

# THE BRITISH STEEL PENSION SCHEME

## Incapacity retirement

Each pension scheme has its own eligibility criteria for payment of Incapacity pensions. This factsheet sets out the conditions which must be met to qualify for Incapacity retirement from the British Steel Pension Scheme (the Scheme).

In order to qualify for an Incapacity retirement pension from the British Steel Pension Scheme, an applicant must meet the following criteria:

- (1) the applicant must have permanently left all employment, being never able to work again; and
- (2) the applicant must have done so because of "incapacity".

"Incapacity" has a special meaning in the Scheme Rules. It is defined as follows:

**"Incapacity of a Member, or a former Member, means when the Member is unable by reason of physical or mental incapacity to carry out any gainful occupation and is likely permanently to remain so unable"**

The Scheme must be satisfied that it is highly likely that the applicant will continue to be prevented from carrying out any gainful occupation until he or she reaches age 65 by the physical or mental incapacity, even if the applicant's condition is appropriately treated.

The Scheme will seek to establish your eligibility by considering relevant medical evidence from your GP and/or other medical practitioners involved in your care (for example an appropriate specialist). The Scheme will also take the advice of its appointed Medical Adviser when considering all applications.

Applicants are unlikely to be deemed to meet the eligibility criteria if they:

- are currently working full time or part time, or
- are waiting for therapy, an operation/surgery or other medical treatments, or
- are waiting to see if treatments or an operation have been successful, or
- are getting better from an illness or injury with treatments advised, or
- there is a possibility they may be able to take up any gainful employment before reaching age 65, if their condition is appropriately treated, or
- are not following a course of treatment recommended by the appropriate medical practitioner.

The Scheme will not be able to conclude that an applicant meets the eligibility criteria if their GP does not complete the forms accurately, with up-to-date information. It is often best for an applicant to talk to their GP about the Incapacity retirement application.

The medical assessment of an application does not usually involve a formal medical examination (although the Scheme reserves the right to require you to undergo one, with a medical practitioner of its choice). Therefore the applicant must provide as much information about health issues and/or any illnesses (including how those medical conditions affect daily living and the ability to work in any employment opportunity) as possible. Lack of information may mean that the Scheme cannot determine whether an applicant meets the eligibility criteria in some cases.

An applicant's ability to work in any employment opportunity is considered, not just their ability to do their usual job. The Scheme takes into account whether, from a medical viewpoint, the applicant could undertake other reasonable alternative employment options. The Scheme also considers their ability to do temporary or part-time work as well as full-time employment. The availability of employment options does not form part of the eligibility criteria.

The decision regarding whether or not you meet the eligibility criteria will be advised to you by the Pensions Office in Glasgow after the Scheme has obtained all relevant medical information and advice.

If the Scheme decides that you do not meet the eligibility criteria, you can apply again in the future if your circumstances change or if new or additional medical evidence becomes available.

Entitlement to Incapacity pension is subject to the member continuing to meet the Scheme's eligibility criteria and will be subject to review in the event that their condition improves and they consequently become able to obtain gainful employment. The Trustee reserves the right to suspend Incapacity pensions where appropriate.

## Do I meet the eligibility criteria for Incapacity retirement?

The following examples may help you decide whether you wish to proceed with an application for Incapacity retirement.

**I cannot work at present and my doctors say there is no further treatment which might improve my condition.**

Provided your condition prevents you from carrying out all forms of gainful occupation, and you are likely to remain in that condition, you may qualify for Incapacity retirement.

**I cannot work at present and am receiving treatment from my GP.**

It is unlikely that your application will be successful. The Trustee requires that you are assessed after all relevant treatments have been tried over a reasonable period of time.

**I cannot work at present and am waiting for an operation.**

It is unlikely that your application will be successful because your condition may improve after your operation and allow you to work on a full-time, part time or temporary basis.

**I am recovering from an operation and cannot work at present.**

A reasonable recovery time after an operation should be allowed before considering Incapacity retirement. The fact that an operation has taken place is not in itself sufficient grounds for an Incapacity retirement pension.

**I have been diagnosed with a serious illness such as cancer.**

A diagnosis of any serious medical condition does not necessarily mean that you will never work again. Treatments are available which could allow normal living and working. To meet the eligibility criteria it must be established that you are permanently unable to work because of your diagnosis.

**A previous employer has granted me early retirement on ill-health grounds from their pension scheme. Will this entitle me to Incapacity retirement from the Scheme?**

There are variations in the rules of pension schemes. The fact that you qualify for early retirement under one pension scheme does not necessarily mean that you will meet the eligibility criteria under this Scheme.

**I am waiting for tests on the NHS. I cannot do my usual job and have been signed off sick.**

All reasonable steps must be undertaken to investigate and diagnose illnesses. Any treatments for conditions diagnosed should have been tried for a reasonable period of time before applying for Incapacity retirement.

**My sick pay has been stopped, I cannot do my usual job and my GP is still giving me sick notes.**

The fact that you have no sick pay entitlement and sick notes are being given does not automatically mean you can apply for Incapacity retirement. It must be demonstrated that you will never be able to work in any gainful occupation up until your normal retirement age.

**I am taking a lot of medications and have had lots of time off work.**

Taking medication for illnesses does not automatically mean that you will be eligible for an Incapacity pension. Medications may stabilise a condition and allow gainful occupation.

**I am doing modified work ("light duties") but not my usual job because of health problems.**

The Scheme Rules take into account your ability to do ANY occupation. Therefore an application is unlikely to succeed if you can do any occupation e.g. light duties.

**I cannot do my usual job because of health problems.**

The Scheme Rules assess your ability to do any gainful occupation, not just your usual role. Incapacity retirement will not be granted if you are able to carry out another form of gainful occupation.

**I am not sure if I can go back to work at my usual job because of health problems.**

An Incapacity retirement application should only be considered after you have tried work again or been advised that you are unable to work again in any occupation.