



Ill-health - retirement appeals

June 2010

What is the appeals system?

The Occupational Pension Schemes (Internal Dispute Resolution Procedures (IDRP)) Regulations 1996, as amended, require all occupational pension schemes to make arrangements to resolve disagreements between the managers of the scheme and its members. To comply with these regulations The Department for Education (DfE) introduced IDRP to deal with all disagreements.

the recommendation was correct at that time.

Can I see the medical reports that were considered at the time of the original decision?

If you wish to have a copy of the medical report(s) received in connection with your application for ill-health benefits you should ask the relevant doctor(s).

How do I appeal?

What is an ill-health appeal?

When handling IDRP ill-health applications there is an added element involving consideration by the DfE medical advisers. You have the right to make two appeals against a decision taken in respect of your application for ill-health retirement benefits. The flow chart at the end shows the appeals process. You can appeal against any aspect of the decision that has been made. In the case of an appeal about a decision not to grant ill-health benefits, any additional information plus all the original information will be considered by a person other than the one who considered your original application, to determine if

An appeal must be made in writing either by yourself, or by a person you have chosen to act as your representative. You do not have to appoint a representative if you wish to handle your appeal yourself. If you do choose to select a representative to act on your behalf, you will need to provide Teachers' Pensions (TP) with the name and address of the person you have appointed, and give your written permission for Teachers' Pensions and the DCSF to release information about your application to that person. A representative could, for example, be a union representative, a partner or parent.

You can also submit a new application whilst continuing with

the appeals process. You cannot submit another type of retirement application at the same time as appealing against an ill-health application that has been turned down.

You should set out in a letter any information which you feel is relevant to your case, and send it to: **Teachers' Pensions, PO Box 157, Mowden Hall, Darlington, DL3 9WB**. Please ensure that your letter is clearly marked **'First Appeal'** or **'Second Appeal'**.

What information can I submit with my appeal?

There are no forms to complete, nor does it involve a medical examination by a DfE Medical Adviser. You should submit any information you feel is relevant to your appeal. For example, letters of support from a colleague or headteacher, or reports that have been written by a doctor, consultant, or other medical professional who has been treating you. You will be responsible for any costs incurred in providing such reports.

All information will be considered by a medical adviser to determine whether it meets the appeals criteria, for example, information

about your health which was not submitted, for whatever reason, with your original application. However, 'new evidence' that could not have been available at the time of your original application is unlikely to change the original decision. It is not accepted that a current diagnosis can be applied to a previous date. This does not rule out that 'new' information could lead to a successful appeal. If the evidence shows that all the criteria was met at the time of the original decision (including those of permanency despite appropriate treatment) it is, in practice, unlikely.

The 2 examples listed below show cases where it is clear when the information meets the appeals criteria and when it does not. Please note that each case will be considered on its own merits.

Example 1. An applicant submits an application. After consideration the DfE medical adviser's opinion is that the application should be rejected because there is insufficient evidence to enable them to assess whether the applicant meets the criteria for an ill-health pension. The applicant then realises they did not include a report which was available at the time the original application was submitted.

The applicant lodges an appeal and asks for that medical evidence to be considered.

The medical adviser considers the information against the appeal criteria. The application is accepted as the evidence shows that the applicant now meets the criteria for an ill-health pension.

Example 2. An applicant submits an application. The DfE medical adviser's opinion is that the application should be rejected because there is insufficient evidence to accept the application. The applicant submits a report obtained and dated after the original application was submitted. This report is considered in order to determine whether it meets the appeal criteria, i.e. that the information was available at the time that the original application was submitted. In this case the information was not available when the original application was received as the applicant saw their consultant after submitting their application. The applicant is advised of this, and asked if they wish to resubmit the evidence as a new application.

What happens if I am not awarded 'enhancement' but want to appeal because I think I should have been awarded 'enhancement'?

If you make an appeal against the level of benefit that has been granted, your case will be considered by a medical adviser who was not involved in the original consideration. All evidence will be reviewed and it is possible that this medical adviser's opinion could be that you **DO NOT** meet the criteria for ill-health retirement and so the original decision was wrong. This could also apply to subsequent appeals. In these circumstances your case will be referred to the DfE for a decision as to whether you were entitled to the original ill-health pension.

What if my first appeal is unsuccessful?

If your first appeal is unsuccessful you have the right to make a second appeal. Whilst there are no time limits set on submitting a first appeal, the second appeal must be made to the DfE within **six months** of the date that you were notified that your first appeal was not successful. Second appeals are always handled by the DfE Terms and Conditions Unit.

You should set out in a letter any information which you feel is relevant to your case. Please ensure that your letter is marked as a **Second Appeal** and send it to the **Terms and Conditions Unit, Department for Education, 2nd Floor Area B, Mowden Hall, Darlington, DL3 9BG.**

What if my second appeal is not successful?

