

Internal Dispute Resolution Procedure (IDRP)



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Decisions

From the day that you become a member of the Local Government Pension Scheme (LGPS) decisions are made about your pension rights. Some decisions are made by your employer and cover issues such as what part of your pay should be treated as pensionable, to the type of benefits that should be paid to you when you leave the Scheme. Some are made by Kent County Council Pension Section as the administering authority and cover issues such as the amount of benefits to which you are entitled. 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 that has been made that affects you in relation to the pension scheme, you have the right to ask for it to be looked at again under the formal complaints procedure. The complaints procedure's official name is the 'Internal Dispute Resolution Procedure' (IDRP).

There are also a number of other regulatory bodies, such as the Pensions Advisory Service (TPAS) and the Office of the Pensions Ombudsman, which may be able to help you. They are described in the 'Additional Help' section. You can contact TPAS for information and advice at any stage during the formal complaint procedure.

The formal complaint procedure has two stages, although many complaints are solved at the first stage. Any dispute you have will be treated seriously, and considered thoroughly, fairly and impartially.

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, partner or a friend.

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

Please remember that, before going to the trouble of making a formal complaint, your employer or the Pension Section may welcome the opportunity to try and 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 which is at the end of this guide, and
- 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 (the Adjudicator specified by the body that took the decision against which you wish to complain). The Adjudicator is required to give you their decision in writing within 2 months of receiving all of the paperwork surrounding the complaint.

If the Adjudicator's decision differs from the original decision, your employer or the Pension Section, who made the original decision, will now have to deal with your case in accordance with the decision of the Adjudicator.

If the decision you complained about concerned the exercise of a discretion by your employer or the Pension Section, the Adjudicator may decide that they should reconsider how they exercise their discretion.

Second Stage

You can ask the Pension Section to take a fresh look at your complaint in any of the following circumstances:-

- If you are not satisfied with the Adjudicator's first stage decision,
- If you have not received a decision or an interim letter from the Adjudicator, and it is 3 months since you lodged your complaint,
- If more than one month has passed since 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.

This review would be undertaken by a person not involved in the first stage decision. You will need to send your complaint to the Pension Section in writing – the time limits for making the complaint are set out in a table within this booklet, the Pension Section will consider your complaint and give you their decision in writing.

If you are still unhappy following the 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 decision) about which you are complaining.

Additional Help

The Pensions Advisory Service (TPAS)

TPAS provide independent and impartial information about pensions, free of charge, to members of the public. TPAS is available to assist members and beneficiaries of the Scheme with any pension query they have or any general requests for information or guidance concerning their pension benefits. Visit the [Pensions Advisory Service website](http://www.pensions-ombudsman.org.uk) - <http://www.pensions-ombudsman.org.uk> for further information and contact details.

If you have received a second stage decision under the IDRPs, are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your complaint or dispute. Before asking for TPAS' help in resolving a dispute, you must have already tried to settle it using the IDRPs 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 IDRPs and how it was dealt with.

Contact TPAS:

- phone: 0800 917 4487 and select the option to discuss a potential complaint
- email: helpline@pensions-ombudsman.org.uk
- write to: 10 South Colonnade, Canary Wharf, E14 4PU

The Pensions Ombudsman (TPO)

The TPO solely deals with pension complaints. It can help if you have a complaint or dispute about the administration and/or management of personal and workplace pension schemes.

You have the right to refer your complaint to the TPO free of charge. Before you refer your complaint, you should first have tried to resolve it through the IDRPs and have consulted The Pensions Advisory Service (TPAS).

There is no financial limit on the amount that TPO can make a party award you. Its determinations are legally binding on all parties and enforceable in court.

Contact with TPO about a complaint needs to be made within 3 years of when the event happened or, if later, when you first knew about it (or ought to have known about it). There is a discretion for those time limits to be extended.

Contact TPO:

- phone: 0800 917 4487 and select the option to discuss a potential complaint
- email: helpline@pensions-ombudsman.org.uk
- write to: 10 South Colonnade, Canary Wharf, E14 4PU

DISCLAIMER

This factsheet is for information only and does not give you any contractual or legal rights. The appropriate legislation will apply to your pension benefits.

