A guide to resolving disputes about an administering authority pension decision

**About this guide**

This guide gives you help on how to resolve disputes in the Local Government Pension Scheme (LGPS). It explains the responsibility of West Northamptonshire Council acting as administering authority and what you need to do.

In the event of any unintentional differences between this guide and the scheme regulations, the scheme regulations will prevail. This guide does not confer any contractual or statutory rights.

**Who does it apply to?**

The process applies to you if you are:

* a current employee who is or has paid into the LGPS;
* an ex-employee who has a deferred benefit or refund entitlement that has not been paid;
* an ex-employee who is entitled to, or is already receiving, a pension;
* a current employee who has not yet joined the LGPS but is, or believes they are, entitled to join;
* a pension credit member;
* a dependant of one of the above who is, or believes they are, entitled to pension benefits on the death of the member.

**Decisions – your right to notification**

West Northamptonshire Council, acting as the administering authority, is responsible for making a range of decisions that affect your pension benefits. This starts from the day you start a job and only ends when there are no more benefits to be paid. When these decisions are made you should be told about them, along with details as to how and why that decision was made. At the same time, you should be told how to find out further information about the decision and how to dispute it.

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. If you do not agree this guide is for you.

In this guide the references to West Northamptonshire Council refer to it acting as the ‘administering authority’ for the Local Government Pension Fund in Northamptonshire. If your employer happens to be West Northamptonshire Council any dispute about an employer decision is subject to a different procedure.

**What do I do if I disagree with the decision?**

If you are not happy a correct decision has been made about your pension benefits you have a right to have the decision looked at again and corrected if necessary. You also have a right to use the procedure if you think a decision should have been made by or on behalf of West Northamptonshire Council, but it has not been.

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

The disputes process is a four stage process:

* An **informal stage** – here decisions can be explained or errors corrected that have been caused by misunderstandings, wrong information or human error;
* The **first stage of the formal internal dispute resolution procedure (IDRP)** - this is carried out by the Head of Pensions who is unlikely to have been involved in the original decision.
* The **second stage of the formal IDRP** - this is carried out by West Northamptonshire Council’s monitoring officer acting on behalf of the administering authority.
* Finally, if you are still not satisfied a correct decision has been made you can refer your case to the **Pensions Ombudsman**. They will not take cases until the dispute has been through both stages of the IDRP process.

These stages are looked at in more depth later.

No charge is made at any stage for investigating a dispute. But you will have to meet your own (and/or your representative's) expenses for time, stationery, postage, telephone calls and any independent advice.

**The IDRP process is for disputing pensions decisions – for example the rate of pension to be paid. If your dispute is about an employment decision – for example that you have been dismissed - you need to make use of your employer’s employment appeals process.**

**Getting help to resolve your dispute**

The Pensions Ombudsman deals with complaints and disputes which concern the administration and/or management of occupational and personal pension schemes.

This service is free of charge.

If you need help raising your concerns, or just to discuss a potential complaint with a member of their team, you can use their helpline service.

Their helpline phone number is **0800 917 4487**

Email: **enquiries@pensions-ombudsman.org.uk**

Normally you can also write to them, however as a result of limited access to their office they are currently unable to process post in the usual way. As and when their working arrangements change an update is posted on their website **www.pensions-ombudsman.org.uk**

**Raising an informal enquiry**

Many issues are caused by misunderstandings, wrong information or human error. These can be quickly corrected or explained by informal contact with the person who has made the decision you are disputing.

You are not required to do this but it is recommended. An informal enquiry of this kind may save you a lot of time and trouble. If an error has been made it should be dealt with as quickly and efficiently as possible. Most problems that members have are resolved in this way.

Any query of this sort should first be directed to the person who has made the decision – you would expect to find their contact details in the written notification you have been sent informing you of the decision. If you need a technical explanation of a decision, please feel free to contact us.

**First stage of the internal dispute resolution procedure (IDRP)**

If you are not happy with the response to your informal enquiry you need to start the formal IDRP process.

**To do this you need to put the details of your dispute in writing within 6 months of the day when you were told of the decision you want to dispute.**

Use the application form, IDRP1A, in this guide to make sure you give us the right information. To the IDRP1A you should then attach:

* a copy of the relevant decision notice;
* details of why you are disputing the decision; and
* any supporting information.

