

Ill health retirement appeals

April 2015



Our procedure

If you have applied for ill health retirement and subsequently had your application turned down, you have the right to make two appeals against any aspect of the decision including the level of benefits you have been granted.

If you decide to appeal, any additional information you can provide about your condition will be considered, and all appeals will be reviewed by someone other than the original assessor. You can also request to see the medical records used to assess your case, by contacting your doctor.

If you wish to appeal, the request must be made in writing either by yourself, or by a person you have chosen to act as your representative. If you do choose to select a representative to act on your behalf, you will need to provide us with the name and address of the person you have appointed, and give your written permission to release information about your application to that person.

We've outlined two cases to show whether the information provided for a case is clear or not. However, all cases submitted to us will be considered on their own merits.

Example 1: Mrs Carroll

Mrs Carroll's application is considered by the DfE medical adviser's and based on their opinion TP decides that the application must be rejected because there is insufficient evidence to assess whether she meets the criteria for an ill-health pension.

Mrs Carroll then realises she didn't include a report which was available at the time the original application was submitted and lodges an appeal and asks for that medical evidence to be considered.

The medical adviser considers the information against the appeal criteria. Her evidence now shows that she meets the criteria for an ill-health pension. Mrs Carroll's application is accepted.

Example 2: Mr Scott

Mr Scott's application is considered by the DfE medical adviser's and their opinion is that the application should be rejected because there is insufficient evidence to assess whether he meets the criteria for an ill-health pension.

Mr Scott then 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 Mr Scott saw his consultant after submitting his application. Mr Scott is advised of this, and asked if he wishes to resubmit the evidence as a new application.

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 Department for Education (DfE) within six months from the date you were notified that your first appeal was not successful. Second appeals are always handled by the DfE.

Please ensure that your letter is marked as a Second Appeal and send it to:
Pensions and Policy Team
Department for Education
Level 1
Bishopsgate House
Darlington
DL1 5QE

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. They can be contacted at:

The Pensions Advisory Service
11 Belgrave Road
London
SW1V 1RB

Alternatively, you may wish to make a new application at a later date.

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.

Their address is:
Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB

Can I claim retirement benefits while my appeal is being considered?

You can claim payment actuarially adjusted retirement benefits (AAB) during an appeal, if you meet the conditions for AAB.

If your appeal is successful, ill health retirement benefits will replace the AAB. But please be aware that if your appeal is unsuccessful, the AAB will remain in place and you will forego the opportunity of making another ill health application.

What information can I submit with my appeal?

You do not have to complete any forms, but you should submit any information you feel is relevant to your appeal. For example, reports that have been written by a doctor, consultant, or other medical professional treating you or letters of support from a colleague or Head. You will be responsible for any costs incurred in providing such reports.

All information will then be considered by a medical adviser to determine whether it meets the appeals criteria.