

PCSPS(NI)

Principal Civil Service Pension
Scheme (Northern Ireland)



Department of
**Finance and
Personnel**

www.dfpni.gov.uk

Medical Appeals Process (MAP)

What is Medical Appeals Process (MAP)?

MAP is a new appeals mechanism where the dispute is based on the medical opinion rather than the scheme rules.

When a decision about a members pension entitlement is made based on the medical opinion of the Occupational Health Service (OHS) or Occupational Health and Welfare (OHW) a member can dispute the decision and appeal under MAP.

When will MAP apply?

MAP will apply when there is a dispute based on the medical opinion in cases of;

- Applications for early payment of preserved benefits on grounds of ill health for deferred classic members.
- Retirement on the tiered ill health benefits under premium/classic plus.
- Reviews of the tiered ill health benefits under premium/classic plus.

MAP will not apply in Injury Benefit cases where appeals will continue to be conducted under the Internal Dispute Resolution (IDR) procedures.

Fresh medical evidence

There is no requirement to submit fresh medical evidence for MAP to be initiated or indeed at any other stage under MAP. It may be that you wish the case to be reviewed as it was last submitted. However, we will encourage you to provide fresh medical evidence pointing out it would be unlikely that an opinion would change if there were no fresh evidence. Submitting such evidence may be to your advantage.



Is MAP replacing the Internal Dispute Resolution (IDR)?

No. MAP is a second appeals mechanism used in cases of disputes over medical aspects of the case. It is initiated before the IDR process. However, once MAP has been exhausted you cannot address medical matters under IDR, which will deal only with whether the appropriate rules were considered and implemented correctly.

For example, if you are a **premium** member who is medically retired under lower tier then you may wish to appeal this decision so as to be considered for an award of upper tier benefits. The decision to award lower tier would have been made in line with the scheme rules but based on the medical advice of the OHS or OHW. Therefore, this decision would only be changed if the medical opinion on which it was based changed. If you then initiate MAP and the outcome of the entire process upheld this medical opinion then this would be the end of any review of the medical aspects of the case. You would then be entitled to register the matter under IDR. However, you could not introduce either old or new medical evidence as the MAP process has been exhausted. Therefore, under IDR, you could only question whether we have used, interpreted and implemented the correct scheme rules.

What does MAP consist of?

MAP is a three stage appeals process which is outlined as follows;

STAGE 1

You would submit in writing an application to be considered under MAP including any fresh medical evidence (if applicable) which would then be acknowledged and registered by us.

We then forwarded these to the OHS or OHW along with all papers that had previously been provided when considering the issue in question.

It is for OHS or OHW to take all steps they feel are necessary for them to provide the medical opinion that is being asked from them. Such as; approaching the GP for details or calling you for an examination. OHS will complete the appropriate form laying out the outcome of the review and an explanation of how they arrived at this decision including, documents or reports used etc.

On receipt of the OHS or OHW opinion, we will consider the outcome of the medical review and the implications on the pension position. We will then write to advise you of the outcome of the review and the next step in the MAP and the timescales involved. We will also include;

- a copy of the form that was completed by OHS or OHW;
- the MAP explanatory leaflet.

STAGE 2

This review will follow along the lines of stage 1 except that it will be considered by someone other than the previous medical advisor.

Stage 2 should be applied for in writing within 6 months of the issue of the notification of the stage 1 decision. However, the 6 month deadline may be extended and/or waived if there are extenuating circumstances (e.g. you were seeking advice from a consultant but were unable to get an appointment within the 6 month period). It will be for us to decide whether the time limit should be extended or waived.

STAGE 3

Stage 3 should be applied for in writing within 6 months of the issue of the notification of the stage 2 decision. However, the 6 month deadline may be extended and/or waived if there are extenuating circumstances (e.g. you were seeking advice from a consultant but were unable to get an appointment within the 6 month period). It will be for us to decide whether the time limit should be extended or waived.

