

Complaints Procedure including LGPS Internal Dispute Resolution Procedure (IDRP)



Introduction

This is the complaints process for the West Sussex Pension Fund ("the Fund") which is administered by West Sussex County Council ("the Administering Authority"). This includes our Internal Dispute Resolution Procedure (IDRP).

From the day you start a job with an employer, decisions are made about your pension rights. Some decisions are made by employers participating in the Fund (such as (eligibility for membership, pensionable and final pay, contribution rate and entitlement to benefit on termination of membership). Some are made by the Administering Authority (such as previous service or employment, additional pension, and entitlement to benefit, or return of contributions).

This purpose of the document is to provide you (whether a members of, or eligible to join the Local Government Pension Scheme) with an informal and formal complaint procedure to follow:

- To allow an issue to be investigated informally and allow us to do our best to put it right.
- To resolve issues formally where you are not satisfied with any decision affecting your pension benefits held within the LGPS or if a decision should have been made by us or your employer, but it has not been.

The Pension Fund's preference is to resolve concerns quickly as soon as they are known about. In the first instance we would always encourage members, or their representatives, to contact the pension administrators directly to resolve any issue with the way that your pension scheme membership dealt with, or the service received. The team can be contacted:

By post: Hampshire Pension Services, The Castle, Winchester, SO23 8UB

By telephone: 01962 845588

By e-mail: pensions@hants.gov.uk

There are also several other 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.

Formal Complaints Procedure

If you would like to make a formal complaint about your pension membership, benefits or administration please use the following two stage procedure:

Stage 1

The first stage of the complaints' procedure is to email the team at Pensions.CPD.Team@hants.gov.uk. They will review your complaint and log this under West Sussex County Council's formal complaints procedure.

We will acknowledge your complaint within three working days and respond within a maximum of 20 working days, although we aim to respond within 10 working days wherever possible.

Stage 2

If you are unhappy with the response to Stage 1, you can ask that your complaint is reviewed by the Scheme Manager. The Chief Executive will send a final response on behalf of the County Council.

As with Stage 1 we will acknowledge your complaint within three working days and respond within a maximum of 20 working days, although we aim to respond within 10 working days wherever possible.

If you are still unhappy after this, you can ask the Pensions Ombudsman (TPO) to investigate how your complaint has been dealt with.

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Internal Dispute Resolution Procedure (IDRP)

Making an informal enquiry, or formal complaint, does not affect your statutory right to have your dispute heard under the Internal Dispute Resolution Procedure (IDRP).

If you disagree with a decision made by your employer or the West Sussex Pension Fund in relation to your benefits from the Local Government Pensions Scheme (LGPS), then there is a two stage complaints process in place known as the Internal Dispute Resolution Procedure (IDRP). However, if your complaint is related to a decision made about your pension by your employer, then you must follow your employer's complaints procedure instead.

You can make a complaint under the IDRP if you are:

- A Prospective Member, who is thinking of joining the Scheme
- An Active Member, who is currently contributing to the Scheme;
- A Deferred Member, who has left the Scheme, but your benefits remain in the Pension Fund;
- A Pension Member, who is currently in receipt of a pension benefit from the Pension Fund.

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. At any stage during the formal complaint procedure, you can also contact The Pensions Ombudsman (TPO) for information and advice.

All complaints will be treated seriously and considered thoroughly and fairly.

No charge will be made at any stage for investigating a complaint under the IDRP.

The Internal Dispute Resolution Procedure has two stages.

First Stage

If you have received a decision in relation to your benefits in the LGPS from us and there seem to be good grounds for complaining, you should make a formal complaint:

- in writing to the Director of Finance and Support Services (West Sussex County Council, County Hall, Chichester, PO19 1RG or [TBA])¹
- normally within six months of the day when you were told of the decision you want to complain about.²

You may wish to use the "Application under the Internal Dispute Resolution Procedure" included in the Appendix; however, this is not compulsory.

Your complaint will be considered carefully by a person nominated by the Administering Authority ("the Adjudicator").

¹ Intention to set up IDRP.pensions@westsussex.gov.uk

² The Adjudicator can extend the 6 month time limit for a reasonable period where there are special circumstances.

The Adjudicator will give you their decision in writing within two months.

