

Complaints in the LGPS

The complaints procedure for the Local Government Pension Scheme (LGPS) is known as the Internal Dispute Resolution Procedure (IDRP). You can use this process if you are unhappy with a decision made about your pension benefits.

This guide includes:

- An explanation of the IDRP; how and when you can use it
- Information about where you can get help with your application
- A table that sets out the time limits for making IDRP applications
- An IDRP application form for stage one
- An IDRP application form for stage two

This guide is intended for general information purposes only. It does not seek to interpret or replace any aspect of the Local Government Pension Scheme (LGPS) regulations, neither does it confer any contractual or statutory rights. In the event of any unintentional differences, the overriding regulations will prevail.

Contact us first

The Pensions & Investments Team provides all administration for the Buckinghamshire Pension Fund (BPF), the Administering Authority. If you have a problem with your pension benefits, the first thing you should do is contact us. We always welcome the opportunity to try and resolve any complaint in an informal way. Often, the first time we are aware someone has a problem, is when we receive an IDRP application, and on many occasions the issue is caused by a misunderstanding or wrong information which can easily be explained or put right. Letting us know you have a problem first could save you the trouble of going through an IDRP. We take all issues brought to our attention seriously and will always do our best to resolve your problem.

If you haven't already contacted us, please do so now by using the details below:

The Pensions and Investments Team

Buckinghamshire Council
Walton Street offices
Aylesbury
Buckinghamshire
HP20 1UD

Email: pensions@buckinghamshire.gov.uk

Phone line: 01296 383755

Open: Monday- Thursday 9am-5.30pm & Friday 9am-5pm

Decisions

From the day you start a job with an employer, to the day when pension benefits or dependant's pension benefits are paid, your Employer and BPF make decisions under the LGPS rules that affect you or your dependants. When you, or your dependents, are notified of a decision, you should check, as far as you can, that it is based on the correct information and that you agree with the decision. If you believe something is wrong, you should contact whoever made the decision first. Sometimes, it is your employer that has made the decision you disagree with. If so, you should contact your employer directly and see if they are able to resolve the matter for you.

Complaints

Despite best attempts to resolve a problem informally, you may still be dissatisfied with a decision affecting your pension benefits. If so, you have the right to ask for it to be looked at again under an IDR. You also have the right to use the IDR where you feel a decision should have been made, by an employer or BPF, but has not been.

Things you should know about the IDR

- The IDR is used for formal appeals. It has two stages, and many appeals are resolved at the first stage. Your application will be treated seriously, considered thoroughly and fairly
- There are specific timescales attached to how long you have to appeal at each stage. These are summarised in the [table on page 6](#)
- You can ask someone to take your application forward on your behalf. This could be, for instance, a trade union official, welfare officer, an advisor, your husband, wife, partner, or friend. You can indicate this on the attached form or provide us with a letter of authority separately.
- There are other regulatory bodies, such as [The Pensions Ombudsman](#), which may be able to offer you assistance at any stage during the process (see the section on [Additional help](#))

Stage one

If you decide to submit an IDR application, you need to complete the stage one form included in this pack within six months of the date you were told about the decision you want to appeal against.

Your application will be considered carefully by an adjudicator nominated by the body that was responsible for making the decision you want to appeal (either the Employer or us). This person will consider your case carefully and fairly. They will then give you their decision in writing within two months.

If the adjudicator is unable to provide you with their decision within two months, you will receive an 'interim letter' explaining the reason for the delay and an estimated date of when they will be able to provide you with their full decision.

If you do not receive a reply or an interim letter within two months after your stage one application is received, you should complete the stage two application form included in this guide. Your application will then progress to stage two.

When a decision has been made, you will receive a full reply clearly explaining how your application has been assessed, and how the stage one decision has been made.

If the decision you are appealing concerns the exercise of a discretion by either us or the employer, and the adjudicator decides the exercise of discretion should be reconsidered, the party concerned will need to reconsider the original decision.

