

Decisions, Reviews and Complaints

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

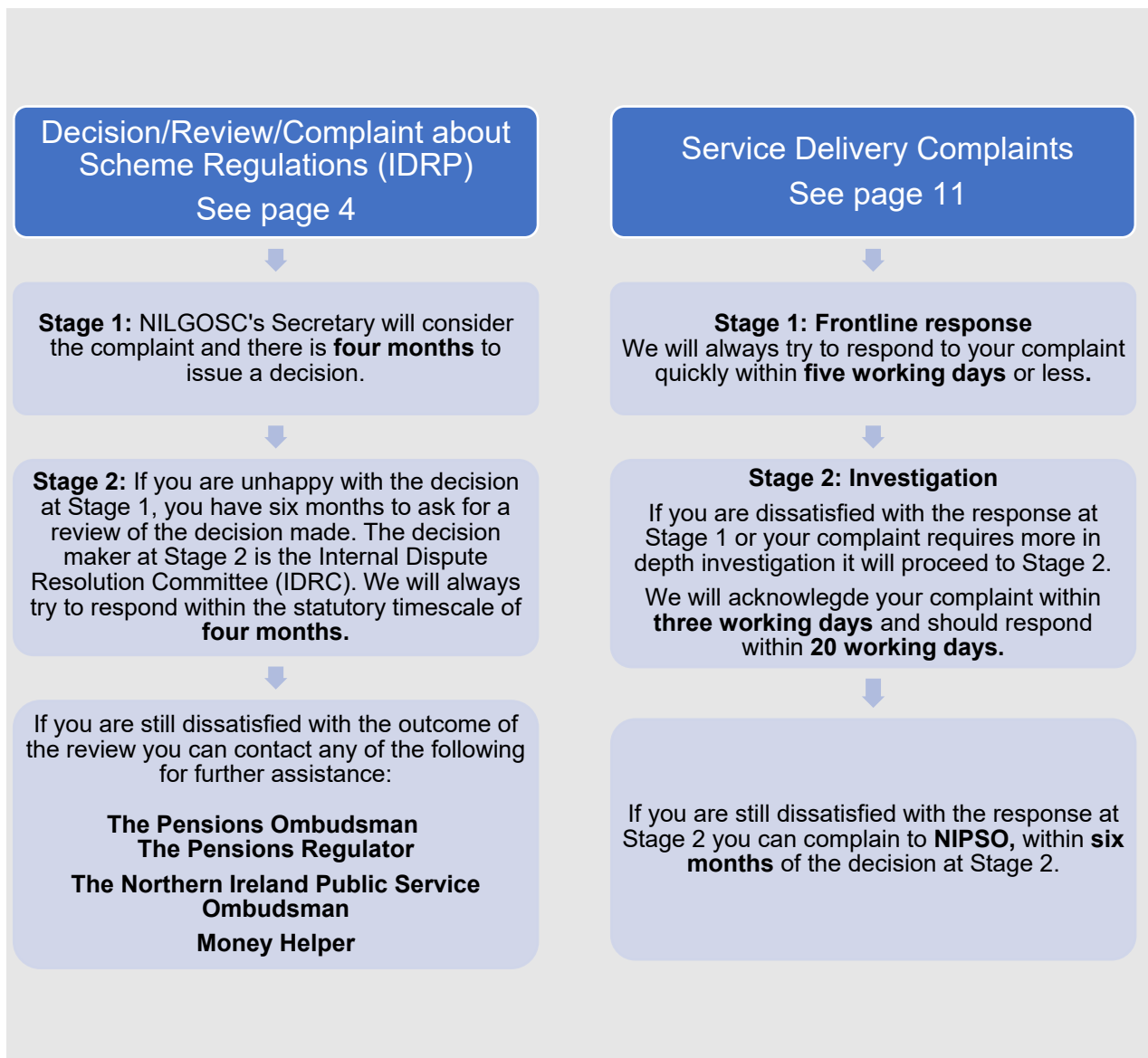
NILGOSC administers the Local Government Pension Scheme (Northern Ireland) on behalf of the employing authorities who participate in the Scheme. We aim to deal with any individual or organisation in a fair, timely and courteous manner and with respect and dignity at all times. We welcome and value complaints and will use any information to help improve services going forward.

