



**Service Instruction**  
**Medical Discharge Procedure**

*“An Excellent Authority”*

**Document Control**

**Description and Purpose**

This document is intended to give guidance to all MFRS personnel regarding the Authority’s Medical Discharge procedure.

Active date	Review date	Author	Editor	Publisher
Permanent	X	Temporary	If temporary, review date must be 3 months or less.	

**Amendment History**

Version	Date	Reasons for Change	Amended by

**Risk Assessment (if applicable)**

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)

**Equalities Impact Assessment**

Initial	Full	Date	Reviewed by	Document location

**Civil Contingencies Impact Assessment (if applicable)**

Date	Assessed by	Document location

**Related Documents**

Doc. Type	Ref. No.	Title	Document location
SI		Capability	

**Contact**

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**Target audience**

All MFS	X	Ops Crews	Fire safety	Community FS			
Principal officers		Senior officers	Non uniformed				

**Relevant legislation (if any)**

## Medical Discharge Procedure

### Introduction

There are a number of 'triggers' for consideration of a medical discharge. In all cases the Fire Authority will follow medical advice regarding an employee's permanent incapacity for their full contractual duties.

The 'triggers' for consideration of a medical discharge are:

- a) A request from a member of the Service for the consideration of a medical discharge under either Pension Scheme (FPS or NFPS/LGPS).

Or an Authority instituted ill health discharge review due to:

- b) A long term sickness absence with no planned or foreseeable expectation of resumption of normal duties;
- c) An extended period on other duties with no planned or foreseeable expectation of resumption of duties with long term being defined on an individual case by case review;
- d) A report from the Occupational Health Doctor that in their opinion an employee is likely to be permanently incapacitated to perform their duties.

During the review process the Service shall adhere to the National Conditions of Service regarding an employees pay.

### Pension Scheme Definitions of Incapacity and Permanent Incapacity:

- Under the Firefighter's Pension Scheme Order 1992, Rule A10-2, (as amended 13.09.2004) the definition of disablement is 'incapacity, occasioned by infirmity of mind or body, for the performance of duty as a regular firefighter'. That is, a member of a Fire & Rescue Authority who is, or may be, required to engage in firefighting, or without a break in continuity of such employment may be required to perform other duties as appropriate to their role as a firefighter (other than or in addition to engaging in fire fighting).
- Permanent disablement is defined in the Firefighter's Pension Scheme, Rule A10-1, as being 'you are permanently disabled if, at the time the question of disability arises for decision, your disablement is considered likely to be permanent. Under Rule A10, in determining whether a disablement is permanent, the Authority shall have regard to whether the disablement will continue until the age at which the person would otherwise be required to retire in accordance with Rule A13. This obviously depends on the medical evidence available at the time.
- The Local Government Pension Scheme Regulation 27 defines permanent incapacity as being 'permanently incapable of performing efficiently the duties of that employment or any comparable employment with the member's employing authority because of ill health or infirmity of mind or body'. The term permanently incapable is further defined in Regulation 27 as meaning 'incapable until, at the earliest, the member's 65th birthday'.

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- Comparable employment under the LGPS Regulation 27 is defined as ‘a job whose terms as to pay, hours, location etc are similar to the current job and whose capability requirements are either the same as the normal job or only differ sufficiently to accommodate a persons medical condition. It is for the employer to identify any available job that may be suitable and obtain a medical opinion on whether or not a person is permanently incapable of doing it. Please note to be regarded as comparable a job must be with the same employer’.

### Procedure

An employee’s case will be considered for possible medical discharge where ‘triggers’ a, b, c or d have been met. In these cases the employee will be invited to attend for a Management Referral Interview with the Occupational Health Manager, and the Pay and Pensions Manager. The interview will be to discuss the employee’s current case and the next stages in the process expected to occur.

Subject to the outcome of this interview and where a medical discharge is being considered, consent will be gained for access to the employee’s General Practitioner Medical records, and if considered appropriate Specialist Records, by the Occupational Health Doctor. Following receipt of these Records the Occupational Health Doctor issues a Report to the Service. If he/she considers it appropriate a medical review appointment will be made with the employee prior to the issue of a Report.

All medical records will remain confidential to the Occupational Health Doctor only.

In all cases a copy of all injury reports submitted by the employee, as well as any relevant accident investigation reports will also be submitted to the Occupational Health Doctor for their consideration when compiling their Report.

The Occupational Health Doctor will issue a Report to the Authority with a prognosis of the employee’s condition relating to their future capacity to work. This Report will consider the full medical records available and any relevant Injury Reports. Where appropriate the Service may request further specialist medical reports.

A decision will be taken whether to submit the case to the Independent Qualified Medical Practitioner / Independent Recognised Medical Practitioner, before making a recommendation as to whether an employee should be medically discharged. In all cases where the employee has requested an ill health retirement, the Authority must obtain the independent opinion.

The form ‘Permanent Redeployment Review’ found in Appendix A will be completed and all options considered for all personnel before processing through the independent process.

