



Guidance Note Reference: Civil Service Employment Post IHR Guidance Note

Guidance Note Title: Process for Application and Impact of Successful Selection for Employment in the Civil Service post Retirement on Medical Grounds otherwise referred to as Ill Health Retirement (IHR)

To: All Public Servants.

I am directed by the Minister for Public Expenditure and Reform to advise of the process for those Public or Civil Servants who have previously retired on IHR and who wish to apply for positions in the Civil Service.

Please note this document is not a legal interpretation.

Guidance Note Application: All former Public Servants having availed of IHR under the protocols of a Civil or Public Service pension scheme.

Date: 16 January 2020

Purpose: To set out the process for application, through open competition, to the Civil Service following retirement on IHR under a Civil or Public Service pension scheme and subsequent impact upon both previous and future pension benefits.

Relevant Legislation/Documentation: Public Service Pensions (Single Scheme and Other Provisions) Act 2012

Single Public Service Pension Scheme (Retirement on Medical Grounds) Regulations 2017 (S.I. No. 15 of 2017)

Civil Service Superannuation Regulations 1980 (S.I. No. 188 of 1980)

Civil Service Regulation Act 1956

Civil Service Regulation (Amendment) Act 2005

**Department of Public Expenditure and Reform
Guidance Note 01/2017**

Glossary of Terms

IHR	Ill Health Retirement. This is where a scheme member retires or is retired or discharged on Medical Grounds.
CMO	Chief Medical Officer
CPI	Consumer Price Index
Enhancement	SPSPS members may receive an enhancement of their retirement benefits in the form of additional referable amounts when they retire on medical grounds.
Notional Years	Extra years used in your pre-existing pension scheme calculation that were not actually worked but were awarded on the basis of their qualification for ill-health retirement.
Pre-existing Public Service pension scheme	An occupational pension scheme in place in the public service prior to 1 January 2013.
Preserved Pension	Where a vested scheme member ceases Public Service employment before the normal retirement age, their pension benefits will be preserved until they reach the appropriate retirement age.
Referable Amounts	These are the money credits which SPSPS members accrue or “bank”, on an ongoing cumulative basis throughout their careers, towards their eventual pension and retirement lump sum awards.
Relevant Authority	This term means an individual public service employer with responsibility for administering the Single Scheme for its staff who are members of the scheme. In certain cases a member’s Relevant Authority may not be the employer, e.g. the Relevant Authority for primary school teachers is the Department of Education and Skills.
SPSPS	Single Public Service Pension Scheme applicable to new entrants to the Public or Civil Service post 1 st January 2013.
Vested Scheme Member	A member of a pension scheme for two years or more.

Guidance Note: Process of application and impact of successful selection for employment in the Civil Service post retirement on medical grounds otherwise referred to as ill health retirement (IHR)

This Guidance Note sets out the procedures if you are applying or considering applying for positions, through open competition, within the Civil Service having previously availed of Ill Health Retirement (IHR).

It is important you are aware of the information contained in paragraphs 1 to 6 below. These paragraphs lay out the potential impact to IHR pension benefits of entering the Civil Service having previously availed of IHR. The application process is also set in paragraphs 7 -14 below.

Accepting an offer of employment with the Civil Service will have implications for your pension depending on the pension scheme you were a member of when you availed of IHR.

- If you availed of IHR as a member of a pre - 2013 pension scheme please read paragraphs 2.1 to 2.6 inclusive.
- If you availed of IHR as a member of the Single Public Service Pension Scheme (SPSPS) pension scheme please read paragraphs 3.1 to 3.6 inclusive.
- If you availed of IHR as a member of the Public Service pension scheme please read paragraphs 4 to 6 inclusive.

For individuals entering Civil Service employment having previously retired under IHR protocols from the Civil Service please note the following.

1. If you are appointed to the Civil Service having availed of IHR, you do not retain any right to your previous IHR pension. You should also be aware that you cannot have the previous IHR pension restored to you, if for example you, fail to satisfactorily complete probation, resign or are dismissed etc.
2. ***If you availed of IHR under a pre - 2013 Civil Service Pension Scheme i.e. not the Single Public Service Pension Scheme (SPSPS) then your pension will be impacted in the following ways:***
 - 2.1. Your IHR pension will not be paid after appointment following successful completion of the open competition process.

- 2.2. You will retain an entitlement to a preserved pension¹ under this pre-existing Civil Service scheme with respect to your actual years' service only (i.e. not including the notional² ill-health added years

If your break in pensionable Civil Service employment is greater than 26 weeks the following applies.

- 2.3. You will become a member of the SPSPS in accordance with Section 10(5) of Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

If your break in pensionable Civil Service employment is less than 26 weeks the following applies.

- 2.4. You re-join the pre-existing Civil Service pension scheme you were a member of formerly. If you become entitled to a Civil Service pension as a result of your new appointment, your service in respect of preserved pension³ entitlement is taken into account with your new pensionable service when you become entitled to a pension with respect to this new employment rather than having two pensions.
- 2.5. The amount of your new annual pension shall not be less than the IHR pension you would have received from the date of your ill-health retirement.
- 2.6. The number of years used to calculate your new lump sum entitlement, will be based on the number of actual pensionable years' service pre IHR and in your new appointment. However this figure will be reduced by the number of years' pensionable service (actual and notional ill-health) used to calculate the previous IHR lump sum that you received. See example below to illustrate.

