



## **Internal dispute resolution procedure guide**



This guide helps you understand and use the Local Government Pension Scheme rules for settling complaints.

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## Introduction

From the day a person starts a job with an employer within the East Sussex Pension Fund, to the day when benefits are paid, East Sussex County Council, as administering authority of the Pension Fund make decisions under the Pension Scheme rules that affect you or your dependants.

This document provides members with a formal complaint procedure if they are not satisfied with any decision affecting their pension benefits held within the scheme. It also provides the procedure if a decision has not been made by your employer or administering authority when it should have been.

You can also use the dispute rules to complain if you believe your pension has been impacted because of poor administration.

The complaint procedure's official name is the 'Internal Dispute Resolution Procedure' (IDRP). Briefly, it is a two-stage procedure. When you first raise the dispute, you should make it clear who you feel is at fault. This can either be your employer, or East Sussex Pension Fund. Then, if you are not satisfied, you can make a further appeal. If you are still unhappy, you can then take your case to the Pensions Ombudsman. The Pensions Ombudsman can also provide support during the two-stage complaint process detailed in this guide. More on the Ombudsman later.

There is no charge made for investigating any complaint at any stage under the dispute rules. The only expenses you will have to meet are those of your own (or your representative's) in relation to time, stationery, and postage.

We provide forms for you to complete at different stages of the complaints process which are shown in this guide.

## Before making an official complaint

Many issues can be resolved informally following discussions with your employer or East Sussex County Council as the pension scheme administrator. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. If you are not sure which scheme benefits you are entitled to, or you have a problem with your scheme benefits, please contact East Sussex Pension Fund. Informal enquiries of this kind may save you a lot of time and trouble

**Write:** Pension Services, East Block, Floor F, County Hall, Lewes, East Sussex, BN7 1UE

**Call:** 0300 200 1022

**Email:** [pensions@eastsussex.gov.uk](mailto:pensions@eastsussex.gov.uk)

## **What is meant by decisions?**

From the day you start a job with an employer who is in the scheme, both your employer and East Sussex County Council (the administering authority that looks after the Fund your employer is in) must make decisions under the scheme rules that affect you and possibly your dependants. If you disagree with a decision, you can dispute it.

Examples of decisions made by your employer include:

- Deciding whether you can retire on ill health
- Deciding the level of pay we should use to work out your benefits
- Deciding your contribution rate and what pay this is based on

Examples of decisions made by East Sussex Pension Fund include:

- Applying any discretions we have - for example whether to accept a transfer from another scheme
- Explaining how you are affected by the various Scheme rules
- Working out your benefits or benefits payable on your death

You can also complain about poor administration such as:

- Unreasonable delays in letting you know about or paying your pension benefits.
- Failure to let you know about changes in your pension entitlement or changes in the scheme rules that may affect you.
- Failure to give you adequate or timely information that you need to enable you to make informed decisions about your rights and benefits in the scheme.

Whenever a decision is made about your pension, you should be told in writing, in a timely manner.

## **Who can raise a dispute?**

You can use the dispute system if you are:

- A member: in other words, you are paying into East Sussex Pension Fund, or you have retired and draw a pension from us, or you have left the fund with deferred benefits
- You are a pension credit member or are a person entitled to a pension credit
- A prospective member: in other words, you are not a member yet, but could become one if your employer brings you in, or you ask to join
- A dependant: in other words, you are the widow, widower, surviving civil partner, eligible cohabiting partner or child of a member or prospective member
- A surviving non-dependant beneficiary of a deceased member
- An employer which is either participating, or has previously participated, in the Fund
- You do not fall into one of the above categories now, but you did at some time, or
- You think that you either might or ought to fall into one of the above categories

## **Using someone else to represent you**

You might feel happier with someone else representing you, or you may not be able to put your case forward yourself, for example because you are a child. In this case you can choose someone else to represent you. This can be whoever you like - a friend, relative, solicitor, union representative, and so on. You will need to give the person you choose your written authority to act for you by signing a simple statement to that effect.

If the complaint is about any benefits due in relation to your death, your personal representative (the person dealing with the estate) can make and carry on the complaint.

