

**THE NHS PENSION (SUPERANNUATION) SCHEME SCOTLAND  
CIRCULAR NO. 2010/08**

<b>WHO SHOULD READ:</b>	<b>HR managers, Occupational Health Advisors, Employee Representatives and Employees</b>
<b>ACTION:</b>	<b>1. Employers to circulate as above for general information. 2. This circular should also be brought to the attention of those who have submitted an application for ill health retirement or are considering applying for ill health retirement.</b>
<b>SUBJECT:</b>	<b>CHANGES TO SPPA'S ILL HEALTH RETIREMENT APPLICATIONS - INTERNAL DISPUTE RESOLUTION PROCEDURES STAGE 2</b>

**The purpose of this circular is to notify NHS pension scheme members, their employers and representatives, that changes will be implemented to the way SPPA process IDR 2 medical appeals with effect from 1 November 2010.**

## **Background**

The 2008 reform of the NHS Pension Scheme's ill health provisions introduced two-tier ill health arrangements under which applicants are considered for a lower tier or upper tier ill health pension. The application process results in one of the following outcomes:

- Application refused because the medical evidence provided does not allow the SPPA medical advisor to conclude that the illness is permanent.
- An award of lower tier ill health pension (member assessed as unable to do his own job but assessed as capable of undertaking some other kind of employment).
- An award of lower tier ill health pension given but the applicant is also advised that he can ask for a reassessment within three years.
- An award of upper tier pension (member assessed as being unable to do any work)

Applicants' rights of appeal against the management of and decisions on their application are set out in regulations and incorporate the right to invoke the SPPA Internal Dispute Resolution Procedure (IDRP); the right to request the Pensions Ombudsman to review the handling and/or outcome of their application and the ultimate right to legally challenge outcomes through the appropriate courts.

From 1 October 2008 both the initial application and IDR 1 process have been dealt with by the SPPA's medical Advisors "Atos Healthcare" who examine the medical evidence provided and without the need for a face to face examination (in most cases) make a recommendation on the outcome of the ill health application.

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## New process being introduced for medical IDR P 2 appeals

Following agreement with NHS employers and staff representatives through the Scottish NHS Pensions Group (SPG) SPPA will no longer appoint an independent medical adviser to examine the appellant in a face to face consultation. **This change will take effect for all IRDP 2 medical appeal cases received by SPPA from and including 1 November 2010.**

Atos Healthcare have been appointed to consider and make recommendations on IDR P Stage 2 requests. Atos Healthcare will make a recommendation to SPPA solely on the basis of the medical evidence provided by the member and his or her employer (i.e. a paper-based assessment), although the facility to have a face to face examination as in IDR P stage 1 applications will still be available in exceptional circumstances.

Our reasons for making this change are:-

- to achieve a faster turnaround in decision-making ( IDR P 1 cases are currently dealt with by Atos within a week of receiving all the relevant information);
- to reduce the average cost of medical advice by around half the current cost; and
- to eliminate the potential for variability in medical advice inherent in the current approach.

SPPA places considerable importance on the need for any supplier of medical advice to assure the independence of that advice and is alert to the risk of a conflict of interest within a provider of independent medical advice for both IDR P Stage 1 and Stage 2 requests. A formal, transparent process of separation of involvement has therefore been agreed with Atos Healthcare for IDR P Stage 2. Such a process is already in place and working successfully for applications dealt with in the NHS scheme in England and Wales.

In summary, the paper-based approach simply changes the basis on which evidence is considered in order to make the process more efficient and effective and emphasises the importance that all relevant supporting evidence is provided with the member's application. This change does not affect the right of the member to take their case to the Pensions Ombudsman if dissatisfied with the outcome.

General information about the SPPA IDR P process can be found on the SPPA website at <http://www.sppa.gov.uk/nhs/documents/IDRPSEP10.pdf>

**Jim Preston**  
**Senior Policy Manager**  
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**Contact Information:** All enquiries about this circular should be addressed in writing to Sharon Liptrott, NHS Pension Scheme (Scotland) Policy Manager at the above address or by email to [Sharon.liptrott@scotland.gsi.gov.uk](mailto:Sharon.liptrott@scotland.gsi.gov.uk).

**Scottish Public Pensions Agency**  
7 Tweedside Park  
Tweedbank  
GALASHIELS  
TD1 3TE

[www.sppa.gov.uk](http://www.sppa.gov.uk)  
Telephone: 01896 893000  
Fax: 01896 893230

