# Ill-health pension process: guidance note 3B

# Tier 3 reviews: leavers 1 April 2014 onwards

## Purpose

1. To assist with the process of reviewing Tier 3 ill-health pensions for those that retired under the Local Government Pension Scheme Regulations 2013.
2. If the member’s employment ended **before** 1 April 2014, please refer to Ill-health pension process: Guidance note 3A.
3. This guidance note follows on from those processes described in Ill-health Guidance Notes 1 and 2.

## Key points

* Employers may use a suitably qualified Independent Doctor of their choice, but the Independent Doctor must have been approved by the relevant Pension Fund’s administering authority **before** they complete and sign any of the Review certificates. Details of where the list of approved Independent Registered Medical Practitioners can be found, and information on seeking approval, are included.
* The points at which a Tier 3 pension can be reviewed are explained.
* The mandatory 18 month review and 3rd anniversary cessation of pension are explained.
* Cessation of pension on taking up gainful employment is explained.
* Upgrading to a tier 2 pension is explained.
* Referral to an Independent Registered Medical Practitioner for Tier 3 review is explained.
* An Ill-health Tool Kit, containing recommended wording for letters and all necessary forms.

## Other relevant documents

1. The following documents have relevance to this issue and can be found under Additional Resources on the [tier 3 ill-health pension reviews page](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/) in the Employers section of our website [pensions.cambridgeshire.gov.uk](https://pensions.cambridgeshire.gov.uk/) or [pensions.westnorthants.gov.uk](https://pensions.westnorthants.gov.uk)

| **Form references** | **Description of form** |
| --- | --- |
| IRMPAPP1 | If the Independent Doctor you intend to seek opinions from is not on the [list of approved Independent Registered Medical Practitioners](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/), approval must be sought, and received, **before** that Independent Doctor can complete one of our ill-health certificates and it be accepted as valid. |
| TR3REV14A | The tier 3 review certificate to be used for a ‘still in payment’ 18 month review. |
| TR3REV14B | The tier 3 review certificate to be used for:   * ‘still in payment’ cases where member requests either uplift to tier 2 be considered (outside of 18 month review process) OR early payment on health grounds (i.e. move to permanent pension) * ‘pension ceased within last 3 years’ cases where member requests uplift to tier 2 be considered OR early payment on health grounds (must be before Normal Pension Age, i.e. the later of the member’s State Pension age and age 65) |
| TR3REV14C | The tier 3 review certificate to be used for ‘pension ceased 3 or more years ago’ cases where member requests that early payment on health grounds be considered (must be before Normal Pension Age, i.e. the later of the member’s State Pension age and age 65). |
| TR3NOT | Form to inform us of outcome of review where there is no TR3REV14A, TR3REV14B or TR3REV14C (e.g. when a decision is taken that you consider the individual to be in gainful employment) |
| TR3REF | Form to refer case to an Independent Registered Medical Practitioner (IRMP). |
| IHRC3 | Form for member to provide consent for release of medical records relating to a tier 3 review. |
| BENDEC3 | Form for member to declare other pension benefits for lifetime allowance purposes. Used when uprating from tier 3 to tier 2. |
| Ill-health Toolkit | A collection of letters, forms and leaflets to use in the ill-health process. |

## Background

1. During the ill-health dismissal process you will have decided whether a member was entitled to an immediate pension and, if so, what tier of pension to award. If it was a tier 3 pension, and the member’s last day of pensionable employment was after 31 March 2014, this note applies.

## The regulations

1. Detailed regulations apply. These are contained in Regulations 35, 36, 37 and 38 (4) to (8) of the Local Government Pension Scheme Regulations 2013 as amended.
2. An [up-to-date version of these regulations](https://lgpsregs.org/schemeregs/index.php/timeline-regulations-2014) are available online.
3. There are also documents prepared by the Department for Communities & Local Government (DCLG), now Ministry of Housing, Communities & Local Government (MHCLG) which support the ill-health process from 1 April 2014 onwards. These are:

* Statutory Ill-health Retirement Guidance – statutory guidance referred to in Regulation 36(4) of the 2013 regulations.
* Ill-health FAQs – Answers to commonly asked questions.