Produced by Kent Pension Fund

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Internal Dispute Resolution Procedure Time limits

| Your situation | To complain to | Time limit |
|--|--|--|
| <p>You have received a decision on your benefits from the Pension Section or your employer and there seem to be good grounds for complaining.</p> | <p>The Adjudicator 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 Adjudicator, but you are not satisfied.</p> | <p>Kent County Council Pension Section as the administering authority under the second stage of the procedure.</p> | <p>6 months from the date of the Adjudicator's decision.</p> |
| <p>You made your complaint in writing to the Adjudicator, 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>Kent County Council Pension Section as the 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 Adjudicator, 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>Kent County Council Pension Section as the 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 Kent County Council Pension Section as administering authority have failed to make any decision about your benefits under the pension scheme.</p> | <p>The Adjudicator under the first stage of the procedure.</p> | <p>6 months from the date when your employer or Kent County Council Pension Section, as the administering authority should have made the decision.</p> |

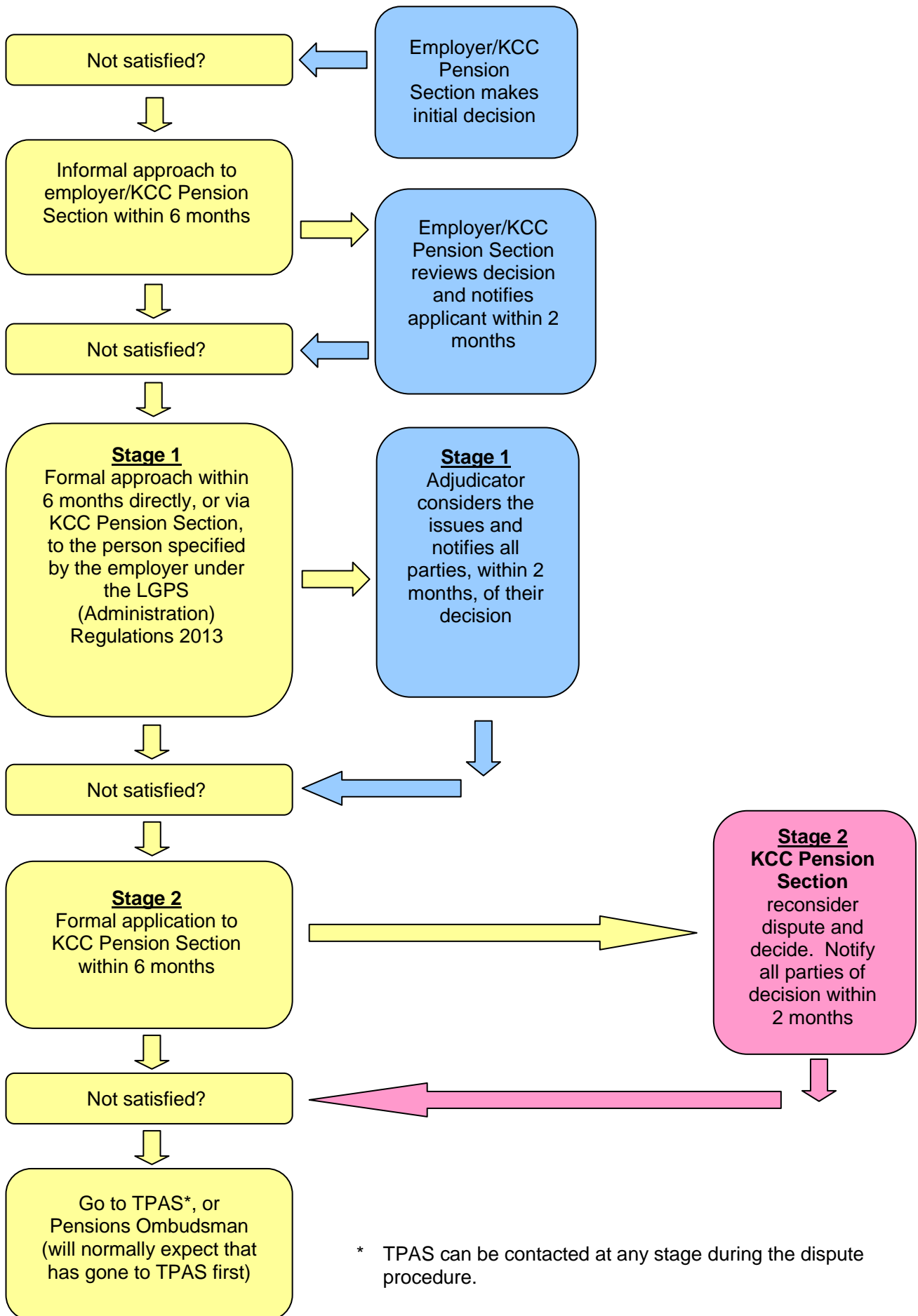
| Your situation | To complain to | Time limit |
|--|--|--|
| <p>Your complaint went to Kent County Council Pension Section, as the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.</p> | <p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS 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 Kent County Council Pension Section, as 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 TPAS 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 Kent County Council Pension Section, as the administering authority, within 2 months of applying to them. Their reply promised you a decision by a certain date, you still have not received their decision.</p> | <p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.</p> | <p>3 years from the date of the original decision about which you are complaining.</p> |

