



Police Pension Scheme Internal Dispute Resolution Procedure Employee's Guide

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1. SCOPE OF PROCEDURE

Section 50 of the Pensions Act 1995, requires all occupational pension schemes to have in place a formal complaint procedure, known as Internal Dispute Resolution Procedure (IDRP). The IDRP gives members the opportunity to formalise their complaints about the administration of the scheme, their membership and their retirement benefits.

This booklet provides a straightforward guide outlining how the internal dispute resolution procedure operates in relation to the Police Pension Scheme. This document is provided for general information only and 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.

2. WHO DO IDRP REGULATIONS APPLY TO?

Who can make an application under the IDRP regulations?

- An active, deferred or pensioner member of the Police Pension Scheme
- A widow, widower or surviving dependant of a deceased member of one of the schemes
- A prospective member of one of the Schemes
- A person who ceased to be within any of the categories above within 6 months immediately preceding the date of an application under these procedures
- A person claiming to come within one of the categories above.

3. ENQUIRIES

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please contact the Pensions Unit:

Lincolnshire Police Pension Scheme Administrator
XPS Pensions Unit
PO Box 485
Middlesbrough
TS1 9EE

Tel: 01642 030692
Email: penmail@xpsgroup.com

The Pension Scheme Administrator looks after the pension fund, and they will try to deal with the problem as quickly and as efficiently as is possible. For Lincolnshire this is the XPS Pensions.

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.

4. DECISIONS

From the day a person starts a job with an employer, to the day when benefits or dependents benefits are paid, the employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependents). When you (this includes dependents) 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.

5. COMPLAINTS

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

There are exceptions to what a complaint under this procedure can be about.

A complaint may not be made where, in respect of a disagreement proceedings have begun in any court or tribunal, or, the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him.

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. Stage 1 is an application to an appointed person for a decision and Stage 2 is the right to appeal to a scheme manager to review the stage one decision.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officers, your husband, wife or partner, or a friend. An application may be made or continued on behalf of the complainant when he or she dies, is a minor or is otherwise incapable of acting for him or herself.

No charge is made at any stage for investigating a complaint under the IDRP.

At any stage during the formal complaint procedure you can contact the [Pensions Advisory Service \(TPAS\)](#) for information and advice, see page 5 for contact details.

Please remember that, before making a formal complaint, your Pensions Unit may welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way.

6. FIRST STAGE

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

- In writing, using the application form in Appendix A.
- Within 6 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 appointed by the administering body that took the decision against which you wish to complain. This guide calls them the 'appointed person'. That person is required to give you their decision in writing.

The 'appointed person' for the first stage is the Force Chief Finance Officer, Lincolnshire Police.

If the appointed person's decision is contrary to the decision you complained about, the employer or administering authority that made that original decision will now have to deal with your case in accordance with the appointed person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the appointed person decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision. This does not necessarily mean that they will reach a different conclusion.

The matter must be concluded within two months unless there are exceptional reasons for extending the time and provided you are notified of any delay.

If you are not satisfied with the decision made by the appointed person under the Stage 1 procedure you can appeal the decision within 6 months from the date of the appointed person's decision and proceed to the Stage 2 procedure.

7. SECOND STAGE

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

- You are not satisfied with the appointed person's first-stage decision
- You have not received a decision or an interim letter from the appointed person, and it is 3 months since your lodged complaint
- It is one month after the date by which the appointed person told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

This review will be undertaken by a person not involved in the first stage decision. For the second stage the Chief Finance Officer to the Police and Crime Commissioner for Lincolnshire (PCC) will be the scheme manager.

You will need to send to the PCC's Chief Finance Officer your complaint in writing using the application form in Appendix B. The stage 2 appointed person will consider your complaint and give you their decision in writing

within 2 months and must notify you with reasons if there is likely to be a delay.

If you are still unhappy following the second stage decision, you can take your case to the Pensions Ombudsman providing you do so within 3 years from the date of the original decision (or lack of decision) about which you are complaining.

8. 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.pensionsadvisoryservice.org.uk.

The pensions helpline is open from 9am to 5pm Monday to Friday, phone number is: 0845 601 2923

Or you can write to:

TPAS
11 Belgrave Road
London
SW1V 1RB

If you have received a second-stage decision under the IDRPs, 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 have already tried to settle it using the IDRPs described above.

A TPAS advisor 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 Pensions Ombudsman's Office would expect you have:

- Been given first stage and second stage IDRPs decisions; and
- Asked for the help of TPAS

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

There is no charge 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 Ombudsman's decision is final and binding on all parties, subject to any appeal made to the High Court on a point of law.

