

This is the part **you complete and sign** (as relevant).

#### **Your Details**

This section asks for confirmation of your details – to verify that those held on your employer's records are accurate and up-to-date.

You are also asked:

- To describe why you are not able to work in your usual job;
- To explain any barriers to your working in your usual job;
- If you could you do any other work, and if so what; and
- Why you believe you will not be able to return to work before your scheme pension age.

This information will help the Scheme Medical Adviser consider your application. It relates to the impact of your medical condition rather than the condition itself. It is important to the pension assessment as it is the type of information that is not generally covered in a GP or specialist report.

**Please note:** An explanation of the meaning of particular terms mentioned above is given in Annex A below.

### **Medical Consent Form 1**

You should complete and sign this form to give permission for the Scheme Medical Adviser to see appropriate medical information about your condition to complete an ill health retirement assessment. See the further information below about using the **Medical Information Consent Forms (lettered 'a', 'b' and 'c')**.

### **Medical Consent Form 2**

This form gives an explanation of what happens to the report that the Scheme Medical Adviser produce after they have completed their assessment of your medical condition. You should complete and sign the relevant boxes on this form:

- to give consent for the Scheme Medical Adviser to send the outcome report of your medical assessment to your employer once it is completed and;
- to confirm if you wish to see a copy of the report before it is sent to your employer.

The main reason for giving you the option of seeing a copy of the report before it is sent to your employer is to provide an opportunity for you to correct any factual errors in the report. See paragraph 16 for more information about '*Correcting Factual Errors in the Scheme Medical Adviser's report*'.

**Important notes - It is unlikely to be in your best interests to withdraw consent for the Scheme Medical Adviser to send their assessment report to your employer** (as reiterated on the application form and in paragraph 17 below). **Without a report and certificate:**

- your employer cannot offer ill health retirement and can proceed to take other action (e.g. dismissal for inefficiency, if they intended to take such action), having first considered the appropriateness of ill health retirement;
- it will be taken that you have stopped the ill health retirement process;
- you will not be able to appeal against the Scheme Medical Adviser's medical assessment.

See paragraph 20 below for more information about what to do if you disagree with what the Scheme Medical Adviser has written in their report. Also see paragraph 24 for information about what routes are available if you have a query or complaint about other aspects of the handling of your application for a medical assessment.

### **Medical Information Consent Forms (A, B and C)**

If you give your permission on **Consent Form 1** for the Scheme Medical Adviser to see appropriate medical information about your condition, you **must complete and sign a separate Medical Information Consent Form** for each medical practitioner you would be prepared for them to contact. This will allow

the Scheme Medical Adviser to provide evidence to your doctor or specialist(s) (or all) that you have given permission for them to give appropriate medical information about your condition to the Scheme Medical Adviser to support your application. Three forms are provided in case you want to allow them to contact more than one medical practitioner about your condition, but you do not need to complete every form.

### **Optional Form and Notes - for your doctor or specialist**

The Scheme Medical Adviser is responsible for obtaining appropriate medical information about your condition in the first instance (with your permission), but any current medical evidence (i.e. typically under three months old), you can provide or pursue directly, such as a report from your doctor or specialist. This may enable them to complete your assessment more quickly.

If you decide to obtain a report from your doctor or specialist yourself to support your application for ill health retirement, the '*Optional Form and Notes*' provides details of the kind of information your doctor or specialist would need to give about your condition. They can choose to complete the form or to provide a separate report that fulfils the criteria outlined on the form to enable the Scheme Medical Adviser to reasonably assess your case.

Brief guidance on how applications are considered has been given at the end of the form as it may help your doctor or specialist provide the necessary information. You must make sure you return the form to your employer promptly. They will let you know of any deadline that applies. If your doctor or specialist would prefer an electronic version of this form please let your employer know. When the form is completed your doctor should enclose it in a sealed envelope clearly marked with your name and stating that it contains medical in confidence information to be opened only by Capita Health & Wellbeing medical personnel (see paragraph 25 for contact details).

Please note: It is important that any medical information provided by your doctor or specialist is legible - typed reports are preferable. Statements must be supported by first hand evidence from examining practitioners and/or objective testing. Complete documents must be submitted. Extracts from clinical notes or reports are not acceptable.

## **7.3 IHR – P2 in more detail**

### **This part is for your employer to complete**

This part asks for confirmation of your employer's details to enable the Scheme Medical Adviser to process the application. It also asks for confirmation of your name and contact details (as your employer has on record) and which pension scheme you are in (or when you joined the scheme if you are in **partnership**). It asks your employer to provide occupational information relevant to your application:

- details of consideration given to job modifications and redeployment – (if redeployment has not been considered your employer should do this before submitting an application for ill health retirement);
- Full Job Description

- Sickness absences during last 5 years
- Occupational Health Records – see below
- Copies of any scheme medical adviser correspondence relating to your case.

Your employer's Occupational Health Provider (OHP) will need to provide information to enable the Scheme Medical Adviser to reasonably assess your case. Such information will be contained in a 'Medical in Confidence' envelope that can only be opened by a medical professional such as the Scheme Medical Adviser with your permission (as requested on **Medical Consent Form 1**).

