**TR3REV14B (April 2021)**

**Medical certificate for 3rd tier pension to be considered to be uprated to 2nd tier**

Medical certificate to be provided by an independent, approved, duly qualified registered medical practitioner in accordance with regulation 37 or 38 of the Local Government Pension Scheme Regulations 2013 (as amended) in respect of a member awarded a 3rd tier pension which is either still in payment or has ceased within the last 3 years for the purpose of determining whether a 3rd tier pension can be uprated to a 2nd tier one, or brought into payment early/revised to a permanent pension.

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| Part A: Details of tier 3 member (also enter name on pages 2, 3, 4, 5 & 6) |

**To be completed by EX-EMPLOYER before submission to the Independent Doctor**

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| --- | --- |
| Title: |  |
| First names:  |  |
| Surname:  |  |
| Date of Birth.(dd/mm/yy) : / / |  |
| Age (Years): |  |
| Sex : Male Female |  |
| NI Number: |  |
| Former Job Title: |  |
| Former Employer:  |  |
| Date of leaving former position: |  |
| Date member asked for case to be reviewed: |  |
| Date 3rd tier pension ceased OR “still in payment” (as applicable): |  |
| Date attains Normal Pension Age *(7)*: |  |

The person named above was, at the date of cessation of their former position, certified as being, on the balance of probabilities, permanently incapable*(2)* of discharging efficiently the duties of his / her employment with his / her employer because of ill health or infirmity of mind or body, and that, although not immediately capable at that time of undertaking(3) other gainful employment *(4)*, it was nevertheless likely that he / she would be capable of undertaking gainful employment within 3 years of the date of cessation of employment (or by his / her normal pension age(7), if earlier). He / she was awarded a short-term, reviewable, 3rd tier pension. It is now necessary to determine, in accordance with regulation 37(10) of the Local Government Pension Scheme Regulations 2013, whilst the 3rd tier pension is in payment or within 3 years of it ceasing, whether he / she can, due to the medical condition that resulted in the original award of a tier 3 ill health pension, be uplifted to a tier 2 pension and, if not, whether in accordance with Regulation 38(6) of those Regulations, they can have the tier 3 pension brought back into payment because he / she is unlikely to be capable of undertaking(3) any gainful employment(4) before his/her normal pension age(7).

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| Member’s name: |  |

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| Part B: Assessment against ill-health criteria – tier 2 uplift |

**To be completed by the approved(1)** **independent doctor in all case.**

**Please tick either B1 or B2**

I certify that, in my opinion, and having regard **only** to the medical condition that resulted in the original award of a tier 3 ill health pension, the person named in Part A:

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| --- | --- | --- |
| **B1:** | [ ]  | **IS STILL LIKELY TO BE / HAS BEEN** capable of undertaking(3) gainful employment(4) within three years of the date of leaving their former position shown in Part A (or by their normal pension age(7) if earlier), **or** |
| **B2:** | [ ]  | **IS UNLIKELY TO BE** capable ofundertaking(3) gainful employment(4) before normal pension age **OR****IS NOT CURRENTLY AND IS UNLIKELY TO BE / WAS NOT** capable ofundertaking(3) gainful employment(4) within three years of the date of leaving their former position shown in Part A, but will be at some point thereafter. |

**If B1 has been ticked, please move to Part D of this form.**

**If B2 has been ticked, please tick B3 or B4.**

I certify that, in my opinion, and having regard **only** to the medical condition that resulted in the original award of a tier 3 ill health pension, the person named in Part A:

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| --- | --- | --- |
| **B3:** | [ ]  | **IS** permanently incapable(2) 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. |
| **B4:** | [ ]  | **IS NOT** permanently incapable(2) 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. |

**If B3 has been ticked AND this review IS within the same Scheme Year (ending 31 March) as the Date of leaving in Part A, please move to Part C of this form.**

**If B3 has been ticked AND this review IS NOT within the same Scheme Year (ending 31 March) as the Date of leaving in Part A, please move to Part E of this form.**

