

How to Complain Internal Dispute Resolution Procedure (IDRP) Guidance Notes for Members

Introduction

We have produced this leaflet to tell you about the complaints procedure for the Local Government Pension Scheme (LGPS) or former employer.

If you have a problem with your benefits, please either phone the number on the letter your employer sent you, or contact the Avon Pension Fund at:

**Avon Pension Fund
Bath and North East Somerset Council
Lewis House, Manvers Street,
Bath, BA1 1JG**

Web: www.avonpensionfund.org.uk
E-mail: avonpensionfund@bathnes.gov.uk
Tel: 01225 395100

Your employer or the Avon Pension Fund will try to deal with the problem as quickly and efficiently as possible. 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.

If you do not receive a satisfactory reply you can then decide to use the Complaints Procedure as explained below:

Who can complain?

You can use the complaints procedure if you are:

- **A member:** and, you are paying contributions into the LGPS, or you have retired and receive a pension from us, or you have left your benefits 'on hold' with us
- **A prospective member:** in other words, you are not a member yet, but could become one if your employer brings you in, or you ask to join
- **A dependant:** and, you are the widow, widower, surviving civil partner or a cohabiting partner or a child of a member or prospective member

You can even use the complaints procedure if you think you should fall into one of the above categories, or you did so during the last six months.

Using someone else to represent you

You might feel happier with someone else representing you, or you may not be able to put your case yourself, for example because you are a child.

In this case you can choose someone else to represent you. This can be whoever you like your husband, wife or partner, a friend, relative, solicitor, union rep, etc.

What you can complain about

Decisions

From the day you join the LGPS, various decisions are being made about your pension - both by your employer, and by ourselves at the Avon Pension Fund.

Examples of decisions made by your employer include:

- Deciding whether you can retire on ill health grounds
- Deciding the pay we should use to work out your pension benefits
- Deciding whether or not you can join the LGPS

Examples of decisions made by the Fund include:

- Applying any discretions we have
- Explaining how you are affected by the various Scheme rules
- Working out your benefits

Whenever a decision is made about your pension, you should be told about it in writing.

Other complaints

You can also complain about other aspects of your pension, for example if you feel that you haven't been given the information you need, or you think there has been an unreasonable delay in us paying your benefits.

Who do I complain to?

There is a two stage procedure, as outlined below. **Stage 1** is to make a formal complaint to whoever you feel is at fault. If you are unhappy with the outcome of **stage 1** (or you haven't had a reply in time) you can then appeal to a **stage 2** referee, appointed by the Avon Pension Fund. *This is the case no matter who your original complaint was against.*

Stage 1: formal complaint

What to do first

You should complain in writing to **whoever you think is at fault** - either your employer, former employer or ourselves at Avon Pension Fund.

For complaints against your employer, please write to your employer/ or former employer.

For complaints against Avon Pension Fund, please write to:

Technical & Compliance Advisor, Avon Pension Fund, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG

It's best to use form **IDRP S1** at the end of this document, as it will help you include the right details.

You must make your initial complaint within **six months** of the problem taking place, as your complaint can only be looked at later than this in special cases.

What happens next?

The facts of your case will be examined, along with the LGPS rules, and any other legislation which is relevant. You may also be asked for more details, to help understand your case.

You should receive a written reply within two months of the date your complaint arrives. This letter will either give you a decision, or will acknowledge your complaint, and explain when you will have a decision.

Stage 2: further appeal

Taking your complaint further

If you are unhappy with the **stage 1** decision, you have **six months** from receiving it to appeal to a **stage 2** adjudicator who has been appointed by this Fund. You must make your **stage 2** complaint in writing using form **IDRP S2**, enclosing a copy of the **stage 1** decision with it.

You can also go straight to stage 2 if:

- You have gone through stage 1 and haven't had a reply within three months of making your complaint, or...
- You have gone through stage 1 and haven't had a decision within one month of the date you were told you would do

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

What happens next?

The **stage 2** adjudicator will re-examine your case, once again looking at the LGPS rules, and so on. The referee may also need to ask you or your employer or former employer for more details, to help him/her understand your complaint.

The **stage 2** adjudicator should reply to you within **two months** of receiving your complaint. This will be to either...

- give you his/her decision, which will confirm or replace the **stage 1** referee's decision, or
- acknowledge your complaint, and explain when you will have a decision.

Where to get outside help...

The Money and Pensions Service (MAPS)

MAPS is available at any time to assist members and beneficiaries of the LGPS in connection with any difficulties you are having in sorting out your complaint, if you have received a second-stage decision under the LGPS complaints procedure, and you are not satisfied with that decision, and still think your complaint is well-founded, may wish to contact MAPS.

