

# Resolving a dispute with USS

**USS is administered by Universities Superannuation Scheme Limited (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 the Universities and Colleges Employer's Association 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 Money and Pensions Service ("MaPS"). MaPS brings together three respected financial guidance bodies, including The Pensions Advisory Service, an independent and free of charge service which is available to assist members and beneficiaries of USS in connection with any difficulty with the scheme. MaPS' new consumer facing brand is called MoneyHelper, MoneyHelper is here to make your money and pensions choices clearer and to put you in control with impartial help that's on your side backed by the government and free to use. Contact details for MaPS and MoneyHelper are set out further below in this factsheet.

## **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 commenced by any court or tribunal or are commenced whilst the IDR procedure is underway, including matters in respect of which the Pensions Ombudsman has commenced an investigation).

### **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 an IDR1 application form. The IDR1 application form can be requested 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:

Pensions Operations Executive  
Universities Superannuation Scheme Limited  
Royal Liver Building  
Liverpool  
L3 1PY

If you have completed stage 1 of the IDR procedure and wish to appeal the determination, you must complete an IDR2 application form. The IDR2 application form can be requested by writing to or telephoning the trustee. All complaints must be in writing and signed by the complainant or their representative.

## 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 Pensions Operations Executive, 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 any award in relation to any loss or other injustice suffered (including distress or inconvenience) that arises from any act or omission by the Trustee in relation to the administration of the Scheme;
- 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 21 days of making its decision.

It should be noted that the stage 1 determination will not bind 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;
- If following a review of your stage 2 IDR complaint it is determined that it includes new grounds of complaint which were not included in your stage 1 complaint and which have not therefore been considered by the Trustee under stage 1 of the IDR1 procedure, it may be necessary for a determination at stage 1 to be made before the complaint can be referred to the Advisory Committee at stage 2 of the IDR process. In these circumstances, your complaint will be treated as a new stage 1 complaint and will be investigated and determined by the Pensions Operations Executive, or by another senior officer of the trustee as described above. This will not prevent you from submitting a new stage 2 IDR form and appealing the determination made in respect of your new IDR stage 1 complaint, if you do not accept the determination which is made. We will write to inform you if this is the case.
- 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). Usually, your complaint will be considered at the next meeting of the Advisory Committee, provided that your application is received at least three 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 any award in relation to any loss or other injustice suffered (including distress or inconvenience) that arises from any act or omission by the Trustee in relation to the administration of the Scheme; 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 21 days of the Advisory Committee making its determination;
- under the USS Rules, the additional members of the Advisory Committee (who are Trustee directors, one nominated by the Universities and Colleges Employer's Association and one nominated by the University

and College Union), can consider whether an IDR complaint would or does involve a significant issue of policy or principle and, if in both of the opinions of the additional members it does, can determine that a complaint is referred to the Board of Directors of the Trustee company.

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

Email address: [Enquiries@pensions-ombudsman.org.uk](mailto:Enquiries@pensions-ombudsman.org.uk)

Website: [pensions-ombudsman.org.uk](https://pensions-ombudsman.org.uk)

Complaints: [Making a complaint | The Pensions Ombudsman \(pensions-ombudsman.org.uk\)](#)

### MaPS and MoneyHelper

You may find it helpful to see advice and support from the Money and Pensions Service. MaPS brings together three respected financial guidance bodies, including The Pensions Advisory Service, an independent and free of charge service which is available to assist members and beneficiaries of USS in connection with any difficulty with the scheme. MaPS' new consumer facing brand is called MoneyHelper, MoneyHelper is here to make your money and pensions choices clearer and to put you in control with impartial help that's on your side backed by the government and free to use. They can be contacted at:

**Money & Pensions Service**  
Holborn Centre, 120 Holborn,  
London EC1N 2TD  
Tel: 0800 138 7777  
Email: [contact@maps.org.uk](mailto:contact@maps.org.uk)  
Web: [www.maps.org.uk](http://www.maps.org.uk)

**MoneyHelper**  
Holborn Centre, 120 Holborn,  
London EC1N 2TD  
Tel: 0800 011 3797  
Overseas Tel: 020 7932 5780  
Web: [www.moneyhelper.org.uk](http://www.moneyhelper.org.uk)

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