

# LGPS 2014

The Local Government Pension Scheme

## Internal Dispute Resolution Procedure - Employee's Guide



*This leaflet 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. Nothing in this fact sheet overrides the regulations which govern the LGPS and which are subject to amendment from time to time.*

*This leaflet does not confer any contractual or statutory rights.*



For access to [www.yourpension.org.uk/handr](http://www.yourpension.org.uk/handr)



for you, for now, for the future

## INTRODUCTION

This guide is to help you to understand and use the dispute procedure if you have a complaint or disagreement with any decision made about your membership of the Local Government Pension Scheme with the London Borough of Havering.

If you are a member of the scheme or the dependant of a person who was a member, you can use the complaints procedure to settle any complaint or disagreement you have about any decisions that have been made under the scheme rules that affect you.

The scheme rules and the dispute rules are set out in law under statutory regulations. Please contact the Pensions Team Leader (details below) should you wish to view them.

The dispute rules only apply to decisions made in respect of the pension scheme. You cannot use them if you have a complaint about how you have been treated or for maladministration.

## Is there something wrong?

Sometimes mistakes happen, usually because not all the circumstances are known or because of a misunderstanding. That is why we would ask you in the first instance to contact the Pensions Team. The staff can then explain to you what has happened or how a decision has been made. Nearly all problems are resolved this way. The Pensions Team Leader can be contacted:

by telephone - 01708 952299

by writing to - Havering Pension Team Leader  
Local Pensions Partnership  
Town Hall, Main Road  
Romford  
Essex  
RM1 3BB

by email- [havering@localpensionspartnership.org.uk](mailto:havering@localpensionspartnership.org.uk)

If your enquiry cannot be resolved immediately a reply will be sent within 5 working days of receipt.

## Using the formal dispute rules and procedures

If you cannot resolve the matter with Pensions Team, you can follow the formal Internal Dispute Resolution Procedure. This is made up of two steps as outlined in this leaflet.

You can use this dispute procedure if you:

- are an active member of the scheme
- have deferred benefits in the scheme
- receive a pension from the scheme
- are a widow, widower or surviving dependant of a scheme member
- are a prospective member of the scheme
- left the scheme less than six months ago
- in the case of a disagreement relating to the question whether a person claiming to be a member or to fall within any of sub-paragraphs (a) to (d) does so, the claimant.

## **Using a representative**

If you wish you can ask someone else to make and carry on your complaint for you. For example, this could be a union representative, a relative or family friend. You will however need to supply written authority of your wish to be represented.

Personal representatives may also proceed or continue with any complaint where the member or former member has died.

Where the complaint involves children, or the person for any reason is not capable of carrying on the complaint, it can be made or carried on by a relative or another suitable person.

## **Exempt disputes**

The Internal Disputes Resolution Procedure cannot be used if:

- Proceedings have commenced in any Court or Tribunal
- The Pensions Ombudsman has commenced an investigation into the dispute

## MAKING A COMPLAINT – Step One

### Who to contact

If you cannot resolve the matter with the Pensions Team to your satisfaction you can complain against whoever made the decision you are not happy with (or the lack of decision). This will either be your employer or the Pension Fund's administering authority (which is the London Borough of Havering). You must in the first instance write to the person specified by your employer, referred to as the "Adjudicator", or the administering authority to resolve disputes.

The Adjudicator has been appointed by your employer or the administering authority to deal with all complaints in an unbiased way as an individual and not as an employee, and who will consult with other professional advisers if necessary in reviewing the facts.

You must make your complaint within six months of being notified of the decision or circumstances that you are complaining about. If you are complaining that a decision has not been made, your approach must be within six months of the date the decision should have been made. The time limits can be extended if there are special circumstances. You should therefore not leave things too long before writing to the Adjudicator.

Your complaint must be in writing. A form is included at the back of this guide that you can use.

**If your complaint is against the London Borough of Havering, as either your employer or the administering authority, the Adjudicator is:**

Peter Riedel  
Hymans Robertson LLP  
20 Waterloo Street  
Glasgow  
G2 6DB

If you are not a London Borough of Havering employee or you are not complaining against the Council in its role as administering authority, there may be occasions when decisions under the scheme are made by another Adjudicator for your employer and you should correspond directly with them. If this is the case your employer's Adjudicator may be named within the Discretions Policy. These policies are published on the website [www.yourpension.org.uk/handr](http://www.yourpension.org.uk/handr)

### What details to supply

If you are not using the form at the back of this leaflet you are required to supply your:

- full name
- address
- date of birth
- national insurance number
- where you are, or were, employed

If you are making a complaint as a relative or representative please supply the information relating to the person you are representing and your name, address and relationship as well as evidence of your authority to act on their behalf.

You should provide a full explanation of why you disagree with the decision that has been made or, what decision you think should have been made in the absence of one. You should enclose copies of any documents or letters you feel would be helpful

Whilst your complaint is being looked into you may be asked for more information or explanation so that your complaint can be fully understood. The Adjudicator may also need to ask whoever your complaint is against, or other people related to the complaint, for more information.

If your state of health is in question, you may be asked to attend a medical examination or to give consent for your medical records to be seen by a doctor.

