

# Local Government Pension Scheme

## Internal Dispute Resolution Procedure

**Note:** *This booklet provides a straightforward guide to how the internal dispute resolution procedures operate in the Local Government Pension Scheme and is provided for general information only. It does not cover every aspect. It is not an interpretation of the scheme regulations. In the event of any unintentional differences, the scheme regulations will prevail. This booklet does not confer any contractual or statutory rights.*

## INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) SYSTEM

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## **INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)**

### **Decisions**

From the day a person starts a job with an employer, to the day when benefits or dependant's benefits are paid, the employer and the pension scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependents). When you (this includes dependants) are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

### **Complaints**

If you are not satisfied with any decision, act or omission by the employer or the pension scheme affecting you in relation to the scheme, you have the right to ask for it to be looked at again under the formal complaint procedure. The complaint procedure's official name is the "internal dispute resolution procedure".

There are also several other regulatory bodies, such as the Money and Pensions Service, which may be able to help you. They are described in the "Additional Help" section.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make should be treated seriously and considered thoroughly and fairly.

No charge is made at any stage for investigating a complaint under the internal dispute resolution procedure. But expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

Please remember that, before going to the trouble of making a formal complaint, your pensions administering authority may welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking again that they know you are concerned, and why.

### **Rights of Representation**

You can nominate someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your husband, wife or partner or a friend.

If you are a minor or are or have become incapable of acting, a family member or some other suitable representative can make (or continue) the complaint on your behalf.

Where a person who has started the IDRP process or a person who has not done so but has the right to do so dies, the person's personal representatives can make (or continue) the complaint on the person's behalf.

## First stage

If you need to make a formal complaint, you should make it:

- in writing, using the application form at the end of this document, and
- normally within 6 months of the date of the notification of the decision or the act or omission about which you are complaining (or such longer period as the adjudicator considers reasonable).

Your complaint will be considered carefully by a person nominated by the body who did, or failed to do, the thing against which you wish to complain. This guide calls them “the adjudicator”. That person is required to give you their decision in writing.

If the adjudicator's decision is contrary to the decision you complained about, the employer or administering authority who made that original decision will now have to deal with your case in accordance with the adjudicator's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the adjudicator decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

## Second Stage

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the adjudicator's first-stage decision,
- you have not received a decision or an interim letter from the adjudicator, and it is 3 months since you lodged your complaint,
- it is one month after the date by which the adjudicator told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

This review would be undertaken by a person not involved in the first stage decision.

You will need to send the appropriate administering authority your complaint in writing. The time limits for making the complaint are set out in the table at the end of the document. The administering authority will consider your complaint and give you their decision in writing.

If you are still unhappy following the administering authority's second stage decision, you can take your case to the Pensions Ombudsman for a formal determination provided you do so within 3 years of the event that gave rise to the complaint.

## **ADDITIONAL HELP**

### **Money and Pensions Service**

**At any time** if you are having difficulties in sorting out your complaint, you may wish to contact Money and Pensions Service.

Money and Pensions Service can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on **[www.moneyandpensionservice.org.uk](http://www.moneyandpensionservice.org.uk)** or you can contact Money and Pensions Service by phone, post, email or fax.

The **Pensions Helpline phone number** is 01159 659570

You can write to:  
Money and Pensions Service  
Holborn Centre  
120 Holborn  
London  
EC1N 2TD

Email: [complaints@maps.org.uk](mailto:complaints@maps.org.uk)

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, Money and Pensions Service may be able to help to resolve your pensions complaint or dispute. Before asking for Money and Pension Service's help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described above.

A Money and Pension Service adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. The Money and Pensions Service would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

## Pensions Ombudsman

The Pensions Ombudsman solely deals with pension complaints. It can help if you have a complaint or dispute about the administration (including transfers/conversion) and/or management of personal and occupational pensions.

The types of pension arrangements it looks at include:

- executive, group, and personal pension plans,
- self-invested personal pensions (SIPP),
- small self-administered pension schemes,
- workplace, employer, and stakeholder pension schemes,
- free standing additional voluntary contribution schemes, and
- annuities and section 32 buy-out policies

Some examples of types of complaints it considers include:

- auto enrolment,
- benefits: incorrect calculation/refusal/failure to pay or late payment,
- charges/fees,
- death benefits,
- failure to provide information/act on instructions,
- fund switches,
- guaranteed Annuity Rate,
- ill health,
- interpretation of scheme rules/policy terms,
- misquote/misinformation,
- Payment/pension increases,
- pension liberation,
- transfers: general,
- winding up, and
- with-profits issues

There is no financial limit on the amount of money that The Pensions Ombudsman can make a party award you. Its determinations are legally binding on all the parties and are enforceable in court.

