

Resolving a dispute with USS

What is the Internal Dispute Resolution procedure?

USS is administered by Universities Superannuation Scheme Limited (the Trustee Company). Whilst the Trustee Company tries to run the scheme fairly and efficiently, there may be occasions when you are not happy with its administration. The Internal Dispute Resolution (IDR) procedure is a statutory procedure designed for the resolution of disputes between the Trustee Company and persons who have an interest in USS.

Before using the IDR procedure:

- it may be quicker and easier to resolve your issue/ complaint with the Trustee Company by contacting the person with whom you were dealing, or his/her manager to try to resolve the problem in a less formal manner;
- you may always seek further advice from the Pensions Advisory Service (TPAS), an organisation which provides advice to members of occupational pension schemes.

If you would prefer not to follow one of these courses of action, or if after pursuing either or both of them the problem is not resolved to your satisfaction, then you may be able to follow the IDR procedure.

Who can use the IDR procedure?

As mentioned, any person who has an interest in USS (as defined under relevant legislation) may use the IDR procedure.

The current relevant legislation provides that “persons with an interest in the scheme” are:

- a) members, deferred members and pensioner members of USS (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 USS on the death of the deceased Member;
- d) prospective Members;
- 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 IDR procedure;
- 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);
 - the matter must be between the person and the Trustee Company - the IDR procedure does not deal with issues between a person and their institution/ employer; and
 - the person may only bring a dispute which directly arises out of that person being a person with an interest in the scheme.

When can you use the IDR procedure?

If you are a person who qualifies under paragraphs (a) to (d) above, you can ask at any time for your dispute to be considered under the IDR procedure.

Those who qualify under paragraphs (e) and (f) above must submit their complaint under the IDR procedure within six months of:

- ceasing to be otherwise qualified; or
- discovering that they do not qualify under paragraphs (a) to (d) above to make a claim under the IDR procedure.

Any claim made outside of this time limit will not be accepted.

The IDR procedure should be used before you refer a complaint to the Pensions Ombudsman. Failure to do so may lead to the Pensions Ombudsman refusing to consider your complaint until it has been reviewed under the IDR procedure. You will retain the right to refer a complaint to the Pensions Ombudsman if you remain dissatisfied after the IDR procedure has been completed.

Representatives

Representatives for a person who qualifies to use the IDR procedure (see above) 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 do you make a formal complaint?

All complaints must be in writing and signed by the complainant or their representative. Please note that, where a representative is acting, the Trustee Company reserves the right to request confirmation that the representative is appropriately appointed.

To commence the IDR procedure you must complete a form (IDR1) that you can obtain by writing or telephoning the Trustee Company. When you have completed form IDR1, please send it to the pensions operations manager at:

Universities Superannuation Scheme Ltd
Royal Liver Building
Liverpool
L3 1PY

In completing form IDR1:

- all details need to be included on the form for it to be duly completed;
- 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.

If you wish to appeal against the initial determination (see below), form IDR2 must be completed in the same manner. This form can also be obtained as mentioned above for form IDR1.

How will your complaint be dealt with?

• Stage 1 - Initial application

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

- your complaint will be investigated and determined at stage 1 by the pensions operations manager, or by another senior manager within the Trustee Company where the pensions operations manager determines that it is appropriate due to his/her involvement in the substance of the complaint;
- 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 properly been applied;
- 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;
- a determination will normally be sent to you within two months of the pensions operations manager receiving the duly completed form IDR1.

It should be noted that the stage 1 determination will not bind the Trustee Company and the decision of the person deciding the complaint at stage 1 is subject to subsequent ratification by the Trustee Company.

• Stage 2 - Appeal

If you believe that the determination at stage 1 is incorrect, you may appeal against the determination by submitting form IDR2. The stage 2 procedure is as follows:

- an application must be made within six months of the stage 1 determination being issued (the date on the stage 1 determination letter);
- your complaint will be referred to a special committee of the Trustee Company (the Advisory Committee) authorised to deal with the stage 2 applications for and on behalf of the Trustee Company;
- the Advisory Committee can review the determination made at stage 1, even if you have not applied for it to be referred to it;
- the Advisory Committee will independently examine/ investigate the facts of the complaint and decide whether:
 - (i) there has been any maladministration, a mistake has been made, or the rules have not properly been applied; and
 - (ii) it agrees with the stage 1 determination;
- as with the stage 1 determination:
 - (i) there will be a decision made about whether you are entitled to any additional benefit or compensation for any loss; and
 - (ii) a letter will be issued to you, explaining the decision and the reasons for the decision.
- application will normally be determined within two months of the completed form IDR2 being received by the Advisory Committee. The determination made at stage 2 will be the Trustee Company's 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 Advisory Committee in its stage 2 determination.

• Further Steps

If you remain dissatisfied with the outcome of the IDR procedure you have the right to seek advice from TPAS and if necessary, the Pensions Ombudsman.

Details of TPAS and the Pensions Ombudsman are as follows:

The Pensions Advisory Service
11 Belgrave Road
London
SW1V 1RB

Telephone number: 0845 601 2923

The Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB

Telephone number: 020 7630 2200

Summary

The Trustee Company is always keen to resolve any questions or issues that a member may have. The IDR procedure is established to allow a more formal mechanism for issues to be resolved.

To raise a complaint under the IDR procedure, or to appeal against a stage 1 determination, the relevant forms have to be completed and then returned to the Trustee Company.

The timescales for the completion of the process are normally as follows:

Stage 1 The Trustee Company receives form IDR1 – stage 1 determination issued within two months.

Stage 2 The Trustee Company receives form IDR2 (within 6 months of the date of the stage 1 determination) – stage 2 determination issued within two months.

At any time the member is able to approach TPAS (see opposite), and at the end of the process the complaint can be referred to the Pensions Ombudsman.