

Highland Pension Fund

Internal Dispute Resolution Procedure (IDRP)

A members guide on how to raise a dispute
& application form

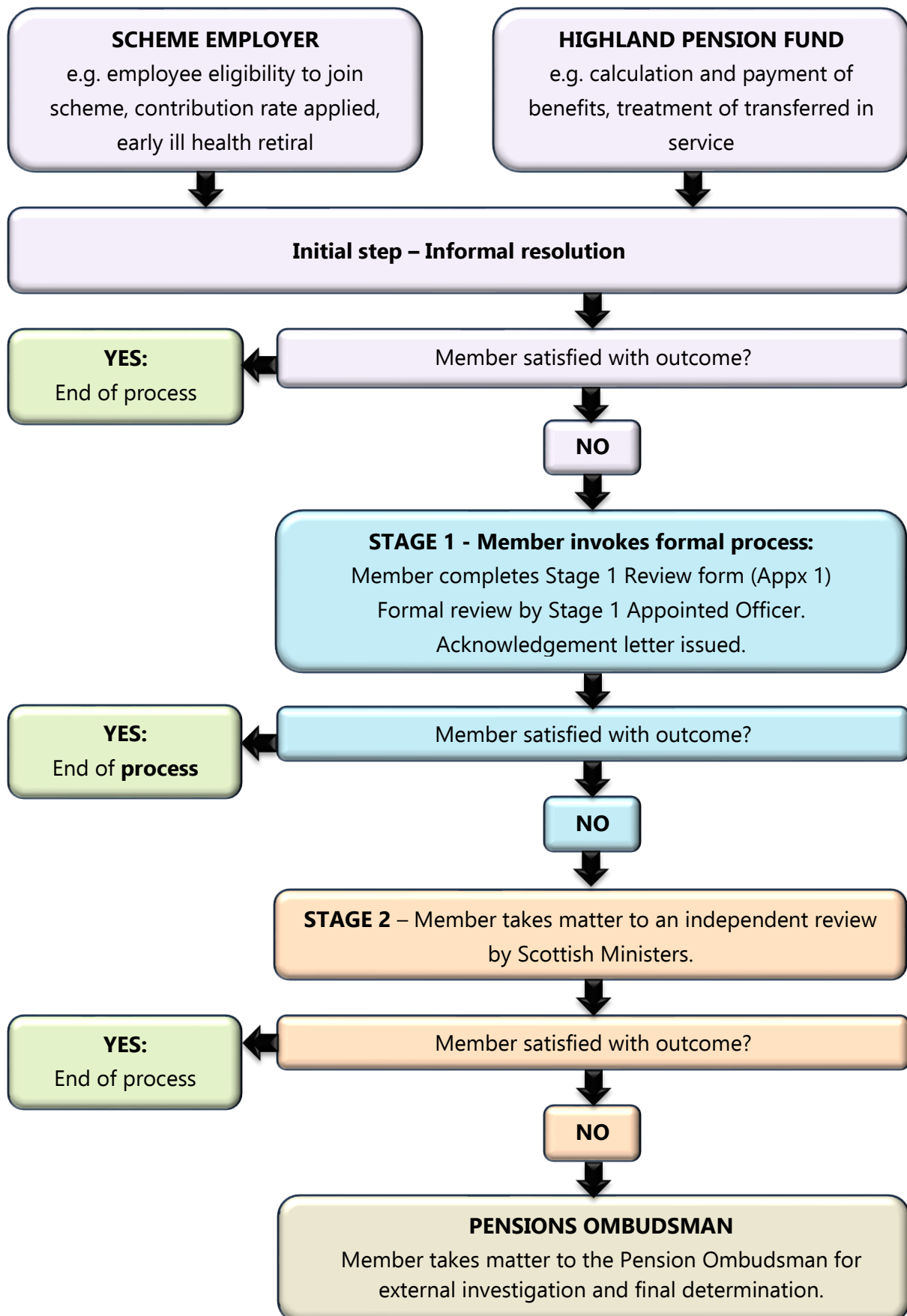
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IDRP Flowchart

Member unhappy with a decision or delays in decision-making process made by:



1. Introduction

- 1.1 The Internal Dispute Resolution Procedure (IDRP) is a formal complaints process set out in pension law (Local Government Pension Scheme (Scotland) Regulations 2018 and The Pension Regulator requirements). It allows you to ask for a decision about your pension to be reviewed if you think it is wrong, unclear or has not been explained properly.
- 1.2 We are committed to providing a high standard of service and aim to resolve most issues informally wherever possible. However, we recognise that sometimes this is not always possible. All complaints will be handled fairly, impartially and in accordance with scheme regulations and good administrative practice
- 1.3 The IDRP is free to use and helps ensure that decisions are fair, accurate, and properly explained.
- 1.4 To request this information in an alternative format, e.g. large print, Braille, computer disc, audio tape, or suitable language, please contact the pensions team on 01463 702441.

