

Introduction

When you become a member of the Local Government Pension Scheme multiple decisions are made in respect of your membership. Some decisions are made by your employer or former employer, whilst some are made by the administering authority for the Staffordshire Pension Fund which is Staffordshire County Council. It is advised that if you are notified of a decision, that you should check with the decision maker that it has firstly been based on the correct information. When notified of a decision, contact details will be provided so you can query any uncertainties and be provided with details of the rights of appeal under the LGPS regulations.

Resolving Complaints

Often a problem can be resolved quickly by contacting the decision maker directly. Whether this is your employer or the Staffordshire Pension Fund, the decision may have evolved from incorrect information being used or an initial misunderstanding. Both scenarios can therefore be explained and easily amended by contacting the decision maker by telephone or in writing. Many problems are resolved this way, so please bare this in mind as it may save you time.



What action can I take if I'm still dissatisfied

If you are still dissatisfied, you have the right to have your complaint independently reviewed under the **Internal Dispute Resolution Procedure (IDRP)**.

What is an Internal Dispute Resolution Procedure (IDRP)?

If an agreement cannot be made between the applicant and the decision maker, within the LGPS Regulations 2013, Regulations 72 to 79 detail the formal dispute procedure known as the IDRP.

The process is split into two stages, if you are unhappy with a decision following Stage 1, or a decision has not been made in reasonable time under the dispute rules, you have the right to have it looked at afresh.

Who can raise a dispute?

You can use the dispute system if you are:

- A member: in other words, you are paying into Staffordshire Pension Fund or you have retired and draw 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: in other words, you are the widow, widower, surviving civil partner, eligible cohabiting partner or child of a member or prospective member

You can even use the dispute system if you think you should fall into one of these 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.

In this case you can choose someone else to represent you. This can be whoever you like - a friend, relative, solicitor, union rep, and so on.



What can I raise an IDRP about?

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

Examples of Employer decisions:

- Deciding whether you meet the grounds for an ill-health retirement and what tier of benefits is to be awarded
- Deciding the final pay to be used to work out your benefits
- Deciding the contribution rate, you pay
- Deciding how and when to apply the discretions available to employers in the LGPS

Remember, if you are unhappy with any decision made by your employer you should contact them first before beginning the IDRP process

Examples of Administering Authority decisions:

- Whether or not to accept a transfer from another scheme
- Decide who receives any death grant that may be payable
- Calculating your benefits

If you are unhappy with any decision made by the administering authority you should contact the Staffordshire Pension Fund before initiating the IDRP process

Other disputes

You can also dispute about other aspects of your pension, for example if you feel that you haven't been given the information you need.

Stage 1: Formal complaint

You need to put your complaint in writing, using the Appeals Form to whomever you think is at fault - either your employer, or the administering authority. Ask yourself "who made the decision I am unhappy with?" The answer should tell you who to appeal to.



The appeal must be made within six 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 them the 'Adjudicator' that person is required to give you their decision in writing.

The Appeals Form is in Appendix A

What information should be included on the 1st stage appeal form?

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. Your complaint will be looked at by the person nominated by your employer or the administering authority that took the original decision you wish to appeal against. This individual is referred to as the 'Adjudicator'. The adjudicator will not have been involved in the initial decision or issue that you are appealing and therefore you must ensure that you provide them with all relevant information. The regulations do not stipulate who should be the adjudicator at the first stage of the dispute process. It could be, for example, the human resources manager, or the pensions or payroll manager. It is for each employer and administering authority to decide who should fulfil this role.

Where should I send the 1st stage appeal form?

For complaints against your employer please send your form to your employer's appointed person. Your employer should have told you who their adjudicator is or how to find this information in the letter that contained the decision you are appealing. If you do not know who your employer's nominated person is, please contact the organisation who made the decision you are appealing against.

For appeals against the administering authority, please send your form to the Staffordshire Pension Fund – Head of Treasury and Pensions

What happens next?

The facts of your case that have been provided on the 1st stage Appeal Form and any other supporting documentation will be examined, alongside the Scheme rules, and any legislation that is applicable. It is possible that you may be asked for more



details, to help the adjudicator fully understand your case. Your complaint will then be considered carefully by the appointed person and you should receive a written reply within two months of the date your complaint arrived. The letter will either provide you with a decision or will acknowledge your complaint.

