

The Local Government Pension Scheme (Scotland) Regulations

Internal Disputes Resolution Procedure (Administering & Employing Authority Decisions)

The above Regulations give members, prospective members, or the widow, widower or dependant of a deceased member, access to a two-stage appeal process known as the Internal Disputes Resolution Procedure (IDRP) if they disagree with any decision made by a Scheme Employer or the Administering Authority, which affects their rights under the scheme and which has not been resolved to their satisfaction.

Decisions by Scheme Employers

The Local Government Pension Scheme Regulations require scheme employers to make decisions, known as “*first instance decisions*”, and inform their employees of these decisions. The following are some examples of “*first instance decisions*” employers are required to make;

- On commencing employment, the scheme employer must decide whether or not the employee is eligible to be a member of the scheme.
- The scheme employer must decide the rate of pension contributions that the member must pay into the scheme. This rate changes each year in line with statutory guidance and is based on the members rate of pensionable pay.
- When scheme membership ceases, the scheme employer decides what benefit the member is entitled to.
- The scheme employer may decide that an employee **is not** entitled to a benefit, e.g., if early retirement on the grounds of ill-health is considered and the employer’s independent medical adviser has reported that the member’s does not meet the criteria for ill health retirement.

Resolving Disputes

A Scheme member or prospective scheme member who has a complaint relating to scheme membership, entitlement to benefits, or any decision that has been made by that employer which affects their benefits should in the first instance contact the employer giving them the opportunity to resolve the dispute.

If a complaint cannot be resolved by the scheme employer, the member can invoke the two-stage Internal Disputes Resolution Procedure (IDRP) by completing the appropriate IDRP appeal form. Any complaints received under the Internal Disputes Resolution Procedure **must be made within six months of the date the member (or prospective member) is notified of the decision which is being appealed against.**

Under Stage 1 of this procedure the complaint should be directed to the person nominated by the employing authority to consider the first stage of the appeal. The nominated person must be independent and must not have been involved in any capacity in the decision against which the member is appealing. The nominated person will either uphold or dismiss the appeal but must first consult with Strathclyde Pension Fund to ensure any determination made is in accordance with the Regulations. A copy of the nominated person’s determination for each appeal case must be forwarded to Strathclyde Pension Fund Office.

It is the responsibility of the employer to give the member details of their right of appeal against an employing authority decision when that decision is made, the time limits for making such an appeal and the process to be followed.

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Appeals against Administering Authority (Strathclyde Pension Fund) “first instance decisions”

Other “First instance decisions” taken in respect of a member’s scheme membership are taken by Strathclyde Pension Fund and relate mainly to the calculation and payment of benefits and the calculation and treatment of transferred in service. Details of a member’s right to appeal against Administering authority decisions is clearly described in our scheme documentation and correspondence with members

Appeals against a decision of Strathclyde Pension Fund must be directed to SPFO.

The Role of the Appointed Person in the case of an appeal against Strathclyde Pension Fund

The role of the appointed person is to ensure that any decisions made by Strathclyde Pension Fund which have affected your pension rights have been made in accordance with the Local Government Pension Scheme (Scotland) Regulations. In reaching a decision the appointed person may ask you to provide further information or ask anyone involved to clarify points which are referred to in your application.

If you are not satisfied with the decision of the appointed person there is a further right of appeal under Stage 2 of the IDRPs to the Scottish Ministers which must be made within six months of the Stage 1 determination. If there is no Stage 2 appeal then the decision of the appointed person is binding.

The Role of the Scottish Ministers

The Scottish Minister is totally independent of scheme employers, administering authorities and appointed persons. At Stage 2 the Minister will require copies of all papers which were submitted at Stage 1 and may also request further evidence and professional views, e.g., They have the power to request a further expert opinion in medical cases if they feel it necessary. The Minister must also respond to a complaint within two months of receiving it or let you know the reason for any delay and when you may expect a reply.

Who Can Appeal Using IDRPs?

- Any Scheme member
- Any prospective Scheme member
- The widow, widower or dependent of a Scheme member
- Anyone who fell into one of the above categories within the last six months

All applications must give the member’s full name, National Insurance number and the name of the scheme employer. If the applicant is not the member the information must also include his/her home address and date of birth and the relationship of the applicant to the member.

The Pensions Advisory Service (TPAS)

If you need information and guidance concerning your pension arrangements, contact The Pensions Advisory Service

Telephone ~ 0300 123 1047

Website ~ www.pensionsadvisoryservice.org.uk

The Pensions Ombudsman TPO

If you have a complaint or dispute with your pension provider concerning your workplace or personal pension arrangements you should contact The Pensions Ombudsman;

Telephone ~ 0800 917 4487

Website ~ www.pensions-ombudsman.org.uk

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The Scottish Public Services Ombudsman

You may also contact the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh, EH3 7NS
Telephone No 0800 377 7330, if you are dissatisfied with the outcome of an application under the scheme's
appeal procedures.

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