In preparing information please be specific on what you are actually disputing and why you believe it is incorrect. You should focus on the pension decision that has or has not been made.

Once completed your application form IDRP1A should be either:

Uploaded to your online pension account, if you have access to one, via **pensions.westnorthants.gov.uk** where you can click on login/register at the top of our Members page;

Emailed to: **GovernancePensions@westnorthants.gov.uk**; or

Posted to: Head of Pensions

Pensions Service

West Northamptonshire Council

The Guildhall

St Giles Square

Northampton

NN1 1DE

If posted, we recommend that your application is sent by recorded delivery so that you are certain it has been received.

**Notification of a first stage decision**

Once the Head of Pensions has received your application, the dispute will be considered carefully. You, your managers, scheme employer or others involved in your case may be asked for further information.

You should receive a full written response within two months, or an interim response telling you when to expect a full response.

Once the Head of Pensions has reached a decision you will be notified in writing. This decision notification should:

* Be clear about the issue that has been considered;
* Tell you of the decision itself;
* Detail the evidence received and considered;
* Detail any scheme regulations considered, and the reasons for the decision;
* If the decision is based on a discretionary power contained in a policy, a copy of the policy or the relevant part of it, and a reference to the scheme regulation that allows the policy;
* Give details of the second stage of the IDRP process.

**What happens next?**

The decision letter will tell you of what should happen next. There are two likely options:

* The Head of Pensions has upheld the original decision and that decision will continue to apply. You have to decide if you will escalate your dispute to the second stage of the IDRP; or
* The Head of Pensions has decided to uphold part or all of your complaint and:
	+ the original decision is incorrect and has amended the decision, or
	+ where the dispute involved the exercise of a discretion, the matter is to be referred back to the administering authority for reconsideration.

The administering authority will now have to deal with your case in accordance with the Head of Pensions’ decision. If you are still not happy with the decision you will need to decide if you will escalate your dispute to the second stage of the IDRP.

**Second stage internal dispute resolution procedure (IDRP)**

You can ask West Northamptonshire Council to take a fresh look at your dispute in any of the following circumstances:

* you are not happy with the Head of Pensions’ first-stage decision,
* you have not had a decision or an interim letter from the Head of Pensions, and it is 3 months since you lodged your dispute,
* it is one month after the date by which the Head of Pensions told you (in an interim response) that they would give you a decision, and you have still not had that decision.

**To do this you need to put the details of your dispute in writing within the time limits set out in the attached table.**

Use the application form, IDRP2A, to make sure you give the right information. You should then attach:

* a copy of the relevant decision notice;
* details of why you are disputing the original decision (a copy of the information you provided for the first stage will be enough unless you would like to give more information);
* details of why you are disputing the first stage decision; and
* any supporting information.

As in the first stage, please be specific on what you are actually disputing and why you believe it is wrong.

Once completed your application should be either:

Uploaded to your online pension account, if you have access to one, via **pensions.westnorthants.gov.uk** where you can click on login/register at the top of our Members page;

Emailed to: **GovernancePensions@westnorthants.gov.uk**; or

Posted to: Head of Pensions

Pensions Service

West Northamptonshire Council

The Guildhall

St Giles Square

Northampton

NN1 1DE

If posted, we recommend that your application is sent by recorded delivery so that you are sure it has been received.

**Notification of a second stage decision**

Once the Head of Pensions has received your dispute, appropriate details will be gathered and forwarded to West Northamptonshire Council’s monitoring officer, who will:

* reconsider the decision, taking full account of the facts of the case and of any evidence submitted, or relied on, by either party in the determination at Stage 1;
* check that the regulations were applied correctly;
* check that sound, impartial procedures were used to reach the decision. This is particularly important where the dispute concerns the exercise of a discretion by the administering authority;
* satisfy themselves that the first stage decision was reasonable and consistent with other decisions made by the administering authority, and that it would stand up to external scrutiny.

As for the first stage you will be given the decision in writing.

**What happens next?**

The decision letter will tell you that either:

* West Northamptonshire Council’s monitoring officer has upheld the original decision and that decision will apply. You have to decide if you will escalate your dispute to the Pensions Ombudsman; or
* West Northamptonshire Council’s monitoring officer has decided to uphold part or all of your complaint and:
	+ the original decision is wrong and has changed the decision, or
	+ where the dispute involved the exercise of a discretion, the matter is to be referred back to the administering authority for reconsideration.

