

Local Government Pension Scheme



THE ROYAL COUNTY OF
BERKSHIRE
PENSION FUND

Internal Dispute Resolution Procedure (IDRP) - Employees' Guide



Introduction



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 procedure operates.

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'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 (their details are listed below). They may well be able to resolve the problem quickly and informally, which will save you a lot of time and trouble.

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. The process is set out on the following pages.

Pension Team

Royal County of Berkshire Pension Fund
3rd Floor
Thames Tower
37-45 Station Road
Reading
RG1 1LX

Tel: 0845 602 7237

Fax: 0118 950 2672

Email: info@berkshirerpensions.org.uk

Website: www.berkshirerpensions.org.uk



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 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 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 Advisory Service (TPAS), which may be able to help you (see page 4).

The formal complaint procedure has two 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.

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
- 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 a person specified or nominated by the body (usually your employer) 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 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 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 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 nominated person's first-stage decision
- ii) you have not received a decision or an interim letter from the nominated person, and it is three months since you lodged your complaint
- iii) it is one 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 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.

Help with pension problems

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact TPAS. TPAS can provide free advice and information to explain your rights and responsibilities.

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your pensions complaint or dispute. Before asking for TPAS's help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described 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 the internal dispute resolution procedure and how it was dealt with.

TPAS can be contacted at:

11 Belgrave Road

London SW1V 1RB

Telephone: 0845 601 2923

(Monday-Friday 9am - 5pm)

Fax: 020 7233 8016

Email: enquiries@pensionsadvisoryservice.org.uk

Website: www.pensionsadvisoryservice.org.uk

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-stage and second-stage

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

The Ombudsman is at the same address as TPAS:

The Pensions Ombudsman

11 Belgrave Road

London SW1V 1RB

Telephone: 020 7834 9144

Fax: 020 7233 8016

Email: enquiries@pensionsadvisoryservice.org.uk

Website: www.pensionsadvisoryservice.org.uk

Application under the internal dispute resolution procedure

You can use this form 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 or 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 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: _____ 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. Representative'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 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, 3rd Floor, Thames Tower, 37-45 Station Road,
Reading, Berkshire, RG1 1LX

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 nominated person 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 nominated person, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	Six months from the date of the nominated person's decision.
You made your complaint in writing to the nominated person, 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 nominated person, 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 nominated person 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.

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The Royal Borough of Windsor and Maidenhead is the administering authority to the Royal County of Berkshire Pension Fund.

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