**Royal Borough of Kensington & Chelsea**

**Local Government Pension Scheme (LGPS) Regulations**

INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)

**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 Service:

Pensions Service

The Royal Borough of Kensington & Chelsea

Third Floor

The Town Hall

Hornton Street

London

W8 7NX

Telephone: 020 7361 2323

Email: pensions@rbkc.gov.uk

They will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that is responsible for 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 you commence employment, to the day when benefits or dependant’s benefits are paid, your employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependants). When you (or your 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).

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, yourpartner/spouse, a family member 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 MoneyHelper (formed from three government-backed financial guidance providers: the Money Advice Service, the Pensions Advisory Service and Pension Wise) for information and advice (see "Additional Help" section).

**FIRST STAGE**

In the first instance a complaint under the IDRP must be sent, in writing, to the Appointed Person of the Royal Borough of Kensington and Chelsea, who is suitably qualified to deal with and investigate complaints and, if necessary, has the authority to overturn the original decision. Please use the attached form to submit your IDRP complaint.

A complaint must be submitted within six months of the original decision or non- decision and the Appointed Person must respond, in writing, within two months of receiving the complaint. The Stage 1 Appointed Person in the case of The Royal Borough of Kensington and Chelsea LGPS is as follows:

Anerley Smith

Interim Head of Pensions, Payroll & HR Management Information

The Royal Borough of Kensington & Chelsea

Third Floor

The Town Hall

Hornton Street

London

W8 7NX

Email: Anerley.smith@rbkc.gov.uk

If the Appointed 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 Appointed Person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the Appointed 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 Appointed 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 Appointed 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 administering authority your complaint in writing. The time limits for making the complaint are set out in the table on page 5. The administering authority will consider your complaint and give you their decision in writing.

Please send your stage 2 IDRP to the following address:

Pensions Service

The Royal Borough of Kensington & Chelsea

Third Floor

The Town Hall

Hornton Street

London

W8 7NX

Email: pensions@rbkc.gov.uk

If you are still unhappy following the administering authority's second stage decision, you can take your case to the Pensions Ombudsman free of charge. You must contact the Ombudsman within three years from the date of the original decision (or lack of a decision) about which you are complaining (see "Additional Help" section).

**ADDITIONAL HELP**

MoneyHelper

At any time if you are having difficulties in resolving your complaint, you may wish to contact MoneyHelper.

**Phone**: 0800 011 3797

**Website**: www.moneyhelper.org.uk

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, MoneyHelper may be able to help resolve your pensions complaint or dispute. Before asking for MoneyHelper’s help in resolving a dispute, you must already have tried to settle it using the IDRP described above.

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

Pensions Ombudsman

The Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would expect you to have been given first-stage and second-stage internal dispute resolution procedure decisions by the Local Government Pension Scheme.

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 can 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, not following the rules or the law, and giving wrong information.

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 con be contacted at:

**Phone**: 0800 917 4487

**Email**: enquiries@pensions-ombudsman.org.uk

**Website**: www.pensions-ombudsman.org.uk

**Address**: The Pensions Ombudsman, 10 South Colonnade, London, E14 4PU

**Time limits under the Internal Dispute Resolution Procedure**

|  |  |  |
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| **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 appointed person under the first stage of the procedure. | 6 months from the datewhen you were notified ofthe decision. (1) |
| You have received a first stage decision on your complaint from the appointed person, but you are not satisfied. | The administeringauthority under the second stage of the procedure. | 6 months from the date ofthe nominated person's decision. |
| You made your complaint in writing to the appointed person, with all theinformation they needed but, 3 months later, you have not received their decision on your complaint or any interim reply. | The administeringauthority under the secondstage of the procedure. | 9 months from the datewhen you submitted yourcomplaint. |
| You received an interim reply to your complaint to the appointed 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 administeringauthority under the secondstage of the procedure. | 7 months from the date bywhich you were promisedyou would receive adecision. |
| Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme. | The appointed personunder the first stage of theprocedure. | 6 months from the datewhen the employer oradministering authorityshould have made the decision. (2) |
| Your complaint went to theadministering authority under the second stage of the procedure. You received their decision, but you are still not satisfied. | The Pensions Ombudsman.  | 3 years from the date ofthe original decision aboutwhich you are complaining. |
| You have taken your complaint to the administering 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. | The Pensions Ombudsman.  | 3 years from the date ofthe original decision aboutwhich you are complaining. |
| You received an interim reply to yoursecond 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. | The Pensions Ombudsman. | 3 years from the date ofthe original decision aboutwhich you are complaining. |

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

**Royal Borough of Kensington & Chelsea**

**LOCAL GOVERNMENT PENSION SCHEME REGULATIONS**

**INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)**

**You can use this form:**

**a) to apply to the Appointed Person at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and**

**b) to apply to the administering authority if you want them to reconsider a stage 1 determination made by the Appointed Person.**

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| --- |
| **COMPLAINANT** |
| Title |   | Surname |   |
| Forenames  |  |
| Date of Birth |   | National Insurance Number |   |
| Address |   |
|   |
|   |
| Name of Employer |   |

|  |
| --- |
| **SCHEME MEMBER (If different from above)** |
| Title |   | Surname |   |
| Forenames  |  |
| Date of Birth |   | National Insurance Number |   |
| Address |   |
|   |
|  |   |
| Name of Employer |   |

|  |
| --- |
| **DETAILS OF REPRESENTATIVE: (If required)** |
| Title |   | Full name |   |
| Profession or relationship to complainant |   |
| Address |   |
|  |
|  |
| Is all correspondence to be copied to your representative as well? | YES /NO  |

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| --- |
| **Details of dispute:** (please give full details of your complaint in this box. Please try to explain why you are disputing, giving any relevant dates and previous discussions. Please use an additional sheet if required and/or attach any additional information to support your case) |
|   |
| **Resolution or remedy sought:** (please state details here) |
| If your complaint relates to a decision not to award the payment of your pension benefits due to ill-health, please note the following authorisation: **I authorise the release of all medical reports and all health records held about me, in order that my appeal may be determined. I understand that such reports/records may be copied to any relevant person asked to comment on my complaint.** |
| **Signature of Complainant (and representative, if required):** | **Date:** |

Submit your **IDRP Stage 1** complaint by post or email to the Appointed Person of the RBKC LGPS:

Anerley Smith, Interim Head of Pensions, Payroll & HR Management, The Royal Borough of Kensington & Chelsea, Third Floor, Town Hall, Hornton Street, London, W8 7NX. Email: Anerley.smith@rbkc.gov.uk

Submit your **IDRP Stage 2** complaint by post or email to:

Pensions Service, The Royal Borough of Kensington & Chelsea, Third Floor, Town Hall, Hornton Street, London, W8 7NX. Email: pensions@rbkc.gov.uk