

## **Regulatory Background: Internal Dispute Resolution Procedure as required under the Pensions Act 2004**

### **Requirement for dispute resolution arrangements**

1. The trustees or managers of an occupational pension scheme must secure that dispute resolution arrangements are made and implemented.
2. Dispute resolution arrangements are such arrangements as are required by this section for the resolution of pension disputes.
3. For this purpose a pension dispute is a dispute which—
  - a) is between—
    - i. the trustees or managers of a scheme, and
    - ii. one or more persons with an interest in the scheme,
  - b) is about matters relating to the scheme, and
  - c) is not an exempted dispute.
4. The dispute resolution arrangements must provide a procedure—
  - a) for any of the parties to the dispute mentioned in subsection (3)(a)(ii) to make an application for a decision to be taken on the matters in dispute (“an application for the resolution of a pension dispute”), and
  - b) for the trustees or managers to take that decision.
5. Where an application for the resolution of a pension dispute is made in accordance with the dispute resolution arrangements, the trustees or managers must—
  - a) take the decision required on the matters in dispute within a reasonable period of the receipt of the application by them, and
  - b) notify the applicant of the decision within a reasonable period of it having been taken.
6. The procedure provided for by the dispute resolution arrangements must include the provision required by section 50B.
7. Dispute resolution arrangements under subsection (1) must, in the case of existing schemes, have effect on and after the date of commencement of this section in relation to applications made on or after that date.
8. This section does not apply in relation to an occupational pension scheme if—

- a) every member of the scheme is a trustee of the scheme,
- b) the scheme has no more than one member, or
- c) the scheme is of a prescribed description.

9. For the purposes of this section a dispute is an exempted dispute if—

- a) proceedings in respect of it have been commenced in any court or tribunal,
- b) the Pensions Ombudsman has commenced an investigation in respect of it as a result of a complaint made or a dispute referred to him, or
- c) it is of a prescribed description.

10. If, in the case of an occupational pension scheme, the dispute resolution arrangements required by this section to be made—

- a) have not been made, or
- b) are not being implemented,

section 10 applies to any of the trustees or managers who have failed to take all reasonable steps to secure that such arrangements are made or implemented.

## **Internal Dispute Resolution Procedure (IDRP)**

### **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 (WSSC)  
PO Box 304  
Darlington  
DL1 9NS

Telephone: 01243 642148

E-mail: [pensions@westsussex.gov.uk](mailto: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 IDRP. 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, your Pensions Section 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, using the application form
- normally within 6 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 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 time limits for making the complaint are set out in the [table below](#). 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.

Click on the [application form](#) to complete.

## **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 IDRP 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 and;

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](mailto:enquiries@pensions-ombudsman.org.uk)

Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

## Time limits under the Internal Dispute Resolution Procedure (IDRP)

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 Adjudicator under the first stage of the procedure.	6 months from the date when you were notified of the decision. *
You have received a first stage decision on your complaint from the Adjudicator, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date for the nominated person's decision.
You made your complaint in writing to the Adjudicator, with all the information they needed but, 3 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.	9 months from the date when you submitted your complaint.
You received an interim reply to your complaint to the Adjudicator, within 2 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.	7 months from the date by which you were promised you would receive a decision.
Your complaint is that your employer or administering authority has failed to make any decision about your benefits under the pension scheme.	The Adjudicator under the first stage of the procedure.	6 months from the date when 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, after consulting with the Ombudsman's advisory service beforehand.	3 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 2 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, after consulting with the Ombudsman's advisory service beforehand.	3 years from the date of the original decision about which you are complaining

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

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## 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.

#### 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:** Principal Pension Consultant  
(Administration &  
**Employer** Employers)  
West Sussex County Council  
County Hall  
Chichester  
PO19 1RG

**Stage 1:** Pensions Operations  
Manager  
**Pensions** LGPS Pensions – WSCC  
PO Box 304  
Darlington  
DL1 9NS

**Stage 1:** Principal Pension Consultant  
(Administration & Employers)  
**Administering** West Sussex County Council  
**Authority** County Hall  
Chichester  
PO19 1RG

**Stage 2:** Head of Law & Governance,  
Finance & Assurance  
**Administering** West Sussex County Council  
**Authority** County Hall  
Chichester  
PO19 1RG