Contact with The Pensions Ombudsman about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later, within three years of when you first knew about it (or ought to have known about it). There is discretion for those time limits to be extended.

The Pensions Ombudsman can be contacted at

Address: 10 South Colonnade,  
Canary Wharf,  
E14 4PU  
Tel: 0800 917 4487  
Email: [helpline@pensions-ombudsman.org.uk](mailto:helpline@pensions-ombudsman.org.uk)  
Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

You can also submit a complaint form online: [www.pensions-ombudsman.org.uk/our-service/make-a-complaint/](http://www.pensions-ombudsman.org.uk/our-service/make-a-complaint/)

## TIME LIMITS UNDER THE INTERNAL DISPUTE RESOLUTION PROCEDURE

Your situation	To complain to	Time Limit
You have received a decision on your benefits under the pension scheme from your employer/administering authority, and there seem to be good grounds for complaining.	The adjudicator under the first stage of the procedure.	6 months from the date when you were notified of the decision <sup>1</sup>
You have received a first stage decision on your complaint from the adjudicator, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the adjudicator's decision
You made your complaint in writing to the adjudicator, with all the information they needed but, 3 months later, you have not received their decision on your complaint or any interim reply.	The relevant administering authority under the second stage of the procedure.	9 months from the date when you submitted your complaint.
You received an interim reply to your complaint to the adjudicator, within 2 months of applying to them. Their reply promised you a decision by a specified date but, one month after the specified date, you still have not received their decision.	The relevant administering authority under the second stage of the procedure.	7 months from the date by which you were promised you would receive a decision

<sup>1</sup> The adjudicator can extend the 6-month time limit for a reasonable period where there are special circumstances.

Your situation	To complain to	Time Limit
Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme	The adjudicator under the first stage of the procedure.	6 months from the date when the employer or administering authority should have made the decision <sup>2</sup> .
Your complaint went to the administering authority under the second stage of the procedure. You received their decision, but you are still not satisfied.	The Pensions Ombudsman.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to the administering authority under the second stage of the procedure but, 2 months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.	The Pensions Ombudsman.	3 years from the date of the original decision about which you are complaining.
You received an interim reply to your second stage complaint to the administering authority, within 2 months of applying to them. Their reply promised you a decision by a certain date but, by that date, you still have not received their decision	The Pensions Ombudsman.	3 years from the date of the original decision about which you are complaining.

<sup>2</sup> The adjudicator can extend the 6-month time limit for a reasonable period where there are special circumstances.



**Application under the Internal Dispute Resolution Procedure**

You can use this form:

- to apply to the nominated person at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and
- to apply to the administrating authority at stage 2 of the internal dispute resolution procedure if you want them to reconsider a determination made by the nominated person.

Please write clearly in ink, and use capital letters in sections 1, 2 and 3.

**1. Member's details:**

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this section. You can then go straight to section 4.

If you are representing the person with the complaint, please give the member's details in this section, and then go to section 2.

If you are the member's dependent (for example, their husband, wife or child), please give the member's details in this section, and then go to section 2.

Full Name	
Address	
Postcode	
Email Address	
Contact number	
Date of Birth	
Employer	
National Insurance number	

**2. Dependent's details:**

If you are the member's widow, widower, civil partner or dependent and the complaint is about a benefit for you, please give **your** details in this section and then go to section 4.

If the complaint is about a benefit for a dependent and you are the dependent's representative, please give the dependent's details in this section and then go to section 3.

Full Name	
Address	
Postcode	
Email Address	
Contact Number	
Date of Birth	
Relationship to member	

**3. Representative's details:**

If you are the member's or dependent's representative, please give your details in this section.

Full Name	
Company Name (if applicable)	
Address	
Postcode	
Email Address	
Contact Number	
The address response letters should be sent to	

**4. Your complaint**

Please give full details of your complaint in this section. Please try to explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant.

**If there is not enough space, please go on to a separate sheet and attach it to this form.** Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

**5. Your signature**

I would like my complaint to be considered and a decision to be made about it. I am a:

<ul style="list-style-type: none"> <li>• Scheme member/former member/prospective member *</li> <li>• Dependent of a former member *</li> <li>• Member's representative/dependent's representative *</li> </ul> <p>* delete as appropriate</p>	
Signed:	Date:

**6. Please enclose a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority.**

**Please send this form to:**

**Cumbria LGPS**

LPP – Your Pension Service  
PO Box 1382  
Preston  
PR2 0WQ