

SCOTTISH BORDERS COUNCIL PENSION FUND

INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)

People Performance & Change
Pension Fund
Version 2025 1.0
Presented: Joint Pension Fund Committee and Pension Board
6 March 2025

The Scottish Borders Council Pension Fund aims to provide exceptional customer service, but it acknowledges that disputes and issues may sometimes arise. To handle such situations, the fund has established a formal two-stage Internal Dispute Resolution Procedure (IDRP), as required by law, to address disagreements and disputes.

Who Can Complain

Members, prospective members, and the widows, widowers, partners, or dependents of a deceased member can use the procedure. If a member prefers, they can appoint someone else, such as a trade union representative or an adult child, to file a complaint on their behalf. This designated person must be identified in writing by the member. For deceased members, their personal representative can lodge and manage the complaint.

Importantly, there is no charge for investigating complaints at any stage under this procedure. However, if court or tribunal proceedings have already commenced, or if the Pensions Ombudsman has started an investigation, these arrangements are not applicable.

Types of Complaints

Before initiating a complaint, it's vital to identify the nature and target of the complaint because different issues have different processes:

Employers

Employers are responsible for making "first instance decisions" and informing employees of these decisions. Examples include:

- Determining eligibility of an employee to join the scheme
- Applying the appropriate pension contribution rate for the scheme
- Approving ill health retirement based on the opinion of the employer's independent medical adviser

Complaints about scheme membership, benefit entitlements, contribution rates, or decisions made by employers should be directed against the employer.

Pension Fund (or Administering Authority)

The Pension Fund is also tasked with making "first instance decisions" and informing scheme members. Examples include:

- Providing information regarding the scheme
- Calculating and paying pension benefits
- Calculating and handling transfer benefits
- Deciding beneficiaries in the event of a member's death

Complaints concerning information received, benefit calculations, or decisions made by the Pension Fund should be directed against the Pension Fund.

Other Complaints

If the complaint pertains to something other than a decision, such as maladministration, it can be directed to the Pensions Ombudsman. Examples of maladministration include:

- Unreasonable delays in informing a member about or paying pension benefits
- Failure to advise a member about changes in their pension entitlement or scheme rules
- Failure to provide adequate or timely information needed for members to make informed decisions

Although members can use the IDRPs for these complaints, even if maladministration is found, the Appointed Person or Scottish Ministers lack the authority to award compensation for any losses, unlike the Pensions Ombudsman.

The Appointed Person

An independent Appointed Person, from either the scheme employer or administering authority, handles complaints under Stage 1 of the IDRPs. The Appointed Person must not have been involved in the decision being appealed and will consult with the Scottish Borders Council Pension Fund to ensure any determination aligns with regulations.

Discretions

Certain decisions, known as "discretionary decisions," are made by employers or administering authorities. These decisions involve choice rather than mere application of scheme rules. If a complaint concerns a discretionary decision, the Appointed Person will investigate to ensure the discretion was exercised reasonably. The Appointed Person can insist on reconsideration of a decision if found to be unreasonable or non-transparent but cannot overturn the decision itself.

Examples of discretionary decisions include:

- Determining the recipient of a death grant in the event of a scheme member's death

How to Appeal a Decision

Resolving Disputes

Initially, complaints should be directed to either the employer or the Pension Fund, depending on the nature of the issue, to allow for informal resolution.

A complaint against the Pension Fund should be made in writing to:

HR Shared Services Manager at Scottish Borders Council Pension Fund, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA

If unresolved by your employer or the Pension Fund informally, the formal two-stage IDRPs can be invoked by submitting the IDRPs appeal form within six months of the decision being appealed.

Internal Dispute Resolution Procedure: Stage 1

The IDRPA Appeal Form should be sent to the appropriate Appointed Person, who will review the complaint independently. For complaints against the Pension Fund:

The Appointed Person, C/O People Performance & Change, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA

For complaints against an employer, the form should be sent to the employer's nominated Appointed Person.

It is the responsibility of the organisation making the decision, to give the member details of their right to appeal against that decision, the time limit for making such an appeal, the Appointed Person and the process to be followed.

What details does the Appointed Person need?

In all cases members must explain the complaint as fully as possible, enclosing copies of any relevant documents. In particular, if the complaint is about a decision that has been made, a copy of the letter or notice of decision from either the employer or Pension Fund advising the decision should be sent to the Appointed Person.

If you are a relative, dependent or representative of a member, be sure to include the members details such as their National Insurance Number, full name, date of birth and your relationship.

What else may be required?

The Appointed Person may need to ask for more information. For example, if the state of the members health has a bearing on the complaint, they may be asked to attend a medical examination or to give consent for medical records to be released to a doctor by the Appointed Person. This will be done at no cost to the member.

Timescale for the Appointed Person's decision

The Appointed Person should either give a decision within two months of receiving a written complaint, or write to the member at the end of two months explaining the reasons for the delay in reaching a decision and give a date by which the member may expect to hear the outcome.

