

## Ill health pensions

**Ill health pensions are a common topic for complaints made to The Pensions Ombudsman (TPO). This factsheet outlines what to do if you have a complaint about ill health pensions.**

### What is an ill health pension?

A pension scheme may provide for your pension to start being paid before your normal retirement age if you are unable to work due to ill health. The conditions for payment will depend on the type of the scheme, the rules of the scheme and your situation.

If you have a serious ill-health condition (usually defined as less than one year life expectancy), a pension scheme may allow you to take your pension as a tax-free cash lump sum.

### Who decides if I can be paid an ill health pension?

This will depend on the scheme rules. Usually, it will be your employer or the trustees of the scheme who will make the decision. The scheme rules may also require the decision maker to seek a medical expert's opinion.

The scheme rules may require the trustees to review the health of someone who is being paid an ill health pension, to ensure that they are still eligible to receive it.

Where a scheme is run by a scheme manager rather than trustees, the same principles apply to the scheme manager.

### What should I do if I have a complaint about an ill health pension?

You should first raise the issue with any party you believe to be at fault and give them a chance to put things right.

You should do this by setting out your complaint to them in writing. You may want to ask for a copy of the complaint process and also the scheme rules, policies or guidance under which the decision was made.

It is important that you complain to any party you believe to be at fault as soon as possible, as there are time limits for bringing a complaint to us.

For further information, see our factsheet "[Complaining to the party/parties at fault](#)".

If you are unhappy with their reply or they do not respond within eight weeks, you can submit a complaint to us.

## What can TPO investigate?

Common complaints that we can deal with include:

- “I disagree with the decision not to pay me an ill health pension from my pension scheme.”
- “I believe I am receiving the wrong type or amount of ill health pension from my pension scheme.”
- “I believe my application for an ill health pension did not go through the correct process.”

These are only examples. If your complaint is different, we may still be able to investigate it.

We can investigate whether a decision about an ill health pension followed the proper process.

This can include looking at whether the decision maker:

- was the right person to make the decision
- followed the requirements of the scheme rules
- interpreted the scheme rules correctly, and
- took into account the appropriate factors in reaching their decision.

We can also look at related complaints, for example where you were given the wrong information about an ill health pension, received the wrong level of ill health pension, or there was a delay in the process.

## What can TPO decide?

If the proper process has not been followed, we can direct the decision maker to reconsider their decision, following the proper process.

We can also make an award for any distress and inconvenience you may have suffered. For further information, see our factsheet [“Redress for non-financial injustice”](#).

We are not medical experts and are not qualified to question medical advice received by the decision maker. If the decision maker has received appropriate medical advice that is relevant to their decision, we cannot direct them to ignore that medical advice, or determine that the medical advice is wrong.

## How can I complain to TPO?

[Check](#) to see if we can deal with your complaint. If we can, you can complete an application online. You will need to include full details of your complaint together with the response (if any) from any party you believe to be at fault. We will then be able to consider how best we can help. It is also helpful if you can provide us with:

- copies of the policies and scheme rules that the decision was made under, and

- any additional relevant correspondence between you and any party you consider to be at fault.

## Further information

For further information about TPO, including details about who we are, the way we investigate complaints, and how to make a complaint, visit [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk).

The Pensions Ombudsman is an independent organisation set up by law. Our primary function is handling pension complaints and disputes. We act impartially and our service is free.

This factsheet is part of a general overview of The Pensions Ombudsman's role and investigation process. It does not constitute legal advice or other professional advice. The Pensions Ombudsman will consider each application on a case-by-case basis, having regards to the facts and evidence in each case and in accordance with relevant legislation. You should consult a professional adviser for legal or other advice.