

Internal Dispute Resolution Procedure

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

For applications made from and including 1 May 2018

IDRP 2018 v1.0

Introduction

This booklet describes SPPA's formal procedures for settling disputes and disagreements and explains why it has set them up. SPPA hope that most problems can be dealt with informally but recognise that sometimes this is not possible. This booklet is applicable for all new IDRPs applications that have been made on or after 1 May 2018. Any dispute received before that date will be dealt with under the previous two stage process.

Background

The Pensions Act 1995 ("the 1995 Act") requires all occupational pension schemes, including those SPPA administers, to have formal Internal Dispute Resolution Procedures (IDRP).

This booklet sets out the procedures used by the NHS, Teachers', Firefighters' and Police pension schemes in Scotland. These procedures comply with Section 50 of the 1995 Act and Regulation 2 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, fair and courteous service.

These arrangements do not apply if any court or tribunal proceedings have started or if either the Pensions Ombudsman or the Scottish Public Services Ombudsman have begun an investigation.

Who can use the Internal Dispute Resolution Procedures?

Under the 1995 Act, IDRPs are available to “people with an interest in the scheme”. This can include 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 re-join the scheme but have not done so.
- widows, widowers, nominated partners, surviving civil partners, or dependants of deceased members.
- people who have ceased to be a member, beneficiary or prospective member, or
- people who claim to be in one of the above categories above and the dispute relates to whether they are such a person.

Please, note, if you have ceased to be a member, beneficiary or prospective member, or if you claim to have formerly been such a person, we would expect your application to be made within six months of the date you ceased to be or claimed to be a person with an interest in the scheme.

The Internal Dispute Resolution Procedure

Some pension issues can be resolved informally. Therefore before considering the formal IDRPs, 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.

The IDRPs arrangements allow individuals 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) If you are not satisfied with the way in which your case has been handled, or you do not feel that sufficient consideration has been given when applying the pension scheme's regulations.

(c) If you believe the scheme regulations have not been applied correctly.

A formal IDRPs is an appeal to the Scottish Ministers that will be determined on their behalf by the Director of Policy at SPPA. The determination requires a full review of the original decision.

The Director of Policy will not have been involved in any part of the original decision making process so therefore acts independently, ensuring an IDRPs decision is based on the facts of the case.

How to apply to the Director of Policy for a review and determination

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 it from the website. You should apply to the Director of Policy as quickly as possible after you receive the decision, but your application should be made no later than six months of receiving the decision you wish to dispute.

What information does the Director of Policy 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 someone else must also be provided.

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 agrees with the regulations which govern the scheme. SPPA have delegated responsibility from Scottish Ministers to make decisions in respect of the schemes it administers.

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.

The Director of Policy’s response

The 1995 Act says that you must be given a determination within a reasonable period of your application. Disputes can be complex and require further information or enquiries and to reflect that the Director of Policy aims to complete all IDRP’s within four months of receiving them. This period is considered by the Pensions Regulator to meet the reasonable period set out in the 1995 Act. If it appears that it will not be possible to meet that target, you will be sent a letter explaining why and given a revised decision date. However, the Director of Policy aims to provide a decision within 20 working days of having all the necessary information available to make a decision on your application.

When the Director of Policy reaches a decision, you will be sent a letter to inform you of the outcome of your appeal. The letter will provide a full rationale for the decision and will refer to the specific scheme regulations or rules that have been taken into account in reaching the decision. The reply will also remind you that the Pensions Ombudsman or the Scottish Public Services Ombudsman can help with problems which have not been resolved under IDRP and will provide their contact details.

Ill health retirement – Police and Firefighters only

Police and Firefighters' members should contact their employing authority for medical appeals. These appeals are considered by an independent Board of Medical Referees and as such are considered outside the IDRPs process.

Ill health retirement - NHS and Teachers only

Any decision to accept or reject a NHS or Teachers' application for ill health retirement will take into consideration medical advice.

If your ill health application is refused, you can ask for a determination (IDRP) which will be considered by the Director of Policy on behalf of Scottish Ministers. At this review SPPA will consult a different medical adviser who has not previously been involved in the case to confirm that all the relevant points have been considered. SPPA will then write to you with the decision.

However, a decision to refuse ill health retirement is unlikely to be overturned unless you are able to provide additional medical or other 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 initial decision. The dispute process is designed to test that decisions have been made properly and taking account of relevant and appropriate evidence.

Subsequent Action

If you are still dissatisfied after going through the formal process, you may wish to consider taking your dispute to the Pensions Ombudsman (TPO). TPO may investigate and determine any complaint or dispute of fact or law in relation to the pension scheme. Please note it is not enough merely to disagree with a decision; you must have reason to believe that the decision was not properly made or implemented.

The Pensions Ombudsman can be contacted at:

10 South Colonnade, Canary Wharf, E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint form online:

www.pensions-ombudsman.org.uk/our-service/make-a-complaint/.

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. The SPSO will not however consider matters which relate to decisions or omissions relating to the provisions of the pension regulations. The SPSO website address is www.spsso.org.uk and its telephone number is 0800 377 7330.

If you have general requests for information or guidance concerning your pension arrangements contact:

The Pensions Advisory Service
11 Belgrave Road, London, SW1V 1RB
Telephone: 0300 123 1047
Website: www.pensionsadvisoryservice.org.uk/

Contact Us

If you have any questions about the information contained in this document, please contact the SPPA at:

SPPA
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE
Telephone: 01896 893000
Fax: 01896 893214
Email: IDRPapplications@gov.scot
Website: www.sppa.gov.uk



Internal Dispute Resolution Procedures - For applications made after 1 May 2018 Application to the Director of Policy

You can use this form to ask the Director of Policy 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 wherever applicable)

NHS

Teachers'

Firefighters'

Police

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

Surname:

Former surname (if applicable):

Forenames (in full):

Contact Address:

Postcode:

Date of birth (dd mm yyyy):

 / /

Telephone number (including STD code):

Mobile phone number:

Email address:

National Insurance number:

Superannuation number (if applicable):

Name of Employer:

3. Representative's details

If you are appointing someone to represent you please include their details here (please note that if someone is acting on your behalf we will only correspond directly with them).

Surname:

Former surname (if applicable):

Forenames (in full):

Contact Address:

Postcode:

Telephone number (including STD code):

Mobile phone number:

Email address:

Declaration: I authorise the above-named representative to act on my behalf, and for SPPA to provide them with details of my benefits/membership held within the scheme relating to my dispute.

Date:(dd mm yyyy)

 / /

Signature: _____

Name (please print):

4. Your Status (please read this section and tick the correct box)

I would like the 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

5. Your dispute

You have six months from the date of the decision you are disputing to make a formal request to the Director of Policy under IDRP.

Please give details of your dispute in the box below 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 support your IDRP appeal, please enclose them.

If you use a separate piece of paper please write your name, NI number and superannuation number on each sheet.

6. Please sign and date below:

Date:(dd mm yyyy)

Signature: _____

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Once fully completed please return this form to:

**Director of Policy
Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE
Tel: 01896 893000
Fax: 01896 893214**

Email: IDRPapplication@gov.scot