

Reference No: E109/46/06; **Date:** 08/06/2007

22/2007:- Ill-Health Retirement from the Civil Service

E109/46/06

8 June 2007

Circular 22/07: Ill-Health Retirement from the Civil Service

A Dhuine Uasail

1. It has been decided to update and revise the instructions on Ill-Health Retirement (IHR) from the Civil Service in line with the amendment of the Civil Service Regulation Act 1956 by the Civil Service Regulation (Amendment) Act 2005. This Circular sets out the procedures to be followed in a case of ill-health retirement, either on the initiative of the civil servant or of the Department. This Circular replaces Circular 7/57 and applies to all civil servants.

Part 1. Ill-Health Retirement on initiative of civil servant

2. A civil servant who applies to retire early on the grounds of ill-health is required to provide the CMO's Office with a completed IHR (1) form along with a medical report detailing his/her diagnosis, treatment and prognosis. The IHR (1) form must be completed by the current treating doctor, whom the civil servant is attending on an ongoing basis. This doctor should either be a general practitioner registered with the Irish Medical Council, or a hospital consultant who is on the Irish Medical Council Register of Medical Specialists. An IHR (1) form or a medical report from a doctor who is not the civil servant's current treating doctor (i.e. a doctor s/he is attending primarily for medical report preparation purposes) is not acceptable.

3. Ordinarily the CMO will arrange for the civil servant to be medically examined.

4. If the CMO is of the opinion that the civil servant is incapable on medical grounds of regular and effective service, due to a current ongoing medical condition that is likely to be permanent, then s/he will sign Part 2 of the IHR (1) form and return it to the civil servant's Department/Office.

5. In considering whether a civil servant is permanently disabled, the CMO will take into account whether reasonable treatment options have been explored, whether workplace accommodation (e.g. part-time work) has been attempted, and whether redeployment (to a similar post) has been considered by management.

6. The final decision on whether or not a civil servant is granted ill-health retirement, lies with the relevant appropriate authority having received the CMO's advice.

7. A civil servant whose application for ill-health retirement has been refused, may request that his/her case be referred on appeal to a medical referee. Such a request must be submitted to the civil servant's Department/Office within 30 days of receiving the outcome of his/her application for ill-health retirement. A registered medical practitioner who is suitably qualified to assess medical fitness for work will be appointed as medical referee. The CMO will provide the medical referee with any relevant medical reports that are held on file. The medical referee's fee will be paid in full by the Department/Office with half the fee to be reimbursed by the appellant to the Department/Office. If the appellant is successful in his/her appeal, s/he will be reimbursed by the Department/Office.

Part 2. Ill-Health Retirement on Initiative of Department/Office

Section 9 of the Civil Service Regulation Act 1956 provides for retirement on grounds of ill-health in circumstances where the civil servant has not tendered his/her resignation. The procedures set out in this part of the Circular should be followed in managing the retirement of a civil servant who has been certified as incapable on medical grounds of regular and effective service but who has not or is not willing to resign voluntarily.

8. Where it appears to the appropriate authority The Civil Service Regulation (Amendment) Act 2005 at Section 6 defines appropriate authority; in general the Minister is the appropriate authority for officers at Principal level and above and the Secretary General or Head of

Office for officers below Principal level. that a civil servant should be retired from the civil service on the grounds of ill-health, but the civil servant has not resigned voluntarily despite consultation between the civil servant and his/her Department/Office, then the appropriate authority should refer the matter to the CMO's Office.

9. The CMO will arrange for the civil servant to be medically examined. The CMO may also arrange for an outside specialist opinion if s/he feels that this would be of benefit.

10. If the CMO is of the opinion that the civil servant is incapable on medical grounds of regular and effective service and that the situation is likely to be permanent, then s/he will sign Part 2 of the IHR (1) form and return the form to the civil servant's Department/Office.