The completed IHR form along with occupational and medical evidence must be forwarded by your employer to the Scheme Medical Adviser.

## **8 What if I discover I am terminally ill?**

If at any stage in the ill health retirement process you are told you have a terminal illness and that your life expectancy is less than twelve months, you must tell your employer or My Civil Service Pension (MyCSP) as quickly as possible. They will tell the medical adviser straight away so that the ill health retirement certificate is issued urgently.

## **9 Will my employment continue if I have been referred for an ill health retirement assessment?**

If your employer has referred you for an assessment because your performance or attendance is poor (and may lead to dismissal for inefficiency), and either you or they consider that the causes of this may make ill health retirement appropriate, your employer should not normally take any action to dismiss you before the ill health retirement assessment has been completed. Taking such action (unless you have refused to give consent for an ill health assessment to be carried out or for medical evidence to be obtained), could lead to your application being stopped.

There are some exceptional circumstances in which an ill health retirement assessment may be allowed to continue, or carried out retrospectively, if your employment is terminated before the ill health retirement assessment has been completed (see paragraph 11 below on '*What happens if my employment is terminated before an ill health retirement assessment has been completed?*').

## **10 Can an ill health retirement referral be refused or stopped for any reason?**

An ill health retirement referral can be refused or stopped in certain circumstances, for instance, if you are under investigation for alleged misconduct that could lead to your dismissal. In most cases a decision on ill

health retirement will be deferred until the investigation has been completed and then only progressed if you have not been dismissed for misconduct.

An ill health retirement application can also be rejected by your employer if you should refuse or withdraw consent for the Scheme Medical Adviser to issue the report and certificate to your employer confirming the outcome decision of your ill health retirement assessment. See paragraph 17 on '*Withdrawing consent for the Scheme Medical Adviser to send their report to your employer*'.

## **11 What happens if my employment is terminated before the ill health retirement assessment has been completed?**

Your employment should not normally be terminated by you or your employer while an ill health retirement assessment is being done and the outcome has not been confirmed (see paragraph 9).

However, there may be occasions when such action has been taken in error – either through:

- a misunderstanding of the circumstances or procedures, or;
- because your employment has been transferred out of the Civil Service as part of a departmental closure, or Machinery of Government change before your ill health retirement assessment has been completed, or;
- your employer was running an early exit scheme and believed that they needed to give you the option of taking redundancy by an agreed deadline, in case your ill health retirement application was unsuccessful and you missed the chance to take redundancy. Although it should be possible to reach separate agreement on early exit departure dates in such circumstances until the outcome of your ill health retirement application is confirmed, your employer may not have realised this.

If such action has been taken in error, then your application should be allowed to continue, or carried out retrospectively. Your employer may need to seek authorisation from MyCSP to submit to the Scheme Medical Adviser, to confirm that agreement has been given for your assessment to continue, or to be carried out retrospectively. Retrospective ill health retirement will be applied from the last date of service if it is determined that you should have been given medical retirement at that date.

If you leave your employment due to ill health (and were a member of the Civil Service Pension Scheme prior to leaving), but an ill health retirement assessment was not carried out, there are exceptional circumstances in which you may be allowed to apply for ill health retirement retrospectively. Retrospective ill health retirement is not the same as Early Payment of a Preserved Pension. See paragraph 21 below for more information about '*Early Payment of Preserved Pension (EPPA)*'. Considering ill health retirement retrospectively is an exceptional measure, usually only allowed when an error has occurred in the original handling of a case. For example:

- the member left employment due to ill health without ill health retirement first being considered by the employer, or;
- the member resigned or took redundancy due to ill health without realising they could have applied for ill health retirement.

In either case, there generally needs to have been some indication:

- that you were ill at the time you left;
- that your performance or attendance was affected by your ill health;
- and that your employer was aware of this and intended to, or took action to, dismiss you for inefficiency.

In the above circumstances, your employer should have considered the appropriateness of ill health retirement before you left or told you of your right to apply for ill health retirement before you left (as mentioned in paragraph 6 on '*How do I apply for ill health retirement?*'). Not doing so would give grounds to allow a retrospective application to be made.

If you believe that you meet the conditions for a retrospective ill health retirement assessment to be made, you should contact your employer, explaining the background and justification for your request and ask your employer to seek permission for a retrospective application to be made. Your employer must ask MyCSP for advice and authorisation (if agreed), before referring a request for a retrospective application to the Scheme Medical Adviser. The Scheme Medical Adviser will not be able to consider any application for retrospective ill health retirement without authorisation from MyCSP.

## **12 Can I apply for ill health retirement if I have already left my employment and the Civil Service Pension Scheme (CSPS)?**

No, you will not be eligible to apply for ill health retirement if you have already left your employment and the CSPS, apart from in exceptional circumstances which are explained in paragraph 11 on '*What happens if my employment is terminated before an ill health retirement assessment has been completed?*'

If you left the Civil Service with a preserved classic pension in the scheme and your health breaks down after leaving, you can apply to receive your pension early on ill health grounds. See paragraph 21 below for more information about '*Early Payment of Preserved Pension (EPPA)*'.

