



# An Employee's Guide to the Internal Dispute Resolution Procedure

This leaflet explains how to use the formal procedures set up to resolve disagreements between Local Government Pension Scheme (LGPS) members and the scheme administrators.

If you are not sure which benefits you are entitled to, or you have a problem with your pension benefits; please contact Peninsula Pensions. We will always try to sort out problems as quickly and efficiently as possible. Many problems can be resolved without using the Internal Dispute Resolution Procedure (IDRP).

Problems may occur because of misunderstandings or the wrong information, which can be explained or easily put right. An informal enquiry may save you time and trouble.

Please note that nothing in this booklet constitutes financial or legal advice; you must obtain this from an independence source.

For copies of this leaflet in other formats and languages, please contact  
**Peninsula Pensions, Great Moor House, Bittern Road, Sowton Industrial Estate,  
Exeter, EX2 7NL**

**Email:** [peninsulaemployers@devon.gov.uk](mailto:peninsulaemployers@devon.gov.uk) Tel. 01392 383000 (ask for 'pensions')

The Internal Dispute Resolution Procedure (IDRP) is available to you if you fall into one of the following categories:

- An active member of the LGPS scheme
- A deferred member (who has left the LGPS scheme)
- A pensioner member (in receipt of pension payments)
- A dependent of a deceased member
- Someone with a pension credit in the LGPS (as a result of a pension sharing order on divorce)

## Decisions

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

## Complaints

If you are not satisfied with any decision affecting you made in relation to the local government pension 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 - but has not - been made by your employer or administering authority.

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

You may ask someone to take your complaint forward on your behalf. This could be a trade union official, welfare officer, relative or friend.

There are no charges for using this complaints procedure, but you may be required to meet expenses relating to your appeal (for example in certain circumstances you may be required to meet the cost of an additional medical referral if your appeal relates to ill-health retirement).

At any stage in the complaint process you can contact The Pensions Advisory Service (TPAS) for information and advice.

## First Stage

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

- **In writing**, using the application form attached; **and**
- **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. That person is required to give you their decision in writing within two months of receiving all the paperwork surrounding the complaint. This is known as the 'notice of decision'.

If the nominated person's decision is different to the decision you complained about, the employer or Peninsula Pensions, who made the original decision, will now have to deal with your case in accordance with the decision of the nominated person.

If the decision you complained about concerned the exercise of discretion by the employer or Peninsula Pensions, the nominated person may decide that they should reconsider how they exercise 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:

- If you are not satisfied with the nominated person's first stage decision,
- If you have not received a decision or an interim letter from the nominated person, and it is 3 months since you lodged your complaint,
- If more than one month has passed since 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.

This second stage will also need to be made **in writing** – the time limits for making the complaint are set out in a table on page 9. Peninsula Pensions will consider your complaint and give you the decision in writing.

If you are still unhappy following the 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.

## Additional Help

### **The Pensions Advisory Service (TPAS)**

At any time, if you are having difficulties in sorting out your complaint, you may wish to contact TPAS. They can provide free advice and information to explain your rights and responsibilities.

If you have received a second-stage decision under the Local Government Pension Scheme IDRP, are not satisfied with that decision, and still think your complaint is well-founded TPAS may be able to help resolve your complaint or dispute.

Their pension helplines are open from 9am to 5pm, Monday to Friday.

Pensions Helpline: **0800 011 3797** (Local Rate)

Overseas helpline: **+44207 932 5780**

Helpline for Self Employed: **0345 602 7021**

E-mail: [enquiries@pensionsadvisoryservice.org.uk](mailto:enquiries@pensionsadvisoryservice.org.uk)

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

You can also contact them via [webchat](#) from 9am to 6:20pm Monday to Friday or you can use their [online enquiry form](#).

### **Pensions Ombudsman**

The Pensions Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman's office, you will be expected to have received stage one and two decisions by the LGPS and have asked for help and advice from TPAS.

The Ombudsman is independent and acts as an impartial adjudicator. Their role is determined and governed by Parliament and their decision is final and binding on all parties subject to any appeal made to the High Court on a point of law. There is no charge for using the Pensions Ombudsman's services. Their role and powers have been decided by Parliament.

