



**Norfolk Pension Fund**

## **LOCAL GOVERNMENT PENSION SCHEME**

### **Dispute Procedure: A Guide for Members**

These notes explain what to do if you wish to dispute about the way you've been treated in the Local Government Pension Scheme. This doesn't often happen but there's a laid-down legal procedure for when it does.

#### **Before Raising an Official Dispute**

Firstly you should contact whoever made the decision, either your employer or the Norfolk Pension Fund, to explain your problem. Many problems members have are, in fact, resolved this way. They may be caused by misunderstanding 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. Whilst we are always sorry when things do go wrong we strive to learn from our mistakes and always try to take something positive forward to avoid any repeat.

You can contact The Pensions Advisory Service (TPAS) for information and advice regarding the situation before making a complaint. Their contact details can be found in the 'Additional Help' Section of this guide.

#### **Disputes**

The disputes procedures official name is the Internal Dispute Resolution Procedure (IDRP) and is set out in the Local Government Pension Scheme Regulations 2013. This procedure has two stages but disputes are often resolved at stage one. If you are unhappy with a decision, or a decision has not been made in reasonable time under the dispute rules, you have the right to have it looked at afresh by an "adjudicator" through the stage one procedure. This is a person specified for this purpose by either your employer or Norfolk Pension Fund, depending on who made the initial decision.

You also have the right to use IDRP if a decision should, but has not been made, by your employer/former employer or the Norfolk Pension Fund. If you wish to raise a dispute about a non-decision or a delay, you must first use the IDRP procedure for this type of dispute.

You can ask someone to take your dispute forward on your behalf. This could be, for instance, a trade union official, welfare officer, you husband, wife or partner, or a friend.

If you need help raising your concerns, The Pensions Ombudsman has a helpline service available on telephone 0800 917 4487 or by email [helpline@pensions-ombudsman.org.uk](mailto:helpline@pensions-ombudsman.org.uk).

No charge is made at any stage for investigating a dispute under the IDR. But expenses you will have to meet are your own (and/or representative's) time, stationary and postage.

Please remember, before going to the trouble of raising a formal dispute, the Norfolk Pension Fund would welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking again we know you are concerned, and why. Any dispute you raise should be treated seriously, and considered thoroughly and fairly.

## Why use IDR?

IDR is here to formalise the disputes procedure and to help you through a dispute. However, the IDR process should only be used if you have spoken to either your employer or the Norfolk Pension Fund to try and resolve your issue and you still disagree.

You can ask someone to take your dispute forward on your behalf. This could be, for instance, a trade union official, welfare officer, your husband, wife or partner, or a friend and you will need to give the person you have chosen written authority to act on your behalf.

## Stage one: Formal Dispute

You need to put your dispute in writing, using the appeals form to whomever you think is at fault – either your employer, or The Norfolk Pension Fund. Ask yourself “who made the decision I am unhappy with?” The answer should tell you who to appeal to.

The appeal should be made normally within six months of the day when you were told of the decision you want to dispute.

Your dispute will be considered carefully by a person nominated by the body that took the decision against which you wish to raise a dispute. This guide calls them the adjudicator and they are required to give you their decision in writing.

The ‘Appeals form’ is available at the back of this booklet.

## What information should be included on the stage one appeal form?

Anything you feel is relevant to your dispute about the decision or issue you are appealing should be included. However, it is important to stick to the facts. You can attach any related information to the form including copies of letters you have been sent. Your dispute will be looked at by the person nominated by your employer or the Norfolk Pension Fund to look at the original decision you wish to appeal against. This individual is referred to as the “adjudicator”. The adjudicator will not have been involved in the initial decision or issue you are appealing and therefore you must ensure you provide them with all relevant information. The regulations do not stipulate who should be the adjudicator at the initial stage of the dispute process. It should be, for example, the human resources manager, the pensions or payroll manager. It is for each employer and the Norfolk Pension Fund to decide who should fulfil this role.