NILGOSC has two distinct processes in place to deal with complaints. The appropriate process will depend on the nature of your complaint.

Complaints relating to the application of Scheme Regulations are dealt with under the **Internal Dispute Resolution Procedure (IDRP)**.

Complaints relating to dissatisfaction about NILGOSC's action, lack of action, or about the standard of service provided by NILGOSC are dealt with under **Service Delivery Complaints**.

The following flowchart provides a quick guide as to how both types of complaint will be dealt with and the timescales for doing so:



If your complaint relates to both the application of Scheme Regulations and the service provided by NILGOSC, it will be treated as a single complaint to be handled under the statutory Internal Dispute Resolution Procedure.

Please go to page 4 to find out more information about the IDRP process and page 11 for service-related complaints.

Accessibility

NILGOSC recognises the barriers that some individuals may face when seeking to raise a complaint and aims to provide extra support and other reasonable adjustments as required in line with its statutory equality duties.

We are committed to ensuring that the information and services we provide are fully accessible. Information produced by NILGOSC can be made available in several formats such as large print, Braille, audio disc and alternative languages. Where necessary, we can also arrange an interpreter.

If you have trouble putting your complaint in writing or would like us to provide information in another language or format, please email us at governance@nilgosc.org.uk or call us on 0345 3197 320.

The Internal Dispute Resolution Procedure

NILGOSC and your employer may have to make decisions relating to your membership, contributions payable and benefits to be awarded. If you are unhappy with a decision that has been made regarding the application of Scheme Regulations, you can make a complaint under the Internal Dispute Resolution Procedure (IDRP). There are very specific conditions for **who** can make these types of complaints and who can make the **decisions**. This is a two-stage process, referred to as **Stage 1** and **Stage 2**.

Types of Decisions

Employer Decisions

In line with the Scheme Regulations, your employer decides:

- which elements of your pay are pensionable
- your annual pensionable pay
- the contribution rate you must pay based on your annual pensionable pay
- any items not listed under NILGOSC Decisions as set out below

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 Scheme Regulations, NILGOSC will decide as soon as it 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

Ill-health retirement

If you are applying to have your pension 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 take into account 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 pension, we will explain how the pension has been calculated.

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

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.

Who can request a review or make a complaint under the IDRP?

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 – someone who is eligible for membership but who is not actively contributing to the Scheme
- a person entitled to a pension credit – a person who is entitled to a portion of an ex-spouse's benefit from the Scheme as a condition of divorce proceedings
- a person who fell into one of the above groups within the last six months but no longer does
- 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.

Stage 1 of the IDRP

The person appointed to consider a Stage 1 review is NILGOSC's Secretary. If you wish to have a decision reviewed, the Review and Complaints Form is available to download from our website at www.nilgosc.org.uk or on request. Alternatively, you may write to the Head of Pension Services 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 you or a person acting on your behalf and it must be received within **six months** of the decision or event which led to your 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 you being notified of the original decision or such longer period as NILGOSC's Secretary may consider reasonable.

In the case of ill-health notifications, any new medical evidence will be reviewed by the independent registered medical practitioner who will provide a further opinion before the Secretary makes a decision. The Secretary must make a decision within **four 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 four 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 the Pensions Ombudsman 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 an appointed person i.e the Deputy Secretary or Acting Secretary.

Stage 2 of the IDRP

You may ask NILGOSC to re-consider a Stage 1 decision by requesting 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. They will provide an opinion to a panel of Committee members for consideration. The panel of Committee members must make a decision within **four 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 four 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 on pages 8 to 10 and will be included in any notification of a decision at a Stage 2 review.

