



Ill Health Retirement (Staff)

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1 Overview

1.1 What is this about?

1.1.1 This information here sets out the process for considering ill health retirement under the Local Government Pension Scheme (LGPS).

1.2 Who is this for?

1.2.1 This is for authority/police staff who are qualifying members of the LGPS.

1.3 Key information

- In all circumstances the disability in employment procedure should be considered before ill health retirement.
- To qualify for ill health retirement, staff must be members of the local government pension scheme and have paid into it for at least two years.
- Staff who are not members of the LGPS or who are otherwise ineligible, please refer to the Capability (Staff) procedure.
- Requests for assessment of ill health retirement can be made by an individual or their manager.
- Ill health retirement can be progressed whether an individual is at work or not and can be explored as part of, or in addition to, the capability or attendance management procedures.
- An Independent Registered Medical Practitioner (IRMP) must be satisfied that an individual is permanently unable to do their job until their Normal Pension Age (NPA) and that they are not immediately capable of carrying out any 'gainful employment' as defined in the glossary.
- Ill health retirement pension benefits fall into two tiers depending on the impact on an individual's capability to carry out their contractual role.
- Tier one is defined as "An individual is permanently incapable of doing their job and they are unlikely to be capable for gainful employment before their Normal Pension Age (NPA). In this instance, pension benefits will be paid immediately and increased to what they would have been had the individual worked to their NPA".

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- Tier two definition is “An individual is permanently incapable of doing their current job but they are likely to be capable of undertaking gainful employment before their NPA. In this case pension benefits will be paid immediately based on actual membership to date plus a 25% pension enhancement based on what their pension would have been at their NPA”.
- An appeals process exists for employees dissatisfied with the outcome or decision.
- Pension scheme administration is carried out according to an individual’s regional location in Scotland. Each pension fund administrator has their own website and guidance documents.
- In line with Regulation 37(8) regarding the calculation of Assumed Pensionable Pay (APP) for Ill-health or Death in Service enhancements. When providing the annual APP figure to the pension fund, no account should be taken of any reduction in the pensionable pay the member incurred due to working reduced contractual hours because of ill-health.

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2 Staff

2.1 What you need to do:

- If you feel that you are unfit to work and will not be able to either continue in, or return to, your job you can ask to be considered for ill health retirement.
- Have a full, frank and open conversation with your manager about your health and any concerns you have, regardless of whether you are at work or not.
- You need to follow, and fully engage with, the relevant management procedure in terms of attendance, capability and disability in employment as appropriate.
- Ensure that any paperwork is completed and returned as quickly as possible.
- Attend appointments with Occupational Health (OH) and the Force Medical Advisor (FMA) as necessary and consider consent for any information from them to be shared as per the consent form supplied.
- Remember that support is available to all in the form of the employee assistance programme and wellbeing champions within the workplace.

2.2 Considering ill health retirement

- 2.2.1 Under the Equality Act 2010, a person is disabled “if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities” As a disability confident employer, we aim to retain people for their skills and talent.
- 2.2.2 Depending on the nature of your illness there may be adjustments made to enable you to remain in your job. We will fully explore all options available in terms of reasonable adjustments, where appropriate, to achieve this aim. Please refer to the disability in employment procedure for further detail.
- 2.2.3 Think about the nature of your illness and how it affects your ability to carry out the roles and responsibilities that are necessary to do your job.
- 2.2.4 Remember that ill health can be both mental and/or physical. Although it may mean that you are unfit for the job you do now, it may not mean that you are unable to work at all.

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2.2.5 If you have any concerns about your ability to carry out your role due to poor health, you should discuss this with your manager.

2.3 Starting the formal process

2.3.1 Ill health retirement will only be considered when all other options and procedures have been exhausted.

2.3.2 If your condition impacts your ability to carry out your job enough to warrant ill health retirement it is likely that you will have had the benefit of specialist opinion, as well as occupational health advice.

2.3.3 An appointment with the FMA through our healthcare provider is necessary in most circumstances. Your manager will progress this referral if necessary. They will be asked for their opinion on whether you may meet the criteria under the LGPS ill health retirement scheme.

2.3.4 The FMA will consider your condition and what treatments you may already have had.

2.3.5 The FMA will produce a report from this appointment. You will have the opportunity to review any information that they intend to share with us and ask for any information you do not want to share to be removed. We would encourage you to read the notes attached to the consent form in full and allow us access to as much information as possible to allow for full consideration of your circumstances.

2.3.6 You should also consider giving consent for this report to be available to People and Development so that an HR Advisor can assist you and your manager through the process.