¹ See Glossary of Terms

² See Glossary of Terms

³ See Glossary of Terms

Previous Civil Service Employment pre-existing scheme			
Actual Service (years)			21
Ill-health added years			6.67
Total years			27.67
New Civil Service employment pre-existing scheme			
Actual service			10
New Lump sum calculation			
Previous service years		21	
New service years		10	
Total years		31	
Less Previously granted Total years		27.67	
New lump sum based on years		3.33	

3. If you availed of IHR under the Single Public Service Pension Scheme (SPSPS) then the following applies,

3.1. Your IHR pension will cease immediately upon appointment, following successful completion of the open competition process. You are not required to repay your ill-health lump sum gratuity with respect to your earlier ill-health retirement but you will have the option to do so.

If you choose to repay the lump sum amount previously received upon IHR in one repayment then the following applies.

3.2. You may repay the full amount, adjusted for applicable compound interest, to the Relevant Authority⁴. Subject to full repayment of the required amount, the pension and lump sum referable amounts⁵ accrued at the original date of IHR will be restored to the scheme member adjusted for increases in the Consumer Price Index (CPI). These referable amounts will be included in future pension calculations under the SPSPS.

⁴ See Glossary of Terms

⁵ See Glossary of Terms

3.3. The amounts restored under paragraph 3.2 shall be limited to the value of the referable amounts accrued, at the time of the original IHR, as adjusted for applicable CPI increases. Please note any referable amounts added in the context of an enhancement⁶ paid at the time of IHR will not be restored.

If, upon agreement, you choose to repay the lump sum received over an agreed period of time then the following applies.

3.4. For the purposes of paragraph 3.2, the Relevant Authority concerned may, at its discretion, agree to accept payment of the amount to be repaid, as noted in paragraph 3.2, in more than one payment i.e. by instalments. The appropriate rate of compound interest shall be applied over the agreed period of repayment.

3.5. Where repayment over a time period has been agreed, but subsequent circumstances prevent its completion, then you will have the option of repaying the amount outstanding in one amount. Alternatively the amount outstanding should be deducted from any future SPSPS retirement lump sum or pension payments before any such amounts are payable to you. Compound interest will apply to the amount outstanding until full payment is received.

If you choose not to repay the lump sum received the following applies.

3.6. If you choose not to repay the lump sum and applicable compound interest upon entering the Civil Service, then the referable amounts on which the pension and lump sum previously paid were based will not be restored to you. In effect this means that any subsequent pension and lump sum to be paid to you will be based solely on the referable amounts accrued in the new employment (referable amounts accrued prior to the date of IHR will be permanently foregone).

For individuals entering Civil Service employment having previously availed of IHR from pre 2013 Public Service Pension please note the following.

⁶ See Glossary of Terms

4. Your IHR Public Service pension will be subject to abatement rules as per section 52 (1-5) of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.
5. ***If you availed of IHR under a pre-existing Public Service Pension Scheme i.e. not the Single Public Service Pension Scheme then the following applies:***
 - 5.1. Where you have retired from a public service body on ill-health grounds under the terms of the relevant public service scheme, your pension from that employment may be subject to review in accordance with the rules of IHR under that scheme. You should contact your previous employer for further information in this regard.
6. If you retired under the SPSPS then you are bound by the conditions as stated in paragraphs 3.1 to 3.6 inclusive.

Having read and understood those Points 1 to 6 that are relevant to you, if you wish to proceed with your application please note the following candidate requirements and process steps:

7. Once you have retired, on ill health grounds, you do not retain any right nor expectation to be re-admitted to the Civil Service at any future time. If you have availed of IHR you may only apply for employment in the Civil Service through the open competition process e.g. via application to the Public Appointments Service (PAS).
8. There is a declaration contained in the PAS competition literature which must be completed by you if you are in receipt of an IHR pension.
9. You must declare, at the initial application phase, that you availed of IHR or were discharged from the Civil Service on ill-health grounds and are in receipt of an IHR pension.
10. Your application will be processed in the regular manner as per open competition protocols. Details of these protocols are available in the competition booklets issued by each competition administrator.
11. You will be required to attend the Chief Medical Officer (CMO) to assess your ability to provide future long term regular and effective service in the role for which you have applied. The CMO medical assessment is not based on your current medical fitness only. This referral will take into account the medical reason for which IHR was previously granted.
12. If the CMO is of the opinion that you are capable, on medical grounds, of providing long term regular and effective service from appointment onwards, in the role for which you

have applied the CMO will notify the organisation administering the recruitment competition of their decision. You will also be notified of this decision.

13. If the CMO is of the opinion that you are incapable on medical grounds of providing long term regular and effective service, from appointment onwards, in the role for which you have applied the CMO will notify the organisation administering the recruitment competition of their decision. You will also be notified of this decision.
14. If you are successfully appointed to the Civil Service you will become a member of the SPSPS in accordance with section 10 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012 if the period of time between the previous pensionable Public/Civil Service employment and new Civil Service appointment is greater than 26 weeks.

Miscellaneous

15. Any queries in relation to this Guidance Note should be forwarded to cshrddivision@per.gov.ie.
16. For any further information on the SPSPS please go to the [Single Public Service Pension Scheme website](#).

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