Exchequer Services
LOCAL GOVERNMENT PENSION SCHEME (LGPS)

Enfield Pension Fund

Internal Dispute Resolution Procedure (IDRP) Guide

This booklet provides a straightforward guide to how the Internal Dispute Resolution Procedure (IDRP) operates 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.

Decisions

When you start paying pension contributions and join the Pension Fund and throughout your membership, decisions are made under the Pension Scheme rules that will affect you (or your dependents).

When you are notified of any decision, you should check as far as you can, that it is based on your correct details and that you agree with the decision.

Your employer or the Enfield Pension Fund will always try to deal with any question you may have or problem you encounter as quickly and efficiently as possible.

Many problems that members have are, in fact, resolved in this way. Pension regulations and associated legislation can be extremely complex, and problems can arise from misunderstandings or wrong or unclear information, which can be explained or corrected and resolved quickly. An informal resolution of this kind may save both you, your employer and the Pension Fund a lot of time and effort.

However, if you are not still satisfied that your request has not been adequately answered and resolved or you do not feel you have received a satisfactory reply you can then decide to use the Complaints Procedure called the IDRP, which is explained in full below.

Please remember that, before going to the trouble of making a formal complaint, your Pensions Section may welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth contacting them to let you know that you are concerned, and why.

If you do feel that you have a problem or do not fully understand why a decision has been made regarding your pension benefits, in the first instance, please either phone, email or write using the contact details below;

London Borough of Enfield Pension Fund
Email: zpensions@enfield.gov.uk
Tel 0208 379 3168

Enfield Council
Pensions Team
Civic Centre
Silver Street
Enfield EN1 3XF

They will acknowledge receipt of your form, and, inform you of the name and address of the person to whom your dispute has been referred.

Avoiding Appeals

Where you, as a member are unhappy with a decision, rather than first proceeding down the formal IDRP process, it may be better to deal with the matter informally. You can contact the Pension Fund and ask for further details and reasons for why the decision has been reached.

Sometimes, this approach can resolve the matter but if not, you do have a statutory right to instigate the formal IDRP. Detailed investigations will then take place into any decisions made and the processes involved, and an independent person will look at your case and re-examine how the decision was reached.

In responding to a complaint, the Administering Authority has no power to act outside of the regulations, nor to instruct any party to do so.

If you wish to proceed with a formal complaint The IDRP process is in two stages

Who may appeal (the applicant)?

You can make a complaint under the IDRP if you are:

- a **Prospective Member**, who is thinking of joining the scheme;
- an **Active Member**, who is currently contributing to the scheme;
- a **Deferred Member**, who has left scheme, but benefits remain in the Pension Fund;

  or
- a **Pension Member**, who is currently in receipt of a pension from the Pension Fund.
- a widow or widower of the member,
- a surviving civil partner of the deceased,
- a cohabiting partner,
- the deceased member's dependants

When making your complaint, you can choose someone else to represent your case – a friend, relative, solicitor or union representative for example.

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Timeline

Time limits under the Internal Dispute Resolution Procedure 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 nominated person under the first stage of the procedure.	6 months from the date when you were notified of the decision (A)
You have received a first stage decision on your complaint from the nominated person, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the nominated person's decision
You made your complaint in writing to the nominated person, 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 nominated person, 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 nominated person under the first stage of the procedure	6 months from the date when the employer or administering authority should have made the decision (B).
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. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.

You have taken your complaint to the administering authority under the second stage of the procedure but, 2 months after your complaint was received you have not received their decision on your complaint or any interim reply.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	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. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.

A The nominated person can extend the 6-month time limit for a reasonable period where there are special circumstances.

B The nominated person can extend the 6-month time limit for a reasonable period where there are special circumstances.

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Additional Help available

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact The Pension Advisory Service (TPAS).

TPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on www.pensionadvisoryservice.org.uk or you can contact The Pension Advisory Service by phone or post.

The **Pensions Helpline phone number** is 0800 011 3797

Lines are manned Monday to Friday 9am to 5pm.
Outside of these times, you can leave your number, and someone will phone back later.

You can write to:

The Pensions Advisory Service
11 Belgrave Road
London
SW1V 1RB

Website: www.pensionsadvisoryservice.org.uk

Alternatively, you can contact them via the online enquiry form found on their website.

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, The Pension Advisory Service may be able to help to resolve your pensions complaint or dispute.

Before asking for The Pension Advisory Service help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution, stages One and two, described in this document.

The Pension Advisory Service adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. The Pension Advisory Service would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

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The Pensions Ombudsman:

The Ombudsman investigates complaints and settles disputes about pension schemes. 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
- asked for the help of The Pension Advisory Service.
- can make awards of compensation for loss and for distress and inconvenience.