If the adjudicator does not uphold your stage one application, you have the right to submit a stage two application within 6 months from the date of the stage one decision

Stage two

You can ask us to take a fresh look at your appeal in any of the following circumstances:

- You're unhappy with the adjudicator's stage one decision
- You've not received a decision or an interim letter from the adjudicator, and it's two months since your application was received by the adjudicator
- It's one month after the estimated date you were provided with in the interim letter, and you have not received a full decision

You will need to complete the stage two application form included in this guide.

The stage two application will be dealt with by a person that was not involved in stage one. The stage two adjudicator will consider your case and provide you with their decision in writing within two months of receiving your stage two application. If the adjudicator can't provide you with their decision by the deadline, they will send you an interim letter as soon as possible after becoming aware they cannot meet the timescale.

When a decision following your stage two application is made, you will receive a full explanation in writing, clearly explaining how the application has been assessed, and what factors have determined the outcome.

If you're still dissatisfied after you have received the stage two decision, you can take your case to The Pensions Ombudsman. You must do this within three years of the date of the original decision (or lack of a decision) that you are appealing

Support with your IDRП application

Asking someone else to deal with the IDRП on your behalf

At any point, you can ask someone else to deal with the complaint on your behalf. This could be a support worker, a charity representative, a final advisor, or a friend or relative, but we will need your permission before we can discuss any details regarding your pension with them. If you want someone to deal with the IDRП on your behalf, you should complete the 'representative details' section on the enclosed form. This authority will be valid for three months from the date of signature. If you still wish for us to deal with the representative on your behalf, once this date has expired, you will need to provide a further letter of authority. We will write to you at that point and ask you to provide this before any further information is released.

If the representative holds a Power of Attorney for you, we must be provided with a copy of the Power of Attorney document stamped by the court. We check the validity of all Power of Attorney's with the Office of the Public Guardian.

Money Helper

At any time if you are having difficulties regarding your complaint, you may wish to contact Money Helper. MoneyHelper is a government backed organisation able to offer free impartial advice and guidance about pensions. By contacting MoneyHelper, you can receive free assistance from a pensions specialist, who will be able to explain any letters you have received from us and provide guidance specifically in relation to the IDRП process.

Money Helper contact details are provided below:

Website: <https://www.moneyhelper.org.uk/en>

Phone: 0800 011 3797

Open: Monday to Friday 9am to 5pm.

Webchat: <https://www.moneyhelper.org.uk/PensionsChat/>

Open: Monday to Friday 9am to 6pm

Money Helper is part of the Money and Pensions Services, 120 Holborn, London, EC1N 2TD

The Pensions Ombudsman (TPO)

TPO investigates complaints and settles disputes about pension schemes. However, before taking on your case, you should be aware that TPO would normally expect you to have been given the stage one and stage two IDRП decision letters.

TPO is a completely independent body, and acts, in most circumstances, as an impartial adjudicator. Their role and powers have been set out in parliamentary legislation. They do not charge for their services.

TPO can settle disputes about matters of fact, or law, relating to occupational pension schemes. TPO can also investigate and make decisions about any complaint, or dispute, regarding 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 include unreasonable delay, neglect, giving wrong information and discrimination.

TPO cannot investigate matters where legal proceedings have already started.

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 TPO within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

10 South Colonnade
Canary Wharf
London
E14 4PU

Tel: 0800 917 4487

Open 10am -2pm Monday -Friday

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint form online:

www.pensions-ombudsman.org.uk/our-service/make-a-complaint/

The Pensions Regulator

The Pensions Regulator (TPR) is the regulatory body for work-based pension schemes. Their role is to ensure that all parties involved in the running of a work-placed pension scheme are functioning according to their regulatory and legal requirements. They will investigate reports of non-compliance of the discharging of pension duties and have a wide range of powers to enforce legal requirements. However, they will not deal with queries or disputes about your pension and will instead refer you to TPO or Money Helper

You can find out more about the services TPR provide, as well as how to report any relevant concern on their website: <https://www.thepensionsregulator.gov.uk/en>

How long do I have to complain?