2.3.7 This consent is given when the referral is made on the portal. Consent can be supplied in writing after the fact.

2.4 Progressing the request

2.4.1 You should have a discussion with your manager about the content of the report and whether you would like to progress. You can also discuss this with your HR Advisor.

2.4.2 If the FMA's opinion is that you may meet the criteria for ill health retirement, your HR Advisor will request that all relevant reports and paperwork are progressed by the FMA for review by an Independent Registered Medical Practitioner (IRMP).

2.4.3 You must provide OH with a signed consent to request medical and specialist reports relating to your illness at this point if you have not already done so.

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2.5 Independent Registered Medical Practitioner (IRMP)

- 2.5.1 The IRMP is a qualified medical advisor appointed through our healthcare provider who will have no prior knowledge of you or your case.
- 2.5.2 You will not usually be required to meet the IRMP, this is why it is essential that all up to date medical records and specialist reports are available.
- 2.5.3 When the request to have your case referred to the IRMP is completed a letter confirming this will be sent to you.
- 2.5.4 The IRMP will be asked to confirm if your ill health renders you permanently incapable of effectively carrying out the duties in your current role.
- 2.5.5 As part of this assessment, and if you meet the criteria, they will also be asked to consider which tier of ill health applies in your case.
- 2.5.6 The IRMP will produce a report and a certificate outlining their recommendations to the force/authority and you will be given a copy of that report.

2.6 Outcome decision

- 2.6.1 Once you have the report and any other relevant paperwork you, your manager and HR Advisor need to discuss this and what happens next.
- 2.6.2 If further or new medical information is made available and disclosed by you a further medical review may be required. This will be progressed by your HR Advisor.
- 2.6.3 Once all the relevant information has been collated a decision will be made in relation to your case. With your consent all relevant information will be discussed by management and HR and a decision reached at a case conference which will be arranged as quickly as possible.
- 2.6.4 There are three possible outcomes from this case conference. Ill health retirement at tier one, ill health retirement at tier two or that you do not meet the criteria for ill health retirement.
- 2.6.5 If the outcome is that the criteria is not met then a separate management procedure may come into play. What this is will depend on your individual circumstances.
- 2.6.6 We will let you know the outcome immediately and this will be followed up by letter which will outline the process for appeal.

2.7 Appealing the outcome decision

- 2.7.1 You can appeal the outcome decision by submitting an appeal in writing. This must be sent to People Direct by uploading it onto the online portal. You

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manager can do this on your behalf if you are not at work.

- 2.7.2 Any appeal must be submitted within six months of the original ill health retirement decision.
- 2.7.3 Your grounds for appeal will need to be clearly outlined. If you have any further medical information that was not originally available at the time of the decision and/or where you feel pertinent information has not been considered you will need to include that in your appeal submission.
- 2.7.4 The appeal will be reviewed by an appropriate and independent person (the Appointed Person) who has no prior knowledge or involvement in your case.
- 2.7.5 You will receive the outcome of your appeal in writing as quickly as possible.

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3 Manager

3.1 What you need to do:

- Initiate and maintain open conversation with your team members about their health and any concerns you, or they, have whether they are at work or not.
- If one of your team tells you that they feel unable to continue working or are unable to return to work because of their health, ask if they have considered ill health retirement.
- Contact People Direct as soon as the question of ill health retirement is raised. There may already be an ongoing case in relation to attendance management or capability that you can reference.
- Ensure that all paperwork is completed and returned as quickly as possible so the process is not delayed.
- Make sure appointments with Occupational Health (OH) and the Force Medical Advisor (FMA) are requested as necessary and reports followed up in good time.
- Keep your team member and HR Advisor informed of any developments as they happen.
- Remind your team that support is available to all in the form of the employee assistance programme and wellbeing champions within the workplace and encourage their use.

3.2 Considering ill health retirement

- 3.2.1 Discuss with your team member what their thoughts are about their health and ability to continue working in their role.
- 3.2.2 Think about the nature of their illness and how it affects their ability to carry out the roles and responsibilities fundamental to their job.
- 3.2.3 Depending on the nature of the illness there may be adjustments made to enable them to remain in their job.
- 3.2.4 Under the Equality Act 2010, a person is disabled “if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities” As a disability confident employer we aim to retain people for their skills and talent.

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- 3.2.5 You must refer to the disability in employment procedure, where appropriate, to ensure that reasonable adjustments have been considered.

