2.04 Retirement on Medical Grounds

The policy describes how retirement on medical grounds is managed in the Northern Ireland Civil Service(NICS).

The chapter covers:

- The procedures for handling retirement on medical grounds- Section 2 Procedures
- The time (notice) given when retiring/being retired, in accordance with the rules set out in the HR Handbook- Section 3- Notice
- What information is disclosed- Section 4 Disclosure of Information
- What you need to do to appeal a decision- Section 5 Appeals (1) Against Medical retirement, or (2) Against Refusal to Allow Medical retirement
- The Pension Scheme benefits payable in the event of Medical Retirement and can be found on the Principal Civil Service Pension Scheme(Northern Ireland) PCSPS(NI) website at www.dfpni.gov.uk/civilservicepensions-ni/- Section 6- Terms
- What information is required to support an appeal to a medical board– Annex 1

You may also be interested in the following policies:

2.02 Retirement on Age Grounds, 2.03 Voluntary Exit , 3.01 Sickness Absence. Information on the PCSPS (NI) can be viewed on the website www.dfpni.gov.uk/civilservicepensions-ni/

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2.04 RETIREMENT ON MEDICAL GROUNDS

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2.04 RETIREMENT ON MEDICAL GROUNDS

1. Introduction

1.1 Retirement on medical grounds may be instigated by your Department or by you on application. In general, these rules do not apply if you have previously retired and drawn pension benefits from the Northern Ireland Civil Service (NICS) pension arrangements.

1.2 You should be aware that there are possible alternatives to medical retirement such as rehabilitative return to work, job sharing, partial retirement and part time working. However, if you are retired on medical grounds you may be entitled to ill-health benefits under the terms of the NICS pension arrangements. Information on benefits which might be payable are available on the website at www.dfpni.gov.uk/civilservicepensions-ni/

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

2. Procedures

2.1 If a Department proposes to retire you for medical reasons, or if you wish to retire on medical grounds, your case will be referred to the OHS at the earliest possible stage. If, in accordance with the advice given by the OHS, the Department decides to retire you, your 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 your 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.

3. Notice Periods

3.1 The Department will notify you of its decision to retire you on medical grounds giving you a minimum of 9 weeks' notice in accordance with the rules set out in the HR Handbook (see policy 2.05-Notice Policy - paragraph 3.1 hyperlink) and a maximum of 13 weeks' notice (calculated on the basis of continuous employment) from the date on which your 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 the HR Handbook (See Sickness Absence Policy 3.01 - Annex 2 hyperlink.)

3.2 You will be given the opportunity to bring forward the effective date of retirement by completing and signing a declaration to that effect. However foregoing notice can mean a delay in the provision of your pension benefits. If you choose 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 your

pension benefits as a result of the effect on pensionable earnings and service credit. The Department will notify you of the financial consequences for your dependants (if applicable) should you die before the end of the formal period of notice.

4. Disclosure of Information

4.1 The OHS will write to your General Medical Practitioner (GP) informing him/her that you have been found to satisfy the criteria for retirement on medical grounds. 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 your case on request to the headquarters of the appropriate trade union and will be prepared to discuss your case on an in-confidence basis with the appropriate trade union official.

5. Appeals (a) against Medical Retirement, or (b) against Refusal to allow Medical Retirement

5.1 You will be fully informed by the Department of your right to appeal to an independent medical board. The membership of the medical board will be determined by the OHS and based on medical need. You will also be advised of the terms and conditions set out in paragraphs 5.2 to 5.11.

5.2 To exercise your 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 a) against medical retirement or b) against refusal to allow medical retirement.

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

5.4 Guidance as to what evidence is required for an appeal to 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. The decision by OHS to reject such an appeal is final. No further appeal will be allowed. It is therefore important that you bring the requirements, as shown in Annex 1, to the attention of the GP preparing the medical report.

5.5 You should send your appeal and supporting medical evidence to OHS through your Departmental DHR (DHR) within **4 weeks** of the date of the letter notifying you of the OHS outcome. Exceptionally your DHR will allow a late appeal to be considered, provided it is submitted with the supporting evidence within **8 weeks** of the date of the letter notifying you of the OHS outcome.

5.6 Once received, your DHR will forward your appeal and the supporting medical evidence to the OHS, who are responsible for making the arrangements for convening the medical board, as appropriate.

5.7 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.

5.8 The timescales for appeal should afford adequate time for you, or your close relative or friend, or your trade union representative 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.

5.9 In the event of an appeal being lodged against medical retirement and where pension scheme benefits are payable under the provisions of the Northern Ireland Civil Service (NICS) pension arrangements, Civil Service Pensions will continue to arrange for you to be paid any benefits you are due. You should note that any benefits that you are paid will have to be returned immediately if your appeal is successful and you are not medically retired.

5.10 If you are invited to attend a medical board you may claim travelling and subsistence expenses as if on official business (see 9.02 Official travel)

5.11 Medical Appeal Process (MAP) is a new appeals mechanism where the dispute is based on the medical opinion rather than the scheme rules. When a decision about a member's pension entitlement is made based on the medical opinion of the Occupational Health Service (OHS) or Occupational Health and Welfare (OHW) a member can dispute the decision and appeal under MAP. For more information see link attached (leaflet)

5.12 If your appeal against being medically retired is successful, or your appeal against not being medically retired is unsuccessful, you will be regarded as having remained on normal conditions of service during the interim period. Any pension award which has already been made must be cancelled, 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 is unsuccessful, you are regarded as having been medically retired at the date originally agreed by your Department.

6. NICS Pension arrangements- rules and regulations

6.1 The pension benefits payable on retirement on medical grounds are set out in the rules and regulations of the NICS pension arrangements. The rules and regulations and other publications about the NICS pension arrangements can be found at (hyperlink)

Retirement on Medical Grounds

ANNEX 1
Details required in a medical report in support of an appeal against an OHS decision

1. If you wish to submit a medical report to appeal against a decision by OHS**,** the following details must be included in the report; otherwise it will be rejected by the OHS. The decision by OHS to reject such an appeal is final. No further appeal will be allowed.

2. You are asked, to bring these details to the attention of the GP who will be compiling the report on your behalf.

3. Your medical report must clearly show how it supports your appeal.

Medical report details required on appeal are listed below:-

- Diagnosis / Diagnoses.
- Results of investigations.
- Current symptoms, 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 you are permanently unfit for the duties of your post/grade and permanently incapable of rendering regular and effective service in your post/grade (if applicable).
- **Appeal against being Medical Retired:** Prognosis - outline reasons for considering that you are fit for the duties of your post/grade and capable of rendering regular and effective service in your post/grade, and a specific return to work date.
- Clearly state the medical reasons for supporting an appeal.

Notes:

(1) Details of Permanency

- For classic permanent is up to age 65.
- Permanent in classic for Prison Officers who were in post on 3 September 1989 is age 60.
- For classic plus and premium permanent is up to normal pension age which is 60.
- For nuvos permanent is up to normal pension age which is 65.
- For alpha permanent is up to normal pension age which is linked to state pension age.

- For partnership permanent is up to age 60 for joiners up to 30 July 2007 and 65 for joiners on or after that date.

Further information on Ill Health Retirement in the NICS pensions arrangements can be found on the Civil service Pensions (Northern Ireland) website: https://www.dfpni.gov.uk/contacts/contact-us-civil-service-pensions-ni