



# **LONDON BOROUGH OF LEWISHAM INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) EMPLOYEES' GUIDE**

This guide shows 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 apply. 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 the Pensions Team of your administering authority:

Address: London Borough of Lewisham  
Pensions Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London SE6 4RU

Telephone: 020 8314 7277

E-mail: [pensionsteam@lewisham.gov.uk](mailto:pensionsteam@lewisham.gov.uk)

The Pensions Team 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 that you become a member of the Local Government Pension Scheme (LGPS), to the day when benefits or dependant's benefits are paid decisions are made about your pension rights. Some decisions are made by your employer and some decisions are made by Lewisham Pensions Team as the administering authority. 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' (IDRP).

There are also a number of other regulatory bodies, such as The Pension Advisory service (TPAS) and 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 resolved at the first stage. Any complaint you make will 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 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.

### **Exceptions where you cannot apply for IDR**

There are certain circumstances where you cannot apply for IDR. As detailed under Section 50(9) of the 1995 Pensions Act, IDR is not possible if any of the following applies:

- Proceedings have commenced in a court or tribunal
- The Pensions Ombudsman has started an investigation
- It is prescribed by regulations made by the Secretary of State

## **First stage**

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

- in writing, using the application form 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 nominated by your employer or the administering authority that took the original decision you wish to appeal against. This guide calls them the 'Stage 1 Adjudicator' and they are required to give you their decision in writing.

The Stage 1 Adjudicator nominated by the administering authority will be The Head of Pensions and Payroll.

You should complete the IDRП form setting out the full details of your complaint. Please make sure that you include your full name, address, date of birth and National Insurance number.

Please send the completed form and any relevant evidence to:

Pensions Manager  
London Borough of Lewisham  
Pensions Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London SE6 4RU

E-mail: [pensionsteam@lewisham.gov.uk](mailto:pensionsteam@lewisham.gov.uk)

## **What happens next?**

The facts of your case and any other supporting documentation will be examined, alongside the Scheme rules, and any legislation that is applicable. It is possible that you may be asked for more details, to help the Stage 1 Adjudicator fully understand your case. Your complaint will then be considered carefully and you will receive a written reply within 2 months of the date your complaint is received.

If it has not been possible for the Stage 1 Adjudicator to issue a decision within the 2 month period, a letter will be sent to you explaining the reasons for the delay and provide an expected date for issuing a decision.

## **Receiving a reply from the Stage 1 Adjudicator**

The Stage 1 Adjudicator will write to you, and to your representative if you have one, with a decision on your complaint. The letter will explain the decision and the details of any legislation or provisions of the Scheme Regulations which have been referred to in the decision making process.

The decision letter will also give you information about how to apply for Stage 2 of the IDRП should you wish to appeal against the Stage 1 decision.

If the decision you complained about concerned the exercise of a discretion by your employer or the administering authority, and the Stage 1 Adjudicator decides that your employer or the administering authority should reconsider how they exercised their decision, they will write to IDRП 2022

notify them of their decision. In such cases, the Stage 1 Adjudicator cannot overturn the initial decision but can determine whether the discretion has been exercised reasonably and, in cases where this is found not to be the case, can refer the decision to be reconsidered. If you are still not satisfied with this decision after reconsideration, then you can take your appeal to Stage 2.

## Second Stage

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

- If you are not satisfied with the Adjudicator's first 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,

You must apply for your complaint to be dealt with under Stage 2 within the time limits set out at the end of this guide and give a statement of the reasons why you are dissatisfied with that decision. Please send the completed application form, covering letter, all the details you provided at Stage 1 and a copy of the Stage 1 decision to:

London Borough of Lewisham  
Pensions Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London SE6 4RU

E-mail: [pensionsteam@lewisham.gov.uk](mailto:pensionsteam@lewisham.gov.uk)

The person nominated by the administering authority as the *Stage 2 adjudicator* will let you and your representative, if you have one, know the decision within 2 months of your appeal being received and whether this confirms, changes or reverses the Stage 1 decision.

The Stage 2 Adjudicator nominated by the administering authority will be The Head of Legal.

You will be provided with a written statement explaining the decision, the provisions of the Scheme Rules and any legislation relevant to the matter.

In any case where the Stage 2 Adjudicator cannot give their decision within 2 months, you will be written to setting out reasons for the delay and an expected date for giving the decision.

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**

### **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 TPO at <https://www.pensionsadvisoryservice.org.uk>

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 pension 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 internal complaints procedure and how it was dealt with.

Contact TPAS:

Website: <https://www.pensionsadvisoryservice.org.uk>

Telephone: 0800 011 3797

In Writing: The Money and Pensions Service, 120 Holborn, London EC1N 2TD

### **The Pensions Ombudsman (TPO)**

The TPO investigates complaints and settles disputes about 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 TPAS.

The TPO is completely independent and acts as an impartial adjudicator. His role and powers have been decided by Parliament. The TPO 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.

The TPO'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.

Contact TPO:

Telephone: 0800 917 4487

Email: [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)

In Writing: The Pensions Ombudsman, 10 South Colonnade, Canary Wharf E14 4PU

IDRP 2022

## INTERNAL DISPUTE RESOLUTION PROCEDURE

### Application to Adjudicator – Stage 1

### Local Government Pension Scheme

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

#### 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, and then go 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**.

Full Name	
Address	
Telephone Number	
Email address	
Date of Birth	
Employer name and address	
National insurance number	
Job Title	

## 2. Dependant's detail:

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 **complete 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**.

Full Name	
Address	
Telephone Number	
Relationship to Member	

## 3. Representative's details:

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

Your Name	
Address	
Telephone Number	
The address response letters should be sent to	



#### **4. Your complaint**

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving any dates or periods of Scheme membership that you think are relevant.

**If there is not enough space, please go on to a separate sheet and attach it to this form.** Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate 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 provide will be shared with the Adjudicator. Information may also be provided by my (ex) employer and/or the Pensions Team. 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 Lewisham Pensions Team about the decision you are complaining about, together with evidence in support of your appeal.**

**Please return this form to:**

Pensions Manager  
London Borough of Lewisham  
Pensions Team  
4<sup>th</sup> Floor Laurence House  
1 Catford Road  
London  
SE6 4RU

## Time limits under the Internal Dispute Resolution Procedure

<b>Your situation</b>	<b>To complain to</b>	<b>Time Limit</b>
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.	The nominated person under the first stage of the procedure.	6 months from the date when you were notified of the decision <sup>1</sup>
You have received a first stage decision on your complaint from the nominated person, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the nominated person's decision
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.	The relevant administering authority under the second stage of the procedure.	9 months from the date when you submitted your complaint.
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.	The relevant administering authority under the second stage of the procedure.	7 months from the date by which you were promised you would receive a decision
Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme	The nominated person under the first stage of the procedure	6 months from the date when the employer or administering authority should have made the decision <sup>2</sup> .
Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to the administering	The Pensions Ombudsman. Note	3 years from the date of the original

<sup>1</sup> The nominated person can extend the 6 month time limit for a reasonable period where there are special circumstances.

<sup>2</sup> The nominated person can extend the 6 month time limit for a reasonable period where there are special circumstances.

<b>Your situation</b>	<b>To complain to</b>	<b>Time Limit</b>
<p>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>that the Ombudsman will normally expect you to have asked TPAS for help first.</p>	<p>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 TPAS for help first.</p>	<p>3 years from the date of the original decision about which you are complaining.</p>