

III-Health Retirement – Guidance for Schools (November 2018) ***(Informal guidance only - full policy is available on the EGFL and Ealing Intranet)***

Where an employee becomes **permanently** unfit for their substantive post and no alternative employment can be found, they may be eligible to receive their pension benefits early (for ill health retirement).

In order to qualify for ill health retirement there needs to be sufficient medical evidence, normally from a specialist within the field of the medical condition, to show that the condition is permanent (until normal retirement age) and not amenable to any further treatment which may promote a recovery substantial enough to allow the individual to resume work in their substantive role.

The employee will need to meet two criteria:

1. They are found to be permanently incapable of discharging efficiently the duties of the local government employment the member was engaged in (substantive post) because of ill health or infirmity of mind or body.
2. They are not immediately capable of undertaking gainful employment (30 hours per week) in any capacity.

(This is irrespective of whether or not a job is available and would include all types of employment i.e. sedentary work for any employer).

Where both criteria are met the Independent Occupational Health Physician will recommend which tier of pension benefit is appropriate.

The employee must be referred to Occupational Health at the beginning of the sickness review stage in order that medical evidence can begin to be collated.

Prior to making an application for ill health retirement Occupational Health will initially, where possible, recommend that medical redeployment be explored as an option. When this is not possible or is unsuccessful, the Headteacher will need to inform Occupational Health **in writing**. The Headteacher should commence medical capability if this has not already been done. After first stage capability the Headteacher can ask Occupational Health to proceed with requesting written consent from the employee to make an application for ill health retirement on their behalf. The ill health retirement process and medical capability process may run concurrently but in order to ensure a fair process the opinion of the Independent Occupational Health Physician should be sought on whether ill health retirement is appropriate, prior to any decision to dismiss on the grounds of medical capability.

Important

It is important to note that the early payment of pension benefits on the grounds of ill health can only be made for staff currently in the pension scheme or who have previously contributed to the pension scheme and have a deferred pension entitlement.

Ill health retirement is not applicable to employees who have reached the normal retirement age or who refuse consent for an application to be made. These cases are managed through the medical capability process.

Where an application is appropriate the Occupational Health Unit will apply for an assessment by an **Independent** (not employed by Ealing) Occupational Health Physician. The ill health retirement application takes approximately **four weeks**. It is important to note that the acquisition of medical evidence i.e. Consultants reports prior to the application being made can take several months and therefore it is important to involve Occupational Health at the earliest possible time.

The Independent Occupational Health Physician will provide an 'Ill Health Retirement Certificate' which will state whether or not ill health retirement has been recommended and at which tier.

It is important that once a recommendation is received via a signed certificate from the Independent Occupational Health Physician the Headteacher progresses the medical capability process. Delays in meeting with the employee may result in requiring the process to be repeated which is both expensive and protracted, for this reason the Occupational Health Unit will fund the first application only and further applications for the same employee will be funded by the School.

Teachers' Pension Applications

In the case of Teachers applying to the Teachers' Pension Fund, only the first criteria (above) needs to be met and Ealing's Occupational Health Unit collates the evidence and it is sent directly for approval by the pension fund and not to an independent Occupational Health Physician. It should be noted that the application must come via an Occupational Health Service and not a G.P.

In some cases there are no grounds for ill health retirement but the employee remains unfit for the foreseeable future or continues to have high levels of sickness absence. In these cases the manager should refer to their HR Adviser for assistance in how to proceed through medical capability.

Employees can appeal an ill health retirement decision and should contact HR or the Pensions Department for guidance.