

# INTERNAL DISPUTE RESOLUTION PROCEDURE

## ***What is the Internal Dispute Resolution Procedure for?***

The Trustee of the Industry-Wide Coal Staff Superannuation Scheme (IWCSSS) have set up this procedure in case you have a complaint or grievance about the IWCSSS or your benefits from the Scheme which has not (or cannot) be resolved by the administrators, in which case you can apply to have it looked into directly by the Trustee.

The IWCSSS Internal Dispute Resolution Procedure follows the requirements for dispute resolution arrangements found in Sections 50, 50A and 50B of the Pensions Act 1995, as inserted by section 273 of the Pensions Act 2004 (as amended) and The Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

## ***Who is it for?***

The IWCSSS Internal Dispute Resolution Procedure can be used by any IWCSSS contributing member, pensioner or deferred pensioner. It is also available to any prospective members of the Scheme, to pension credit members and also to the widow, widower, child or other dependant of a member who has died.

Anyone who used to be in these groups may also still use the procedure, but must apply within six months of ceasing to be in the group. If the person applying is under 18, or is for some other reason incapable of acting on their own behalf, the application can be made by a member of their family or by another suitable person.

## ***How does it work?***

More details are given below, including some common questions which members have asked in the past. In summary, in the first instance you should try to resolve any complaint with the Scheme Administrators, who are currently a company called Hymans Robertson. They deal with the Scheme on a day-to-day basis and are best placed to enable you to resolve any difficulties. Their details are at the end of this guidance.

If the administrators are unable to resolve your complaint, you can then use this procedure to make a formal complaint to the Scheme Secretary of the IWCSSS at The Trustees Office. This is the **first stage** of the dispute procedure. The Scheme Secretary will look at the facts and make a decision on your complaint on behalf of the IWCSSS Trustee.

If you are not satisfied with the Scheme Secretary's decision, you can ask for your complaint to be considered by the Trustee. This is the **second and final stage** of the internal procedure.

The options open to you if you are not satisfied with the decision taken by the Trustee are outlined later in this note.

## **FIRST STAGE**

### ***What do I do at the first stage of the Procedure?***

A Complaint Form is enclosed with these notes, which you should complete, setting out the details of your grievance. Once complete, you should send it to the Scheme Secretary along with any supporting evidence at the address shown at the end of these notes.

If you are the widow or widower or a dependant of a Scheme member who has died please include their full name, address, date of birth and national insurance number, as well as details of your relationship to the member (for example, widow, son, brother).

The Complaint Form and/or your letter must be signed by you and your representative if you have asked someone to help you (see below). Because the Trustee requires a signed form, they will not accept complaints by e-mail.

### ***Do I have to complete the Complaint Form?***

As an alternative to completing the Form, you can just write a letter of complaint, but you must make it clear that your letter is a formal complaint under the IWCSSS Internal Dispute Resolution Procedure and include all the information specified on the form. Consequently, most people find it easier to use the suggested Form.

### ***Can I get any help with making a complaint?***

If you wish, you may ask someone to represent you. If you do, you should give your representative's full name, address and profession (if any). Please say whether you would like correspondence about the matter to be sent to your own address and / or to your representative's address.

The Scheme Secretary will also be able to help if you have a query about the procedure or the type of information you should include. You can, of course, get help from anyone of your choosing – a friend or colleague, your trade union, or perhaps a solicitor (you should be aware however that the Scheme will not normally pay for any costs you incur).

You can also contact MoneyHelper – Pensions and Retirement which is an organisation set-up by Government and gives free and independent advice to members of the public to help them deal with pension queries or problems. The contact details are given at the end of this note.

Anyone who helps you can be named on your complaint form as your representative.

### ***When will I receive a reply or a decision?***

The Scheme Secretary will write to you (and to your representative if you have one) with his decision on your complaint. Where possible, he will explain his decision and the details of any legislation or provisions of the Scheme Rules on which he has based his decision. He will aim to reply within two months of receiving your complaint, but more complex issues may take a little longer. If you do not receive his decision within two months, he will write to you giving you an expected date for the decision (which will, in all cases, be no longer than four months of receipt of the complaint).

The Scheme Secretary will let you know about the second stage of the IWCSST Internal Dispute Resolution procedure should you wish to appeal against the first stage decision.