Other Organisations that can help

The Pensions Ombudsman

The Pensions Ombudsman (TPO) deals with complaints and disputes which concern the administration and/or management of occupational and personal pension schemes. You have the right to refer a complaint to The Pensions Ombudsman free of charge if your complaint or request for a review has not been satisfactorily resolved at Stage 2 of the IDR. Contact with TPO about a complaint needs to be made within **three years** of when the relevant event happened or, if later, within **three years** of when they first knew about it (or ought to have known about it). There is discretion for those time limits to be extended. The Pensions Ombudsman can be contacted at:

10 South Colonnade,

Canary Wharf

London, E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensionsombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

Complaints can also be submitted via the complaint form online: www.pensions-ombudsman.org.uk/our-service/make-a-complaint/

MoneyHelper

MoneyHelper can assist with general requests for information or guidance concerning pension arrangements and can be contacted at:

MoneyHelper

5th Floor,

120 Holborn,

London, EC1N 2TD

Tel: 0800 011 3797

Website: www.moneyhelper.org.uk

The Northern Ireland Public Service Ombudsman

If you think you have been treated unfairly by NILGOSC or you remain dissatisfied with our response, you can complain to NIPSO. You must have exhausted the internal IDRP process before referring your complaint to NIPSO. Complaints must be received within **six months** of the date of the Stage 2 review decision letter from NILGOSC. NIPSO 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

Website: www.nipso.org.uk

The Pensions Regulator

TPR is the regulator of work-based pension schemes and has powers to protect members and help put matters right. If individuals have a concern about their workplace pension they can contact TPR. The Pensions Regulator can be contacted at:

The Pensions Regulator

Telecom House,

125-135 Preston Road, Brighton,

BN1 6AF

Telephone: 0345 600 7060

Website: www.thepensionsregulator.gov.uk

Service Delivery Complaints

NILGOSC has adopted the Local Government Model Complaints Handling Procedure for complaints relating to service delivery. This is a two-stage process referred to as **Stage 1 (frontline response)** and **Stage 2 (Investigation)**

What are service delivery complaints?

In general terms, a complaint is an expression of dissatisfaction by one or more members of the public about NILGOSC's action, or lack of action, or about the standard of service provided by or on behalf of NILGOSC. The following are examples of service delivery complaints:

- failure or refusal to provide a service
- inadequate quality or standard of service, or an unreasonable delay in providing a service
- dissatisfaction with a policy or its impact on the individual
- failure to properly apply law, procedure or guidance when delivering services
- failure to follow the appropriate administrative process
- conduct of, treatment by or attitude of a member of staff

What is not considered a service delivery complaint?

As set out on pages 4 to 8, decisions taken by NILGOSC under the Scheme Regulations will be dealt with under the statutory Internal Dispute Resolution Procedure (IDRP). If your complaint relates to both the application of Scheme Regulations and a service delivery matter, it will be treated as a single complaint and handled through the IDRP.

There may be a small number of additional matters that cannot be handled through the complaints procedure. This includes but is not limited to matters subject to legal proceedings. We can advise you if your complaint falls outside our procedures and we will do whatever we can to provide you with any information or rights of appeal that may help resolve your concerns.

Who can complain?

Anyone who receives, requests or is impacted by NILGOSC's services can make a complaint. NILGOSC can accept and welcomes complaints from third parties, which may include relatives, friends, advocates and advisers. We will normally require written consent where a complaint is made on behalf of an individual.

How can I complain?

Complaints may be made verbally, in writing or in person. You can complain to any member of staff by a number of means such as: Review and Complaints Form, letter, email, phone call or in person. Many issues are easier to resolve if they are made directly to staff providing the service concerned and ideally as soon as the issue

arises or as soon after as possible. When making a complaint you should share some key information to assist us in resolving your complaints efficiently and effectively. This includes:

- your full name and contact details
- details about the complaint
- what has gone wrong
- what outcome you are seeking.

