



FISHBOURNE PARISH COUNCIL

PENSION SCHEME INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)

This policy was adopted at the meeting on 16 October 2018

Signed *Geoff Hand*

Chairman

Reviewed 21 May 2019 Min ref 19/67.2

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 sent you, or the administering authority direct at:

LGPS Pensions - West Sussex County Council (WSSCC)

PO Box 304

Darlington DL1 9NS

Telephone: 01243 642148

E-mail: pensions@westsussex.gov.uk

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 (or your 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 a number of other regulatory bodies, such as The Pensions Ombudsman (TPO), which may be able to help you. They are described in the 'Additional Help' section of this guide.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make is 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 IDR. But 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 Ombudsman (TPO) for information and advice.

Please remember that, before going to the trouble of making a formal complaint, the Council will 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
- normally within 6 months of the day when you were told of the decision you want to complain about

Your complaint should contain: the member's details; your details (if you are a dependant or representative); the nature and full details of the complaint; signature and date; and enclosing **a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority** or any other letter or notification that you think might be helpful.

Stage 1 complaints should be sent to:

The Pension Dispute Adjudicator
Fishbourne Parish Council
Blackboy Lane
Fishbourne
Chichester
PO18 8BE

Stage 2 Complaints should be sent to the Administering Authority:

Head of Law & Governance,
Finance & Assurance
West Sussex County Council
County Hall
Chichester
PO19 1RG

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 and legislation refers to them as the 'Adjudicator'. That person is required to give you their decision in writing.

If the Adjudicator's decision is contrary to the decision you complained about, the employer or administering authority that made the original decision will now have to deal with your case in accordance with the Adjudicator's decision.

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

- you are not satisfied with the Adjudicator's first stage decision
- you have not received a decision or an interim letter from the Adjudicator, and it is 3 months since you lodged your complaint
- 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 administering authority your complaint in writing. 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 3 years from the date of the original decision (or lack of a decision) about which you are complaining.

Additional Help

Pensions Ombudsman

At any time if you are having difficulties in sorting out your complaint, you may wish to contact TPO. TPO can provide free advice and information to explain your rights and responsibilities. TPO would need copies of all relevant documents, including the correspondence about your complaint under the IDRPs and how it was dealt with.

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 stage and second stage internal dispute resolution procedure decisions by the Local Government Pension Scheme.

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. His role and powers have been decided by Parliament.

There is no charge for using the Pensions 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.

The Ombudsman's address is:

The Office of the Pensions Ombudsman

11 Belgrave Road

London SW1V 1RB

Telephone: 020 7630 2200

Fax: 020 7821 0065

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk