

Internal Dispute Resolution Procedure (IDRP)

Members guide on how to raise a dispute & Application Form

This booklet provides a straightforward 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.

Table of Contents

Introduction.....	3
Resolving your complaint	3
Who can raise a dispute?.....	3
Using someone else to represent you	3
Exemptions	4
What can I raise a dispute about?.....	4
Internal Dispute Resolution Procedure – Stage 1	4-5
o How do I make a Stage 1 appeal?.....	4
o What information should I include on the Stage 1 form?.....	4
o Where should I send the Stage 1 form?.....	5
o What happens next?	5
o Response from the Adjudicator	5
Internal Dispute Resolution Procedure – Stage 2	6
o What details should be sent with a Stage 2 form?.....	6
o Where should I send the Stage 2 form?.....	6
o What happens next?	6
Other sources of help	7
o The Pensions Advisory Service (TPAS).....	7
o The Pensions Ombudsman (TPO).....	7
o The Pensions Regulator.....	7
Appendix 1 – Time limits under the Internal Dispute Resolution Procedure (IDRP)	8
IDRP Application Form (Stage 1 & Stage 2)	9-10

Introduction

From the day you join the pension scheme, to the day when benefits or dependent's benefits are paid, decisions about your pension are being made by both your employer and the Wiltshire Pension Fund.

The purpose of this document is to provide you with details of the formal complaint procedure to follow should you disagree with a decision affecting your pension benefits held within the scheme. The complaint procedure's official name is the 'Internal Dispute Resolution Procedure' (IDRP).

Resolving your complaint

Often a problem can be resolved quickly by contacting the decision maker directly. Whether this is your employer or the Wiltshire Pension Fund, the decision may have evolved from incorrect information being used or an initial misunderstanding.

Therefore, before going to the trouble of making a formal complaint, Wiltshire Pension Fund and/or your employer will welcome the opportunity to try to resolve the matter about which you are dissatisfied. An informal enquiry of this kind may save you a lot of time and trouble.

If you disagree with a decision that has been made you should contact the person who made the decision to see if a resolution can be reached informally. The contact details for Wiltshire Pension Fund can be found at the bottom of this guide. If after doing so you are still not satisfied with any decision made in relation to the scheme you have the right for this decision to be looked at again under the scheme's Internal Disputes Resolution Procedure (IDRP).

Who can raise a dispute?

You can use the Internal Dispute Resolution Procedure if:

- **You are a member of the Wiltshire Pension Fund (WPF).** This includes members who are currently paying into the Fund, members who have retired and draw a pension from us, or members who have preserved benefits 'on hold' with us. This also applies if you are a surviving non-dependant beneficiary of a deceased member of the scheme.
- **You are a dependent.** i.e. you are the widow, widower, surviving civil partner, eligible cohabiting partner or child of a member or prospective member.
- **You are a prospective WPF member.** I.e. you may not be a member of the Fund now, but you could become one if your employer brings you in to the scheme or you ask to join.

You can still use this procedure if you think you should fall into one of these categories and your complaint relates to whether you are such a person, or if you did so during the last six months. Please note that no charge is made at any stage for investigating a complaint under the IDRP. However, expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

Using someone else to represent you

You can, if you wish, choose someone else to represent you in the making or handling of your complaint. For example, a friend, relative, solicitor or Trade union representative. You will need to provide written authority for your chosen representative to act for you by signing a simple statement to that effect.

If you are a child, or are, for some other reason, not capable of making or carrying on the complaint yourself, the complaint can also be made by a suitable representative.

If the person who is entitled to make the complaint has died, their personal representative (the person dealing with the estate) can make or carry on the complaint on their behalf.

Exemptions

Please note that your dispute will be exempt if:

- Proceedings have commenced in a court or tribunal.
- The Pensions Ombudsman has started an investigation.
- It is prescribed by regulations made by the Secretary of State.

What can I raise a dispute about?

From the day you join the pension scheme, various decisions are being made about your pension - both by your employer, and by ourselves here at Wiltshire Pension Fund. If you disagree with a decision, you can dispute it.

Examples of decisions made by your employer:

- Deciding whether you can retire on ill-health grounds,
- Your contribution rate and entitlement to a pension
- Deciding the level of pay the Fund should use to work out your pension

Examples of decisions made by Wiltshire Pension Fund:

- The calculation of your pension benefits
- Explaining how you are affected by Scheme rules

You should always be notified of a decision in writing. You should check that it is based on the correct information and that you agree with the decision. If you disagree with the decision you have the right to complain about it.

