



West Yorkshire Pension Fund

Lincolnshire
Pension Fund



Internal Dispute Resolution Procedure



Internal Dispute Resolution Procedure (IDRP) - Employees' Guide

Note: this booklet provides a straightforward guide to how the internal dispute resolution procedures operate 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.

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 West Yorkshire Pension Fund (WYPF) sent you, or contact West Yorkshire Pension Fund on 01274 434999.

They will try to deal with the problem as quickly and efficiently as possible. Other ways to contact WYPF can be found on the back cover.

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 dependants' benefits are paid, the employer and West Yorkshire Pension Fund has 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'.

There are also a number of other regulatory bodies, such as TPAS, which may be able to help you. They are described in the 'Additional Help' section.

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 Pensions Advisory Service (TPAS) 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

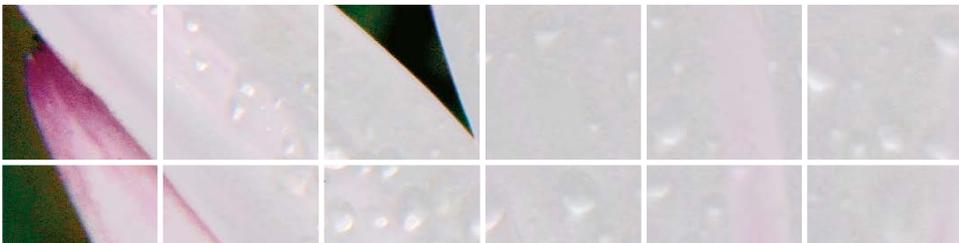
If you need to make a formal complaint, you should make it :

- ▶ in writing, using the application form at the back of this booklet; and
- ▶ normally 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 '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

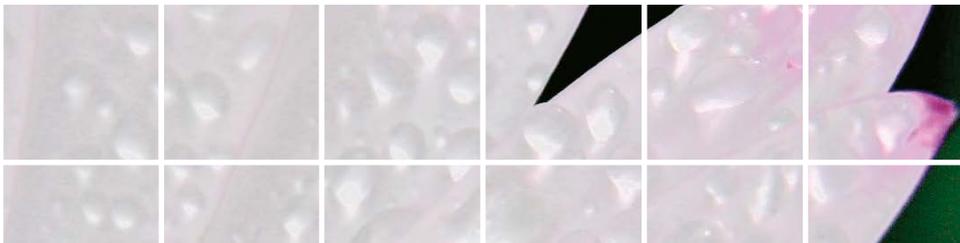
You can ask the administering authority to take a fresh look at your complaint in any of the following circumstances:

- ▶ 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 three 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 administering authority your complaint in writing. The time limits for making the complaint are set out in the table on pages 6-7. 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 three years from the date of the original decision (or lack of a decision) about which you are complaining.



Time limits under the Internal

Your Situation	
<p>You have received a decision on your benefits under the pension scheme from your employer/WYPF, and there seem to be good grounds for complaining.</p>	
<p>You have received a first-stage decision on your complaint from the nominated person, but you are not satisfied.</p>	
<p>You made your complaint in writing to the nominated person, with all the information they needed but, three months later, you have not received their decision on your complaint or any interim reply.</p>	
<p>You received an interim reply to your complaint to the nominated person, within two 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>Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme.</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>You have taken your complaint to administering authority under the second stage of the procedure but, two months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.</p>	
<p>You received an interim reply to your second-stage complaint to the administering authority, within two 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>	

Dispute Resolution Procedure

To complain to	Time limit
The nominated person under the first stage of the procedure.	six months from the date when you were notified of the decision. ¹
The administering authority under the second stage of the procedure	six months from the date of the nominated person's decision.
The administering authority under the second stage of the procedure	nine months from the date when you submitted your complaint.
The administering authority under the second stage of the procedure	seven months from the date by which you were promised you would receive a decision
The nominated person under the first stage of the procedure	six months from the date when the employer or WYPF should have made the decision. ¹
The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	three years from the date of the original decision about which you are complaining.
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¹ The nominated person can extend the six month time limit for a reasonable period where there are special circumstances.

Additional help

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties sorting out your complaint, you may wish to contact 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.pensionsadvisoryservice.org.uk** or you can contact TPAS by phone, post, email or fax.

The Pensions Helpline phone number is 0845 6012923
(local call rate)

Lines are staffed Monday to Friday 9am to 5pm.

Outside of these times, you can leave your number and someone will phone you back later.

You can write to:

TPAS
11 Belgrave Road
London
SW1V 1RB
Email: enquiries@pensionsadvisoryservice.org.uk
Fax: 020 7592 7000

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, TPAS may be able to help to resolve your pensions complaint or dispute. Before asking for TPAS' help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described above.

A TPAS 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. TPAS would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

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 TPAS.

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 three years of the event about which you are complaining, or within three years of when you first became aware of the problem.

The Ombudsman is at the same address as TPAS:

The Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB

Other ways to contact him are:

Phone: 020 7834 9144

Fax: 020 7821 0065

Email: enquiries@pensions-ombudsman.org.uk

The website address is: www.pensions-ombudsman.org.uk



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West Yorkshire Pension Fund

**Lincolnshire
Pension Fund**



PO Box 67, Bradford, BD1 1UP
Phone: 01274 434999
e-mail: wypf@bradford.gov.uk
Minicom Textphone: 01274 724472
Website: www.wypf.org.uk

lgps



INVESTOR IN PEOPLE



Corporate member of
Plain English Campaign.
Committed to clearer communication.

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