What happens if a decision cannot be made within 2 months?

Where it has not been possible for the nominated person to issue his/her 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 specified person may wish to seek the views of the interested parties, in particular, those of the relevant administering authority before a final decision is taken which may take longer.

Receiving a reply from the appointed person

The LGPS regulations require the adjudicators decision to provide you with the following in their reply:

- 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 are appealing against concerns the exercise of a discretion by your employer or the administering authority, and the adjudicator person decides that your employer or the administering authority should reconsider how they exercised their decision, they will write to notify them of their decision. In such cases, the adjudicator cannot overturn the initial decision but can determine whether the discretion has been exercised reasonably and, in cases where this is found not to be the case, can refer the decision to be reconsidered.

If you are still not satisfied with this decision after reconsideration, then you can take your appeal to stage 2.



Stage 2: Formal Appeal

The 2nd stage procedure applies when you ask the administering authority to take a fresh look at your complaint if:

- you are not satisfied with the adjudicator first stage decision
- you have not received a decision or an interim letter from the adjudicator, and it is more than two months since you lodged your 1st stage appeal
- 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

Each administering authority must appoint a person (“the adjudicator”) to consider applications under the 2nd stage appeal. The adjudicator is appointed by the Funds administering authority (Staffordshire County Council) The name and address of the adjudicator should be up to date on the Appeals Form.

What details should be sent with a 2nd stage form?

All the information and details that were required for the 1st stage application should be resubmitted at the 2nd stage via the Appeals Form. Additionally, where you have received a 1st stage decision a copy of the decision letter and most importantly, an explanation of why you are dissatisfied with it should be explained on the Appeals Form. As with appeals at the 1st stage of the dispute rules, 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 IRMP for a further medical opinion. The review at the 2nd stage would be undertaken by an IRMP not involved in the 1st stage decision.

The person nominated by the administering authority must then decide on the basis of the Scheme rules, and by taking into account the facts and evidence they have obtained, whether the adjudicator decision reached at the 1st stage of the process was correct. If they decide that it was not, they must replace the adjudicator decision in the 1st stage with a new decision of their own.

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. At the 2nd stage the adjudicator must either write to you to let you know their decision within two months of the date they receive your 2nd stage Appeals Form, or they must write to you at the end of two months to let you know when a decision is likely to be reached and the reason for any delay.

When they write to inform you of the decision, they will also tell you whether the decision confirms or replaces the original adjudicator's decision and they will tell you the legislation used in reaching their decision.

If you are still unhappy following the adjudicator's 2nd stage decision you can refer your complaint to the Pension Ombudsman provided you do so within three years from the date of the original decision (or lack of decision) about which you are complaining.

[Additional help](#)

MoneyHelper previously known as the Pensions Advisory Service (TPAS)

MoneyHelper is an independent no profit organisation that provides free information advice and guidance on all types of pension scheme. Their role is primarily one of negotiation and advice and they are available to assist individuals and their dependants in connection with any pension difficulties they have failed to resolve.

It is important to be aware that MoneyHelper has no statutory power to impose any course of action or determination on an employer or the administration authority. They can though give an opinion to any individual as to whether they believe any complaint would be a case that the Pension Ombudsman might pursue.



<https://www.moneyhelper.org.uk/en/pensions-and-retirement/pension-problems>



<https://www.moneyhelper.org.uk/en/contact-us/pensions-guidance/pensions-guidance-enquiry-form>



Money and Pensions Service, Borough Hall, Cauldwell Street, Bedford, MK42 9AP



0800 011 3797



The Pensions Ombudsman (PO)

The Pensions Ombudsman is able to investigate and determine any allegation of maladministration or any dispute of fact of law in relation to the Local Government Pension Scheme made or referred in accordance with the Pension Scheme Act 1993. The Pensions Ombudsman will, however, only usually investigate cases which has been through stages 1 and 2 of the Internal Dispute Procedure.

