

## Internal Dispute Resolution Procedure (IDRP)

# How to complain

### Introduction

We have produced this leaflet to tell you about the complaints procedure for the Local Government Pension Scheme (LGPS).

Briefly, it is a two-stage procedure, where you first complain to whoever you feel is at fault – either your employer or ourselves at the Cornwall Pension Fund.

Then, if you are not satisfied, you can make a further appeal to a referee.

No matter who your complaint is against, it is a good idea to use the enclosed form, as this will help you include all the necessary information.

### Please note:

This leaflet does not cover every aspect and it is not an interpretation of the scheme regulations.

In the event of any unintentional differences, the scheme regulations will prevail.

This leaflet does not confer any contractual or statutory rights.

## Who can complain?

You can use the complaints procedure if you are:

**A member:** You are paying contributions into the LGPS, or you have retired and receive a pension from us, or you have left your benefits “on hold” with us

**A prospective member:** You are not a member yet, but could become one if your employer brings you in or you ask to join

**A dependant:** You are the widow, widower, surviving civil partner, eligible cohabiting partner or child of a member or prospective member

*You can even use the complaints procedure if you think you should fall into one of these categories or did so during the last six months.*

### Using someone else to represent you

You might feel happier with someone else representing you, or may not be able to put forward your case yourself, for example because you are a child. In this case, you can choose someone else to represent you. This can be whoever you like – a friend, relative, solicitor, union rep etc.

## What can I complain about?

From the day you join the pension scheme, various decisions are being made about your pension – both by your employer and by us at the Cornwall Pension Fund. If you disagree with a decision, you can complain about it.

Examples of decisions made by your employer include:

- Deciding whether you can retire on ill health
- Deciding the pay we should use to work out your benefits

Examples of decisions made by Cornwall Pension Fund include:

- Applying any discretion we have e.g. whether or not to accept a transfer from another scheme
- Explaining how you are affected by the various scheme rules
- Working out your benefits

*Whenever a decision is made about your pension, you should be told about it in writing.*

You can also complain if you feel that you haven't been given the information you need or you think that there has been an unreasonable delay in us paying your benefits.

# Who do I complain to?

First you make a stage 1 formal complaint, as explained below. Then, if you are unhappy with the outcome of that (or you haven't had a reply within a certain time limits) you can go to a stage 2 referee, appointed by Cornwall Pension Fund. *This is the case no matter who your original complaint was against.*

## Stage 1: formal complaint

### What to do first

You should complain in writing to whoever you think is at fault – either your employer, former employer or ourselves at Cornwall Pension Fund.

It's best to use the enclosed form, as it will help you include the right details. Please also enclose a copy of any notifications of the decision you are complaining about and any other letter or notification that you think might be helpful.

You must make your initial complaint within six months of the date:

- You were told of the decision, or
- The decision should have been made but wasn't

Your complaint can only be looked at later than this in special cases.

**For complaints against your employer/former employer, please send your form to their pension officer. If your former employer no longer operates, please send the form to Cornwall Pension Fund.**

**For complaints against Cornwall Pension Fund, please send your form to:**  
Assurance Service Director  
Cornwall Council  
4<sup>th</sup> Floor North Wing  
County Hall  
Truro  
TR1 3AY

### What happens next

The facts of your case will be examined, along with the LGPS rules, and other legislation which is relevant. You may be asked for more details, to help understand your case.

You should receive a written reply within two months of the date your complaint arrives. The letter will either give you a decision or will acknowledge your complaint and explain when you will have a 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 referee who has been appointed by Cornwall Pension Fund. You must make your stage 2 complaint in writing, enclosing a copy of the stage 1 decision with it.

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 7 months of the expected decision date
  - You have gone through stage 1 and haven't had a decision or an interim reply. In this case you can appeal 9 months from the date you made your stage 1 complaint.
- In either case, you should do this as soon as possible after the time limit has passed.

### What happens next

The stage 2 referee will re-examine your case, once again looking at the LGPS rules, and so on. The referee may also need to ask you, your employer or former employer for more details, to help them understand your complaint.