The administering authority will now have to deal with your case in accordance with the new decision; if you are still not happy with the decision you will need to decide if you will escalate your dispute to the Pensions Ombudsman.

**Pensions Ombudsman**

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 a decision) about which you are complaining or within 3 years of when you first became aware of the problem.

The Ombudsman investigates complaints and settles disputes about pension schemes. However, before making a formal complaint to the Pensions Ombudsman you would normally be expected to have progressed through both the first and second stages of the internal dispute resolution procedure.

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. The 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 he can settle disputes about matters of fact or law as they affect occupational pension schemes.

The Pensions Ombudsman can also investigate and decide upon 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 for all parties, subject to any appeal made to the High Court on a point of law.

The Ombudsman can be contacted via:

Their Helpline phone number **0800 917 4487**

Email: **enquiries@pensions-ombudsman.org.uk**

You can also submit a complaint form online from their website **www.pensions-ombudsman.org.uk**

Normally you can also write to them, however as a result of limited access to their office they are currently unable to process post in the usual way. As and when their working arrangements change an update is posted on their website.

**Contacting us**

Please contact us if you:

* are not sure which benefits you are entitled to;
* have a problem with your benefits;
* need an explanation of a decision;
* need more information about the disputes process.

You can do this:

Through your online pension account, if you have access to one, via **pensions.westnorthants.gov.uk** where you can click on login/register at the top of our Members page;

By email to: **GovernancePensions@westnorthants.gov.uk**; or

By post to: Head of Pensions

Pensions Service

West Northamptonshire Council

The Guildhall

St Giles Square

Northampton

NN1 1DE

**Time limits under the Internal Dispute Resolution Procedure**

| **Your situation** | **To contact** | **Time Limit** |
| --- | --- | --- |
| You have had a decision on your benefits under the pension scheme from your administering authority, and there seem to be good grounds for a dispute. | The Head of Pensions. | 6 months from the date when you were notified of the decision. The Head of Pensions can extend the 6-month time limit for a reasonable period where there are special circumstances. |
| You have had a first stage decision on your dispute from the Head of Pensions, but you are not happy. | The Head of Pensions to escalate to a second stage dispute. | 6 months from the date of the Head of Pensions’ decision |
| You made your dispute in writing to the Head of Pensions, with all the information they needed but, 2 months after this was received, you have not had their decision on your dispute or any interim reply.  | The Head of Pensions to escalate to a second stage dispute. | 9 months from the date when you submitted your dispute.  |
| You had an interim reply to your dispute to the Head of Pensions, within 2 months of applying to them. Their reply promised you a decision by a specified date but the expected decision date has passed and you still have not had their decision. | The Head of Pensions to escalate to a second stage dispute. | 7 months from the date by which you were promised you would receive a decision  |
| Your dispute is that your administering authority have failed to make any decision about your benefits under the pension scheme.  | The Head of Pensions. | 6 months from the date when the administering authority should have made the decision. The Head of Pensions can extend the 6-month time limit for a reasonable period where there are special circumstances. |
| Your dispute went to the administering authority under the second stage of the procedure. You received their decision but you are still not happy. | The Pensions Ombudsman. | 3 years from the date of the original decision about which you are complaining. |
| You have taken your dispute to the administering authority under the second stage of the procedure but, 2 months after your dispute was received by the authority, you have not had their decision on your dispute or any interim reply. | The Pensions Ombudsman. | 3 years from the date of the original decision about which you are complaining. |
| You received an interim reply to your second stage dispute to the administering authority, within 2 months of applying to them. Their reply promised you a decision by a specified date but the expected decision date has passed and you still have not had their decision. | The Pensions Ombudsman.  | 3 years from the date of the original decision about which you are complaining. |

IDRP1A: Stage 1 application under the internal dispute resolution procedure

You should use this form to apply to the Head of Pensions at stage 1 of the internal dispute resolution procedure if you want them to investigate a dispute about an administering authority decision about your pension.

# Section 1: Member’s details

If you are the member (the person who is or was in the scheme), or a prospective member (a person who is eligible to be a member of the scheme), please give your details in this Section. You can then go straight to section 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to section 2.

