

**Making a complaint:
a Local Government Pension Scheme member's guide
to the Internal Dispute Resolution Procedure (IDRP)**

Bedfordshire Pension Fund

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1. Introduction

This guide tells you about the complaints procedure for the Local Government Pension Scheme (LGPS) and the process to follow if you are unhappy with a decision that's been made about your pension benefits or membership. The complaints process for the LGPS is known as the Internal Dispute Resolution Procedure (IDRP).

The LGPS is currently governed by the Local Government Pension Scheme Regulations 2013 (as amended) (the "LGPS regulations").

Bedfordshire Pension Fund ("the Fund") is the relevant LGPS fund for your area and is administered by Bedford Borough Council (the "Administering Authority").

Bedfordshire Pension Fund has provided this guide to explain the IDRP process. It does not cover every aspect and is not an interpretation of the LGPS regulations. In the event of any unintentional differences, the LGPS Regulations will apply.

2. Decisions that are made about your pension membership and benefits

Under the LGPS Regulations, decisions about your pension membership and benefits are generally made by either your employer or the fund's Administering Authority, depending on what is being decided. These are known as 'first instance' decisions. The summary below shows some of the different decisions that your employer and the Administering Authority make:

Employer makes decisions about any question concerning:

- an employee's eligibility for membership
- an employee's pensionable pay to be used to calculate benefits
- an employee's final pay to be used to calculate benefits
- an employee's contribution rate
- any entitlement to benefit on termination of membership
- any entitlement to early release of pension benefits including ill health early retirement

Administering authority makes decisions about any question concerning:

- the amount of any benefit, or return of contributions, a member is entitled to under the LGPS Regulations

- the person's previous service or employment
- counting additional periods as membership or crediting additional pension
- the payment of death grants

Your employer or the Administering Authority will follow the LGPS regulations when they make decisions, because the regulations set out, for example, who is allowed to join the pension scheme and how pension benefits are calculated.

Discretions

In some cases employers have a choice about how they apply some of the rules. These are known as "discretions". For example, an employer can make a choice whether or not a reduction should be applied to a member's benefits if they take early retirement under certain circumstances. The LGPS regulations set out the circumstances when employers can use discretions.

There are also cases where the Administering Authority can use its discretion when deciding what action to take, for example when deciding to pay a death grant.

LGPS regulations state that employers must have a policy which sets out how they exercise some (though not all) of these discretions. Failure to have such a policy statement is a breach of the employer's legal requirements. The policy should be published so that members can read it if they want to.

Written notice of decisions

When your employer or the administering authority makes a decision about your pension benefits or membership, you should receive written notification of the decision. Whenever you receive information about your pension it should include details of where you can get more information if needed.

If the information you have received is about the value of your pension benefits then the information you've been sent should include a breakdown of how your pension benefits have been worked out so that you can check the details.

Whenever you receive information about your LGPS pension you should check the information you've been sent to make sure that it's right.

3. What to do if you are unhappy about a decision – first steps

Mistakes and misunderstandings can happen sometimes so if you think there has been a mistake in a decision made about your pension or if you're not sure about something in the information you have been sent, you should contact whoever has sent you the information as soon as possible.

Mistakes can often be corrected at an early stage, or getting more information can sort out a misunderstanding. Before you decide to make a formal complaint it is a good idea to make contact with your employer or administering authority to try and sort the problem out informally. Many disagreements are resolved quickly in this way.

If you are not able to resolve the problem informally with whoever has made the decision, you can apply to have the decision reconsidered under the Internal Disputes Resolution Procedure (IDRP).

4. Internal Dispute Resolution Procedure ("IDRP")

The IDRP is set out in the LGPS regulations and is a formal, two-stage procedure under which you can ask for a decision about your pension benefit to be reconsidered.

The first stage is to have your complaint reviewed by the body which made the original decision, and, if you are not happy with the outcome of stage 1, the second stage is to have your complaint considered by the administering authority. You do not have to go through both stages because your complaint may be resolved at the first stage of the procedure.

You will not have to pay any money for making a complaint under the IDRP. The only cost to you will be your time, stationery and postage.

Who can use the IDRP?

