**Internal Dispute Resolutions Procedure (IDRP)**

**Decisions**

From the day that you become a member of the Local Government Pension Scheme (LGPS) decisions are made about your pension rights. Some decisions are made by your employer and cover issues such as what part of your pay should be treated as pensionable, to the type of benefits that should be paid to you when you leave the Scheme. Some are made by LB of Barking and Dagenham Pension Section as the administering authority and cover issues such as the amount of benefits to which you are entitled. When you (this includes dependents) 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 that has been made that affects you in relation to the pension scheme, you have the right to ask for it to be looked at again under the formal complaints procedure. The complaints procedure’s official name is the ‘Internal Disputes Resolution Procedure’ (IDRP).

There are also a number of other regulatory bodies, such as the Pensions Advisory Service (TPAS) and the Office of the Pensions Ombudsman, which may be able to help you. They are described in the ‘Additional Help’ section. You can contact TPAS for information and advice at any stage during the formal complaint procedure.

The formal complaint procedure has two stages, although many complaints are solved at the first stage. Any dispute you have will be treated seriously, and considered thoroughly, fairly and impartially.

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, partner or a friend.

No charge is made at any stage for investigating a complaint under the IDRP, 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 employer or the Pension Section may welcome the opportunity to try and resolve the matter about which you are dissatisfied in an informal way. It might 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 which is at the end of this guide, 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 (the Adjudicator specified by the body that took the decision against which you wish to complain). The Adjudicator is required to give you their decision in writing within 2 months of receiving all the paperwork surrounding the complaint.

If the Adjudicator’s decision differs from the original decision, your employer or Pension Section, who made the original decision, will now have to deal with your case in accordance with the decision of the Adjudicator.

If the decision you complained about concerned the exercise of a discretion by your employer or the Pension Section, the Adjudicator may decide that they should reconsider how they exercise their discretion.

**Second Stage**

You can ask the Pension Section to take a fresh look at your complaint in any of the following circumstances:-

* If you are not satisfied with the Adjudicator’s first stage decision,
* If you have not received a decision or interim letter from the Adjudicator and it is 3 months since you lodged your complaint,
* If more than one month has passed since 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 your complaint to the Pension Section in writing – the time limits for making a complaint are set out in a table within this booklet, the Pension Section will consider your complaint and give you their 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 decision) about which you are complaining.

**Additional Help**

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

TPAS provide independent and impartial information about pensions, free of charge, to members of the public. TPAS is available to assist members and beneficiaries of the scheme with any pension query they have or any general requests for information or guidance concerning their pension benefits. TPAS can be contacted at:

11 Belgrave Road

London

SW1V 1RB

Telephone: 0800 011 3797

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk) (where you can submit an online enquiry form).

By Telephone: 0845 601 2923 (local call rate)

* **The Pensions Ombudsman (TPO)**

The TPO deals only with pension complaints. It can help if you have a complaint or dispute about the administration and /or management of personal and occupational pension schemes. Some examples of the types of complaints it considers are (this list is not exhaustive):

* + automatic enrolment
  + benefits: including incorrect calculation, failure to pay or late payment
  + death benefits
  + failure to provide information or act on instructions
  + ill health
  + interpretation of scheme rules
  + misquote or misinformation
  + transfers

You have the right to refer your complaint to the TPO free of charge. There is no financial limit on the amount of money that TPO can make a party award you. Its determinations are legally binding on all parties and are enforceable in court.

Contact with the TPO 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 new about it (or ought to have known about it). There is a discretion for those time limits to be extended.

TPO can be contacted at:

10 South Colonnade

Canary Wharf

E14 4PU

Telephone: 0800 917 4487

Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk) (where you can submit an online complaint form)

**DISCLAIMER**

This guide is for information only and does not give you any contractual or legal rights.

The appropriate legislation will apply to your pension benefits.

