

Haringey Council Pension Fund

Pension Scheme Appeals Procedure

A guide to the appeals procedure under the Local Government Pension Scheme.

Note : *This booklet provides a straightforward guide to how the internal dispute resolution procedures operate in the Local Government Pension Scheme, and is provided for general information only. It does not cover every aspect. It 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.*

INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) EMPLOYEES' GUIDE

ENQUIRIES

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please either phone the number on the letter your employer or administering authority sent you, or contact the Pensions Team of your administering authority on:- **0208 489 3824 (Full Contact Information Below)**

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.

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.

DECISIONS

From the day that you become a member of the Local Government Pension Scheme (LGPS) decisions are made about your pension rights. Some decisions are made by your employer and cover issues such as what part of your pay should be treated as pensionable, to the type of benefits that should be paid to you when you leave the scheme. Some are made by Haringey Council Pension Section as the administering authority and cover issues such as the amount of benefits to which you are entitled. 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.

Any decision about rights or liabilities under the Pension Scheme concerning a person's previous service or employment; the crediting of additional pension and the amount of benefit, or return of contributions a person is or may be entitled to out of a pension fund is the responsibility of the administering authority.

Decisions about any other matter concerning the person's rights or liabilities under the scheme are made by the person's employer.

All decisions made about rights or liabilities notified to you will include:

- The address where further information about the decision can be obtained;
- Your right to appeal and who you need to appeal to;
- The time limits within which you must lodge any appeal; and
- The job title and address of the person to whom you must send your appeal.

Decisions made by the employer or administering authority must be made as soon as reasonably practicable.

If an initial decision is that you are not entitled to a benefit, the letter must explain the grounds for that decision.

A notification about the amount of a benefit must contain a statement showing how it is calculated.

COMPLAINTS

If you are not satisfied with any decision affecting you made in relation to the Scheme, or the administering authority or employer has not done something they should have, or has done something they shouldn't have and failed to correct the act or omission you have the right to ask for it to be looked at again under the formal complaint procedure. The complaint procedure's official name is the "Internal Dispute Resolution Procedure" (IDRP).

There are also a number of other regulatory bodies, such as the Pensions Advisory Service (TPAS) and the Office of the Pensions Ombudsman, which may be able to help you. They 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 should 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 the internal dispute resolution procedure. 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 "Additional Help" section).

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

First stage

If you need to make a formal complaint, you should make it :

- in writing, using the application form provided by the Pensions Team, and
- within 6 months of the day when you were told of the decision you want to complain about, or within 6 months of the act or omission which has caused a disagreement.

The Adjudicator does have the discretion to extend the 6 month period for making an application in exceptional circumstances.

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 them the "Adjudicator". That person is required to give you their decision in writing within 2 months of receiving all the paperwork surrounding the complaint. It is possible for the adjudicator to extend the two month period if they set out the reasons for the delay and the expected date for their decision, but this must be reasonable in the circumstances. The adjudicator must also give written notice of their decision to the employer and administering authority (if appropriate). The person designated to be the adjudicator of complaints at the first stage is the Head of Human Resources Operations .

The decision letter must include:

- A statement setting out the decision
- A reference to any legislation on which the adjudicator relied
- Where the disagreement relates to the exercise of discretion, the regulation in the legislation that provides that discretion
- A reference to the applicants right to refer the matter to a second stage review and the time within which they must do so

- A statement that the Pensions Advisory Service is available to give assistance and their address.

If the Adjudicator's decision differs from the original decision you complained about, your employer or the Pension Section, who made that original decision will now have to deal with your case in accordance with the decision of the Adjudicator.

If the decision you complained about concerned the exercise of discretion by your employer or the Pension Section, the Adjudicator may decide that they should reconsider the decision.

Second Stage

You can ask the authority to take a fresh look at your complaint:

You must make your second stage application within 6 months of the first stage decision, or, where an interim reply gave an expected decision date, seven months from that date, or where you have not received any first stage reply, within 9 months of your original application.

This review will be undertaken by a person not involved in the first stage decision. The person designated to consider complaints at the second stage is the Assistant Director of Corporate Services.