The most recent versions of the above documents are available on [lgpsregs.org](https://lgpsregs.org) under the [Statutory guidance relating to the LGPS Regulations 2013 section](https://lgpsregs.org/schemeregs/lgpsregs2013.php).

1. Throughout this document the regulations and guidance referred to are the above unless otherwise specified. To understand these regulations in the context of a tier 3 review it is particularly important to understand the four key terms that are defined in Schedule 1 to the Local Government Pension Scheme Regulations 2013:

* **Gainful employment**: This is defined as meaning “paid employment for not less than 30 hours in each week for a period of not less than 12 months”.

It is important to note that this means ANY paid employment – it could be a National Living Wage job with any other employer. It is almost certain that this definition will cause a problem for members accepting that they are medically capable of gainful employment where they have not yet had any success in obtaining employment. Questions 46-48 in the DCLG Ill-health FAQ Edition 2 document and paragraphs 58-64 of the Statutory Ill-health Guidance, both of which are available on [lgpsregs.org](https://lgpsregs.org) under the [Statutory guidance relating to the LGPS Regulations 2013 section](https://lgpsregs.org/schemeregs/lgpsregs2013.php) have useful guidance on how to assess when the gainful employment test is satisfied.

* **Independent Registered Medical Practitioner**: For an employer to make an initial ill-health pension decision they must have the opinion of an independent registered medical practitioner (IRMP) in accordance with Regulation 36 (1). Throughout this Guidance Note, unless quoting from the legislation, the IRMP will be referred to as the Independent Doctor.

Both Cambridgeshire Pension Fund and Northamptonshire Pension Fund permit employers to select their own provider of a suitably qualified independent registered medical practitioner, however **the selected practitioner must themselves have been approved by the relevant Fund’s administering authority in advance of them signing the certificate**.

A list of approved IRMPs, together with details of the process for seeking approval for Independent Doctors not on the list, is available on the [tier 3 ill-health pension reviews page](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/) in the Employers section of our website [pensions.cambridgeshire.gov.uk](https://pensions.cambridgeshire.gov.uk/) or [pensions.westnorthants.gov.uk](https://pensions.westnorthants.gov.uk)

Note that Regulations 37(11) and 38(8) of the Local Government Pension Scheme Regulations 2013 specifically allow a doctor who provided the original opinion and signed the relevant certificate that informed the initial Ill health pension decision made by an employer to also sign the certificate for the Tier 3 review required under either Regulation 37 (6), 37 (10) or Regulation 38(6).

* **Permanently incapable**: This means “that the member will, more likely than not, be incapable until, at the earliest, the member’s normal pension age”. The Guidance document from September 2014 available on [lgpsregs.org](https://lgpsregs.org) under the [Statutory guidance relating to the LGPS Regulations 2013 section](https://lgpsregs.org/schemeregs/lgpsregs2013.php) makes it clear in:
  + Paragraph 8 that “all the regulations referred to in this guidance are subject to the civil law burden of proof. As such, the determination of questions is based on the “balance of probabilities” test and not on the stricter criminal law test of “beyond reasonable doubt” and
  + Paragraph 23 that “in addressing questions about permanent incapacity, whether in terms of the local government employment or gainful employment elsewhere, consideration must ... be given not to the immediate or foreseeable future, but to the date when the member attains their normal pension age”.
* **Normal pension age**: This means “the pensionable age of a person as specified from time to time in Schedule 4 to the Pensions Act 1995, or if higher, age 65”.

Essentially this is the date that an individual attains their State Pension age, or their 65th birthday if that is later. The date that an individual attains State Pension age can be assessed using the online ['Check your State Pension age' tool](https://www.gov.uk/state-pension-age) by reference to their date of birth and whether they are a man or a woman.

