

# Decisions, Reviews and Complaints

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The Local Government Pension Scheme (Northern Ireland) is administered by NILGOSC on behalf of employing authorities who participate in the Scheme.

This leaflet sets out how to make a complaint about the service you have received from NILGOSC.

In addition NILGOSC and your employer may have to make decisions relating to your membership, contributions payable and benefits to be awarded. This leaflet also explains what you should do if you do not understand why a decision has been made or if you are unhappy about a decision that has been made.

## Decisions

### Employer Decisions

In line with the Scheme regulations, your employer decides:

- whether you are a whole-time (full-time), part-time or variable time worker
- which elements of your pay are pensionable
- the contribution rate you must pay.

If you have a question or complaint that relates to any of the decisions above, you should contact your employer. Your employer will have its own policy on dealing with these complaints and disputes.

### Committee Decisions

In line with the Scheme regulations, the Committee will decide as soon as is reasonably practicable:

- whether or not you may transfer previous pension rights into the Scheme and the amount of service you will receive for any transfer in
- if you are entitled to a benefit
- the amount of benefit you are eligible to receive.

If you are applying to have benefits brought into payment on the grounds of ill-health, the Committee must refer the decision to an appointed independent registered medical practitioner who is qualified in occupational health medicine.

The independent registered medical practitioner must have regard to guidance issued by the Department of the Environment when making an ill-health determination and he / she must not have previously acted on your behalf or assessed you for any other purpose.

If we notify you of any decision where you are entitled to a benefit, we will explain how the benefit has been calculated.

If we notify you of a decision where you are not entitled to a benefit, we will explain the grounds for the decision.

## Reviews and Complaints

### Requesting a review of a Committee Decision

When we notify you of a decision, we will advise you who you can contact for further information on how the decision has been made. We will also include details of your right to request a review of the decision and the time limits you need to be aware of.

If you have received an explanation of the decision and you wish to have the outcome reviewed, the Committee operates a two stage process for Reviews and Complaints.

### Complaints

We try our best to conduct our business in an accurate, timely and courteous manner, but if we do not meet your expectations, please let us know.

If you have any issues with our service that fall outside our application of the regulations, you can contact us to give us details of your situation. You may contact the person you were dealing with or his / her manager and we would hope that any matter can be resolved at this stage.

If you are still dissatisfied after making an informal complaint, or if you feel that

your complaint is too serious to be dealt with in an informal manner, the two stage Appeals and Complaints procedure should be used.

### Who can request a review or make a complaint?

#### Scheme Benefits

Normally, NILGOSC will only accept a request for a review or a complaint from the following people in relation to their own benefits from the scheme:

- A scheme member
- A widow, widower, surviving civil partner or nominated cohabiting partner of a deceased member;
- A dependant of a deceased member or any other person who may be entitled to a benefit in respect of a deceased member
- A prospective member – that is, someone who is eligible for membership but who is not actively contributing to the Scheme
- A person entitled to a pension credit – that is, a person who is entitled to a portion of an ex-spouse's benefit from the scheme as a condition of divorce proceedings
- A pension credit member – that is, a person who is receiving a portion of an ex-spouse's benefit from the scheme as a condition of divorce proceedings
- A person who has ceased to be a member within the last six months

However, if you would prefer, you may nominate someone else to deal with a review or a complaint on your behalf. This person will be known as an 'Alternative Applicant'.

## Alternative Applicants

To be able to accept a complaint or request for a review from an alternative applicant, we must have a signed letter on your file which clearly states your wishes. You should detail the name of the person who will be dealing with your review or complaint, the address all future correspondence should be sent to and the person's relationship to you.

All correspondence after this point can be conducted by the alternative applicant, who should include your name, address, date of birth, National Insurance Number and employer name on any correspondence at each stage of the process.

If a member dies before a review or a complaint has been resolved, the personal representative may continue the process as an alternative applicant. Where this person is a minor or is incapable of dealing with the process, a family member or other suitable person may act on his / her behalf.

## Other Complaints

Anyone can make a complaint about an issue other than specific personal scheme benefits e.g. employment issues, customer care or any other corporate activity.

## Reviews and Complaints - Stage 1 Reviews

The person appointed to consider a stage 1 review is NILGOSC's Secretary. If you wish to have a decision reviewed, a form is available to download from our website at [www.nilgosc.org.uk](http://www.nilgosc.org.uk) or on request from the Pensions Administration team.

Alternatively, you may write to the Secretary giving details of the reason for your request and should attach any supporting documentation. Your letter should include the following details:

- Name
- Address
- Date of birth
- National Insurance Number
- Employer Name

An application for a stage 1 review must be signed by the applicant or the alternative applicant and it must be received within six months of the decision or event which led to your complaint.

Alternatively, if the request for review relates to an ill-health decision, you may use the form included in your notification letter.

A request for a stage 1 review must be received within six months of your being notified of the original decision.

In the case of ill-health notifications, all medical evidence will be reviewed by an independent registered medical practitioner who will advise the Secretary prior to the decision being made.

The Secretary must make a decision regarding your request within two months of receiving your written submission. If it is not possible to make a decision within this time period, the Secretary will issue a letter before the two months have passed to advise you of the reason for the delay and give an indication of when you should expect to receive a decision.

