

## CURRENT SCHEME MEMBER

### ILL-HEALTH RETIREMENT APPLICATIONS – APPEALING AGAINST A DECISION

#### How do I qualify for ill-health benefits?

##### ***Tier 1 Benefits***

To qualify for Tier 1 ill-health retirement benefits your HSC employment must be terminated because of physical or mental infirmity as a result of which you are **permanently** incapable of efficiently carrying out the normal duties of your employment. Permanently means until your expected retirement age of 60 or 65, depending on whichever scheme arrangement you belong.

##### ***Tier 2 Benefits***

To qualify for Tier 2 benefits you must first of all meet the conditions for Tier 1 benefits and in addition you must be permanently incapable of efficiently discharging the duties of any **regular employment** of like duration.

#### When can I appeal?

You can appeal a decision made by HSC Pensions Service not to award ill health retirement benefits or on the award of a Tier 1 pension only, provided you do so within **1 month** of being notified of the decision. The appeal process for ill health pensions is dealt with under the Internal Disputes Resolution (IDR) procedures. Guidance notes and IDR application forms can be obtained from the HSC Pensions Service website at [www.hscpensions.hscni.net](http://www.hscpensions.hscni.net)

Any appeal should be based on factual medical evidence that relates to the **permanence** of your mental or physical condition.

Provision of additional medical evidence is not compulsory, however, members are advised that a decision not to award an ill health pension, or the award of a Tier 1 pension, is unlikely to be overturned unless they provide additional medical evidence. In addition, any medical evidence must relate to the same condition in respect of which the initial application was made and must support incapacity at date of application.

In cases where a member's health has deteriorated since the initial application, it may be appropriate for a new application to be made.

#### What if my Employment has been terminated in the meantime?

Provided your appeal is submitted within the 1 month deadline your case will be reviewed as if you were a current HSC employee.

## Who can I appeal to?

You can appeal to:

- HSC Pensions Service (*under Stage 1 and Stage 2 of the IDR procedures*).
- The Pensions Advisory Service (TPAS).
- Pensions Ombudsman.

The Pensions Ombudsman will not review your case until it has been reviewed by TPAS. Likewise, TPAS will not review your case until HSC Pensions Service has been asked to do so.

## Submitting an Appeal to HSC Pension Services

**IDR Stage 1 Appeal** - Please complete **Form DRP1** and forward to HSC Pensions Service within 1 month of being notified of the decision not to award an ill health pension (*or the award of a Tier 1 pension*).

You should state you are appealing and the reason why you disagree with the decision. **This explanation should be based on medical facts.** You are free to append as much detail (including any additional medical reports) as you wish if this is likely to support your case.

## What happens when my request for an appeal is received?

HSC Pensions Service will acknowledge receipt of your Stage 1 appeal application.

Your case will be reviewed by the Disputes Officer of the HSC Pensions Service. Once your case has been reviewed the Disputes Officer will write to you and tell you the outcome.

In making a decision on a Stage 1 appeal, the Disputes Officer may seek advice from the Scheme's medical advisors.

## What if the appeal is unsuccessful?

**IDR Stage 2 Appeal** - If your Stage 1 appeal is unsuccessful you have the right to a Stage 2 appeal. You must submit a Stage 2 appeal within **6 months** of the date of the decision of your Stage 1 appeal.

Stage 2 appeals should be submitted using **Form DRP 2**. HSC Pensions Service will acknowledge receipt of your Stage 2 appeal application.

Stage 2 appeals will be reviewed by a Scheme Manager of the HSC Pensions Service. Once your case has been reviewed the Scheme Manager will write to you and tell you the decision.

In making a decision on a Stage 2 appeals, the Scheme Manager may seek advice from the Scheme's medical advisors.

## **What if my Stage 2 appeal is unsuccessful?**

If you remain dissatisfied you can write to TPAS or the Pensions Ombudsman about your case.

- **The Pensions Advisory Service (OPAS)**

TPAS is available to assist members of occupational pension schemes with difficulties they have failed to resolve with the managers of their pension scheme.

- **The Pensions Ombudsman**

The Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to a pension scheme. TPAS and the Pensions Ombudsman can be contacted at:-

**11 Belgrave Road  
LONDON  
SW1V 1RB  
 (020) 72338080**