You also have the right to complain if you feel that there has been some maladministration in the way your case has been dealt with. For example, if you haven't been provided with adequate or timely information or if there has been an unreasonable delay in the payment of your pension.

Remember: If you are unhappy with any decision made by your employer you should contact them first before beginning the IDR process.

Internal Dispute Resolution Procedure (IDRP) – Stage 1

If you are still not satisfied with any decision made in relation to the scheme, you have the right for this decision to be looked at again under the scheme's Internal Disputes Resolution Procedure (IDRP). The IDR has two stages. Many complaints are resolved at the first stage.

How do I make an appeal?

If you need to make a formal complaint, you should make it in writing using the application form at the bottom of this guide to whomever you think is at fault whether that is your employer or Wiltshire Pension Fund. Please note that the appeal must be made within 6 months of the day when you were told of the decision you want to complain about or from when the decision should have been made but wasn't. The person considering your complaint can extend this if they think an extension is reasonable.

What information should I include on the Stage 1 application form?

When submitting an IDR application it is not enough to merely state that you do not agree with the original decision. You must set out your reasons. Anything you feel relevant to your complaint about the decision or issue you are

appealing should be included. However, it is important to stick to the facts. You can attach any related information to the form including copies of letters you have been sent.

Where should I send the Stage 1 application form?

If you are complaining against a decision made by Wiltshire Pension Fund, then you should send your application form to:

Stage 1 Adjudicator
Wiltshire Pension Fund
County Hall
Trowbridge
Wiltshire
BA14 8JN

If your complaint is against your employer, please send your form to your employer's appointed person. If you do not know who your employer's appointed person is, please contact your employer directly or Wiltshire Pension Fund.

What happens next?

Your complaint will be considered carefully by a person nominated by the body that took the decision against which you wish to complain. This person is known as the 'Adjudicator' and are specified by the body that made the decision against which you wish to complain. The adjudicator could be, for example, the human resources manager, or payroll manager. It is for each employer and administering authority to decide who should fulfil this role.

Your case will be reviewed along with the Scheme rules and any other relevant legislation. To assist with the review, you may also be asked for further details. The Adjudicator should either give you a decision, or will acknowledge your complaint, within two months of receiving your complaint.

Where it has not been possible for the Adjudicator to issue their decision within the two-month period, a letter will be sent to you explaining the reasons for the delay and provide an expected date for issuing a decision. Although in most cases the decision should be made within 2 months, there may be circumstances where the Adjudicator may wish to seek the views of the interested parties those of the relevant administering authority before a final decision is taken which may take longer.

Response from the Adjudicator

Once the Adjudicator has made a decision, they will provide you with the following:

- a statement of their decision
- a reference to any legislation on which the nominated person relied
- if your case relates to the exercise of a discretion, a reference to the provisions of these Regulations conferring the discretion*
- if your appeal is not upheld, a reference should be made to your right to refer the disagreement for reconsideration by the appropriate administering authority and the time within which you may do so
- contact details for the Pensions Ombudsman who are available to give assistance with any issues that remain unresolved

*If the decision you complained about concerned the exercise of a discretion by the employer or Wiltshire Pension Fund, and the Adjudicator decides that the employer or Wiltshire Pension Fund should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

If the Adjudicator's decision is contrary to the decision you complained about, the body that made the original decision will now have to deal with your case in accordance with the Adjudicator's decision.

Internal Dispute Resolution Procedure (IDRP) – Stage 2

If you are unhappy with the outcome of the Stage 1 decision, you have six months to make an appeal to a stage 2 referee to have it reconsidered. The Stage 2 referee is someone appointed by Wiltshire Council (as the administering authority for Wiltshire Pension Fund) but who was not involved in the first stage decision.

You can also make a Stage 2 appeal if:

- You have made a Stage 1 complaint and have received an interim letter but have not received a decision.
 - You can appeal after 7 months from the expected decision date.
- You have not received a decision or an interim letter from the Adjudicators following a Stage 1 complaint.
 - You can appeal after nine months from the date on which the Stage 1 application was made.

In either case, you should do this as soon as possible after the time limit has passed.

What details should be sent with a Stage 2 application?

All the information and details that were required for the Stage 1 application should be resubmitted at the stage 2 via the application form at the bottom of this guide. Also, where you have received a Stage 1 decision a copy of the decision letter and most importantly, an explanation of why you are dissatisfied with it should be explained on the application form.

As with appeals at the Stage 1 of the process, the person considering your application should acknowledge receipt of the appeals form and may request further information so that they can fully understand your complaint.

