**Specimen Letter IHR08**

**Tier 3 – 18 Month Review decision**

**for a Member not in Gainful Employment**

Dear **<Name of Member>**

**Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007[[1]](#footnote-1)**

**Local Government Pension Scheme (LGPS)**

I write to inform you of the determination of **<Name of Scheme Employer>** following the statutory 18 Month Review of your entitlement to continuing payment of Tier 3 Ill Health Retirement benefits.

Following advice from a doctor who is an Independent Registered Medical Practitioner qualified in Occupational Health Medicine, **<Name of Scheme Employer>** has determined that **<insert section Either/Or/Or below, as appropriate>**

**EITHER – uplift to Tier 2**

as a result of a deterioration in your current condition you cannot undertake gainful employment within three years of leaving **<Name of Scheme Employer>**, although you are likely to be capable of obtaining gainful employment some time before your normal retirement age of 65.

Under the LGPS Regulations you will now receive payment of a Tier 2 Ill Health Retirement pension based on the years and days of LGPS Membership you have built up plus an enhancement of 25% the **<insert ‘part-time’ if worked less than whole-time hours>** Membership you would have built up if your date of leaving had been your normal retirement age of 65. This benefit will be paid to youon a permanent basis. **<Name of Scheme Employer** **has / I have>** now informed Avon Pension Fund to increase your pension to a Tier 2 benefit from **<Leaving Date + 18 Months>**. Avon Pension Fund will write to you with details of the increased amount.

**OR** **– continue Tier 3 beyond 18 months**

you cannot undertake gainful employment now although you are likely to be capable of undertaking gainful employment **<EITHER within three years of leaving Name of Scheme Employer>** **<OR ‘by age 65’ (if that falls within 3 years)>**

Under the LGPS Regulations you will continue to receive payment of a Tier 3 Ill Health Retirement pension. This will be paid to you for a maximum of three years from the date you left employment with **<Name of Scheme Employer>** but must cease if you undertake gainful employment during that time. The LGPS Regulations state that you must inform **<Name of Scheme Employer>** if you undertake employment while you are receiving a Tier 3 pension. In the event that you do undertake any employment, please notify **<Name of Scheme Employer>** in writing.

**OR – suspend payment of Tier 3**

* you no longer have a reduced likelihood of obtaining any gainful employment before your normal retirement age of 65 as a result of your condition, therefore you are now medically capable of undertaking gainful employment.

Under the LGPS Regulations payment of your Tier 3 Ill Health Retirement benefit must cease.  **<Name of Scheme Employer has / I have>** now informed Avon Pension Fund to stop payment of your pension from **<Leaving Date + 18 Months>**

You have the right to initiate a formal appeal in respect of **<Name of Scheme Employer’s>** determination, under Avon Pension Fund’s ‘Internal Disputes Resolution Procedure’ (IDRP). Any appeal under IDRP must be made in writing to **<Scheme Employer Appeals Officer Job Title>** at **<Appeals Officer Address>** outlining your reason(s), such as new or unused medical evidence, within 6 months of the date of this letter.

If there is anything you do not understand, or you need any further information, please do not hesitate to contact **<me/Scheme Employer Contact>** on direct line telephone number **<Direct Phone Number>**, or you can write to **<me/Scheme Employer Contact>** at **<Contact Address>**.

Yours sincerely,

**<Name of Authorised Officer>**

**<Post of Authorised Officer>**

**<Name of Scheme Employer>**

**<Contact Details>**

1. Statutory Instrument 2007 No. 1166 (as amended) [↑](#footnote-ref-1)