

Ill Health Retirement

This leaflet outlines the Ill Health Retirement provision under the Career Average Scheme. It also describes the procedures for making an application for a pension on the grounds of permanent ill-health or incapacity and includes information regarding the appeal procedures if you are unhappy with the outcome.

If, however, you would like to investigate the possibility of appropriate alternative employment within the Government of Jersey please talk to your line manager or a Human Resources officer who will be able to advise and assist you.

Details of eligibility for an ill health retirement pension and the benefits provided are set out in your Career Average Scheme member's guide – these booklets are available from the Public Employees Pensions Team (PEPT) of the Treasury and Exchequer and can be accessed using the Government website (www.gov.je/yourpension).

If there is a significant change in your health at any stage during an application for ill health retirement please notify your line manager or Human Resources officer as soon as possible.

Benefits

There are three ways in which a person can receive benefits due to ill health retirement,

Unenhanced, Enhanced and Serious Ill Health Retirement:-

Unenhanced ill health retirement is where the Occupational Health Service Advisor assesses that you are incapable of performing your current duties but **you are likely to engage in any other employment** before your normal pension age. If you are considered eligible for an unenhanced ill health retirement you would only receive the pension that you have built up at the date of retirement.

Enhanced ill health retirement is where the Occupational Health Service Advisor assesses that you are incapable of performing your current duties and **you are unlikely to be able to engage in any other employment** before your normal pension age. If you are considered eligible for an enhanced ill health retirement you would receive the pension you have built up at the date of retirement and an enhancement based on your length of service in the Scheme.

The level of enhancement awarded for an enhanced ill health retirement is as follows:

- ❖ If your membership in the scheme is less than 5 years you will not receive an enhancement.
- ❖ If your membership in the scheme is between 5 and 10 years your service will be doubled.
- ❖ If your membership is between 10 and 13 ½ years your service will be increased to 20 years
- ❖ If your membership is more than 13 ½ years you will receive an additional 6 ⅔ years' service.

Serious Ill Health Retirement is where the Occupational Health Service Advisor has stated in their report that you have less than one year to live. If you are considered eligible for a serious ill health retirement you will be offered the option to commute your entire accrued pension including any enhancement in to a lump sum.

If you opt to commute your pension you will be offered 30% of your accrued pension at £13.50 for every £1 commuted and for the remaining 70% you will receive £5 for every £1 of pension.

If you opt to commute your entire accrued pension, it will not prohibit any survivor pension from being paid to a surviving partner or child in the event of your death.

Qualifying Conditions

An ill health retirement can only be awarded if you have more than 2 years' service in the Scheme and where we have confirmation from the Government appointed Independent Occupational Health Service Advisor that you are incapable of performing your current duties by reason of ill-health or disability of mind or body.

If you think that your ill health is serious enough to justify early retirement you should approach your line manager and discuss the possibility of ill health retirement. Alternatively, your employer may have become aware of your ill health and may suggest the possibility of ill health retirement to you.

The ill health retirement process will not be initiated until we have received written confirmation from your employer that you wish to be assessed for ill health retirement.

What happens next?

The ill health retirement procedures are as follows:

- ❖ You will be asked to sign a "Consent to Medical Examination" form which gives the Occupational Health Service Advisor authority to obtain all relevant medical information. You will normally then be asked to undertake a consultation with the Occupational Health Service Advisor which may include an examination. The Advisor will prepare a report giving an opinion on your current and future fitness to carry out your job.
- ❖ If the Occupational Health Service Advisor (after considering all relevant information from your specialist/GP) considers that your ill health is unlikely to improve adequately for a return to your normal role and is serious enough to justify ill-health retirement, a recommendation will be made to your employer and the Projects Director - Pensions at the Treasury and Exchequer.
- ❖ The recommendation will be considered in line with the scheme regulations and once satisfied that the regulations are met and provided that you are eligible for an ill health retirement pension, your retirement will proceed. You will be informed of the outcome and which ill health retirement you are eligible for, a date will be agreed for your retirement and the PEPT will be notified to implement your pension entitlement.

How long will the process take?