## Applying the regulations

1. A tier 3 ill-health pension has several review points. Once the individual reaches their individual Normal Pension Age there are no longer opportunities for review.
2. At any point in the three years following dismissal, and before age 65, Regulation 37(3) makes it clear that payment ceases if you consider that the member is in gainful employment. It is:

* the member’s responsibility to tell you if they get employment, they will have been told this in their pension award letter;
* your responsibility as the former employer to decide if you consider that employment to be gainful employment and, if you do, to
  1. inform us that payment is to cease, and.
  2. decide whether you wish to recover any overpayment of pension in respect of any period before payment ceases during which you consider the member to have been in gainful employment.

1. Regulation 37(7)(b) makes it clear that you can choose to uprate a tier 3 pension to a tier 2 one on the basis of the medical condition that resulted in 3rd tier payment (therefore also making it permanent) at the 18 month review point, and Regulation 37(10) allows the same at the member’s request at any other point providing you do so no later than the date they attain their normal pension age and within three years after payment of a tier 3 pension ceased. We recommended, in relation to uprating to Tier 2, that you should:

* Automatically consider it at the 18 month review if the member is not in gainful employment;
* Decide whether to consider it at the three year anniversary if payment of the pension has not ceased before then;
* Consider it if the member asks before either payment of the pension has ceased or a period of three years has passed from cessation of the pension, providing they have not attained their normal pension age.

1. 18 months after dismissal Regulation 37(5) makes it a specific requirement for the ex-employer to review a tier 3 pension and 37(7) provides the decisions available to a scheme employer:

* to allow the Tier 3 pension to continue to be paid;
* to award Tier 2 benefits from the date of the review decision;
* to cease payment of the Tier 3 pension.

1. At the third anniversary payment of the pension will cease if it is still in payment, unless a decision is made to uprate it to a tier 2 pension on the basis of the medical condition that resulted in 3rd tier payment.
2. Once ceased for more than 3 years there is no provision for the pension to be uprated to a tier 2 pension on the basis of the medical condition that resulted in 3rd tier payment. **However**, payment of the pension can recommence if the member becomes unlikely to be capable of undertaking gainful employment before the date they attain their normal pension age, regardless of whether that is because of the original medical condition or an unrelated medical condition, and this is certified by an approved Independent Doctor.

## The practicalities

### Ill-health toolkit

1. Like the rest of the ill-health pension process the tier 3 review relies on a large number of forms, letters, and leaflets. The ill-health tool kit includes all of the paperwork needed for tier 3 reviews for post 31 March 2014 retirees, apart from acknowledgements and keeping members informed letters which you will need to develop yourself. Included in the Toolkit are:

* “IH Toolkit – Post 31 March 2014 Tier 3 Retirements Review Letters & Forms”. This document has specific letters with associated forms for you to move to your own headed paper and design.
* A leaflet to accompany correspondence about the tier 3 review process.

### Notification of employment other than at 18 month tier 3 review

1. When the member notifies you that they have obtained employment you should first decide if they have given you sufficient information to assess whether it is gainful employment (see below). If not, issue them with the “Tier 3 – notification of employment TR3GE questionnaire” letter and form.
2. Once you have the questionnaire back you then make the decision on whether you consider that your ex-employee is in gainful employment as described at 46-49. If you decide they are, you also need to decide on any overpayment recovery process (see 50-52).
3. If you decide the individual is in gainful employment, send the letter “Tier 3 – notification of employment (gainful)” with the appropriate paragraphs selected depending on whether you will be recovering pension, provide a copy to LGSS Pensions with a completed Form TR3NOT.
4. If the individual is not in gainful employment send the letter “Tier 3 – notification of employment (not gainful)”.

