

# **The University of Birmingham Pension and Assurance Scheme**

## **Internal Dispute Resolution Procedure (IDRP)**

### **Introduction**

This leaflet describes the procedure available under the University of Birmingham Pension and Assurance Scheme (BPAS) for the resolution of any dispute that you may have with the trustees of BPAS (the "BPAS Trustees") relating to your pension. It explains who can use the procedure, how to notify the BPAS Trustees of your dispute and how the dispute will be handled.

The BPAS Trustees expect that most disputes or disagreements can be resolved without resorting to a formal grievance procedure and request that if you have a complaint about the administration of BPAS you should initially raise that complaint with the person you have been dealing with or his/her manager.

### **Resolving a dispute with BPAS**

Should you wish to pursue a complaint more formally, you may do so under BPAS's Internal Dispute Resolution Procedure (IDRP). This is a statutory procedure designed for the resolution of disputes between the BPAS Trustees and persons with an interest in BPAS. The IDRP operates a two-stage process. Under stage 1, your complaint will be considered by the Head of Pensions. If you are dissatisfied with their decision, you can then ask for your complaint to be considered under stage 2 and the matter will be referred to the BPAS Trustees.

If, following stage 2 you remain dissatisfied with the outcome, you may then refer your complaint to the Pensions Ombudsman, an organisation set up by law to investigate complaints about pension administration.

At any time you may find it helpful to seek advice and support from the Money and Pensions Service ("MaPS"). Further details about MaPS and how to contact them are set out at the end of this leaflet.

### **What complaints does the IDRP cover?**

There is no restriction on the type of dispute or disagreement to which the procedure applies. However, any matters related to your employment with the University of Birmingham, rather than with BPAS should be directed to your line manager / the University.

### **Who can use the IDRP?**

Any person who has an interest in BPAS (as defined under relevant legislation) may use the IDRP. The current relevant legislation provides that "persons with an interest in the scheme" are:

- a) active members, deferred members and pensioner members of BPAS (members);
- b) widows, widowers, surviving civil partners or dependants of a deceased member;
- c) a person who is not a dependant of a deceased member but who is entitled to a payment from BPAS on the death of the deceased member;
- d) prospective members (i.e. a person who is, or claims to be a potential member, either automatically, or with the consent of their employer);

- e) a person who has ceased to be a person who qualifies under paragraphs (a) to (d) above; and
- f) a person who claims to qualify under paragraphs (a) to (e) above and the dispute relates to this issue of qualification.

It is important to note that any person who does not satisfy the definition above will not be eligible to use the IDRП and, even if a person satisfies this definition, certain disputes are exempted (e.g. where proceedings in respect of that matter have been referred to any court or tribunal or are referred whilst the IDRП is underway).

### **When can you use the IDRП?**

A complaint must normally be made within 6 months of the date of the event or decision which is the subject of the complaint. The BPAS Trustees have discretion in exceptional circumstances to allow complaints to be heard outside of this period, if in the circumstances, they deem it reasonable to do so.

### **Representatives**

Representatives for a person who qualifies to use the IDRП may be used as follows:

- where that person dies, personal representatives can make or continue the dispute;
- where that person is a minor or incapable of acting on their own behalf; or
- in any case, where a representative has been nominated in writing by that person.

### **How to make a complaint under the IDRП?**

To commence the IDRП you must complete a form (IDR1) which can be obtained by writing to or telephoning the Pensions team. All complaints must be in writing and signed by the complainant or their representative.

Please note that, where a representative is acting on behalf of a person with an interest in the scheme, the BPAS Trustees reserve the right to request confirmation that the representative is appropriately appointed.

In completing form IDR1:

- all details need to be included on the form;
- the form must be sent to the correct address; and
- the basis for the complaint must be clearly explained, with all aspects of the complaint detailed.

When you have completed form IDR1, please send it to:

Pensions Manager  
BPAS Pensions Team  
c/o University of Birmingham  
Central Staff Hub  
Edgbaston  
Birmingham  
B15 2TT

If you have completed stage 1 of the IDRP and wish to appeal the decision, form IDR2 must be completed and submitted in the same manner. Form IDR2 can be obtained by writing to or telephoning the Pensions team as described above.

### **How will your complaint be dealt with under the IDRP?**

#### *Stage 1 - Initial application*

If you make an IDRP application by submitting form IDR1, the procedure is as follows:

- you will be sent written acknowledgement of your application within 10 working days of us receiving it.
- the person determining stage 1 will examine/investigate the facts of the complaint and decide whether there has been any maladministration, a mistake has been made, or the rules have not been applied properly;
- if this is the case, he/she will decide whether you are entitled to any additional benefit or compensation for any loss;
- the person deciding stage 1 will write to you and explain his/her decision and the reasons for the decision;
- you should receive a written response within four months of us receiving your application, although we will try to provide a response earlier if we are able to do so. However, if a decision cannot be made within this timescale, we will write to you advising of the delay and when the decision is likely to be sent to you. The person deciding stage 1 will issue their response to you within 21 days of making its decision.