### **Getting an answer**

Under the dispute rules you and your employer or the administering authority (whoever your complaint is against) must be given a decision from the Adjudicator within two months of the complaint being received. If a decision cannot be given to both parties within two months of the complaint being received, the Adjudicator must write and let you know when you can expect an answer and also informing you of the reasons for the delay,

If a reply is not possible within two months you must be informed for the reasons for the delay and when you can expect a decision. –

### **What that answer must say**

Your complaint must be answered in writing and state:

- What the Adjudicator's decision is
- The scheme rules taken into account in reaching the decision
- That you and your employer or administering authority (whoever your complaint was against) each have the right to have the decision reviewed (see step two)
- That the Pensions Advisory Service (TPAS) is available to assist you

### **What happens next?**

Unless there is a further application under step 2 the decision is binding and must be dealt with accordingly.

## MAKING A COMPLAINT – Step Two

### Who to contact

If you are still unhappy having received the decision from the Adjudicator you can ask the Council, in their role as administering authority for the Pension Fund, to take a further look at the facts of your case. You can also go straight to this step two if the Adjudicator has failed to make a decision within one month of the expected decision date.

In these circumstances the details will be considered by the Pensions Panel. The Panel will ask the Adjudicator for copies of all the correspondence and documents used in reaching the decision.

If the original decision was made in exercise of a discretion and the Pensions Panel decides that it was not taken in a reasonable manner, they may insist on the original decision being reconsidered but they cannot replace the original decision with their own.

You must make your complaint within six months of the Adjudicator's decision or, if no decision has been made, within seven months of the expected date of that decision. The time limits can be extended if there are special circumstances. You should therefore not leave things too long before writing to the Pensions Panel

You must put your complaint in writing. The address to write to is as follows:

The Pensions Panel  
London Borough of Havering  
Town Hall, Main Road  
Romford  
Essex  
RM1 3BB

### What details to supply

The Pensions Panel will require your:

- full name
- address
- date of birth
- national insurance number
- the name of your employer (not your department)
- copy of your reply from the Adjudicator

If you are proceeding with the complaint as a relative or representative you should supply the information relating to the person you are representing and your name and address, as well as evidence of your authority to act on their behalf.

You must state in your letter that you wish your complaint to be reconsidered and explain why you are unhappy.

### Getting an answer

The Pension Panel must either write to you with a decision within two months of the date your complaint is received or write to you at the end of two months to let you know when a decision is likely to be reached and the reason for the delay.

## What that answer must say

Your complaint must be answered in writing and tell you:

- Whether the original decision made by the Adjudicator is confirmed or overturned.
- The particular scheme rules referred to.
- The assistance available to you from The Pensions Advisory Service (TPAS) and the Pensions Ombudsman, and their address.

## What TPAS can do to help

TPAS offer a free service to all members of pension schemes who have problems with their pensions. If you have general requests for information or guidance concerning your pension arrangements contact:

The Pensions Advisory Service  
11 Belgrave Road  
London, SW1V 1RB  
Tel: 0800 011 3797

Website: [www.pensionsadvisoryservice.org.uk/](http://www.pensionsadvisoryservice.org.uk/)

## Applying to the Pensions Ombudsman

The Pensions Ombudsman can investigate complaints of maladministration or disputes of fact or law about decisions that have been made about your pension but you must go through the procedures laid down in the dispute rules first. This means that you must first take your complaint to the Adjudicator and then to the Council for further consideration under step 2 before the Pensions Ombudsman will investigate it.

You have the right to refer your complaint to The Pensions Ombudsman free of charge.

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

Contact with The Pensions Ombudsman about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later, within three years of when you first knew about it (or ought to have known about it). There is discretion for those time limits to be extended.

The Pensions Ombudsman can be contacted at:

10 South Colonnade, Canary Wharf  
London, E14 4PU  
Tel: 0800 917 4487

Email: [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)  
Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

You can also submit a complaint form online:

[www.pensions-ombudsman.org.uk/our-service/make-a-complaint/](http://www.pensions-ombudsman.org.uk/our-service/make-a-complaint/)

**LOCAL GOVERNMENT PENSION SCHEME  
INTERNAL DISPUTE RESOLUTION PROCEDURE**

**Application to resolve disagreement**

You can use this form to apply to the Adjudicator to decide disagreements made with regard to the pension scheme.

**Please write clearly in ink.**

**1. MEMBER'S DETAILS**

Name			
Address			
Date of birth		National Insurance No.	
Employer			

**2. DEPENDANT'S DETAILS**

If you are the member's dependant (husband, wife, child, civil partner, nominated cohabiting partner) and the complaint is about a benefit for you, please give your details in this box.

Name			
Address			
Date of birth		National Insurance No.	
Relationship to member			

**3. REPRESENTATIVE'S DETAILS**

If you are representing the person with the complaint (member or dependant) please give you details here

Name			
Address			
Date of birth		National Insurance No.	
Employer			

**4. YOUR COMPLAINT**

Please give as much detail of your complaint as possible in the box below. Please try and explain clearly why you are aggrieved giving dates of periods of scheme membership that you think are relevant. If there is not enough space please use a separate sheet and write the member's name and national insurance number at the top.

**5. YOUR SIGNATURE**

I wish the Adjudicator to consider my complaint and resolve my dispute.

I am the:

- scheme member / prospective member / former member\*
- dependant of a former scheme member\*
- representative\*

\*please delete as appropriate

Signature .....

Date .....

Enclose a copy of any notification you have about the decision you are complaining of, or any other paperwork you think will be helpful and send this form to:

**Peter Riedel,  
Hymans Robertson LLP, 20 Waterloo Street, Glasgow, G2 6DB**

**OR** if you are not employed by L B Havering:  
The alternative Adjudicator allocated by your employer.