



Local Government Pension Scheme

# **Internal Dispute Resolution Procedure**

## **A Guide for Scheme Members**

**What to do if you have a  
complaint**

# INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) SYSTEM

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**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**  
**EMPLOYEES' GUIDE**

**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 dependants). 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 a number of other regulatory bodies, such as The Pensions Ombudsman which may be able to help you. They are described later in the Guide.

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 Pension Section 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 pages 9-11, 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 on pages 12-13. 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.

## How can The Pensions Ombudsman help me?

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

## **How can The Pensions Advisory Service (TPAS) help me?**

The Pensions Advisory Service's (TPAS) dispute resolution function has moved to The Pensions Ombudsman (TPO). The move included the transfer of the TPAS dispute resolution team and volunteer network which, at the point of transfer, was over 300 advisers. The transfer was effective from 19 March 2018.

Prior to the transfer, customers could approach both TPO and TPAS for help when dealing with a pension complaint. TPAS tended to focus on complaints before the pension scheme's internal dispute resolution procedure (IDRP) had been completed, while TPO typically dealt with complaints that had been through IDRP.

The transfer will simplify the customer journey. Customers will be able to access all pension dispute resolution, previously handled by two services, whether pre or post IDRP at TPO.

However, TPAS can still help you with general requests for information or guidance concerning your pension arrangements.

The Money and Pensions Service  
(formerly known as The Pensions Advisory Service)  
11 Belgrave Road, London, SW1V 1RB  
Telephone: 0300 123 1047  
Website: [www.pensionsadvisoryservice.org.uk/](http://www.pensionsadvisoryservice.org.uk/)



## Application under the Internal Dispute Resolution Procedure

You can use this form:

- a) to apply to the adjudicator at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and
- b) to apply to the administering authority if you want them to reconsider a determination made by the adjudicator.

Please write clearly in ink, and use capital letters in boxes 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 box. You can then go straight to box 4.

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

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

Full Name	
Address	
Date of Birth	
Employer	
National Insurance number	

### 2. Dependant's details:

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

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

Full Name	
Address	
Date of Birth	
Relationship to member	

**3. Representative's details:**

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

Full Name	
Address	
The address response letters should be sent to	

**4. Your complaint**

Please give full details of your complaint in this box. 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.

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**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>• Dependant of a former member *</li><li>• Member's representative/dependant'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.** Also enclose any other letter or notification that you think might be helpful.

**PLEASE SEND THIS FORM TO:**

**Lancashire LGPS**

LPP – Your Pension Service  
PO Box 1381  
Preston  
PR2 0WP

**Cumbria LGPS**

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

## Time limits under the Internal Dispute Resolution Procedure

<b>Your situation</b>	<b>To complain to</b>	<b>Time Limit</b>
You have received in writing a decision on your benefits under the pension scheme from your employer/administering authority, and there seems 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 in writing <sup>1</sup> .
You wish to complain about an act or omission by your employer/administering authority regarding which you have not received notification in writing, and there seems to be good grounds for complaining.	The adjudicator under the first stage of the procedure.	6 months from the date of the act or omission, or, if there is more than one, the last of them <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.

<p>Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.</p>	<p>The Pensions Ombudsman.</p>	<p>3 years from the date of the event that gave rise to the complaint.</p>
<p>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.</p>	<p>The Pensions Ombudsman.</p>	<p>3 years from the date of the event that gave rise to the complaint</p>
<p>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.</p>	<p>The Pensions Ombudsman.</p>	<p>3 years from the date of the event that gave rise to the complaint</p>