

A guide for members applying for incapacity benefits

Your questions answered

Q What does 'incapacity' mean in the Scheme's rules?

A The rules are part of the legal documents which govern the Scheme, so the Trustee must follow them. In the Railways Pension Scheme (RPS) rules, 'incapacity' is defined as "bodily or mental incapacity or physical infirmity which, in the opinion of the Trustee on such evidence as it may require, shall prevent, otherwise than temporarily, the member carrying out their duties, or any other duties which in the opinion of the Trustee are suitable for them."

Q What do the Scheme rules for incapacity mean to me?

A The RPS Scheme rules mean that to be eligible for an incapacity pension, the Trustee must consider from the evidence provided that your long-term physical or mental health condition means you are not able to work, or carry out any other duties which the Trustee believes are suitable for you.

Q So who decides whether my condition meets the criteria of the rules?

A The Trustee does this, usually through a Pensions Committee which will

consider all the information available when making a decision. Pensions Committees meet regularly, in most cases at least once every 3-4 months.

Q Can you explain what things the Pensions Committee will consider when making its decision?

A To award incapacity benefits, the Pensions Committee must be satisfied that your medical condition meets the criteria for incapacity, and that is why you left your employment. Your incapacity must be:

- more than a temporary condition
- sufficient to prevent you from carrying out your duties, and
- sufficient to prevent you from carrying out any other duties that the Pensions Committee, based on medical advice, believes are suitable for you. Other duties are not confined to the railway industry.

The Pensions Committee will review the medical evidence and reports from the employer's Medical Examiner and the Trustee's appointed Medical Adviser to help make this decision.

Q Can anyone apply for incapacity benefits?

A To apply, you must:

- be under your Normal Retirement Age (NRA)**
- have at least 5 years' membership in your current RPS Section, and
- have left employment due to ill health.

If you have transferred benefits from another scheme or RPS Section, the membership, or transferred railway pensionable service, for these benefits also counts.

If you are a member of the Network Rail or Transport for Wales Sections of the RPS, to apply for incapacity benefits you must:

- be under your NRA**, and
- have left employment due to ill health.

You must also:

- have 5 years' continuous company service, or
- have at least 5 years' membership in the Network Rail or Transport for Wales Sections of the RPS. This includes the membership, or transferred railway pensionable service from another scheme or RPS Section.

Qualifying membership may also include any membership you have in any other pension scheme provided by Network Rail or Transport for Wales.

Q How do I apply for incapacity benefits?

A You need an 'Ill-health request' form which you should complete. You can get one from your employer.

Your employer and their Medical Examiner will also need to complete a form.

Q Will I have to have a medical examination?

A Yes. This will normally be done by your employer's Medical Examiner. Further specialist advice may be sought which can take considerable time in some cases.

Q Will my application be accepted automatically?

A The Pensions Committee is responsible for deciding if you meet the criteria set out in the rules after taking expert medical advice. Incapacity pension applications can only be accepted if you meet the criteria.

The Pensions Committee cannot approve your application if the criteria set out in the rules is not met.

Q What happens if a decision can't be made immediately?

A The Pensions Committee may be unable to make a decision based on the medical report provided. If this happens then we will pass your application to the Trustee's appointed Medical Adviser and write to you.

It may take some months before the Medical Adviser is able to provide a report, as he or she may need to:

- obtain further reports from your own doctor or your specialist
- examine you, either in person or by telephone assessment, or
- refer you for a specialist's opinion.

When the Medical Adviser replies, the Pensions Committee will consider your application again.

Q It sounds as if it could be a very long time before I find out if my application has been accepted. Will anyone tell me about the progress?

A If a decision on your application cannot be made quickly we will write to you to explain this. We will tell you about the progress of your application, and you can contact us with any queries. You can also contact your former employer for updates on your application. We cannot continue with your application until we receive all of the required documents from your own doctor, your specialist and the Medical Examiner, which may cause delays. Application times may also vary depending on the nature of your medical condition.

Q When a decision has been made, how will I find out?

A We will write to you soon after the decision has been made.

Q If my application is accepted, is there anything else I have to do?

