

Complaints and Disputes

incorporating the Internal Dispute Resolution (IDR) Procedures

Administering pensions and injury benefit claims is complex, and mistakes can be made. This leaflet describes what NHS Pensions Division will do if something goes wrong.

Introduction

NHS Pensions Division staff will try to be helpful and ensure that your pension or your injury benefit claim is correctly administered. But these issues are complex, there may be times when you think we have made a mistake, or you simply do not agree with a decision, or you feel we have not dealt with your case very well. Our procedures for dealing with complaints and disputes comply with legislation which applies to all pension and similar schemes. Our aim is to give you a quick, but thorough, response which answers your concerns properly.

Who can complain?

Anyone who has dealings with the NHS Pension Scheme or Injury Benefit Scheme, for example:

- anyone who receives or is expecting to receive benefits from either Scheme;
- any NHS employee who wishes to join the Pension Scheme; and
- anyone nominated by the above to represent them.

How to complain

Please complete and return form DRP1, which will initiate the IDR procedure. If you do not have a copy you can download one from the Pension Scheme or Injury Benefit website (the form is the same for both schemes). You must provide:

- your full name, address, date of birth and National Insurance number
- your NHS Pension Scheme membership number or your Injury Benefit reference number, depending on which scheme your complaint concerns. These numbers are quoted on the correspondence.

If you are a relation of the Pension Scheme member or IB claimant you will need to provide details about yourself.

If you are acting as a representative, give your full name, relationship to the Pension Scheme member or Injury Benefit claimant and the address where the reply should be sent to.

State the reason for your complaint or disagreement; and then sign the form for yourself, or sign on behalf of the person complaining.

What happens next?

A Disputes Officer will review the papers and carefully consider each point made in your application of complaint. We will tell you the outcome in writing. This is a Stage 1 IDR. We aim to:

- explain the decision, and whether there has been any change to the previous decision;
- refer to any regulations or law affecting the decision; refer to any other papers which were important in reaching the review decision and indicate where any discretion under our rules has been given; and
- give the name and address of the person reviewing the case and to whom any further letter should be sent.

We are required by law to reply within two months or to tell you if we are unable to do so. We will keep you informed of progress.

You are entitled to have your case looked at a second time if you are dissatisfied with the review decision. If you want to do this, you must do so within six months. The second review will be carried out by a Scheme Manager who is required by law to reply within two months or tell you if they are unable to do so. Again we will keep you informed of progress. This is a Stage 2 IDR.

What other avenues are there?

You can ask The Pensions Advisory Service (TPAS) to help at any stage of your complaint / dispute. Their address is:

TPAS
11 Belgrave Road
London
SW1V 1RD
Tel: 0845 6012 923

You can also contact TPAS through your local Citizens Advice Bureau, whose address and telephone number is in Yellow Pages or visit their website at:

www.pensionsadvisoryservice.org.uk

You may also ask the Pensions Ombudsman to investigate and give a decision on any complaint or dispute of fact or law. However, the Pensions Ombudsman will normally require you to have completed both stages of the IDR procedure first. The Pensions Ombudsman is at the same address as TPAS, and the telephone number is 020 7834 9144 or visit their website at:

www.pensions-ombudsman.org.uk

The Pensions Regulator is responsible for granting time limit extensions for payment of cash equivalents - for transfers - and for complaints about nondisclosure of information.

Their address is:
The Pensions Regulator (TPR)
Napier House
Trafalgar Place
Brighton,
BN1 4DW
Tel: 0870 606 3636

www.thepensionsregulator.gov.uk

Our commitment to dealing with complaints

All replies about complaints will be as open and helpful as possible. Our staff will ensure that:

- decisions are not outside the powers of the Scheme's regulations;
- there has been no abuse of discretionary powers;
- the facts of the case and the reasoning behind the matter at issue are clearly explained;
- there has been no breach of the two fundamental rules of natural justice - which are, the right of appeal before a decision is taken affecting one's interest and the absence of bias on the part of the decision maker.

We have a duty to act fairly and reasonably at each stage of the decision making process, or subsequently under the review procedures.

In practice our decisions will largely follow well established and defined procedures, but the views, concerns or complaints of members will be given due and proper consideration. Our staff will: **be informed** - making sure they have all the facts required and that these facts are correct, giving the member the opportunity to present any new facts or evidence in support of their case.

be fair - by not letting bias or prejudice affect their decision. Taking account only of relevant facts and making sure they have addressed the correct question.

be open minded - being prepared to give full consideration to any new facts or evidence and not assuming that the member's representations will have no effect. In exercising discretion, taking great care not to restrict their powers.

be reasonable - making reasonable assumptions and not assuming that because something happens only rarely it could not have happened in the case under consideration.

Our address is:

NHS Pensions
Hesketh House,
200-220 Broadway
Fleetwood,
FY7 8LG

Please quote your Pension Scheme membership or IB claim number number when phoning **01253 774774**, or faxing **01253 774412**.

You can also visit our website at: **www.pensions.nhsbsa.nhs.uk** or **www.injurybenefit.nhsbsa.nhs.uk**