### ***Will my complaint be kept confidential?***

The Trustee may need to share details of your complaint as part of its investigation and possible resolution. Fundamentally, they will make sure the information in respect of your complaint is used fairly and lawfully. They will share that information only with parties where it is necessary for them to do so for the settlement of your complaint (such as the Ombudsman, the Trustee's advisors or the member's employer or former employer). The Trustee will use and protect your personal data in accordance with the General Data Protection Regulation. If you have concerns about the use of your data, please contact the Trustees Office in the first instance.

## **SECOND STAGE**

### ***What does the second stage involve?***

If you are not satisfied with the Scheme Secretary's decision at the first stage you can ask the IWCSST Trustee to reconsider your complaint at the second stage of the procedure.

You must apply for your complaint to be dealt with under the second stage **within six months** of the first stage decision and give a statement of the reasons why you are dissatisfied with that decision.

Your application should include all the details you provided for the first stage, along with a copy of the first stage complaint and decision. Again, you may ask someone to represent you. The Trustee normally meets every three months and, if possible, will make their decision at the next meeting following the receipt of your complaint provided they have had adequate time to investigate. When they write to you, the Trustee will inform you whether they intend to confirm, change or reverse the first stage findings and what the next steps are.

The Trustee's aim is always to respond to you in a reasonable timescale and will always let you know their decision within no more than fifteen working days after they have reached it. In practice, they try to reach their decision within two months of your appeal. This is not always possible, however, and in any case where the Trustee cannot give their decision within two months, they will write to you setting out reasons for the delay and an expected date for giving their decision. In those circumstances, a final decision will be made within four months of receipt of your application.

### ***What happens if I am still not satisfied?***

If you are not satisfied for any reason with the Trustee's decision at the Second Stage of the IWCSST Internal Dispute Resolution procedure you can ask MoneyHelper for guidance (or further help, if they have already assisted you). MoneyHelper does not have the power to require the Trustee to change its decision, but they can use their expertise to try to resolve matters for you.

Alternatively, you can ask The Pensions Ombudsman to consider your complaint. The Pensions Ombudsman (TPO) is an independent organisation set up by law to help resolve pension disputes. TPO are impartial and free to use. TPO operates an Early Resolution Service as well as a formal adjudication service. This means, wherever possible, it attempts to resolve complaints informally at an early stage. Where appropriate, this can be before the IDR has been used, as long as you have raised the issues with the party you are complaining about but are unhappy with their response

## **USEFUL ADDRESSES**

### **The Scheme's Administrators**

IWCSSS Administration Office  
Hymans Robertson  
20 Waterloo Street  
Glasgow  
G2 6DB

t. 0141 566 7660

e. [iwcsssadmin@hymans.co.uk](mailto:iwcsssadmin@hymans.co.uk)

### **MoneyHelper – Pensions and Retirement**

t. 0800 011 3797

website: [www.moneyhelper.org.uk](http://www.moneyhelper.org.uk)

### **The Scheme Secretary and/or Trustee**

IWCSSS Scheme Secretary  
The Trustees Office  
Mexborough Business Centre  
College Road  
Mexborough  
S64 9JP

t. 01709 590058

e. [admin@ttol.co.uk](mailto:admin@ttol.co.uk)

### **The Pensions Ombudsman**

10 South Colonnade  
Canary Wharf  
London  
E14 4PU

t. 0800 917 4487

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

# INDUSTRY-WIDE COAL STAFF SUPERANNUATION SCHEME

## INTERNAL DISPUTE RESOLUTION PROCEDURE

### DETAILS OF COMPLAINT OR DISPUTE

1. COMPLAINANT			
Title		Surname	
Forename(s)			
Date of Birth		National Insurance No.	
Address			
		Post Code	

2. SCHEME MEMBER (if different from above)			
Title		Surname	
Forename(s)			
Date of Birth		National Insurance No.	
Address			
		Post Code	

3. DETAILS OF REPRESENTATIVE (if any)		
Name <i>(and Profession, if applicable)</i>		
Address		
		Post Code
Is all correspondence to be sent to your representative?		YES / NO

**4. DETAILS OF COMPLAINT OR DISPUTE**

*Please continue on a separate sheet if necessary. Don't forget to enclose any supporting evidence.  
The Complainant must sign below, even if a representative is acting for them.*

Signature of Complainant:

Date:

Signature of Representative *(if appropriate)*:

Date: