

FIREFIGHTERS' PENSION SCHEME 1992

MEDICAL CERTIFICATE A Active firefighter member: Ill-health award

Notes on completion

This certificate should be used in respect of those firefighters who are active members of the Firefighters' Pension Scheme 1992 ("FPS 1992") as at the date of leaving. If –

- the firefighter was a member of FPS 1992 but transferred to the Firefighters' Pension Scheme 2015 ("FPS 2015") under the transition arrangements, this certificate should not be used; instead the corresponding certificate from the FPS 2015 range of certificates should be used;
- the firefighter holds more than one role with the Fire and Rescue Authority, a separate certificate (appropriate to the Scheme of which he/she is a member in that role) should be issued;
- an opinion is to be sought regarding the effect of a qualifying injury on the firefighter's disablement, it should be accompanied by the relevant certificate from the Firefighter's Compensation Scheme range of certificates.

This certificate sets out all the issues that should be addressed in an opinion to be given by an independent qualified medical practitioner ("IQMP"), in accordance with Rule H1 of FPS 1992, in order that the Authority may decide whether or not the firefighter should be awarded an ill-health pension and, if so, the level of that pension.

Page 1: Personal details

This section should be completed by the Authority before issue to the IQMP.

In most cases, the firefighter will still be in the Authority's employment at the date the opinion is given but, if employment has ceased, the Authority should give the date of leaving in "Date left Fire and Rescue Service", and the opinion given as at that date. If still serving this should be completed "N/A".

The IQMP should check that all the personal details have been provided.

Page 1: Details of incapacity occasioned by infirmity of mind or body

This should be completed by the Authority by reference to Occupational Health records. It will state the incapacity which has given rise to the need to consider whether the firefighter would have entitlement to an ill-health pension and in respect of which an IQMP's opinion must be obtained by the Authority. The inclusion of this section should make it clear which areas of disability have been considered in order to prevent the situation where a firefighter at appeal presents different ailments to those considered in the opinion.

The IQMP should check the details given here in order to ensure they correctly match his/her understanding of the firefighter's medical condition and in respect of which the opinion has been given. If the IQMP wishes to add anything to this section, for clarification, at the time the opinion is given, he/she may do so. If there is insufficient space in this section to do so, the details should be given on a separate paper and attached to the certificate.

Page 2: Opinion

At the top of page 2 there is a statement for the IQMP to complete to indicate whether or not he/she examined the firefighter and, if so, on what date. If the IQMP did not examine the firefighter the wording in brackets should be deleted.

Next, there is a list of documents which the Authority should provide to the IQMP as being relevant to the case. The IQMP should tick all relevant boxes to indicate that he/she has taken account of these documents. If further medical reports have been sought, this should be indicated by ticking the last box in this group and setting out the nature of those reports. Or if the Authority has provided additional information relevant to one of the Points, e.g. the question of default (Point 6) or relevant case law, this should be mentioned here.

This is followed by the "Opinion". The issues which have to be addressed in compliance with the Scheme rules are set out as separate points on this and the next page. The IQMP should tick all the appropriate boxes, having regard to the definitions of expressions where they are provided, and the DCLG Guidance Notes. Note that it is a tick that should be placed in the boxes that apply, not a cross. A cross could be interpreted as meaning that the box does not apply.

Point 1

If the IQMP believes that the details of infirmity given on page 1 should be clarified for the purposes of the opinion, he/she should provide the clarification on page 1.

If the IQMP ticks the "is not" box in Point 1, there is no need to proceed to Points 2 to 7. Any relevant additional comments can be made by the IQMP at Point 8.

Point 2

This statement relates to the firefighter's capability of carrying out the "operational" duties of his/her role.

If the IQMP ticks the first "is not" box in Point 2, there is no need to proceed to the second part of Point 2 nor to Points 3 to 7. Any relevant additional comments can be made at Point 8.

If the IQMP ticks the second "is not" box in Point 2, there is no need to proceed to Points 3 to 7. Any relevant additional comments can be made at Point 8.

Point 3

This statement relates to the firefighter's capability of carrying out the "non-operational" duties of his/her role. The Authority will need an opinion on this in order to decide whether the firefighter could remain in post to perform those duties. The Authority will have supplied the IQMP with details of the firefighter's role.

If the IQMP ticks the first "is not" box in Point 3, there is no need to proceed to the second part of Point 3 nor to Points 4, and 6 to 7. However, Point 5 should be completed to indicate medical fitness to carry out specific duties of the role. Any relevant additional comments can be made at Point 8.

Point 4

There are two levels of ill-health pension – lower tier and higher tier. The statements up to this point have related to whether or not the firefighter is permanently disabled for the performance of duty. If the firefighter is so disabled then consideration can be given to the award of a lower tier ill-health pension.

The statement at Point 4 establishes whether or not the firefighter is disabled to the extent that he/she is incapable of undertaking regular employment (inside or outside the Fire and Rescue Service). If this is the case, consideration can be given to the award of a higher tier ill-health pension provided the person has at least five years' pensionable service.

Page 3: Opinion (continued)

Point 5

Point 5 is linked to Point 3. If the IQMP has indicated at Point 3 that the firefighter, notwithstanding his/her incapacity, is capable of performing some of the duties of their role, they should be set down here.

Point 6

The Authority can reduce an ill-health award made to a firefighter if he/she is permanently disabled and brought about or contributed to the infirmity by their own default. If the IQMP believes there are medical grounds for considering this to be the case, it should be stated at Point 6. Any relevant comments can be made by the IQMP at Point 8.

Point 7

If an ill-health award is made, for so long as the recipient has been in receipt of the pension for less than 10 years and is under the age of 60, the Authority must periodically review his/her entitlement to continue receiving the award. If, therefore, the IQMP has indicated in response to earlier Points that the firefighter is permanently disabled (in which case an ill-health award may be made), the IQMP is invited to suggest at Point 7 a date for reviewing an award. (It is for the Authority, however, to decide whether such a review should take place at that time.)

If the IQMP has not ticked the boxes which state permanent disablement, Point 7 should be completed "N/A".

Point 8

This section is for any additional comments that the IQMP may wish to make. If there is insufficient space here, the comments should be set down on a separate paper and attached to the Certificate.

Statement of Independence

This is where the IQMP signs and dates the opinion given in the Certificate and declares his/her "independence".

After completion of the Certificate

After the IQMP has completed the Certificate, it should be passed to the Authority who will consider the opinion and take the appropriate action. They will notify the firefighter of their decision and of his/her rights of appeal. If the firefighter disagrees with the decision and the opinion upon which it was based, and presents the Authority with new medical evidence within the relevant time limits (28 days of receiving a copy of the decision or the opinion), the Authority may agree that the IQMP should be given the opportunity of reviewing his/her opinion in the light of that new evidence.

Whether or not the firefighter presents new medical evidence and requests a review of the Certificate as explained above, he/she will have a right to appeal against the Authority's decision. If the grievance relates to a medical issue, such an appeal would be considered by a Board of Medical Referees appointed by the Secretary of State; if the grievance relates to a non-medical issue then the appeal would be heard through the Authority's Internal Dispute Resolution Procedures.