**If B4 has been ticked move to Part D of this form.**

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| Part C: Severe Ill-health Test |

**To be completed by the approved(1) Independent Doctor if B3 has been ticked AND this review IS within the same Scheme Year (ending 31 March) as the Date of leaving in Part A (as required by HMRC)**

I further certify that, in my opinion, the employee named in Part A:

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| **C1** | [ ]  | **DOES** satisfy the following statement. |
| **C2** | [ ]  | **DOES NOT** satisfy the following statement. |

As a result of his/her ill health or infirmity, he/she is unable to continue in his/her current job and is unlikely to be capable of taking on any other paid work in any capacity, otherwise than to an insignificant extent(8) before his/her State Pension Age(9).

Note: the answer to this question is used to determine whether the person could be subject to a tax charge in accordance with the annual allowance test under the Finance Act 2004.

**Please now complete Part E of this form.**

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| Member’s Name: |  |

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| Part D: Assessment against ill-health criteria – early reinstatement of pension payments |

**To be completed by the approved(1)** **independent doctor if B4 has been ticked**

**Please tick either D1 or D2**

I certify that in my opinion, and having regard to present medical condition(s), the person named in Part A:

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| --- | --- | --- |
| **D1:** | [ ]  | **IS LIKELY** to becapable of undertaking(3) gainful employment(4) before their normal pension age(7), **or** |
| **D2:** | [ ]  | **IS UNLIKELY** to be capable of undertaking(3) gainful employment(4) before their normal pension age(7)  |

Note: the answer to this question is used to determine whether the member can have their pension payments reinstated

**Please now complete Part E of this form.**

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| Part E: Doctor’s declaration |

**To be completed by the approved(1)** **independent doctor.**

I attach a copy of my report giving reasons for my assessment and I certify that:

* I am registered with the General Medical Council; AND
* I hold a diploma in occupational medicine (D Occ Med), or an equivalent qualification issued by a competent authority in an EEA State (with ‘competent authority’ having the meaning given by section 55(1) of the Medical Act 1983), or I am an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State; AND
* I have given due regard to the guidance issued by the Secretary of State(6) when completing this certificate.

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Signature of independent registered medical practitioner

………………………………………………………………………………….……

Printed name of independent registered medical practitioner

Date:

……………………………………………………….…

Approved independent doctor’s official stamp:

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| Member’s Name: |  |

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| **Part F: Ex-employer’s tier 3 review decision** |

**To be completed by EX-EMPLOYER following signature of the independent doctor.**

**Please tick one of F1, F2, F3 or F4**

Having due regard to the independent doctor’s opinion in Parts B and D, I have decided the member named in Part A

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| **F1:** | [ ]  | Having regard only to the medical condition that resulted in the award of the tier 3 ill health pension, **IS NOT LIKELY TO BE / HAS NOT BEEN** capable of undertaking(5) gainful employment(4) within three years of the date of cessation of former position shown in Part A **AND** is permanently incapable(2) 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. Please uprate this pension to a Tier 2 pension from the date of my signature below. I have notified the person named in Part A of my decision and issued them with form BENDEC3. **NB: to select this the doctor will normally have ticked B2 and B3.**  |
| **F2:** | [ ]  | **3rd Tier Pension still in payment case**Having regard only to the medical condition that resulted in the award of the tier 3 ill health pension: **IS STILL LIKELY TO BE / HAS BEEN** capable of undertaking(3) gainful employment(4) within three years of the date of leaving their former position shown in Part A (or by their normal pension age(7) if earlier) **OR****IS NOT** permanently incapable(2) 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 pensionHaving regard to any current medical condition(s):**IS LIKELY TO BE** capable of undertaking(3) gainful employment(4) before their normal pension age(7) date is reached. I have notified the person named in Part A of my decision that they do not meet the criteria for their pension to be uprated to a Tier 2 pension, or for their pension to be paid permanently, but their tier 3 pension will remain in payment for the time being. **NB: to select this the doctor will normally have ticked:****B1 and D1 or B2, B4 and D1** |
| **F3:** | [ ]  | **3rd Tier Pension already ceased case**Having regard only to the medical condition that resulted in the award of the tier 3 ill health pension: **IS STILL LIKELY TO BE / HAS BEEN** capable of undertaking(3) gainful employment(4) within three years of the date of leaving their former position shown in Part A (or by their normal pension age(7) if earlier) **OR****IS NOT** permanently incapable(2) 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**Having regard to any current medical condition(s):****IS LIKELY TO BE** capable of undertaking(3) gainful employment(4) before their normal pension age(7) date is reached. I have notified the person named in Part A of my decision that they do not meet the criteria for their pension to be uprated to a Tier 2 pension, or for their pension to be paid permanently, and their tier 3 pension will therefore remain deferred. **NB: to select this the doctor will normally have ticked:****B1 and D1 or B2, B4 and D1** |