### Local Government Pension Scheme:

The IRMP will complete an LGP 12 Merseyside Pension Fund ‘Medical Certificate for Employees leaving from 1 April 2008’ Form.

The IRMP will advise the Authority whether:

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1. The employee is permanently incapable of discharging their normal occupation until their 65<sup>th</sup> birthday
2. The employee has a reduced likelihood of undertaking gainful employment before age 65
3. The employee
  - Has no reasonable prospect of undertaking gainful employment before age 65;
  - Cannot undertake gainful employment within 3 years of leaving but is likely to do so before age 65
  - Is likely to be capable of undertaking gainful employment within 3 years of leaving (or before 65 if earlier)
  - Where they have reduced their hours due to their current medical condition whether this has been wholly or mainly as a result of the condition causing their incapacity
  - As a result of their ill health they are unable to continue in their current job and are unlikely to be able to undertake any paid work other than to an insignificant extent before State Pension Age (the Severe Ill Health Test).

Following receipt of this Certificate the Authority will determine whether to bring the employee's retirement benefits into payment before age 65 on the grounds of ill health and if so at what Tier, 1-3. The Tiers of an LGPS ill health discharge relate to the employees capability to undertake gainful employment following their leaving the Service as assessed by the IRMP.

Tier 1 is the 'highest' Tier and covers employees for whom there is no reasonable prospect of them undertaking gainful employment before aged 65 (or the pensionable retirement age applicable to the Scheme at that time).

Tiers 2 and 3 differ only in the prospect of an employee undertaking gainful employment after or before three years have elapsed from the date of leaving the Service. Managers should refer to the Merseyside Pension Fund website when considering an ill health discharge of an LGPS member and for future information relating to Tiers 1-3.

Following receipt of the IRMP opinion and the review of the Tier level of the case the Pay and Pensions Manager will arrange for a Discharge Interview with a Principal Officer.

### **Firefighters Pension Scheme Order:**

The case will be referred to an IQMP (Independent Qualified Medical Practitioner) in adherence to the FPS and New FPS Regulations.

The IQMP shall provide to the Service a medical opinion as to whether:

- The firefighter is suffering from the incapacity advised by the Service
- The firefighter is medically disabled from engaging in firefighting
- The firefighter is disabled from performing the duties of a regular firefighter additional to firefighting
- Whether any medical disablement is likely to be permanent
- Whether they are capable of undertaking any regular employment
- Any disablement is due to a qualifying injury

Prior to the issue of the employee's case to the IQMP the Service should consider points a-d below, at which point a Principal Officer will sign the Permanent Redeployment Review Form. However on occasions where the employee has instigated this process, as the Service are obligated to submit them to the IQMP, this consideration will take place following the receipt of this IQMP medical opinion:

- a. Can reasonable adjustments be made that would enable the employee to continue as a firefighter?
- b. If not, can reasonable adjustments be made that would enable the employee to continue to perform some of the duties of a firefighter and continue in employment?
- c. If not, are there any suitable permanent 'non firefighting' NJC for Local Government Services (Green Book) positions available within the Service that would enable the employee to continue in employment?
- d. Whether a restructure of the Fire and Rescue Service employee establishment is practicable taking to account the statutory duties of the Service.

If, in cases submitted to the IQMP at the employees request, following a through consideration of reasonable adjustments/ the availability of suitable permanent 'non firefighting' roles and the Authority cannot identify a role for the employee, then the employee shall be invited to a meeting to discuss a medical discharge.

The Pay and Pensions Manager will arrange for a Discharge Interview with a Principal Officer to discuss an ill health discharge.

In cases where the IQMP advises that the employee is permanently incapable of performing their duties, the IQMP medical opinion is binding on the Authority under the Pension Schemes.

Appendix A



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## Permanent Redeployment Review

The employee listed below is to attend for a medical review with an the Independent Qualified Medical Practitioner (IQMP), under the Firefighters Pension Scheme, following advice received by the Service from our Medical Advisors that in their opinion this employee should be reviewed by an IQMP for their binding medical opinion.

**Employee:**

Name:		Service No.	
Rank		Current Post	
Enrol date:		Length of Service:	

**Capabilities/ Restrictions on Activities:**

As it is a recommendation under the Firefighters Pension Scheme to consider re-deployment as an alternative to straightforward medical discharge I should be grateful for you consideration of suitable **permanent** non firefighting roles, conditioned to either the National Joint Council for Local Authority Fire and Rescue Services (Grey Book) or the National Joint Council for Local Government Services (Green Book) Conditions of Service, that you have on your establishment that this employee may be capable of performing as a suitable alternative to their possible retirement from the Service. The Service shall also consider reasonable adjustments prior to submission of this case to an IQMP and/or a restructure of the Service establishment where practicable taking into account the statutory duties of the Service. This information is required by the IQMP to further inform their review of this case.

I have considered this employees case and can find no suitable permanent non firefighting role in which to re-deploy them.

Signature

Date