

**Avon
Pension
Fund**



Your pension, your future

Employer Internal dispute resolution procedure (IDRP)

Guide for employers progressing a dispute
about a Fund decision.

Contents

Introduction	3
Raising an Informal Enquiry First	3
Still dissatisfied?	3
Stage 1: Initiating a formal complaint	3
Not in agreement with the response to an informal enquiry?	3
What happens next?	4
Stage 2: Further appeal.....	4
Taking your complaint further	4
What happens next?	5
Where to get outside help	5
Stage 1 Application under the internal dispute resolution procedure (EIDRP S1)	6
Stage 2 Application under the internal dispute resolution procedure (EIDRP S2)	9

Introduction

It is important that if an employer believes a decision made by Avon Pension Fund was unfair, an appeal process is available to them. Therefore, we have produced this document to tell employers about the appeals procedure available in the event of any dispute relating to a decision the Fund has made regarding an employer.

Administering Authorities must develop policies for inclusion in their [Funding Strategy Statement \(FSS\)](#) and [Pensions Administration Strategy \(PAS\)](#). The Fund will aim to ensure that the process of applying our policies is clear and transparent and applied consistently and fairly to all employers within the fund.

Raising an Informal Enquiry First

Where an employer believes that a decision made by Avon Pension Fund is incorrect or unfair, we ask that you firstly raise the concerns with the Fund Officer who has made the decision. Many issues are caused by misunderstandings, wrong information or human error. These can be quickly corrected or explained by informal contact with the person who has made the decision being disputed.

An informal enquiry of this kind may save a lot of time and trouble. If an error has been made it should be dealt with by Avon Pension Fund as promptly and efficiently as possible. Most problems are resolved in this way.

Still dissatisfied?

If an employer remains dissatisfied with any decision made, there is a two-stage procedure they can follow, as outlined below, under the Fund's Employer Dispute Resolution Procedure. Stage 1 is to make a formal complaint to Avon Pension Fund. If you are unhappy with the outcome of Stage 1 (or you haven't had a reply in time) you can then raise a further Stage 2 appeal.

We will do our best to explain any complex pension issues in a way that employers understand, so that employers do not need to incur additional costs in taking advice. Where an employer prefers to have another party to represent them, please provide the details of your advisor.

Stage 1: Initiating a formal complaint

Not in agreement with the response to an informal enquiry?

If an employer is not satisfied with the response to an informal enquiry, they should start the formal Internal Dispute Resolution Procedure (IDRP) process.

Please use the form EIDRP S1 at the end of this document as it will ensure the right details are provided.

You must make the initial complaint within six months of the decision being disputed, as the complaint can only be looked at later than this in special cases. Kindly set out an explanation of the complaint and provide any supporting evidence.

The completed EIDRP S1 should be sent to:

Technical & Compliance Advisor, Avon Pension Fund, Bath & North-East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG.

We recommend this is sent by tracked post so that you are certain it has been received.

You can also send the completed EIDRP S1 by email to the officer who was dealing with your informal enquiry, and they will forward it to the Technical & Compliance Advisor, where the detail of the complaint will be reviewed and passed to an appointed adjudicator who will be a senior officer within the Fund.

What happens next?

The facts of the case will be reviewed taking into consideration any relevant LGPS rules and/or other legislation or published guidance which may impact the decision. We may also ask for more details, to help us understand the complaint.

You should receive a written reply within four months of the date your complaint is received. We will acknowledge receipt of the IDRP request, and a further letter will either give you a decision, or where there may be a delay in a decision being made, for example where more data is needed or experts are required, it will explain the reason for any delay and indicate when you will have a decision. Both the employer and any guarantors will receive written copies of the decision.

Stage 2: Further appeal

Taking your complaint further

If you are unhappy with the Stage 1 decision, you have six months from receiving it to appeal to a Stage 2 adjudicator who will be appointed by the Fund. You must make your Stage 2 complaint in writing using form EIDRP S2 at the end of this document and enclose a copy of the Stage 1 decision with it, to:

Technical & Compliance Advisor, Avon Pension Fund, Bath & North-East Somerset Council, Lewis House, Manvers Street, Bath, BA1 1JG

We recommend this is sent by tracked post so that you are certain it has been received.

You can also go straight to Stage 2 if:

- You have gone through Stage 1 and have had an interim reply but no decision. In this case you can appeal after seven months of the expected decision date.

- You have gone through Stage 1 and have had no decision or an interim reply. In this case you have nine months from the date you made the Stage 1 appeal.

What happens next?

The Technical & Compliance Advisor will pass your complaint onto an independent adjudicator (not the original adjudicator) who will re-examine your case, looking at the LGPS rules, and/or other legislation or published guidance which may impact the decision. The adjudicator may also need to ask you for more details, to help them understand your complaint.

