

Complaints Procedure including LGPS Internal Dispute Resolution Procedure (IDRP)

(January 2024)



Background

The LGPS is one of the largest public sector pension schemes in the UK. It is a nationwide pension scheme with 5 million members across over 10,000 employers. The LGPS in England and Wales is administered locally through 90 local pension funds. The scheme regulations are made under the Superannuation Act 1972 and the Public Service Pension Schemes Act 2013.

West Sussex County Council is the Administering Authority responsible for maintaining and managing the West Sussex Pension Fund on behalf of its stakeholders: the scheme members and employers participating in the Fund.

In fulfilling its role, West Sussex County Council makes arrangements for the day-to-day administration of member records.

The Pension Fund is committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which it can continue to improve the service provided is by listening and responding to the views of stakeholders, by responding positively to complaints, and by putting mistakes right.

Many concerns will be raised informally and dealt with quickly. For the West Sussex Fund the day-to-day administration is carried out by the team at Hampshire Pension Services. The team can be contacted using the details below:



pensions@hants.gov.uk



<https://mypensionportal.hants.gov.uk/>



01962 845588



Hampshire Pension Services,
The Castle,
Winchester, SO23 8UB

However, from time-to-time individuals may not be satisfied with the service provided, with a decision made by the Pension Fund in relation to their and / or with a decision or the consideration of a complaint by an employer under their own complaints procedure.

In these circumstances, an individual has the right to ask for it to be investigated or looked at again under the pension service's formal complaint procedure or the Internal Dispute Resolution Procedure. A complaint may be made by an individual or someone on their behalf – for example - a friend, relative, legal adviser or union representative.

Any complaint made is treated seriously and considered thoroughly and fairly.

No charge is made at any stage for investigating a complaint.

Formal Complaints Procedure

If you want to make a formal complaint about the service that you or another individual has received from the Pension Fund or about actions or decisions of its officers as part of the administration of the scheme you should write to the team and set out the complaint and what outcome is sought. Supporting documentation can be provided to support the complaint.



pensions@hants.gov.uk



Hampshire Pension Services,
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The team will acknowledge the complaint within five working days. The complaint will be investigated by a senior manager and a full reply will be provided within a maximum of 20 working days.

Sometimes, due to the complexity of the complaint, the team will not be able to meet this timescale. If this happens, the individual will be contacted and kept fully informed of the progress being made.

If the complaint is related to a decision made about a pension by you or another individuals current or former employer, the relevant employer's complaints procedure should be followed.

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Internal Dispute Resolution Procedure (IDRP)

A complaint can be made under the Internal Dispute Resolution Procedure (IDRP) when the complaint relates to a decision affecting you, or another individual, in relation to the Scheme or if a decision should have been made but it hasn't been.

However, if an employer has made the decision in question, then their IDRP must be followed.

This IDRP is a two-stage process in which the decision which has been made may be reviewed by a person independent of the original decision-maker.

IDRP Stage 1

The purpose of Stage 1 of the IDRP is to carry out a formal review of the initial decision by the Administering Authority. It presents an opportunity to reconsider the decision and, where appropriate, to alter the decision if it was not a reasonable one to reach based on the relevant procedures, legislation and evidence.

The right to ask for a matter to be reviewed.

Stage 1 can be used if an individual's dispute relates to a decision made by West Sussex County Council as Administering Authority of the Scheme. The procedure relates to:



Prospective member who is thinking of joining the Pension Fund



Active member who is currently contributing to the Pension Fund



Deferred member who has left the scheme, but whose benefits remain in the Pension Fund



Pension Member who is in receipt of a pension benefit from the Pension Fund



A dependent for example, the husband, wife, or child of a member who has benefits in the Pension Fund

How to apply for a dispute to be resolved.

The application should normally be made within six months of the day of the decision which is being reviewed and in writing to the address below:



pensionsIDRP@westsussex.gov.uk



Director of Finance and Support Services
County Hall,
Chichester, PO19 1RG

What must be included in an application?

The “Application under the Internal Dispute Resolution Procedure” form may be used. Whilst this is not compulsory, all relevant information which is specified on the form is still required and must be provided when the application is submitted.



[Application under the Internal Dispute Resolution Procedure](#)

How decisions will be reached

The case will be considered by a person nominated by the Director of Finance & Support Services (the “Adjudicator”).

The Adjudicator will check that the application has been submitted within six months of the relevant date and send an acknowledgement to the applicant.

The Adjudicator will then consider all facts, reports, background information before reaching a determination. Further evidence may be requested.

