



City of Westminster

CITY OF WESTMINSTER

PENSION FUND

INTERNAL DISPUTE

RESOLUTION

PROCEDURE (IDRP)

ABSTRACT

The IDRP is a formal procedure put in place to resolve disagreements about decisions taken regarding LGPS pension matters

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Governance

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Introduction

The Payroll and Pensions Team of Westminster City Council acting as the Administering Authority for the City of Westminster Pension Fund have produced this guide. It is intended to provide a straightforward guide on how pension disputes can be resolved using the Internal Disputes Resolution Procedure (IDRP) and is provided for general information only. It does not cover every aspect. It is not an interpretation of the pension regulations. In the event of any unintentional differences, the scheme regulations will prevail. This guide does not confer any contractual or statutory rights.

Enquiries

If you are not sure what benefits you are entitled to or if you have a problem with your benefits, please either contact your employer or our pension administrators Hampshire Pension Services (HPS) whose contact details are shown below. They will try to deal with the problem as quickly and efficiently as possible. 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 you join the pension scheme, decisions are made under the pension scheme rules that affect you (or your dependents). When you 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.

From the day a person starts a job with an employer to the day when pension benefits or dependent's benefits are paid, the employer and Pension Scheme Administering Authority must make decisions under Pension Scheme rules that affect you (or your dependents). 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 details and that you agree with the decision made.

Making a Complaint

Informal enquiry

If you are not happy with the way your pension scheme membership has been dealt with, or the service you have received from us, please let us know as most problems can be sorted out quickly. We are happy to put right any mistake that may have occurred, and an informal enquiry of this kind may save you a lot of time and trouble.

HPS: helpdesk number is 01962 845588 and you can email HPS as below.

pensions@hants.gov.uk

However, if you are not happy with a decision, or you wish to complain about other aspects of how we have administered your pension, then you can follow our formal process which is set out below.

How do I make a formal complaint?

If you are not satisfied with any decision affecting you made in relation to your pension rights, you have the right to ask for your complaint to be looked at again under the formal complaint procedure.

You also have the right to use the procedure if a decision should have been made by your employer or The City of Westminster Pension Fund, but it hasn't been. The complaint procedure's official name is the Internal Dispute Resolution Procedure (IDRP).

The formal complaints procedure has two stages, and 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. For instance, this could be a trade union official, welfare officer, your husband, wife, partner, or friend.

No charge is made at any stage by your employer or the Pension Fund for investigating a complaint under the IDRP, but expenses that you will have to meet are your own (and / or your representatives) time, stationery, and postage.

At any stage during the formal complaint procedure, you can contact Money Helper for Pension advice and support. Money Helper is part of the Money and Pension Service (MaPS) which is funded by the Government. You can find them on the internet see details below, their support should be free to you.

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

Money Helper Pensions Helpline 0800 011 3797

If you want to make a formal complaint about a decision that employer or the pension fund has made in relation to your pension, or about the service that you have received from us, please write to:

The Strategic Pension Lead, 11th Floor City Hall, 64 Victoria Street, Westminster, SW1E 6QP.

Or e-mail the team e-mail address FAO the Strategic Pension Lead.

payroll&pension@westminster.gov.uk

Note: If your complaint is about **a decision that your employer has made** then you will need to use their complaints procedure. Your employer will appoint an independent adjudicating officer to review your complaint at Stage one.

What happens and how long will it take? The complaint will be investigated by a senior manager and a full reply will be given to you. If we have got something wrong, we will do our best to put it right. We will admit our mistakes and offer a full apology. We will also review our policies and procedures to try and stop it happening again.

We will acknowledge your complaint within five working days from the date of receipt. We try to respond quickly to complaints and to reply to you in full as soon as we practically can. The timelines to respond can vary between cases depending on the complexity of the issue and the availability of all relevant information as regards the complaint.

