

# **MEDICAL CERTIFICATE G**

## **SERVING RETAINED OR VOLUNTEER FIREFIGHTER: ILL-HEALTH**

### **Notes on completion**

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This certificate should be used for retained or volunteer firefighters only. The comparable certificate for regular firefighters is Medical Certificate A.

A retained or volunteer firefighter would not qualify for benefits under the Firefighters' Pension Scheme. Consequently there are no references to the Firefighters' Pension Scheme Order 1992 in this certificate. However, because retained and volunteer firefighters have NJC agreement for an extra-statutory right of appeal to the Board of Medical Referees, this certificate has been designed as a model certificate for use where ill-health retirement is to be considered.

The requirement to use an independent qualified medical practitioner features in the FPS. If this certificate is used, benefits under the FPS are not relevant. However, for consistency, it would be appropriate for the fire and rescue authority to ask an independent qualified medical practitioner to complete this form, particularly as it may be subject to an extra-statutory appeal based on principles similar to those that apply for FPS appeals

A fire and rescue authority would issue the form to the independent qualified medical practitioner if the authority have decided (on non-medical grounds) that there is no qualifying injury. If they believe that there could be a qualifying injury or are uncertain (because medical questions need to be answered) they should issue Medical Certificate B, instead of this certificate, to the independent qualified medical practitioner.

This 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.

#### **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 firefighter at appeal presents different ailments to those considered in the opinion.

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

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#### **Notes on completion (continued)**

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#### **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.

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, subsequently, the firefighter believes he/she is entitled to an injury pension and none has been awarded, the right of appeal would be under paragraph 3 of Part 6 of the Firefighters' Compensation Scheme (England) 2006.

Points 1 to 3 follow the wording of the Firefighters' Pension Scheme Order 1992 even though the retained/volunteer firefighter would not receive benefits under that Order. The test would still be whether or not the firefighter is permanently disabled from performing the duties of a firefighter.

The definitions of "disablement" and "permanence" as contained in the Order are used as guidelines. "Permanent" as defined in the Order means to normal pension age; "normal pension age" as defined in the Order means age 55. The fire and rescue authority may wish to test "permanence" on similar principles.

The question of default as contained in the regular firefighter's certificate (Medical Certificate A) has not been included. This does not have relevance to a retained firefighter in the absence of a qualifying injury.

Nor are any questions asked here about the retained or volunteer firefighter's capability of undertaking regular employment. Those questions are asked in respect of Firefighters' Pension Scheme ("FPS") members only, in order to help the fire and rescue authority decide whether a higher tier ill-health pension should be paid. That is not relevant here.

#### **Page 3: Opinion**

Point 5 mirrors the information requested in Point 7 of Medical Certificate A (Serving Regular Firefighter). In the case of a regular firefighter the fire and rescue authority will normally seek an opinion on the firefighter's capability of performing all the duties of the role (not just firefighting) so that they can decide whether the firefighter could remain in post to perform those other duties. The definition of "regular firefighter" in the FPS would allow the firefighter to remain a member of the FPS in these circumstances. Because the retained or volunteer firefighter is not a member of the FPS, this aspect of the FPS provisions does not apply. However, Point 5 has been added to this model certificate should the fire and rescue authority wish to use it.

Similarly, Point 6 offers a review date should the fire and rescue authority wish to use it.

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**Notes on completion (continued)**

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**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 this certificate has been issued to the independent qualified medical practitioner, the question of injury award has been considered by the fire and rescue authority but dismissed before seeking the medical opinion. If the firefighter believes that he/she is entitled to an injury award, the appeal route is set out in paragraph 3 of Rule 6 of the Firefighters' Compensation Scheme (England) 2006.

If the absence of an injury award is not disputed but the firefighter disagrees with the opinion as to disability, an extra-statutory right of appeal applies. To enable this right of appeal, the authority should allow the firefighter to request, and be supplied with, a copy of the medical opinion.

If the firefighter then wishes to use the extra-statutory right of appeal, the procedures for an appeal by a regular firefighter under Rule H2 of the Firefighters' Pension Scheme 1992 should be followed. Although not covered by that Scheme, it would be fair as part of this process to apply similar time limits for retained firefighters as those which apply to regular firefighters, i.e. to tell the firefighter he/she has 14 days after receiving details of the award in which to request a copy of the medical opinion and a further 14 days after receiving the medical opinion in which to make his/her appeal.