You should receive a written reply within two months of receiving your complaint. This will be to either...

- Give you a decision, which will confirm or replace the stage 1 referee's decision, or,
- To acknowledge your complaint and explain when you will have a decision.

### For all stage 2 appeals, please write to:

Head of Pensions  
Cornwall Council  
3<sup>rd</sup> Floor South Wing  
County Hall  
Truro  
TR1 3AY

## Where to get outside help

### **The Pensions Advisory Service (TPAS)**

The Pensions Advisory Service (TPAS) is available at any time to assist members and beneficiaries of the LGPS in connection with any difficulties you are having in sorting out your complaint, or you have received a second stage decision under the LGPS complaints procedure, and you are not satisfied with that decision, and still think your complaint is well-founded, may wish to contact TPAS.

TPAS can provide free advice and information to explain your rights and responsibilities or may be able to help to resolve your complaint or dispute:



**11 Belgrave Road, London SW1V 1RB**



**0800 011 3797**



**[www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)**

### **The Pensions Ombudsman (TPO)**

The Pension Ombudsman (TPO) 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 and members must normally go along with the Ombudsman's decision unless it is overturned by High Court. However, before contacting the Ombudsman, they would normally expect you to have been given first stage and second stage decisions by the LGPS and have asked for help from TPAS.



**10 South Colonnade, Canary Wharf, London E14 4PU**



**0800 917 4487**



**[www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)**

### **Independent Advisors**

Independent Advisors are not tied to selling the products of just one company, but will charge a fee for their advice. To find an adviser near you, go to:



**[www.unbiased.co.uk](http://www.unbiased.co.uk)**

For more information or if you have a problem or question about your LGPS membership or benefits please contact:



Cornwall Pension Fund. 4<sup>th</sup> Floor South Wing, County Hall, Truro TR1 3AY



01872 322322



[www.cornwallpensionfund.org.uk](http://www.cornwallpensionfund.org.uk)



[pensions@cornwall.gov.uk](mailto:pensions@cornwall.gov.uk)

# Stage 1 Complaint Form

## 1 ABOUT THE COMPLAINT

*please fill in this part in all cases*

Who is the complaint against?

- The following employer
- Cornwall Pension Fund

## 2 DETAILS OF PERSON MAKING COMPLAINT

*please fill in this part in all cases*

Title:	Surname:	Address:
Other names:		
National Insurance no.:		
Date of birth:		
Pay number:		
		Postcode:

Are you a...  Cornwall Pension Fund member  Prospective member  Pensioner  Deferred member  Dependant

Please give details of the member you are a dependant of...

Their full name:	
Their address:	Their National Insurance no.:
	Their date of birth:
Postcode:	Their employer:
	Your relationship:

**DEPENDANTS ONLY**  
*Please fill in this section*

## 3 USING A REPRESENTATIVE

*please fill in this part in all cases*

Is a representative making this complaint on behalf of the person named above?

NO  → Go to SECTION 4      YES  → The representative should fill in their details below...

Representative's details		
Title:	Surname:	Address:
Other names:		
Your relationship to person making complaint e.g. Friend		
		Postcode:

**4** **DETAILS OF COMPLAINT** *please give the full details of the complaint in this section*

- Please give the full details of the complaint, including any dates which you think are relevant
- If you run out of space, please attach a separate sheet marked with name and National Insurance number
- Please include a copy of any written notification of a decision you have received



**5 SIGNATURE** *please fill in this part in all cases*

This section must be signed **IN ALL CASES** by either:

- The person making the complaint where there isn't a representative, or
- The representative where there is one

Signed:	Date:
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**6 ILL HEALTH CONSENT**

This section only needs to be completed if your complaint relates to the early release of pension on ill-health grounds:

I give consent for my employer and administering authority to access my personal and medical records in order for my complaint to be considered and a decision to be made about it.

Signed:	Date:
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**7 WHAT TO DO NEXT**

**IMPORTANT | Please keep a copy of the completed form for your own records, then send it to:**

**For complaints against your employer/former employer, please send your form to their pension officer. If your former employer no longer operates, please send the form to Cornwall Pension Fund.**

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