

## Ill-health Retirement appeals

April 2024



### Our procedure

If you've 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 provided this was available in the period up to when the application was received by Teachers' Pensions. This means that you or your representative can include medical information that was previously omitted from the application for whatever reason, or an elaboration of the information that was previously supplied. What you cannot include are details of any further tests, treatments, surgeries or diagnosis which have taken place since your initial application. This type of information would require a second application.

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 to Teachers' Pensions. If you do choose to select a representative to act on your behalf, you'll need to provide us with the name and address of the person you have appointed. We would also need your written permission to release information about your application to the selected representative.

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 Department for Education's medical adviser's and based on their opinion Teachers' Pensions 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 Department for Education's 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 wasn't 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 Department for Education.

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 Early Resolution Service at the Pensions Ombudsman to intervene on your behalf. This body assists members and beneficiaries of the scheme with any issues that are unresolved.

Alternatively, you may wish to make a new application at a later date. If they're 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.

The Pensions Ombudsman  
10 South Colonnade  
Canary Wharf  
E14 4PU.

## **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. Before making a decision of whether to apply for AAB in the interim you should get independent financial advice.

## **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.

There's no time limit for making a First Appeal. All we require is a short letter in which you make it clear that you want to appeal plus any supporting medical information/evidence that you want Teachers' Pensions and the Medical Adviser to consider. The Medical Advisers have discretion over what they will consider, usually you can only submit supporting medical evidence that was available at the time of your initial application.

If you've undergone any further tests or treatments and want that new evidence to be considered, then you would need to make a new separate Ill-health Retirement application. In some circumstances the Medical Adviser may consider evidence submitted after your original application, for instance if only a short period of time has elapsed, however this is not always the case. Please note it will be for the Medical Adviser to confirm what evidence they can or cannot consider.

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