Internal Dispute Resolution Procedure Flowchart

Applicant

Respondent

Kent County Council (KCC)
Pension Section as
administering authority



* TPAS can be contacted at any stage during the dispute procedure.

INTERNAL DISPUTE RESOLUTION PROCEDURE

APPLICATION TO ADJUDICATOR – STAGE I

Local Government Pension Scheme



You can use this form to apply to the Adjudicator if you want him to investigate a complaint concerning your pension. Please write clearly in black ink.

1. Member details

If you are the Scheme member (the person who is or was in the Scheme), or a prospective Scheme member (a person who is eligible to be a member of the Scheme), please give your details in this box, and then go to **section 4**.

If you are the Scheme member's dependant (for example husband, wife, civil partner, eligible cohabiting partner or child) please give the member's details in this box, and then go to **section 2**.

If you are representing the person with the complaint, please give the member's details in this box, and then go to **section 3**.

Name

Address (including postcode)

Telephone number

Email address

Date of birth

Employer name and address
(including postcode)

National Insurance number

Job title

2. Dependant's details

If you are the Scheme member's dependant (e.g. husband, wife, civil partner, eligible cohabiting partner or child) and the complaint is about a benefit for you, please give your details in this box and then complete **section 4**. If the complaint is not about you but you are representing the Scheme member, please ignore this section and complete **section 3**.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details overleaf and then complete **section 3**.

Name

Address (including postcode)

Date of birth

Relationship to member

3. Representative's details

If you are the Scheme member's representative, please give your details in this box.

Name

Address (including postcode)

The address response letters should be sent to (including postcode)

4. Your complaint

Please give full details of your complaint. Explain why you are aggrieved and provide any dates or periods of Scheme membership that you think are relevant. If there is not enough space, please use a separate sheet. Ensure the Scheme member's name and National Insurance number are on each sheet.

5. Declaration

Please tick the statement which applies to you:

- I am a Scheme member/prospective Scheme member/former Scheme member
- I am a dependant of a former Scheme member
- I am the Scheme member's or dependant's representative*

I would like the Adjudicator to investigate my complaint and make a decision about it. I understand the information I have provided will be shared with the Adjudicator. Information may also be provided by my (ex)employer and/or the Pension Section. I can ask for copies of this information.

Signed

Date

*If you are the Scheme member's or dependant's representative, we require written permission from the Scheme member or dependant to disclose information to you. The Scheme member or dependant should complete the declaration below:

I, _____ (Scheme member or dependant's name) give permission for _____ (representative's name) to represent me.

I would/would not (delete as applicable) like to receive a copy of all correspondence.

Signed

Date

Please enclose a copy of any notification you received from your employer or Kent County Council Pension Section about the decision you are complaining about, together with any evidence in support of your appeal.

Please return this form to:-

The Pension Section
Kent County Council
Sessions House
County Hall
MAIDSTONE
Kent ME14 1XQ