## Stage one

### What happens first?

If you need to make a formal complaint, you should make it to the adjudicator of the East Sussex Pension Fund:

- in writing using the application form below
- normally within 6 months of the day when you were told of the decision you want to complain about

We strongly suggest you use [this form](#)\* to complain at stage one and send it to:

Dave Kellond, Pension Services. East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE.

\*Also included in Appendix I. If you do not use the form, we require specific information detailed on page 17.

### What happens next?

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 and legislation refers to them as the 'Adjudicator'. That person is required to give you their decision in writing. You should receive a written reply within two months of the date your dispute arrives.

The letter will either give you a decision, or will acknowledge your dispute, and explain when you will have a decision.

### Taking your dispute further

If you are unhappy with the stage 1 decision, you have 6 months from receiving it to appeal using the stage 2 process.

## Stage two

### What happens first?

You can apply to have your complaint reconsidered by the Administering Authority - East Sussex County Council in any of the following circumstances:

- you are not satisfied with the Adjudicator's first stage decision whether this was made by your Employer or the Administering Authority.
- you have not received a decision or an interim letter from the Adjudicator, and it is 3 months since you lodged your complaint
- it is one month after the date by which the Adjudicator told you (in an interim letter) that they would give you a decision, and you have still not received that decision

Please use [this form](#)\* to complain at stage 2 and send it to:

Mr Philip Baker, Assistant Chief Executive, East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE.

\*Also included in Appendix 2. If you do not use the form, we require specific information detailed on page 11.

### What happens next?

The stage 2 adjudicator will re-examine your complaint. They may also need to ask you or your employer for more details, to help them understand your dispute.

The stage 2 adjudicator should reply to you within two months of receiving your appeal. This will be to either:

- Give you a decision, which will confirm or replace the stage 1 decision, or
- To acknowledge your appeal, and explain when you will have a decision

### What to do if you are still unhappy

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 3 years from the date of the original decision (or lack of a decision) about which you are complaining. Details of how the Pensions Ombudsman can help are detailed on the next page.

## The Pensions Ombudsman (TPO)

The Pensions Ombudsman investigates complaints and settles disputes about pension schemes. TPO is completely independent and acts as an impartial adjudicator. Their role and powers have been decided by Parliament. There is no charge for using the service.

At any time if you are having difficulties in sorting out your complaint, you may wish to contact TPO who can provide free advice and information to explain your rights and responsibilities.

**If you have followed the stage 1 and 2 internal dispute resolution guidelines and remain dissatisfied, you can refer your [complaint to the Pensions Ombudsman](#).**

TPO would need copies of all relevant documents, including the correspondence about your complaint under the IDRPs and how it was dealt with. You must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

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 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.

## Contacting the Pensions Ombudsman

Phone: Local: 0800 917 4487 Overseas: +44 (0) 207 630 2200

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

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

## Other sources of help

**MoneyHelper** is the easy way to get free, independent help for your pension and money choices. MoneyHelper can help members and beneficiaries with any questions or guidance about their pension benefits.

You can find out more on the [MoneyHelper Pensions & Retirement](#) website.

## Time limits under the Internal Dispute Resolution Procedure

| Stage of the Procedure  | Person responsible  | 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 adjudicator under the first stage of the procedure.                       | 6 months from the date when you were notified of the decision                                     |
| You have received a first stage decision on your complaint from the adjudicator, but you are not satisfied.   | The relevant administering authority under the second stage of the procedure. | 6 months from the date of adjudicator's decision  |
| You made your complaint in writing to the adjudicator, with all the information they needed but, 3 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. | 9 months from the date when you submitted your complaint.   |
| You received an interim reply to your complaint to the adjudicator, 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 have still not received their decision. | The relevant administering authority under the second stage of the procedure. | 7 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 adjudicator under the first stage of the procedure.                       | 6 months from the date when the employer or administering authority should have made the decision |
| 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.   | 3 years from the date of the original decision about which you are complaining.                   |

| Stage of the Procedure   | Person responsible   | Time limit   |
|--|--|--|
| <p>You received an interim reply to your second 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</p> | <p>The Pensions Ombudsman. (Note that the Ombudsman will normally expect you to have asked TPAS for help first.)</p> | <p>3 years from the date of the original decision about which you are complaining.</p> |

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

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

# Appendix I

## Internal Dispute Resolution Procedure

### Application form – Stage I

Please use this form to apply to the adjudicator at stage one of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension.

