

Leicestershire County Council Pension Fund

A Guide to the Local Government Pension Scheme Internal Dispute Resolution Procedure

These notes explain the Internal Dispute Resolution Procedure (IDRP) for the Local Government Pension Scheme (LGPS) as administered by Leicestershire County Council. These notes give general guidance only and cannot be treated as a statement of law.



Decisions

From the day you join the scheme, various decisions are being made about your pension. These include things like:

- The benefits you can have and how much they will be
- Explaining how you are affected by the various Scheme rules
- Applying any discretions we have as a Fund

To find out more about the Local Government Pension Scheme visit the national website www.member.org.uk or contact the Leicestershire County Council Pension Section.

When you 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. An informal enquiry of this kind may save you a lot of time and trouble. If you remain dissatisfied following this initial enquiry, you are entitled to complain, and this is why you have been sent this leaflet.

Who can complain?

You can use the complaints system if you are:

- a **member**: in other words you are paying into the Fund, or you have retired and draw a pension from us, or you have a deferred pension with us
- a **prospective member**: in other words, you are not a member yet could become one if your employer brings you in or you ask to join
- a **dependant**: that is a widow, widower, civil partner or child of a member or prospective member

Using someone else to represent you

You might feel happier with someone else representing you or you may not be able to put your case yourself. In this case you can choose someone else to represent you.

This can be whoever you like - a friend, relative, solicitor, union representative etc.

You will have to give the person your written authority to act for you.

Who do I complain to?

There is a two stage process, as outlined further on this page.

Stage 1

Your initial complaint will be handled by a person nominated by the body that took the decision against which you wish to complain. This guide calls them the 'Specified Person' as the employer has specified that they are nominated to deal with this level of enquiry.

You should complain in writing using the attached form. This should be sent to the "Specified Person" at your employer/former employer. Their contact details have been provided for you at the end of this leaflet. Your complaint will be considered carefully and you will be given their decision in writing.

Stage 2

If you are unhappy with the employer's 'Specified Person's' decision you may take your claim to Stage 2. You may ask the Leicestershire County Council Pension Fund's 'Appointed Person' to take a fresh look at your case. His/her details will be provided to you by the 'Specified Person' when they write to you with their decision.

How does it work? Stage 1: The Initial complaint

You must make your initial complaint within **six months** of the problem taking place.

The 'Specified Person' will look at the facts of your case, along with the Scheme rules and any other legislation or information, to help understand your complaint.

He/she will make a decision on your complaint, wherever possible, within the period of **two months** of receiving your complaint. If no decision can be given within that time, you should be told of the reasons for the delay and the date when it is expected that a decision can be made.

You can go to Stage 2 if...

- You have not heard from the Specified person within **three months** of making your complaint
- You have not had a decision within **one month** of the date they said they would, or
- You have had a decision but are unhappy with it.

How does it work? Stage 2: Appeals

If you are unhappy with the Stage 1 decision, you should complain within **six months** of receiving it.

The Stage 2 'Appointed Person' will re-examine your case, once again looking at the Scheme rules etc. He/she may also need to ask you or your employer for more details.

He/she should reply to you within **two months** of receiving your complaint. This will be either...

- To give their decision, which will confirm or replace the stage 1 decision, or
- To acknowledge your complaint, explain the reasons for delay and let you know when you will have a decision.

Getting outside help

There are also two outside bodies who may be able to help:

Money and Pension Service (previously known as TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact them at:

Money and Pension Service
11 Belgrave Road
London
SW1V 1RB

Email: enquiries@pensionsadvisoryservice.org.uk

Helpline 0800 011 3797

They can provide free advice and information to explain your rights.

If you have received a Stage 2 decision under the LGPS internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well founded, the Money and Pension Service may be able to help resolve your pensions complaint or dispute. Before asking for the Money and Pension Service' help though, you must have already tried to resolve it using the internal dispute resolution procedure.

The Money and Pension Service would need copies of all relevant documents. They cannot force a pension scheme to take a particular step, but they will try to resolve the problem through conciliation or mediation.

Pensions Ombudsman Service

The Pensions Ombudsman Service can investigate any type of complaint about your pension, but before you contact them the Pensions Ombudsman's Office would normally have expected you to have...

- been through Stages 1 and 2 of the internal dispute resolution procedure.
- asked for the help of the Money and Pension Service

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. The role and powers have been decided by Parliament. They can be contacted at:

The Pensions Ombudsman
11 Belgrave Road
London, SW1V 1RB

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

Tel 020 7630 2200

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

You can complain to the Ombudsman about the way any of the referees have handled your case and do not have to wait until your case has been completed. Complaints must be made within three years of the event about which you are complaining, or within three years of becoming aware of the problem.

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.

Thank you for taking the time to read this leaflet. If you feel that you wish to complain using the Internal Disputes procedure, then you should complete the enclosed form (please keep a copy of the completed form), and return it, along with copies of any relevant paperwork to the 'Specified Person' at your employer/former employer:

His/her details are:

Name

Address



**Leicestershire County Council Pension Fund
Internal Dispute Resolution Procedure**

Stage 1 Complaint Form

Employer/ Former Employer _____

PERSONAL DETAILS OF COMPLAINANT

Full name _____

Payroll Number or Job Title _____

Date ceased relevant pensionable employment _____

Date of Birth _____

Full Address and Postcode _____

Telephone number in case of queries _____

E-mail address (optional) _____

Are you? Please tick the category that applies to you

A member? () A dependant? ()

Their representative? () If so, please complete the following:

Your name _____

Your address _____

Whose address should letters go to? Yourself? ()

The person you are representing? ()

Declaration

I would like the 'Specified Person' to look into this complaint and make a decision about it

Signed _____

Dated _____

Total number of pages including this one: ()