If you leave your employment and have a preserved pension in any CSPS scheme and you discover that you are terminally ill with a medically assessed life expectancy of less than twelve months, you can apply to receive your pension early. The Scheme Medical Adviser will still need to carry out a medical assessment to confirm that you are eligible to receive your pension early on severe ill health grounds, before any payments can be made. However, the assessment should be completed very quickly in such circumstances.

## 13 What happens after an application is sent to the Scheme Medical Adviser?

### 13.1 Scheme Medical Adviser Actions

- The Scheme Medical Adviser will review the application (order) form when it is received to make sure it is complete and that all the necessary paperwork has been sent. If anything is missing, they will contact your employer to ask for missing information to be provided if it is easily obtained. They will return applications that have substantial parts missing. The timescale for completing an assessment, will not start until all necessary and complete papers have been sent to them.
- If the Scheme Medical Adviser decides that there is enough information to complete an assessment without them having to obtain further information, they will produce an outcome report and certificate within 10 working days of receipt of your application. See paragraph 14 for information about '*The Scheme Medical Adviser's assessment report*'.
- If the Scheme Medical Adviser needs further evidence they will obtain this:
  - Through a personal consultation with you or;
  - Through obtaining a third party report from your doctor and/or specialist.

Sometimes they will do both. They will keep you and your employer informed where this is happening.

### 13.2 If a personal consultation is needed

- The Scheme Medical Adviser will telephone you to arrange this, and send written confirmation of the appointment to you and to your employer. If you subsequently cancel a consultation, they will rearrange the appointment on one occasion only. If the second appointment is not attended or is cancelled, no further appointment will be offered. If you fail to attend a consultation or cancel with less than 24 hours notice, there will be a full charge made to your employer for the consultation. If a second consultation doesn't take place due you cancelling or not attending then your case will be assessed without this additional information. It is unlikely to be in your best interests if the Scheme Medical Adviser is not able to obtain the medical evidence they believe they need to assess your case. Where they have requested a consultation they will complete their assessment and produce an outcome report and certificate within 30 working days of receipt of the case. The 30 day timescale will not include periods (for example if you have rearranged or not attended an appointment), where the service stops. See paragraph 14 for information about '*The Scheme Medical Adviser's assessment report*'.
- If you **attended a medical consultation** and the physician you saw **is** an authorised Pension Scheme Adviser, you will have been made aware of the proposed content of the outcome report.

- If you **attended a medical consultation** but the physician you saw is **not** an authorised Pension Scheme Adviser, or if **no medical consultation** took place either due to your non attendance or because the information they have received is sufficient to complete an assessment without having to see you, a Pension Scheme Adviser will provide a report based on information received. In such instances, it will not be possible to provide information about the proposed content of the outcome report before it is processed by the Scheme Medical Adviser.
- **Please note:** The Scheme Medical Adviser will only make home visits to conduct a consultation in very exceptional circumstances, and at their discretion. If you identify that travel may be difficult your employer should actively consider assisting you with your travel arrangements. Your employer is advised to discourage requests for home visits and to tell you that they are rarely possible.

### **13.3 If a medical report from your doctor, or specialist, or both is needed**

- If a medical report is needed from your doctor, or specialist, or both, (referred to as a third party report), the Scheme Medical Adviser will send the request for a report from your doctor and/or specialist (or both, if needed) within 5 working days of receipt of the case. They will send two chase letters if a report has not been received after 20 and then 25 days and will continue to process your case when the report has been received, or after 30 working days, if the report has not been received.
- Where the Scheme Medical Adviser has requested a medical report they will complete their assessment and produce an outcome report and certificate within 45 working days of receipt of the case. See paragraph 14 for information about '*The Scheme Medical Adviser's assessment report*'.

### **13.4 If a personal consultation and a medical report is needed**

- Where the Scheme Medical Adviser has requested both a personal consultation with you and a medical report (from your doctor, or specialist, or both), they will complete their assessment and produce an outcome report and certificate within 65 working days of receipt of the case. See paragraph 14 for information about '*The Scheme Medical Adviser's assessment report*'.

### **13.5 Requests for advance payment for a medical report from your doctor or specialist**

- The Scheme Medical Adviser is responsible for obtaining appropriate medical information about your condition in the first instance (with your permission). However, they will not pay in advance for medical reports from you doctor or specialist. This is because there is no guarantee of the quality of the report, how long it will take the doctor to provide it, or even that it will be provided.
- If you decide to get a report from your doctor or specialist yourself to support your application for ill health retirement you can do so, but you may

- **Please note:** Where a doctor or specialist refuses to release information without advance payment for the report and no alternative arrangements are made to pay for the report in advance, the ill health retirement assessment will proceed without the report, using any other medical evidence that has been gathered and is available.

## 14 The Scheme Medical Adviser's assessment report

Once the Scheme Medical Adviser has completed their assessment they will produce an outcome report and certificate for your employer. Your consent is needed for them to send the outcome report to your employer (see the notes about the *IHR – P1, Medical Consent Form 2* in paragraph 7.2 above). The report will confirm whether or not you have a qualifying medical reason for ill health retirement.

