

Local Government Pension Scheme

INTERNAL DISPUTES RESOLUTION PROCEDURE

ENQUIRIES

If you are in doubt about your benefit entitlement or have a problem or question about your Local Government Pension Scheme (LGPS) membership or benefits please either contact your employer or the Pensions Team, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose (Tel 01835 826577 or 01835 825205). They will try to resolve the problem as quickly and efficiently as possible.

The vast majority of problems that members have are, in fact resolved this way. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. An informal enquiry of this kind may save you a lot of time and trouble.

DECISIONS

From the time you join the LGPS to the day benefits are paid decisions are made by your employer and the Pension Scheme administering authority that affect you and your dependants. When you are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

COMPLAINTS

If you are unhappy with any decision you have the right to ask for it to be looked at again under the formal complaints procedure. This is known as the Internal Disputes Resolution Procedure and has two stages that are outlined below.

There are also other regulatory bodies which may be able to help you if you are still unable to resolve matters through the formal procedure. Information on these bodies is given later in this notice.

Please remember that before going to the trouble of making a formal complaint the Pensions Team would welcome the opportunity to resolve the matter informally.

STAGE 1 Referral of Complaint to the “Appointed Person”

If you need to make a formal complaint you should apply to the “Appointed Person” who has been nominated by your employer to consider complaints under the formal disputes procedure.

The “Appointed Person” is:- **The Chief Officer Human Resources, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.** This person will not have been involved in the original decision against which you wish to complain. They may call on such other expert advice as is necessary when considering the evidence of both parties. Any decision must be notified to you in writing.

You can write directly to the “Appointed Person” or by way of the Pensions Team at the address given at the end of this notice. You **must** make a formal complaint, in writing, within 6 months of the date of the notification that you want to complain about.

If the decision is in your favour the employer or administering authority that made the original decision will now have to deal with your case in accordance with the “Appointed Person’s” decision.

STAGE 2 The Scottish Ministers

You can ask for the Scottish Ministers to take a fresh look at your complaint in the following circumstances.

- You are not satisfied with the decision of the “Appointed Person”.
- You have not received a decision or an interim letter from the “Appointed Person” and it is 3 months since you lodged your complaint
- It is one month after the date by which the “Appointed Person” told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

The Pensions Team will provide you with more information about this right during Stage 1 of the process. However the address of the Scottish Ministers is:-

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

If you are still unhappy following the Scottish Minister’s second stage review you can take the case to the Pensions Ombudsman provided you do so within 3 years from the date of the original decision.

ADDITIONAL HELP

The Pensions Advisory Service (TPAS)

TPAS is available at any time to assist members and beneficiaries of the Scheme in connection with any pension query they may have or any difficulty which they cannot resolve with their scheme administrators. TPAS can be contacted at:

Address 11 Belgrave Road
 London
 SW1V 1RB
Telephone 0845 601 2923

Pensions Ombudsman

In cases where a complaint or dispute cannot be resolved after the intervention of TPAS, an application can be made, within three years of the event, to the Pensions Ombudsman for an adjudication. The Ombudsman can investigate and determine any complaint or dispute involving maladministration of the Scheme or matters of fact or law and his or her decision is final and binding (unless the case is taken to the appropriate Court on a point of law). Matters where legal proceedings have already started cannot be investigated. The Pensions Ombudsman can be contacted at:

Address 11 Belgrave Road
 London
 SW1V 1RB
Telephone 0207 834 9144

The Pensions Team

Further information about the formal disputes procedure is available from the Pensions Team.

Address: **The Pensions Team
Scottish Borders Council
Old School Building
Council Headquarters
Newtown St Boswells
Melrose TD6 0SA**

Telephone: **01835 826577 or 01835 825205**

E-mail: **pensions@scotborders.gov.uk**

Website: **www.scotborders.gov.uk/pensions**

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