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

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |
| Date of birth |  |
| NI number |  |
| Scheme employer |  |

# Section 2: Dependant’s details

If you are the member's dependant and the complaint is about a benefit for you, please give **your** details in this section and then go to section 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this section and then go to section 3.

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |
| Date of birth |  |
| NI number |  |
| Relationship to member |  |

# Section 3: Representative’s details

If you are the member’s or dependant’s representative, please give your details in this section and then go to section 4.

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |

# Section 4: Your complaint

Please summarise your complaint in this section and then, on an attached sheet, give details of exactly why you are unhappy.

|  |
| --- |

# Section 5: Your signature

I would like my complaint to be considered and a decision to be made about it:

| Question | Answer Yes/No |
| --- | --- |
| I am a member |  |
| I am a former member |  |
| I am a prospective member |  |
| I am a dependant of a former member |  |
| I am a representative of a member |  |
| I am a representative of a former member |  |
| I am a representative of a prospective member |  |
| I am a representative of a dependant of a former member |  |

The member, former member, prospective member or dependant of the former member must sign and date below in all cases:

| Question | Answer  |
| --- | --- |
| Signature |  |
| Date |  |

Where the application is being made by a representative of the member, former member, prospective member or dependant of the former member, the representative must sign and date below:

| Question | Answer  |
| --- | --- |
| Signature of representative |  |
| Date |  |

**Please enclose a copy of any notification of the decision you are complaining about which has been issued by the administering authority. Also enclose a copy of any other letter or notification that you think might be helpful.**

The Northamptonshire Pension Fund is a Data Controller under the General Data Protection Regulations. This means we store, hold and manage your personal data in line with statutory requirements to allow us to provide you with pension administration services. To allow us to carry out our statutory duty, we’re required to share your information with certain bodies, but will only do so in limited circumstances. For more information about how we hold your data, who we share it with and what rights you have to request information from the Fund, please visit the Governance section of our members’ website **pensions.westnorthants.gov.uk**

This information can be made available in other languages and formats upon request like Braille, large print and audio cassette.

IDRP2A: Stage 2 application under the internal dispute resolution procedure

You should use this form to apply to West Northamptonshire Council, as the administering authority, at stage 2 of the internal dispute resolution procedure if you want them to investigate a dispute and reconsider a decision concerning your pension having been through stage 1 of the process.

# Section 1: Member’s details

If you are the member (the person who is or was in the scheme), or a prospective member (a person who is eligible to be a member of the scheme), please give your details in this section. You can then go straight to section 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to section 2.

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

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |
| Date of birth |  |
| NI number |  |
| Scheme employer |  |

# Section 2: Dependant’s details

If you are the member's dependant and the complaint is about a benefit for you, please give **your** details in this section and then go to section 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this section and then go to section 3.

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |
| Date of birth |  |
| NI number |  |
| Relationship to member |  |

# Section 3: Representative’s details

If you are the member’s or dependant’s representative, please give your details in this section and then go to section 4.

| Question | Answer |
| --- | --- |
| Full name |  |
| Title |  |
| Address |  |
| Postcode |  |

# Section 4: Your complaint

Please summarise your complaint in this section and then, on an attached sheet, give details of exactly why you are unhappy.

|  |
| --- |

# Section 5: Your signature

I would like my complaint to be considered and a decision to be made about it:

| Question | Answer Yes/No |
| --- | --- |
| I am a member |  |
| I am a former member |  |
| I am a prospective member |  |
| I am a dependant of a former member |  |
| I am a representative of a member |  |
| I am a representative of a former member |  |
| I am a representative of a prospective member |  |
| I am a representative of a dependant of a former member |  |

The member, former member, prospective member or dependant of the former member must sign and date below in all cases:

| Question | Answer  |
| --- | --- |
| Signature |  |
| Date |  |

Where the application is being made by a representative of the member, former member, prospective member or dependant of the former member, the representative must sign and date below:

| Question | Answer  |
| --- | --- |
| Signature of representative |  |
| Date |  |

**Please enclose a copy of any notification of the decision you are complaining about which has been issued by the administering authority. Also enclose a copy of any other letter or notification that you think might be helpful.**

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