

WEST MIDLANDS



PENSION FUND

# INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) SYSTEM



## EMPLOYEES' GUIDE

WEST MIDLANDS PENSION FUND

*...a can do, will do organisation*



INVESTOR IN PEOPLE



CUSTOMER SERVICE EXCELLENCE

This booklet provides a straightforward guide to how the internal dispute resolution procedures operate in the Local Government Pension Scheme (LGPS), 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 prevail. This booklet does not confer any contractual or statutory rights.



## INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) SYSTEM EMPLOYEES' GUIDE



### 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 administering authority sent you, or contact the Pensions Section of your administering authority:

#### West Midlands Pension Fund

PO BOX 3948  
WOLVERHAMPTON  
WV1 1XP

Tel: 0845 230 1665

Fax: 0845 230 1565

Minicom: 01902 554607

Website: [westmids-pensions.com](http://westmids-pensions.com)

Email: [PensionFundEnquiries@wolverhampton.gov.uk](mailto:PensionFundEnquiries@wolverhampton.gov.uk)

Text: WMPF + your message to 60066

They 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 a person starts a job with an employer to the day when benefits or dependant's benefits are paid, the employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependants). 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 – but has not – been made by your employer or administering authority. 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 Pensions Advisory Service (TPAS), which may be able to help you (see 'Additional Help' section).

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make should 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 IDRP, 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 TPAS 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.

## First stage

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

- in writing, using the application form enclosed, and
- normally within six 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 the body that took the decision against which you wish to complain. This guide calls them the 'nominated person'. That person is required to give you their decision in writing.

If the nominated person's decision is contrary to the decision you complained about, the employer or administering authority who made that original decision will now have to deal with your case in accordance with the nominated person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

## Second Stage

You can ask the Pension Scheme administering authority to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the nominated person's first-stage decision.
- you have not received a decision or an interim letter from the nominated person, and it is three months since your lodged your complaint.
- it is one month after the date by which the nominated person 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 the appropriate administering authority your complaint in writing. The time limits for making the complaint are set out in the table on pages 9-10. The administering authority will consider your complaint and give you their decision in writing.

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 three years from the date of the original decision (or lack of a decision) about which you are complaining.

*(If you made a complaint under the procedure before 1 June 2004, it will be dealt with under the arrangements that applied before that date.)*



## ADDITIONAL HELP

### The Pensions Advisory Service (TPAS)

At any time, if you are having difficulties in sorting out your complaint, you may wish to contact TPAS.

TPAS can provide free advice and information to explain your rights and responsibilities.

To get information or guidance, you can look at the website on [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk) or you can contact TPAS by phone, post, e-mail or fax.

The Pensions Helpline phone number is 0845 601 2923 (local call rate)

Lines are manned Monday to Friday 9am to 5pm. Outside of these times, you can leave your number and someone will phone back later.

You can write to:

#### TPAS

11 Belgrave Road  
London  
SW1V 1RB

Fax: 020 7233 8016

E-mail: [enquiries@pensionsadvisoryservice.org.uk](mailto:enquiries@pensionsadvisoryservice.org.uk)

If you have received a second-stage decision under the Local Government Pension Scheme IDRPs, are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your pensions 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.

the pensions  
advisory service

PENSIONS  
**PO**  
OMBUDSMAN

## Pensions Ombudsman

The Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's office would normally expect you to have:

- been given first-stage and second-stage IDRPs decisions by the LGPS, and
- asked for the help of TPAS.

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. His 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, 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.



Examples of maladministration would be unreasonable delay, neglect, giving wrong information and discrimination.

The Ombudsman'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 three years of the event about which you are complaining, or within three years of when you first became aware of the problem.

The Ombudsman is at the same address as TPAS:

**The Pensions Ombudsman**

11 Belgrave Road  
London  
SW1V 1RB

Tel: 020 7834 9144

Fax: 020 7821 0065

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

Website: <http://www.pensions-ombudsman.org.uk>



**TIME LIMITS UNDER THE IDR**

YOUR SITUATION	TO COMPLAIN TO	TIME LIMIT
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.	Six 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.	Six 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, three 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.	Nine months from the date when you submitted your complaint.
You received an interim reply to your complaint to the nominated person, within two 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.	Seven 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.	Six months from the date when the employer or administering authority should have made the decision <sup>2</sup> .

## TIME LIMITS UNDER THE IDRP

YOUR SITUATION	TO COMPLAIN TO	TIME LIMIT
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.	Three years from the date of the original decision about which you are complaining.
You have taken your complaint to the administering authority under the second stage of the procedure but, two months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	Three years from the date of the original decision about which you are complaining.
You received an interim reply to your second stage complaint to the administering authority, within two 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.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	Three years from the date of the original decision about which you are complaining.

## Change of Address

**We need to ensure that members are kept up to date with Scheme changes and/or to inform members of any general pension issues. Information is included with annual benefits statements. As these are issued to home addresses, please ensure that you keep us informed of any changes.**

### How Do I Tell the Fund About a Change of Address?

Simply write to us giving your personal reference number which is shown on all your correspondence.

If you prefer, you can contact us via e-mail, fax or minicom using the **CONTACT DETAILS** shown on the back page.



Information produced by the Fund can be made available in several formats including large sight text, Braille and several community languages. If you have any special requirements or would like to speak face to face with a member of staff, please contact us to arrange how we may best meet your needs.

Please remember that special requirements may take a little longer than normal to organise, but you have our assurance that we will do our best to ensure you receive the information in the most appropriate and efficient manner possible.



## Help and Information

### Further Information

We will ensure that all of our members are provided with relevant further information on request.

### Comments and Complaints

We welcome and value your comments on the standards of service we provide. If you have any comments you wish to make please contact us at the address shown at the bottom of the page.

We would also like to hear from you if you are not satisfied with the way you have been treated. If you wish, you can speak to Mike Woodall, the Chief Pensions Officer, on his personal number (01902) 554610 on any weekday between 9.00 and 9.30am or via e-mail: [mike.woodall@wolverhampton.gov.uk](mailto:mike.woodall@wolverhampton.gov.uk)

If you wish to make a formal complaint you can write to:  
**Complaints and Compliments**  
Office of the Chief Executive  
Civic Centre  
St. Peter's Square  
Wolverhampton  
WV1 1NX

#### Data Protection

To protect any personal information held on computer, Wolverhampton City Council is registered under the Data Protection Act 1998. This allows members to check that their details held are accurate. The Fund may, if it chooses, pass certain details to a third party, if the third party is carrying out an administrative function of the Fund – for example, the Fund's AVC provider. Members who wish to apply to access their data on Data Protection Act grounds, should contact the City Council's Data Protection Officer on (01902) 554498, or via e-mail at [dataprotection@wolverhampton.gov.uk](mailto:dataprotection@wolverhampton.gov.uk)

The Authority/Fund is under a duty to protect the public funds it administers and, to this end, it may use information for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

#### Write:

West Midlands Pension Fund  
PO Box 3948  
WOLVERHAMPTON  
WV1 1XP

#### Tel:

0845 230 1665 (Helpdesk)

#### Fax:

0845 230 1565

#### Minicom:

01902 554607 (Typetalk facilities)

#### Website:

[www.westmids-pensions.com](http://www.westmids-pensions.com)

#### E-mail:

[PensionFundEnquiries@wolverhampton.gov.uk](mailto:PensionFundEnquiries@wolverhampton.gov.uk)

#### Text:

Text WMPF + your message to 60066  
*Standard short code network charges apply.*

*Calls may be monitored for training purposes.*