

**London Borough of Barnet - Local Government Pension Scheme (LGPS)**

**Internal Dispute Resolution Procedure (IDRP) Guide**

**Enquiries**

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please either phone the number on the letter your employer or your administering authority sent you, or contact the Capita Barnet Pensions Team at:

Barnetpensions@capita.co.uk

London Borough of Barnet Pension Fund, Capita, PO Box 319, Darlington, DL98 1AJ

They will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that looks after the pension fund.

Many problems that members have are, in fact, resolved in this way. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. An informal enquiry of this kind may save you a lot of time and trouble.

**Decisions**

From the day a person starts 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 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.

**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 the 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” (IDRP).

There are also some regulatory bodies 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 will 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 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 Pensions Team 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:

* in writing or by using the application form that follows, and
* 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, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to consider 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:

* you are not satisfied with 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 you lodged your complaint,
* it is 1 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 this guide.

The administering authority will consider your complaint and give you the 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.

**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, who can provide free advice, guidance and information to explain your rights and responsibilities.

If you have received a second stage decision under the LGPS IDRP, are not satisfied with that decision, and still think your complaint is justified, TPAS may be able to help resolve your pensions complaint or dispute. Before asking for help in resolving a dispute, you must have already tried to settle it using the LGPS IDRP outlined above.

A TPAS 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. TPAS would need copies of all relevant documents, including the correspondence about your complaint under IDRP and how it was dealt with.

**Contact details as follows:**

The Pensions Advisory Service, 11 Belgrave Road, London SW1V 1RB

Telephone: The **Pensions Helpline phone number** is 0300 123 1047. Lines are open Monday to Friday between 9 am and 5 pm.

Fax: 020 7592 7000

E-mail: enquiries@tpas.org.uk or, alternatively, use the online enquiry facility on the website.

Website: <http://www.pensionsadvisoryservice.org.uk>

**The 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 and second stage LGPS IDRP decisions; and**
* **asked for the help of TPAS**.

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 the Pension Ombudsman’s 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 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

**Contact details as follows:**

The Office of the Pensions Ombudsman, 11 Belgrave Road, London SW1V 1RB

Telephone: 020 7630 2200

Fax: 020 7821 0065

E-mail: enquiries@pensions-ombudsman.org.uk

Website: <http://www.pensions-ombudsman.org.uk>

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| **Your situation** | **To complain to** | **Time Limit** |
| You have received a decision onyour benefits under the pensionscheme from youremployer or administering authority,and there seem to be good groundsfor complaining. | The nominated personunder the first stage ofthe procedure. | 6 months from the datewhen you were notifiedof the decision. |
| You have received a first stagedecision on your complaint from thenominated person, but you are notsatisfied. | The relevantadministering authorityunder the second stageof the procedure. | 6 months from the dateof the nominatedperson's decision. |
| You made your complaint in writingto the nominated person, with all theinformation they needed but, 3months later, you have not receivedtheir decision on your complaint orany interim reply. | The relevantadministering authorityunder the second stageof the procedure. | 9 months from the datewhen you submittedyour complaint. |
| You received an interim reply to yourcomplaint to the nominated person,within 2 months of applying to them.Their reply promised you a decisionby a specified date but, one monthafter the specified date, you still havenot received their decision. | The relevantadministering authorityunder the second stageof the procedure. | 7 months from the dateby which you werepromised you wouldreceive a decision. |
| Your complaint is that your employeror administering authority have failedto make any decision about yourbenefits under the pension scheme. | The nominated personunder the first stage ofthe procedure. | 6 months from the datewhen the employer oradministering authorityshould have made thedecision. |
| Your complaint went to theadministering authority under thesecond stage of the procedure. Youreceived their decision, but you arestill not satisfied. | The PensionsOmbudsman. Note thatthe Ombudsman willnormally expect you tohave asked TPAS forhelp first. | 3 years from the date ofthe original decisionabout which you arecomplaining. |
| You have taken your complaint to theadministering authority under thesecond stage of the procedure but, 2months after your complaint wasreceived by the authority, you havenot received their decision on yourcomplaint or any interim reply. | The PensionsOmbudsman. Note thatthe Ombudsman willnormally expect you tohave asked TPAS forhelp first. | 3 years from the date ofthe original decisionabout which you arecomplaining. |
| You received an interim reply to yoursecond stage complaint to theadministering authority, within 2months of applying to them. Theirreply promised you a decision by acertain date but, by that date, youstill have not received their decision. | The PensionsOmbudsman. Note that the Ombudsman willnormally expect you tohave asked TPAS forhelp first. | 3 years from the date ofthe original decisionabout which you arecomplaining. |

**Application Form under the Internal Dispute Resolution Procedure**

**You can use this form:**

**a) 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**

**b) to apply to the administering authority if you want them to reconsider a**

**determination made by the nominated person**.

**Please write clearly in ink, and use capital letters in boxes 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

box. You can 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 2.

Full Name: ………………………………………………………………………………….

Address: …………………………………………………………………………………….

………………………………………………………………………………………………..

………………………………………………………………Post Code:…………………..

NI Number: …………………………………………Date of Birth:……………………….

Employer: ……………………………………………………………………………………

**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.

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 box 3.

Full Name: ………………………………………………………………………………….

Address: …………………………………………………………………………………….

………………………………………………………………………………………………..

………………………………………………………………Post Code:…………………..

NI Number: …………………………………………Date of Birth:……………………….

Employer: ……………………………………………………………………………………

 **3. Representative's details:**

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

Full Name: ………………………………………………………………………………….

Address: …………………………………………………………………………………….

………………………………………………………………………………………………..

The address response letters should be sent to:…...…………………………………..

…………………………………………………………………………………………….....

………………………………………………………………………………………………..

 **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.

|  |
| --- |
| 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 \* \* please delete as appropriate |
| Signed:…………………………………………………….\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | Date:……………………………. |

 **5. Your signature**

 **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.**

 Also enclose any other letter or notification that you think might be helpful.

 **Please send the completed Application Form to:**

 **Service Delivery Manager**

 **London Borough of Barnet Pension Fund**

 **Capita**

 **PO Box 319**

 **Darlington**

 **DL98 1AJ**

 **Note**: *This guide provides an outline on how the internal dispute resolution procedure operates*

 *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 guide does not*

 *confer any contractual or statutory rights.*