



Internal Dispute Resolution Procedure

Internal Dispute Resolution Procedure (IDRP)

This is a guide to how the internal dispute resolution procedures operate 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 booklet does not confer any contractual or statutory rights.

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 West Yorkshire Pension Fund (WYPF) sent you, or contact West Yorkshire Pension Fund on **01274 434999**.

Your employer or WYPF will try to deal with the problem as quickly and efficiently as possible. Other ways to contact WYPF can be found on page 6.

Many problems that members have are 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 dependants' benefits are paid, the employer and the pension fund administrator has 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

You can make a complaint if you

- are a member paying into the pension scheme, or
- are retired and getting a pension from us, or
- left your benefits 'on hold' with us, or
- are a not a member yet but could become one if your employer brings you in, or you ask to join, or
- are a dependant of a member or prospective member (widow, widower, surviving civil partner, eligible cohabiting partner or child).

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'.

There are also a number of other regulatory bodies, such as The Pensions Ombudsman, which may be able to help you. The Pension Ombudsman's role is 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 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. 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 for information and advice (see **Additional help** section).

Please remember that, before going to the trouble of making a formal complaint, your pensions section may 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, using the application form at the end of this leaflet and
- 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 nominated by the body that took the decision against which you wish to complain. This guide calls them 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 who made that 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 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 three 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 time limits for making the complaint are set out in the table starting on page 4. 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.

IDRP time limits

Your situation	Complain to	Time limit
You have received a decision on your benefits under the pension scheme from your employer/ WYPF and there seem to be good grounds for complaining	The adjudicator under the first stage of the procedure	Six months from the date when you were notified of the decision ¹
You have received a first-stage decision on your complaint from the adjudicator but you are not satisfied	The administering authority under the second stage of the procedure	Six 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 three months later you have not received their decision on your complaint or any interim reply	The 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 adjudicator 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 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 adjudicator under the first stage of the procedure	Six months from the date when the employer or WYPF should have made the decision ¹
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	Three years from the date of the original decision about which you are complaining
You have taken your complaint to 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	Three years from the date of the original decision about which you are complaining

Your situation	Complain to	Time limit
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	Three years from the date of the original decision about which you are complaining

¹ The adjudicator can extend the six month time limit for a reasonable period where there are special circumstances.

Additional help

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties sorting out your complaint, you may wish to contact TPAS. TPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on www.pensionsadvisoryservice.org.uk or you can contact TPAS by phone, post, email or fax.

The Pensions Helpline phone number is **0800 011 3797**

Lines are staffed Monday to Friday 9am to 5pm.

Outside of these times, you can leave your number and someone will phone you back later.

You can write to:

Money and Pensions Service
120 Holborn
London
EC1N 2TD

Their online enquiry form is at

www.pensionsadvisoryservice.org.uk/contacting-us/online-enquiry-form

Or try their web chat service at **www.pensionsadvisoryservice.org.uk**

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' 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 complaints procedure and how it was dealt with.

The Pensions Ombudsman

At any time if you are having difficulties sorting out your complaint, you may wish to contact The Pensions Ombudsman's early resolution team.

The early resolution team can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on www.pensions-ombudsman.org.uk or you can contact The Pensions Ombudsman by phone, post or email.

The Pensions Helpline freephone number is **0800 917 4487**.

Lines are staffed Monday to Friday 9am to 5pm.

Outside of these times, you can leave your number and someone will phone you back later.

You can write to

The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

Email helpline@pensions-ombudsman.org.uk

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, The Pensions Ombudsman may be able to help to resolve your pensions complaint or dispute. Before asking for their help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described above.

An adviser for The Pensions Ombudsman 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. The Pensions Ombudsman would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

The Pensions Ombudsman's role is to investigate complaints and settle disputes about pension schemes. However, before contacting The Pensions Ombudsman, you would normally be expected 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. Their role and powers have been decided by Parliament.

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

Contact details

West Yorkshire Pension Fund
PO Box 67
Bradford
BD1 1UP

Phone 01274 434999

E-mail pensions@wypf.org.uk

Website www.wypf.org.uk



London Borough
of Hounslow



Application under the Internal Dispute Resolution Procedure

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 parts 1, 2 and 3

Part 1 – member 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 section. You can then go straight to **part 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 **part 2**.
- If you are representing the person with the complaint, please give the member's details in this section, and then go to **part 3**.

Full name

Home address

Date of birth

National Insurance number

Employer

Part 2 – dependant details

- If you are the member's dependant and the complaint is about a benefit for you, please give **your** details here then go to **part 4**.
- If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details here then go to **part 3**.

Full name

Home address

Date of birth

Relationship to member

Part 3 – representative details

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

Surname

Home address

Correspondence address if different

Part 4 – your complaint

Write the full details of your complaint here. Please try to explain exactly why you are unhappy, giving any dates or periods of pension scheme membership that you think are relevant.

If there is not enough space, please use 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.

Part 5 – your signature

I would like my complaint to be considered and a decision to be made about it. I am a (tick one box):

- Scheme member/former member/prospective member
 Dependant of a former member
 Member's representative/dependant's representative

Signed

Date

Part 6 – enclosures

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 this form to

**West Yorkshire Pension Fund
PO Box 67
Bradford BD1 1UP**

- We will forward your complaint to the relevant adjudicator