



A Guide to the Internal Dispute Resolution Procedures

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Introduction

This booklet describes our formal procedures for settling complaints and explains why we have set them up. We hope that most problems can be dealt with informally but recognise that sometimes this is not possible.

Background

The Pensions Act 1995 requires all occupational pension schemes, including those we administer, to have a formal Internal Dispute Resolution Procedure (IDRP).

This booklet sets out the procedures used by the National Health Service Superannuation Scheme in Scotland and the Scottish Teachers' Superannuation Scheme. These procedures comply with section 50 of the Pensions Act 1995 and the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.

The procedures give Scheme members, prospective Scheme members, and the dependants of a person who was a Scheme member, the opportunity to have complaints considered by someone who was not involved in the original decision.

SPPA staff are fully committed to ensuring that you receive an efficient and courteous service.

These arrangements do not apply if any court or tribunal proceedings have started or if the Pensions Ombudsman or the Scottish Public Services Ombudsman has begun an investigation (page 9 explains the role of TPAS and the Pensions Ombudsman: page 10 explains the role of the Scottish Public Services Ombudsman).

Who can use the Internal Dispute Resolution Procedures?

All of the following people:

- ▶ Members of the Scheme

This includes current members, members who have received their pension from the Scheme, members who have preserved benefits in the Scheme and members with some service left in the Scheme but who have not taken a refund of their contributions or transferred their service to another scheme.

- ▶ Prospective members

This means people who are entitled to join or rejoin the Scheme but have not done so.

- ▶ Widows, widowers, surviving civil partners or dependants of deceased members.
- ▶ People who think they might, or should, fall into one of the above categories.
- ▶ People who were in one of the above categories at some time during the 6 months before the complaint.

You may wish to ask someone else to make and manage your complaint on your behalf. This could be a family friend or relative or a trade union representative. You must ensure that anyone acting on your behalf has a written and signed agreement (a mandate) from you, as we will need to see this before we can pass any information we hold about you to another person.

The Internal Dispute Resolution Procedure

The vast majority of pension problems you may have can be resolved or explained quickly. Before using the formal process you can, of course, write back to the person who made the original decision and ask them to reconsider. If there are facts you think have been ignored or extra information you feel should be considered, please say so. If this informal process fails to resolve the issues, you can move to the formal process which has two stages.

The first stage requires us to reconsider the original decision. The Director of Operations will nominate someone (an “appointed person”) to do this. The appointed person would not have been involved in any part of the original decision. In this way the appointed person can act independently and reach a decision purely on the facts of the case as they appear to him or her (see page 5).

If you disagree with the decision of the appointed person, you can ask the Director of Operations to review that decision (see page 6).

Subsequent action

If you are still dissatisfied after going through the formal process, there are two ways of taking the matter further.

1. If the problem involves interpretation of the regulations only, you can ask for a ruling on your case and SPPA will action on behalf of the Scottish Ministers, who will have responsibility for questions about a person’s rights under the regulations. The ruling is called a “determination”.
2. If the problem involves potential maladministration, you can approach The Pensions Advisory Service (TPAS) and the Pensions Ombudsman or the Scottish Public Services Ombudsman (see pages 9 and 10). It is not enough merely to disagree with a decision: the complainant must have reason to believe that the decision was not properly made or implemented.

Ill-health retirement

Appeals against the refusal of an application for ill-health retirement are dealt with in a slightly different way (see page 7).

Stage 1

How to apply to the appointed person for a review

Your application for a review must be in writing and must be signed. You can use the form at the back of this booklet if you wish.

Please apply to the appointed person as quickly as possible after you received the information you are complaining about, then the details of any discussion will still be current. We would expect you to raise your concerns within 6 months of receiving the details you wish to complain about.

What information does the appointed person require?

You should explain your complaint as fully as you can, enclosing copies of any documents you think may be helpful.

Please include your full name, address, date of birth, National Insurance number, your superannuation number (if you have one) and the name of your employer.

If you are acting on behalf of someone else, you will need to supply the same information and provide relevant information about yourself (for example, if you are a representative, then you will need to give your name and an address for correspondence). Written evidence of your authority to act on behalf of the complainant must also be provided.

The appointed person's response

The regulations say that the appointed person must give you a decision within 2 months of receiving your complaint. If that is not possible, you will be sent a letter explaining why and giving the expected decision date. However, the appointed person aims to respond more quickly, generally within 15 working days of receiving the complaint.

