

## ILL-HEALTH RETIREMENT – EMPLOYEE GUIDANCE

### 1. Criteria

1.1 To be considered for ill-health retirement pension benefits and be referred to Occupational Health (OH) you need to meet the following criteria:

- Be under normal retirement age;
- Have 2 years qualifying service; and
- Meet the local government pension scheme (LGPS) criteria for retirement on ill-health grounds

### 2. Pursuing Ill-Health Retirement

2.1 If you decide you want to pursue ill-health retirement you should first discuss this with your line manager who will provide you with the relevant information. The process may involve 2 referrals – one to assess your current fitness to work, and one being a pension referral.

2.2 If, in the last 3 months, OH has not provided an OH report on your fitness to work and/or the likelihood of you being unable to continue to work due to ill-health, you will be referred to OH for fitness to work advice **before** a pension referral can be made. This is because ill-health is considered to be a last resort and the council is obliged to consider all reasonable adjustments, including potential redeployment, to enable a return to work before pursuing ill-health retirement.

2.3 If, after receipt of OH fitness to work advice and following conversations with your line manager, you still wish to pursue ill-health retirement then a pension referral will be processed.

2.4 You may be able to take your deferred benefits at any age without reduction, if, because of your health:

- you would be permanently incapable of the job you were working in when you left the Local Government Pension Scheme, and
- you are unlikely to be capable of gainful employment before your Normal Pension Age.

2.5 However, this must be approved through the Pension Fund and you will not be awarded any enhancement. Further information for deferred members can be found on the pension fund website: <https://www.lpf.org.uk/deferred-members/>

### 3. OH Pension Referral

3.1 Your line manager will arrange for a pension referral to be progressed on your behalf and will need the following documentation:

- Signed further medical evidence (FME) consent form (for Lothian Pension Fund members only)
- Signed Scottish Public Pensions Agency (SPPA) STSS: MED1 consent form and medical form (for SPPA Fund members only)
- Your job description
- Details of your absence history
- Partially completed IHR certificate (for Lothian Pension Fund members only)

- Any other relevant evidence in support of your application

**Please note** the consent form for the FME for pensions is required even if you have signed and completed one for a previous referral. This is because it is a different process and the consent is being used for different purposes.

#### **4. OH Pension Assessment**

- 4.1 The OH Pension Assessment will be carried out by an Independent Registered Medical Practitioner (IRMP) who must not previously have provided any advice on your health. The IRMP will review your application and decide if further medical evidence (FME) is required before they complete their assessment.
- 4.2 If FME is needed, your assessment will not be concluded until the IRMP receives that medical evidence. These FME reports are normally requested within 2 weeks of your referral. If there are any delays with FME being returned, you may be able to help by contacting your GP/Consultant/Medical Practitioner, to advise them of the importance of the reports and request they are completed and returned in a timely manner. You should also provide any copies of available medical evidence that you have from any specialist or consultant.
- 4.3 The OH Pension Assessment is a medical review and you are unlikely to be asked to attend any OH appointments. The written outcome of the OH Pension Assessment, alongside the completed pension paperwork, will normally be returned to your line manager within 2 weeks, or 4 weeks if you request sight of the reports before they are released to the council, which you are entitled to do.
- 4.4 When your line manager receives the 'OH Pension Assessment rationale' report and completed 'pension certificate/(SPPA) STSS: MED1', a capability assessment meeting (CAM) will normally be convened by the relevant Service Manager or Head of Service to consider your application for ill-health retirement benefits and your continuing employment with West Lothian Council.
- 4.5 During the above process, your line manager will keep you informed of any developments and will continue to meet with you through regular Attendance Support Meetings.

#### **5. Capability Assessment Meeting**

- 5.1 The Service Manager or Head of Service undertaking the CAM has the role of the First Instance Decision Maker (FIDM). The FIDM must consider all the relevant evidence associated with your application for ill-health retirement and determine if you satisfy the criteria for ill-health retirement or not. As part of that process you will be given the opportunity to provide any further evidence you feel is relevant to your application.
- 5.2 The FIDM is not medically qualified but they will consider the evidence associated with your ill-health retirement application and take a decision based upon the balance of probability. Where the FIDM has any doubts about the evidence, they will either seek to clarify these points or request a further medical report from OH.
- 5.3 Once the FIDM has reached their decision, they will clearly explain the reasons for their decision and next steps in the process, including any rights of appeal. The decision will be issued in writing.

## **6. Independent Dispute Resolution Process – Stage 1**

- 6.1 If you disagree with the decision taken by the FIDM or the SPPA, you will be given the opportunity to appeal this decision through the Independent Dispute Resolutions Procedure (IDRP). Information can be found at the links below:

Lothian Pension Fund members:

[https://www.lpf.org.uk/media/whlcmewa/idrp\\_form.pdf](https://www.lpf.org.uk/media/whlcmewa/idrp_form.pdf)

For SPPA Fund members:

[https://pensions.gov.scot/sites/default/files/2022-09/IDRP\\_2022.pdf](https://pensions.gov.scot/sites/default/files/2022-09/IDRP_2022.pdf)

**Human Resources**  
**July 2023**