Initially, the case will be submitted to the medical advisor who provided the original medical opinion who will arrange that the case be reviewed by an external consultant. We will provide a background to the pension aspect of the case.

The review by the consultant should include an examination. You may be accompanied to the examination by a relative or friend or, for example, a Trade Union official. If you refuse to attend an examination or fail to honour two appointments the consultant will consider the case on a papers only basis.

Having considered all the evidence, including an examination of you wherever possible, the consultant will prepare a full clinical report as soon as is practicable:

- outlining the key features of the case
- the consultant's conclusions
- whether the consultant recommends that we should uphold or reject the appeal

NOTE:

The decision of the consultant completes the medical aspects of the appeals procedure.

Where the consultant upholds a decision recommending that the award should be at the lower tier in premium or classic plus, the assessment will be taken as final, with no further avenue of medical appeal on this issue.

The OHS or OHW doctor will then prepare a report for us conveying the key findings and result. OHS or OHW will also prepare any resulting documentation that may be required, such as a medical retirement certificate, and return the completed case file to us.

The report from the OHS or OHW doctor will be forwarded to you and we will take whatever action is necessary in light of it.

Examples of when MAP will apply

You may request the review of the medical opinion provided by OHS or OHW in a number of circumstances, namely;

1. Where a classic member has made an application for early payment on grounds of ill health which has been refused.

In certain circumstances you may leave employment where your pension benefits will not, in normal circumstances, become payable until age 60. These are known as preserved benefits.

The **classic** arrangements of the Principal Civil Service Pension Scheme (Northern Ireland) [PCSPS(NI)] contains a provision (rule 3.14) under which early payment of the preserved benefits may be payable before age 60 on grounds of ill health. The medical criteria to be met is that had you still been employed in your previous capacity as a Civil Servant you would now, based on your medical condition at the time of application, be considered to have met the conditions for medical retirement. If the OHS or OHW opinion is that the medical criteria has been met then we will arrange for the appropriate pension entitlement to be brought into payment.

If, however, the opinion of OHS or OHW is that the medical criteria has not been met then payment will not be made. If you wish to appeal a decision not to make early payment of the preserved benefits then the first step would be to review the medical opinion on which this decision was based. This review would be carried out under MAP.

2. Where a member of the premium or classic plus arrangements of the PCSPS(NI) has been medically retired by his employing Department and has been awarded 'lower tier' benefits under the Premium arrangements

If you are a member of **premium** or **classic plus** and have been medically retired by your employing Department there are two levels of benefit payable to you, dependant upon your medical condition.

If the OHS or OHW consider that you are incapable of carrying out the duties for which you were pensionable under the **premium** arrangements but capable of carrying out other forms of employment, then you will receive what is known as 'lower tier' benefits.

However, if the OHS or OHW consider that you are incapable of any type of employment then you will receive 'upper tier benefits' which, generally speaking, will provide greater benefits than that of lower tier.

We make the decision as to which tier is to be awarded based upon the medical opinion provided by the OHS or OHW. If 'lower tier' benefits are awarded you are entitled to appeal this decision. As this decision is itself based on the OHS or OHW medical opinion then the first avenue of appeal will be to review the medical aspects under MAP.


3. Where a decision is taken that an individual who is in receipt of upper tier benefits (as described opposite) should have that pension entitlement revised.

The upper tier benefits previously referred to are awarded subject to periodic review up to a maximum of 5 years. The purpose of the review is to ensure that the medical conditions for entitlement to upper tier benefits continues to be met (i.e. that you continue to be incapable of undertaking any type of employment).

At review the OHS or OHW may consider your medical condition at the time of review is such that you may be capable of some form of employment. If this were the case then we would revise the pension entitlement to exclude any element of enhancement within the pension award. This revised entitlement would then be put into payment after a period of notice of 3 months.

Such a revision would, of course, be in line with the scheme rules based on the medical opinion of the OHS or OHW. Therefore, if you wished to appeal against the revision of entitlement then the first avenue of appeal would be a review of the medical aspects under MAP.

Other Information

 For more information please contact us at the address below:

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