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 determination of the Ombudsman is final and binding on all parties, subject only to an appeal on a point of law to the Chancery Division of the High Court, within 28 days of the date of the decision that is being appealed against.

Cases sent to the Ombudsman's office are initially assessed by his staff to determine whether the appeal or dispute can, or should, be referred for consideration by the Ombudsman. Further information may be sought at this stage from both the Administering Authority and the employing authority, as well as from the individual.

Where the Ombudsman does make a determination about a case that they feel can and should be before them, the possible outcomes are the same as set out at Stage 2 of the IDRP (above).

When making the determination, the Ombudsman will have regard to former cases, but these are not precedent, as at law. Consequently, parties to an Ombudsman investigation should concentrate on the facts and law applicable in their circumstances rather than rely upon the outcome of previous cases that were prima facie the same. A history of former determinations is available on the Pensions Ombudsman's website.

The Ombudsman 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.

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 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/.

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IDRP CHART

Employer makes, or fails to make, a decision which affects a member who is unhappy with the decision

↓

Employer and member undertake an informal review to see if situation can be resolved

Resolved – **Yes** →

No ↓

Member invokes the Formal IDRP Process.
Stage 1 - Employer has a set time limit to investigate and respond to member (two months)

Resolved – **Yes** →

No ↓

Member takes matter to IDRP Stage 2
Stage 2 - Administrating Authority has a time limit to investigate and respond to member. (two months)

Resolved – **Yes** →

No ↓

Member takes matter to external appeal
Pension Ombudsman investigates and makes final determination.

Resolved – **Yes** →

No ↓

Ombudsman decision can only be challenged on a point of Law in the High Court.

The matter is closed following any agreements completed.

The matter is closed following any direction from the Pensions Ombudsman is followed and completed.

IDRP: Stage 1

The first stage is to make a formal written complaint using the application form at the end of this guide.

You must include all details and who you think may be at fault, this is that this may be for example; your employer or the Pension Fund.

If the complaint relates to the Pension Fund, it will be looked at by the London Borough of Enfield's Pension Manager, Tim O'Connor. Email Tim.O'Connor@Enfield.gov.uk

If the complaint relates to your employer, we will contact them on your behalf and pass the complaint to them to investigate.

This written complaint must be made within **six months** of you been informed of the decision.

Your complaint will be acknowledged, and you will then be due a reply within two months of the date your complaint arrives. This may be a full decision letter or confirm when you will receive the decision and if any other information is required.

Once you have received your decision. It may be that Stage 1 adjudicator agrees with you and the matter can be settled as you have requested. It may also be that it is not the decision you were hoping for.

At this point, you have a further six months, from the date of the Stage 1 decision letter to make a further appeal under Stage 2.

You can also go straight to Stage 2 if;

You have gone through Stage 1 and **haven't had a reply within three month**s 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

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Application form – Stage 1

Please give full details of your complaint in the box below. 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.

Name	
NI NO	
Date of birth	
Address	
Complaint relates to*	

***e.g. ill health retirement tier, incorrect information held or given, incorrect dates of service.**

DETAILS OF YOUR DISAGREEMENT			
Signature:		Dated:	

If representing member please confirm and complete both

IDRP: Stage 2

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...

To give you his/her decision, which will confirm or replace the stage 1 referee's decision, or

To acknowledge your complaint and explain when you will have a decision.

The **Stage 2** adjudicator for the London Borough of Enfield Pension Fund is **Ravi Lakhani**, Head of Pension Fund & Senior LGPS Officer. Email: Ravi.Lakhani@enfield.gov.uk

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 **three years from the date of the original decision** (or lack of a decision) about which you are complaining.

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Application form – Stage 2

(only to complete and returned once Stage 1 has been completed and you still feel complaint has not been resolved.)

Please give further details of your complaint in this box. Please try to add any additional information that has not yet been covered in the Stage 1 process that you feel may be relevant to the outcome.

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.

Name			
Ni No			
Date of birth			
Address			
Complaint relates to -			
DETAILS OF YOUR DISAGREEMENT			
Signature:		**Dated:**	

If representing member please confirm and complete both

Further points of note

Does this policy cover all complaints?

If your complaint is in relation to a Freedom of Information request. Please contact the freedom and Complaints and Access to Information Team direct on;

complaintsandinformation@enfield.gov.uk

Complaints and Access to Information Team
Finance, Resources and Customer Services Department
Enfield Council
Civic Centre
Silver Street
Enfield
EN1 3XA

The Pensions Section
Exchequer Services
Enfield Council
PO Box 54
Civic Centre
Enfield
EN1 3XY