3.3 Starting the formal process

- 3.3.1 Ill health retirement will most likely only be considered when all other options have been exhausted.
- 3.3.2 If your team member's health is affecting their ability to carry out their job and ill health retirement is an option, it is likely that they will have had the benefit of specialist opinion during their illness as well as occupational health advice.
- 3.3.3 An appointment with the FMA is normally required. This will be to ask their medical opinion on whether the criteria may be met under the LGPS ill health retirement scheme. You will need to request this if necessary using the online referral portal.
- 3.3.4 Following this appointment you will receive a report as the referring manager. If your team member consents you should share the information with your HR Advisor.

3.4 Progressing the request

- 3.4.1 On receipt of the report you should have a discussion with your team member about the content and discuss it with them. You should also discuss this with your HR Advisor if they have given consent.
- 3.4.2 If the FMA's opinion is that they may meet the criteria for ill health retirement your HR Advisor will request that all relevant reports and paperwork are submitted for review by an Independent Registered Medical Practitioner (IRMP).
- 3.4.3 Your team member must provide OH with a signed consent to request medical and specialist reports relating to their illness at this point if this has not already been done.

3.5 Independent Registered Medical Practitioner (IRMP)

- 3.5.1 The IRMP is a qualified medical advisor. They are provided by our occupational health provider but will have no prior knowledge of the person or case.
- 3.5.2 When a request to have the case referred to the IRMP is completed a letter will be sent to your team member to confirm this.
- 3.5.3 The IRMP will be asked to confirm, in their medical opinion, if the ill health renders your team member permanently incapable of effectively carrying out the duties in their current role.

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- 3.5.4 As part of this assessment, and where they meet the criteria, they will also be asked to consider which tier of permanent ill health applies.
- 3.5.5 The IRMP will produce a report and a certificate outlining their recommendations to the force/authority.

3.6 Outcome decision

- 3.6.1 When you have all the reports, relevant information and paperwork you, your team member and your HR Advisor need to discuss them and what the next steps will be.
- 3.6.2 If this discussion results in further or new medical information being disclosed then a further medical review may be required. This will be progressed by your HR Advisor.
- 3.6.3 Once you are content that all the relevant information is available you will organise a case conference where this information will be considered. Guidance on arranging and holding the case conference can be found in the resources section.
- 3.6.4 There are three possible outcomes from this case conference. Ill health retirement at tier one, ill health retirement at tier two or that they do not meet the criteria for ill health retirement.
- 3.6.5 If the outcome is that the criteria is not met then a separate management procedure may come into play. What this is will depend on the individual circumstances of your team member.
- 3.6.6 The case conference decision will be advised to the individual in writing. Your HR Advisor will contact them immediately and issue a letter outlining the decision and their right of appeal.

3.7 Appealing the outcome decision

- 3.7.1 If the team member is dissatisfied with the outcome decision they have the right to appeal.
- 3.7.2 Any appeal must be submitted in writing to People Direct within six months of the original ill health retirement decision.
- 3.7.3 The appeal will be reviewed by an appropriate and independent person (the Appointed Person) who has no prior knowledge or involvement in the case.
- 3.7.4 If you receive an appeal contact People Direct and upload anything you have been sent onto the People Direct online portal and they will progress all the relevant paperwork to the Appointed Person
- 3.7.5 Grounds for appeal will need to be clearly outlined and in the instance that new or further medical information that was not available at the time of the

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decision or where they feel pertinent information has not been considered they will need to include that with their appeals submission.

- 3.7.6 If there is no further medical information all the relevant documentation, reports and opinions will be thoroughly reviewed.
- 3.7.7 The outcome of the appeal will be produced as quickly as possible and in writing.

4 Resources

Forms

- First Instance Decision Making Form

Letters

- Letter 1 – Referral to the IRMP
- Letter 2 – Outcome Decision

How to Guides

- How to guide to the first instance decision making process

Reference Documents

- Frequently Asked Questions
- Glossary of Pension Terms
- Pension Fund Administrator contact details

Related Procedures

- Attendance Management
- Capability
- Disability in Employment

Useful Links

- Legislation – Access to Medical Reports Act 1988
- Local Government Pension Fund Information
- Local Government Pension Scheme (Scotland) Regulations 2018
- SPPA Internal Dispute Resolution Process



Frequently Asked Questions

I have an injury that makes it hard to carry out my work. I do not want to stop working though, what should I do?

Discuss the situation with your manager. There are a couple of options in these types of situation usually. It will depend on the role you do and what your responsibilities are as well as your general health and fitness. A good first step would be to be referred to occupational health for a full assessment of your ability to carry out your role. After that we could look at what options are available

I have several reasonable adjustments in place, do I have to be considered for ill health retirement?

