

# **Guide to the Pensions**

## **Internal Disputes**

### **Resolution**

#### **Procedure (IDRP)**



## INTRODUCTION

This guide has been produced by the Pensions Department of Surrey County Council (the Administering Authority for the Surrey Pension Fund). It is intended to provide a straightforward guide on how pension disputes can be resolved using the Internal Disputes Resolution Procedure (IDRP) and is provided for general information only. It does not cover every aspect. It is not an interpretation of the pension regulations. In the event of any unintentional differences, the scheme regulations will prevail. This guide does not confer any contractual or statutory rights.

## ENQUIRIES

If you are not sure what benefits you are entitled to or if you have a problem with your benefits, please either phone the number on the letter your employer or administering authority sent you, or you can get in touch with Pension Services whose contact details are shown below. They will try to deal with the problem as quickly and 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.

**Address:** Pension Services  
Surrey County Council  
Room 243, County Hall  
Penrhyn Road  
Kingston upon Thames,  
Surrey, KT1 2DN

**Phone:** 020 8213 2802

**Fax:** 020 8541 9287

**Email:**  
[myhelpdeskpensions@surreycc.gov.uk](mailto:myhelpdeskpensions@surreycc.gov.uk)

## DECISIONS

From the day a person starts a job with an employer to the day when pension benefits or dependant's benefits are paid, the employer and Pension Scheme Administering Authority have to make decisions under Pension Scheme rules that affect you (or your dependants). When you, (or your 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 made.

## COMPLAINTS

If you are not satisfied with any decision affecting you made in relation to your pension rights, you have the right to ask for your complaint to be looked at again under the formal complaint procedure. You also have the right to use the procedure if a decision should have been made by your employer or administering authority, but it hasn't been. The complaint procedures official name is the Internal Dispute Resolution Procedure (IDRP).

There are also a number of regulatory bodies, such as the Pensions Advisory Service which may be able to help you and they are shown in the **Additional Help Section** on page 4.

The formal complaints procedure has two stages and 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. For instance, this could be a trade union official, welfare officer, your husband, wife, partner or friend.

## COMPLAINTS

No charge is made at any stage by your employer or administering authority for investigating a complaint under the IDRPs, but expenses that you will have to meet are your own (and / or your representatives) time, stationery and postage.

At any stage during the formal complaint procedure, you can contact The Pensions Advisory Service (TPAS) for more information and advice. Their contact details are shown in the **Additional Help Section** on page 4.

Please remember that before going to the trouble of making a formal complaint, Pension Services or your employer 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 by completing the application form at the back of this guide, and
- within six months of the day when you were told of the decision you want to complain about.

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 'nominated person'. That person is required to give you their decision in writing.

If the nominated person's decision is different to the decision you complained about, the employer or administering authority who made that original decision would then have to deal with your case in accordance with the decision of the nominated person.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, the nominated person cannot replace that decision with their own judgement. However, if the nominated person considers that the original decision was reached unreasonably, the nominated person will require the employer or administering authority to reconsider their original decision.

### Second Stage

You can ask the pension scheme administering authority (Surrey County Council) to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the nominated person's first stage decision,
- you have not received a decision or an interim letter from the nominated person and it is three months since you lodged your complaint,
- it is one month after the date by which the nominated person told you (in an interim letter) that they would give you a decision, and you have still not received their decision.

This review would 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 on pages 5 and 6 of this guide. The administering authority will consider your complaint and give you their decision in writing.

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

## ADDITIONAL HELP

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in resolving your complaint, you may wish to contact TPAS.

**Address: The Pensions Advisory Service  
11 Belgrave Road  
London  
SW1V 1RB**

**Phone: 0300 123 1047**  
(local rates apply)\*

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

\* You can contact TPAS by phone or by live web chat between 9am and 5pm Monday to Friday. Web chat is also available between 7pm and 9pm on Tuesdays.

If you have received a second stage decision under the IDRPs, and are not satisfied with that decision, and still think your complaint is well founded, TPAS may be able to help resolve your pensions complaint or dispute. Before asking for TPAS' help in resolving a dispute, you must already have tried to settle it using the IDRPs 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 IDRPs and how it was dealt with.

## Pensions Ombudsman

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

- been given first and second stage IDRPs decisions; and
- asked for the help of TPAS

The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. Their role and powers have been decided by Parliament.

There is no charge for the Pension Ombudsman's services.

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 maladministration of a pension scheme. 'Maladministration' is about the way 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.

You must refer your complaint to the Ombudsman within three years of the event about which you are complaining, or within three years of when you first became aware of the problem.