If your second appeal is not successful, you may wish to ask **The Pensions Advisory Service (TPAS)** to intervene on your behalf. This body assists members and beneficiaries of the scheme with any issues that are unresolved. TPAS can be contacted at **11 Belgrave Road, London, SW1V 1RB.**

Health Early Retirement”, which you may find helpful. A copy is enclosed for ease of reference.

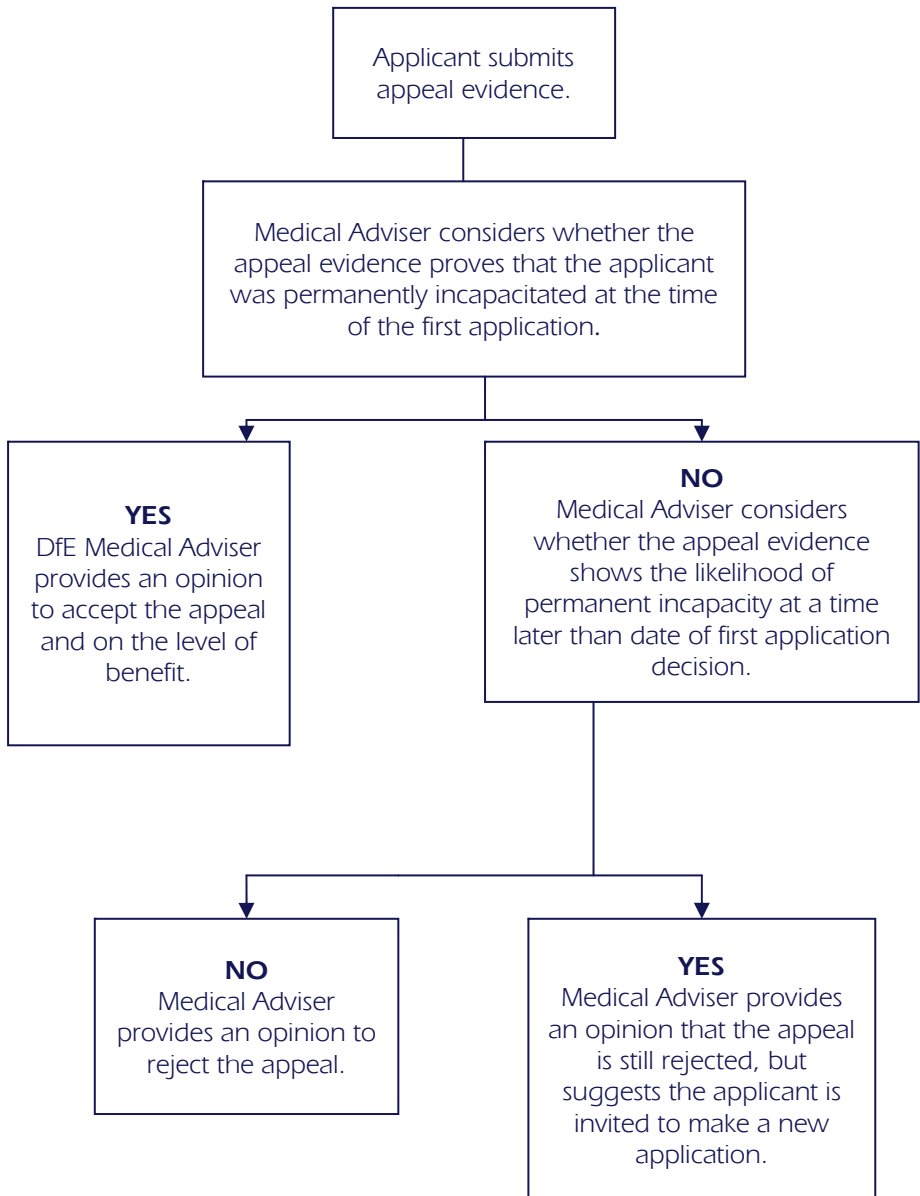
If TPAS is unable to resolve your problems, the **Pensions Ombudsman** may investigate and determine any complaint or dispute of fact or law in relation to a pension scheme. He can be contacted at: **11 Belgrave Road, London, SW1V 1RB.**

Is IDRP only for appeals about ill-health retirement?

No, IDRP is not limited to the decision made about an application for ill-health retirement; it also covers any disagreements about how the regulations were applied to a case or about how a case has been handled. However, this document sets out the process for handling appeals regarding ill-health applications.

TPAS produce a leaflet entitled “Ill

This flow chart shows how the decision process works.



This page is designed for you to note important personal information.

Where there is any difference between the legislation governing the Teachers' Pension Scheme and the information in this leaflet the legislation will apply.

For more information on this or any aspect of the TPS log on to www.teacherspensions.co.uk, call 0845 606 6166 or write to: Teachers' Pensions, Mowden Hall, Darlington DL3 9EE