2. Who can use the IDRP?

- 2.1 You may use this process if you are:
 - An active member (current employee member)
 - A deferred member (previous employee who has not yet retired)
 - A pensioner member (previous employee who has now retired)
 - A dependant or beneficiary (dependant is usually spouse, civil partner, eligible cohabiting partner, dependent child, or someone financially dependent on the member entitled to receive survivor's pension. Beneficiary is anyone the member nominates or whom the pension fund determines should receive death grant lump sum payment).
 - A representative acting on behalf of a member (with written authority)
- 2.2 If a member is under 18 or is unable to act for themselves, a representative may apply on their behalf.

3. What decisions can be disputed?

- 3.1 The regulations set out specific responsibilities for Scheme Employers and Pension Fund Administrators. Each is required to make decisions about certain matters and may exercise discretion in relation to others.
- 3.2 From the day your employment starts, until the day your benefits (or any dependant's benefits are paid), both your Scheme Employer and the Administering

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Authority are required to make decisions under the LGPS rules that affect you. The Administering Authority is Highland Pension Fund ("HPF").

- 3.3 The IDRP can only be used for issues that fall within the legal responsibility of the scheme. It cannot be used for matters that must be dealt with through another process, such as employment issues relating to pay, grading, or terms and conditions.

4. Scheme Employer decisions

- 4.1 Scheme Employers are responsible for making certain decisions, known as 'First-instance decisions,' and for notifying their employees of those decisions. Examples include:
- Deciding whether an employee is eligible to join the scheme,
 - Deciding the rate of pension contributions a member must pay,
 - Deciding if an employee is entitled to a benefit, such as early retirement on the grounds of ill health.
- 4.2 If you are a scheme member or prospective scheme member and have a complaint about your membership, your entitlement to benefits, or a decision made by your employer that affects your pension, you should first contact your employer to give them the opportunity to resolve the matter.

5. Administering Authority (HPF) decisions

- 5.1 Other first-instance decisions relating to a member's scheme membership are made by the Administering Authority (HPF). These decisions mainly relate to:
- The calculation of pension benefits,
 - The payment of benefits,
 - The calculation and treatment of transferred-in service.
- 5.2 Details of your right to appeal against HPF decisions are clearly described in our scheme documentation and correspondence with members. If you are unhappy with a decision made by HPF and the matter cannot be resolved informally, you may raise a dispute through the Internal Dispute Resolution Procedure (IDRP).

6. What to do when you are notified of a decision

- 6.1 If you wish to complain about, or appeal against any decision, **you must do so within six months of:**
- The act or omission you are complaining about, or
 - The date you were notified of the decision.

7. Issues you may raise under the IDRP

- 7.1 You may raise a dispute if you are unhappy with:
- How your pension benefits have been calculated,
 - A decision that has been made about your pension,
 - A failure to make a decision where one should have been made,
 - How the pension regulations have been applied,
 - Administrative delays or errors.

8. What to do if you are unhappy with a decision

8.1. Initial step – Informal resolution

- 8.1.1 Before making a formal complaint under the IDRP, it is usually best to raise the matter informally.
- 8.1.2 We encourage you to contact the Pensions Team, (or your Employer if the decision was made by them). Raising concerns informally can often lead to a quicker resolution and helps avoid unnecessary delays. Most issues can be resolved at this stage.
- 8.1.3 Trying to resolve the matter informally does not affect your right to use the IDRP if the issue cannot be resolved to your satisfaction.
- 8.1.4 **A complaint against the Highland Pension Fund should be made in writing to:**

The Pensions Manager,
Highland Pension Fund,
The Highland Council Headquarters,
Glenurquhart Road,
Inverness, IV3 5NX.

Telephone: 01463 702441

Email: mypension@highland.gov.uk

8.1.5 **A complaint against your employer:**

You will need to contact your employer to make a complaint about any decision made by them. Contact the Pensions Manager using details in section 8.1.4 if you need assistance finding contact details for your employer.

- 8.1.6 If, having contacted us (or your employer), you remain unhappy with the decision (or the lack of a decision), you may request a formal review under Stage 1 of the Internal Dispute Resolution Procedure (IDRP).