### Uprate to tier 2 request

1. A member who has not attained their normal pension age and was awarded a tier 3 pension, may request within a certain timescale that their tier 3 pension be uprated to a tier 2 pension.
2. Check the member has not reached their normal pension age date and is within the other time limits: The tier 3 pension must be either still in payment or have ceased less than three years ago.
3. You should get IHRC3 signed by the member first and refer the case to the Independent Doctor as detailed below. You are asking them to complete form TR3REV14B. You are seeking information you can use to make the decision as to whether they were/are/will be likely to be capable of undertaking gainful employment by the third anniversary of their pensionable employment ending.
4. If you decide to uprate to a tier 2 pension it will be uprated only from the date of your decision. Having made such a decision, use the “Tier 3 – Tier 2 decision + BENDEC3” letter and form from the IH Toolkit to notify the individual of your decision and give them the form they will need to complete. You also need to complete the relevant Ex-Employer’s Tier 3 Review Decision Part of the TR3REV14B and send the whole form to LGSS Pensions.
5. If you decide not to uprate to a tier 2 pension, use the “Tier 3 – not Tier 2” letter and form from the IH Toolkit to notify the individual of your decision. You also need to complete the relevant Ex-Employer’s Tier 3 Review Decision Part of the TR3REV14B and send the whole form to LGSS Pensions.

### 18 month tier 3 review

1. When to start the 18 month review is not straightforward. Ideally you will be in a position to make your decision 18 months after the dismissal date. In reality there are so many external factors involved that it will be hard to get this exact. We recommend starting the review process at least 2 months before the 18 month anniversary of the member’s last day of pensionable employment.
2. The Regulations are explicit about process. You should start by writing to the individual and asking them to complete an employment questionnaire and IHRC3. Use the “Tier 3 – 18 month review + TR3REQ questionnaire” letter and questionnaire from the IH Toolkit.
3. Once you have the form back you then make the decision on whether your ex-employee is in gainful employment as described in 46-49 below.
4. If they are in employment and you have decided that you consider it to be gainful employment, you also need to decide on any overpayment recovery process (see 50-52). Having made these decisions, send the letter “Tier 3 – 18 month review (gainful)” with the appropriate paragraph selected/amended depending on whether you will be recovering pension. You also need to complete TR3NOT and send it to LGSS Pensions to cease payment of the pension.
5. If the individual does not respond to the “Tier 3 – 18 month review + TR3REQ questionnaire” letter, within 14 days, you should check the address against that currently held by LGSS Pensions and issue a reminder/copy. If no response is received by the 18 month point inform LGSS Pensions that payment should be temporarily suspended until a response has been received and considered.
6. If the individual has confirmed that they are not in paid employment, or you have decided that you do not consider the employment they are in to be gainful employment, you need to refer the case to an Independent Doctor. Hopefully completed IHRC3 will have been returned as requested in the letter that accompanied the employment questionnaire. If not, you need to get them completed by the individual; send letter “Tier 3 – 18 month review IHRC3 required”.
7. If the individual does not complete the IHRC3 by the 18 month point inform LGSS Pensions that payment should be temporarily suspended until a completed form has been received and the Independent Doctor has completed the necessary certificate – this is likely to take two or three months.
8. Once you have the completed IHRC3, complete a TR3REF form and Part A of the TR3REV14A and send all three forms to the approved Independent Doctor of your choice
9. Once you have TR3REV14A back from the Independent Doctor` you need to decide what you intend to do. The certificate only gives the Independent Doctor’s opinion of the individual’s ability to undertake gainful employment based on the medical factors and whether they still meet the permanently incapable criteria. It is for you to use this opinion and other information available to you to make your decision. Once you have made your decision, complete Part D of the TR3REV14A, confirm your decision to the pensioner in writing using the appropriate letter from the IH Toolkit and send a copy of both the completed TR3REV14A and the decision letter to LGSS Pensions.
10. The choices you have are:

* the pensioner is not likely to be capable of undertaking gainful employment within three years of the date of dismissal, however, is not permanently incapable of discharging efficiently the duties of the employment they were undertaking at the date of leaving shown in Part A and which gave rise to the tier 3 ill health pension.

In most cases the Independent Doctor will have ticked B3 and B5.

Tick box D1 on the form and forward it to LGSS Pensions; the pension will continue to be paid up to the three year anniversary unless you further review the pension. You should issue the “Tier 3 – 18 month review (continue to 3rd anniversary)” letter to the pensioner.

