

North Yorkshire Pension Fund



A guide to the Internal Dispute Resolution Procedure

~~April 2020~~ April 2021



If you require this information in an alternative language or another format such as large type, audio cassette or Braille, please contact the Pensions Help & Information Line on
01609 536335

Introduction

This guide tells you the way you can sort out any problems or complaints you may have with your pension benefits.

If you are not sure which benefits you can get, or you have a problem with your benefits please contact the North Yorkshire Pension Fund (NYPF), contact details are given at the end of this leaflet. The NYPF will try to deal with the problem as quickly and simply as possible.

Informal Enquiry

Many issues are caused by misunderstandings, incorrect information or human error. In most cases, these can be quickly corrected or explained by contacting the person who has made the decision you are disputing. Their contact details will be on the communication you have received.

You don't have to do this but, **an informal enquiry may save you a lot of time and trouble** and, if an error has been made it will be dealt with as quickly as possible. Most problems that members have are resolved in this way.

If you are still unhappy you may be able to use what is known as the '**Internal Dispute Resolution Procedure (IDRP)**' to make a complaint.

The IDRP process is for disputing pensions decisions only

For example, whether you are entitled to immediate payment of pension benefits (including ill health).

If your dispute relates to an employment decision, for example, you have been dismissed, you should contact your employer and ask about their employment appeals process.

What type of complaints does IDRP cover?

From the day you join the scheme various decisions are being made about your pension. These include things like:

- The benefits you can have and how much they will be.
- When your benefits can be paid.

When you (this includes dependants) are told 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.

Who can use IDRP?

You can use IDRP if you are one of the following or have been in the last 6 months:

- **A member:** this means you are paying into the fund, have a pension being paid, have a deferred pension, or refund entitlement with us.
- **A dependant:** a widow, widower, civil partner, nominated cohabiting partner or an eligible child.
- **A prospective member:** you are not a member yet but could become one if you opt to join.

How does IDRP work?

The IDRP has 2 stages with many complaints sorted out at stage 1.

You can ask somebody else to deal with the complaint for you. This could be a trade union official, welfare officer, your husband, wife, partner or friend.

You will not be charged for using the IDRP. You will however have to meet the cost of any postage/stationery or representative's time.

Stage 1

If you need to make a formal complaint, you should:

- Complete the **Stage 1 Internal Dispute Resolution form** which is available to download at <https://www.nypf.org.uk/formsandguides/publications.shtml> or from the NYPF. You should add specific details about what you are disputing and also include any documentation which supports your case.
- Make the complaint within **6 months** of when you were told of the decision you want to complain about.

Your complaint will be looked at carefully by NYPF's referee who is known as the 'nominated person'.

The nominated person will look at the facts of your complaint along with the Scheme rules and any other relevant information. You should get a reply within **2 months**, giving details of the decision or confirming when you will receive a decision.

What happens next?

The decision letter from the nominated person will tell you what should happen next, there are two likely outcomes:

- The original decision is upheld and therefore it will continue to apply. You can choose to escalate your complaint to the second stage of the IDRP.

Or

- Some or all of the decision is incorrect. The nominated person will write to you giving details of further actions that need to be taken. The actions will be followed up by either your employer or the NYPF (depending who the complaint is against). If you are still unhappy with the decision, you can escalate your complaint to the second stage of the IDRP.

Stage 2 - Taking your complaint further

You can take your complaint to stage 2 if:

- You have had a decision from the stage 1 nominated person but you disagree with it.
- You have not had a reply under stage 1 within **3 months** of making your complaint.
- You have not had a reply within **1 month** of the date you were given by the nominated person.

You should send your stage 2 complaint in writing to the NYPF along with a copy of the stage 1 decision and full details of why you are unhappy with it.

Your complaint will be looked at again by the appointed person for stage 2 who will not have been involved at stage 1.

What happens next?

You should get a decision letter from the appointed person within **2 months** giving details of the decision or confirming when you will receive a decision.

The letter will tell you that **either**:

- The original decision is upheld and therefore it will continue to apply. You can choose to escalate your complaint to the Pensions Ombudsman.
- Some or all of the decision is incorrect. The appointed person will write to you giving details of further actions that need to be taken. The actions will be followed up by either your employer or the NYPF (depending who the complaint is against). If you are still unhappy with the decision, you can escalate your complaint to the Pensions Ombudsman.

The Pensions Ombudsman

The Early Resolution Service

If you need help raising your concerns, or just to discuss a potential complaint, you can use the Pensions Ombudsman's Early Resolution service. The Early Resolution Service try to resolve complaints informally at an early stage.
~~(TPO) helpline service.~~

~~Their staff will listen to your issue and if possible help you there and then; for more complex problems or issues where a number of documents are involved they may pass you on to their Early Resolution Team who can go into more detail. If this happens you will be asked to sign a consent form that allows them to handle your documents and speak to third parties on your behalf.~~

Using this service will not affect your right to apply to the Ombudsman for formal adjudication if you choose to do so at a later date.

Phone 0800 917 4487 ~~and select option 1 or~~

Email: enquiries@pensions-ombudsman.org.uk~~helpline@pensions-ombudsman.org.uk~~

~~Please be aware that your call may be recorded for security and quality purposes.~~

Formal Adjudication

If you are not happy with the decision at stage 2 you can take your complaint to the Pensions Ombudsman (TPO) free of charge for a formal adjudication. This must be within **3 years** of when the event you are complaining about happened, or, if later, within **3 years** of when you first knew about it (or ought to have known about it).

TPO is an independent person who settles disputes between pension scheme members and pension schemes. There is no financial limit on the amount of money that TPO can make a party award you. Its determinations are legally binding on all the parties and are enforceable in court. You can write to TPO with your complaint but you must first have been through stages 1 and 2 of the IDRP.

You can contact TPO at:

The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

Telephone: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk (where you can submit an online complaint form)

If you have general requests for information or guidance concerning your pension arrangements contact:

The Money and Pensions Service
Holborn Centre
120 Holborn
London
EC1N 2TD

Telephone: 0115 9659570

Website: <https://moneyandpensionsservice.org.uk>

Contact NYPF

More detailed information about the scheme is available on the NYPF website at www.nypf.org.uk or you can contact the NYPF in the following ways:

Email: pensions@northyorks.gov.uk

Telephone: 01609 536335

In writing:

North Yorkshire Pension Fund
County Hall
Northallerton
North Yorkshire
DL7 8AL