



**ISLE OF WIGHT COUNCIL
as Administering Authority for**

**ISLE OF WIGHT COUNCIL PENSION FUND and
ISLE OF WIGHT FIRE PENSION SCHEMES**

**COMPLAINTS AND INTERNAL DISPUTE RESOLUTION
PROCEDURE (IDRP)**

NOVEMBER 2017

1. Document information

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Author:	Becky Horn, Accountant Financial Services, Resources Directorate Becky.horn@iow.gov.uk 01983 821000 x6737
Sponsor:	Jo Thistlewood Financial Services, Resources Directorate Jo.Thistlewood@iow.gov.uk 01983 821000 x 6371
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3. Decisions

- 3.1. From the day you become a member of the Isle of Wight Pension Fund (the fund), part of the Local Government Pension Scheme (LGPS) decisions will be made about your pension rights.
- 3.2. Some decisions are made by your employers and cover issues such as what part of your pay should be treated as pensionable, to the type of benefits that's should be paid to you when you leave the scheme.
- 3.3. Some are made by Isle of Wight Pension Fund as the administering authority and cover such issues as the amount of benefits to which you are entitled.
- 3.4. When you (this includes dependants) are notified of a decision, you should check, as far as you can, that this is based on the correct details and that you agree with the decision.

4. Complaints

- 4.1. If you are not satisfied with the way your pension scheme membership has been dealt with, or the service you have received from us, please let us know as most problems can be sorted out quickly.
- 4.2. Please contact the Pensions team in the first instance: pensions@iow.gov.uk

4.3. How do I make a formal complaint?

- 4.3.1. If you want to make a formal complaint about a decision that has been made in relation to your pension, or about the service that you have received from us, please write to:

Payments Manager
Isle of Wight Council
County Hall
Newport
Isle of Wight
PO30 IUD

4.4. What happens and how long will it take?

- 4.4.1. The complaint will be investigated by a senior manager and a full reply will be given to you. If we've got something wrong, we will do our best to put it right. We will admit our mistakes and offer a full apology. We will also review our policies and procedures to try and stop it happening again.
- 4.4.2. We will acknowledge your complaint within five working days from the date of receipt and tell you how long it will take to give you a full reply. We try to respond quickly to complaints and to reply to you within 20 working days. Sometimes, due to the

complexity of the complaint, we will not be able to meet this timescale. If this happens we will write to you and keep you fully informed of the progress being made.

- 4.5. For further information about the complaints process of the Isle of Wight Council, the administering authority of the Isle of Wight Pension Fund, please see the Isle of Wight Council Complaints Policy available here:

<https://www.iwight.com/documentlibrary/download/complaints-policy>

5. Internal Dispute Resolution Procedure (IDRP)

- 5.1. Making an informal enquiry, or formal complaint, does not affect your **statutory right** to have your dispute heard under the Internal Dispute Resolution Procedure (IDRP).
- 5.2. Regardless of whether you have made a formal complaint (section 3 above) or not, you can use the IDRP if you are not happy with any decision affecting you made in relation to the Scheme. 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.
- 5.3. The IDRP is a two stage process in which the decision which has been made is reviewed at each stage by an independent person, who will assess whether the right process has been followed and regulations have been applied correctly.

6. Who can use the IDRP?

- 6.1. You can use this formal process if you are:

- **An active, deferred or pensioner member**
Someone who is paying into the scheme, or who used to pay in, or who is receiving a pension
- **A prospective member**
Someone who is not yet a member, but could become one if their employer brings them in or they choose to join
- **A dependant**
Someone who is the widow, widower, surviving civil or nominated partner, or a child of a member or prospective member

- 6.2. You can also use this process if you think you should fall into one of these categories, or you did so in the last six months. You can choose to have someone else represent you, and this representative can be whoever you like – a friend, relative, solicitor, union representative, etc.

7. Stage one of the IDRP

- 7.1. You must put a dispute in writing, and send it within six months of receiving the decision you are disputing, either to your employer or to the Council, as explained below.

- If the dispute concerns a decision taken by an employer other than the Council, then you must write to that employer.
 - If the dispute concerns a decision taken by the Council as your employer, then you must write to the Strategic Manager – Human Resources.
 - If the dispute concerns a decision taken by the Council as the “administering authority” for Isle of Wight (i.e. a decision taken by Pensions Services) then you must write to the Strategic Manager – Business Centre.
- 7.2. Your dispute will be considered carefully by a person nominated by the body that took the decision that you wish to dispute. That person is required to give you their decision in writing, within two months of receiving your appeal.
- 7.3. If the nominated person’s decision is contrary to the decision you disputed, the employer or administering authority who made that original decision will have to review your case in accordance with the nominated person’s decision.
- 7.4. If the decision you disputed concerned the exercise of a discretion by the employer or administering authority, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, the matter will be referred back to the original decision maker who will be required to reconsider their original decision.
- 7.5. Any decision must be given to you in writing, stating the legislation relied upon and let you know that if you are still dissatisfied you have the right to go to stage two of the IDRP within six months of receiving the stage one decision.

8. Stage two of the IDRP

- 8.1. If you are still dissatisfied, you or your representative must put your signed appeal in writing, enclosing a copy of the stage one decision, and send it within six months of receiving the stage one decision, to:

Stage 2 Pensions Appeals
Monitoring Officer
Isle of Wight Council
County Hall
Newport
Isle of Wight PO30 IUD

- 8.2. Your appeal must:
- state your name, address and date of birth;
 - if you are not a member of the scheme, state your relationship to the relevant member of the scheme, and include that member’s full name, address, date of birth, national insurance number and the name of the member’s scheme employer;
 - include a statement giving details of the nature of the disagreement and the reasons why the you are aggrieved; and

- be signed, by you or your representative.
- 8.3. Your appeal will be considered by the Council's Monitoring Officer (or Deputy) ("the adjudicator"), advised by a suitably qualified lawyer from Legal Services. Your case will be put to the adjudicator in writing, with the administering authority and scheme employer allowed to submit written reports in response to the issues you raise.
- 8.4. The stage two decision will be given to you, and your employer, in writing within two months of the date on which the appeal was received, and state the legislation relied upon.
- 8.5. As in stage one above, if the adjudicator's decision is contrary to the decision you disputed, the employer or administering authority who made that original decision will have to review your case in accordance with the nominated person's decision.
- 8.6. If the decision you disputed concerned the exercise of a discretion by the employer or administering authority, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, the matter will be referred back to the original decision maker who will be required to reconsider their original decision.

9. Help and support

- 9.1. At any point in the IDR process you can ask for help from the Pensions Advisory Service (tPAS), whose address is:

11 Belgrave Road
London
SW1V 1RB
Telephone: 0300 123 1047
Website: <http://www.pensionsadvisoryservice.org.uk/>

10. Further route of appeal

- 10.1. If the dispute or complaint cannot be resolved after the intervention of the Pensions Advisory Service (tPAS) then you can apply for an adjudication to the Pensions Ombudsman within three years of the event which gave rise to it.
- 10.2. The Pensions Ombudsman can investigate and determine any complaint or dispute involving maladministration or matters of fact or law and his decision is final and binding, but matters where legal proceedings have already started cannot be investigated. His address is the same as for tPAS, shown above.
Website: <http://www.pensions-ombudsman.org.uk>