A Pensions Ombudsman decision is binding on all parties and can only be challenged on a point of law in the Supreme Court



<https://www.pensions-ombudsman.org.uk/>



enquiries@pensions-ombudsman.org.uk



10 South Collonade, Canary Wharf, E14 4 PU



0800 917 4487

Further information

If you require further information about the areas covered by these notes, you can get in touch as follows:



www.staffspf.org.uk



pensions.enquiries@staffordshire.gov.uk



Staffordshire Pension Fund, No 2 Staffordshire Place, Tipping Street, Stafford, ST16 2DH



01785 278222

If a copy of this information is needed in large print, Braille, another language or on cassette or disc, please contact Pensions Services.





Independent Dispute Resolution Procedure (IDRP) Application Form

This form is to be used by a member, or their dependant or representative to make a formal complaint to either the member's former employer or to Staffordshire Pension Fund



please refer to the form on the following pages



Local Government Pension Scheme Internal Dispute Resolution Procedure (IDRP) Application

You can use this form:

- a. To apply to the nominated person (adjudicator) at Stage 1 of the IDRP if you want them to investigate a complaint concerning your pension; and
- b. To apply to the Administering Authority (Staffordshire Pension Fund) at Stage 2 of the IDRP if you want them to reconsider a determination made by the adjudicator

About the Complaint (Please fill in this part in all cases)

Who is the complaint against:

- ☐ The following employer
- ☐ Staffordshire Pension Fund

Please specify the stage you are making the application under

- ☐ Stage One
- ☐ Stage Two

1. Member's details (Please fill in this part in all cases)

If you are the member (the person who is or was in the LGPS) or entitled to a pension credit (i.e. a person entitled to a share of a pension scheme member's benefits following divorce or dissolution of civil partnership) please give your details, in block capitals, in the box below. You can then go straight to question 4.

If you are the member's dependant (for example – husband, wife, civil partner or child) or if you are representing the person with the complaint, please give the member's details in the box below and then complete question 2 before moving to question 4.

If you are representing the person with the complaint, please give the member's details in the box below and then complete question 3 before moving to question 4.

Full name	
Address	
Date of birth	
Scheme employer	
Pay Reference / Job Title	
NI Number	



2. Dependant's details:

If you are the member's dependant and the complaint is about a benefit for you, give your details in this box. If the complaint is about a benefit for a dependant and you are the dependant's representative, give the dependant's details in this box, then complete question 3.

Full name	
Address	
Date of birth	
Relationship to member	

3. Representative's details:

If you are the member's or dependant's representative, give your details in this box:

Full name	
Address	
Address to which letters should be sent	
Relationship to member	
Please send evidence of your authority to act for the member or dependant	

4. Your complaint:

Please give full details of your complaint in this box. Try to explain exactly why you are aggrieved, giving any dates or periods of LGPS membership that you think are relevant. If there is not enough space, continue details on to a separate sheet (with your name and address at the top). Then attach it to this form with any supporting documents, for example any notification you received from your employer or the administering authority regarding the decision about which you are complaining, together with any other letter or notification you think might be helpful:



5. Your request and signature:

I would like my complaint to be investigated and a decision made.	
I am a <i>(tick one relevant box)</i>	<input type="checkbox"/> <i>scheme member / former member / prospective member</i>
	<input type="checkbox"/> dependant of a former member
	<input type="checkbox"/> member's representative
Signed	Date



6. Appeal against a decision to refuse ill health retirement

If your appeal relates to a refusal to agree ill health retirement, the adjudicator will require access to relevant records held by the Occupational Health Unit in order to have the full and comprehensive data on which to make a decision.

The adjudicator will contact you under separate correspondence to obtain your consent to access your medical records.

IMPORTANT: PLEASE KEEP A COPY OF THE COMPLETED FORM FOR YOUR OWN RECORDS.

Please send this form to:

Stage 1 of the internal dispute resolution procedure

If your stage 1 appeal is against your employer, please send to the Personnel Department of your current employer in the first instance. They will notify you of the nominated person who will consider your appeal.

If your stage 1 appeal is against the Administering Authority, please send the form to the Assistant Director for Treasury & Pensions.

Stage 2 of the internal dispute resolution procedure

All Stage 2 appeals should be sent to:

Assistant Director of Treasury and Pensions, Staffordshire Pension Fund, No 2
Staffordshire Place, Tipping Street, Stafford, ST16 2DH

PEN APP 2 V2.1 May 2020

