

INTERNAL DISPUTE RESOLUTION PROCEDURE

Northumbrian Water Pension Scheme

This guide explains the procedure for formally resolving disagreements about the Scheme with the Trustee. It gives members the opportunity to explain their complaint and maximise the opportunity to resolve the disagreement internally.

WHEN CAN THE INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) BE USED?

The IDRP can be used where there is alleged or actual maladministration, or in cases where there is a dispute over fact or law. Maladministration means doing something that should not have been done, or not doing something that should have been done, under the terms of the Scheme.

The IDRP does not apply to complaints and disputes between you and NWG as your employer (even if it is about pensions) or where court or tribunal proceedings have started, or which are being investigated by The Pensions Ombudsman. The Pensions Ombudsman expects members to have completed the IDRP before the Ombudsman will investigate a complaint.

WHAT IS THE PROCESS?

The IDRP is divided into two stages.

- At stage 1, the decision is made by the Scheme Secretary (the stage 1 decision maker).
- If you are not happy with the result of the stage 1 decision, you may ask for the complaint to be reconsidered at stage 2. At stage 2 the decision about your complaint is usually made by the full Trustee Board, although it may at its discretion form a sub-committee to consider the complaint.
- The stage 1 decision maker also has the option to refer a complaint straight to stage two, and will inform the member where they reach this decision.

WHO CAN MAKE A COMPLAINT UNDER THE IDRP?

The IDRP is available to the following:

- Scheme members (including pensioners, those entitled to a pension in future but not yet claiming it, and pension credit members).
- Surviving spouses/civil partners, dependants or non-dependant beneficiaries of a deceased.
- People who have ceased to be or are claiming to be in one of the above categories.

If you wish, you can appoint a representative (such as a friend, colleague, union official, solicitor, etc) to manage the complaint on your behalf.

If you are a former member who transferred benefits out of the Scheme six or more months ago, or ceased to be within any of the above categories six or more months ago, you are not permitted to complain under the IDRP.

If you die while your complaint is being investigated, the application may be continued by your personal representatives. If an applicant is a minor, or is incapable of acting on their own behalf, the application may be made or continued by a family member or by another suitable person.

HOW DO I MAKE A COMPLAINT?

STAGE 1

Complain to the Scheme Secretary

If you have a complaint, you can email the Scheme Secretary at nwgpensions@vidett.com and clearly state that you would like your complaint considered under stage 1 of the IDRPs.

You should explain who you are, what the disagreement is about, and what outcome you are looking for. If you are a dependant or beneficiary of a deceased Scheme member, you should give your own details as well as those of the Scheme member, and explain your relationship to the member.

If you appoint a representative to act on your behalf, they should provide details of name, profession and an address for correspondence. They should also provide proof they have been appointed as your representative, together with your contact details (including telephone number) to verify the appointment.

If your complaint does not contain the above information it may be sent back to you stating what information is still required, and that no further action can be taken until this is provided.

Decision

Once you have provided all the information required, the stage 1 decision maker will usually provide you with written notice of their decision within a reasonable period of not more than 3 months. If they need longer to investigate your complaint, they will inform you of this and give you a revised date when the decision should be issued. They may also decide to escalate your complaint to stage 2 of this IDRPs, and pass the complaint to the full Trustee Board for consideration and a decision under stage 2 of the IDRPs.

STAGE 2

Complain to the Trustees

If you are not satisfied with the stage 1 response, you may appeal to the Trustees for your complaint to be considered under stage 2 of the IDRPs. Any complaints under stage 2 must be made within 6 months of the date of the stage 1 IDRPs decision.

At stage 2, you can email the Scheme Secretary at nwgpensions@vidett.com asking for the Trustees to consider your complaint under Stage 2 of the IDRPs. You should provide a copy of your stage 1 decision and include a statement explaining why you are dissatisfied with the stage 1 decision, and ask for the Trustees to reconsider your complaint.

Alternatively, the Pensions Manager may refer a stage 1 complaint straight to stage 2. Where relevant, they will inform you that they are escalating your complaint to stage 2 without it being considered under stage 1 of this IDRPs.

Decision

At stage 2, the Trustees (or a subcommittee of the Trustee Board) will consider your complaint and will make a decision. You should receive a decision within 3 months of making your stage 2 complaint. If a reply is not possible within that timescale, an interim reply will be sent explaining the reason for delay and an indication when a full reply can be expected.

The Trustees' decision will include an explanation, including references to any relevant legislation or the Scheme rules on which it is based.

FURTHER INFORMATION

THE PENSIONS OMBUDSMAN

EARLY RESOLUTION PROCEDURE

Once you have completed the IDR, you can informally raise any concerns or discuss a potential complaint with the Pensions Ombudsman. For more complex problems or issues the Pensions Ombudsman may pass you onto its Early Resolution Team who can agree to liaise with the Trustees or other third parties on your behalf. Using this service will not affect your right to apply to the Pensions Ombudsman for a formal adjudication if you later choose to.

or

FORMAL COMPLAINTS

Once you have completed the IDR, if you are dissatisfied with the Trustees' decision you may refer your dispute to the Pensions Ombudsman's formal complaint procedure. Contact about a complaint needs to be made within three years of when the event you are complaining about happened – or, if later, within three years of when you first knew about it. There is discretion for those time limits to be extended.

The Ombudsman can investigate and determine complaints or disputes of fact or law in relation to pension schemes. He has statutory powers to make binding determinations and to award compensation for maladministration.

The Pensions Ombudsman can be contacted by emailing enquiries@pensions-ombudsman.org.uk or calling 0800 917 4487 (select option for potential complaint or formal application). You can also write to the Pensions Ombudsman (whether in respect of the Early Resolution Procedure or a formal complaint) at:

The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

MONEYHELPER

If you have a general request for free information or guidance in connection with your benefits you can contact MoneyHelper (a service provided by HM Government/Money and Pensions Service) at:

Web: www.moneyhelper.org.uk
Phone: 0800 011 3797
Post: MoneyHelper, 120 Holborn,
London, EC1N 2TD