If the Adjudicator's decision differs to the original decision, we will deal with your case in accordance with the Adjudicator's decision.

If the decision you complained about concerned how we exercised a discretion, the Adjudicator may decide that we should reconsider how we exercised our discretion.

If you are unhappy following this first stage decision, you can request that your complaint is looked at again.

Second Stage

The table below summarises when you can ask us to take a fresh look at your complaint:

Your situation	Time limit
You have received a first stage decision on your complaint from the Adjudicator, but you are not satisfied (whether this was made by your Employer or the Administering Authority).	6 months from the date for the Adjudicator 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.	9 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.	7 months from the date by which you were promised you would receive a decision.
Your complaint is that we or your employer have failed to make any decision about your LGPS benefits.	6 months from the date when the date when we or your employer should have made the decision. ³

You will need to send your complaint in writing to the Director of Law and Assurance (West Sussex County Council, County Hall, Chichester, PO19 1RG or [TBA]).

You may wish to use the "Application under the Internal Dispute Resolution Procedure", however this is not compulsory.

This review will be undertaken by a person not involved in the first stage decision but will be considered carefully by a person nominated by the Administering Authority ("the Adjudicator").

³ The Adjudicator can extend the 6 month time limit for a reasonable period where there are special circumstances.

The Adjudicator will give you their decision in writing.

If the Adjudicator's decision differs to the original decision, we or your employer (who made the original decision) will deal with your case in accordance with the Adjudicator's decision.

If the decision you complained about concerned how we exercised a discretion, the Adjudicator may decide that we should reconsider how we exercised our discretion.

If you are unhappy following this second stage decision, you can take your case to The Pensions Ombudsman.

The Pensions Ombudsman

The table below summarises when you can ask The Pensions Ombudsman to take a fresh look at your complaint. Your complaint to The Pensions Ombudsman should be made after consulting with the Ombudsman's advisory service.

Your situation	Time limit
Your complaint was considered as a second stage complaint. You received a decision, but you are still not satisfied.	3 years from the date of the original decision about which you are complaining.
You received an interim reply to your second stage complaint within two months. The reply promised you a decision by a certain date but, by that date, you still have not received their decision.	3 years from the date of the original decision about which you are complaining

You will need to send your complaint in writing to The Office of the Pensions Ombudsman (enquiries@pensions-ombudsman.org.uk or by using their [online form](#)).

Before the Pensions Ombudsman will investigate a complaint, you must have first tried to resolve matters with the party or parties you think are at fault.

When you make a complaint to the Pensions Ombudsman, you will have to provide evidence that you have raised your complaint with the party/parties you believe to be at fault and given them an opportunity to respond.

TPO's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

Additional Help

The Pension Advisory Service (TPAS)

[The Pension Advisory Service \(TPAS\)](#) provides information and guidance to help make you make informed decisions about your pensions and retirement plans. They will try to help you get the answers you need or identify the people you need to speak to.

TPAS will not provide any information or guidance that could be construed as regulated financial advice and any opinions expressed by TPAS should not be regarded as grounds for legal action.

TPAS can be contacted:

By post: The Pensions Advisory Service, 120 Holborn, London, EC1N 2TD

By telephone: 0800 011 3797

By webchat: <https://www.pensionsadvisoryservice.org.uk/chat>

Pensions Ombudsman

[The Pensions Ombudsman \(TPO\)](#) can provide free advice and information to explain your rights and responsibilities and operate an Early Resolution Service which aims to - wherever possible - resolve complaints informally at an early stage. Where appropriate, this can be before IDR has been completed.

Leaflets published by The Pensions Ombudsman can be found [here](#).

TPO can be contacted:

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

By email: enquiries@pensions-ombudsman.org.uk

By telephone: 0800 917 4487

Appendix to the Internal Dispute Resolution Procedure (IDRP) of the West Sussex Pension Fund

Application 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	
Date of Birth	
Employer	
National Insurance Number	

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	
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	
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.

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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 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:

Stage 1: Administering Authority Adjudicator	Director of Finance and Support Services
	West Sussex County Council County Hall Chichester PO19 1RG

Stage 2: Administering Authority Adjudicator	Director of Law and Assurance
	West Sussex County Council County Hall Chichester PO19 1RG