If a member receives neither a letter giving the Appointed Person's decision, nor a letter giving the reason for the delay, within three months from the date that the application was made, or if the member fails to receive from the Appointed Person a decision within one month of the date by which they were told they could expect an outcome, a member can apply directly to the Scottish Ministers without waiting any longer.

Internal Disputes Resolution Procedure: Stage 2

If unsatisfied with the Stage 1 decision, a further appeal can be made to the Scottish Ministers within six months of the Stage 1 determination.

Following the Stage 1 determination, the employer or Pension Fund who made the decision which is under appeal also has the right of appeal to the Scottish Ministers if they do not agree with the Appointed Person's determination.

If there is no Stage 2 appeal then the decision of the Appointed Person is binding.

The Scottish Ministers are totally independent of employers, Pension Funds and Appointed Persons. At Stage 2 the Ministers will require copies of all papers which were submitted at Stage 1 and a copy of the Stage 1 decision. The Scottish Ministers may also request further evidence and professional views; for example they have the power to request a further expert opinion in medical cases if they think it necessary. The Ministers must also respond to a complaint within two months of receiving it or let the member know the reason for any delay and when a member may expect a reply.

Appeals to the Scottish Ministers should be directed to:

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

Appealing to the Pensions Ombudsman

If a member goes through the formal 2 stage dispute process and is still not satisfied, they can take the case to the Pensions Ombudsman (even if they were not the one who complained to the Scottish Ministers). For example, a member may have made a complaint to the Appointed Person which was resolved to their satisfaction but referred on to the Scottish Ministers by the employer. If the Scottish Ministers then overturned the Appointed Person's decision, the member could complain to the Pensions Ombudsman about the Scottish Ministers' decision.

The Pensions Ombudsman investigates and makes decisions on 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.

The Office of the Pensions Ombudsmen, 10 South Colonnade, Canary Wharf, E14 4PU

Website: www.pensions-ombudsman.org.uk

Email: helpline@pensions-ombudsman.org.uk

The Scottish Public Services Ombudsman (SPSO)

The Scottish Public Services Ombudsman can also be contacted if a member is dissatisfied with the outcome of an application under the scheme's appeal procedures. He will investigate cases only when the complainant has already exhausted the formal complaints procedure of the organisation concerned.

Scottish Public Services Ombudsmen, Bridgeside House, 99 McDonal Road, Edinburgh, EH7 4NS

Freephone advice line: 0800 377 7330

Website: www.spsso.org.uk

Email: ask@spsso.org.uk

The Pension Advisory Service (TPAS)

If, at any time, you are having difficulty sorting out your complaint you may wish to contact TPAS. TPAS can provide free advice and information to explain your rights and responsibilities.

A TPAS adviser can't force a pension scheme to take a particular step, but if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. TPAS would need copies of all relevant documents relating to your complaint under the IDRPs.

Money and Pensions Service, 120 Holborn, London, EC1N 2TD

Free phone advice line: 0800 011 3797

Website: www.pensionsadvisoryservice.org.uk

More information

For more information, contact the Scottish Borders Council Pension Fund at:

Scottish Borders Council Pension Fund, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA

Tel: 01835 826722

Email: pensions@scotborders.gov.uk

Web: www.scottishborderscouncilpensionfund.org

Appendix I - Application to the Appointed Person

You can use this form to apply to the Appointed Person if you have a disagreement or complaint about a decision that has been made about you under the Scheme rules, or a complaint about the way your case has been dealt with.

1. Member's Details:

If you are the member (the person who is or was in the scheme) please give your details in the first box. You can then ignore the rest of this page and go straight to the other side of the form.

If you are the member's dependent (for example spouse, civil partner, eligible co-habiting partner or eligible child) or if you are representing the person with the complaint, please give the member's details in the first box, then see below.

Full Name	
Address	
Email Address	
Date of Birth	
National Insurance Number	
Employer	

2. Dependent's Details:

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

Full Name	
Address	
Email Address	
Date of Birth	
Relationship to Member	

3. Representative's Details:

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

Full Name	
Address	
Email Address	
Correspondence Address	

4. Your Complaint:

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant. If there is not enough space please use a separate sheet, writing your name and National Insurance number (or if you are not the member, the member's name and National Insurance number) at the top, and attach it to this form.

Please enclose a copy of any notification from the employer or administering authority about the decision being complained about, together with any other letter or notification which might be helpful.

I would like the Appointed Person to look into my complaint and make a decision about it. I give consent for the Appointed person to obtain any information they deem relevant to this. You can learn more about how we manage and process your data in our Privacy Notice available on our website.

I am a:

- member/prospective member/former member*
- dependent of a member/prospective member/former member*

- member's/prospective member's/former member 's/dependent's representative*

* Delete as appropriate.

Signed:	Date:
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Once completed, send this form to the relevant Appointed Person.

VERSION CONTROL TABLE

Version	Nature of Amendment	Date of Change	Author
2025 1.0	Creation of Pension Fund IDRP	10 February 2025	Ian Angus

You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Ian Angus can also give information on other language translations as well as providing additional copies.

Contact us at Ian Angus, HR Shared Service Manager, Scottish Borders Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA

01835 826696, iangus@scotborders.gov.uk