



# Teesside Pension Fund

A guide to  
The Local Government Pension  
Scheme Internal Dispute Resolution  
Procedure

## Internal Dispute Resolution Procedure (IDRP)

*This booklet provides a straightforward guide to how the internal dispute resolution procedure operates in the Local Government Pension Scheme, and is provided for general information only. It does not cover every aspect of the process and is not an interpretation of the Scheme regulations. In the event of any unintentional differences, the Scheme regulations will prevail. This booklet does not confer any contractual or statutory rights*

### Introduction

Unlike some occupational pension Schemes, the local government pension Scheme (LGPS) does not have a Board of Trustees making decisions about what benefits people are entitled to. The Regulations state that the administration of the LGPS is carried out by both:

**Employing Authorities of the LGPS** (i.e. Scheme Employers including your own organisation)

**Administering Authorities of the LGPS** (e.g. Middlesbrough Council for the Teesside Pension Fund)  
(Teesside Pension Fund is administered on behalf of Middlesbrough Council by XPS Administration)

#### Scheme Employers-

- are responsible for making decisions such as to a member's entitlement to LGPS membership and benefits; these are called 'First Instance Decisions' under the Regulations
- are required to have policies on how they will exercise some of the powers they have under the Regulations
- have a legal duty to deduct and pay over employee and employer contributions and to provide Teesside Pension Fund with the information needed in order to carry out their duties to administer the LGPS

#### Teesside Pension Fund-

- records the level of benefits that each member will be paid in accordance with the Regulations, based on information provided by the Scheme Employer
- is responsible for investing employee and employer pension contributions and maintaining a fund of money out of which the benefits of the LGPS are paid.

### Decisions

From the day you start a job with an employer to the day when your benefits are paid to you or your dependants, the employer and the administering authority have to make decisions under the pension Scheme rules that affect you (or your dependants).

When you (this includes 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.

If you disagree with any decision affecting you made in relation to the Scheme, you should contact the person who notified you of the decision as soon as practicable. They will seek to clarify or put right any inaccuracies as quickly and as 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.

If your query is about your contribution rate, please contact your employer's personnel/HR or payroll section so they can explain how they have decided which contribution band applies to you.

## Complaints

If you are still dissatisfied with any decision made in relation to the Scheme you have the right to have your complaint reviewed under the Scheme's Internal Disputes Resolution 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. There are also a number of other regulatory bodies that may be able to assist you; these are described in the "Additional help" section.

The formal complaint procedure has **two stages**. 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. 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 etc.

Please remember that, before going to the trouble of making a formal complaint, the Pensions Unit and/or your employer welcome the opportunity to try to resolve the matter in an informal way. It may be worth checking again that they know you are concerned, and why.

## First stage - applications for adjudication of disagreements

You must submit an application to "the adjudicator" who is a person appointed by each Scheme employer and administering authority to consider disagreements.

An application must be made within six months of the date notification of the decision was given or of the date of any other act or omission (or such longer period as the adjudicator considers reasonable).

Any application must

1. set out the applicant's name, address and date of birth;
2. if the applicant is not a member of the Scheme, set out the applicant's relationship to any relevant member of the Scheme and give that member's full name, address, date of birth, national insurance number and the name of the member's Scheme employer;
3. include a statement giving details of the nature of the disagreement and the reasons why the applicant is aggrieved;
4. be accompanied by a copy of any written notification of the decision to which you are appealing against ; and
5. be signed by or on behalf of the applicant.

A stage 1 application form is available at end of this booklet.

The adjudicator will, within two months of the date of which the application is received, give written notice of their decision to the applicant, the members' employer and the Teesside Pension Fund.

The decision notice will include

1. a statement of the decision;
2. a reference to any legislation on which they relied;
3. in a case where the disagreement relates to the exercise of a discretion, a reference to the provisions of the regulations conferring the discretion;
4. a reference to the right of the applicant to refer the disagreement for reconsideration by the administering authority (Teesside Pension Fund) and the time scale within which the applicant may do so; and
5. a statement that the Pensions Advisory Service is available to give assistance in connection with any difficulty with the Scheme that remains unresolved including the address at which it may be contacted.

If a decision notice is not issued within two months, the adjudicator will send an interim reply, setting out the reasons for the delay and an expected date for giving a decision.

If the decision concerns the exercise of a discretion and the adjudicator does not uphold that decision, the matter will be referred back to the body which made the decision, for reconsideration.

## **Second stage – applications for reconsideration of stage 1 decisions**

If you are dissatisfied with the adjudicator's decision at stage 1 (or their failure to make a decision) you may apply to the administering authority to have it reconsidered.

An application must be made

1. within six months of the date notification of the decision was received under stage 1; or
2. where an interim reply has been sent, but no decision notice issued, seven months of the expected decision date given in an interim reply; or
3. where neither an interim reply nor decision notice has been issued, nine months from the date the application was made.

Any application must

1. set out the applicant's name, address and date of birth;
2. if the applicant is not a member of the Scheme, set out the applicant's relationship to any relevant member of the Scheme and give that member's full name, address, date of birth, national insurance number and the name of the member's Scheme employer;
3. include a statement that the applicant wishes the decision to be reconsidered;
4. set out details of the grounds on which the applicant relies;
5. be accompanied by a copy of any written notifications (notification of first instance decisions and decisions of the adjudicator at stage 1) and
6. be signed by or on behalf of the applicant.

