

**LONDON BOROUGH OF HACKNEY  
PENSION FUND**

**INTERNAL DISPUTE  
RESOLUTION PROCEDURE  
(IDRP)**



**A guide for members of the Local Government  
Pension Scheme (LGPS)**

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## Introduction

This guide tells you about the complaints procedure for the Local Government Pension Scheme (LGPS) and, if you are unhappy with a decision about your pension benefits, the process that you need to follow.

We hope you find this guide helpful, and if you require further information, you are welcome to contact the Pensions Team (see "Further Information" section).

## Decisions – Your Right to Notification

Your employer is responsible for making a range of decisions that affect your pension benefits. This starts from the day you start a job until your pension benefit starts to be paid. When these decisions are made, you should be told about them, along with details as to how and why that decision was made. At the same time you should be told how to find out further information about the decision and how to dispute it.

## Who does IDRП apply to?

The IDRП process applies to you if your rights under the LGPS are affected by a decision that has been made, or an action or omission by your employer, or the administering authority.

You can use this process if you are:

- a current employee who is or has paid into the LGPS;
- an ex-employee who has a deferred benefit or refund entitlement that has not been paid;
- an ex-employee who is entitled to, or is already receiving, a pension;
- a current employee who has not yet joined the LGPS but is, or believe you are, entitled to join;
- a pension credit member;
- a dependant of one of the above who is, or believe you are, entitled to pension benefits on the death of the member.

## Exceptions where you cannot apply for IDRП

There are certain circumstances where you cannot apply for IDRП. As detailed under Section 50(9) of the 1995 Pensions Act, IDRП 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.

## What decisions can be made and by who?

### Examples of employer decisions:

- Deciding whether you meet the grounds for an ill-health retirement and what tier of benefits is to be awarded
- Deciding the final pay to be used to work out your benefits
- Deciding the contribution rate you pay
- Deciding how and when to apply the discretions available to employers in the LGPS

**If you are unhappy with any decision made by your employer you should contact them first, before beginning the IDRP process.**

### Examples of Administering Authority decisions:

- Whether or not to accept a transfer from another scheme
- Decide who receives any death grant that may be payable
- Calculating your benefits

**If you are unhappy with any decision made by the administering authority, you should contact the administering authority's pension team before initiating the IDRP process.**

There may be other reasons why you may wish to complain that is not as a result of a decision that has been made. For example if you feel you have not been provided with the information you need, there has been an unreasonable delay in dealing with a request or, as a result of your employer or the administering authority failing to make a decision which they were required to make under the regulations.

In such cases, there may be a reason behind these issues and we therefore suggest you contact either your employer or the administering authority to discuss the matter before proceeding with a formal complaint or appeal.

## What should you do if you have a problem with a decision regarding your benefits?

Firstly you should contact whoever made the decision, either your employer or the administering authority's pension team and explain your problem. Often a problem can be resolved quickly as it may have resulted from a misunderstanding or because of incorrect information, and these can often be explained or easily put right.

Many problems are resolved this way, by contacting either the administering authority's pension team or your employer first, and raising a query this way may save you time and trouble.

## What is the appeals procedure?

If you are not satisfied with any decision affecting you that has been made in relation to the LGPS, you have the right to ask for it to be looked at again under the formal complaint procedure, IDRP. 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 formal complaint procedure has 2 stages, and many complaints are usually resolved at the 1st 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 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 the Pensions Advisory Service (TPAS) for information and advice (see "Further Information" section).

Remember - before going to the trouble of making a formal complaint, the administering authority's pension team will welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth contacting them again to make it clear you are concerned, and why.

**Please note: The IDRP process is for disputing pension decisions – for example whether you are entitled to have your pension paid immediately. If your dispute relates to an employment decision – for example the fact that you have been dismissed - you need to use of your employer's employment appeals process.**

## **IDRP and ill-health retirements**

If you are considering using IDRP for a dispute regarding an ill-health retirement, you must be clear what it is that you can appeal against before starting the IDRP process. You do not have the right of appeal to the Fund under IDRP against your employer's decision not to terminate your employment through ill-health grounds; instead you must appeal directly to your employer as this is an employment issue.

