



Teachers'



NHS



Firefighters'



Police

Internal Dispute Resolution Procedures

This guide is designed for the use of the NHS, Teachers', Firefighters' and Police pension schemes

Introduction

This booklet describes our formal procedures for settling disputes and disagreements 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 formal Internal Dispute Resolution Procedures (IDRP).

This booklet sets out the procedures used by the NHS, Teachers', Firefighters' and Police pension schemes. These procedures comply with section 50 of the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

The procedures give scheme members, prospective scheme members and the dependants of a person who was a scheme member, the opportunity to have disputes and disagreements 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 8 explains the role of TPAS (The Pensions Advisory Service) and the Pensions Ombudsman: page 9 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, nominated partners, 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 dispute.

You may wish to ask someone else to make and manage your dispute on your behalf. This could be a family friend, relative or 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

Some pension issues can be resolved informally, therefore before considering the formal Internal Dispute Resolution Procedures, you should write to the person who made the original decision. Please give details of the issues concerned, including any facts that you think the decision maker may not have taken into account. The decision maker will look at what you have said and will do their best to provide further clarification. Hopefully this will resolve your enquiry.

If, however, this informal process does not resolve the issues, you can then move to the formal process which has 2 stages.

The IDRП arrangements allow members to challenge decisions on the basis that -

(a) Other information which was available at the time of the original application but not presented, has come to light; and/or

(b) Scheme Regulations have not been applied correctly.

Stage 1 of the formal IDRП requires us to review and reconsider the original decision. The Director of Operations will nominate someone (an “appointed person”) to do this. The appointed person will not have been involved in any part of the original decision making process. In this way the appointed person can act independently and reach their decision based on the facts of the case as they see them (see page 5 for information).

If you disagree with the decision of the appointed person, Stage 2 of the formal IDRП allows you to ask the Director of Policy for a determination which is independent of any consideration already provided by SPPA on your dispute (see page 6 for information).

Subsequent Action

If you are still dissatisfied after going through the formal process, the Pensions Advisory Service (TPAS) is available to assist members. In addition, the Pensions Ombudsman (PO) may investigate and determine any complaint or dispute of fact or law in relation to the pension scheme. The Pensions Ombudsman will normally expect you to have discussed your case with TPAS before an approach is made to him (see page 8). Please note it is not enough merely to disagree with a decision: you must have the reason to believe that the decision was not properly made or implemented. If your complaint is in relation to the administrative actions of SPPA you also have the right to ask the Scottish Public Services Ombudsman (SPSO) to consider your complaint (see page 9). The SPSO will not however consider matters which relate to decisions or omissions relating to provisions of the pension regulations.

Stage 1

How to apply to the Director of Operations for a review

Your application for a review must be in writing and must be signed. You should use the form at the back of this booklet, or alternatively download them from the website, and apply to the Director of Operations as quickly as possible after you receive the decision you are disputing when the details of any discussion will still be current. We would normally expect you to raise your concerns within 6 months of receiving the decision you wish to dispute.

What information does the Director of Operations require?

You should explain your dispute 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 your name and an address for correspondence. Written evidence of your authority to act on behalf of the complainant must also be provided. The Director of Operations will nominate someone (the appointed person) to review the case.

The appointed person's response

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 provide a decision within 15 working days of having all the necessary information.

The letter will explain the decision and refer to the relevant scheme regulations. It will also say that if you are still dissatisfied you have the right to seek a determination from the Director of Policy who has delegated responsibility to act on behalf of Scottish Ministers.

Stage 2

How to apply to the Director of Policy for a determination

Your application for a determination must be made within 6 months of receiving the appointed person's decision. It must be in writing and must be signed. You should use the form at the back of this booklet, or download a copy from the website.

Determination by SPPA on behalf of the Scottish Ministers

A "determination" provides a decision on behalf of the Scottish Ministers on whether the action taken in the case accords with the regulations which govern the scheme. SPPA have delegated responsibility from Scottish Ministers to make decisions in respect of the schemes they administer.

This process is totally independent of the scheme's own administration procedures. None of the staff who were previously involved in the case will take part in the determination.

What information does the Director of Policy 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 Policy to reconsider the appointed person's decision. You should explain why you disagree.

The Director of Policy's response

The regulations say that the Director of Policy must give you a determination within a reasonable period of receiving your application. If that is not possible, you will be sent a letter explaining why and giving the expected decision date. However, the Director of Policy aims to provide a decision within 15 working days of having all the necessary information available to make a decision on your application.