**Please note: your employer cannot offer ill health retirement without a report and certificate from the Scheme Medical Adviser confirming that you have a qualifying medical reason for ill health retirement.**

You will automatically be sent a copy of the report at the same time as it is sent to your employer (if you have consented to this). However, you can ask to see a copy of it before it is sent to your employer. You will have **5 working days from the date the report is issued to you to:**

- ask the Scheme Medical Adviser to correct any factual errors in the report;
- withdraw consent for the report to be sent to your employer

You will only be given one opportunity to ask for factual errors to be corrected and must contact the Scheme Medical Adviser within 5 working days of the date the report is sent to you, to ask for any such errors to be corrected. See paragraph 16 on '*Correcting Factual Errors in the Scheme Medical Adviser's report*'.

If you have asked for the report to be amended, the Scheme Medical Adviser will write to you either providing a copy of the amended report or telling you that they will not make changes to it.

If you have requested that the report is amended, the Scheme Medical Adviser can no longer send any report to your employer without your renewed consent to do so. **It is therefore essential that you contact them within 5 working days of the date on the corrected report (or the letter telling you that they will not make changes to the report), to inform them whether you wish them to release the report to your employer or not.** If they do not hear from you within this timescale they will inform your employer that they do not have your consent to release the report and that they are therefore unable to provide any advice. Please read paragraph 17 on '*Withdrawing consent for the Scheme Medical Adviser to send their report to your employer*' to understand the impact this will have on your ill health retirement assessment.

## **15 Receiving an advance copy of the Scheme Medical Adviser's outcome report**

The purpose of the advance notification process is purely to give you an opportunity to correct any perceived factual errors. It is not an opportunity for you to request a review or re-consideration of your case by submitting some extra medical detail. There is no scope for you to challenge the Scheme Medical Adviser's independent medical assessment of your case as expressed in the opinion and outcome in the report at this point in the assessment procedure.

## **16 Correcting Factual Errors in the Scheme Medical Adviser's report**

Factual errors are mistakes in the report such as misspelt names or incorrect dates. They do not cover clinical opinion so, you cannot ask the Scheme Medical Adviser to review their decision on ill health retirement at this point, or introduce new evidence that was not available at the time the assessment was completed.

**Please note:** see paragraph 20 on '*What if I disagree with the Scheme Medical Adviser's assessment?*' for information about what to do if you disagree with the ill health retirement assessment. Also see paragraph 24 on '*What if I have a query or complaint about aspects of the ill health retirement process?*' for information about routes available for raising other types of queries or complaints.

## **17 Withdrawing consent for the Scheme Medical Adviser to send their report to your employer**

It is unlikely to be in your best interests to withdraw consent for the Scheme Medical Adviser to send their report to your employer, because without a report and certificate:

- it will be taken that you have stopped the ill health retirement process;

- your employer cannot offer ill health retirement and can proceed to take other action (e.g. dismissal for inefficiency, if they intended to take such action), having considered the appropriateness of ill health retirement;
- you will not be able to appeal against the Scheme Medical Adviser's ill health retirement assessment.
- you will not be able to apply for retrospective ill health retirement.

## **18 How will I find out the results of my ill health retirement assessment?**

You will receive a copy of the outcome report from the Scheme Medical Adviser after your ill health retirement assessment has been completed, unless you say that you do not wish to see a copy of it. If you attended a medical consultation and the physician you saw is an authorised Pension Scheme Adviser, you will have been made aware of the proposed content of the outcome report. You can also ask to see a copy of the report before it is sent to your employer – see the notes about the *IHR – P1, Medical Consent Form 2* in paragraph 7.2 above.

Your employer must formally tell you whether or not your ill health retirement assessment has been successful and give you details of the Scheme Medical Adviser's advice. Your employer must also tell you how you can appeal against the assessment, as well as what further action they intend to take in relation to your employment. See paragraph 20 on '*What if I disagree with the Scheme Medical Adviser's assessment?*' for information about what to do if you disagree with the ill health retirement assessment.

## **19 What if the Scheme Medical Adviser does not support ill health retirement?**

If the Scheme Medical Adviser does not support ill health retirement after your assessment has been completed, you or your employer can progress with any plans you or they may have to end your employment. You have a right to appeal against the ill health retirement assessment, within specified time limits - see paragraph 20 on '*What if I disagree with the Scheme Medical Adviser's assessment?*' for more information about this. An appeal can continue if your service is terminated after your employer has told you the results of your ill health retirement assessment, as long as the appeal is made within the specified time limits.

**Please note:** The final decision on ill health retirement rests with your employer, even if the Scheme Medical Adviser has confirmed that you satisfy the scheme criteria for ill health retirement, but it cannot be offered unless the Scheme Medical Adviser has confirmed that you satisfy the scheme criteria for ill health retirement.

## 20 What if I disagree with the Scheme Medical Adviser's assessment?

If you disagree with the content of the report and your disagreement relates to medical opinion (rather than factual errors), or you have additional evidence you would like to be taken into account, the only way to challenge this is to follow the formal appeals procedure.