Time limits under the Internal Dispute Resolution Procedure

Your situation	Complain to	Time limit
You receive a decision about your pension benefits from your employer or BPF, and there seems to be good grounds for appealing	Adjudicator (stage one)	Six months from the date when you were notified of the decision ¹
Your complaint is that your employer or BPF have failed to make a decision about your benefits	Adjudicator (stage one)	Six months from the date the decision ² should have been made
You have received a first-stage decision on your complaint from the adjudicator, but you are dissatisfied with the outcome	BPF (stage two)	Six months from the date of the adjudicator's decision
You sent in a stage one application with all the information required, but it is now two months after the adjudicator received it and you have not received a decision or an interim reply	BPF (stage two)	Nine months from the date you submitted your original complaint
You sent in a stage one or stage two application and received an interim reply specifying an expected date of a final decision. However, one month after this date, you have still not received the decision	BPF (stage two)	Seven months from the expected decision date given in the interim letter
You received a reply to a stage two application, but you are still dissatisfied with the outcome	The Pensions Ombudsman	Three years from the date of the original decision
You have not received a reply, or an interim reply to your stage two application two months after it was received by BPF	The Pensions Ombudsman	Three years from the date of the original decision about which you are complaining
You sent in a stage two application and received an interim reply letter specifying an expected date of a final decision. However, one month after this date, you have still not received the decision	The Pensions Ombudsman	Three years from the date of the original decision about which you are complaining

¹ The specified person can extend the 6-month time limit for a reasonable period where there are special circumstances.

² The specified person can extend the 6-month time limit for a reasonable period where there are special circumstances.

You can use this form to apply to the adjudicator at stage one of the IDR process.

If you are completing this form electronically, please ensure your font size does not fall below 12pt. You can insert a digital signature if you download this guide and have a pdf reading programme (such as Adobe reader) enabled.

If you are not completing this form electronically, please ensure you write clearly using capital letters where possible. **We will send your response by email if you include an email address below.**

Section one: Member 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 box. You can then go straight to section 4.

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

If you are representing the member/prospective member, please give their details in this section, and then go to section 3.

Full Name:	
Address:	
Email address:	
Date of Birth:	
Employer:	
National insurance number:	

Section two: 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 box and then go to section three.

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 box and then go to section three.

Full Name:	
Address:	
Email address:	
Date of Birth:	
Relationship to member:	
National insurance number:	

Section three: Representative's Details

This should be completed if you wish for someone to deal with your complaint on your behalf. If you are dealing with the complaint yourself, go to section 4.

Important: This letter of authority is valid for a period of up to three months from the date the declaration was signed only. If you still wish for us to deal with the representative on your behalf, once this date has expired, you will need to provide a further letter of authority. We will write to you at that point and ask you to provide this before we can release any information.

If your representative holds a Power of Attorney for you, we must be provided with a copy of the Power of Attorney document stamped by the court. We check the validity of all Power of Attorney's with the Office of the Public Guardian.

Full name:	
Organisation details: and/or relationship to member:	
Address:	
Email address:	

Declaration- to be completed by the member/dependant or person whose pension rights are being disputed. Once this section has been completed, the representative can complete the rest of the form on your behalf. Unless this is completed we will be unable to deal with the above representative on your behalf except in cases where the representative holds a Power of Attorney for you.

I (Full name) _____ give my authority for the above person to deal with this complaint on my behalf. I understand that I can withdraw consent at any time between now and the date the letter of authority expires which is three months from the date of consent.

Signed:		Date:	
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Section four: 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 you are outside of the time limit, please provide a reason why.

If you are writing by hand, and 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 the member, please put the member's name and national insurance number at the top of any separate sheet.