How long do I have to make a complaint?

A complaint must be made within **six months** of the event occurring or when you discover you may have a reason to complain. However, NILGOSC may accept a complaint after the time limit in exceptional circumstances.

What happens when I make a complaint?

Stage 1: Frontline Response

NILGOSC aims to resolve complaints quickly wherever possible. Where something has gone wrong, a frontline response will often be an on-the-spot apology and we should explain why the issue occurred and, where applicable, outline what will be done to stop this happening again. We aim to provide a frontline response to you within **five working days or less**.

If you are not satisfied with the Stage 1 response, you can escalate the complaint to Stage 2 for investigation. This must be done within **20 working days** of receiving the frontline response. NILGOSC will apply its discretion to accept complaints outside of the specified time limit where exceptional circumstances apply.

Stage 2: Investigation

Stage 2 will be invoked if the complaint has not been resolved at Stage 1 and for those complaints which clearly require more in-depth investigation. A complaint will not escalate to Stage 2 without your agreement and the staff member handling your complaint will discuss this with you if appropriate.

At Stage 2 we will acknowledge receipt of the complaint within **three working days**. We will clarify our understanding of the complaint as well as the outcome you are seeking. NILGOSC should respond within **20 working days**.

NILGOSC aims to resolve all Stage 2 complaints within the 20 working day timeframe. If an investigation is expected to take longer than 20 working days, you will be notified of the reason for the delay and kept informed with revised timeframes and progress.

What if I am still dissatisfied?

You have the right to contact the Northern Ireland Public Service Ombudsman (NIPSO) if you remain dissatisfied with the outcome of the Stage 2 investigation.

NIPSO investigates unresolved complaints about public bodies in Northern Ireland. It is a free service, independent of government. It is not an advocacy or support service.

NIPSO generally expect complaints to be brought to it within **six months** since the complainant received correspondence from NILGOSC informing them that the complaints handling procedure is complete. NIPSO will generally ask a complainant to provide details of the complaint and a copy of NILGOSC's response. NIPSO's contact details are:

The Northern Ireland Public Services Ombudsman

Freepost NIPSO

Belfast BT1 6HN

Telephone: 028 9023 3821

Freephone: 0800 343424

Email: nipso@nipso.org.uk

Website: www.nipso.org.uk

If NIPSO cannot investigate a complaint and the complaint requires an alternative route for independent review, they will tell you and provide the relevant contact details.

Further Information and How to Contact Us

If you have any questions about the complaints process or how to make a complaint, please do not hesitate to contact the Governance Manager at:

governance@nilgosc.org.uk

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

NILGOSC

Templeton House

411 Hollywood 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

Website: www.nilgosc.org.uk

Personal callers: Our offices are open Monday to Friday, from 9am to 5pm. Please contact us in advance of visiting our office to ensure that a meeting room is available. The office is closed on public and statutory holidays.

We are happy to deal with enquiries by telephone, in writing or by email.

Alternatively, you may find the information you require by visiting our website at www.nilgosc.org.uk. As noted in page 3, information produced by NILGOSC can be made available in several formats and languages.

Data Protection

NILGOSC is a data controller in line with the UK Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR). This means we store, hold and manage your personal data in line with statutory requirements to provide you with pension administration services. To enable us to carry out our statutory duties, we are required to share your information with certain bodies but will only do so in limited and specified circumstances. For more information about how we hold your data, who we share it with and what rights you have to request information from NILGOSC, please refer to the Privacy Notice for Members and Scheme Beneficiaries, available on our website at www.nilgosc.org.uk/about-us/dataprotection. If you are not a Scheme member or beneficiary, NILGOSC will always process your personal data in accordance with Data Protection legislation.

Requests in relation to accessing your personal data or exercising any other rights under data protection legislation should be made in writing or via email to the Data Protection Officer at NILGOSC at governance@nilgosc.org.uk