Produced by LB of Barking & Dagenham Pension Fund

Pension Section, Barking Town Hall, 1 Town Square, Barking IG11 7LU

Tel: 020 8227 2607

Email: [pensions@lbbd.gov.uk](mailto:pensions@lbbd.gov.uk)

Website: [www.lbbdpensionfund.org](http://www.lbbdpensionfund.org)

**In**

**Internal Dispute Resolution Procedure**

**Time Limits**

|  |  |  |
| --- | --- | --- |
| **Your Situation** | **Who to Complain to** | **Time Limit** |
| You have received a  decision on your benefits  from the Pension Section or your employer 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. |
| You have received a first  stage decision on your  complaint from the Adjudicator, but you are not satisfied. | LBBD Pension Section as the 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. | LBBD Pension Section as the 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. | LBBD Pension Section as the administering authority under the second stage of the procedure. | 7 months from the date by which you were promised you would receive a decision. |
| Your complaint is that  your employer or LBBD as the 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 your employer or LBBD Pension Section as the administering authority  should have made the decision. |
| Your complaint went to LBBD Pension Section as 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. | 3 years from the date of  the original decision about which you are complaining. |
| You have taken your  complaint to LBBD Pension Section as 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 TPAS 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 LBBD Pension Section as 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 TPAS for help first. | 3 years from the date of  the original decision about which you are complaining |

Internal Dispute Resolution Procedure Flowchart

Applicant Respondent LBBD Pension Section (LBBD)

as administering authority

Employer / LBBD Pension Section make initial decision

Not Satisfied

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Employer / LBBD Pension Section reviews decision and notifies applicant with 2 months

Informal approach to employer / LBBD Pension Section within 6 months

Not Satisfied

**Stage 2**

LBBD Pension Section reconsider dispute and decide. Notify all parties of decision within 2 months.

**Stage 1**

Adjudicator considers the issues and notifies all parties, within 2 months, of their decision

Go to TPAS\*, or Pensions Ombudsman (will normally expect that TPAS have been contacted first)

**Stage 2**

Formal approach to LBBD Pension Section within 6 months

**Stage 1**

Formal approach within 6 months, directly or via LBBD Pension Section to the person specified by the employer under regulation 72 of the LGPS Regulations 2013

Not Satisfied

Not Satisfied

\*TPAS can be contacted ay any stage during the dispute procedure.



INTERNAL DISPUTE RESOLUTION PROCEDURE

APPLICATION TO ADJUDICATOR – STAGE 1

Local Government Pension Scheme

You can use this form to apply to the Adjudicator if you want him to investigate a complaint concerning your pension.

1. Member details

If you are a scheme member (the person who is or was in the scheme), or a prospective scheme 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 scheme member’s dependant (for example husband, wife, civil partner, eligible co-habiting partner or child) or if you are representing the person with the complaint, please give the member’s details in this box and then complete **section 2.**

**Name**

**Address (including postcode)**

**Date of Birth**

**Employer name and address**

**National Insurance number**

**Job title**

**2.**

2. Dependant’s details

If you are the scheme member’s dependant (for example husband, wife, civil partner, eligible co-habiting partner or child) and the complaint is about a benefit for you, please give your details in this box and then complete **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 below and then complete **section 3.**

**Name**

**Address (including postcode)**

**Relationship to member**

**Date of Birth**

3. Representative’s details

If you are the scheme member’s representative, please give your details in this box.

**Name**

**Address (including postcode)**

**The address response letters**

**should be sent to**

4. Your complaint

Please give full details of your complaint. Please try to explain why you are aggrieved, giving any dates or periods of scheme membership that you think are relevant. If there is not enough space please use a separate sheet, writing your name and National Insurance number on the top if you are the member, or the member’s name and National Insurance number, if you are not the member and attach the extra sheet to this form.

5. Declaration

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I would like the Adjudicator to look into my complaint and make a decision about it. I am a:

Scheme member / prospective scheme member / former scheme member\*

Dependant of a former member\*

Member’s / dependant’s representative\*

\* Delete as appropriate

**Signed Date**

Please enclose a copy of any notification you received from your employer or LB of Barking & Dagenham Pension Section as the administering authority, about the decision you are complaining about, together with any evidence in support of your appeal.

Please return this form to:- Barnett Waddingham

Public Sector Consulting

2 London Wall Place

London

EC2Y 5AU