**Ill-Health Retirement Pension Re-assessment**

**RE: [INSERT DETAILS OF MEMBER]**

Dear Dr [NAME],

The above-named member was originally assessed for entitlement to an ill-health pension on [INSERT DATE]. After assessing the case, it was determined that under the terms of the FPS 2015, they were incapable of performing any of the duties of the role in which they were last employed because of incapacity of mind or body, and it was determined that this incapacity will continue until normal pension age. It was however determined that the member was capable of undertaking regular employment. This meant that they were eligible for immediate payment of a lower tier ill-health pension, which was then brought into payment

Due to the changes in public sector pensions, details of which can be found on the FPS Regulations and Guidance website at [www.fpsregs.org/index.php/age-discrimination-remedy/background](https://www.fpsregs.org/index.php/age-discrimination-remedy/background), we have now been instructed to review the member’s original claims to see if they are eligible for benefits under an alternative scheme, in this case the alternative scheme would be the FPS 1992.

Under the terms of the [Public Service Pensions and Judicial Offices Act 2022](https://www.legislation.gov.uk/ukpga/2022/7/contents/enacted) (PSPJOA 2022) we must write to the member within 18 months from 1 October 2023 to provide them with a choice of benefits in the FPS 1992 (relevant legacy scheme) or the FPS 2015 (reformed scheme). Giving members a choice between scheme benefits is part of the government’s plan to address the age discrimination identified in the McCloud/Sargeant ruling. To enable us to offer a choice of benefits, we need to find out what level of benefits the member is eligible for across both the FPS 1992 and the FPS 2015.

As with any ill-health assessment, we have been instructed to appoint an IQMP to provide a view on medical related matters. Guidance from government confirms that, where possible, for re-assessments such as this, the FRA should use the same IQMP who provided the original determination.

Importantly, this referral should not be treated as a review of eligibility for what has already been determined. Regardless of this re-assessment, they will remain eligible for the benefits which they are currently receiving. The only outcome possible is that they may or may not become eligible for ill health retirement benefits under the FPS 1992, which in some circumstances may or may not provide a higher level of benefit for the member.

The member has been informed of the re-assessment requirements and has consented for it to take place. Along with their consent form, please find enclosed a copy of your original determination including the relevant certificate as well as [LIST MEDICAL INFORMATION YOU HAVE PROVIDED].

To assist you, the regulations we would like you to consider for this re-assessment are:

* Regulation B3 of the FPS 1992 which can be found at: <https://www.legislation.gov.uk/uksi/1992/129/schedule/2/made>
* Regulation H1 of the FPS 1992 which can be found at: <https://www.legislation.gov.uk/uksi/1992/129/schedule/2/made>.

For information, the normal pension age for the FPS 1992 is 55.

For a member to be eligible for a higher tier pension in the FPS 1992, they must be incapable at the **time of assessment** of undertaking regular employment outside the fire service.

Please can we ask that you complete the relevant sections of the certificate as well as proving a written report of the rationale of your determination.

Should you require any clarity on the contents of this letters or have questions over what you have been asked to do, then please do not hesitate to contact us at [INSERT CONTACT DETAILS] for more information.