11. The final decision on whether or not a civil servant is compulsorily retired on ill-health grounds, lies with the relevant appropriate authority having received the CMO's advice. If the appropriate authority is satisfied on the advice of the CMO that the civil servant should be retired, s/he should request the civil servant in writing, sent by registered post, to retire from the Civil Service on or before a specified date (called the appointed date). The date should not be less than 30 days from the date the request to retire is posted.

12. If the civil servant tenders his/her resignation before the appointed date, the resignation will be effective from that date. Where the resignation is tendered and the date specified is after the appointed date or no date is specified, the resignation will be effective from the appointed date.

13. A civil servant who has been requested to retire on ill-health grounds by a date specified (the appointed date) in accordance with the procedures at paragraphs 8 - 12 above, may request that his/her case be referred on appeal to a medical referee. Such a request must be submitted to the appropriate authority before the appointed date.

14. A registered medical practitioner who is suitably qualified to assess medical fitness for work will be appointed as medical referee. The CMO will provide the medical referee with any relevant medical reports that are held on file by the CMO. The medical referee's fee will be paid in full by the Department/Office with half the fee to be reimbursed by the appellant to the Department/Office.

15. If it appears from the report of the medical referee that the civil servant is not likely to be permanently incapable on medical grounds of regular and effective service, then the notice requesting the retirement of the civil servant will be considered to be withdrawn. In such cases the civil servant will not be required to reimburse the Department/Office in respect of the medical referee's fee.

16. If it appears from the report of the medical referee that the civil servant is likely to be permanently incapable on medical grounds of regular and effective service, the appropriate authority should issue a second notice by registered post stating the effect of the medical referee's report and requiring the civil servant to tender his/her resignation within 10 days of the date of posting the second notice. If the civil servant does not resign in these circumstances s/he will be deemed to have resigned from the Civil Service on the appointed date or 10 days after the posting of the second notice whichever is later.

Part 3. Procedures in relation to ill-health retirement without notification

17. Where it appears from a report of the medical referee that the civil servant should be retired from the Civil Service on the grounds of ill-health, but owing to the nature of the ill-health, it is considered undesirable to notify the civil servant himself/herself of the retirement or there is reason to doubt the civil servant's fitness to tender a valid resignation, the final decision on compulsorily retiring the civil servant on ill-health grounds lies with the relevant appropriate authority, as defined in the Civil Service Regulation Act 1956 as amended. In such cases, if the civil servant subsequently applies for reinstatement his/her case should be referred on appeal to a medical referee.

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Michael Errity

Assistant Secretary

Other relevant circulars

Circular 6/57 Superannuation Act 1956

Circular 9/57 Civil Service Regulation Act 1956, Appointment of Medical Referees for purposes of Section 9

IHR (1) Form

**CONFIDENTIAL MEDICAL REPORT ON CIVIL SERVANT
SEEKING ILL-HEALTH RETIREMENT**

Name.....

Date of Birth.....

Department/Office

Part 1 - For completion by current treating doctor

Please note that a more detailed confidential medical report must accompany this form, detailing patient's diagnosis, treatment and prognosis.

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1. How long have you attended this patient?
 2. Are you the patient's current regular treating doctor?
 3. What has been the state of the patient's health during the last five years?
 4. What is the nature of the current ongoing physical or psychiatric illness that the patient is suffering from?
 5. What treatment options have been tried? (e.g. medication/ surgical treatment / counselling/ psychotherapy etc?)
 6. What is the long-term prognosis for the patient's condition(s)

I certify that the above information is to my knowledge correct

DOCTOR'S SIGNATURE and POSITION HELD

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ADDRESS.....

DATE.....

Thank you for completing this form and for providing an accompanying medical report.

IHR (1) Form

OPINION OF THE OFFICE OF THE CHIEF MEDICAL OFFICER ON CIVIL SERVANT SEEKING ILL-HEALTH RETIREMENT

Name.....

Date of Birth

Department/Office

Part 2 - For completion by the Office of the Chief Medical Officer

In my opinion,

(a) the above-named civil servant is incapable on medical grounds of regular and effective service

and

(b) this medical incapacity is likely to be permanent.

Signed Doctor's signature

Date