A stage 2 application form is available at the end of this booklet.

This review will 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 in the next section of this booklet. The adjudicator will consider your complaint and give you their decision in writing.

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

## Contact details

If you are in any doubt or are not sure which benefits you are entitled to, or you have a problem about your LGPS membership or benefits, please either phone the number on the letter your employer or the Teesside Pension Fund sent you or contact the XPS Administration:

**XPS Administration**  
**PO Box 340**  
**Middlesbrough**  
**TS1 2XP**  
**Tel: 01642 030693**  
**Fax: 01642 030700**  
**Email: [penemp@xpsgroup.com](mailto:penemp@xpsgroup.com)**

They will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that looks after the pension fund.

## Additional help

- **[The Pensions Advisory Service \(TPAS\)](#)**

Website: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

TPAS is available at any time to assist members and beneficiaries of the Scheme in connection with any pension's query they may have or any difficulty which they cannot resolve with the Scheme administrator. TPAS can be contacted at:

**11 Belgrave Road**  
**London**  
**SW1V 1RB**  
**Telephone 0845 601 2923**

- **[Pensions Ombudsman](#)**

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

In cases where a complaint or dispute has not been satisfactorily resolved through the Internal Disputes Resolution Procedure or with the help of TPAS, an application can be made to the Pensions Ombudsman within three years of the event that gave rise to the complaint or dispute. The Ombudsman can investigate and determine any complaint or dispute involving maladministration of the Scheme or matters of fact or law. His or her decision is final and binding (unless the case is taken to

the appropriate court on a point of law). Matters where legal proceedings have already started cannot be investigated by the Pensions Ombudsman. The Pensions Ombudsman can be contacted at:

**11 Belgrave Road**  
**London**  
**SW1V 1RB**  
**Telephone 0207 630 2200**

## Time limits under the Internal Dispute Resolution Procedure

Your situation	Complain to	Time limit
Your complaint is that your employer or administering authority have failed to make any decision about your benefits	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
You have received a decision 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 made your complaint in writing to the adjudicator under stage 1, with all the information they needed but, 3 months later, you have not received their decision on your complaint or any	The 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 under stage 1 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	The administering authority under the second stage of the procedure	7 months from the date by which you were promised you would receive a decision
You have received a first stage decision on your complaint from the adjudicator, but you are not satisfied	The administering authority under the second stage of the procedure	The administering authority under the second stage of the procedure
Your complaint went to the administering authority under the second stage of the procedure. You received their decision but	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first	3 years from the date of the original decision about which you are complaining

<b>Your situation</b>	<b>Complain to</b>	<b>Time limit</b>
<p>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</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>
<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</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>

# Application under the Internal Dispute Resolution Procedure

## STAGE 2 APPLICATION

Please use this form to apply to the adjudicator appointed at stage 2 of the internal dispute resolution procedure.

Please write clearly in black ink, and use capital letters in boxes 1, 2 and 3.

### 1. Member's details

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 box 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 box 2.

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

If you are representing a member's dependant, please give the member's details in this section and then go to box 2.

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>Date of Birth</b>	
<b>Employer</b>	
<b>National Insurance Number</b>	

## 2. Dependant's details

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

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

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>Date of Birth</b>	
<b>Relationship to member</b>	

## 3. Representative's details

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

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>The address response letters should be sent to</b>	
<b>The postcode response letters should be sent to</b>	

#### **4. Your complaint**

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

**If there is not enough space, please go on to 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.

**5. Your signature**

I would like my complaint 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 \***

\* delete as appropriate

Signed:	Date:
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**6. Please find enclosed**

- a copy of any written notification of the decision I am appealing against,
- a copy of the adjudicators decision at stage 1, and
- any other letter or notification that might be helpful.

**PLEASE SEND THIS FORM TO:**

XPS Administration

PO Box 340

Middlesbrough

TS1 2XP

Tel: 01642 030693

Fax: 01642 030700

E-mail: [pensionsunit@xpsgroup.com](mailto:pensionsunit@xpsgroup.com)

**XPS Administration will acknowledge receipt of this application and confirm the name and contact details of the adjudicator**

# Application under the Internal Dispute Resolution Procedure

## STAGE 1 APPLICATION

Please use this form to apply to the adjudicator appointed at stage 2 of the internal dispute resolution procedure.

Please write clearly in black ink, and use capital letters in boxes 1, 2 and 3.

### 1. Member's details

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 box 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 box 2.

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

If you are representing a member's dependant, please give the member's details in this section and then go to box 2.

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>Date of Birth</b>	
<b>Employer</b>	
<b>National Insurance Number</b>	

## 2. Dependant's details

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

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

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>Date of Birth</b>	
<b>Relationship to member</b>	

## 3. Representative's details

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

<b>Full Name</b>	
<b>Address:</b>	
<b>Postcode</b>	
<b>The address response letters should be sent to</b>	
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**If there is not enough space, please go on to 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.

**5. Your signature**

I would like my complaint 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 \***

\* delete as appropriate

Signed:	Date:
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