If your health is a factor in the complaint, you may be asked to attend a medical examination or consent to the release of your medical details to another independent registered medical practitioner (IRMP) for a further medical opinion. The review at the stage 2 would be undertaken by an IRMP not involved in the stage 1 decision.

Where should I send the Stage 2 application form?

You should send your Stage 2 application form to:

Director of Finance & Procurement
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

What happens next?

The stage 2 referee will re-examine your case based on any supporting information and may request for further detail from you and/or your employer to help understand your complaint.

Following this review, the Stage 2 referee should reply to you within 2 months of receiving your complaint. This reply will either:

- Provide you with a decision. This will either confirm or replace the Stage 1 decision, or
- Acknowledge your complaint and inform you of when you will receive a decision.

As is the case at stage 1, if the original decision was made in the exercise of a discretion and the administering authority decides that it was not exercised in a reasonable manner, they can only insist the employer or administering authority reconsider its discretion - they cannot replace their original decision with a decision of their own.

Other sources of help

The Pensions Advisory Service (TPAS)

TPAS provide independent and impartial information about pensions, free of charge, to members of the public. TPAS is available to assist members and beneficiaries of the scheme with any pensions query they may have or any general requests for information or guidance concerning their pension benefits. TPAS can be contacted at:

The Pensions Advisory Service
11 Belgrave Road, London, SW1V 1RB

Tel: 0800 011 3797

Website: www.pensionsadvisoryservice.org.uk/

The Pensions Ombudsman (TPO)

The Pensions Ombudsman solely deals with pension complaints. It can help if you have a complaint or dispute about the administration (including transfers/conversion) and/or management of personal and occupational pensions. Some examples of types of complaints it considers include (but are not limited to):

- automatic enrolment
- benefits: including incorrect calculation, failure to pay or late payment
- death benefits
- failure to provide information or act on instructions
- ill health
- interpretation of scheme rules
- misquote or misinformation
- transfers

You have the right to refer your complaint to The Pensions Ombudsman free of charge.

There is no financial limit on the amount of money that The Pensions Ombudsman can make a party award you. Its determinations are legally binding on all the parties and are enforceable in court.

Contact with The Pensions Ombudsman about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later, within three years of when you first knew about it (or ought to have known about it). There is discretion for those time limits to be extended.

The Pensions Ombudsman can be contacted at:

10 South Colonnade
Canary Wharf, E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint form online:

www.pensions-ombudsman.org.uk/our-service/make-a-complaint/.

The Pensions Regulator

This is the regulator of work-based pension schemes. The Pensions Regulator has powers to protect members of work-based pension schemes and a wide range of powers to help put matters right, where needed. In extreme cases, the regulator is able to fine trustees or employers, and remove trustees from a scheme. Contact details for the Pensions Regulator can be found here.

Appendix 1 - 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.	Wiltshire Pension Fund as the relevant administering authority under the second stage of the procedure.	6 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, 3 months later, you have not received their decision on your complaint or any interim reply.	Wiltshire Pension Fund as 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 have 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.	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.	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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Internal Dispute Resolution Procedure (IDRP) – Application Form

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.

1. About your dispute

Please tick the appropriate box:	
The dispute is against Wiltshire Pension Fund	<input type="checkbox"/>
The dispute is against an Employer	<input type="checkbox"/>
Name of Employer:	

2. Details about the person raising the dispute

Full name:			
National Insurance Number:			
Address:			
Date of birth:			
Employer:			
Telephone Number:		Email address:	

3. Dependant’s details:

If you are the member's dependant and the complaint is about a benefit for you, please give your details in below and then **go to section 5**. If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details below and then **go to box 4**.

Full name:			
Address:			
Date of birth:			
Relationship to member:			

4. Representative’s details

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

Full name:			
Address:			
Address for response letters to be sent to:			

5. Details of the dispute

- Please give full details of the dispute, including any dates which you think are relevant.
- Please include a copy of any written notification of a decision you have received.
- If you run out of space, please attach a separate sheet marked with name and National Insurance number.

6. Signature

This section must be signed IN ALL CASES by either:

- The person raising the dispute where there isn't a representative, or
- The representative where there is one.

Signature:		Date:	
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7. What next?

Please send this form to:

Stage 1		Stage 2
Complaint against the Fund	Complaint against an Employer	
Stage 1 Adjudicator Wiltshire Pension Fund County Hall Trowbridge Wiltshire BA14 8JN Or by email to pensionenquiries@wiltshire.gov.uk	Your employers appointed person. If you do not know who your employer's appointed person is, please contact your employer's HR department or Wiltshire Pension Fund.	Director of Finance & Procurement Wiltshire Council County Hall Trowbridge Wiltshire BA14 8JN