

Resolving a dispute with USS

USS is administered by Universities Superannuation Scheme Ltd (the trustee). It administers the scheme in accordance with the law and the scheme rules. If you have a complaint about the administration of the scheme you should initially raise that complaint with the person you have been dealing or with his/her manager. The trustee will endeavour to respond to any questions and resolve any issues that a member or other interested party may have.

Should you wish to pursue a complaint more formally, you may do so under USS's Internal Dispute Resolution (IDR) procedure. This is a statutory procedure designed for the resolution of disputes between the trustee and persons with an interest in USS. The trustee operates a two stage IDR procedure. Under stage 1, your complaint will be considered by one of the trustee's senior officers. If you are dissatisfied with the determination, you can then ask for your complaint to be considered under stage 2 and the matter will be referred to USS's Advisory Committee, a special committee comprised of members appointed by both Universities UK and the University and College Union.

If, following completion of the IDR procedure, you are not satisfied 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 Pensions Advisory Service (TPAS). TPAS is an independent and free of charge organisation which provides advice to members and beneficiaries of occupational pension schemes.

What complaints can be considered under the IDR procedure?

In order to use the IDR procedure:

- the matter must be between the person and the trustee - 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 someone with an interest in the scheme.

Who can use the IDR procedure?

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) active 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 (i.e. persons who, under the terms of their contract of service or under USS's scheme rules, are (or after a certain period of service will be) entitled to become a member of USS, either at their own option, 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 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 or are referred whilst the IDR procedure is underway).

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.

Representatives

Representatives for a person who qualifies to use the IDR procedure 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 complaint under the IDR procedure?

To commence the IDR procedure you must complete a form (IDR1) that you can obtain by writing to or telephoning the trustee. 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 trustee reserves 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:

Head of Pensions Operations
Universities Superannuation Scheme Ltd
Royal Liver Building
Liverpool
L3 1PY

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

How will your complaint be dealt with under the IDR procedure?

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 Head of Pensions Operations, or by another senior officer of the trustee;
- 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;
- the trustee is required to make its determination within a reasonable period. The Pensions Regulator, the body which governs occupational pension schemes, considers that a determination should be made within four months, although this may be longer in complex cases. The trustee must then issue its response to you within 15 working days of making its decision.

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

Stage 2 - Appeal

If you do not accept the determination 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 determination being issued (the date on the stage 1 determination letter). If you do not submit your application before this date then you will lose your right to bring your complaint under the IDR procedure;
- your complaint will be referred to USS's Advisory Committee, a special committee established under the scheme rules that is authorised to deal with the stage 2 applications for and on behalf of the trustee;
- the Advisory Committee meet at least three times a year (with additional meetings scheduled as necessary). Your complaint will be considered at the next meeting of the Advisory Committee, provided that your application is received at least two weeks before the meeting (otherwise it will be considered at the next following meeting);
- the Advisory Committee can review the determination made at stage 1, even if you have not applied for it to be referred to;
- the Advisory Committee 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 determination;
- a letter will be issued to you to explain the Advisory Committee's 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 15 working days of the Advisory Committee making its determination.

The determination made at stage 2 will be the trustee'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.

The Pensions Ombudsman

If, following completion of the IDR procedure, you are not satisfied with the outcome you may wish to raise a complaint with the Pensions Ombudsman. The Ombudsman is an independent organisation set up by law with power to investigate and determine any complaint or dispute of fact or law, in relation to a pension scheme.

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.

The contact details for the Pensions Ombudsman are:

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

Telephone number: 0800 917 4487
www.pensions-ombudsman.org.uk

The Pensions Advisory Service

You can at any stage seek free and impartial advice from TPAS, an independent service which is available to assist members and beneficiaries of USS in connection with any difficulty with the scheme:

The Pensions Advisory Service
11 Belgrave Road
London
SW1V 1RB

Telephone number: 0300 123 1047
www.pensionsadvisoryservice.org.uk

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