- The *Medical Reviews and Appeals Guide* provides details of the appeals procedure. Your employer should give you a copy of this guidance. The guidance can also be found on the Civil Service Website: [www.civilservice.gov.uk/pensions/guidance-for-employers/scheme-medical-advisor](http://www.civilservice.gov.uk/pensions/guidance-for-employers/scheme-medical-advisor) under 'Guidance for employers' – 'Scheme Medical Adviser'.
- You cannot appeal against the scheme medical adviser's assessment if you withdraw consent for the report and certificate confirming whether or not you have qualifying medical reason for ill health retirement to be issued to your employer (see paragraph 17 on '*Withdrawing consent for the Scheme Medical Adviser to send their report to your employer*').
- The appeal period does not start until your employer has formally told you whether or not your ill health retirement assessment has been successful.

## 21 Early Payment of Preserved Pension (EPPA)

If you have left your employment and have a preserved pension in **classic only**, you may apply to receive your pension benefits early if your health breaks down after leaving. Your benefits will not be enhanced but they do attract pensions increase and are not subject to further review.

The condition for early payment of a preserved pension in **classic** are that, after leaving your employment with a preserved pension in **classic**, you fall ill before your scheme pension age and had you remained in your employment as a member of **classic** you would have been retired on grounds of ill health.

Early payment of preserved pension on medical grounds is not available to **classic plus**, **premium** or **nuvos** members – except in cases of serious ill health in which life expectancy is twelve months or less (see paragraph 8 on '*What if I discover I am terminally ill?*')

**Please note:** Early payment of a preserved pension is not the same as considering ill health retirement retrospectively which is an exceptional measure considered only in very restricted circumstances (see paragraph 11 on '*What happens if my employment is terminated before an ill health retirement assessment has been completed?*').

## 22 How to apply for an EPPA medical assessment

Applications for medical assessment should be made through your former Civil Service employing department (or through MyCSP if the department no longer exists), using the form EPPA1. The EPPA 1 form is similar in structure and content to the IHR form – see paragraph 7 on '*The IHR form*'. You must supply

as much current evidence as possible to support the application. (Medical information is only considered current if it has been supplied within the last 3 months).

The current EPPA1 form to use can be found on the Civil Service Website: [www.civilservice.gov.uk/pensions/guidance-for-employers/forms](http://www.civilservice.gov.uk/pensions/guidance-for-employers/forms) under 'Guidance for employers' – 'Forms'.

## **23 What documents will the Scheme Medical Adviser require for EPPA assessments?**

Your original letter of application will be helpful and this is particularly so if it is accompanied by a letter from your doctor.

Your previous employer will be asked to provide a job description of the job you were doing when you left the service. It may be difficult to identify an accurate job description for you if you left some time ago. In such circumstances a general description of the duties will suffice, including any specific physical or mental requirements of the job.

Any occupational health records kept by your employer will also be very valuable, particularly if you were employed within the Civil Service more recently. Your employer should send these with your application. If the available medical evidence sent with the application is inadequate the Scheme Medical Adviser will remedy by either examining you and / or by obtaining medical reports from your doctor, or specialist, or both.

## **24 What if I have a query or complaint about aspects of the ill health retirement process?**

### **24.1 Queries**

- If you have any queries about the ill health retirement procedures or the topics covered in this guidance, or an existing application for ill health retirement, you should speak to your employer (or ex-employer if you have already left your employment and the CSPA), in the first instance. Your employer will contact MyCSP for advice if they are unable to answer your query, or need authorisation to take further action, such as apply for retrospective ill health retirement or an extension to an appeal deadline.
- If you need contact the Scheme Medical Adviser because you have a question about an existing application for ill health retirement or because you need to pass on information that is specific to your application, contact details are given in paragraph 25.

### **24.2 Complaints**

- Should you or your employer wish to complain about the service provided by the Scheme Medical Adviser you should follow the complaints procedure outlined here. Examples might include matters relating to the convenience of any appointment or the way the Scheme Medical Adviser carried out the medical consultation. This process does not cover the procedure for

dealing with medical appeals about Scheme Medical Adviser recommendations – please see paragraph 20 for more information about medical appeals. The complaints process is also separate from the Internal Dispute Resolution procedure - please see the leaflet '*If you have a complaint about your pension*', which is on the Civil Service pensions website: [www.civilservice.gov.uk/pensions/helplines/internal-dispute-resolution](http://www.civilservice.gov.uk/pensions/helplines/internal-dispute-resolution)

- Where you raise a complaint, your employer must first decide whether it refers to the Scheme Medical Adviser and, if so, that they want them to investigate. Your employer may be able to respond to your complaint yourselves, explaining any problems or delays. If they do feel that it is appropriate to refer the complaint to the Scheme Medical Adviser they will ask you to complete form Med 9, or they may complete the form on your behalf. Whoever is making the complaint should complete section 1 of the form. Your employer or MyCSP should complete section 2 of the form.
- The current Med 9 form in use can be found on the Civil Service Website: [www.civilservice.gov.uk/pensions](http://www.civilservice.gov.uk/pensions) under 'Guidance for employers' – 'Scheme Medical Adviser'.
- All complaints must be sent by your employer on form Med 9 to the Scheme Medical Adviser.
- The Scheme Medical adviser will tell your employer when they have received the Med 9 form within 2 working days and will normally provide a full reply within 10 working days, or 21 working days if the complaint requires further investigation by a clinician. They will tell your employer which timeline applies. The reply will be provided to your employer. Where the case concerns a complaint you have made, your employer must give you written details about the outcome.

