

Appendix to “Instructions and Guidance for Respondents” in cases concerning an application for retirement on grounds of ill health

We are sending you this appendix because it sets out the information we require from all respondents to complaints regarding ill health. We would be very grateful if you could supply the following documents / information with your response to the complaint. If you are unable to supply these documents straight away, please explain why and let us know when you will be able to supply them to us.

- Copy of Trust Deed and Scheme Rule(s) relating to ill health, including the definition of ill health / incapacity, as they stood **at the time when the decision on this case was made**. (We are happy to accept these by e-mail or on a CD which is compatible with our systems, if you have them electronically. Alternatively, if you have a website where these are displayed, it would be helpful if you could direct us to this in your response.) We already have access to the Statutory Instruments which govern some Schemes, so there is no need to send us copies of these.
- Medical evidence **on which the decision to refuse the award of a pension on ill health grounds** was based. For example, GP records, consultants' reports, occupational health unit notes.
- Minutes of the meeting where the decision on the application for ill health retirement was made.
- Correspondence between the employer / Trustees and the medical adviser.
- Any relevant guidance notes. For example those given to / used by the medical adviser or used by the decision maker / Trustees.

We might ask you to provide further information during the course of our investigation, and we hope that you will send us any additional documents that you consider are relevant in addition to what we have asked for.

We recognise that some of the information we are asking for is highly confidential and possibly very sensitive. However, we will need you to supply this information in order to deal with this complaint. It might help you to know that the Pensions Ombudsman has the power to require you to supply this information under section 150 of the Pension Schemes Act 1993 and, for this reason, we are not enclosing a consent form from the applicant(s).

When we have impartially considered the information / evidence that you and the other party/ies to the complaint send us, we might contact you to explain how we think the Ombudsman is likely to view matters and make suggestions about how the complaint might be resolved. Alternatively, the Pensions Ombudsman or the Deputy Pensions Ombudsman may reach an initial view about the complaint and issue his Notification of Preliminary Conclusions. Whichever happens, we will ask you to give us your considered opinion.

Thank you for your co-operation.