A response will be made regarding the complaint within 30 days of the Fund receiving the complaint, this may be asking for information relating to the complaint if the adjudicating officer does not have sufficient information available to make an informed decision. The adjudicating officer will keep all parties to a complaint informed of the timescales for resolution as a case proceeds until the final determination is made.

Internal Dispute Resolution Procedure (IDRP)

Making an informal enquiry, or formal complaint, does not affect your statutory right to have your dispute heard under the Internal Dispute Resolution Procedure (IDRP).

You can use the IDRP if you are not happy with any decision affecting you made in relation to the Scheme. You also have a right to use the procedure if a decision should have been made by your employer or administering authority, but it has not been.

The IDRP is a two-stage process in which the decision which has been made is reviewed by an independent person, who will assess whether the right decision has been made.

You can use the IDRP process if you are:

- An active, deferred or pensioner member.
- Someone who is paying into the scheme, or who used to pay in, or who is receiving a pension.
- A prospective member
- Someone who is not yet a member but could become one if their employer brings them in or they choose to join.
- A dependent
- Someone who is the widow, widower, surviving civil or nominated partner, or a child of a member or prospective member.

You can also use this process if you think you should fall into one of these categories, or you did so in

the last six months.

You can choose to have someone else represent you, and this representative can be whoever you like – a friend, relative, solicitor, union representative, etc.

Stage one of the IDRP

If you need to make a formal complaint you should make it in writing and send it within six months of receiving the decision you are disputing or by any clearly advised deadline regarding an ongoing matter of dispute. If you have been asked to reply by a deadline but are unable to do so, you may request an extension before the deadline date, setting out your reasons for the request. The adjudicating officer will consider any such request and will grant limited extensions where it is possible and reasonable to do so. Requests received after the deadline cannot be considered.

Disputes may concern a decision made:

- by your employer

or

- by Westminster City Council, the administering authority of the City of Westminster Pension Fund

If the dispute concerns a decision taken by an employer **other** than Westminster City Council, then you must write to that employer.

If the dispute concerns a decision taken by Westminster City Council as your employer or a decision taken by Westminster City Council on behalf of the City of Westminster Pension Fund, then you must write to the Strategic Pension Lead, or the Payroll and Pensions Team as detailed above.

Your complaint will be considered carefully by a person nominated by the body that took the decision against which you wish to complain at Stage one of the IDRP. The person appointed is sometimes referred to as the nominated person or adjudicating officer and they will not have been involved in your complaint prior to the formal complaint process. Your complaint will be considered carefully by an adjudicating officer, nominated by the body that took the decision against which you wish to complain. That person is required to give you their decision in writing as soon as possible and will update you on the timeframe of their expected response no later than 30 days after they have received your complaint.

If the adjudicating officer's decision is different to the decision, you complained about, the employer or administering authority who made that original decision would then have to deal with your case in accordance with the IDRP determination as issued by the adjudicating officer.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, the adjudicating officer cannot replace that decision with their own judgement. However, if the nominated person considers that the original decision was reached unreasonably, the nominated person will require the employer or administering authority to reconsider their original decision.

Any decision must be given to you in writing, stating the legislation relied upon and let you know that if you are still dissatisfied you have the right to go to stage two of the IDRP within six months of receiving the stage one decision. The adjudicating officer will be expected to give people complaining the time necessary to consider the results of a determination.

Stage two of the IDRP

You can ask the pension scheme administering authority (Westminster City Council) 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 you 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 their decision.

This review would be undertaken by a person not involved in the first stage decision.

If you are still dissatisfied, you or your representative must notify the adjudicating officer no later than six months after the date of the original stage one determination. You may also copy the payroll and pensions team payroll&pension@westminster.gov.uk to ensure that your intention to appeal has been received and acknowledged. You will need to send the administering authority your complaint in writing. The time limits for making the complaint are set out in this guide. The administering authority will consider your complaint and give you their decision in writing.

Your appeal at stage two of the IDRP will be considered by a second adjudicating or nominated officer not previously involved in your case. You will need to put the details of your appeal in writing to the Stage two adjudicating officer g, with the City of Westminster Pension Fund and the employing authority allowed to submit written reports in response to the issues you raise.