## Where should I send the stage one appeal form?

For dispute against your employer please send your form to your employer's adjudicator. Your employer should have told you who their adjudicator is or how to find out this information in the letter that contained the decision you are appealing. If you do not know who your employer's adjudicator is, please contact the organisation who made the decision you are appealing against.

For appeals against the Norfolk Pension Fund, please send your form to the Norfolk Pensions Fund – Pension Manager.

## What happens next?

The facts of your case provided on the stage one appeal form and any other supporting documentation will be examined, alongside the Scheme rules, and any legislation applicable. It is possible you will be asked for more details, to help the adjudicator fully understand your case. Your dispute will then be considered carefully by the nominated person and you should receive a written reply within two months of the date your dispute arrived. The letter will either provide you with a decision, or will acknowledge your dispute.

## What happens if a decision cannot be made within 2 months?

Where it has not been possible for the nominated person to issue their decision within the two month period, a letter will be sent to you explaining the reason for the delay and provide an expected date for issuing a decision. Although in most cases the decision should be made within two months, there may be circumstances where the adjudicator may wish to seek the views of the interested parties before a final decision is taken which may take longer.

Receiving a reply from the adjudicator the Local Government Pension Scheme regulations require the adjudicator's decision to provide you with the following:

- A statement of their decision;
- A reference to any legislation on which the adjudicator relied;
- If your case related to the exercise of a discretion, a reference to the provisions of these Regulations conferring the discretion\*
- If your appeal is not upheld, a reference should be made to your right to refer the disagreement for reconsideration by the appropriate administering authority (Norfolk County Council) and the time within in you may do so;
- Contact details for The Pensions Advisory Service who are available to give assistance with any issues that remain unresolved.

\*if the decision you are appealing against concerns the exercise of a discretion by your employer or the Norfolk Pension Fund, and the adjudicator decides they should reconsider how they exercised their discretion, they will write to notify them of their decision. In such cases, the adjudicator cannot overturn the initial decision but can determine whether the discretion has been exercised reasonably and, in cases where this is found not 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 two.

## What power does the adjudicator's decision carry?

The adjudicator's decision is final and binding on the employer or Norfolk Pension Fund, unless you refer the decision of the adjudicator to Norfolk County Council under a stage two appeal. The only exemption to this is a decision by your employer or Norfolk Pension Fund, where the matter concerns the exercise of a discretion, in which case, if the adjudicator does not uphold the decision, the matter must be referred back to the body which made the decision for reconsideration or, where the body would have been the employer but that body is no longer a scheme employer, to the Norfolk Pension Fund.

## Stage two: Further appeal

The stage two procedure applies when you ask Norfolk County Council to take a fresh look at your dispute if:

- You are not satisfied with the adjudicator's stage one decision
- You have not received a decision or interim letter from the adjudicator, and it is more than two months since you lodged your stage one appeal
- It is one month after the date by which the adjudicator told you (in an interim letter) they would give you a decision, and you have still not received that decision.

Each administering authority must appoint an adjudicator to consider applications under the stage two appeal. The adjudicator is appointed by the Funds administering authority (Norfolk County Council). The name and address of the adjudicator is shown on the Appeals Form.

## What details should be sent with a stage two form?

All the information and details required for the stage one application should be resubmitted at stage two via the Appeals Form. Additionally, where you have received a stage one decision a copy of the decision letter and most importantly, an explanation of why you are dissatisfied with it should be explained on the Appeals Form. As with appeals at stage one of the dispute rules, the person considering your application should acknowledge receipt of the Appeals Form and may request further information so they can fully understand your dispute. If your health is a factor in the dispute, you may be asked to attend a medical examination or consent to the release of your medical records to another Independent Registered Medical Practitioner for a further medical opinion. The review at stage two would be undertaken by an Independent Registered Medical Practitioner not involved in the stage one decision.