However, if you have been dismissed from your employment and a decision has been made not to award you an ill-health benefit with which you disagree, you may appeal against it through the IDRP procedure. You can also use IDRP if you disagree with the ill-health benefit awarded.

### **Specific issues relating to ill-health retirement before considering using IDRP**

**It is your employer's decision whether or not to agree an ill-health retirement benefit and subsequently which tier of benefit is awarded**

- an opinion is provided by an Independent Registered Medical Practitioner (IRMP) to assist **your** employer when making this decision. **The IRMP does not make the decision.**

**It is not your own GP or consultants decision as to whether you qualify for ill-health benefits under the LGPS Regulations**

- however medical evidence from them can be used to assist the IRMP with their opinion.

**Has your employer followed their policies and procedures?**

- If your complaint is something other than a decision for example, if you feel that there has been an unreasonable delay in letting you know about your pension benefits, you must be sure what the expected timeframe is before considering IDRP.

**Are you happy that all relevant medical evidence was fully considered by the IRMP before their final opinion was given to the employer?**

- If not, you should speak to your employer about other options before considering IDRP.

You cannot appeal just because you are unhappy with the decision. You must clearly state why you feel that you do meet the regulatory criteria or that new evidence should be considered.

## **Stage1: Formal Complaint**

If you wish to make a formal complaint, you should contact your employer's HR department to find out who they have appointed as their nominated 'Stage 1 Adjudicator' to deal with Stage 1 IDRP applications. You should then complete the IDRP 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.

If you are the spouse or a dependant of a Scheme member who has died, please include their full name, address, date of birth and National Insurance number, as well as details of your relationship to the member (for example: mother, spouse, son, brother).

If you wish, you may ask someone to represent you. If you do, you should give your representative's full name, address and profession (if any). Please say whether you would like correspondence about the matter to be sent to your own address and/or to your representative's address. The complaint form and/or your letter must be signed by you and your representative if you have asked one to help you.

The completed application form and relevant evidence must be sent directly to your employer's appointed Stage 1 Adjudicator – you can get these details from your employer's HR department.

**If you are appealing against a decision made by the London Borough of Hackney as the Employer, or as the Administering Authority for the Fund, please send the completed form and any relevant evidence to:**

Pensions Administration  
London Borough of Hackney Pension Fund  
Financial Services Team  
4<sup>th</sup> Floor, Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Email – [pensions@hackney.gov.uk](mailto:pensions@hackney.gov.uk)

This booklet and IDRP application form are also available on the pension website: [www.hackneypension.co.uk](http://www.hackneypension.co.uk) or you can request further copies by calling Equiniti on: **03713 842369**.

**You must submit the completed form within 6 months of the date you were told of the decision.**

Your complaint will be looked at by the person nominated by your employer or the administering authority that took the **original decision** you wish to appeal against. The Stage 1 Adjudicator will not have been involved in the initial decision or issue that you are appealing.

**For appeals/complaints against the Administering Authority: Hackney Pension Fund, please send your completed form to:**

Stage 1 Adjudicator - IDRP  
London Borough of Hackney Pension Fund  
Financial Services  
4th Floor, Hackney Service Centre  
1 Hillman Street  
London E8 1DY  
Email – [pensions@hackney.gov.uk](mailto:pensions@hackney.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 nominated person fully understand your case. Your complaint will then be considered carefully by the Stage 1 Adjudicator 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 Rules which have been referred to in the decision making process.

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

If the decision you are appealing against concerns 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 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.

## Stage2: Further Appeal

If you are not satisfied with the decision at Stage 1, you can ask the Stage 2 Adjudicator for the Fund, the Group Director, Finance & Corporate Resources, at the London Borough of Hackney, to reconsider your complaint and the determination of the Stage 1 Adjudicator.