### **24.3 How to escalate a complaint**

If you are dissatisfied with the response from the Scheme Medical Adviser you should tell your employer. If your employer feels the matter has been resolved they must explain their reasons to you. If they agree with you that your complaint remains unresolved or they have made a complaint that remains unresolved, they will escalate the complaint to the Scheme Medical Adviser's account manager. The Account Manager will acknowledge receipt of the complaint within 2 working days and aim to provide a full reply to your employer within 10 working days.

### **24.4 Escalation route for complaints that remain unresolved**

If your, or your employer's complaint remains unresolved after the above routes have been exhausted and 10 working days have passed since escalating the complaint to the Account Manager, your employer should escalate it to MyCSP with a note of previous action taken and any response received from the Scheme Medical Adviser. MyCSP will arrange for the complaint to be investigated by the appropriate authority in MyCSP who will aim to give a

response to your or your employer's unresolved complaint within 10 working days.

## **25 Scheme Medical Adviser Contact Details**

**Capita Health & Wellbeing  
Wheatfield Way  
Hinckley Fields Estate  
Hinckley, LE10 1YG**

**Tel: 0845 601 1994**

**Email: [ReferralsIHR@capita.co.uk](mailto:ReferralsIHR@capita.co.uk)**

### Meaning of particular terms by scheme

#### classic Scheme Terms

**Prevented** - means having a significant incapacity. It does not mean “unwilling”, “disinclined to” or “inconvenient to” undertake the duty. The employer will have obtained occupational health advice to identify any employment adjustments to possibly overcome the obstacles to working. The individual will usually have co-operated with this. The employer will only consider ill health retirement if they conclude that such adjustments are on balance unreasonable or unfeasible to implement. Collusion between employer and employee to manipulate the pension scheme is considered fraud.

**Ill health** - means a recognised medical condition which gives rise to the incapacity. Diagnosis must be supported by appropriate clinical findings.

**Discharging his/her duties** - means providing regular and efficient service in the normal duties of their responsibility level. It does not mean “all work” in the Civil Service context.

**Please note:** Individuals do not have to be incapable of attending work but rather incapable of providing acceptable levels of performance or attendance. What is ‘acceptable’ is governed by the requirement to make reasonable adjustments for those with health problems and, particularly if they are likely to fall within the scope of the Equality Act and equivalent legislation in Northern Ireland 1995.

**Likely** - means ‘on a balance of probabilities’. The permanence of the ill health does not have to be ‘beyond reasonable doubt’ but rather more likely than not. The medical adviser takes into account the effect of standard treatment when considering the incapacitating effects of a condition. In doing this they take into account the chances of a successful outcome.

**Permanent** - means until pension age. Not only does the ill health have to be permanent but it has to result in permanent incapacity. Many permanent medical conditions (for example asthma, diabetes, epilepsy) do not usually prevent individuals from working normally.

#### premium and nuvos Terms

**Permanent** - means until pension age. Not only does the breakdown in health have to be permanent but it also has to result in permanent incapacity. Many permanent medical conditions (e.g. asthma, diabetes, epilepsy, etc) do not normally prevent individuals from working normally.

**Breakdown in health** - means ill health caused by a recognised medical condition giving rise to the incapacity. Diagnosis must be supported by appropriate clinical findings.

**Incapacity** - means unable to work due to the breakdown in health.

**Prevents** - means having a significant incapacity. It does not mean “unwilling”, “disinclined to” or “inconvenient” to undertake the duty. The employer will have obtained occupational health advice to identify any employment adjustments to possibly overcome obstacles to working. The individual will usually have co-operated with this. The employer will only consider ill health retirement if they conclude that such adjustments are on balance unreasonable or unfeasible to implement. Collusion between employer and employee to manipulate the pension scheme is considered fraud.

**Discharging their duties** - means providing regular and efficient service in the normal duties of their responsibility level. It does not mean “all work” in the Civil Service context.

**Please note:** Individuals do not have to be incapable of attending work but rather incapable of providing acceptable levels of performance or attendance. What is ‘acceptable’ is governed by the requirement to make reasonable adjustments for those with health problems and, particularly if they are likely to fall within the scope of the Equality Act and equivalent legislation in Northern Ireland.

**Incapable of undertaking other gainful employment** - the individual’s functional ability to carry out any reasonable paid employment should have been impaired by more than 90%. That is, they may be capable of undertaking some types of job, but this is severely restricted by their loss of function caused by the illness.

**Incapable of doing own job or a comparable job** – means unable to turn up regularly to do a job at the same or equivalent grade level. They will however be capable of doing a range of other types of work.