The letter will explain the decision and include the relevant Scheme regulations that were considered in reaching it. It will also say that you have the right for the decision to be reviewed by the Director of Operations.

Stage 2

How to apply to the Director of Operations for a review

Your application for a review must be made within 6 months of receiving the appointed person's decision. It must be in writing and must be signed.

What information does the Director of Operations need?

You will need to send a copy of the decision from the appointed person and a letter stating that you wish the Director of Operations to reconsider the appointed person's decision. You should explain why you disagree.

The Director of Operation's response

The regulations say that the Director of Operations must give you a decision within 2 months of receiving your complaint. If that is not possible, you will be sent a letter explaining why and giving the expected decision date. However, the Director of Operations aims, if possible, to respond more quickly, generally within 15 working days of receiving the complaint.

The reply will say whether this decision confirms or replaces the appointed person's decision. It will include the Scheme rules that have been taken into account in reaching the decision. The reply will also point out when The Pensions Advisory Service (TPAS) and the Pensions Ombudsman or the Scottish Public Services Ombudsman can help with problems which have not been resolved under IDR. The reply will give their addresses and telephone numbers. TPAS would almost always be the first point of contact. If you contact the Pensions Ombudsman first, he will usually pass it to TPAS. Alternatively, you can contact the Scottish Public Services Ombudsman.

The reply will also say that if your complaint has still not been resolved and is about the interpretation of the Scheme regulations, you can seek a "determination" by SPPA on behalf of Scottish Ministers (see page 8).

Ill-health retirement

Any decision to reject an application for ill-health retirement depends on medical advice, so we take a slightly different approach.

A leaflet explaining the procedure is available on request from SPPA or can be obtained from our website www.sppa.gov.uk.

Essentially, if we refuse an application, you can ask for a review. If the original decision to refuse is confirmed, we will consult an independent occupational health specialist to confirm that we have considered all the relevant points. We will then write to you with the decision.

If the first review is unsatisfactory to you, you can ask for a second review. An independent medical adviser will then review your case.

There is no limit to the number of reviews you can request. But a decision to refuse ill-health retirement is unlikely to be overturned unless you give additional medical evidence. Without it, our medical advisers can only make a recommendation based on the evidence supplied at the time of the earlier decision.

If you remain dissatisfied, you can seek a ruling by SPPA on behalf of Scottish Ministers (see page 8).

Rulings from the Scottish Ministers

You can appeal to SPPA for a decision to be made on behalf of Scottish Ministers whether the action taken in the case accords with the regulations which govern the Scheme. This includes ill-health retirement cases.

The ruling is called a “determination”.

This process is totally independent of the Scheme’s own administration procedures. None of the staff who was previously involved in the case will take part in the determination.

To seek a determination, a person should write to our Director of Policy (the address is given at the end of this booklet) setting out why there is disagreement over the interpretation of the regulations. The Director of Policy will then send you information about the process.

The Pensions Advisory Service (TPAS) and the Pensions Ombudsman

Using The Pensions Advisory Service

TPAS offers a free service to all prospective members, members or the dependants of members of pension schemes who have problems with their pensions. Its advisors can help explain your pension and obtain more information about it.

You can ask TPAS for help at any time if you are having difficulty sorting out your complaint under our procedures.

If you are unhappy about how the appointed person or the Director of Operations has handled your case, you need not wait until completing our procedures before you complain to TPAS.

If TPAS cannot sort out your problem, and it believes there has been maladministration or that the Director of Operations' decision is wrong, it will recommend that you make a formal complaint to the Pensions Ombudsman. You should contact TPAS before going to the Pensions Ombudsman.

The address of TPAS is: 11 Belgrave Road
London
SW1V 1RB
(telephone 0845 601 2923)

Applying to the Pensions Ombudsman

The Pensions Ombudsman can investigate complaints of maladministration or disputes of fact or law about decisions concerning your pension. You should normally have gone through our IDR procedures and taken your complaint to TPAS before the Pensions Ombudsman will consider investigating it.

The Pensions Ombudsman's address is: 11 Belgrave Road
London
SW1V 1RB
(telephone 020 7834 9144)

The Scottish Public Services Ombudsman

Using the Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman provides an open, accountable and accessible public services complaints system and offers members of the public an independent, free and fair response to complaints about public services.