* The pensioner is not currently capable of undertaking gainful employment BUT is likely to be capable of undertaking gainful employment within three years of the date of dismissal.

In most cases the Independent Doctor will have ticked B2 and entered a date when they consider the pensioner is likely to be capable of undertaking gainful employment.

Tick box D2 and also indicate whether you have decided that payment of the pension should cease from the date that the Independent Doctor has indicated at B2 or continue to be paid up to the three year anniversary unless you further review the pension. You should issue either the “Tier 3 – 18 month review (continue to likely capable date)” or the “Tier 3 – 18 month review (continue to 3rd anniversary)” letter to the pensioner as appropriate.

* the pensioner is not likely to be capable of undertaking gainful employment within three years of the date of dismissal and is not permanently incapable of discharging efficiently the duties of the employment they were undertaking at the date of leaving shown in Part A and which gave rise to the tier 3 ill health pension.

In most cases the Independent Doctor will have ticked B3 and B4.

If you decide this, you have the option of uprating to a Tier 2 pension.

Tick box D3 on the form and the pension will be uprated from the date of your signature. You should issue the “Tier 3 – 18 month review (Tier 2 decision + BENDEC3)” letter and form to the pensioner.

* the pensioner is currently capable of undertaking gainful employment. In most cases the Independent Doctor will have ticked B1.

Tick box D4 on the form and payment of the pension will cease from the date of your signature. You should issue the “Tier 3 – 18 month review (capable of gainful)l” letter. In these cases please telephone the LGSS Pensions to avoid an overpayment caused by missing a payroll close deadline.

### 3rd anniversary review

1. There is no specific action for you at the third anniversary unless you want to automatically carry out an assessment on whether to upgrade to a tier 2 pension. If you want to do this follow the process as outlined at 21 to 25.
2. Unless LGSS Pensions hear otherwise, payment of the tier 3 pension will be automatically ceased at the third anniversary.

### Review at member request after payment of their tier 3 pension has ceased, but before NPA

### and either:

1. 3 or more years after payment ceased, or
2. within 3 years of payment ceasing where request relates to a different medical condition to that which led to the Tier 3 award
3. At this point the member will be classified as ‘a deferred pensioner member’. They will either be out of time to have their pension uprated to a tier 2 one, or not eligible for such an uprating as the request relates to a different medical condition to that which led to the original Tier 3 award, however if the member “because of ill-health or infirmity of mind or body, is unlikely to be capable of undertaking [gainful employment](http://lgpsregs.org/index.php/regs-legislation/timeline-regulations-2014?showall=&start=17#s1gaem) before normal pension age”, they can seek to have payment of their deferred pension on ill health grounds. The term “gainful employment” is as set out in 9. above.
4. You should write to the individual asking them to complete an employment questionnaire and IHRC3. Use the “Tier 3 – Re-instatement requested IHRC3 required” letter and associated questionnaire from the IH Toolkit.
5. Once you have the questionnaire and IHRC3 back, you then make the decision on whether you consider your ex-employee to be in gainful employment as described in 46-49 below.
6. If you decide that you **do** consider your ex-employee to be in ‘gainful employment’, this would prevent early payment of the pension on health grounds. You should inform them of your decision using the “Tier 3 – Re-instatement on health grounds refused” letter from the IH Toolkit.
7. If either the ex-employee is not in employment or they are, but you do not consider it to be ‘gainful employment’, complete a TR3REF form and Part A of the TR3REV14C and send both forms to the approved Independent Doctor of your choice.
8. Once you receive the completed TR3REV14C and report back from the Independent Doctor, consider the information and make the decision as to whether you consider the ex-employee to be, unlikely to be incapable of undertaking any gainful employment before their normal pension age.
9. If you decide the member does meet the criteria for payment of their pension, complete Part D of the TR3REV14C, confirm your decision to the pensioner in writing using the “Tier 3 – Re-instatement on health grounds granted” letter from the IH Toolkit and send a copy of both the completed TR3REV14C and the decision letter to LGSS Pensions.
10. If you decide the member does **not** meet the criteria for payment of their pension, complete Part D of the TR3REV14C, confirm your decision to the pensioner in writing using the “Tier 3 – Re-instatement on health grounds refused” letter from the IH Toolkit and send a copy of both the completed TR3REV14C and the decision letter to LGSS Pensions.