It should be noted that the stage 1 determination will not bind the BPAS Trustees.

#### *Stage 2 - Appeal*

If you do not accept the decision made at stage 1, you may appeal against this by submitting form IDR2. The stage 2 procedure is as follows:

- an application must be made within six months of the stage 1 decision being issued (the date on the stage 1 decision letter). If you do not submit your application before this date, then you will lose your right to bring your complaint under the IDRP;
- your complaint will be referred to the BPAS Trustees;

Your complaint will be considered at the next meeting of the BPAS Trustees, provided that your application is received at least three weeks before the meeting (otherwise it will be considered at the next quarterly BPAS Trustees meeting);

- the BPAS Trustees can review the decision made at stage 1, even if you have not applied for it to be referred to;
- the BPAS Trustees will independently examine/investigate the facts of the complaint and decide:  
i) if there has been any maladministration, a mistake has been made, or the rules have not properly been applied, and whether you are entitled to any additional benefit or compensation for any loss;  
and

ii) whether it agrees with the stage 1 decision;

- a letter will be issued to you to explain the BPAS Trustees' decision and the reasons for the decision;
- as with stage 1, the complaint must be determined within a reasonable period, being four months or possibly longer in complex cases, and a letter explaining the decision and the reasons for the decision should be issued within 21 days of the BPAS Trustees making their determination;

If the BPAS Trustees' are unable to reach a decision within four months, we will write to you confirming the reason for the delay and when the decision is likely to be sent to you.

The determination made at stage 2 will be the BPAS Trustees' final determination on the issue and will supersede the stage 1 determination. Any offer that may have been made as part of the stage 1 determination may be withdrawn by the BPAS Trustees in their stage 2 determination.

### **What happens if you are still not satisfied?**

If, following completion of the IDRP, you are not satisfied with the outcome you may wish to raise a complaint with the Pensions Ombudsman. You have the right to refer your complaint to The Pensions Ombudsman free of charge.

The Pensions Ombudsman's Early Resolution Service and helpline is available at any time to assist members and beneficiaries of a pension scheme in connection with any pensions query. Using this service does not affect your right to pursue the matter through the Office of the Pensions Ombudsman. The Pensions Ombudsman deals with complaints and disputes which concern the administration and/or management of occupational and personal pension schemes. He will normally expect you to have used the IDRP. He will send a written statement of his decision on your complaint or dispute to both you and the BPAS Trustees and, if appropriate, direct the BPAS Trustees to take steps to rectify the situation. His determinations and directions are final and binding on all parties to the dispute and are subject to appeal only on a point of law.

Contact with The Pensions Ombudsman about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later, within three years of when you first knew about it (or ought to have known about it). There is a discretion for those time limits to be extended.

### **Early Resolution Team**

The Pensions Ombudsman  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Telephone: 0800 917 4487 Overseas: +44 (0) 207 630 2200

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

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

### **The Pensions Ombudsman**

10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Telephone: 0800 917 4487 Overseas: +44 (0) 207 630 2200  
Email: [CentralSupportMailbox@pensions-ombudsman.org.uk](mailto:CentralSupportMailbox@pensions-ombudsman.org.uk)  
Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

You can also submit a complaint form online:  
[www.pensions-ombudsman.org.uk/making-complaint/](http://www.pensions-ombudsman.org.uk/making-complaint/)

If you have general requests for information or guidance concerning your pension arrangements please contact MoneyHelper. MoneyHelper provides free, impartial help (previously provided by the Money Advice Service, The Pensions Advisory Service, as well as Pension Wise):

**MoneyHelper Pensions Guidance, Money and Pensions Service:**

120 Holborn  
London  
EC1N 2TD

**MoneyHelper:**

Email: [pensions.enquiries@moneyhelper.org.uk](mailto:pensions.enquiries@moneyhelper.org.uk)  
Telephone number: 0800 011 3797 Overseas: +44 20 7932 5780  
Website: [www.moneyhelper.org.uk/](http://www.moneyhelper.org.uk/)

**Money and Pensions Service:**

Email: [contact@maps.org.uk](mailto:contact@maps.org.uk)  
Telephone number: 0800 138 777  
Web: [www.maps.org.uk/](http://www.maps.org.uk/)