



Circular 0006/2012

## **Oireachtas Funded Pension Schemes Ill Health Retirement Procedures**

The Minister for Education and Skills directs all agencies/bodies and offices under the aegis of his Department to implement the procedure set out in this circular in respect of all employees who benefit from a pension scheme funded directly or indirectly by the Oireachtas.

Pension schemes generally make provision for the payment of benefit where a member retires or is retired on medical grounds. Retirement on ill health grounds is a major decision that impacts both on the scheme member and the organisation. The award of pension in such circumstances must be grounded on a detailed assessment of the medical evidence in the case. To this end, the opinion/recommendation of an appropriately qualified medical adviser must be obtained. In this connection, where pension benefits are funded from monies provided directly or indirectly by the Oireachtas, the Minister now directs that the services of an Occupational Physician must be used by the organisation when assessing a scheme member's application for ill health retirement pension benefit. The Occupational Physician, having examined the medical evidence, including a medical examination of the member, will make a recommendation outlining whether or not the member is incapable by reason of infirmity of mind or body of discharging his or her duties in the occupation and also whether or not that infirmity is likely to be permanent.

Where there is an appeal process in place (other than the regulatory Internal Disputes Resolution or Pensions Ombudsman which relate to implementation of the scheme) the medical evidence must be re-examined by an Occupational Physician other than the original Occupational Physician.

The Occupational Physicians must be listed on the Irish Medical Councils Register of Medical Specialists, in the division of Occupational Medicine. This may be checked by going to the medical council website ([www.medicalcouncil.ie](http://www.medicalcouncil.ie)) and using the link at the bottom right "Search for a Registered Doctor". The Chief Medical Officer of the Civil Service has agreed to assist employers, encompassed by the terms of this circular, in sourcing Occupational Physicians if so requested.

The medical criteria for ill health retirement are as follows:

- The applicant has an ongoing medical condition that prevents him/her from working at his/her occupation
- This medical incapacity is likely to be permanent
- Reasonable workplace accommodations (such as part-time working / redeployment) have been considered by management
- Reasonable diagnostic and treatment options have been explored

The list is not exhaustive and each member's application must be carefully considered, taking into account the specific medical condition, prognosis and reports from treating doctors and the requirements of the occupation. Any medical reports submitted must be from the applicant's current treating doctor(s), whom the applicant is attending on an ongoing basis. Reports from doctor(s) who are not the applicant's regular treating doctor (eg doctor(s) seeing the applicant for report preparation purposes) are not acceptable.

The Occupational Physician / Appeal Occupational Physician must be advised in writing by the employer of the criteria and associated factors.

It is important to note that ill health retirement is not a mechanism for resolving work grievances as such issues must be addressed by the employer through the appropriate channels.

The decision on whether or not the member is granted ill-health retirement pension benefit lies with the relevant employer based on the recommendation of the Occupational Physician.

A. Killian  
Principal Officer,  
Pension Unit  
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Email: [pensions@education.gov.ie](mailto:pensions@education.gov.ie)

[www.education.ie](http://www.education.ie)

Telephone: 00 353 90 6483600