## Specific guidance

### Making the gainful employment decision

1. Once you have information on employment you need to assess the information and decide if you consider that the individual has entered into gainful employment. You are looking for:

* The employment to be properly paid e.g. it is not volunteering or subsidised employment e.g. as a result of sheltered employment; AND
* The employment to be for 30 hours or more per week (on average); AND
* There to be a contract for a year or more.

1. Questions 46-48 in the DCLG FAQ document and paragraphs 58-64 of the Guidance document from September 2014 available on [lgpsregs.org](https://lgpsregs.org) under the [Statutory guidance relating to the LGPS Regulations 2013 section](https://lgpsregs.org/schemeregs/lgpsregs2013.php) have useful guidance on how to assess gainful employment. Particularly in the case of fixed term contracts and term-time working.
2. In some circumstances:

* You may need to delve more deeply before making a decision;
* Have to decide that someone is not yet in gainful employment but set a review point to check if employment has turned into gainful employment e.g. if someone is on a short term contract which may be extended or renewed;
* You may decide someone gets gainful employment once they have been employed for a year with an average of 30 hours per week (this does not get backdated to the start of the employment)

1. If you decide that it is gainful employment you also need to decide when to cease the pension from and whether to recover any of the pension paid:

* Normally you should choose to cease payment of the pension and recover from the individual the **gross** pension paid from the day they entered gainful employment to the date payment of the pension ceased (note: the member will be able to reclaim any tax paid on these payments from HMRC).
* You could choose to cease payment of the pension from the day they entered gainful employment but not recover the overpaid pension.
* Question 12 of the FAQ document also recognises that “if the scheme employer has had to ask for further information to be able to assess whether the employment is ‘gainful employment’ as described in the regulations, the scheme employer may wish to consider ceasing payments at the point when the information received confirms gainful employment.”

### Recovery of overpaid pension

1. You are responsible for collecting the overpaid pension.
2. Once you have decided to cease payment of the pension you should contact LGSS Pensions to inform us of the decision, particularly the date of cessation, and request details of any overpayment. We will provide the figures within five working days.

1. When you notify the pensioner, you will need to provide details of how payment is to be made. It is your decision whether to raise an invoice for the payment or use some other method. Once collected you return the sum recovered to the Pension Fund – please send it with your monthly contribution pay over, clearly annotated in the comments on the schedule (PEN18).

**Pensions Service**

**West Northamptonshire Council**

Email: [pensions@westnorthants.gov.uk](mailto:pensions@westnorthants.gov.uk)

April 2021

# Appendix A: Ill-health Toolkit for Tier 3 Reviews - Leavers from 1 April 2014

## Contents

Documents available here:

**Cambridgeshire Pension Fund**

Under Additional Resources on the [tier 3 ill-health pension reviews page](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/) in the Employers section of our website [pensions.cambridgeshire.gov.uk](https://pensions.cambridgeshire.gov.uk/)

**Northamptonshire Pension Fund**

Under Additional Resources on the [tier 3 ill-health pension reviews page](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/) in the Employers section of our website [pensions.westnorthants.gov.uk](https://pensions.westnorthants.gov.uk)

## Ill-health pension process: guidance note 3B - tier 3 reviews: leavers 1 April 2014 onwards

Detailed guidance on when and how Tier 3 pensions are to be reviewed

## Certificates and forms

**Form: IRMPAPP1 -** If the Independent Doctor you intend to seek opinions from is not on the [list of approved Independent Registered Medical Practitioners](https://pensions.cambridgeshire.gov.uk/lgps/my-responsibility/my-responsibilities-ill-health-retirement/tier-3-reviews/), approval must be sought, and received, **before** that Independent Doctor can complete one of our ill-health certificates and it be accepted as valid.