How the applicant will be notified of the decision

A written reply will be provided within two months of receiving the application, and within 15 working days after the decision has been made.

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IDRP Stage 2

Stage 2 of the IDRP can be used when an applicant is unhappy with the Adjudicator's decision under Stage 1 of the IDRP, or under Stage 1 of their employer's IDRP.

Stage 2 can also be used if an application has been made at Stage 1 and no reply has been provided within three months or no decision has been made within a month of when it should have been received.

The person determining appeals at Stage 2 on behalf of the Administering Authority will undertake the function in a similar way to the Adjudicator under Stage 1. The appeal must be considered in a fair and impartial manner. No person who was involved in the making of the original decision or the Stage One Adjudicator's decision can be involved in a decision on reconsideration.

The right to ask for a matter to be reviewed.

If an individual is unhappy with a Stage 1 decision, they have six months to appeal to a Stage 2 Adjudicator appointed by the Pension Fund.

How to apply for a dispute to be reviewed.

The Stage 2 appeal must be in writing to the Director of Law and Assurance, West Sussex County Council:



pensionsIDRP@westsussex.gov.uk



Director of Law and Assurance
West Sussex County Council
County Hall,
Chichester, PO19 1RG

What must be included in an application?

The "Application under the Internal Dispute Resolution Procedure" form may be used, but this is not compulsory. Whilst this is not compulsory, all relevant information which is specified on the form is still required and must be provided when the application is submitted.



[Application under the Internal Dispute Resolution Procedure](#)



Stage 1 decision

How decisions will be reached

This review will be undertaken by a person not involved in the first stage decision and will be considered carefully by a person nominated by the Director of Law and Assurance (the "Adjudicator").

The Adjudicator will reconsider the Stage 1 decision, taking full account of the facts of the case and any evidence submitted, or relied on, by either party in the determination at Stage 1, check that the Regulations were applied correctly and check that sound, impartial procedures were used to reach the decision.

How the applicant will be notified of the decision

The Adjudicator will give their decision in writing within two months of receiving the application, and within 15 working days after the decision has been made.

Outcome of the decision

If the Adjudicator's decision differs from the original decision the matter will be dealt with in accordance with the Adjudicator's decision. The Adjudicator may decide that the exercise of a discretion should be reconsidered.

If an individual is unhappy following this second stage decision, they can take the case to The Pensions Ombudsman.

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The Pensions Ombudsman

The Pensions Ombudsman can investigate and determine any complaint or dispute involving maladministration or matters of fact or law and their decision is final and binding but matters where legal proceedings have already started cannot be investigated.

The right to ask for a matter to be reviewed.

The Pensions Ombudsman (TPO) will take a fresh look at a complaint in line with the situations set out below. A complaint to The Pensions Ombudsman should be made after consulting with the Ombudsman's pensions advisory service and after exhausting the Pension Fund's complaints or IDRP processes.

If the complaint was considered as a formal complaint, a decision was received, but the individual remains unhappy, or a decision has not been provided then the matter can be considered by the Pensions Ombudsman. A complaint should be made within three years from the date of the original decision about which the individual is complaining.

There is discretion for the time limits to be extended.

How to apply for a dispute to be reviewed.

The complaint should be made in writing to The Office of the Pensions Ombudsman:



enquiries@pensions-ombudsman.org.uk



www.pensions-ombudsman.org.uk/making-complaint

What must be included in an application?

A complaint to the Pensions Ombudsman should include evidence that the issue has been raised with the person considered to be at fault and they have been given the opportunity to respond.

How decisions will be reached

The Pensions Ombudsman usually deal with cases in the order in which they receive them.

The case will be allocated to an adjudicator as soon as one becomes available.

The adjudicator will review the case and may ask the people involved in the complaint for more information, or to provide a detailed response to the complaint.

How the applicant will be notified of the decision

The adjudicator will give their view on your complaint, normally in writing.

Outcome of the decision

The Adjudicators view might be that nothing has gone wrong in which case they will explain their reasons for saying so. If the adjudicator's view is that something has gone wrong, they will explain their thinking and say what action, if any, should be taken.

TPO's decision is final and binding on all the parties, subject to any appeal made to the court on a point of law or any separate legal process.

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Additional Help

MoneyHelper 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.

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



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0800 011 3797



MoneyHelper,
120 Holborn,
London, EC1N 2TD

Pensions Ombudsman 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 IDRPs has been completed.



[The Pensions Ombudsman](#)

enquiries@pensions-ombudsman.org.uk



0800 917 4487



The Office of the Pensions Ombudsman,
10 South Colonnade,
London, E14 4PU