

# Decisions, Reviews and Complaints

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

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

- any items not listed under NILGOSC Decisions
- which elements of your pay are pensionable
- your annual pensionable pay
- the contribution rate you must pay based on your annual pensionable 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 and may have time limits for dealing with these complaints and disputes.

### NILGOSC Decisions

In line with the Scheme regulations, NILGOSC will decide as soon as is reasonably practicable any question concerning:

- your previous service or employment
- whether a payment in lieu of contributions has been made in respect of any period of non-participating employment
- whether equivalent pension benefits have been assured in respect of any period of non-participating employment
- the crediting of any additional pension
- the amount of any benefit or any refund of contributions you are entitled to receive

If you are applying to have benefits brought into payment early on the grounds of ill-health, NILGOSC will seek the opinion of an appointed independent registered medical practitioner (IRMP) who is qualified in occupational health medicine.

The IRMP will have regard to guidance issued by the Department for Communities when making an ill-health determination. They must not have previously advised, or given an opinion on, or otherwise been involved in your application. In addition, the IRMP must not be acting, or have at any time acted, as your, your employing authority's or any other party's representative in relation to your case.

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 NILGOSC 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 for doing that.

If you have received an explanation of the decision and you wish to have the outcome reviewed, NILGOSC 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 or our application of the regulations, you can make an informal complaint by contacting the person you were dealing with or his / her manager. We would hope that the matter can be resolved at this stage.

However, 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 Reviews 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 a Scheme member or an alternative applicant in relation to their own benefits from the Scheme. An alternative applicant can be:

- A widow, widower, surviving civil partner or eligible 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 a 'Nominated Representative'.

## Nominated Representative

To be able to accept a complaint or request for a review from a nominated representative, 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 to which all related correspondence should be sent and the person's relationship to you.

All related correspondence after this point can be conducted by the nominated representative, who should include your name, address, date of birth, National Insurance Number, NILGOSC pension reference number and employer name on any correspondence at each stage of the process.

If a member or an alternative applicant dies before a review or a complaint has been resolved, the nominated representative may continue the process. 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. NILGOSC customer care, recruitment 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 or Payroll teams.

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

- Name
- Address
- Date of birth
- National Insurance Number
- NILGOSC pension reference number (if any)
- 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 the complaint.

If your 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 or such longer period as NILGOSC's Secretary may consider reasonable.

In the case of ill-health notifications, all medical evidence will be reviewed by an

independent registered medical practitioner who will provide their opinion before the Secretary makes a decision.

The Secretary must make a decision within two months of receiving your written complaint. 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 to give an indication of when you can expect to receive a decision.

The Secretary's response must include a statement of the decision and it must refer to any legislation or provisions of the Scheme relied upon when making the decision. It will also include details of your right to request a stage 2 review and of the time limits for doing that. The response will also give the contact details of a range of statutory bodies which may be able 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 NILGOSC to re-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 you being notified of the outcome of the

stage 1 review and explain the reasons why you remain dissatisfied.

In the case of an ill-health decision, you will be referred to a panel of two independent registered medical practitioners who have not previously been involved with your case. The panel will provide an opinion to the Management Committee for consideration.

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

NILGOSC will advise in writing if the original decision is being upheld or replaced. The notification will include details of any legislation or provisions of the Scheme relied upon 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 at a stage 2 review.

## Other organisations that can help

### The Pensions Ombudsman

If a complaint or request for review has not been satisfactorily resolved through the internal procedures, an application can be made to the Pensions Ombudsman within three years of the event that gave rise to the complaint or request. The Pensions 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 court on a point of law). Matters where legal proceedings have started cannot be investigated by the Pensions Ombudsman.

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

The Pensions Ombudsman  
10 South Colonnade  
Canary Wharf  
E14 4PU

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

Website: [www.pensions-ombudsman.org.uk/](http://www.pensions-ombudsman.org.uk/)

Telephone: 0800 917 4487

### The Pensions Advisory Service (TPAS)

TPAS is available at any time to assist members and beneficiaries if you need information and guidance concerning your pension arrangements.

#### **You can contact the TPAS Central Office at:**

TPAS  
11 Belgrave Road  
London  
SW1V 1RB

Telephone: 0300 123 1047

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

### The Northern Ireland Public Services Ombudsman (NIPSO)

If you think you have been treated unfairly by the Committee or remain dissatisfied with NILGOSC's response, you can complain to the Ombudsman. You must have exhausted NILGOSC's internal complaints procedure before you refer your complaint to NIPSO. NIPSO must receive your complaint within 6 months of the date of your stage 2 review result letter from NILGOSC.

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

The Northern Ireland Public Services Ombudsman  
Freepost NIPSO  
Belfast BT1 6HN  
Telephone: 028 9023 3821  
Freephone: 0800 343424  
Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)  
Website: [www.nipso.org.uk](http://www.nipso.org.uk)

### The Pensions Regulator

The Regulator may intervene in the running of schemes where trustees, managers, employers or professional advisers have failed in their duties.

#### **The Regulator can be contacted at:**

Telephone: 0345 600 7060

[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.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: 0345 3197 325  
Typetalk (for Minicom users):  
18001 0345 3197 320  
Fax: 0345 3197 321  
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. Please note that the office is closed on bank and public holidays so you may wish to phone first, to check that the office is open.

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  
Templeton House  
411 Hollywood Road  
Belfast, BT4 2LP  
Tel: 0345 3197 325  
Fax: 0345 3197 321  
Email: [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk)  
Website: [www.nilgosc.org.uk](http://www.nilgosc.org.uk)



R: 03/2017 P: 03/2017