No, we are a disability confident employer and as such we welcome the opportunity to apply reasonable adjustments to ensure we retain a skilled and diverse workforce. Ill health retirement would only be a consideration if we could no longer make the adjustments that would allow you to continue in your current role or if your health deteriorated to the point you were no longer able to work.

I am being managed through the capability process, is ill health retirement an option for me?

Individual cases being managed through the capability process can be considered for ill health retirement, however it will depend on the nature of the case. If you are currently going through a capability process and feel you may meet the criteria for ill health retirement then speak to your manager who will be able to discuss this with People Direct.

Will I find out how much pension I will be paid if I am ill health retired?

Pension funds can be asked to produce an estimate of pension when an individual is considering or going through the ill health retirement process. People Direct can progress this request. These estimates are requested from the pension administrators directly and sometimes may take a while to be produced. Any amounts advised are estimates only and the pension will be different if/when it is actually received. The differences will be based on tier approved as well as age at retirement and actual retirement date. You can review your annual pension statement for guidance as they will normally provide you with a final pension value assuming you work until your normal pension age.

How long does this process take to complete?

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The process itself does not normally take a long time to complete. Sometimes when specialist reports are required for review a delay can occur with occupational health as they wait for a response from your specialist or GP. OH will chase a request for GP and/or specialist every two weeks until they are received. You can also ask your GP and specialist to progress reports directly to you which you can share with OH.

My medical information is private and I do not know if I want my manager to know what it says, what should I do?

OH help us to reach decisions based on medical and vocational opinions. How much you wish to tell OH and also what level of consent you give them to share that information with us is entirely down to you. We would encourage you to share as much relevant information with us as possible, we can only reach a decision based on the information available to us when it comes to the outcome of your application for ill health retirement

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Appendix B

Glossary of Pension Terms

LGPS – Local Government Pension Scheme

FMA – Force Medical Advisor

IRMP – Independent Registered Medical Practitioner

Tier 1 Retirement – In addition to being permanently incapable of carrying out their own role, an individual is unlikely to be capable of undertaking gainful employment before Normal Pension Age, ill health benefits are based on the pension already built up at the date of retirement plus the pension that would have built up, calculated on assumed pensionable pay, had they been in the main section of the scheme until Normal Pension Age.

Tier 2 Retirement – An individual is permanently incapable of carrying out their own role. They are likely, however, to be capable of undertaking gainful employment before their Normal Pension Age. Ill health benefits are based on the pension already built up at the date of retirement, plus 25% of the pension that would have built up calculated on assumed pensionable pay, had they been in the main section of the scheme until Normal Pension Age.

Normal Pension Age - This is linked to State Pension Age for benefits built up from April 2014 with a minimum of age 65. It is the age at which members can take the pension built up in full.

Gainful Employment – This means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

Appointed Person – Person selected by the force/authority to review any appeal submitted by a member of staff if the outcome of the ill health retirement process is disputed. This forms part of the pension fund administrators Internal Dispute Resolution Process and they are responsible for carrying out the first stage of this process.



LGPS Administrator Contact Details

Where your pension is administered will depend on where you lived when you joined Police Scotland and the pension fund. You should receive a pension statement of some form every year that can tell you who your pension administrator is. Below is a list of all the pension fund administrators and their contact details.

- **Dumfries and Galloway Council Pension Fund**
 - Email [REDACTED]
 - Call [REDACTED]
 - Write to Pensions, Monreith House, Crichton Business Park, Dumfries, DG1 4ZZ
 - Website www.dumgal.gov.uk/pensions

- **Falkirk Council Pension Fund**
 - Email [REDACTED]
 - Call [REDACTED]
 - Write to Pensions Section, PO Box 14882, Falkirk Council, Municipal Buildings, West Bridge Street, Falkirk, FK1 5ZF
 - Website www.falkirkpensionscheme.org.uk

- **Fife Pension Fund**
 - Email [REDACTED]
 - Call [REDACTED]
 - Write to Pensions Team, Shared Service Centre, Fife House, North Street, Glenrothes, KY7 5LT
 - Website www.fifepensionfund.org

- **Highland Pension Fund**
 - Email [REDACTED]
 - Call [REDACTED]
 - Write to The Pensions Section, The Highland Council, Glenurquhart Road, Inverness, IV3 5NX
 - Website www.highlandpensionfund.org

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- **Lothian Pension Fund**

- Email [REDACTED]
- Call [REDACTED]
- Write to Lothian Pension Fund, Atria One, Suite 2, 144 Morrison Street, Edinburgh, EH3 8EX
- Website www.lpf.org.uk