The Secretary's response must include a statement of the decision and it must refer to the legislation and policies of the Scheme taken into account when making the decision. It will also include details of your right to request a stage 2 review, advise any applicable time limits and give the contact details of the Pensions Advisory Service, which is available to assist members and beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved.

If the Secretary is unavailable the stage 1 review will be undertaken by the Deputy Secretary or Acting Secretary.

## Reviews and Complaints - Stage 2 Reviews

You may ask the Committee to consider a stage 1 decision by way of a stage 2 review.

A request for a stage 2 review must be received within six months of your being notified of the outcome of the stage 1 review.

You should attach a copy of the stage 1 decision notification and explain the reasons why you remain dissatisfied.

In the case of ill-health, you may be required to undergo a medical examination with a panel of two independent registered medical practitioners who have not previously been involved with your case and the outcome of this examination will be notified to the Committee for consideration.

The Committee must make a decision within two months of receiving your written submission. If it is not possible to make a decision within this time period, the Secretary will issue a letter before the two months have passed to advise you of the reason for the delay and give an indication of when you should expect to receive a decision.

The Committee will advise in writing if the original decision is being upheld or replaced. The notification will include details of the Scheme regulations and discretions taken into account when making the decision.

A stage 2 review is the final stage in NILGOSC's reviews and complaints process. If you are still dissatisfied with the outcome of this review, a number of external organisations may be able to assist you. Contact details of these organisations are detailed in the next section and will be included in any notification of a decision for a stage 2 review.

## Other organisations that can help

### The Pensions Advisory Service (TPAS)

TPAS exists to give help and advice to people who have problems with their pension at any time. TPAS also helps to settle disputes which are not resolved by direct negotiation.

#### **You can contact the TPAS**

##### **Central Office at:**

TPAS

11 Belgrave Road

London SW1V1RB

Telephone: 0845 6012923

Fax: 020 7592 7000

Email: [enquiries@pensionsadvisoryservice.org.uk](mailto:enquiries@pensionsadvisoryservice.org.uk)

### The Pensions Ombudsman

If you have a complaint against the pension scheme, you can ask the Pensions Ombudsman to act as an adjudicator and make a final decision. His role is to decide on complaints from individuals which have not been resolved by the pension scheme's complaints procedure or by TPAS.

#### **The Pensions Ombudsman can be contacted at:**

The Pensions Ombudsman

11 Belgrave Road

London SW1V1RB

Telephone: 020 7630 2200

Fax: 020 7821 0065

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

### The Northern Ireland Ombudsman

If you think you have been treated unfairly by the Committee you can complain to the Ombudsman at:

The Ombudsman

Freepost BEL 1478

Belfast BT1 6BR

Freephone: 0800 343424

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

## Further Information and How to Contact Us

If you have any questions on the content of this leaflet or on any aspect of the Local Government Pension Scheme (NI), please contact the Pension Administration Team by any of the methods below:

### Postal address:

NILGOSC  
Templeton House  
411 Holywood Road  
Belfast BT4 2LP  
Telephone: 0845 308 7346  
Typetalk (for Minicom users):  
18001 0845 308 7345  
Fax: 0845 308 7344  
Email: [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk)  
Website: [www.nilgosc.org.uk](http://www.nilgosc.org.uk)

Personal callers: You are welcome to visit us from Monday to Friday, from 9am to 5pm. You do not need to make an appointment.

We are happy to deal with enquiries made in person, by telephone, in writing or by email. Alternatively, you may find the information you require by visiting our website at [www.nilgosc.org.uk](http://www.nilgosc.org.uk)

Information produced by NILGOSC can be made available in several formats (such as large print, in Braille, on audio cassette, or on computer disk) and languages. We will be pleased to consider your request in this respect.

## Data Protection Act 1998

NILGOSC is registered with the Information Commissioner under the Data Protection Act 1998 to hold personal information for the purpose of administration of the pension Scheme. Essentially the data is used to determine eligibility for, and to calculate any pension or other benefits from, the Scheme. This information is held and processed by NILGOSC strictly in accordance with the Data Protection Act 1998. In order to carry out its purpose NILGOSC may receive information about members from others, such as employers, but can only do so in accordance with the law.

NILGOSC may, if it chooses, pass certain details to a third party, if the third party is carrying out an administrative function of the Scheme, for example the Scheme's AVC providers and actuary. NILGOSC may also transfer information to organisations which carry out processing operations on its behalf, such as printers.

Any third parties to whom NILGOSC passes personal data are also required to comply with the Data Protection Act.

NILGOSC is required to protect the public funds it administers. It may share information provided to it with other bodies responsible for auditing or administering public funds, in order to prevent and detect fraud.

As individuals, members have a right under the Data Protection Act 1998 to request information from NILGOSC, including a description of the personal data which is held. Any member who wishes to access their data on Data Protection Act grounds should write to the Data Protection Officer at NILGOSC.

NILGOSC  
411 Hollywood Road  
Belfast BT4 2LP  
Tel: 0845 308 7346  
Fax: 0845 308 7344  
Email [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk)  
Web site : [www.nilgosc.org.uk](http://www.nilgosc.org.uk)



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