|                               |  |
|-------------------------------|--|
| Your employer/former employer |  |
|-------------------------------|--|

**My disagreement is with a decision made by - (tick one box only)**

|                          |  |
|--------------------------|--|
| The employer named above |  |
| East Sussex Pension Fund |  |

**Member's details (to be completed in all cases)**

|                           |  |
|---------------------------|--|
| Full Name                 |  |
| Address                   |  |
| Date of Birth             |  |
| National insurance number |  |

**Dependant's details**

If you are the member's dependant and the complaint is about a benefit for you, please provide your details below.

|                        |  |
|------------------------|--|
| Full Name              |  |
| Address                |  |
| Date of Birth          |  |
| Relationship to member |  |

## Representative's details

If you are the member's or dependant's representative, please provide your details below.

|   |  |
|---|--|
| Full Name   |  |
| Address   |  |
| Who should the address response letter should be sent to? |  |

## Your complaint

Please give full details of your complaint below and explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant.

|  |
|--|
|  |
|--|

## Your signature

I would like my complaint to be considered and a decision to be made about it.

**I am the** (\* tick relevant box below)

|  |  |
|--|--|
| Scheme member/former member/prospective member     |  |
| Dependant of a former member                       |  |
| Member's representative/dependant's representative |  |

I am dis-satisfied with the decision made in respect of my LGPS pension entitlement and request that the decision is reviewed by the adjudicator appointed by my employer.

|        |  |
|--------|--|
| Signed |  |
| Date   |  |

Please remember to enclose:

- a copy of any notification of the decision you are complaining of which has been issued by the employer or East Sussex Pension Fund.
- Any other letter or notification that you think might be helpful.

## Where to send the completed form

Dave Kellond, Pension Services. East Sussex County Council, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE.

## Appendix 2

# Internal Dispute Resolution Procedure

## Application form – Stage 2

Please use this form to apply to the adjudicator at stage two of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension.

|                               |  |
|-------------------------------|--|
| Your employer/former employer |  |
|-------------------------------|--|

**My disagreement is with a decision made by - (tick one box only)**

|                          |  |
|--------------------------|--|
| The employer named above |  |
| East Sussex Pension Fund |  |

**Member's details (to be completed in all cases)**

|                           |  |
|---------------------------|--|
| Full Name                 |  |
| Address                   |  |
| Date of Birth             |  |
| National insurance number |  |

**Dependant's details**

If you are the member's dependant and the complaint is about a benefit for you, please provide your details below.

|                        |  |
|------------------------|--|
| Full Name              |  |
| Address                |  |
| Date of Birth          |  |
| Relationship to member |  |

## Representative's details

If you are the member's or dependant's representative, please provide your details below.

|   |  |
|---|--|
| Full Name   |  |
| Address   |  |
| Who should the address response letter should be sent to? |  |

## Your complaint

Please give full details of your complaint below and explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant.

## Your signature

I would like my complaint to be considered and a decision to be made about it.

**I am the** (\* tick relevant box below)

|  |  |
|--|--|
| Scheme member/former member/prospective member     |  |
| Dependant of a former member                       |  |
| Member's representative/dependant's representative |  |

I am dis-satisfied with the decision of the adjudicator under stage one of the internal dispute resolution procedure and request that East Sussex County Council as the administering authority review the decision.

|        |  |
|--------|--|
| Signed |  |
| Date   |  |

Please remember to enclose:

- A copy of any notification of the decision you are complaining which has been issued by the employer East Sussex County Council or the adjudicator under stage one of the dispute procedure.
- Any other letter or notification that you think might be helpful.

## Where to send the completed form

Mr Philip Baker. Assistant Chief Executive, East Sussex County Council, County Hall,  
St Anne's Crescent, Lewes, East Sussex. BN7 1UE

## Appendix 3

### What we need to investigate your complaint

If you are the **scheme member or prospective member**, you must state in your application:

- your full name
- address
- date of birth
- national insurance number
- and the full name of your employing authority. (If you are employed by a council, this should be the name of that council, not the department you work in.)

If you are the **spouse, child, or other dependant** of the scheme member you must state in your application

- your full name
- address
- date of birth
- relationship to the member and the member's:
  - full name
  - address
  - date of birth
  - national insurance number
  - former employer's name.