Section five: Signed Declaration

I would like my complaint to be considered and a decision to be made about it and I am a:
(Please tick)

- Scheme member, former member or prospective member
- Dependant of a former member
- Member's representative or dependant's representative

Signed:		Date:	
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Section six: Supporting Documents

You should enclose a copy of any notification of the decision you are complaining about which has been issued either by the employer or BPF. You may also enclose any other documents that are relevant to, or may support, your complaint.

Please list any additional documents sent with this complaint in the box below.

This form should be sent to:

The Pensions and Investments Team

Buckinghamshire Council, Walton Street Offices, Aylesbury, Buckinghamshire , HP20 1UD

You can also email your complaint to: pensions@buckinghamshire.gov.uk



You can use this form to make an application for a stage two IDR

If you are completing this form electronically, please ensure your font size does not fall below 12pt. You can insert a digital signature if you download this guide and have a pdf reading programme (such as Abode reader) enabled.

If you are not completing this form electronically, please ensure you write clearly using capital letters where possible. **We will send your response by email if you include an email address below.**

Section one: Member 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 box. You can then go straight to section 4.

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

If you are representing the member/prospective member, please give their details in this section, and then go to section 3

Full Name:	
Address:	
Email address:	
Date of Birth:	
Employer:	
National insurance number:	

Section two: 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 box and then go to section three.

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

Full Name:	
Address:	
Email address:	
Date of Birth:	
Relationship to member:	
National insurance number:	

Section three: Representative's Details

This should be completed if you wish for someone to deal with your complaint on your behalf. If you are dealing with the complaint yourself, go to section 4.

Important: This letter of authority is valid for a period of up to three months from the date the declaration was signed only. If you still wish for us to deal with the representative on your behalf, once this date has expired, you will need to provide a further letter of authority. We will write to you at that point and ask you to provide this before we can release any information.

If your representative holds a Power of Attorney for you, we must be provided with a copy of the Power of Attorney document stamped by the court. We check the validity of all Power of Attorney's with the Office of the Public Guardian.

Are you the same person who dealt with the stage one complaint?

- Yes, and you have my details on the stage one application form.
- No and I have entered my details in the box below.

Full name:	
Organisation details: and/or relationship to member:	
Address:	
Email address:	

Declaration- to be completed by the member/dependant or person whose pension rights are being disputed. Once this section has been completed, the representative can complete the rest of the form on your behalf. Unless this is completed we will be unable to deal with the above representative on your behalf except in cases where the representative holds a Power of Attorney for you.

I (Full name) _____ give my authority for the above person to deal with this complaint on my behalf. I understand that I can withdraw consent at any time between now and the date the letter of authority expires which is three months from the date of consent.

Signed:		Date:	
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Section four: Your complaint

Please confirm your grounds for making a stage two complaint by ticking the relevant box below:

- It's two months after the adjudicator received my stage one application, but I have not received a decision letter or a letter explaining the delay (Go to section five).
- I made a stage one application and received an interim reply specifying an expected date of when a final decision will be made. It's now one month after this date and I don't have a decision (Go to section five).
- I received a stage one decision from the adjudicator, but I am unhappy with the outcome. Please complete the box below providing more details about your reason for a stage two IDR application. Please specify anything you do not feel has been considered by the stage one adjudicator continuing onto a separate sheet where necessary.

Section five: Time limits

Please refer to the time limits table on page 6. If you're inside the time limit, please go to section seven. If you are outside the time limit, please explain why in the box below.

Section six: Signed Declaration

I would like my stage two application to be considered under the IDRPs and I am a:
(Please tick)

- Scheme member, former member or prospective member
- Dependant of a former member
- Member's representative or dependant's representative

Signe		Date:	
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Section seven: Supporting Documents

Please list any additional documents sent with this complaint that have not already been provided.

This form should be sent to:

The Pensions and Investments Team

Buckinghamshire Council, Walton Street Offices, Aylesbury, Buckinghamshire , HP20 1UD

You can also email your complaint to: pensions@buckinghamshire.gov.uk