The letter will say whether this decision confirms or replaces the appointed person's decision. It will refer to the scheme rules that have been taken into account in reaching the decision. The reply will also remind you that 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.

ill health retirement - NHS and Teachers only*

**Police and Firefighters members should contact their employing authority for medical reviews. Medical appeals for police officers and firefighters are considered outside of the IDRPs process. These appeals are considered by a Board of Medical Referees.*

Any decision to reject an NHS or Teachers application for ill health retirement depends on medical advice.

If your ill health application is refused, you can ask for a review (IDRP 1). At this review we will consult another medical adviser who has not previously been involved in the case to confirm that we have considered all the relevant points. We will then write to you with the decision.

If you are not satisfied with the outcome of the review, you can ask for a determination (IDRP 2) which will be considered by the Director of Policy on behalf of the Scottish Ministers. The Director of Policy may also seek further medical advice and in which case he will use a medical adviser that had not been involved in the case previously.

However, a decision to refuse ill health retirement is unlikely to be overturned unless you give additional medical evidence in support of your original application which could and should have been presented with the original application. Without it, our medical advisers can only make a recommendation based on the evidence supplied at the time of the earlier decision. The dispute process is designed to test that decisions have been made properly and taking account of relevant and appropriate evidence.

The Pension 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 advisers 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 dispute under our procedures.

If you are unhappy about how your case has been handled, 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 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 0300 123 1047)

www.pensionsadvisoryservice.org.uk

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 IDRPs and taken your dispute to TPAS before the Pensions Ombudsman will consider investigating it.

The Pensions Ombudsman's address is:

11 Belgrave Road

London

SW1V 1RB

(telephone 020 7630 2200)

www.pensions-ombudsman.org.uk

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 Scottish Public Services Ombudsman can consider complaints which relate to the administrative actions of the SPPA, however, it is unlikely they can accept complaints which relate to decisions or omissions relating to provisions of pension regulations. You should contact the Scottish Public Services Ombudsman directly to discuss whether your complaint can be considered

The address of the Scottish Public Services Ombudsman is:

4 Melville Street
Edinburgh
EH3 7NS
Tel 0800 377 7330
www.spsso.org.uk

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

Contact Us

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE
Tel 01896 893000
Fax 01896 893214
www.sppa.gov.uk

Internal Dispute Resolution Procedures

Application to the Director of Operations (Stage 1)

You can use this form to ask the Director of Operations to review your case.

These procedures should not be used if:

- either the Pension Ombudsman or the Scottish Public Service Ombudsman has started investigations into the dispute referred to them; or
- the disagreement has led to court or tribunal proceedings being started.

1. Name of pension scheme *(tick whichever applicable)*

NHS Teachers' Firefighters' Police

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

Full name

Address

Date of birth

/ /

NI number

Superannuation
no. *(if applicable)*

Name of employer

3. Representative's details *(if someone 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 reply to be sent

Address

5. Your status *(please read this section and tick the correct box)*

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

- I am the:
- | | |
|------------------------------|--------------------------|
| scheme member | <input type="checkbox"/> |
| prospective scheme member | <input type="checkbox"/> |
| former scheme member | <input type="checkbox"/> |
| dependant of a former member | <input type="checkbox"/> |
| representative | <input type="checkbox"/> |

6. Your dispute

Although there is no definitive time limit we would normally expect you to raise your concerns within six months of the decision you would like to dispute.

Please give details of your dispute and explain why you disagree with the original decision. 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 and please write 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 893000
Fax: 01896 893214

Internal Dispute Resolution Procedures

Application to the Director of Policy (Stage 2)

You can use this form to apply to the Director of Policy if you are unhappy with the decision of the appointed person and want a determination on behalf of the Scottish Ministers.

These procedures should not be used if:

- either the Pension Ombudsman or the Scottish Public Service Ombudsman has started investigations into the dispute referred to them; or
- the disagreement has led to court or tribunal proceedings being started.

1. Name of pension scheme (tick whichever applicable)

NHS Teachers' Firefighters' Police

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

Full name

Address

Date of birth

/ /

NI number

Superannuation
no. (if applicable)

Name of employer

3. Representative's details (if someone 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 reply to be sent

Address

5. Your status *(please read this section and tick the correct box)*

I would like to Director of Policy to look into my dispute and give a determination on behalf of the Scottish Ministers.

I am the:

scheme member

prospective scheme member

former scheme member

dependant of a former member

representative

6. Your dispute

You have six months from the date of the appointed person's letter in which to make a formal request to the Director of Policy under Stage 2.

Please give details of your dispute and explain why you disagree with the original decision. 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 and please write your name, your NI number and your superannuation number (if applicable).

7. Please sign and date below

Signed

Date

Send your completed application to:

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

Tel: 01896 893000 Fax: 01896 893214