



Local Government Pension Scheme

administered by
The Highland Council

A guide to the procedures for settling complaints

Sgeama Peinnsein an Riaghaltais Ionadail

air a chur an gnìomh le
Comhairle na Gàidhealtachd

Stiùireadh a thaobh nam modhan airson a bhith a' rèiteach ghearanan

Introduction

This guide is to help you understand the procedures for settling any disagreement or complaint you may have about decisions your employer or the Authority that administers the Local Government Pension Scheme (the Scheme) have made about you or your benefits under the Scheme. The Highland Council administers the Scheme and throughout this guide is referred to as the Administering Authority.

The address of the Administering Authority is:

**The Highland Council Pension Fund
Corporate Resources Service
The Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX**

Decisions

From the day a person starts a job with an employer, to the day benefits or dependant's benefits are paid, the employer and the Administering Authority have to make decisions under the Scheme rules that affect you.

What to do when you are notified of a decision

When you (this includes dependants) are notified of a decision you should check, as far as you can, to see if you think it is based on the correct details and that you agree with it.

What to do if you are unhappy with a decision

It is normally a good idea to make an informal enquiry in the first place. Most problems can be resolved in this way. They are often caused by misunderstandings or wrong information, which can be explained or put right quickly and easily by the employer or the Administering Authority. So we suggest that you either telephone the number on the letter or form which your employer or the Administering Authority sent to you notifying you of their decision.

If, having done so, you remain unhappy with the decision (or the lack of one) then, under Stage 1 of the Internal Dispute Resolution Procedure, you have the right to have the decision looked at afresh by a person nominated by the body who took the decision against which you wish to appeal. In this guide we refer to that person as the "nominated person". For employees of The Highland Council and Joint Boards the job title and address of the interim "nominated person" are:

**Elaine Barrie
Head of HR
The Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX**

Each employer must have a "nominated person".

If you are not happy with the "nominated person's" decision at Stage 1 you can then appeal to the Scottish Ministers to have your case reviewed afresh at Stage 2 of the Internal Dispute Resolution Procedure.

Appeal to the Scottish

Ministers (Stage 2 of the process)

If you are unhappy with the “nominated person’s” decision, you can ask the Scottish Ministers to take a further look at the facts of the case. Such a request must be made within 6 months of the date of the “nominated person’s” decision letter. If the “nominated person” has failed to make a decision and has not issued you with an interim reply within 3 months of the date of your appeal application, you then have 6 months from the end of the initial 3 month period within which to lodge an appeal with the Scottish Ministers.

If the “nominated person” has issued you with an interim reply but does not issue a determination within 1 month of the date they said they would, you then have 6 months after the end of that 1 month period within which to lodge an appeal with the Scottish Ministers. You should write to:

The Scottish Ministers
Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels
TD1 3TE

At either stage you will be able to contact:

The Pensions Advisory Service
120 Holborn
London
EC1N 2TD

Telephone: 0845 601 2923

They will be able to assist you with any difficulty that remains unresolved. If you are unhappy following the Scottish Ministers’ Stage 2 decision, you can then take your case to the Pensions Ombudsman.

The Pensions Ombudsman can be contacted at:

The Office of the Pensions Ombudsman,
11 Belgrave Road
London
SW1V 1RB

There is no charge made for investigating any complaint at any stage under the dispute rules – the only expenses you will have to meet are those of your own (or your representative’s) time, stationery and postage.

Are there any time limits I should be aware of?

Yes. If you wish to use the dispute rules you must make your application to the “nominated person” within 6 months after you were notified of the decision you are complaining about. If your complaint is that a decision has not been made, you must make your application within 6 months of the time the decision ought to have been made. You should not, therefore, leave things too long before making your application to the “nominated person”.

That person can extend the 6 months time limit for a reasonable period if they consider that it is reasonable to do so.

The “nominated person” should give you a decision within 2 months of receiving your written complaint or write to you at the end of 2 months telling you the reasons for a delay in reaching a decision and giving you the date when they expect to be able to let you know the outcome.

If you get neither a letter giving the “nominated person’s” decision nor a letter giving the reason for a delay within 3 months of the date you made the application, or if you don’t receive the

“nominated person’s” decision within 1 month of the date they said they expected to give you a decision, you can apply directly to the Scottish Ministers without waiting any longer (see back page).

What power does the “nominated person’s” decision have?

The “nominated person’s” decision is binding on you, the employer and/or the Administering Authority unless you disagree with the Stage 1 decision and make an appeal to the Scottish Ministers at Stage 2 of the process. This means that if the “nominated person’s” decision is contrary to the decision originally taken by your employer or by the Administering Authority they must either deal with your case on the basis of the decision made by the “nominated person” or, where the decision relates to the exercise of a discretion by the employer or the Administering Authority, the employer or Administering Authority will be required to reconsider its decision.

