

**LGPS**

**Internal Dispute Resolution (Appeal)**

**(Employer Issues only)**

**HR Procedure**

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| Version Control | Changes Made | Author |
| Version 1June 2015 | Specific guidance introduced outlining process for resolution | S Benson |
| Version 2June 2017 | Updated process in Stage 1 to remove Senior Manager, People Management | S Benson |
| Version 3 January 2019  | Updated contact details  | People Management  |
| Version 4 August 2019 | Updated Contact Details | People Management |
| Version 4 August 2021 | Updated contact Details | People Management  |

**Introduction**

This document sets out the key steps to be followed in the case of pension appeals and identifies roles and responsibilities. This procedure refers to the Local Government Pension Scheme only, for other pension schemes refer to the scheme information for appeals. This also applies to Community and Voluntary Controlled schools.

Full details of the ‘LGPS (England & Wales) Internal Dispute Resolution Procedure’ are available from the employer’s website at Local Pensions Partnership Administration (LPPA). Authorisation is required to access this site.

Link to: [Local](https://www.lppapensions.co.uk/contact/) Pensions Partnership (LPPA)

Link to: [Internal Dispute Resolution Procedure](http://www.intouch.ccc/elibrary/Content/Intranet/536/5901/6049/43481135552.pdf)

The Internal Dispute Resolution Procedure (Appeal Process) applies to active, deferred and pensioner members, their widows, widowers, civil partners and dependents and their nominated representatives.

Scheme members or their representatives should be encouraged to take the opportunity to try and resolve a matter informally in the first instance.

Whilst this is a formal process the intention of this procedure is to ensure that easily resolved complaints and misunderstandings are dealt with and not unnecessarily referred to the Pension Ombudsman.

Applicants can seek advice from The Money and Pensions Service (MaPs)

[The Money and Pensions Service | Building financial wellbeing (maps.org.uk)](https://maps.org.uk/) provides help and guidance with money and pensions issues and further support can be found at [Free and impartial help with money, backed by the government | MoneyHelper](https://www.moneyhelper.org.uk/en)

**Stage One** – Application

The applicant must submit an application in writing setting out the reasons why they feel aggrieved to Local Pensions Partnership Administration (LPPA) via email or post:

<https://www.lppapensions.co.uk/contact/>

LPPA - PO Box 1382, Preston, Lancashire, PR2 0WQ

An application form is attached as Appendix 1, detailing the information required for an application.

The application must be made within six months of the matter giving rise to the dispute or such longer period as the Adjudicator considers reasonable in the circumstances, at their discretion.

LPAA will forward the application to People Management. The appeal will then be directed to either the relevant Adjudicator or the Complaints section of the Council as appropriate.

This procedure relates to those matters to be considered by the Adjudicator.

**Stage One - Making the Decision**

The adjudicator, in respect of appeals against employer decisions or lack of decisions, is a relevant Senior Manager who will:

* Check that the applicant has submitted their appeal within six months of the relevant date (unless they consider a longer period justified); and
* Undertake a formal review of the initial decision considering the evidence and representations submitted by the parties to the complaint together with any other evidence considered necessary, requested from expert advisers.

**Stage One - Notifying the employee of the Decision**

The relevant Senior Manager will provide the applicant with written notification of the decision within two months of receipt of the relevant particulars. However if it is not possible to issue a decision within the two months a letter should be sent as soon as possible explaining the reason for the delay and giving an expected date for the decision. The written decision should include:

* the decision;
* reference to any legislation or Scheme provisions that is relies on;
* where relevant, a reference to the Scheme provisions conferring the discretion whose exercise has caused the disagreement;
* a reference to the applicants right to have the disagreement reconsidered by the administering authority, and the time limits for doing this;
* a statement that The Pension Advisory Service The Money and Pensions Service (MaPs) is available to assist the applicant with any difficulty with the Scheme which remains unresolved and the The Money and Pensions Service (MaPs) address;
* a statement that the Pensions Ombudsman may investigate and determine any compliant or dispute of fact or law.

People Management will process the decision / outcome as set out below. In all cases a copy of the outcome letter must be sent to Finance Manager, Pensions.and LPPA.

