



SCOTTISH PUBLIC PENSIONS AGENCY

ILL-HEALTH RETIREMENT - UNSUCCESSFUL APPLICATIONS

[SCOTTISH TEACHERS' SUPERANNUATION SCHEME, AND NATIONAL HEALTH SERVICE (SCOTLAND) SUPERANNUATION SCHEME]

WHAT CAN I DO IF MY APPLICATION FOR EARLY PAYMENT OF YOUR BENEFITS ON GROUNDS OF ILL-HEALTH IS TURNED DOWN?

1. If your application is not successful, you have 2 options:
 - You can ask for the decision to be **reviewed**.
 - You can appeal against the decision, by asking for the Scottish Ministers to make what is called a "**determination**".
2. You may exercise both these options if you wish, normally by first asking for a review and then moving to a determination if you are still dissatisfied.

THE REVIEW

3. To request a review, you should write to the Agency asking it to reconsider its decision on your application. Before asking for a review, you may wish to consider discussing your case with your doctor or consultant, to see if any further medical evidence could be provided. Although you do not need to submit such further evidence, it may be to your advantage to do so.
4. The Agency will refer your request to its medical advisers, along with any supporting medical evidence, and will ensure that your case is reviewed by a different person from the one who gave the Agency the initial medical advice. You may again be asked to attend a medical examination.
5. If the outcome of the review confirms your application to be unsuccessful, you may request a further review. There is no limit to the number of reviews you may request, but further reviews would be unlikely to succeed unless supported by additional medical evidence.
6. Even if you accept the original decision, you can request a review if your health gets worse. Up-to-date medical evidence would be required at that time.

THE DETERMINATION

7. You can move to the determination stage at any time, by writing to the Agency's Director of Policy at the address overleaf. In that letter you should ask the Scottish Ministers to determine whether the Agency has applied the rules of the scheme correctly in your case.
8. The staff who will process your determination request are completely independent of the part of the Agency which administers the teachers' and NHS schemes, and will have had no previous involvement in your case.
9. An appropriately-qualified doctor will be appointed as an independent medical referee. While it is for the Scottish Ministers to appoint the referee, they will wherever possible select a doctor who is acceptable both to you and to the Agency's scheme administrators. You and the scheme administrators will be invited to submit to the referee any medical or other evidence which is considered relevant. The medical referee may also request that you attend an examination. After considering all the medical evidence available, the referee will provide the Scottish Ministers with a medical report.
10. You will be advised in writing of the Scottish Ministers' determination. This will include a summary of the medical referee's opinion.

SHOULD I SEEK A REVIEW, OR A DETERMINATION?

11. This is a question for you to decide. You may wish to consult your family, your doctor, your union representative or the employer's personnel staff.

12. In making your decision, it may be worthwhile to note that-

- most people seek a review as a first step.
- requesting a review does not affect your right to request a determination.
- review decisions are normally obtained more quickly than determinations.
- if a determination is unsuccessful, any further approach to us for ill-health retirement would be regarded as a new application.

OPAS AND THE PENSIONS OMBUDSMAN

13. If you remain dissatisfied after you have received the determination of the Scottish Ministers, you may wish to contact the Office of the Pensions Advisory Service ("OPAS") at 11 Belgrave Road, London SW1V 1RB (0171 233 8080). The Pensions Ombudsman, also at that address, will expect OPAS to have considered any complaint before it reaches him.

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[Please note - this leaflet is intended for general guidance only. Nothing in it can over-ride the statutory provisions which govern the schemes.]