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.

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 helpline is open from 9am to 5pm, Monday to Friday.

Pensions helpline: [0800 917 4487](tel:08009174487) (local rate)

Overseas: [+44 \(0\) 207 630 2200](tel:+442076302200)

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

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

## Time limits under 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.	You need to complain to the nominated person under the first stage of the procedure.	Time limit is 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.	You need to complain to the relevant administering authority under the second stage of the procedure.	Time limit is 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.	You need to complain to Peninsula Pensions under the second stage of the procedure.	Time limit is 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.	You need to complain to Peninsula Pensions under the second stage of the procedure.	Time limit is 7 months from the date by which you were promised you would receive a decision
Your complaint is that your employer or Peninsula Pensions have failed to make any decision about your benefits under the pension scheme	You need to complain to the nominated person under the first stage of the procedure	Time limit is 6 months from the date when the employer or administering authority should have made the decision <sup>2</sup> .
Your complaint went Peninsula Pensions under the second stage of the procedure. You received their decision but you are still not satisfied.	You need to complain to The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	Time limit is 3 years from the date of the original decision about which you are complaining.

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

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

<b>Your situation</b>	<b>To complain to</b>	<b>Time Limit</b>
<p>You have taken your complaint to Peninsula Pensions under the second stage of the procedure but, 2 months after your complaint was received, you have not received their decision on your complaint or any interim reply.</p>	<p>You need to complain to The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.</p>	<p>Time limit is 3 years from the date of the original decision about which you are complaining.</p>
<p>You received an interim reply to your second stage complaint to Peninsula Pensions, 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>You need to complain to The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.</p>	<p>Time limit is 3 years from the date of the original decision about which you are complaining.</p>

## Application under the Internal Dispute Resolution Procedure



Use this form to:

- ask the nominated person to investigate a complaint concerning your pension as Stage 1 of the internal dispute resolution procedure; **or**
- to apply to the administering authority if you want them to reconsider a decision made by the nominated person (Stage 2).

Please print in BLOCK capitals using **black** ink.

Details of where to send the completed form to can be found on the last page of this form.

### Section 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 Section 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 Section 2.

If you are representing the person with the complaint, please give the member's details in this section, and then go to Section 3.

Surname: \_\_\_\_\_ Title: Mr/Mrs/Miss/Ms/Other

Forenames: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Post Code \_\_\_\_\_

Nat. Ins. No: \_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_|\_\_\_\_

Date of Birth: \_\_\_\_|\_\_\_\_|\_\_\_\_

Employer: \_\_\_\_\_

## Section 2 - Dependant's details

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

Surname: \_\_\_\_\_ Title: Mr/Mrs/Miss/Ms/Other

Forenames: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Post Code \_\_\_\_\_

Date of Birth: \_\_|\_\_|\_\_\_\_ Relationship to member: \_\_\_\_\_

## Section 3 - Representative's details

Surname: \_\_\_\_\_ Title: Mr/Mrs/Miss/Ms/Other

Forenames: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Post Code \_\_\_\_\_

Address the letter should be sent to: -

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Post Code \_\_\_\_\_

## **Section 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.

Please state if your complaint is at Stage 1 or Stage 2.

Section 4 continued:

## Section 5 - Your signature

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

I am a: Scheme member / former member / prospective member\*

Dependant of a former member\*

Member's representative / dependant's representative\*

*\*delete as appropriate*

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 6 – Ill health consent

This part only needs to be completed if your complaint relates to the early release of pension on ill-health grounds.

I give consent for my employer to access my personal and medical records in order to proceed with my appeal.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Section 7 – Contact addresses

**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 or evidence that you think might be helpful.

### **Please send this form to:**

Peninsula Pensions,  
Great Moor House,  
Bittern Road,  
Sowton Industrial Estate,  
EXETER, EX2 7NL

If your complaint is about a decision made by your employing authority and your complaint is at Stage 1, then Peninsula Pensions will forward your application to their appointed nominated person.

If your complaint is at Stage 2 it will be forwarded to the nominated person for Peninsula Pensions