Unless the applicant refers this decision for determination under the second stage this decision is final and binding on the Council.

**Stage Two - Application**

If the applicant is not satisfied with the decision at stage one, they can refer the matter to the Council (administering authority) for reconsideration. This should be sent to the Finance Manager, Pensions. The application should include:

* the information provided at stage one;
* a statement of the reasons why the applicant is dissatisfied with the decision;
* a statement confirming they wish the disagreement to be reconsidered;
* any other supporting information considered relevant.

This must be made within 6 months of the stage one decision (or the date at which there is a failure to make a decision) and must be signed by the applicant. Late appeals will only be considered at the discretion of the Adjudicator.

**Stage Two - Making the Decision**

The person appointed by the Council to consider stage 2 appeals against employer decisions, or lack of decisions is the Senior Manager, Pensions & Financial Services, who will not have been previously involved and who will:

* Reconsider the decision taking full account of the facts of the case and any evidence submitted, or relied on, by either party in the determination at stage one;
* Check that the regulations were applied correctly;
* Check that sound, impartial procedures were used to reach the decision including the reasonable and consistent exercise of any discretion.

**Stage Two - Notifying the Applicant of the Decision**

The Senior Manager, Pensions & Financial Services will provide the applicant with written notification of the decision within two months of receipt of the relevant particulars and include all the details set out in the stage one outcome letter.

If it is not possible to issue a decision within the two months a letter should be sent as soon as possible explaining the reason for the delay and giving an expected date for the decision.

People Management will inform LPPA and ask them to process the decision / outcome. In all cases the outcome letter will be sent to LPPA and to the employer.

**Processing the Decision**

People Management will administer the internal appeal process and will:

1. Notify LPPA of the outcome of either stage one or two;
2. Complete the appropriate forms for LPPA to implement any changes to the pension member’s benefits or their representative’s benefits where applicable;
3. Monitor appeals, outcomes / decisions to support consistency.

This is the end of the internal procedures.

**External Appeal process**

Any further appeal should be made to the Pension Ombudsman within three years from the date of the original decision. The pension Ombudsman has jurisdiction to consider disputes of fact or law and complaints of maladministration.

Link to: [Pension Ombudsman Contact Us Web page](https://www.pensions-ombudsman.org.uk/contact-us/)

Email: enquiries@pensions-ombudsman.org.uk

The Office of the Pensions Ombudsman

10 South Colonnade

Canary Wharf

London

E14 4PU

**LPPA responsibilities**

Where the decision is made which affects pension benefits LPPA will write to the applicant and where appropriate give them their payments options and / or process the pension changes.

**Review**

This procedure will be reviewed periodically in the light of developments in the law, pension’s regulations, and changes in the needs of the organisation in order to ensure continuing effectiveness and relevance.

**For Schools**:

This procedure applies to Community, Voluntary Controlled, Foundation and Voluntary Aided schools.

 Academies will have their own procedures.

**Appendices**

Appendix 1 – Internal Appeal Application form

Appendix 2 – Process Map

Appendix 1 - Internal Appeal Application Form

**Application under the Internal Dispute Resolution Procedure**

You can use this form:

1. to apply to the nominated person at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and
2. to apply to the administering authority if you want them to reconsider a determination made by the nominated person.

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

1. **Member 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 compliant, please give the member’s details in this section, and then go to box 2.

|  |  |
| --- | --- |
| Full Name |  |
| Address |  |
| Date of Birth |  |
| Employer |  |
| National Insurance number |  |

1. **Dependant’s details:**

If you are the member’s widow, widower, civil partner or 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 dependants details in this box and then go to box 3.

|  |  |
| --- | --- |
| Full Name |  |
| Address |  |
| Date of Birth |  |
| Relationship to member |  |
| National Insurance number |  |

1. **Representative’s details:**

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

|  |  |
| --- | --- |
| Full Name |  |
| Address |  |
| The address response letters should be sent to |  |

1. **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 are relevant.

**If there is not enough space, please go on to a separate sheet and attach 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.

|  |
| --- |
|  |

1. **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: |

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

**PLEASE SEND THIS FORM TO:**

LPPA - PO Box 1382, Preston, Lancashire, PR2 0WQ

