



# Local Government Pension Scheme

## Internal Dispute Resolution Procedure

A Guide for Scheme Members: what to do if you have a complaint

**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

Contents	Page
Decisions	1
Complaints	1
First stage	2
Second Stage	2
Additional help	3
Money and Pensions Service	3
Pensions Ombudsman	4
Time limits under the internal dispute resolution procedure	5

## INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)

### Decisions

From the day you start 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. Throughout the rest of this document, references to "you" and "your" are intended to include members and dependents.

### Complaints

If you are not satisfied with any decision affecting you, made in relation to the scheme, you have the right to ask for it to be looked at again under the formal complaint procedure. You also have a right to use the procedure if a decision should have been made by your employer or administering authority, but it hasn't been. 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.

You can ask 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.

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

At any stage during the formal complaint procedure you can contact the Money and Pensions Service for information and advice (see the "Additional Help" section).

Please remember that, before going to the trouble of making a formal complaint, your pension scheme administering authority may be able 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.

## First stage

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

- in writing, using the application form
- normally within 6 months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by a person nominated by the body that took the decision against which you wish to complain. This guide calls them the “nominated person”. That person is required to give you their decision in writing.

If the nominated person'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 nominated person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, the nominated person can require the employer or administering authority to reconsider how they exercised their discretion.

## 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 nominated person's first-stage decision,
- you have not received a decision or an interim letter from the nominated person, and it is 3 months since your lodged your complaint,
- it is one month after the date by which the nominated person 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 provided you do so within 3 years from the date of the original decision (or lack of a decision) about which you are complaining. See the Additional Help section for more details on how to do this.



## **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, 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 Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have:

- been given first-stage and second-stage internal dispute resolution procedure decisions by the Local Government Pension Scheme; and
- asked for the help of Money and Pensions Service.

The Pensions Ombudsman is completely independent of the pension scheme and your employer and acts as an impartial adjudicator. Their role and powers have been decided by Parliament.

There is no charge for using the Pensions Ombudsman's services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, they can settle disputes about matters of fact or law as they affect occupational pension schemes.

They can also investigate and decide any complaint or dispute about the maladministration of a pension scheme. "Maladministration" is about the way that a decision is taken, rather than about the merits of the decision. Examples of maladministration would be unreasonable delay, neglect, giving wrong information and discrimination.

The Ombudsman's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

You must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

The Ombudsman address is:

The Pensions Ombudsman  
10 South Colonnade  
Canary Wharf  
London  
E14 4PU

Other ways to contact them are:

Tel: 0800 917 4487

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

The website address is: <http://www.pensions-ombudsman.org.uk>

## TIME LIMITS UNDER THE INTERNAL DISPUTE RESOLUTION PROCEDURE

Your situation	To complain to	Time Limit for you to complain
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 nominated person 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 nominated person, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the nominated person's decision
You made your complaint in writing to the nominated person, 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 nominated person, 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 nominated person can extend the 6-month time limit for a reasonable period where there are special circumstances.

Your situation	To complain to	Time Limit for you to complain
Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme	The nominated person 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.  Note, that the Ombudsman will normally expect you to have asked the Money and Pension Service for help first.	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.  Note, that the Ombudsman will normally expect you to have asked the Money and Pension Service for help first.	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.  Note, that the Ombudsman will normally expect you to have asked the Money and Pension Service for help first.	3 years from the date of the original decision about which you are complaining.

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





**Complaint and Dispute Form**

**We are sorry that you felt the need to raise a complaint or dispute.**

**Please select the appropriate boxes below to help us deal with your complaint appropriately:**

**About the complaint / dispute**

Is your complaint about the service you have experienced

Is the dispute about a decision made by an employer

Is the dispute about a decision made by LPP

Tick box

Stage 1  Stage 2

**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 whilst in Scheme	
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:**

LPP - Your Pension Service  
PO Box 1383  
Preston  
PR2 0WR