The address of the Scottish Public Services Ombudsman is:

4 Melville Street
Edinburgh
EH3 7NS
Tel 0870 011 5378.

If you need to discuss anything with us or write to us seeking further information, you should contact the address at the end of this booklet.

Contact Us

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

Tel 01896 893100 (National Health Service Superannuation Scheme)

Tel 01896 893000 (Scottish Teachers' Superannuation Scheme)

Fax 01896 893214

www.sppa.gov.uk

Form IDRP.1

Internal Dispute Resolution Procedures

Application to the appointed person (Stage 1)

You can use this form to ask the appointed person to review your complaint.

These procedures should not be used if:

- ▶ either the Pensions Ombudsman or the Scottish Public Services Ombudsman has started any investigations into the complaint or had the dispute referred to them; or
- ▶ the disagreement has led to court or tribunal proceedings being started.

1. **Name of Pension Scheme (NHS, STSS)** _____

2. **Complainant's details (this information must be supplied in all cases)**

(Please print)

Full name _____

Address _____

Date of birth _____

National Insurance number _____

Superannuation number (if applicable) _____

Name of employer _____

3. **Representative's details (if someone is acting on your behalf)**

(Please print)

Full name _____

Address _____

Important

If you are acting as a representative, you must provide SPPA with a written mandate, signed by the individual concerned, agreeing to your acting on their behalf, before we can provide you with any information we hold on that individual.

4. **Address to which you would like the appointed person's reply to be sent**

This form is double sided

5. Your status

(Please read this section and tick the correct box)

I would like the appointed person to look into my complaint and make a decision on it.

I am the: Scheme member
prospective Scheme member
former Scheme member
dependant of a former member
representative

6. Your complaint

Please give details of your complaint on this page. Please explain why you disagree with the original decision and give any details you think are relevant. If there are any documents from SPPA, your employer or any other sources which you think might be helpful, please enclose them.

Use a separate sheet of paper if you need to but please write on it your name, your NI number and your superannuation number (if applicable).

7. Please sign and date below

Signed: _____ Date: _____

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

Tel: 01896 893100 (National Health Service Superannuation Scheme)
01896 893000 (Scottish Teachers' Superannuation Scheme)

Fax: 01896 893214

Form IDRP.2

Internal Dispute Resolution Procedures

Application to the Director of Operations (Stage 2)

You can use this form to apply to the Director of Operations if you are not happy with the decision of the appointed person and want your complaint to be reconsidered.

These procedures should not be used if:

- ▶ either the Pensions Ombudsman or the Scottish Public Services Ombudsman has started any investigations into the complaint or had the dispute referred to them; or
- ▶ the disagreement has led to court or tribunal proceedings being started.

1. Name of Pension Scheme (NHS, STSS) _____

2. Complainant's details (this information must be supplied in all cases)

(Please print)

Full name _____

Address _____

Date of birth _____

National Insurance number _____

Superannuation number (if applicable) _____

Name of employer _____

3. Representative's details (if someone is acting on your behalf)

(Please print)

Full name _____

Address _____

Important

If you are acting as a representative, you must provide SPPA with a written mandate, signed by the individual concerned, agreeing to your acting on their behalf, before we can provide you with any information we hold on that individual.

4. Address to which you would like the Director of Operations' reply to be sent

This form is double sided

5. Your status

(Please read this section and tick the correct box)

I would like the Director of Operations to look into my complaint and make a decision on it.

I am the: Scheme member
 prospective Scheme member
 former Scheme member
 dependant of a former member
 representative

6. Your complaint

You have 6 months from the date of the appointed person's letter in which to make a formal complaint to the Director of Operations under Stage 2.

Please give details of your complaint on this page. Please explain why you disagree with the decision and give any details you think are relevant. If there are any documents from SPPA, your employer or any other sources which you think might be helpful, please enclose them. You should also enclose a copy of the letter you should have received from the appointed person after Stage 1 in the procedure.

Use a separate sheet of paper if you need to but please write on it your name, your NI number and your superannuation number (if applicable).

7. Please sign and date below

Signed: _____ Date: _____

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

Tel: 01896 893100 (National Health Service Superannuation Scheme)
01896 893000 (Scottish Teachers' Superannuation Scheme)

Fax: 01896 893214

