

A GUIDE TO THE INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)

As a member of the Local Government Pension Scheme (LGPS), there may be times when you or your dependants are unhappy with the service you receive from the Scheme administrators, or disagree with decisions that have been made by its administering authority. This booklet provides a straightforward guide to making a complaint and explains how the internal dispute resolution procedures operates.

From the first day a person starts a job with a Scheme employer, to the day when benefits or dependant's benefits are paid, the Scheme employer and the pension scheme's administering authority have to make decisions under the 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.

Many problems that members have are caused by misunderstandings or incorrect information, which can be explained or easily put right. For that reason, we ask that if you have a complaint about the Scheme, please contact the Pension Team first as they may well be able to resolve the problem quickly and informally which will save you a lot of time and trouble. The Pension Team can be contacted as follows:

CONTACT US

Royal County of Berkshire Pension Fund
Minster Court
22-30 York Road
Maidenhead
Berkshire
SL6 1SF
Tel: 0845 602 7237
Fax: 01628 796700
Email: info@berkshirepensions.org.uk
Website: www.berkshirepensions.org.uk

If, however, you are still unhappy with the answers you have been given, you may wish to make use of the Scheme's formal internal dispute resolution procedure (IDRP). The process is set out on the following pages.

This leaflet 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.

MAKING A COMPLAINT

If you are not satisfied with any decision affecting you made in relation to your membership of 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 you feel your employer or the administering authority have failed to make a decision that should have been made. The complaint procedure's official name is the "Internal Dispute Resolution Procedure" (IDRP).

The formal complaint procedure has three 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. However, expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

At any stage during the formal complaint procedure you can contact The Pensions Advisory Service (TPAS) for information and advice (see "Additional Help" section on page 3).

Please remember that, before going to the trouble of making a formal complaint, your Pension Team would 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.

FIRST STAGE

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

- i) in writing, using the application form on pages 5-6, and
- ii) normally within six months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by an adjudicator nominated by the body (usually your employer or former employer as the case may be) that took the decision against which you wish to complain. That person is required to give you their decision in writing. If the adjudicator does not uphold your complaint, you have the right to take your complaint to stage two of the process.

If the decision you complained about concerned the exercise of a discretion by the Scheme employer or administering authority, and the adjudicator decides that the Scheme 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:

- i) You are not satisfied with the adjudicator's first-stage decision;
- ii) You have not received a decision or an interim letter from the adjudicator and it is three months since you lodged your complaint;
- iii) 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 page 7. 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 three years from the date of the original decision (or lack of a decision) about which you are complaining.

PENSIONS OMBUDSMAN

The Pensions 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 have asked for the help of TPAS. In fact TPAS will normally refer cases to the Pensions Ombudsman where they feel his input is required.

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. His role and powers have been decided by Parliament and there is no charge for using his services.

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

He 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 three years of the event about which you are complaining, or within three years of when you first became aware of the problem.

Telephone: 0800 917 4487

Website: www.pensions-ombudsman.org.uk

If you need information and guidance concerning your pension arrangements contact The Pensions Advisory Service

Telephone: 0300 123 1047

Website: www.pensionsadvisoryservice.org.uk

The Ombudsman is at the same address as TPAS:

The Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB
Tel: 020 7630 2000
Email: enquiries@pensions-ombudsman.org.uk
Website: www.pensions-ombudsman.org.uk

APPLICATION UNDER THE INTERNAL DISPUTE RESOLUTION PROCEDURE

You can use this form 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 or 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 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 and 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 3.

Full Name	
Address	
Date of Birth	
Scheme Employer	
National Insurance No.	

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 box 4.

Full Name	
Address	
Date of Birth	
Relationship to Member	

3. REPRESENTATIVES'S DETAILS

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

Full Name	
Address	
Address for correspondence	

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.

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:

6. Please enclose a copy of any notification of the decision about which you are complaining and which has been issued by the Scheme employer or administering authority. Also enclose any other letter or notification that you think might be helpful.

PLEASE SEND THIS FORM TO:

Royal County of Berkshire Pension Fund, Minster Court, 22-30 York Road, Maidenhead, Berkshire, SL6 1SF

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.	Six months from the date when you were notified of the decision
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.	Six months from the date of the first stage adjudicator's decision
You made your complaint in writing to the adjudicator, with all the information they needed but three 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.	Nine months from the date when you submitted your complaint.
You received an interim reply to your complaint to the adjudicator, within two 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.	Seven months from the date by which you were promised you would receive a decision
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	Six months from the date when the employer or administering authority should have made the decision.
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 TPAS for help first.	Three 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, two 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 TPAS for help first.	Three 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 two 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 TPAS for help first.	Three years from the date of the original decision about which you are complaining.