The stage two decision will be given to you in writing and state the legislation relied upon.

If you are still unhappy following the administering authorities 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 decision) about which you are complaining.

Time Limits under the Internal Dispute Resolution Procedure (IDRP)

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Your situation	Who to complain to	Time limit
You have received a decision about your benefits under the pension scheme from your employer or administering authority and there seem to be good grounds for complaining.	Please email the administering authority (Westminster City Council) at payroll&pension@westminster.gov.uk under the first stage of the procedure. An adjudicating officer will be assigned to you.	Up to six months from the date when you were notified of the decision.
You have received a first stage decision about your complaint from the adjudicating officer, but you are not satisfied, and you wish to appeal the decision.	Please email the administering authority (Westminster City Council) at payroll&pension@westminster.gov.uk and request a second stage appeal under the IDRP.	Up to six months from the date of the adjudicating officer decision at stage one of the IDRP.
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. <i>The Ombudsman will normally expect you to have asked The Money Helper team for support part of the Money and Pensions Service prior to raising with them.</i>	You would normally be expected to take any complaint to the Pension Ombudsman within 6 months of a Stage 2 IDRP determination. The Fund may object to any review after that date depending on the circumstances that caused the delay. However, the Pension Ombudsman may accept an application up to three years from the date of the original decision about which you are complaining and, in some circumstances, may extend that.

Help and Support

All contact details are at the back of this document.

Money and Pensions Service (MaPS)

At any time if you are having difficulties in resolving your complaint and at any point in the IDRP process you can ask for help from MaPS.

If you have received a second stage decision under the IDRP, and are not satisfied with that decision, and still think your complaint is well founded, MaPS may be able to help resolve your pensions complaint or dispute. Before asking for MaPS help in resolving a dispute, you must already have tried to settle it using the IDRP described above.

A MaPS 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. MaPS would need copies of all relevant documents, including the correspondence about your complaint under the IDRP and how it was dealt with.

Pensions Ombudsman

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. Matters where legal proceedings have already started cannot be investigated.

There is no financial limit on the amount of money that The Pensions Ombudsman can make a party award you. Its determinations are final and legally binding on all the parties and are enforceable in court.

You may want to note though that awards for non-financial injustice tend to be limited up to £2000 and then only in the most exceptional circumstances.

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

- been given first and second stage IDRP decisions; and

- asked for the help of Money and Pension Service (Maps) or the Money Helper Service which is part of Maps.

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. Parliament has decided their role and powers.

There is no charge for the Pension Ombudsman's services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that they can settle disputes about matters of fact or law as they affect occupational pension schemes.

They can also investigate and decide any complaint or dispute about maladministration of a pension scheme. 'Maladministration' is about the way decisions are taken rather than about the merits of the decision. Examples of maladministration would be unreasonable delay, neglect, giving incorrect 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.

Contact Details

City of Westminster Pension Fund

Address: Payroll and Pensions Team, Westminster City Council, 11th Floor, 64 Victoria Street, London, SW1E 6QP

Email: payroll&pension@westminster.gov.uk

Westminster City Council (Administering Authority)

Address: Payroll and Pensions Team, Westminster City Council, 11th Floor, 64 Victoria Street, London, SW1E 6QP

Email: payroll&pension@westminster.gov.uk

Hampshire Pension Services (Pensions Administration Partner)

Address: Hampshire Pension Services, The Castle, Winchester, Hampshire, SO23 8UB

Telephone: 01962 845588

Email: pensions@hants.gov.uk

Money and Pensions Service (MaPS)

Address: Money & Pensions Service, Bedford Borough Hall, 138 Cauldwell Street, Bedford, MK42 9AP

Telephone: 01159 659570

Email: contact@maps.org.uk

Website: <https://maps.org.uk>

Pension Ombudsman

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

Telephone: 0800 917 4487

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