

Complaints and Disputes

Incorporating the Internal Dispute
Resolution (IDR) Procedures

What NHS Pensions will do if something
goes wrong

Introduction

NHS Pensions staff will try to be helpful and ensure that information about your pension record and your entitlement to benefits is correct. As many pension 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 schemes. Our aim is to give you a response which answers your concerns properly.

Who can complain?

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

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

To whom do I complain?

Please complete and return the enclosed form DRP1, which will start the IDR procedure. You must provide:

- your full name, address, date of birth, National Insurance number and your membership number, (which is quoted on the correspondence), and if you are a relation of the member, details about yourself.
- if you are acting as a representative, give your full name, relationship to scheme member and the address where the reply should be sent to.
- the reason for your disagreement; and then
- sign, or sign on behalf of the person complaining.

We may need to ask you for a form of authority before we can disclose information to you, if you are not the member.

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 regulations 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 will reply within 2 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 should do so within 6 months. The second review will be carried out by a Disputes Manager who will reply within 2 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 1RB 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 7630 2200 or visit their website at: www.pensions-ombudsman.org.uk

Our commitment to dealing with complaints

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

- 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 2 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 membership number when phoning 0845 421 4000, or faxing 01253 774412. You can also visit our website at: www.nhsbsa.nhs.uk/pensions.