

INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) - EMPLOYEES' GUIDE

ENQUIRIES

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please either phone the number on the letter your employer or administering authority sent you, or contact the Pensions Section of your administering authority:

The Pensions Manager
Suffolk County Council
Endeavour House
8 Russell Road
IPSWICH
Suffolk
IP1 2BX

They will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that looks after the pension fund. 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.

DECISIONS

From the day a person starts a job with an employer, to the day when benefits or dependant's benefits are paid, the employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependants). When you (this includes dependants) are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

COMPLAINTS

If you are not satisfied with any decision affecting you made in relation to the Scheme, you have the right to ask for it to be looked at again under the formal complaint procedure. You also have a right to use the procedure if a decision should have been made by your employer or administering authority, but it hasn't been. The complaint procedure's official name is the "internal dispute resolution procedure".

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make should be treated seriously and considered thoroughly and fairly.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your husband, wife or partner, or a friend.

No charge is made at any stage for investigating a complaint under the internal dispute resolution procedure. But expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

At any stage during the formal complaint procedure, you can contact the Money and Pensions Service (MaPS) for information and advice (see "Additional Help" section). 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 checking again that they know you are concerned, and why.

First stage

If you need to make a formal complaint, you should make it:

- in writing, using the application form, and
- normally within 6 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 "nominated person". That person is required to give you their decision in writing.

If the nominated person's decision is contrary to the decision, you complained about, the employer or administering authority who made that original decision will now have to deal with your case in accordance with the nominated person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

Second Stage

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the nominated person's first-stage decision,
- you have not received a decision or an interim letter from the nominated person, and it is 3 months since you lodged your complaint,
- it is one month after the date by which the nominated person told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

This review would be undertaken by a person not involved in the first stage decision. You will need to send the appropriate administering authority your complaint in writing. The time limits for making the complaint are set out in the table on pages 7 and 8. The administering authority will consider your complaint and give you their decision in writing.

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

ADDITIONAL HELP

Money and Pensions Service (MaPS)

MaPS provide independent impartial advice about pensions, which is free of charge to members of the public. They are available to assist members and beneficiaries of the Local Government Pension scheme with any requests they may have concerning their pension benefits.

If you have received a second stage decision under IDRPs and are not satisfied with the decision and think your complaint is well founded, MaPS may be able to help resolve your complaint. Before you ask for help in resolving a dispute you must have gone through the IDRPs process first.

Please note a MaPS adviser is unable to force a pension scheme to take a particular action but if they think the complaint is justified, they will try to resolve the problem with conciliation or mediation. MaPS would need to see copies of all your relevant documents, including the correspondence regarding your complaint under IDRPs.

Pensions Ombudsman

The Ombudsman investigates complaints and settles disputes about pension schemes. However, 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 Money and Pension Service (MaPS)

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 Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, he can settle disputes about matters of fact or law as they affect occupational pension schemes. He 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.

The Ombudsman's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

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 Ombudsman is at the below address:



The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

Other ways to contact them are:

Tel: 020 7834 9144
Fax: 020 7821 0065

Email: enquiries@pensions-ombudsman.org.uk
The website address is: <http://www.pensions-ombudsman.org.uk>

Time limits under the Internal Dispute Resolution Procedure

Your situation	To complain to	Time Limit
<p>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.</p>	<p>The nominated person under the first stage of the procedure.</p>	<p>6 months from the date when you were notified of the decision</p>
<p>You have received a first stage decision on your complaint from the nominated person, but you are not satisfied.</p>	<p>The relevant administering authority under the second stage of the procedure.</p>	<p>6 months from the date of the nominated person's decision</p>
<p>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.</p>	<p>The relevant administering authority under the second stage of the procedure.</p>	<p>9 months from the date when you submitted your complaint.</p>
<p>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.</p>	<p>The relevant administering authority under the second stage of the procedure.</p>	<p>7 months from the date by which you were promised you would receive a decision</p>

<p>Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme</p>	<p>The nominated person under the first stage of the procedure</p>	<p>6 months from the date when the employer or administering authority should have made the decision.</p>
<p>Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.</p>	<p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked MaPS for help first.</p>	<p>3 years from the date of the original decision about which you are complaining.</p>
<p>You have taken your complaint to the administering authority under the second stage of the procedure but, 2 months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.</p>	<p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked MaPS for help first.</p>	<p>3 years from the date of the original decision about which you are complaining.</p>
<p>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</p>	<p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked MaPS for help first.</p>	<p>3 years from the date of the original decision about which you are complaining.</p>