The adjudicator must then decide on the basis of the Scheme rules, and by taking into account the facts and evidence they have obtained, whether or not the decision reached at stage one of the process was correct. If they decide it was not, they must replace the decision in stage one with a new decision of their own.

As is the case at stage one, if the original decision was made in the exercise of a discretion and the administering authority decides it was not exercised in a reasonable manner, they can only insist the employer or Norfolk Pension Fund reconsider its discretion – they cannot replace their original decision with a decision of their own.

## When you can expect the adjudicator's decision

At stage two the adjudicator must either write to you to let you know their decision within two months of the date they receive your stage two Appeals Form, or they must write to you at the end of two months to let you know when a decision is likely to be reached and the reason for any delay.

When they write to inform you of the decision, they will also tell you whether the decision confirms or replaces the previous adjudicator's decision and they will tell you the particular legislation used in reaching their decision.

If you are still unhappy following the stage two decision you can refer your dispute to The Pension Ombudsman provided you do so within three years from the date of the original decision (or lack of decision) about which you are in dispute. Before you contact the Ombudsman you should have first contacted the Pensions Advisory Service (TPAS) prior to raising your dispute.

## Additional Help

### The Pensions Advisory Service (TPAS)

TPAS provide independent and impartial information about pensions, free of charge, to members of the public. TPAS is available to assist members and beneficiaries of the scheme with any pension query they have or any general requests for information or guidance concerning their pension benefits. TPAS can be contacted at:

11 Belgrave Road

London

SW1V 1RB

Telephone: 0800 011 3797

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk) (where you can submit an online enquiry form).

## The Pensions Ombudsman (TPO)

The TPO deals only with pension complaints. It can help if you have a complaint or dispute about the administration and /or management of personal and occupational pension schemes. Some examples of the types of complaints it considers are (this list is not exhaustive):

- automatic enrolment
- benefits: including incorrect calculation, failure to pay or late payment
- death benefits
- failure to provide information or act on instructions
- ill health
- interpretation of scheme rules
- misquote or misinformation
- transfers

You have the right to refer your complaint to the TPO free of charge. There is no financial limit on the amount of money TPO can make a party award you. Its determinations are legally binding on all parties and are enforceable in court.

Contact with the TPO 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 new about it (or ought to have known about it). There is a discretion for those time limits to be extended.

TPO can be contacted at:

10 South Colonnade

Canary Wharf

E14 4PU

Telephone: 0800 917 4487

Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

## The Pensions Regulator (TPR)

This is the regulator of work based pension schemes. The Pensions Regulator has powers to protect members of work based pension schemes and a wide range of powers to help put matters right, where needed. In extreme cases, the regulator is able to fine trustees or employers, and remove trustees from a scheme. You can contact the Pensions Regulator at:

Telephone 0345 6007060

Website [www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)

**If you have any queries about the LGPS, please contact:**

**Norfolk Pension Fund, Lawrence House, 5 St Andrews Hill, NORWICH, NR2 1AD**

**Telephone : 01603 495923**

**Fax : 01603 495795**

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

**Website : [www.norfolkpensionfund.org](http://www.norfolkpensionfund.org)**

Your situation	Who to complain to	Time Limit
You have received a decision in respect of your benefits under the pension scheme from your employer or Norfolk Pension Fund and there seem to be good grounds for appealing.	The Adjudicator under stage one of the procedure	6 months from the date when you were notified of the decision.
You have received a stage one decision on your dispute from the Adjudicator, but you are not satisfied	The Administering Authority under stage two of the procedure	6 months from the date of the Adjudicator's decision.
You made your appeal in writing to the Adjudicator with all the information they needed but, 3 months later, you have not received their decision about your dispute or any interim reply.	The Administering Authority under stage two of the procedure	9 months from the date when you submitted your dispute.
You received an interim reply to your dispute from the Adjudicator, within 2 months of applying to them. Their reply promised you a decision by a specified date but, one month after that date you still have not received their decision.	The Administering Authority under stage two of the procedure.	7 months from the date by which you were promised you would receive a decision.
Your employer or Norfolk Pension Fund have failed to make any decision about your benefits under the pension scheme.	The Adjudicator under stage one of the procedure.	6 months from the date when the employer or Norfolk Pension Fund should have made the decision.

