



PUBLIC SECTOR PENSIONS AUTHORITY

Internal Dispute Resolution Procedure

**Public Sector Pensions Authority
Prospect House
27-29 Prospect Hill
Douglas
Isle of Man
IM1 1ET**

March 2024

Equality

In compliance with the Equality Act 2017 we commit to not treating any person less favourably than anyone else because of that person's

- Sex (male or female)
- Legal marital or civil partnership status
- gender reassignment (whether proposed, commenced or completed)
- Sexual orientation (LGBT+ and heterosexual)
- Race (this includes colour, ethnic or national origin or nationality or caste)
- Disability
- Religious or political beliefs (this includes lack of religious or political beliefs)
- Age
- Pregnancy and maternity.

The Public Sector Pensions Authority is committed to equal opportunities and our aim is to make our complaints policy easy to use and accessible to all of our customers. We will take reasonable steps to accommodate any reasonable adjustments you may need us to make too enable you to access this policy or receive responses to complaints in other formats, and provide such assistance as you may reasonably require. If you would like a response to a complaint in another format (such as Braille, audio CD, BSL video, large print or Easy Read) please email: pensions@pspa.im or phone (01624) 685598.

A guide to the Internal Dispute Resolution Procedures

The Public Sector Pensions Act 2011 requires the Public Sector Pensions Authority (PSPA) to operate statutory Internal Dispute Resolution Procedures (IDRP). These procedures provide scheme members and their dependents with the opportunity to challenge **a decision** made by the PSPA.

IDRP is completely separate and distinct from our Complaints Procedure and is a statutory (legal) mechanism for resolving disputes or disagreements, as opposed to a complaint about the level of service provided to you.

This guide explains the procedures that must be followed under IDRP. However, the definitive terms are contained in the Public Sector Pension Schemes (Internal Dispute Resolution Procedures) Regulations 2012. In the event of any conflict between this guide and the Regulations, the Regulations (as amended from time to time by the PSPA) will prevail.

Who can use the Internal Dispute Resolution Procedures?

- Active members of the pension scheme (those currently paying contributions from their salary into the scheme);
- Deferred members, (members who have left or opted out of the scheme) whose benefits have been deferred (preserved for payment at their normal pension age);
- Members receiving a pension from the scheme;
- Widows, widowers, surviving civil partners or dependents of deceased members; and
- Prospective members of the scheme.

You may ask someone else to raise a dispute under IDRП and manage it for you. However, you must give us your express permission, in writing, to do so as we are not able to pass on any information we hold about you to anyone else unless you do.

Please note that we cannot investigate an application under IDRП if proceedings have begun in connection with this in any court or tribunal, or if the Isle of Man Pensions Ombudsman has commenced an investigation, or if a notice of appeal has been issued by a firefighter or police officer in respect of a medical or injury benefit appeal.

The Internal Dispute Resolution Procedure

We firmly believe that the vast majority of pension problems can be resolved or explained easily and quickly. If you think there are facts that we have overlooked, or other information which you feel we should have considered in coming to a decision about your case, please let us know straight away by contacting the PSPA pensions administration team at:

Public Sector Pensions Authority
Administration Team
Prospect House
27-29 Prospect Hill
Douglas
Isle of Man
IM1 1ET

Or by phoning us on 01624 685598 or by emailing us at pensions@pspa.im

If this informal approach fails to resolve your dispute, the following pages explain how the formal process, which has two stages, works.

IDRP - Stage 1

The first stage gives you the opportunity to set out the nature of the disagreement and to receive a written explanation of any decision taken by the scheme administrators in response.

Your application must be in writing and signed and dated. You should raise a dispute within a reasonable period of time of receiving the decision that you disagree with. Please set out in sufficient detail the matter which is in dispute and your reasons for disagreeing with any decision made. You should attach any relevant documents or evidence you wish to rely upon when doing so.

You must provide your full name, address, date of birth and National Insurance number. If you are a widow, widower or the surviving dependant of a scheme member, please also state your relationship to them, their full name, address and date of birth, and their National Insurance number.

If you are acting on behalf of someone else, you will need to provide this information, and additional relevant information about yourself, including your name and the address you wish us to write to you at. We must have written confirmation from the member that we can provide you with information about them. Your submission must provide us with sufficient detail to show why they are aggrieved.