There are time limits for the completion of each stage of the ill-health retirement process:

Target number of working days for completion

Stage 1	Consideration of your case by the Occupational Health Service	30 working days after the date that the procedures are officially initiated (note, this target date will be extended if there is difficulty in obtaining the necessary medical information from professional specialists. You will be kept informed about the process and timescales.)
Stage 2	Consideration of your case by the Employer	10 working days after stage 1 is completed.
Stage 3	Implementation of your retirement	10 working days after stage 2 is completed

For straightforward cases, the target timescale is therefore 50 working days.

In order to avoid your suffering financial hardship because of a gap between the date that your sick pay ceases and the date that your ill health retirement commences, the procedures need to be initiated officially at least 50 working days before your sick pay entitlement is due to end. It is therefore recommended that, if possible, the initial discussions between you and the employer commence well before that date.

Will my ill health pension be reviewed?

The Committee of Management (the governing body to the Public Employees Pension Fund) reserve the right to review any Ill Health retirement in payment and where required may request the member receiving an Ill Health retirement pension to undergo further medical examinations to ensure that they still meet the requirements of their enhanced or unenhanced pension. In any case where the member refuses to undergo an examination, the Committee have the ability under the Regulations to withhold some or all of the member's pension.

Does an ill health pension qualify me for Sickness Benefit, a Disability Pension or an Invalidity Pension from the Social Security Department?

Career Average Scheme benefits are entirely separate from Social Security benefits. You will need to contact the Social Security Department to discuss your entitlement to benefits.

What happens if the Occupational Health Service does not recommend ill-health retirement?

The Occupational Health Service report may give one of the following opinions:

- ❖ Your ill health is serious enough to justify ill health retirement from your current occupation, but you are well enough to carry out a different job. If you wish to consider this, your line

manager or Human Resources Officer will investigate whether appropriate alternative employment is available. If this is not possible, your case will be referred to the Director of HR in the Chief Minister's Department to decide whether to support ill health retirement.

- ❖ Ill health retirement is not justified at present, but your case will be kept under review. The Occupational Health Service will receive regular updates on your condition until a firm conclusion can be reached.
- ❖ Your ill health is not serious enough to justify ill health retirement.

If the Occupational Health Service does not recommend immediate ill health retirement, you will be notified by your line manager or Human Resources officer.

What happens if I become able to work again?

While in receipt of an ill-health pension, until you reach your Normal Pension Age, you may be required to undergo a medical re-assessment from time to time. If, as a result, the Committee of Management is advised that you are able to return to work, and an Employer within the Scheme offers you compatible re-employment, payment of your ill-health pension will cease.

The payments will cease on the date you re-enter employment or 3 months from the date of the offer of re-employment, whichever is the earlier. If you accept the offer of re-employment, the Pensionable Service you completed before your period of absence began will be added to the Pensionable Service you complete after returning to work when calculating your eventual retirement pension.

If you reject the offer of re-employment, your ill-health pension will cease and you will be entitled to a deferred pension based only on your accrued pension at the date you retired due to ill health, without any enhancement.

The Appeal Process

If you are unhappy with the outcome you may wish to appeal. A three stage procedure has been set up for this purpose:

First stage – informal advice

You have the right to an informal and confidential meeting with an Employment Relations Manager in the Chief Operating Office (who has not previously been involved with your case) who will discuss your case with you (referring to the Occupational Health Service report and any supporting paperwork) who will consider your case and advise you. Please email EmploymentRelations@gov.ie or telephone the Human Resources Department on 440003.

Second stage of the appeal process – internal review process undertaken by the Employer’s Occupational Health Service

You have the right to an internal paper review undertaken by an occupational health physician (employed by the occupational health service) who has not been previously involved with your case.

Third stage - formal appeal to the Human Resources Director

If you are still unhappy with the Occupational Health Service recommendation you may decide to make a formal appeal, you should submit it in writing together with any supporting evidence to the Director of HR, 19-21 Broad Street, St Helier, Jersey, JE2 3RR.

The HR Director is authorised by the States Employment Board to consider your appeal on its behalf, taking into account all the evidence you have supplied and all that supplied by the Occupational Health Service.

The HR Director will consider the evidence and will send you a written statement of the decision, giving reasons for it. You may be required to appear in person before the HR Director in which case you will be able to have a staff representative or workplace colleague to support you. The decision of the HR Director is final and will be adopted. **There is no further right of appeal.**