8.2. Stage 1 - Formal review application

- 8.2.1 Under Stage 1 of the Internal Dispute Resolution Procedure (IDRP), you have the right to have your case reviewed afresh by a person appointed by the body who took the decision you wish to appeal.
- 8.2.2 In this guide, we refer to this person as the 'Appointed Person.' The Appointed Person is a senior member of staff who must be independent and must not have been involved in the original decision-making process. The Appointed Person may appoint senior officers who are also independent and were not involved in the decision-making process to assist with the investigation. The Appointed Person is responsible for the final decision based on an evaluation of the investigation.

8.2.3 Scheme employer decisions

If your complaint relates to a decision made by your employer about your scheme membership, your entitlement to benefits, or any other decision that affects your pension benefits, you should complete the IDRP Formal Review (Stage 1) Application form (Appendix 1) and submit it to the appropriate Appointed Person:

For employees of the Highland Council and Joint Boards:

Write to:

Louise McGuinnigle (Strategic Lead, HR),
Stage 1 Appointed Officer,
The Highland Council Headquarters,
Glenurquhart Road,
Inverness, IV3 5NX.

8.2.4 **Employees of other Scheme Employers:**

Contact your employer to confirm the details of their Stage 1 Appointed Person.

You can contact the Pensions Manager using details in section 8.1.4 if you need assistance finding contact details for your employer.

- 8.2.5 It is the responsibility of the organisation making the decision, to give the member details of their right of appeal against that decision, the time limits for making such an appeal, the Appointed Person and the process to be followed.

8.2.6 Administering Authority (Highland Pension Fund) decisions

If your complaint relates to a decision taken by Highland Pension Fund, you should complete the IDRP Stage 1 Formal Review Application form (Appendix 1) and submit it to the Appointed Person nominated by the Administering Authority:

Write to:

Louise McGuinnigle (Strategic Lead, HR),
Stage 1 Appointed Officer,
The Highland Council Headquarters,
Glenurquhart Road,
Inverness, IV3 5NX

Email: MyPension@highland.gov.uk

8.2.7 If the Stage 1 Appointed Person was involved in the original decision, your complaint will be referred to the Chief Officer, Corporate Finance to review and consider your appeal independently.

8.3. Making a Stage 1 formal review application

8.3.1 It is not enough to simply state that you do not agree with the original decision. Your application must clearly explain why you believe the decision is incorrect.

8.3.2 The application should include:

- The complainant's full name, address, and National Insurance number,
- Details of the decision, act or omission being disputed,
- An explanation of why you believe the decision is incorrect,
- Copies of any supporting evidence,
- The outcome you are seeking.

8.3.3 Providing full and clear information at this stage will help ensure your complaint can be considered thoroughly and without unnecessary delay.

8.3.4 **You must submit your complaint or appeal within six months of the date you were notified of the decision, act, or omission you are complaining about.**

8.3.5 **What Happens Next:**

The Appointed Person will review your complaint and investigate the facts. They may need to ask you or other parties for more information to establish the facts of your case.

8.3.6 You will normally receive a written decision within two months of receipt of your Stage 1 complaint.

8.3.7 If it is not possible to respond within this timescale, you will be notified of the reasons for the delay and advised of the expected date for issuing the decision.

8.3.8 **The Stage 1 response will explain:**

- The decision reached,
- The reasons for the decision
- The relevant pension regulations,
- Information about the right to proceed to Stage 2 if dissatisfied.

8.3.9 If you are not satisfied with the Appointed Person's decision at Stage 1, you can appeal to the Scottish Ministers to have your case reviewed afresh – this is Stage 2 of the Internal Dispute Resolution Procedure (IDRP).

9. Stage 2 Appeal to the Scottish Ministers

9.1 If you remain dissatisfied with the outcome of your Stage 1 appeal, you may request an independent review under Stage 2 of the Internal Dispute Resolution Procedure.

9.2 **You must submit your Stage 2 appeal within 6 months of the date you received the Stage 1 decision.**

9.3 Your appeal should clearly explain why you disagree with the Stage 1 decision and should include any new or additional information or evidence, if available. Application forms and guidance can be found on the SPPA website: [Making a Complaint | SPPA](#).

Stage 2 appeals should be sent to:

LGPS Policy Manager,
Scottish Public Pensions Agency,
7 Tweedside Park,
Tweedbank,
Galashiels, TD1 3TE.

Email: IDRPAApplications@gov.scot

9.4 **Consideration and Response**

The Stage 2 appeal will be considered independently by the Scottish Ministers (or their appointed adjudicator):

- All relevant information will be reconsidered,
- Further information may be requested to help establish the facts of your case.

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A written determination will usually be issued within two months of receipt of your Stage 2 appeal. The determination will confirm whether the Stage 1 decision has been upheld or overturned. If it is not possible to issue a decision within this timescale, you will be notified of the reasons for the delay and advised of the expected date for issuing the determination.

