

CIRCULAR NO: 1998/29

**To: Education and Library Boards
Council for Catholic Maintained Schools
Boards of Governors of Grant-Aided
Schools and Governing Bodies of
Institutes of Further Education**

2 November 1998

**THE TEACHERS' SUPERANNUATION SCHEME (NORTHERN IRELAND)
RETIREMENT ON HEALTH GROUNDS**

1. This Circular sets out modified arrangements for the processing of ill-health retirement applications by members of the Teachers' Superannuation Scheme. The amendments are now necessary to take account of changes introduced by the Teachers' (Eligibility) Regulations (NI) 1997. These arrangements apply only to members who are in employment (reckonable service). Members who are no longer in teaching employment should continue to apply directly to the Department's Teachers' Superannuation Branch.
2. Under the new arrangements introduced by the Teachers' (Eligibility) Regulations (NI) 1997, responsibility for deciding whether or not a teacher meets the health requirements for teaching is a matter for the employing authority. The decision to terminate a teacher's employment on medical grounds rests with the teacher's employing authority, and should take account of such medical advice from the employer's medical advisers as the employing authority considers appropriate. There should also be provision in the employing authority's procedures for dealing with appeals, in such manner as the employing authority considers appropriate.
3. A serving teacher applying for termination of his/her employment on ill-health grounds should contact his/her employing authority, not the Department. It is for each employing authority to determine the format of such applications and to specify the medical or other evidence required in support of the application. Liability for medical fees is a matter to be decided by each employing authority.
4. Where the employing authority decides that the teacher no longer has the health and physical capacity for teaching, the employing authority may submit an application for an ill-health pension. All future applications for ill-health retirement pension should be sent to Teachers' Superannuation Branch, DENI by the Employing Authority. The application, on form TP5 should contain all necessary information and provide details of the medical evidence on which the decision to terminate the teacher's employment was based. The employer is expected to comment on the application. This should include confirmation that it is the employer's view that the teacher no longer meets the health requirements for teaching.

TEACHERS' SUPERANNUATION BRANCH WILL NOT ACCEPT APPLICATIONS DIRECTLY FROM SERVING TEACHERS, THESE MUST BE PROCESSED VIA THEIR EMPLOYING AUTHORITY.

5. The decision on a teacher's termination of employment on health grounds is a matter for employers; the decision on the award of an infirmity pension remains with the Department and in that context the Department may seek such medical opinion as it sees fit.
6. If the award of infirmity pension is approved, the teacher will be issued with a retirement pension application form - TP4. The teacher's employing authority should countersign the form stating the teacher's last date of employment. This will be subject to the usual contractual obligations to the teacher.
7. Changes in the Superannuation Regulations will mean that a person will not receive infirmity pension if he has, in accordance with the Eligibility Regulations, been prohibited from teaching due to misconduct, nor will infirmity retirement pension be considered by DENI while the person is under investigation for misconduct which could lead to his employment being prohibited.

This change in the regulations means that all applications for infirmity retirement require a declaration by the employer that the applicant has not been prohibited from teaching and that he is not being considered for such a prohibition. This declaration is contained in the Ill-health Retirement Pension application form, TP5.

8. All enquiries about the contents of this circular should be made in writing to Teachers' Superannuation Branch, Department of Education, Waterside House, 75 Duke Street, Londonderry BT47 6FP or by telephoning 028 71 319162 or 319163.

E LARGE (MRS)

Teachers' Superannuation Branch

SUBJECT:

RETIREMENT ON HEALTH GROUNDS

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TARGET AUDIENCE:

- Education and Library Boards;
- Council for Catholic Maintained Schools; and
- Boards of Governors of Grant-Aided Schools and Governing Bodies of Institutes of Further Education.

SUMMARY OF CONTENTS:

This Circular sets out modified arrangements for the processing of ill-health retirement applications by members of the Teachers' Superannuation Scheme.

ENQUIRIES:

Any enquiries about the contents of this Circular should be addressed to:

Mrs Esterina Large
Teachers' Superannuation Branch
Department of Education
Waterside House
75 Duke Street
LONDONDERRY
BT47 6FP

STATUS OF CONTENTS:

Advice

RELATED DOCUMENTS:

None

SUPERSEDED DOCUMENTS:

EXPIRY DATE:

Not Applicable

DENI WEBSITE:

<http://www.deni.gov.uk>

TEL: **028 71 319000**

FAX: **028 71 319190**