- The following people can use the IDRP to complain about a decision which has been made about LGPS benefits:
- an existing member of the Scheme – in other words, an active member; a former member with an entitlement to deferred benefits (also known as 'preserved benefits'); a member who is entitled to benefits under the LGPS as a result of a pension sharing order; or a member who is being paid a pension;

- a prospective member of the LGPS – in other words, under the terms of their contract of employment or the rules of the LGPS, the person is entitled to join the LGPS now, or will be able to do so after a certain period of time or if their employer agrees; or
- a widow, widower, surviving civil partner, surviving cohabiting partner or dependant of a deceased member, or someone who is otherwise entitled to receive benefits under the LGPS in respect of a deceased member.

Please contact Bedfordshire Pension Fund if you are unsure if you can use the IDR.

5. IDR – Stage 1

If you are unhappy with a first instance decision which has been made about your pension and you have been unable to resolve the matter informally, you can apply to have the decision reviewed under stage 1 of the IDR.

You can also make a complaint under stage 1 of the IDR if your employer or administering authority has failed to make a decision or has failed to notify you of a decision about your benefits. Again, it is recommended that you speak to your employer or the administering authority to see if you can find out the reason for the delay and resolve the matter informally, before starting the IDR.

A Stage 1 application form can be found at the end of this guide. When completing the 'details of the complaint' section of the application form you should include information that you think is relevant to your complaint and be clear about what decision you are appealing against.

You can ask someone to make a complaint on your behalf. If you would like to do this then you will need to give them written authority to deal with the matter on your behalf and make sure that the written authority is supplied with your stage 1 application form.

You must submit your stage 1 application within 6 months of the date you were notified of the decision you are complaining about, or, if your complaint is about a failure to make or notify you of a decision, 6 months from when the decision or notification should have taken place. The Stage 1 adjudicator (see below) may agree to extend this time limit.

You need to be clear about who has made the decision about which you are appealing. If you are unsure whether your employer or the administering authority

has made the decision, you can contact Bedfordshire Pension Fund to ask for clarification. Please also refer to the examples of “first instance” decisions on page 1 of this guide.

Your employer and the administering authority each have a nominated person who considers applications under stage 1 of the IDRP. The nominated person is known as the ‘adjudicator’ and should be someone who has not been involved in making the original decision.

Your stage 1 application form should be sent to Bedfordshire Pension Fund. The fund will send your application to the relevant adjudicator, either at your employer or at the administering authority.

Role of the adjudicator

Once your stage 1 application form has been received by the relevant adjudicator, the adjudicator will send a letter to you to confirm that your application has been received.

The adjudicator will then review the facts of the case, requesting more information if necessary, and will decide whether or not to uphold your complaint.

The adjudicator will write to you to tell you the outcome within two months of receiving your application. If he or she is not able to respond within two months, you will be notified, with an explanation as to what is causing the delay and details of when you can expect to receive a response.

Once the adjudicator has made their decision on your application, they will send you a written response. Their response to your application will include:

- a statement of their decision
- reference to any legislation which supports the decision e.g. the relevant LGPS regulations
- where the disagreement relates to the exercise of a discretion, a reference to the provisions of the LGPS Regulations conferring the discretion;
- if your complaint has not been upheld, reference to your right to refer your complaint for reconsideration by the administering authority (stage 2 of IDRP) and how such a referral should be made.
- contact information for The Money and Pensions Service and The Pensions Ombudsman

The adjudicator's decision is final and binding and takes effect as the decision of your employer or administering authority, except in the following circumstances:

- if your complaint is not upheld and you appeal the adjudicator's decision under stage 2 of the IDRP or
- if your complaint is upheld but the original decision relied on a discretion, in which case the adjudicator can't overrule the decision but can refer it back to the original decision-makers for reconsideration.

Please note that the adjudicator can't make any awards of compensation or make a decision that falls outside of what is permitted within the LGPS regulations.

6. IDRP – Stage 2

If you are unhappy with the decision made under stage 1 of the IDRP you can appeal the Stage 1 adjudicator's decision by making an application to the Administering Authority under Stage 2 of the IDRP. The Administering Authority will have a person who is appointed to consider applications under Stage 2 of the IDRP.