You will need to send your complaint to the Pension Section in writing. You will need to include:

- a) Your name, address and date of birth;
- b) If you are not the scheme member, your relationship to that person, and include their name, address, date of birth, national insurance number and the name of the scheme employer.
- c) A statement that you wish the adjudicator's decision to be reconsidered;
- d) The details of why you think the decision should be reconsidered (your grounds of appeal)
- e) The First Stage decision.

The application for a second stage review should be signed by the applicant or by someone acting on their behalf.

The designated person will consider your complaint and within two months of your application will give you and the administering authority their decision in writing. It is possible for the designated person to provide an interim reply within the two month period, explaining that there will be a slight delay in the decision, explaining the reasons for that and providing a new expected decision date.

Notice of the decision will include:

- a) A statement of the decision;
- b) A reference to any legislation relied upon;
- c) Where the disagreement relates to the exercise of a discretion, the provisions of the LGPS Regulations which confer that discretion;
- d) A statement that the Pensions Advisory Service is available to give assistance in connection with any difficulty with the Scheme that remains unresolved
- e) A statement that the pensions ombudsman may investigate and determine any complaint or dispute of fact or law in relation to the Scheme made or referred under the Pensions Act 1993; and

- f) The address of the Pensions Advisory Service and the Pensions Ombudsman.

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

ADDITIONAL HELP

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact TPAS. TPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on www.tpas.org.uk or you can contact TPAS by phone, post, email or fax.

The **Pensions Helpline phone number** is 0845 6012923 (local call rate) and lines are manned Monday to Friday 9am to 5pm. Outside of these times, you can leave your number and someone will phone back later.

You can write to:
TPAS
11 Belgrave Road
London
SW1V 1RB

Tel : 0300 123 1047 (local call rate) Fax : 020 7233 8016

Email : enquiries@pensionsadvisoryservice.org.uk

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your pensions complaint or dispute. Before asking for TPAS' help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described above.

A TPAS adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. TPAS would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

Pensions Ombudsman

The Pensions Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have:

- been given first-stage and second-stage internal dispute resolution procedure decisions by the Local Government Pension Scheme; and
- asked for the help of TPAS.

The Pensions Ombudsman is completely independent and acts impartially. His role and powers have been decided by Parliament. There is no charge to you for using the Pensions Ombudsman's services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, he can settle disputes about matters of fact or law as they affect occupational pension schemes.

He 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 Pensions 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.

You must refer your complaint to the Pensions 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.

You can contact The Pension Ombudsman:

In writing at:

The Office of the Pensions Ombudsman,

11 Belgrave Road,

London,

SW1V 1RB

By Telephone : 020 7630 2200

By Fax : 020 7821 0065

Alternatively, you can email : enquiries@pensions-ombudsman.org.uk or visit the Pensions Ombudsman website for further information

DISCLAIMER

This guide is for information only and does not give you any contractual or legal rights. The appropriate legislation will apply to your pension benefits.

Contact Details for the Haringey Council Pensions Section:

Tel no: 0208 489 1700

E-mail: Pensions.mailbox@haringey.gov.uk

Address: Alexandra House, 10 Station Road, London N22 7TR

INTERNAL DISPUTE RESOLUTION PROCEDURE

Application to the Adjudicator (First Stage)

The Local Government Pension Scheme

This form is for the purpose of making an appeal to the Adjudicator and it includes all those items of information which must be included in an appeal application. Please complete the form clearly and in ink.

1 Scheme Members Details:

(Please complete this box in all cases.) if you are the scheme member (the person who is or was in the scheme), please give your details in this box, and then go to section 4.

If you are the scheme member's dependent (for example husband, wife, civil partner, eligible cohabiting partner or child) please give the members details in this box then go to section 2.

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

Please complete the details using Capital Letters	
Surname	
Forename(s)	
Home Address	
Job Title	
Where Employed	
Date of Birth	National Insurance No
If you are the Scheme Member, please go straight to Box 4 If you are the Scheme Member's dependent*, please go to Box 2 If you are representing the Scheme Member, or his/her dependants, please go to Box 3	

* A Dependant is the Scheme Member's, Widow; Widower; or Child.