- 9.5 Stage 2 is the final stage of the Internal Dispute Resolution Procedure (IDRP). Once the Scottish Ministers have issued their determination, the IDRP process is complete.

10. The Pensions Ombudsman

- 10.1 If you remain dissatisfied after completing the Internal Dispute Resolution Procedure, you may refer your complaint to the Pensions Ombudsman. This service is free of charge.
- 10.2 The Pensions Ombudsman investigates complaints and disputes relating to the administration and management of occupational and personal pension schemes.
- 10.3 A complaint must normally be made to the Pensions Ombudsman **within three years** of:
- The date of the event(s) you are complaining about, or
 - If later, the date when you first knew (or ought reasonably to have known) that there was a problem.
- 10.4 The Pensions Ombudsman has discretion to extend these time limits in certain circumstances.
- 10.5 **You can contact the Pensions Ombudsman at:**

The Office of the Pensions Ombudsman,
10 South Colonnade,
Canary Wharf,
London, E14 4PU.

Telephone: 0800 917 4487

Email: Enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint online:

www.pensions-ombudsman.org.uk/making-complaint.

11. Money and Pensions Service

11.1 The Money and Pensions Service is available to assist members and beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved.

11.2 **You can contact the Money and Pensions Service at:**

Money and Pension Service (MAPS),
Borough Hall,
Cauldwell Street,
Bedford, MK42 9AP.

Telephone: 0800 011 3797

Email: contact@maps.org.uk

11.3 There is no charge made for investigating any complaint at any stage under the dispute rules – the only expenses you will have to meet are those of your own (or your representative's) time, stationery and postage.

12. Governance and monitoring

12.1 Reporting will be provided to Pensions Committee on an annual basis on complaints to support Committee with their oversight role. This will include anonymised data on the following:

- volumes of complaints
- analysis of causes of complaints
- current status of complaints
- lessons learned
- action being taken to address any underlying issues

13. Indicative timeframes

13.1 In terms of timelines, these are set out in the table below:

IDRP process	Timeline	
Stage 1 formal review application	6 months	Member must submit complaint within 6 months of • The act or omission you are complaining about, or • The date you were notified of the decision.
Stage 1 decision by employer or Highland Pension Fund	2 months after receipt of member's complaint	Member should receive stage 1 decision, within 2 months of receipt of member's Stage 1 complaint. After 2 months, if a decision has not been made by the employer or Highland Pension Fund, an update will be provided to the member on the progress in investigating the complaint.
Stage 2 application to Scottish Ministers	6 months after Stage 1 decision	Members must submit Stage 2 appeal within 6 months of the date member received the Stage 1 decision.
Pension Ombudsman referral	3 years of date of event being complained about (deadline can be extended in certain circumstances)	A complaint must normally be made to the Pensions Ombudsman within 3 years of: • The date of the event(s) member is complaining about, or • If later, the date when the member first knew (or ought reasonably to have known) that there was a problem. The Pensions Ombudsman has discretion to extend these time limits in certain circumstances.

Appendix 1 Stage 1 Formal Review - Application Form

Please complete this form to request a Stage 1 review under the Internal Dispute Resolution Procedure (IDRP).

Section 1. Scheme member details

Details of the person whose pension decision is being reviewed:

Full name	
Address	
Date of birth	
Employer (or former employer)	
National Insurance Number	
Email address	

Section 2. Details of the person making the complaint

Complete this section if the complaint is being made by someone other than the scheme member:

Name	
Address	
Date of birth	
Relationship to member	
Telephone Number	
Email address	

Section 3. Details of any Representative

Complete this section if someone is acting on behalf of the complainant, for example a family member:

Name	
Address	
Telephone	
Email address	
Please tell us which address we should use for correspondence	

1. Details of the complaint:

Please explain the decision action, or lack of action you are unhappy with and why you believe it is incorrect. Include as much detail as possible and attach copies of any relevant documents. If you need more space, please continue on a separate sheet.

To consider the complaint properly, Highland Pension Fund and the Stage 1 Appointed Person may need access to the scheme member's records. This may include health information, where it is relevant to the issue being considered. In some cases, it may be necessary to review the member's records in full to identify which information is relevant to the complaint.

By signing this form, I authorise Highland Pension Fund and the Stage 1 Appointed Person to obtain any relevant background information, including health information contained in medical reports, where required. This information will only be requested and used for the purpose of reaching a decision in respect of my Stage 1 appeal.

Signature: (By or on behalf of the member)	Date:
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Please return your completed form to: The Pensions Manager, Highland Pension Fund, The Highland Council Headquarters, Glenurquhart Road, Inverness, IV3 5NX