**Pension age** - means the earliest age at which a member can take their pension without it being reduced because of early payment.

### **Type of information the Scheme Medical Adviser will be seeking**

The following notes explain the type of information the Scheme Medical Adviser will be looking for before assessment that you meet the definition of ill health retirement:

#### **Medical Evidence**

There needs to be reasonable objective medical evidence that you:

- Have a recognised medical condition;
- That this condition renders you incapable of your normal duties and/or any other employment;
- That the condition renders you incapable of providing regular and effective service;
- That despite appropriate treatment that the incapacity for work for regular and effective service is likely to be permanent.

It is often difficult to conclude that an illness will not resolve or improve until all evidence-based treatments currently widely available for the specific illness have been completed. The reason for this difficulty is a realistic expectation in most circumstances that remaining treatment options will improve symptoms and functional capabilities to enable a return to work.

There may be circumstances where you have had certain treatments, but there are remaining treatments available to you. In this situation, the Scheme Medical Adviser considers:

- The likely effects of outstanding evidenced-based treatments on the incapacitating effects of the scheme member's medical condition;
- The likely results of possible treatments;
- The prospects of the outstanding treatments taking place before normal pension age;
- Whether there will be sufficient functional improvement for a return to work before normal retirement age.

Cases are considered on an individual basis and recommendations are based on the balance of probabilities. However, there does need to be a reasonably secure evidence base and reports from doctors are almost always essential. In general, the expectation is that such reports would come from your medical consultant. The Scheme Medical Adviser is not looking for an opinion on ill health retirement from such specialists in their reports, but clear information on the treatment that has been administered, the response to that treatment and whether there are remaining

treatment options. A clear opinion on the likely long term outlook for the medical condition and the probable impact of future treatment is often very valuable.

In general, medical evidence should be comprehensive, current (within the last 3 months) and provide sufficient medical detail to indicate that the scheme definition is likely to be satisfied.

This approach is applied to all types of cases. However, there are certain types of case where there may be a need for reports from more than one specialist. This is more likely to be a requirement in conditions where clinical signs may be softer (for example, psychiatric and some musculoskeletal cases) or in medically less than fully explained conditions, The Scheme Medical Advisor almost always needs a diagnosis to be able to pass a judgement on the likely future course of an illness. Cases with chronic symptoms for which there is no underlying cause are therefore most unlikely to meet the scheme criteria.

### **Non Medical Evidence**

Consideration of adjustments and redeployment at exit from employment under the Equality Act legislation is just as important as at entry to employment. Clear evidence and statements of the employment adjustments made to facilitate effective working is essential.

When such modifications to work have been successful in overcoming obstacles to effective work it is important to understand if the employer can maintain the modifications in the long term or is only able to support the modifications temporarily.

When such modifications to work have not been successful it needs to be clearly explained why such initiatives have not had the desired effect.

It is also necessary to understand whether there is any further potential to implement additional modifications to work.

**Meaning of acronyms**

<b>Acronym</b>	<b>Meaning</b>
CSMC	Civil Service Management Code on the Civil Service website: <a href="http://www.civilservice.gov.uk/about/resources/civil-service-management-code">www.civilservice.gov.uk/about/resources/civil-service-management-code</a>
CSPS	Civil Service Pension Scheme
MyCSP	MyCSP Ltd – pension administrator for Civil Service Pensions
SME	Scheme Management Executive, Cabinet Office – who act as secretariat to the Scheme Management Board.

## **Annual Allowance Fact Sheet for Civil Service pension scheme members leaving on ill-health retirement**

### **Do I need to read this information?**

Yes, if you are leaving on ill-health retirement then you should read all the information in this fact sheet, as there is a possibility that you could incur an HM Revenue & Customs (HMRC) Annual Allowance tax charge. It is also possible that your medical condition may give you exemption from the potential tax charge. This fact sheet explains the Annual Allowance and the process you need to go through in order to be assessed against the exemption criteria.

### **What is the Annual Allowance?**

The Annual Allowance sets the amount of pension saving that is allowed tax free in any one year. The tax regime has gone through some major changes for the tax year 2011-12, and this includes reducing the Annual Allowance to £50,000, and changing the method used to work out the Annual Allowance.

### **How is the Annual Allowance worked out for defined benefit schemes such as classic, classic plus, premium and nuvos?**

Full details are available on the HMRC website, but in basic terms it is the increase in the value of your pension from one year to the next multiplied by 16, plus the increase in value of your automatic pension commencement lump sum (**classic/classic plus** only), with a measure for inflation taken into account.

### **How might this affect me if I am leaving on ill-health retirement?**

Under some circumstances leaving on ill-health retirement gives an enhancement to your pension benefits and this may result in a large increase in the value of your pension from one year to the next. For some individuals the enhancement will mean that the amount their pension benefits increase from one year to the next will go over the Annual Allowance limit. Please see the enclosed illustrative annual allowance estimate. Information on how to calculate your personal tax liability can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk).

