



Report to Pension Fund Board

Date: 13 December 2023

Title: Internal Dispute Resolution Procedure

Author and/or contact officer: Sam Price, Assistant Pensions Administration Manager

Recommendation: The Board is asked to **NOTE** the content of this report.

Executive summary

1.1 The Local Government Pension Scheme (LGPS) operates a two stage dispute procedure under Regulation 72 to 79 of The Local Government Pension Scheme Regulations 2013.

Within the first stage of this procedure, the complaint will be considered by a person nominated by the body that took the decision that the member wishes to complain against. Each employer is asked to nominate a 'specified person' and any complaints against the employing authority will be directed to them. Where the complaint is against the administering authority, these complaints will be addressed by myself, as the 'specified person'.

If the member is not satisfied with the decision from stage 1, they have not received a decision or an interim letter more than 3 months after the date the initial complaint is lodged or it is more than 1 month from the date they were informed a decision would be made, then a member can progress their complaint to stage 2. At this stage, the administering authority can take a fresh look at the complaint which would be undertaken by a person not involved in the first stage decision. Where the stage 1 complaint was against the employing authority, I will undertake the stage 2 review. Where the stage 1 complaint was against the administering authority, Buckinghamshire Council Legal team are responsible for this review.

If members are still unhappy following stage 1 & Stage 2 then they can take the case to the Pensions Ombudsman within 3 years of the original decision.

Content of report

1.2 The table below provides details of IDRP cases during the 2022/2023 year

CASE	DESCRIPTION	EMPLOYING/ ADMIN AUTHORITY	STAGE 1	OUTCOME	PROGRESSED TO STAGE 2	OUTCOME
1	Retirement	Admin	April 2022	Declined		
2	Ill health	Employing	June 2022	Declined		
3	Scheme membership	Employing	October 2022	Declined	2023/24	ongoing

Details of cases

Case 1 – Scheme member was unhappy with, what they felt was the BPF decision to not permit flexible retirement. Member was also unhappy with incorrect retirement estimates being provided. Following investigation, the flexible retirement had not been permitted as it was not within the employer’s discretionary policy and though incorrect figures had been provided to the scheme member, BPF apologised for the error but did not find that this had resulted in any financial impact or impact the members retirement decision, so appeal was not upheld.

Case 2 – Scheme member appealed employers’ decision not to award ill health retirement. Further IRMP review took place which agreed with initial decision. Appeal was not upheld.

Case 3 – Scheme member complaint against employer on the basis of incorrect information being provided during employment which resulted in the member not opting back into the scheme following opt out. Investigation took place by the employer who could not find evidence that the employee had been provided with any incorrect advice. Appeal was not upheld.

Non-formal appeals

Between 1 April 2022 & 31 March 2023 the team received 32 non-formal complaints, with 1 of these relating to payroll related complaints. 97% of these complaints were responded to

within the 5 working days target. The majority of these complaints relate to where there is a delay in payment of scheme benefits and a Senior Pensions Officer will review and ensure that the administration team have processed where possible. On the whole, these tend to be as a result of missing notifications from the scheme employer in which case the Senior Pensions Officer will escalate this in order to resolve. Another reason for complaints is where a scheme member believes they hold an entitlement to a benefit, such as a refund of contributions or to trivially commute a main scheme benefit/AVC and they do not have this option. In these cases the appeal is again referred to a Senior Pensions Officer to review scheme Regulations or HMRC guidance.

Lessons Learned

We continue to be keen to learn from both IDRPs and non-formal appeals to look at where improvements can be made to internal procedures. The Assistant Pension Administration Manager and Senior Officers in the team have a bi-annual meeting to review all appeals & complaints that have taken place during the 6 month period. This has allowed procedures to be more efficient and can highlight areas of risk or where further checks are required.

Other options considered

1.3 N/A

Legal and financial implications

1.4 N/A

1.5 N/A

Consultation and communication

1.6 N/A

Next steps and review

Background papers

N/A

Your questions and views (for key decisions)

If you have any questions about the matters contained in this report please get in touch with the author of this report. If you have any views that you would like the

cabinet member to consider please inform the democratic services team. This can be done by telephone [01296 382343] or email [democracy@buckinghamshire.gov.uk]

