

MEDICAL CERTIFICATE C

FORMER REGULAR FIREFIGHTER WITH DEFERRED PENSION

Notes on completion

This certificate will apply in the case of a former regular firefighter only. This is because –

- a retained or volunteer firefighter cannot be awarded a deferred pension
- in the case of a serving regular firefighter who has opted out of the FPS and consequently has a deferred pension, Certificate A or B should be used.

If there is a suggestion that the disability has been occasioned by a qualifying injury, Medical Certificate D should be used instead.

The certificate should be completed as follows.

Page 1: Personal details

This section should be completed by the fire and rescue authority before issue to the independent qualified medical practitioner.

“Age” is important because it may be relevant to deciding whether or not Pensions Increase can be paid immediately (see Point 5 on Page 2).

“Date on which claim of disablement first made known to Fire and Rescue Authority” will be the date from which the deferred pension would be put into payment if the independent qualified medical practitioner supplies the appropriate certification of disability but cannot identify the date on which the person became disabled (Rule A10).

Page 1: Details of incapacity

If this section is completed by the fire and rescue authority it should be checked by the independent qualified medical practitioner to ensure it correctly matches his/her understanding of the medical condition. It may be better if completed by the independent qualified medical practitioner.

The inclusion of this section should make it clear which areas of disability are considered in order to prevent the situation where a person at appeal presents different ailments to those considered in the opinion.

If the former firefighter requests, and is provided with a copy of the medical opinion, he/she should check that the details as given here are as he/she understands them.

Page 2: Opinion

This is for completion by the independent qualified medical practitioner. He/she should tick all appropriate boxes, having regard to the definitions of expressions where they are provided.

If he/she does not examine the firefighter but forms his/her opinion based on written medical evidence only, the words "EXAMINED" to "AND" at the beginning of the opinion should be deleted.

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Page 2: Opinion (continued)

Point 2 requires the test of disablement to be considered in the context of the ability to engage in firefighting. The question of capability to perform other non-firefighting duties does not arise here. That would apply only if there has been no break in continuity of appointment. There will have been such a break in the case of this deferred pension.

Point 2 does not include the question about the person being capable of other regular employment as appears on some other certificates. This is because there is no question of lower tier or upper tier ill-health pension in this case. The question is simply whether the deferred pension should be brought into early payment.

Point 3 is not followed by a question about the disability being brought about by default (Rule K3) as appears on some of the other certificates. This is because it applies only in the case of an ill-health or injury award; it does not apply in the case of a deferred pension.

When considering if disablement is permanent, Rule A10 requires a fire and rescue authority to have regard to whether the disablement will continue until normal pension age (age 55). If this Certificate is being used, the deferred FPS member has already retired from the service. "Normal pension age" applies only to serving firefighters; it does not apply here. Consequently the fire and rescue authority may wish to have regard, instead, to whether the disablement would continue until age 60, the age at which the deferred pension would normally be payable.

Point 4 refers to the date on which the person became disabled. If this cannot be identified, the pension is put into payment with effect from the date at which the claim of disability was first made known to the fire and rescue authority – see Page 1: "Personal details".

Point 5 is not a question which needs to be addressed under the FPS – it is not a test for an upper tier ill-health pension – but under the Pensions (Increase) Act 1971. Pensions Increase would be payable immediately if the person has attained age 55 at the date at which payment of the deferred pension commences. To be paid before age 55, the person must be incapacitated as outlined here. The Pensions (Increase) Act 1971 does not define what is meant by "regular full-time employment".

There is no question about injury here. This is because the fire and rescue authority have decided, before issuing the certificate to the independent qualified medical practitioner, that there are no grounds for addressing the question of a qualifying injury in a medical context. If the person believes he/she is entitled to an injury award and this is not granted, the right of appeal would be under paragraph 3 of Part 6 of the Firefighters' Compensation Scheme (England) 2006 – reconsideration of an award by the authority and, failing satisfaction, an appeal to Crown Court. Because the question of injury is not raised in the medical opinion, it cannot be challenged via paragraph 2 of Part 6 of the Firefighters' Compensation Scheme (England) 2006 – appeal to a Board of Medical Referees against an opinion on a medical issue.

Page 3: Opinion

Point 6 gives the medical practitioner an opportunity to elaborate on any medical issues not covered on previous pages.

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Page 3: Opinion

Point 7 allows the medical practitioner to suggest a date for review. It is for the fire and rescue authority, however, to decide when such a review should take place.

After completion of the certificate

After the independent qualified medical practitioner has completed the certificate it should be passed to the fire and rescue authority who will consider the opinion and take appropriate action.

If it is decided that the person, had he/she still been a firefighter, would be permanently disabled for performing his/her duties, the authority must determine the date from which it should be paid and decide whether or not Pensions Increase is immediately payable.

The person can request a copy of the medical opinion within 14 days of being notified of the fire and rescue authority's decision.

If the person is dissatisfied with the award and believes the problem lies in the medical opinion, he/she can appeal against the opinion under Rule H2 of the Firefighters' Pension Scheme 1992. If the person is dissatisfied with the award and believes the problem does not lie in the medical opinion but in the non-medical aspects of the fire and rescue authority's decision, he/she can appeal under Rule H3 of that Scheme.