**The Ombudsman's address is the same as TPAS (shown above) but their other contact details are different.**

**Phone: 020 7630 2200**

**Fax: 020 7821 0065**

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

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

## Time Limits under the Internal Dispute Resolution Procedure

Your situation	Who to complain to	Time limit
You have received a decision about your benefits under the pension scheme from your employer or administering authority and there seem to be good grounds for complaining.	The nominated person under the first stage of the procedure.	Six months from the date when you were notified of the decision.
You have received a first stage decision about your complaint from the nominated person, but you are not satisfied.	The administering authority (Surrey County Council) under the second stage of the procedure.	Six months from the date of the nominated person's decision.
You made your complaint in writing to the nominated person with all the information they needed but, three months later you have not received their decision on your complaint or any interim reply.	The administering authority (Surrey County Council) under the second stage of the procedure.	Nine months from the date you submitted your complaint.
You received an interim reply to your complaint to the nominated person within two 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.	The administering authority (Surrey County Council) under the second stage of the procedure.	Seven months from the date you were promised you would receive a decision.
Your complaint is that your employer or administering authority has failed to make any decision about your benefits under the pension scheme.	The nominated person under the first stage of the procedure.	Six months from the date when your employer or administering authority should have made the decision.

## Time Limits under the Internal Dispute Resolution Procedure

Your situation	Who to complain to	Time limit
<p>Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.</p>	<p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.</p>	<p>Three years from the date of the original decision about which you are complaining.</p>
<p>You have taken your complaint to the administering authority under the second stage of the procedure, but two months after your complaint was received by the authority you have not received their decision about your complaint or any interim reply.</p>	<p>The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.</p>	<p>Three 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 with two 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>Three years from the date of the original decision about which you are complaining.</p>

## Application form under the Internal Dispute Resolution Procedure (IDRP)

### You can use this form to:

- (a) apply to the nominated person at the first stage of the IDRP if you want your employer to investigate a complaint concerning your pension benefits
- (b) apply to the nominated person at the first stage of the IDRP if you want your administering authority to investigate a complaint concerning your pension benefits
- (c) apply to the administering authority if you want them to reconsider a determination made by the nominated person under stage 1.

### What you need to do now

**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 complete Section 1. You can then go to straight to Section 4 overleaf.

**If you are the scheme member's dependant** (for example their husband, wife, partner or child), please give the members details in Section 1 and then complete Section 2 with **your** details. You can then complete Section 4.

**If you are a representative** (for example you are representing the person with the complaint) please **complete either Section 1 or Section 2 and then complete Section 3 with your details and then Section 4 with the complaint.**

**Please write clearly in black ink and use capital letters.**

### SECTION 1- Member's details

<b>Full name</b>	
<b>Address</b>	..... .....
<b>Date of birth</b>	
<b>NI Number</b>	
<b>Email address</b>	
<b>Phone number</b>	
<b>Employer/ former employer</b>	
<b>Job title</b>	

## SECTION 2 – Dependant’s details

If you are the member’s dependant and the complaint is about a benefit for you, please make sure you have completed Section 1 with the original member’s details and then give **your** details in this Section. You can then complete Section 4 with your complaint.

<b>Full name</b>	
<b>Address</b>	..... ..... .....
<b>Date of birth</b>	
<b>NI number</b>	
<b>Relationship to member</b>	
<b>Email address</b>	
<b>Phone number</b>	

## SECTION 3 – Representative’s details

If you are the scheme member’s representative or dependant’s representative, please complete this section ensuring you have completed either Section 1 or Section 2 overleaf.

<b>Full name</b>	
<b>Address</b>	..... ..... .....
<b>The address response letters should be sent to</b>	..... ..... .....
<b>Email address</b>	
<b>Phone number</b>	



## SECTION 5 - Declaration

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

- scheme member / former scheme member / prospective scheme member\*
- dependant of a former member
- member's / dependant's representative\*

*\* Delete as appropriate*

**Signed**

**Date**

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

### **Please return this form to:**

This form should be sent to the Pensions Manager in Pension Services at the address below who will advise you of the name, title and address of the nominated person appointed to deal with your pension dispute and he will also forward your form and enclosures to the nominated person.

**Address: Pension Services Manager  
Surrey County Council  
Room 243, County Hall  
Penrhyn Road  
Kingston upon Thames  
KT1 2DN**

**Phone: 020 8541 7473**

**Fax: 020 8541 9287**

**Email: [jason.bailey@surreycc.gov.uk](mailto:jason.bailey@surreycc.gov.uk)**