You must apply for your complaint to be dealt with under Stage 2 **within 6 months of the Stage 1 decision**, and give a statement of the reasons why you are dissatisfied with that decision. Your application should include all the details you provided for Stage 1 and a copy of the Stage 1 decision. Again you can, if you wish, ask someone to represent you.

The Group Director, Finance & Corporate Resources 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.

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 Group Director, Finance & Corporate Resources 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.

Please send the completed form, covering letter, all the details you provided at Stage 1 and a copy of the Stage 1 decision to:

Group Director, Finance & Corporate Resources  
Stage 2 Adjudicator - IDRP  
London Borough of Hackney  
Hackney Town Hall  
Mare Street  
London E8 1EA  
Email – [pensions@hackney.gov.uk](mailto:pensions@hackney.gov.uk)

If you are still unhappy following the administering authority's Stage 2 decision, you can take your case to the Pensions Ombudsman.

## Pensions Ombudsman

If you are still unhappy following the Stage 2 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) which you are disputing, or within 3 years of when you first became aware of the problem.

The Ombudsman investigates complaints and settles disputes about pension schemes. However, before making a formal complaint to the Pensions Ombudsman you would normally be expected to have progressed through both the first and second stages of the internal dispute resolution procedure.



The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. The 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 he can settle disputes about matters of fact or law as they affect occupational pension schemes.

The Pensions Ombudsman can also investigate and decide upon 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 for all parties, subject to any appeal made to the High Court on a point of law.

The Ombudsman can be contacted at:

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



**Telephone: 0800 917 4487**

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

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

You can also submit a complaint form online:

[www.pensions-ombudsman.org.uk/our-service/make-a-complaint/](http://www.pensions-ombudsman.org.uk/our-service/make-a-complaint/)

## **MoneyHelper (formerly known as The Pensions Advisory Service)**

MoneyHelper gives free help and guidance about pensions to members of the public. MoneyHelper will help members and beneficiaries in connection with any questions, or help with specific queries, and offer guidance with complaints.

Contact details are:

MoneyHelper Pensions Guidance  
Money & Pensions Service  
120 Holburn  
London  
EC1N 2TD



**Telephone: 0800 011 3797**

**Web:** [www.moneyhelper.org.uk](http://www.moneyhelper.org.uk)

## FURTHER INFORMATION

### London Borough of Hackney Pension Fund team:

pensions@hackney

Pensions Administration  
London Borough of Hackney Pension Fund  
Financial Services  
4th Floor, Hackney Service Centre  
1 Hillman Street  
London E8 1DY

**Telephone:** 020 8356 2521

**E-mail:** [pensions@hackney.gov.uk](mailto:pensions@hackney.gov.uk)

### Pension Administrator – Equiniti

London Borough of Hackney Pension Fund  
Equiniti  
Russell Way  
Crawley  
West Sussex  
RH10 1UH

**EQUINITY**

**Telephone:** 03713 842369

**E-mail:** [hackney.pensions@equiniti.com](mailto:hackney.pensions@equiniti.com)

**Website –** [www.hackneypension.co.uk](http://www.hackneypension.co.uk)

#### Data Protection & UKGDPR

The laws around data protection changed on 25 May 2018 and the new legislation included the General Data Protection Regulation (GDPR). When the UK left the EU, new rules governing their relationship took effect. The UK has introduced its own version of the GDPR called the 'UK GDPR' because the scope of the original GDPR no longer covers the UK. The original GDPR is now called the EU GDPR. The UK GDPR is very similar to the EU GDPR-so in practice there is little change to the core data protection principles & rights.. The UK GDPR applies to personal data processed in the UK and individuals in the UK. The UK GDPR sits alongside the UK Data Protection Act 2018. The law gives clarity over the

roles and responsibilities of anyone who gathers information on others, as well as setting out enhanced rights of the people whose data is collected. For information about how we handle your data, please read our privacy notice on our website [www.hackneypension.co.uk](http://www.hackneypension.co.uk)

**Disclaimer**

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