

## NHS Injury Benefits Scheme - Complaints and disputes procedures

### What the NHSBSA will do if something goes wrong

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 the NHS Injury Benefit Scheme. Our aim is to give you a response which answers your concerns properly.

### Who can complain?

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

- Anyone who has received or has made an application for NHS Injury Benefits.
- 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 Injury Benefit reference number, (which is quoted on the correspondence), and if you are a relation of the claimant, details about yourself
- your full name, relationship to the claimant and the address where the reply should be sent to if you are acting as a representative
- the reason for your disagreement

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 claimant.

### 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
- give the name and address of the person reviewing the case and to whom any further letter should be sent.

We will 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 should do so within six months. The second review will be carried out by a Disputes Manager who will 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?

### **Early Resolution**

If you need help raising your concerns, or just to discuss a potential complaint with a member of The Pensions Ombudsman Early Resolution Team, you can use their helpline service by:

Phone: 0800 917 4487 and select the option to discuss a potential complaint

Email: [helpline@pensions-ombudsman.org.uk](mailto:helpline@pensions-ombudsman.org.uk)

### **The Pensions Ombudsman (TPO)**

If you prefer to ask for the Ombudsman's help, they will normally require you to have exhausted NHS BSA IDR procedure first. Their telephone number is: 0800 917 4487

Address: The Pensions Ombudsman, 10 South Colonnade, Canary Wharf, E14 4PU

Further information about the services provided by The Pensions Ombudsman can be found at: [www.pensions-ombudsman.org.uk](http://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 limited discretionary powers within the meaning of the NHS Injury Benefit Scheme Regulations
- 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 applicants 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 applicant 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 applicant'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 Business Services Authority,  
NHS Injury Benefits Scheme  
PO Box 683  
Unit 5  
Newcastle Upon Tyne  
NE5 9EE

Please quote your Injury Benefit reference number when phoning 0345 1212522.  
You can also visit our website at: [www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme](http://www.nhsbsa.nhs.uk/nhs-injury-benefits-scheme)

## NHS Injury Benefits Scheme - Complaints and disputes application

### Internal Dispute Resolution (IDR) - Stage 1 Application

In order to start the IDR process you or your representative will need to provide specific information. The details we require are set out in this application form. Failure to provide any of the information we have asked for will result in your application being delayed. We do appreciate that some of the information being requested will already be known to us, however it is a requirement that all such details are provided.

The Disputes Officer will provide you with their decision within two months of receiving your completed application. If they are unable to do so they will write to you to let you know the reasons why and provide you with a date when you will receive their full response. If you have not already done so, please read the guidance contained in the attached leaflet entitled "Complaints and Disputes".

For the attention of: **The Disputes Officer, NHS Injury Benefits**

I wish to apply for a decision under Stage 1 of the IDR procedure, to be made in respect of the attached disagreement, under Section 50 of the Pensions Act 1995 (as amended). I understand that I cannot ask for a decision about this disagreement if:

- proceedings about the disagreement have begun in any court or tribunal, or
- the Pensions Ombudsman has started an investigation into a complaint made, or a dispute referred to him about the disagreement.

IB claimant's signature

Date  /  /

Please complete in all cases giving the member or IB claimant's details (Block CAPITALS please)

Surname

Other names

Injury Benefit reference

IB									
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Date of birth

		/			/				
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National Insurance number

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Address

Post code

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Contact telephone number

Email address

Details of complainant (if different from above)

Your surname

Other names

Relationship to IB claimant

Address for correspondence (if different from above)

Post code

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If you are making a claim for financial loss as part of your complaint or dispute, you will need to provide full details of the loss you consider has occurred, by attaching any documentary evidence to support this.

If your complaint or dispute is in respect of a claim for Temporary Injury Allowance or Permanent Injury Benefit, which has been rejected and you hold medical evidence which has not previously been considered, please attach this.

I have attached the following documentation:

- Additional medical evidence, which has not previously been seen by NHS Injury Benefits
- Details of the financial loss I have incurred
- Other (please provide details)

Please provide full details of your complaint or dispute then return your completed application form, with any additional information you consider relevant, to:

The Disputes Officer  
NHS Injury Benefits Scheme  
PO Box 683  
Unit 5  
Newcastle Upon Tyne  
NE5 9EE

Write the reasons for your request for a decision. Please give all the details you can, including dates and names (if appropriate). Attach any relevant documents securely to this sheet.

Signature of complainant

Date 

		/			/				
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If you are helping the IB claimant to apply for a decision, please give your details below:

Your name

Other names

Relationship IB claimant

Address for correspondence  
(if different from over the page)   

Post code									
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I authorise the above person to act on my behalf

Signature of complainant

Date 

		/			/				
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We may contact you to discuss your application by any of the methods you have entered on this form

**How we use your information**

The NHS Business Services Authority (NHS Injury Benefits) will use the information provided for considering your application and processing any authorised benefits to you or your dependants. We may share your information to enable us to prevent and detect fraud and mistakes, for debt collection purposes, or as required by law. For more information about who we share your information with and how long we keep your personal data, please visit our website at [www.nhsbsa.nhs.uk/yourinformation](http://www.nhsbsa.nhs.uk/yourinformation)