

AGREED VERSION

2.04 Early Retirement on Medical Grounds

The policy outlines how early retirement on medical grounds is managed by the NICS.

It covers:

- What procedures are in place to handle this eventuality – Section 2 Procedures
- The time (notice) to be 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 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
- The annex sets out what information is required to present to a medical board – Annex 1

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.

Information on the PCSPS (NI) can be viewed on the website at www.dfpni.gov.uk/civilservicepensions-ni/

This policy is version 4.1

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

1.1 Early 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 Principal Civil Service Pension Scheme (Northern Ireland) (PCSPS) (NI)

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 PCSPS (NI). 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 that 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, 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.

3. Notice Periods

3.1 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 HR Handbook (see policy 2.05 - Notice Policy - paragraph 3.1), a maximum of 13 weeks' notice (calculated on the basis of continuous employment) from 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 the HR Handbook (see Sickness Absence Policy 3.01 - Annex 2). You may be given the opportunity to bring forward the effective date of retirement by signing a declaration to that effect. However forgoing notice can mean a delay in the provision of 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 pay

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and service credit. The Department will notify you of the financial consequences for dependants should you die before the end of the formal period of notice.

4. Disclosure of Information

4.1 The OHS will write to your GP informing him/her that you have been found to satisfy the criteria for ill health 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.

5. Appeals (1) against Medical Retirement, or (2) 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 5.10.

5.2 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.

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. You must bring the requirements as shown in Annex 1, to the attention of your medical practitioner who prepares the report.

5.5 You should forward the appeal and supporting medical evidence through your Departmental DHR (DHR) within 4 weeks of the date of the letter notifying you of the OHS outcome. Exceptionally, DHR 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.

5.6 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.

5.7 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.

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5.8 In the event of an appeal being lodged against medical retirement and where pension scheme benefits are payable under the provisions of the PCS (NI), Civil Service Pensions will arrange for the benefits to be put into payment regardless of the appeal. You should note that any benefits paid 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 medical board.

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

5.10 If an appeal against medical retirement is successful, or an appeal against not being medically retired is unsuccessful, 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. 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. Terms

6.1 The pension benefits payable on retirement on medical grounds are set out in the rules of the PCS (NI). The rules of the scheme and other publications about the scheme can be found at www.dfpni.gov.uk/civilservicepensions-ni/

Early Retirement on Medical Grounds

ANNEX 1

Paragraph 5.4

Details required when submitting a medical report in support of an appeal against an OHS decision

1. If 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. The decision by OHS to reject such an appeal is final. No further appeal will be allowed.
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 your report must clearly show how it supports your appeal.

Medical report details required on appeal:-

- 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 Medically 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) **Permanent incapacity** is defined as 'until scheme pension age'

2) **Scheme Pension Age:**

Classic, Classic Plus and Premium – scheme pension age is 60

Nuvos – scheme pension age is 65

Partnership – if you were employed before 30/07/07 scheme pension age is 60. The scheme pension age on or after 30/07/07 is 65.