

FIREFIGHTERS' PENSION SCHEME 1992

MEDICAL CERTIFICATE D Review of entitlement to ill-health award

Notes on completion

This certificate should be used in respect of those former firefighters who were members of the Firefighters' Pension Scheme 1992 ("FPS 1992") and –

- retired on grounds of ill-health with entitlement to a lower tier ill-health pension, or
- retired on grounds of ill-health with entitlement to a lower tier and a higher tier ill-health pension.

If a person has been receiving payment of a pension in the above circumstances for less than 10 years and is below the age of 60, Rule K1 of FPS 1992 requires the Fire and Rescue Authority to periodically review the person's continuing entitlement. To do so, they must seek the opinion of an independent qualified medical practitioner ("IQMP") in accordance with Rule H1. This certificate sets out the issues that should be addressed in the opinion. It should be completed as follows.

Page 1: Personal details

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

The "former rank, role or post" stated should be that held at the time of retirement. Details of the duties of the rank, role or post should be supplied by the FRA to the IQMP, with the certificate – see Page 2. The IQMP should check that all the personal details have been provided.

Page 1: Award to be reviewed

The Authority should complete this to indicate whether the person is receiving a lower tier ill-health pension only, or both a lower tier and higher tier ill-health pension.

Here, as elsewhere in the certificate, a "tick box" should (as the name suggests) be completed with a tick if the detail which follows the box applies in a particular case. If the box is completed with a cross, this could be misconstrued as meaning that it does not apply. If the detail which follows any box does not apply, the box should remain empty.

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

This should be completed by the Authority. It will set out the details of the incapacity which gave rise to the ill-health pension.

The IQMP should check the details given here in order to ensure they correctly match his/her understanding of the person's medical condition and in respect of which the review opinion is to be given. If the IQMP wishes to add anything to this section, for clarification, he/she may do so. For example, further incapacity may have arisen which would prevent the person being capable of employment. If there is insufficient space in this section to provide all the relevant details, they should be given on a separate paper and attached to the certificate.

Pages 2 and 3: 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 deferred member and, if so, on what date. If the IQMP did not examine the member, 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. 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 page. The IQMP should tick all the appropriate boxes, having regard to the definitions of expressions where they are provided. Again, 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 and possibly at Point 6 "Additional comments".

Point 2

This statement relates to the person's capability of carrying out the duties of the role held at the time the ill-health pension was awarded. If the IQMP ticks the "is" box in Point 2, details of the duties which can be undertaken should be set out at Point 4.

Point 3

This statement relates only to a person who is receiving a higher tier ill-health pension which would have been awarded after 31 March 2006 if they were incapable of undertaking regular employment at the time of retirement.

If the person is entitled to an ill-health pension awarded before 1 April 2006, or to a lower tier ill-health pension only, Point 3 need not be considered; the question of capability of undertaking regular employment is not relevant to these awards.

Point 4

If, at Point 2, the IQMP has indicated that the person is capable of carrying out some or all of the duties of the role held at the time of retirement, these duties should be entered here. The Authority requires this information because they will need to consider whether or not to offer re-employment.

Point 5

If the opinion of the IQMP is that the person is still currently not capable of carrying out the duties of their former role, and the Authority determine that payment should continue for the time being, the reviews must continue for so long as the pension has been in payment for less than ten years and the recipient is under the age of 60.

At Point 5 the IQMP is invited to suggest a date for such a further review. (It is for the Authority, however, to decide whether such a review should take place at that time.) If the IQMP is of the opinion that the person currently is capable of carrying the duties of their former role, this should be completed "N/A".

Point 6

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".

Although later Firefighters' Pension Schemes allow the same IQMP as provided the original opinion – upon which the ill-health related benefits were based – to provide further opinions upon review, this is not possible under the rules of FPS 1992. The IQMP who conducts the review must not be the person who provided the original opinion.

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 person of their decision and of his/her rights of appeal. If the person 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 person 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.