You can also make an application under Stage 2 of the IDRP if you have not received a decision or notice of a delay from the Stage 1 adjudicator.

A Stage 2 application form can be found at the end of this guide.

You need to make the application for a Stage 2 appeal within 6 months of the Stage 1 decision or,

- if no decision or interim reply was issued, within 9 months of the date the stage 1 application was made, or
- if an interim reply was issued but no decision was made, within 7 months of the Stage 1 expected decision date.

Under Stage 2 of the IDRP your application is submitted to the Administering Authority. The Administering Authority will send you a letter acknowledging that your application has been received.

The Administering Authority's appointed person will review the case.

No person who was involved in the making of a first instance decision or the Stage 1 adjudicator's decision can be involved in the Stage 2 reconsideration. If the

Administering Authority has already reviewed your complaint under Stage 1, then at Stage 2 the decision will be reconsidered by a different person.

The Administering Authority's appointed person will consider the Stage 1 decision, taking all relevant information into account. He or she will check if the LGPS regulations were applied correctly and if good, fair procedures were used to reach the decision.

It should be noted that:

- The Administering Authority's decision is final and confirms or replaces previous decisions (except where the original decision relied on a discretion, see below).
- If your complaint is upheld but the original decision relied on a discretion, the Administering Authority can't overrule the decision but can refer it back to the original decision-makers for reconsideration.
- The decision of the Administering Authority can only be overturned by appeal to the Pensions Ombudsman or the High Court.
- The administering Authority can't make any awards of compensation or for maladministration
- The Administering Authority can't make a decision which falls outside what is permitted by the LGPS regulations.

The Administering Authority must respond to a Stage 2 application within 2 months. You will be sent written notice of the Stage 2 decision, which will include:

- a statement of their decision
- reference to any legislation which was relied on when making the decision e.g. the relevant LGPS regulations
- where the disagreement relates to the exercise of a discretion, a reference to the provisions of the LGPS Regulations conferring the discretion;
- contact information for The Money and Pensions Service and The Pensions Ombudsman

7. After the IDRП

If you are not satisfied with the outcome of Stage 2 of the IDRП, you can refer your complaint to The Pensions Ombudsman, free of charge.

The Pensions Ombudsman deals with complaints and disputes over the administration and management of pension arrangements.

The Pensions Ombudsman has two branches to its complaints service – the Early Resolution Service and the formal adjudication service. The Early Resolution Service is a more informal option which offers you the option of discussing your complaint with the Ombudsman at an early stage. You do not need to have been through both stages of the IDRП before being able to use the Early Resolution Service.

The Ombudsman's formal adjudication service requires you to have been through both stages of the IDRП before the Ombudsman will investigate the complaint.

A complaint to the Pensions Ombudsman must be made within three years of when the events that you are complaining about happened or, if later, within three years of when you were first aware of the events. There is discretion for time limits to be extended.

Contact details for The Pensions Ombudsman:

The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

Telephone: 0800 917 4487
Email: enquiries@pensions-ombudsman.org.uk
Website: www.pensions-ombudsman.org.uk

Complaints can also be submitted online at:
<https://www.pensions-ombudsman.org.uk/making-complaint>

8. Additional Help

The Money and Pensions Service is a not-for-profit financial guidance service which aims to help people make the right financial decisions. The Money and Pensions

Service includes MoneyHelper which is a service giving impartial help that's backed by government and free to use.

If you have any general requests for information or guidance you can contact MoneyHelper:

Pensions Helpline: 0800 011 3797 (open from 9am to 5pm Monday to Friday)

Website: www.moneyhelper.org.uk

Address of The Money and Pensions Service:

The Money and Pensions Service

Borough Hall

Cauldwell Street

Bedford

MK42 9AP

9. Time limits under the IDRP

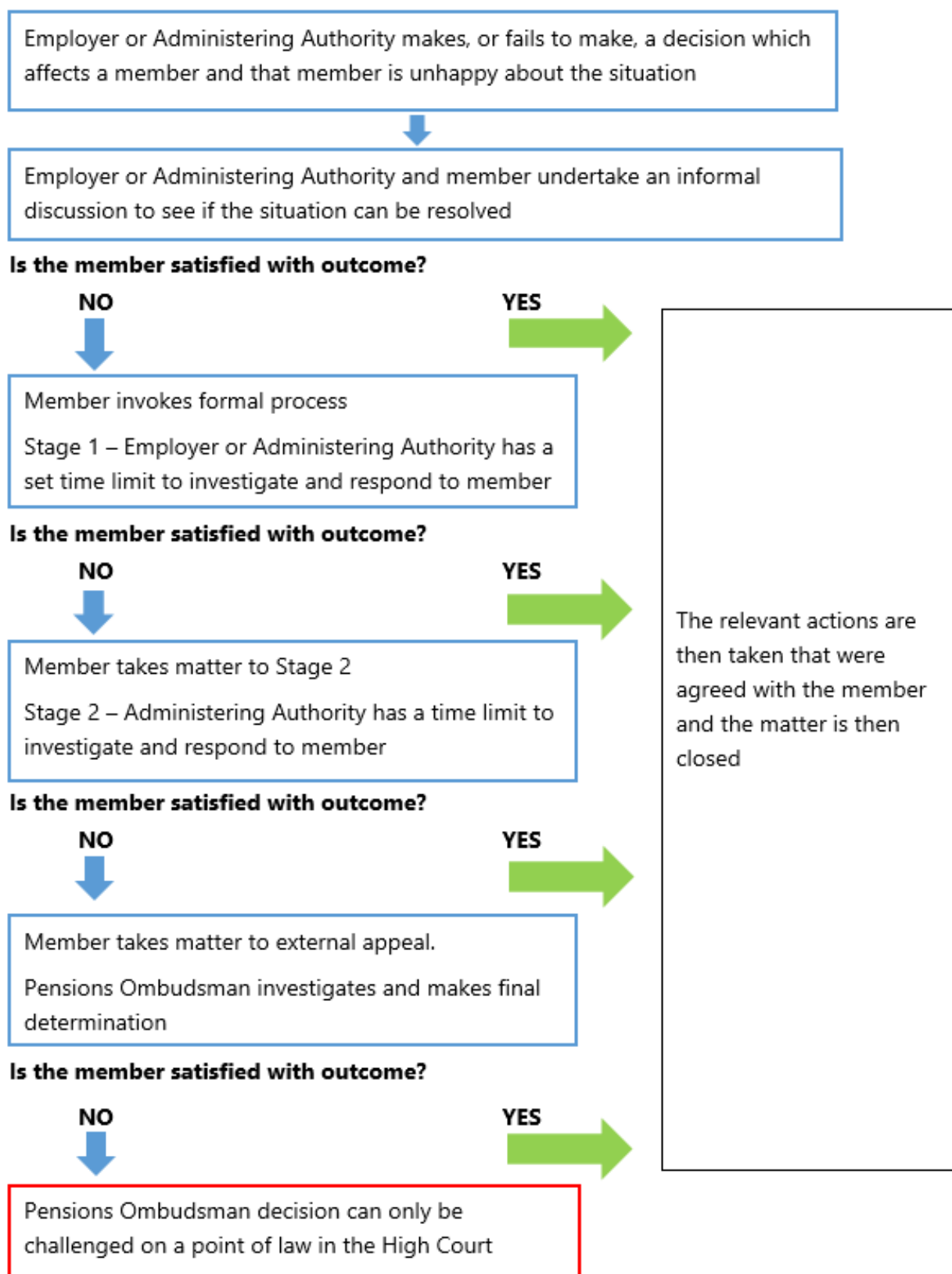
Member situation	Complaint sent to	Time limit for submitting a complaint
Member is unhappy with a decision made regarding their pension	The nominated person under Stage 1 of the procedure	6 months from the date the member was notified of the decision
A member's employer or administering authority has failed to make a decision about the member's benefits under the pension scheme	The nominated person under Stage 1 of the procedure	6 months from the date when the decision should have been made
A member is not satisfied with the Stage 1 decision	Administering Authority representative	6 months from the date of the Stage 1 nominated person's decision
A member has not received a Stage 1 decision on their complaint or any interim reply within 2 months of their application	Administering Authority representative	9 months from the date when the member submitted their complaint
A member has received an interim reply to their Stage 1 complaint but one month after the date the nominated person specified the member still has not received the nominated person's decision	Administering Authority representative	7 months from the expected decision date
The member is still not satisfied following a Stage 2 decision	The Pensions Ombudsman	3 years from the date of the original decision that the member is complaining about