**Certificate: TR3REV14A -** The tier 3 review certificate to be used for a ‘still in payment’ 18 month review.

**Certificate: TR3REV14B -** The tier 3 review certificate to be used for:

* ‘still in payment’ cases where member requests either:
  + uplift to tier 2 be considered (outside of 18 month review process) OR
  + early payment on health grounds (i.e. move to permanent pension).
* ‘pension ceased within last 3 years’ cases where:
  + member requests uplift to tier 2 be considered OR
  + early payment on health grounds (must be before Normal Pension Age, i.e. the later of the member’s State Pension age and age 65)

**Certificate: TR3REV14C -** The tier 3 review certificate to be used for ‘pension ceased 3 or more years ago’ cases where member requests that early payment on health grounds be considered (must be before Normal Pension Age, i.e. the later of the member’s State Pension age and age 65).

**Form: TR3NOT -** Form to inform us of outcome of review where there is no TR3REV14A/B/C (e.g. when a decision is taken that you consider the individual to be in gainful employment)

**Form: TR3REF** - Form to refer case to an Independent Registered Medical Practitioner (IRMP).

**Form: IHRC3 -** To get member’s consent for release of medical records relating to a Tier 3 review.

**Form: BENDEC3 -** For use when uprating from Tier 3 to Tier 2.

## Letters - post 31-3-2014 tier 3 retirements review

A set of wording for letters and associated forms to be used during the Tier 3 Review process as detailed in Ill-health Pension Process: Guidance Note 3B:

**Tier 3 – notification of employment TR3GE questionnaire -** Letter and questionnaire to send to pensioner following notification of employment if insufficient detail in their notification to determine if the employment is to be considered ‘gainful employment’.

**Tier 3 – notification of employment (gainful)** - Letter to send to pensioner confirming payment of pension is ceasing following notification of employmentthat has been considered as ‘gainful employment’.

**Tier 3 – notification of employment (not gainful) -** Letter to send to pensioner to confirm payment of pension will continue following notification of employment that has been considered as not being ‘gainful employment’.

**Tier 3 – not Tier 2** - Letter to send to pensioner to confirm does not meet criteria for uprating to Tier 2 pension.

**Tier 3 – Tier 2 decision + BENDEC3 -** Letter to send to pensioner confirming uprating of pension to Tier 2 following request.

**Tier 3 – 18 month review + TR3REQ questionnaire -** Initial letter and questionnaire to send to pensioner for 18 month review. To be accompanied by IHRC3.

**Tier 3 – 18 month review (gainful) -** Letter to send to pensioner confirming payment of pension is ceasing as they are considered as being in ‘gainful employment’ at the 18 month review**.**

**Tier 3 – 18 month review (capable of gainful) -** Letter to send to pensioner confirming payment of pension is ceasing as they are considered as being capable of undertaking ‘gainful employment’ at the 18 month review**.**

**Tier 3 – 18 month review (continue to 3rd anniversary) -** Letter to send to pensioner to confirm payment of their Tier 3 pension will continue to 3rd anniversary unless gainful employment obtained.

**Tier 3 – 18 month review (continue to likely capable date) -** Letter to send to pensioner to confirm payment of their Tier 3 pension will continue to 3rd anniversary unless gainful employment obtained.

**Tier 3 – 18 month review (Tier 2 decision + BENDEC3) -** Letter to send to pensioner confirming uprating of pension to Tier 2 as a result of 18 month review**.**

**Tier 3 – 18 month review IHRC3 required -** Letter to send to pensioner requesting IHRC3 – includes information on what will happen if IHRC3 not returned.

**Tier 3 – Re-instatement requested IHRC3 required -** Letter to send to a member who requests that their ceased Tier 3 pension be brought back into payment early on health grounds. Includes request to complete IHRC3 form.

**Tier 3 – Re-instatement on health grounds granted -** Letter to send to member confirming re-instatement of ceased Tier 3 pension due to health.

**Tier 3 – Re-instatement on health grounds refused -** Letter to send to member confirming decision not to re-instate payment of Tier 3 pension due to health.