



Scottish Public
Pensions Agency
Buidheann Peinneanan
Poblach na h-Alba

Internal Dispute Resolution Procedure

**This guide is for the NHS, Teachers', Firefighters' and
Police pension schemes**

For applications made from 1 May 2018

IDRP 2020 v1.3

Introduction

This booklet describes the SPPA's formal procedures for settling disputes and explains why it has set them up. The SPPA hope that most problems can be dealt with informally, but recognise that sometimes this is not possible.

It is applicable for all new disputes on or after 1 May 2018. Any ongoing 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 that the 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 considered by someone who was not involved in the original decision.

The SPPA is 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 started an investigation.

Early Resolution

Before appealing through the IDRP process, you may wish to consider discussing a potential complaint with a member of the Pensions Ombudsman's Early Resolution Team. They can also support you through the process, and you can reach their helpline at:

Phone: 0800 917 4487 (selecting the relevant option)

Email: helpline@pensions-ombudsman.org.uk

Who can use the Internal Dispute Resolution Procedures?

Under the 1995 Act, IDR is available to 'people with an interest in the scheme'. This can include all of the following people:

- Members of the scheme: 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: 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 are no longer a member, beneficiary or prospective member, or if you claim to have formerly been such, 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 non-medical IDR, 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 this informal process does not resolve the issues, you can then move to the formal process.

The IDRPs arrangements allow people 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 Head of Business Affairs at the SPPA. The determination requires a full review of the original decision.

How to apply for a review and determination

Your application for a review must be in writing and must be signed (an electronic signature is acceptable). You should use the form at the back of this booklet, or alternatively download it from the website. You should apply to the Head of Business Affairs as quickly as possible after you receive the decision, but your application should be made within six months of receiving the decision you wish to dispute.

What information does the Head of Business Affairs 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.

Important: Written evidence of your authority to act on behalf of someone else must also be provided.

Determination 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 complies with the regulations governing the scheme. The SPPA's Head of Business Affairs has delegated responsibility from Scottish Ministers to make decisions in respect of the schemes administered by the SPPA.

This process is completely independent of each scheme's own administration procedures. None of the SPPA colleagues who were previously involved in the case will contribute to the outcome of the appeal.

The Head of Business Affairs' response

The 1995 Act requires that you must be given a determination within a reasonable period of your application. Disputes can be complex and require further information or enquiries. To reflect that, the Head of Business Affairs aims to resolve all disputes 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 may not be possible to meet that target, you will be sent a letter explaining why and given a revised decision date.

When the Head of Business Affairs 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 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 appeal the decision through IDRPs. At this review, the Head of Business Affairs 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. The 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 taken 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

Telephone: 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 consider matters which relate to decisions or omissions relating to the provisions of the pension regulations.

Telephone: 0800 377 7330

Website: www.spsso.org.uk

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

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

Telephone: 01896 893000

Email: IDRPAapplications@gov.scot

Website: www.pensions.gov.scot

Internal Dispute Resolution Procedures - For applications made after 1 May 2018

Application to the Head of Business Affairs

You can use this form to ask the Head of Business Affairs to review your case.

These procedures should **not** be used if:

- Either the Pension Ombudsman or the Scottish Public Service Ombudsman 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 where applicable)

NHS Teachers Firefighters' Police

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

Surname(s)

Address

Former surname(s) (if applicable)

Forename(s) (in full)

Postcode

Date of birth (e.g. 15/04/1943)

 / /

National Insurance number

Home Telephone number

Mobile number

Email address

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(s)

Address

Former surname(s) (if applicable)

Forename(s) (in full)

Postcode

Home Telephone number

Mobile number

Email address

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

Signature: _____ Date: / /

Name (Please print)

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

I would like the Head of Business Affairs 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 scheme member

5. Your dispute

You have six months from the date of the decision you are disputing to make a formal request to the Head of Business Affairs under IDR P.

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 the SPPA, your employer or any other sources which you think might support your IDR P appeal, detail below or attach separately.

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

6. Please sign and date below:

Signature: _____

Date:

/ /

Please return this form to:

Head of Business Affairs

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

Email: IDRPAapplications@gov.scot