Member situation	Complaint sent to	Time limit for submitting a complaint
The member has not received a decision or any interim reply from the Stage 2 specified person within 2 months of the member's application to them	The Pensions Ombudsman	3 years from the date of the original decision that the member is complaining about
The member received an interim reply to their Stage 2 complaint but one month after the date specified by the Administering Authority representative the member has still not received their decision	The Pensions Ombudsman	3 years from the date of the original decision that the member is complaining about

Notes to the above:

The nominated person under Stage 1 of the procedure can allow a longer period if he or she feels this is reasonable.

10. IDR – Flowchart



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Internal Dispute Resolution Procedure: Stage 1 application form

Details of Fund member
Full name:
Address, including postcode:
Telephone number:
Email:
Date of birth:
National Insurance number:
Details of person making the complaint - To be completed only if the person making the complaint is the spouse, civil partner, dependant or other beneficiary of a deceased member
Full name:
Address, including postcode:
Telephone number:
Email:
Date of birth:
Relationship to member:
Details of representative acting on behalf of complainant (if any)
Full name:
Address, including postcode:
Telephone number:
Email:
This address to be used for correspondence? Yes/No (delete as applicable)
Is the complainant's written authority for the representative to act on their behalf enclosed with this application? Yes / No (delete as applicable)
Please note: failure to supply the complainant's written authority may delay the IDRP.

Details of the complaint

Please provide details of your complaint, together with copies of any supporting documents or correspondence. Continue on a separate piece of paper if necessary.

Signed:

(by or on behalf of the complainant)

Date:

Please return the completed form, together with any other supporting documentation, to:

Bedfordshire Pension Fund, Borough Hall, Cauldwell Street, Bedford MK42 9AP

You will be sent a letter to confirm that your form has been received.

NOTE: This complaint cannot be dealt with under the IDRPs if the Pensions Ombudsman has started an investigation into this matter or court or tribunal proceedings have begun. By signing and returning this form, you are confirming that, so far as you are aware, no such investigation or proceedings have commenced.

You may wish to keep a copy of your completed form, in case you need it for future reference (for example, if the nominated person has any questions about what you have written).

Bedfordshire Pension Fund

Internal Dispute Resolution Procedure: Stage 2 appeal application form

Note – if none of the relevant information has changed, you may enclose a copy of your Stage 1 application form instead of completing the first page of this appeal form, if you wish.

Details of Fund member
Full name:
Address, including postcode:
Telephone number:
Email:
Date of birth:
National Insurance number:

Details of person making the complaint - To be completed only if the person making the complaint is the spouse, civil partner, dependant or other beneficiary of a deceased member
Full name:
Address, including postcode:
Telephone number:
Email:
Date of birth:
Relationship to member:

Details of representative acting on behalf of complainant (if any)
Full name:
Address, including postcode:
Telephone number:
Email:
This address to be used for correspondence? Yes/No (delete as applicable)
Is the complainant's written authority for the representative to act on their behalf enclosed with this application? Yes / No (delete as applicable)
Please note that failure to supply the complainant's written authority may delay the IDRP.

Reasons for dissatisfaction with original decision - to be completed in all cases. Please provide details of the reason(s) why you are dissatisfied with the response made and notified to you at Stage 1 of this procedure. Continue on a separate piece of paper if necessary.

I wish Bedford Borough Council as the administering authority of the Fund to reconsider the decision made at Stage 1 of this procedure.

Signed:

(by or on behalf of the complainant)

Date:

Please return the completed form, together with a copy of the Stage 1 decision and any other supporting documentation which you wish Bedford Borough Council to consider, to:

Bedfordshire Pension Fund, Borough Hall, Cauldwell Street, Bedford MK42 9AP

You will be sent a letter to confirm that your form has been received.

NOTE: You may wish to keep a copy of your completed form, in case you need it for future reference (for example, if the Administering Authority has any questions about what you have written).