

Fife Pension Fund
Guide to the Internal Dispute Resolution Procedure

This guide sets out Fife Pension Fund's formal process for settling disputes and disagreements. We hope that that most problems can be dealt with informally, but we recognise that sometimes this is not possible.

Definition of a Member

Members, prospective members, or the widow, widower, partner or dependents of a deceased member ("members"), have access to the dispute procedure, which is a two-stage appeal process. A member can use the dispute process to settle any disagreement or complaint they may have about the decisions that have been made about them under the scheme rules. A member can also use the dispute procedure to help to settle any complaint they may have about the way their case has been dealt with.

Decisions by employers

The Local Government Pension Scheme regulations require employers to make decisions relating to scheme membership and entitlement to benefits. For example: -

- Assessing the rate of pension contributions a member must pay
- Benefit entitlement on leaving the scheme e.g. entitlement to an ill health pension, level of ill health pension awarded

A scheme member or prospective scheme member who has a complaint relating to scheme membership, entitlement to benefits, or any decision that has been made by their employer which affects their benefits, should in the first instance contact the employer, giving them the opportunity to resolve the dispute. If a complaint cannot be resolved by the employer, the member can invoke the two-stage Internal Disputes Resolution Procedure (IDRP) by completing the appropriate IDRP appeal form (copy attached at Appendix A). Any complaints received under the Internal Disputes Resolution Procedure must be made in writing within **six months** of the date the member is notified of the decision which is being appealed against.

Decisions by the Administering Authority

Fife Council is the administering authority for the Fife Pension Fund. The Local Government Pension Scheme Regulations require Fife Council as administering authority to make decisions such as

- Calculation and payment of benefits
- Calculation and treatment of transfer benefits
- Determination of to whom benefits should be paid in the event of a member's death

A Scheme member or prospective Scheme member who has a complaint relating to information received, the calculation and payment of benefits, or any decision that has been made by Fife Council about their benefits, should in the first instance write to or email the Pensions Team Leader.

John Mackie
Acting Pensions Team Leader
Fife Council
Rothesay House
Rothesay Place
Glenrothes
Fife KY7 5PQ Email: John.Mackie@fife.gov.uk

If a complaint cannot be resolved by the Pensions Team Leader a member can invoke the two-stage Internal Disputes Resolution Procedure (IDRP) by completing the Pension Complaints and Appeals Form (Appendix A). Any complaints made under the Internal Disputes Resolution Procedure should be made in writing within six months of the date the member is notified of the decision which is being appealed against (although an appeal may be accepted after the six months period).

THE INTERNAL DISPUTE RESOLUTION PROCESS

Stage 1 - Appeal to Appointed Person

If you are dissatisfied with a decision made by either your employer or Fife Council as administering authority that affects your pension rights, then you may submit an appeal within six months of being notified of the decision. An appeal may be accepted out with the six months period if the Appointed Person considers it reasonable to do so. A Panel has been appointed to consider appeals. To provide a mix of expertise of experience and experience, the Panel is made up of: -

- Head of Legal & Democratic Services (Chair)
- Head of Human Resources
- Head of Revenue & Commercial Services
- Executive Director, Finance & Corporate Services – for cases where a panel member had an earlier involvement in a dispute

To submit an appeal, please complete the Pension Complaints and Appeals Form (Appendix A). The form should be returned to the Head of Legal & Democratic Services, who as the Appointed Person, will deal the appeal, consulting with other Panel members as required based on the circumstances of the case.

The Appointed Person must inform you of a decision or send you an interim reply (giving the date you can expect a decision) within two months of receiving your appeal.

Stage 2 – Appeal to Scottish Ministers

If you are dissatisfied with the Stage 1 decision made by the Appointed Person, there is a further right of appeal to the Scottish Ministers. There are strict timelines by which appeals to the Scottish Ministers should be made and these are given below: -

- before the end of 6 months from the date of the Appointed Person's decision
- if an interim reply has been sent but you do not receive a decision on the expected date, you may appeal within one month of the date given in the interim reply that a decision would be made by
- where no response or interim reply is sent to you after 2 months you may appeal by the end of the 3rd month after the date of your application to the Appointed Person

If you are not satisfied with the decision made by the Scottish Ministers, you can take your case to the Pensions Ombudsman.

External Bodies

There are a number of regulatory bodies that may be able to assist you.

The Pensions Ombudsman

The Pensions Ombudsman investigates and decides complaints and disputes about the way that Pension Schemes are run. His role and powers have been decided by Parliament, and he is appointed by the Secretary of State for Work and Pensions. He is completely independent and acts as an impartial adjudicator. There is no charge for using the Pensions Ombudsman's services. The Pensions Ombudsman's decision is final and binding on all the parties to the complaint or dispute. It can be enforced in the Courts. His decision can only be changed by appealing to the appropriate court on a point of law.

Office of the Pensions Ombudsman
10 South Colonnade
Canary Wharf
London
E14 4PU

Website: www.pensions-ombudsman.org.uk
Email: enquiries@pensions-ombudsman.org.uk

The Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman can consider complaints which refer to administrative actions of the Scottish Public Pensions Agency (SPPA) but cannot accept complaints which refer to decisions or omissions relating to provisions of pension regulations.

Scottish Public Services Ombudsman
Freepost SPSO

Website: www.spsso.org.uk
Tel: 0800 377 74330

This is all you need to write on the envelope, and you don't need to use a stamp.

Appendix A - Pension Complaints & Appeals Form

You can use this form if you have a complaint about or wish to appeal against a decision relating to your pension. Please write clearly in ink.

1. Member's Details

If you are the member (the person who is or was in the pension scheme), please give your details in this box. You can then go straight to Section 4.

If you are a member's dependant (for example, husband wife or child) or if you are representing the person with the appeal/complaint, please give the member's details in this box then complete Section 2.

Name	
Address	
Date of Birth	
Employer	
National Insurance No.	

2. Dependant's Details

If you are the member's dependant and the appeal/complaint is about a benefit for you, please give your details in this box. If the appeal/complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box.

Name	
Address	
Date of Birth	
Employer	
National Insurance No.	

3. REPRESENTATIVE'S DETAILS

If you are the member's or dependant's representative, please give your details in this box.

Name	
Address	
Whose address should letters go to?	

4. **YOUR APPEAL/COMPLAINT**

Please give full details of your appeal/complaint in this box. Please try to explain exactly why you are aggrieved, giving any dates or periods of pension scheme membership that you think are relevant. If there is not enough space, please go on to a separate sheet and attach it to this form.

5. **YOUR SIGNATURE**

I would like the appointed person to look into my appeal/complaint and make a decision about it. I am a –

- scheme member/prospective member/former member*
- dependant or a former member*
- member's/dependant's representative*

*delete as appropriate

Signed _____

Date: _____

Please enclose a copy of any notification you received from your employer or administering authority about the decision you are complaining about, together with any other letter or document that you think might be helpful. Please send this form to Head of Legal Services, Fife Council, Fife House, North Street, Glenrothes, Fife, KY7 5LT.