### **Are there any exemptions from the Annual Allowance tax charge for people leaving on ill-health grounds?**

Yes, there are exemptions for people leaving because of what HMRC term 'severe ill-health'; however the criteria are different to those that we use in the Civil Service pension scheme to determine if you qualify for ill-health retirement.

### **What are the HMRC criteria for 'severe ill-health'?**

That someone is suffering from ill health which makes the individual unlikely to be able (other than to an insignificant extent) to undertake gainful work in any capacity up to at least State Pension age.

### **How does this differ from the Civil Service pension scheme criteria for ill-health retirement for classic plus, premium, and nuvos?**

It varies depending on which scheme you are in. The HMRC criteria for severe ill health are similar to those used for upper tier in **classic plus, premium and nuvos**. The HMRC assessment needs to be up to State Pension age, whereas the upper tier assessments are to the specific Civil Service scheme pension ages. Where you meet the criteria for upper tier ill-health retirement, we would expect there to be very little, if any, additional information required for the Scheme Medical Adviser to complete the extra assessment.

If you are assessed as meeting the lower tier, but not the upper tier criteria, in **classic plus, premium, and nuvos** then you will not meet the HMRC severe ill-health criteria. In these circumstances you are less likely to receive an enhancement to your pension benefits that would mean you exceed the Annual Allowance. Please see the ill health retirement booklets on the Civil Service Pension website [www.civilservice.gov.uk/pensions](http://www.civilservice.gov.uk/pensions) under Publications for information about upper and lower tier criteria.

### **How does this differ from the Civil Service pension scheme criteria for ill-health retirement for classic?**

The ill-health retirement criteria in **classic** are that the person concerned is prevented by ill health from discharging their duties and that the ill health is likely to be permanent (in this case permanent means up to scheme pension age, which for most people is age 60).

The **classic** ill health retirement assessment only considers whether a person cannot do their own job, rather than any gainful employment. It is possible that the additional HMRC severe ill-health assessment could take longer to complete than just the **classic** ill health retirement assessment.

There is a greater chance that someone in **classic** may meet the scheme criteria (and receive an enhancement), but may not meet the HMRC severe ill health criteria, and therefore not be exempt from the Annual Allowance tax charge.

### **Will I be able to be assessed against the HMRC severe ill-health criteria?**

Where we are able to identify individuals who are at risk of incurring an Annual Allowance tax charge we have arranged for the Scheme Medical Adviser to carry out the additional assessment at the same time as the assessment for ill-health retirement. This requires you to complete a consent form, which is attached to this fact sheet.

### **Do I have to go ahead with the additional medical assessment?**

No, if you feel you will not meet the HMRC severe ill health criteria, or if you would simply prefer not to go through the additional assessment then you do not have to go ahead. Please be aware that you will not have to pay for the additional medical assessment. If you do not proceed with the assessment you may be liable to an Annual Allowance tax charge. You could still be liable for an Annual Allowance tax

charge if you go ahead with the assessment but do not meet the HMRC severe ill-health criteria.

**Will I be able to appeal against the Scheme Medical Adviser's decision if I am assessed as not meeting the HMRC severe ill health criteria?**

We are not providing an appeal facility. Our understanding is that you could pursue this privately, at your own cost, with any registered medical practitioner. You should contact HMRC if you require further information on this issue.

**Where can I find out more about the Annual Allowance?**

The HMRC website provides all the guidance you should need, and the following is a link to the main HMRC page - [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

The following link will take you to the specific guidance on the Annual Allowance - [www.hmrc.gov.uk/annual-allowance](http://www.hmrc.gov.uk/annual-allowance)

Contact your tax office – 0845 300 0627

*MyCSP may not provide financial, investment or other professional advice to members. Nothing on this communication should be interpreted as constituting financial advice. You should obtain independent advice on any specific issues concerning you.*

<b>IHR - P3</b>	<b>Request for medical advice – HMRC severe ill health criteria</b>
Section 1 - <b>MEMBER</b> completes	

### Medical Advice request: member details and consent form

- i** Capita Health & Wellbeing are medical advisers to the Civil Service pension scheme. They are being asked to consider whether you satisfy the HMRC criteria for severe ill-health. If you meet the criteria for severe ill-health you will be exempt from any Annual Allowance tax charge, in relation to your Civil Service pension, in the year that you leave service on ill health grounds. Please complete this form as fully as you can, sign the Declaration and return the form to your employer as soon as possible.

**Please tick one of the following options**

I **do** wish to go ahead with the HMRC severe ill-health assessment

I **do not** wish to go ahead with the HMRC severe ill-health assessment

Your Details	Title	
	Surname	
	Forename(s)	
Your home address		
	Post code	
Your date of birth		
Your day time telephone number		
Alternative telephone number		
<p><i>I consent to the information in my occupational health records, and any information obtained in relation to my application for ill health retirement to be used for the purpose of assessment against the HMRC severe ill health criteria. I also consent to my GP / specialist providing medical information to Capita Health &amp; Wellbeing in connection with such an assessment. I further consent to the disclosure of that information by Capita Health &amp; Wellbeing to my former employer and to MyCSP, the pension administrator.</i></p>		
Signature		
Date		
State Retirement Age		<b>to be entered by employer</b>