A If your incapacity application is accepted, we will write to you to let you know. We will also send you a Retirement Quote based on the date you left employment. Once you receive your Retirement Quote, you

will need to complete and return your Retirement Option form to us. Once we receive your Retirement Option form, we will contact your employer to start your retirement and we will then process your incapacity benefits.

Q If my application is accepted, how are my incapacity benefits worked out?

A Please refer to your Scheme booklet 'A guide for members'. This tells you how incapacity benefits are worked out. If you want to know what your benefits might be, we can give you an estimate. Full details of your benefits will be provided if your application is approved.

Q Is there an Annual Allowance (AA) charge for incapacity retirement?

A Not if you meet the government's current description of ill-health as below. Possibly yes if you don't. Railpen will let you know if an Annual Allowance charge applies to you.

The government's current description of ill-health retirement is that 'you are not able to continue in your current job and are not likely to be able to take any other paid work to the extent that is significant. For example, you could undertake voluntary work or unpaid work where out of pocket expenses are reimbursed or small amounts of travelling or subsistence payments are made. Any work should be insignificant; for example it should be infrequent or only for a few days during the year and payments must be small in amount, not just as a proportion of previous pay or salary.'

Q If my application is approved, when will my benefits be paid and for how long?

A Your benefits will be paid when:

- your application has been approved by the Pensions Committee
- we have received a correctly completed Retirement Option form, and
- you have left employment.

In most cases, the decision will not be made until you have left employment. Your benefits will be paid as soon as possible, and the first pension payment will include any back-dated payments to the date you left employment. The Trustee may need to periodically review your condition of health to see if you still meet the qualifying requirements for your incapacity pension. If this happens, you may need to take another medical assessment.

If the Pensions Committee has medical evidence that you have recovered sufficiently to be able to earn a living, or are receiving earnings from employment, it can decide to reduce or suspend your incapacity pension. If this happens, you will receive your full incapacity pension again when you reach your NRA** and for the rest of your life.

Q If my application is turned down, what benefits can I have?

A You will be able to have the same benefits as someone who has left employment. If you are under age 55*, your benefits will be preserved.

Once you are 55*, you may apply for early payment of your benefits.

The rules for early retirement will depend on your NRA**. Your benefits will be reduced because they are being paid early, and can only be paid if they are at least as much as the minimum amounts required by legislation.

From your NRA**, normal retirement benefits can be paid unreduced if you have not taken them early. We will send you details of the benefits available if your application is turned down.

Q If I do not agree with the Committee's decision, can I appeal?

A If you are not satisfied with the Committee's decision, you have the right to appeal. The Railways Pension Scheme has an established Internal Disputes Resolution Procedure, in accordance with relevant legislation.

This is a 2-stage procedure. Disputes are referred to the Director of Rail Administration for a decision under stage 1. If you are not satisfied with the response, you may ask for the disagreement to be referred back to the Committee for its decision, under stage 2 of the procedure.

You should write to the Director of Rail Administration, setting out the reasons why you are not satisfied. You will also need to provide additional medical evidence or reports upon which you wish to rely.

Q I will have no income, can I receive any of my benefits now?

A Yes, if you are over age 55*, you can apply to receive early retirement benefits while your incapacity application is considered. If your application is successful, your benefits will be adjusted to take into account the payments you have already received. If your application is declined, you will continue to receive early retirement benefits.

Q How do I apply for early retirement benefits?

A When Railpen is told that you are leaving employment due to ill health, we will check if you are eligible for early retirement. If you're eligible, we will contact you to ask if you want to take early retirement while your application for incapacity benefits is ongoing.

If you would like to take early retirement, you will need to let us know by returning your Early Retirement Consent form. Railpen will then contact your employer to start your retirement, and your Retirement Option form will be sent to you. We cannot pay your retirement benefits until your form is returned to us.

Q How soon will I receive the pension?

A Once your Retirement Quote has been sent to you, you will need to return your Retirement Option form to us. We cannot pay your pension until we receive your completed Retirement Option form.

We will contact you once we receive your completed form to tell you when to expect your pension.

* Age 50 for some members. To check your earliest retirement age, log into your myRPS account or refer to your Scheme booklet 'A guide for members'.

** To check your Normal Retirement Age (NRA), log into your myRPS account or refer to your Scheme booklet 'A guide for members'.

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