You must refer your complaint to the 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.

To get information or guidance you can look at the website on www.pensions-ombudsman.org.uk

The Ombudsman address is:
The Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB

Telephone: 020 7630 200

Email: enquiries@pensions-ombudsman.org.uk

Guidance Available (links to useful documents)

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

[The Pensions Ombudsman](#)

Stage 1 Application under the Internal Dispute Resolution Procedure

To: Force Chief Finance Officer, Lincolnshire Police

I wish to apply for a decision to be made, under Section 50(2)(a) of the Pensions Act 1995, in respect of the disagreement set out in this application.

I understand that an application may not be made where, in respect of a disagreement

- Where specific appeal mechanism is provided for under the Pension Regulations, or
- Where proceedings have begun in court or tribunal, or
- Where a dispute has been referred to the Pensions Ombudsman.

The nature of the disagreement is set out on the attached page(s).

Section 1 – Members 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 section. Then go to section 4.	
If you are the member's dependant (for example, their husband, wife or child), please give the members details in this section, and then go to section 2.	
If you are representing the member with the complaint, please give the member's details in this section, and then go to section 3.	
Full Name	
Employee/Payroll Number	
Address	
Date of Birth	
Employer	
National Insurance	

Section 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 section and then go to section 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 section and then go to section 3.	
Full Name	
Address	
Date of Birth	

Section 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

Section 6 – Enclosures

Please enclose:

- **A copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority, and**
- **Any other letter or notification that you think might be helpful.**

Please send your completed form to:

Force Chief Finance Officer Lincolnshire Police
Lincolnshire Police HQ
PO Box 999
Lincoln
LN5 7PH

Stage 2 Application under the Internal Dispute Resolution Procedure

To: The Chief Finance Officer, Office of the Police and Crime Commissioner

I am applying for reconsideration of a disagreement interpretation of which a decision has been made under section 50(2)(a) of the Pensions Act 1995 by the Chief Finance Officer, Lincolnshire Police. I understand this means that the Chief Finance Officer, Office of the Police and Crime Commissioner will either confirm that decision or give a new decision in its place.

I understand that an application may not be made where, in respect of a disagreement:

- Where a specific appeal mechanism is provided for under the Pension Regulations
- Where proceedings have begun in court or tribunal
- Where a dispute has been referred to the Pensions Ombudsman.

Section 1 – Members 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 section. Then go to section 4.	
If you are the member's dependant (for example, their husband, wife or child), please give the members details in this section, and then go to section 2.	
If you are representing the person with the complaint, please give the member's details in this section, and then go to section 3.	
Full Name	
Employee/Payroll Number	
Address	
Date of Birth	
Employer	
National Insurance	

Section 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 section and then go to section 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 section and then go to section 3.	
Full Name	
Address	
Date of Birth	

Section 3 – Representative’s Details

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

Full Name	
Address	
Address response letters should be sent to	
Profession or other authority to represent Member	

Section 4 – Your complaint to be reconsidered

Please give full details of the reason for dissatisfaction with the decision made by the Chief Finance Officer, Lincolnshire Police.

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

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Section 5 – Your signature

I would like my complaint to be reconsidered 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

Section 6 – Enclosures

Please enclose:

- **A copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority, and**
- **A copy of any notification of the decision from the Chief Finance Officer, Lincolnshire Police**
- **Any other letter or notification that you think might be helpful.**

Please send your completed form to:

Chief Finance Officer
Office of the Police and Crime Commissioner
Lincolnshire Police
Deepdale Lane
Nettleham
LN2 2LT

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 scheme from your employer/administering authority, and there seem to be good grounds for complaining.	The appointed person under the first stage of the procedure.	Complaints should be submitted within 6 months from the date when you were notified of the decision.
You have received a first stage decision on your complaint from the appointed person, but you are not satisfied.	The scheme manager under the second state of the procedure.	6 months from the date of the appointed person's decision.
You made your complaint in writing to the appointed person, with all the information they needed but, 2 months later, you have not received their decision on your complaint or any interim reply.	The scheme manager 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 appointed person, 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.	The scheme manager 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 administering authority have failed to make any decision about your benefits under the pension scheme.	The appointed person under the first stage of the procedure.	No formal time limit but wherever possible complaints should be submitted within 6 months from the date when you were notified of the decision.
Your complaint went to 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 TPAS for help first.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to 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 or any interim reply.	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.
You received an interim reply to your second stage complaint 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.	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.