Your situation	Who to complain to	Time Limit
Your dispute went to the Administering Authority under stage two 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 appealing.
You have taken your dispute to the Administering Authority at stage two of the procedure but, after 2 months after your dispute was received by the Authority, you have not received a decision on your dispute or any interim reply.	The Pensions Ombudsman.	3 years from the date of the original decision about which you are appealing.
You received an interim reply to your stage two dispute to the Administering Authority, within 2 months of applying to them. Their reply promised you a decision by a certain date but, by the date, you still have not received their decision.	The Pensions Ombudsman.	3 years from the date of the original decision about which you are appealing.

**About the Dispute** (please fill in this part in all cases)

**Who is the dispute against?**

Employer  Norfolk Pension Fund

**Please specify the stage you are making the application under**

Stage One  Stage Two

**Part 1: The Member's Details** (please fill in this part in all cases)

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this box. You can then go straight to Part 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to Part 2.

If you are representing the person with the dispute, please give the member's details in this section, and then go to Part 3.

**Full Name**

**NI Number**  **Date of Birth**

**Address**

**Postcode**

**Employer**

**Payroll Ref**

## Part 2: Dependant's Details

If you are the member's dependant and the dispute is about a benefit for you, please give your details in this box and then go to Part 4.

If the dispute is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box and go to Part 3.

**Full Name**

**Relationship to member**

**Date of Birth**

**Address**

**Postcode**

## Part 3: Representative's Details

If you are the member's or dependant's representative please give your details in this section.

**Full Name**

**Address**

**Postcode**

Which address should the letters go to

**Yours as representative**

**The person you represent**

#### Part 4: Your Dispute

Please give full details of your dispute in this box. Please try to explain exactly why you are unhappy, giving any dates or periods of Scheme membership you think are relevant.

**If there is not enough space, please go onto a separate sheet and attach it to this form.**

Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

### Part 5: Your Signature

I would like my dispute to be considered and a decision to be made about it. I am a:

**Scheme member / former member / prospective member**

**Dependant of a former member**

**Member's representative / Dependant's representative**

**Signed**

**Date**

**Part 6: Please enclose a copy of any notification of the decision you are disputing which has been issued by the employer or administering authority. Also enclose any other letter or notification you think might be helpful.**

### Part 7: Appeal against a decision to refuse ill health retirement

If your appeal relates to a refusal to agree ill health retirement the adjudicator will require access to relevant records held by the Occupational Health Unit in order to have the full and comprehensive data on which to make a decision. Please therefore delete as appropriate and sign to indicate your consent or refusal to agree to the release of these papers.

I  agree / do not agree  to the release, to the adjudicator who will consider my IDR appeal, of the medical records relating to my application for ill health retirement which are held by the Council's Occupational Health Unit.

**Signed**

**Date**

**IMPORTANT: PLEASE KEEP A COPY OF THE COMPLETED FORM FOR YOUR OWN RECORDS**

**Please send this form to:**

#### **Stage one of the internal dispute resolution procedure**

If your stage one appeal is against your employer please send to the personnel Department of your employer in the first instance. They will notify you of the adjudicator who will consider your appeal.

If your stage one appeal is against Norfolk Pension Fund please send the form to:

The Pensions Manager, Norfolk Pension Fund, Lawrence House, 5 St Andrews Hill, Norwich, NR2 1AD

#### **Stage two of the internal dispute resolution procedure**

All stage two appeals should be sent to:

The Executive Director of Finance and Commercial Services  
Norfolk County Council  
Norfolk Pension Fund  
County Hall  
Martineau Lane  
Norwich  
NR1 1DJ