- **North East Scotland Pension Fund (NESPf)**

- Email [REDACTED]
- Call [REDACTED]
- Write to North East Scotland Pension Fund Level 1 2MSq Marischal Square Broad Street Aberdeen AB10 1LP
- Website www.nespf.org.uk

- **Strathclyde Pension Fund (SPFO)**

- Email [REDACTED]
- Call [REDACTED]
- Write to Strathclyde Pension Fund Office, PO Box 27001, Glasgow, G2 9EW
- Website www.spfo.org.uk

- **Tayside Pension Fund**

- Email [REDACTED]
- Call [REDACTED]
- Write to Tayside Pension Fund, Dundee House, 50 North Lindsay Street, Dundee, DD1 1NZ
- Website www.taysidepensionfund.org

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Appendix D

How to Guide to the First Instance Decision Making Process

The first instance decision is a term used by the local government pension scheme and it describes the process by which an employer makes a decision about ending the contract of a member of staff in circumstances relating to ill health retirement.

The decision about whether to retire an individual on the grounds of ill health will depend on a number of factors. With staff ill health retirement the local government pension scheme regulations require that the first instance decision is made taking all relevant information into account. This decision also requires to be robust and informed as well as accountable in the case of an appeal.

As a manager you will need to arrange for a case conference that involves a number of parties relevant to the decision making process. This case conference can be carried out at a face to face meeting or by tele or video conference facilities where this would expedite the process. Your HR Advisor, who has guided you through the process so far, will assist with this.

As soon as all the relevant information is received from the IRMP the case conference should be arranged. You should hold the case conference and the first instance decision should be made as quickly as possible and certainly within 14 days of all the relevant information being available.

The team member concerned must have consented to have all information shared with the parties involved in the case conference. If they have not supplied this consent the information can only be shared with those individuals who have been given consent. Confirmation of consent will be required on the case conference form, a copy of that consent should be kept with the form. Email or written consent is required.

You should invite the HR Business Partner, or delegate, that holds the portfolio for your division. In addition, from the division, a suitably informed head of department or deputy should be invited. There may be occasions where other parties that are relevant are invited to attend. The individual themselves are not required to attend as this is an internal review of the overall case. Your HR Advisor will review possible attendees for suitability and relevance prior to inviting them by email. All parties should be supplied with, and advised to review, the information available thoroughly before reaching an agreed collective outcome at the case conference itself.

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Relevant information will be available from a number of sources;

- The IRMP (Independent Registered Medical Practitioner) will have produced a report and the content of this report along with the certificate that will have been produced should be discussed.
- The opinion and current situation of the staff member concerned should be taken into account.
- The role that the individual is contracted to should be reviewed in relation to the disability in employment procedure. Where appropriate all reasonable adjustment request forms and information around reasonable adjustments applied should be reviewed in order to assess their ongoing relevance and practicality for the individual concerned and the organisation
- Opportunities for redeployment into a suitable alternative role should be explored if appropriate. Alternative jobs should be at an equivalent level in terms of roles and responsibilities wherever possible.
- Pension information/forecasts if available can be referred to if relevant – pension cost will have no bearing on the outcome.

An outline of the discussions held, documentation and information reviewed as well as a justification for any decision should be noted in full on the First Instance Decision Form (112 - 004) which should be completed in full. This should be uploaded onto the People Direct online portal for progression to shared services for processing only if the decision is to retire. If there are queries over an actual exit date at this point the case conference can supply a view and direction.

There is no requirement for a divisional people board or executive board to confirm the decision albeit there is an expectation that the form will be signed off by both the attending head of department and the relevant HRBP, or their delegates. This can be completed electronically if carrying out the case conference remotely

In some cases individuals going through the process of ill health retirement will be on sick leave and this may have been the case for some time. Team members pay status is separate to this process and is not affected by this process or its outcome.

If the first instance decision is to retire with an ill health pension then arrangements will need to be made to agree a release date with the individual concerned. Contractual notice amounts are outlined in the Manual of Staff Terms and Conditions. Individuals may wish to agree an alternative date of exit. This would need to be agreed by you and your management according to operational requirements.

Any outstanding annual leave must be taken before the individual exits the organisation if possible or be paid if this is not an option. You can consider paying annual leave as part of the contractual notice period particularly in cases where the individual is on nil pay.

If the first instance decision is to retain and/or redeploy your team member then further discussion will be required depending on the circumstances of the case.

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Your HR Advisor will be able to assist you with all of the above discussions and decisions as well as issuing the required letter confirming the outcome of the case conference and the individual's right of appeal.

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Compliance Record

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