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| --- | --- |
| Member’s Name: |  |

Having due regard to the independent doctor’s opinion in Parts B and D, I have decided the member named in Part A:

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| **F4:** | [ ]  | **Having regard only to the medical condition that resulted in the award of the tier 3 ill health pension:****EITHER****IS STILL LIKELY TO BE / HAS BEEN** capable of undertaking(3) gainful employment(4) within three years of the date of leaving their former position shown in Part A (or by their normal pension age(7) if earlier) **OR****IS NOT** permanently incapable(2) 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 **AND IS LIKELY** to becapable of undertaking(3) gainful employment(4) before their normal pension age(7),**AND****Having regard to any current medical condition(s):****IS UNLIKELY TO BE** capable of undertaking(3) gainful employment(4) before their normal pension age(7) date is reached. I have notified the person named in Part A of my decision that they do not meet the criteria for their pension to be uprated to a Tier 2 pension, but that their pension will be reinstated as, or revised to, a permanent pension from the date of my signature below. **NB: to select this the doctor will normally have ticked** **B1 and D2 or B2, B4 and D2** |

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| --- | --- |
| ……………………………..………………………………………. | ……………………………………………………… |
| Signature of approved employer signatory | Date |
| ……………………………..………………………………………. | ……………………………………………………… |
| Printed name of approved employer signatory | Position of approved employer signatory |

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| Member’s Name: |  |

**Important Notes**

1. Both Cambridgeshire Pension Fund and Northamptonshire Pension Fund permit employers to select their own provider of a suitably qualified independent registered medical practitioner to sign the certificate, however the selected practitioner must have been approved by the relevant Fund **in advance** of them signing the certificate. The same approved practitioner may sign this certificate as signed the original one certifying the member’s permanent incapacity.
2. ‘Permanently incapable’ means that the person will, more likely than not, be incapable of discharging efficiently the duties of their employment with the employer because of ill health or infirmity of mind or body until, at the earliest, their normal pension age (see (7) below).
3. The independent registered medical practitioner is providing an opinion on the person’s capability of undertaking any gainful employment based solely on the effect the medical condition has on the ability to undertake gainful employment.
4. ‘Gainful employment’ means paid employment (whether in local government or elsewhere) for not less than 30 hours in each week for a period of not less than 12 months. It does not have to be employment that is commensurate in terms of pay and conditions with that of the person’s employment they retired from.
5. The employer is deciding on the person’s capability of undertaking any gainful employment based on the independent medical practitioners opinion and any other non-medical information available to them.
6. Please refer to the [latest version of the statutory guidance document relating to the LGPS Regulations 2013](https://www.lgpslibrary.org/assets/statgui/ew/20140917IHG.pdf).
7. ‘Normal pension age’ means 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 this online tool](https://www.gov.uk/state-pension-age).
8. ‘Insignificant extent’ means, for example, that the person could undertake voluntary work or unpaid work where out of pocket expenses are reimbursed or small amounts of travelling or subsistence payments are made. Any paid work should be insignificant, for example it should be infrequent or only for a few days during the year and the payment must be small in amount, not just as a proportion of the pay or salary they are earning in their current job.
9. To determine an individual’s State Pension age please [use this online tool.](https://www.gov.uk/state-pension-age)