We have created an application form to help you raise a dispute and ensure that you have included all the information that we need to consider it. You don't have to use the form, but you may find it helpful to do so.

A senior officer from the Executive of the PSPA will deal with your dispute. We will write to you to acknowledge receipt of your dispute within 5 working days of receiving it and advise you who will be dealing with it. We will provide a written decision within 3 months of receiving it. If it is not possible to provide you with a decision within this timeframe you will be sent an interim response, explaining the reason for the delay and giving an expected date for a full reply.

The notice of decision will include a statement setting out the decision, a reference to any relevant parts of the scheme rules and any additional legislation that has been considered in reaching the decision. It will also advise you of your right to escalate your dispute to Stage 2 of IDRPs if you are still aggrieved.

You should submit details of your dispute in writing to the Chief Executive, Public Sector Pensions Authority at the address on the previous page.

IDRP - Stage 2

If, you remain aggrieved with the first Stage response, you have the right of appeal to the Public Sector Pensions Authority. Any application for a review of the decision must be made in writing within 6 months of the date of the Stage 1 decision to The Secretary, Public Sector Pensions Authority at the address on the previous page and clearly set out why you disagree with the decision and request the dispute be considered by the Authority. You should enclose the notice of decision under Stage 1 when doing so.

The Secretary to the PSPA will write to you within 3 months of receiving your complaint. If it is not possible to provide you with a full response at this time, you will be sent an interim response, explaining the reason for the delay and giving an expected date for a full reply. The final decision of the PSPA will explain whether they confirm or replace the decision made at Stage 1, explain the reasons for their decision and include a reference to any legislation and scheme rules relied upon in coming to that decision.

If you remain aggrieved after stage 2 you can complain to the Pensions Ombudsman.

Alternatively, if you believe that you have sustained injustice or hardship as a result of service failures by, or the administrative actions of, the PSPA (including action taken on our behalf you can complain to the Tynwald Commissioner for Administration (The Tynwald Ombudsman) but certain restrictions (see page 5) may apply which will preclude the Tynwald Ombudsman from investigating.

The Money and Pensions Service is available to provide help with pension matters and can be contacted at <https://www.pensionsadvisoryservice.org.uk/>

The Pensions Ombudsman

The Isle of Man Pensions Ombudsman investigates complaints about how pension schemes are run. The service is free and open to people who have a complaint against those responsible for the administration or management of occupational pension schemes. The Ombudsman will normally expect the complainant to have been through all stages of the Internal Dispute Resolution Procedures. Contact with the Pensions Ombudsman about a complaint needs to be made within 3 years of when the event(s) the complaint is about happened – or, if later, within 3 years of when the complainant first knew about it (or ought to have known about it). There is discretion for those time limits to be extended.

The Ombudsman can be contacted at:

Isle of Man Pensions Ombudsman
The Treasury
1st Floor
Markwell House
Market Street
Douglas
Isle of Man
IM1 2RZ

Email: IOM.PensionsOmbudsman@pensions.im

The Tynwald Ombudsman

The Tynwald Ombudsman purpose is to investigate complaints from members of the public who claim to have sustained injustice or hardship as a result of service failures by, or the administrative actions of, the PSPA (including action taken on our behalf).

However, it is important to note that:

A complainant cannot ask the Tynwald Ombudsman to investigate a case after an unsuccessful complaint to the Pensions Ombudsman as the Tynwald Ombudsman has no powers to overturn decisions of other Ombudsmen.

Section 11(2)(h) of the Tynwald Commissioner for Administration Act 2011 expressly precludes the TCA from investigating “action taken in respect of appointment or removal, pay, discipline or superannuation of staff or other personnel matters”.

The Tynwald Ombudsman will normally only deal with a complaint if it arises after 1st January 2020; has been through internal procedures and the complainant is resident in the Isle of Man. The Ombudsman can be contacted at:

Tynwald Commissioner for Administration
C/o Office of the Clerk of Tynwald
Legislative Buildings
Finch Road
Douglas
Isle of Man
IM1 3PW

Email: ombudsman@parliament.org.im