MAPS can provide free advice and information to explain your rights and responsibilities or may be able to help to resolve your complaint or dispute.

MAPS can be contacted at;
120 Holborn
London
EC1N 2TD

Telephone: 0800 011 3797
Website: www.moneyandpensionsservice.org.uk



The Pensions Ombudsman (TPO)

The Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to an occupational pension scheme such as the LGPS. Pension schemes and members must normally go along with the Ombudsman's decision unless it is overturned by the High Court. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have been given first-stage and second-stage decisions by the LGPS and have asked for the help of MAPS.

The Pensions Ombudsman can be contacted at;

10 South Colonnade
Canary Wharf
E14 4PU

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



Disclaimer

The information in this Factsheet applies to individuals who were contributing members of the Local Government Pension Scheme on 1 April 2014 or who have since joined. The Factsheet was up-to-date at the time of publication. This Factsheet is for general use and cannot cover every personal circumstance nor does it cover specific protected rights that apply to a very limited number of employees. In the event of any dispute over your pension benefits, the appropriate legislation will prevail as this leaflet does not confer any contractual or statutory rights and is provided for information purposes only.

July 2021

Stage 1 Disagreement form *(Must be made within 6 months of Initial Decision)*

IDRP S1

EMPLOYER / FORMER EMPLOYER: _____

1. ABOUT YOUR DISAGREEMENT

(Please fill in this part in all cases)

Who is your disagreement against? *(Please tick one box)*

The Employer named above

Avon Pension Fund

2. MEMBER DETAILS

(Please fill in this part in all cases)

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

DATE OF BIRTH: _____ N.I. NUMBER: _____

3. DEPENDANT DETAILS

(Only fill in this section if you are a dependant)

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

DATE OF BIRTH: _____ N.I. NUMBER: _____

PAY NUMBER: _____

RELATIONSHIP TO MEMBER: _____

4. REPRESENTATIVE DETAILS *(Only fill in this section if you are representing a member or dependant)*

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

I agree to represent the person named in 2 or 3 above

SIGNED: _____ DATE: _____

Whose address should letters go to? *(Please tick one box)*

Yourself as representative:

The person you are representing:

5. DETAILS OF YOUR DISAGREEMENT (Please give full details of the disagreement in this section)

- **These details should be your account of the reason for disagreement, including any relevant dates, previous discussions and enclosing any relevant letters / documents that are related to your disagreement.**

• **If you run out of space, please attach a separate sheet marked with NI number**

6. SIGNATURE (Please fill in this section in all cases)

I would like the referee to look into this disagreement and make a decision about it. I am a...

Fund member: Prospective member: Former member:
Former member's representative: Member's or dependant's representative:

Under Section 50(9) of the 1995 Pensions Act, IDRPS is not possible if any of the following applies:

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.

Please ✓ if applicable

SIGNED: _____ DATE: _____

Avon Pension Fund, Local Government Pension Scheme administered by Bath & North East Somerset Council.

Data Protection: Avon Pension Fund is a Data Controller as defined in the UK GDPR. We store, hold and manage your personal data in line with statutory requirements to provide you with pension administration services. For more information about how we process your data, your individual rights and answers to frequently asked questions, please visit our website: avonpensionfund.org.uk

Stage 2 Disagreement form (*Application must be made within 6 months of Stage 1 review*) **IDRP S2**

EMPLOYER / FORMER EMPLOYER: _____

1. ABOUT YOUR DISAGREEMENT WITH STAGE 1 REVIEW (*Please fill in this part in all cases*)

Who is your disagreement against? (*Please tick one box*)

The Employer named above Avon Pension Fund

Date of Stage 1 review letter: _____

2. MEMBER DETAILS (*Please fill in this part in all cases*)

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

DATE OF BIRTH: _____ N.I. NUMBER: _____

3. DEPENDANT DETAILS (*Only fill in this section if you are a dependant*)

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

DATE OF BIRTH: _____ N.I. NUMBER: _____

PAY NUMBER: _____

RELATIONSHIP TO MEMBER: _____

4. REPRESENTATIVE DETAILS (*Only fill in this section if you are representing a member or dependant*)

SURNAME: _____ TITLE: _____

OTHER NAMES: _____

ADDRESS: _____

Whose address should letters go to? (*Please tick one box*)

Yourself as representative: The person you are representing:

5. DETAILS OF YOUR DISAGREEMENT (Please give full details of the disagreement in this section)

- **These details should be your account of the reason for disagreement with the Stage 1 decision, including any relevant dates, previous discussions and enclosing any relevant letters / documents that are related to your disagreement.**

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Signed: **Date:**

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