2 Dependants Details.

(Please enter details if the appeal is about dependants benefits.).

Please complete the details using Capital Letters	
Surname	Date of Birth
Forename(s)	
Home Address	
Relationship to Scheme Member	
If you are the Scheme Member's dependant please go to Box 4 If you are acting as a representative, please go to Box 3	

3 Representative's Details:

(If you are acting as the representative of the Scheme Member or Dependant, please enter your details)

Please complete the details using Capital Letters	
Surname	
Forename(s)	
Address (including postcode)	
Address to which correspondence should be sent (if different)	
Please complete the details in Box 4	

4 Your complaint

Please give full details of your complaint in this box. Try to explain exactly why you are aggrieved, giving any dates or periods of scheme membership that you think are relevant. If there is not enough space, please go onto a separate sheet. Ensure the members name and national insurance number is on the top of each additional page.

Declaration :

Please tick the statement which applies to you:

- I am a scheme member / prospective scheme member / former scheme member
- I am a dependent of a former member
- I am the members or dependant's representative*

I would like the Adjudicator to look at this complaint and make a decision about it:

Signed:	Date:
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*If you are the member's or dependant's representative we require written permission from the member or dependant to disclose information to you. The member or dependant should complete the declaration below:

I, _____ (member or dependant's name)

give permission for _____ (representative's name) to represent me.

I would/would not (delete as applicable) like to receive a copy of all correspondence.

Signed:	Date:
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Please enclose a copy of any notification you received from your employer or Haringey Council Pension Section about the decision you are complaining about, together with any evidence in support of your appeal.

Please return this form to : -

The Pensions Section
Alexandra House, Level 9,
10 Station Road,
London
N 22 7TR.

The following notes will help you to complete the form:

BOX 1: This box must be completed in all cases.

If you are the Scheme member or prospective member, you must give your full name, address, job title, and date of birth and National Insurance Number.

If you are a current employee who is not employed by the Council, please give the name of your Employing Body

If you are currently employed by the Council, you must give the name of your Directorate e.g. Education Service, and place of work e.g. The Langham School Langham Road N15 3RB.

BOX 2: This box must be completed if you are a spouse, child or other dependant of the Scheme member.

Please give your full name and address, your date of birth and your relationship to the Scheme member.

BOX 3: This box must be completed if you are the Scheme member's or dependant's representative. Boxes 1 and 2 above must also be completed if you are representing scheme member's dependant(s).

Please give your own name and address and the appropriate address for correspondence. Please also send evidence of your authority to act for the complainant. Such as a signed letter from the complainant, or a certificate of Power of Attorney.

BOX 4: If you need more space to state your case, please continue on a separate sheet, and attach it to the application form. **Also attach the original decision that is the subject of the complaint.**

BOX 5: Finally, either you or your representative must sign the form.

What happens next?

The Adjudicator will consider your appeal. You may be asked to provide more information, or to provide some further explanation so that the issues are fully understood. If the state of your health has a bearing on your appeal, you may be asked to attend a medical examination or to give consent for your medical records to be released to a doctor chosen by the Adjudicator.

Time limits under the Internal Dispute Resolution Procedure

Your situation	To complain to	Time Limit
You have received a decision on your benefits under the pension section or from your employer 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.	Haringey Council as the administering authority under the second stage of the procedure.	6 months from the date of the 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.	Haringey Council as 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, 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 have not received their decision.	Haringey Council as 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
Your complaint is that your employer or Haringey Council as the administering authority has 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 Haringey Council, as the administering authority should have made the decision.
Your complaint went to the Haringey Council as the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked OPAS for help first.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to Haringey Council as the administering authority under the second stage of the procedure but, 2	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked	3 years from the date of the original decision about which you are complaining.

<p>months after your complaint was received by the authority; you have not received their decision on your complaint or any interim reply.</p>	<p>OPAS for help first.</p>	
<p>You received an interim reply to your second stage complaint to Haringey Council as 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 OPAS for help first.</p>	<p>3 years from the date of the original decision about which you are complaining.</p>

Internal Dispute Resolution Procedure Flowchart

Applicant

Respondent

Haringey Council Pension Section as administrating authority