The Stage 2 adjudicator will acknowledge receipt of the complaint and should reply to you within four months of receiving the complaint. This will be to either:

- To give you their decision, which will confirm or replace the Stage 1 decision, or
- Where there may be a delay in a decision being made, to explain when you will have a decision.

Both the employer and any guarantors will receive written copies of the decision.

Where to get outside help

The Pensions Ombudsman (TPO)

The Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to an occupational pension scheme such as the LGPS. Pension schemes must normally go along with the Ombudsman's decision unless it is overturned by the High Court. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have been given first stage and second stage decisions under the IDRP process.

The Pensions Ombudsman can be contacted at;

Helpline telephone number: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

Stage 1 Application under the internal dispute resolution procedure

EIDRP S1

Employers should use this form to apply for the formal Employer Internal Dispute Resolution Procedure (IDRP).

Section 1 - Employer details

Scheme employer name

Scheme employer Company/Charity registration number (where applicable)

Scheme employer number in Avon Pension Fund

Section 2 - Employer Representative details

Employer representative name

Employer representative position in their organisation

Employer representative email address

Employer representative postal address

Section 3 - Third party advisor details

The employer gives authority for Avon Pension Fund to 'copy in' the following third-party advisor who we have appointed. If we change our instructions, we will immediately inform Avon Pension Fund.

Third party advisor name

Third party organisation name

Third party advisor position in their organisation

Third party advisor email address

Third party advisor organisation postal address

Section 4 - The complaint

Please summarise the complaint in this section, or on an attached sheet.

Tell us the details of what is being disputed, why you are disputing the decision and provide any supporting information. Please be specific and explain why you think the decision is wrong.

Section 5 – Declaration

Under Section 50(9) of the 1995 Pensions Act, IDRPs are not possible if any of the following applies:

- Proceedings have commenced in a court or tribunal
- The Pensions Ombudsman has started an investigation
- It is prescribed by regulations made by the Secretary of State

I declare that the above arrangements under Section 50(9) of the Pensions Act 1995 do not apply to this IDRPs application and the complaint detailed in Section 4 is to be considered and a new decision made.

Signature

Date

Where the application is being made by a representative of the employer the representative must also sign and date below.

Signature of
representative

Date

Please return this form to Avon Pension Fund by:

Email: avonpensionfund@bathnes.gov.uk

Post: Technical & Compliance Advisor, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG

Avon Pension Fund, Local Government Pension Scheme administered by Bath & North East Somerset Council.

How we use your personal data: We use the information you give us on this form to manage your pension and deal with your request. More information about how we use and protect personal data, including your rights, is available in our Privacy Notice on our website at: www.avonpensionfund.org.uk

Stage 2 Application under the internal dispute resolution procedure

EIDRP S2

Employers should use this form to apply for the formal Employer Internal Dispute Resolution Procedure (IDRP) at Stage 2 if you want us to reconsider a decision.

Section 1 - Employer details

Scheme employer name

Scheme employer Company/Charity registration number (where applicable)

Scheme employer number in Avon Pension Fund

Section 2 - Employer Representative details

Employer representative name

Employer representative position in their organisation

Employer representative email address

Employer representative postal address

Section 3 - Third party advisor details

The employer gives authority for Avon Pension Fund to 'copy in' the following third-party advisor who we have appointed. If we change our instructions, we will immediately inform Avon Pension Fund.

Third party advisor name

Third party organisation name

Third party advisor position in their organisation

Third party advisor email address

Third party advisor organisation postal address

Section 4 - The complaint

Please summarise the complaint in this section, or on an attached sheet.

Tell us the details being disputed, why you are disputing the Stage 1 decision and provide any supporting information. Please be specific and explain why you think the decision is wrong.

Please enclose a copy of any notification of the decision being complained about which has been made by the Fund and any other notification or letter that you think might be helpful.

Section 5 - Declaration

Under Section 50(9) of the Pensions Act 1995, IDRPs are not possible if any of the following applies:

- Proceedings have commenced in a court or tribunal
- The Pensions Ombudsman has started an investigation
- It is prescribed by regulations made by the Secretary of State

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Date

Where the application is being made by a representative of the employer the representative must also sign and date below.

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Email: avonpensionfund@bathnes.gov.uk

Post: Technical & Compliance Advisor, Bath & North East Somerset Council, Lewis House, Manvers Street, Bath BA1 1JG

Avon Pension Fund, Local Government Pension Scheme administered by Bath & North East Somerset Council.

How we use your personal data: We use the information you give us on this form to manage your pension and deal with your request. More information about how we use and protect personal data, including your rights, is available in our Privacy Notice on our website at: www.avonpensionfund.org.uk