

Internal Dispute Resolution Procedure (IDRP) Guide



Introduction

The Environment Agency Pension Funds (EAPF) are part of the Local Government Pension Scheme (LGPS). They are governed by the LGPS regulations which change from time to time and this guide is based on the regulations in force from 1 April 2014. The law requires the Environment Agency as pension scheme Administering Authority of the EAPF to operate internal procedures for resolving pension disputes relating to the EAPF.

The IDRPs are a formal complaints procedure for settling disputes. It applies to decisions made under the rules of the EAPF by the following decision makers:

- Your employer or former employer
- The Environment Agency as the Administering Authority of the EAPF

Before using the IDRPs process

Before making a complaint using the IDRPs, it is important that you first contact the decision maker to explore your concerns. In doing this you can discuss whether it is possible to resolve your complaint without using the IDRPs.

Who can complain?

Anyone whose rights to benefits payable from the EAPF have been affected by a decision of their employer or the Administering Authority or concerning the EAPF can use the IDRPs process, for example if:

- You're an EAPF **member**, including members who are currently paying into EAPF, those who have left and their pension benefits are not in payment, or those who are receiving a pension.
- You're a **prospective EAPF member**. This means that, though you are not a member now, you could become one by opting in or if your employer enrolls you into the fund.
- You're a member's dependant, for example, the widow, widower, surviving civil partner, eligible cohabiting partner or the child of a member or prospective member.
- You're someone who is entitled to benefits in the EAPF when a member has died.

You can even use the complaints procedure if in the last 6 months you have ceased to be in one of the above categories or if your complaint is about whether you're eligible.

Using a representative

You might feel happier asking someone else to act for you or you may not be able to put your case yourself, for example because you're a child. You can choose whoever you like to represent you – for example, a friend, a trade union representative or a relative.

If the person who is entitled to make the complaint has died, their personal representative (the person dealing with the estate) can make or continue the complaint on their behalf.

What can I complain about?

From the day you join the EAPF, your employer and the pension scheme administrator, on behalf of the Administering Authority, are making various decisions about your pension. If you disagree with the decision they've reached, you can complain about it. Examples include:

- Whether you can retire on ill health grounds
- The rate of pension contributions you pay and what pay they're based on
- Whether you're allowed to transfer previous pension benefits into the EAPF
- How you're affected by the LGPS rules
- Working out your pension benefits

You can also complain if you haven't been given the information you need or you think there has been an unreasonable delay in making a decision or paying your pension benefits.

What can't you complain about?

There are some types of complaints, known as exempt disputes, that you cannot raise using the IDR. Such disputes cover situations where you may have already commenced proceedings in court of law or employment tribunal, or where you've already referred your case to the Pensions Ombudsman.

Also, you cannot use the IDR process to resolve disputes with your employer which do not concern the EAPF.

How and when you should be told about decisions

Every time a decision is made about your pension under the LGPS Regulations, the decision maker must write and tell you the decision as soon as they can. They must also tell you how and why they reached it, together with a statement, where relevant, of how they calculated any benefits. They must also tell you how you can apply for further information about the decision, appeal it or make a complaint, and provide details of the IDR. This also applies to any pension benefit decisions communicated to your dependants in the event of your death.

What to do if you're unhappy with a decision

If you're unhappy with a decision relating to your pension or would like further information, you should firstly contact the decision maker. You can do this by telephone or in writing. In doing this you may be able to resolve the issue without the need to use the IDR complaints procedure. If you're still unhappy after exploring your options with the decision maker you can use the IDR.

Who do I complain to?

The IDR is a procedure for resolving complaints, with a later right of appeal to the Administering Authority. If after speaking to the original decision maker you still want to complain you should send your initial complaint to the EAPF's stage 1 adjudicator. If you're unhappy with the outcome of the initial complaint and the decision of the adjudicator, you can appeal the outcome to the Administering Authority representative as explained below.

Initial complaint

LGPS Regulations require the EAPF and your employer to appoint an adjudicator, to deal with all initial complaints. The Head of Responsible Investment and Governance has been appointed to this role and will review complaints made under the first stage ('stage 1') of the IDR on the EAPF's and your employer's behalf.

Please download and complete our [IDR application form](#) to ensure that you provide the adjudicator with the relevant information needed to review your complaint. [You can download this form from our website at www.eapf.org.uk/resources/forms](#).

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

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

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

What happens next?

The adjudicator will consider your case using your completed application form and any other information that you've sent with the application. They'll take account of the LGPS rules and any other relevant legislation and may contact you for further information to help understand your case.

You should receive a written reply within 2 months of the date your complaint arrives. This will either be a decision, or an acknowledgement of your complaint and it will explain when you'll receive a decision.

We recommend that you submit your application form by email at the following address:

EAPF@environment-agency.gov.uk

Alternatively, if you're unable to submit the form by email, please send it to the address below.

Head of Responsible Investment and Governance
Pension Fund Management Team
Environment Agency Pension Fund
Horizon House
Deanery Road
BRISTOL
BS1 5AH

What the adjudicator must tell you

The adjudicator must write to you, or your representative, and the original decision maker to provide their decision usually within 15 working days of the decision being made. In their letter the adjudicator must state:

- What the decision is
- The particular LGPS Regulations and any other legislation they've taken into account in reaching their decision.
- That you've the right to ask the Administering Authority to review their decision within the next 6 months.
- That the Money and Pensions Service who can be contacted by email at contact@maps.org.uk and the Early Resolution Service at the Pensions Ombudsman are available to assist you at this stage, together with full contact details, currently as follows:

The Early Resolution Service
The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

Telephone: 0800 917 4487
Email: helpline@pensions-ombudsman.org.uk
Website: www.pensions-ombudsman.org.uk

Please note that The Early Resolution Service is a service provided by the Pensions Ombudsman.

What power the adjudicator's decision has

The adjudicator's conclusion is legally binding unless an application is made to the Administering Authority to challenge their decision. This means that, if the adjudicator's decision is contrary to the original decision maker's conclusion, they must act on the adjudicator's decision, except if the original decision was linked to exercising a discretion, and the adjudicator disagrees with the original conclusion, then the adjudicator must refer it back to the original decision maker for reconsideration.

Taking your complaint further

If you're unhappy with the adjudicator's decision, you can ask the Administering Authority representative to review your case again. The Administering Authority representative is totally independent of the original decision maker, and the adjudicator and must not have been previously involved. You have 6 months from receiving the stage 1 adjudicator's decision to appeal and take your complaint further. The person appointed by the EAPF to reconsider your complaint is the Chief Pensions Officer.

We recommend that you submit your appeal by email at the following address:
EAPF@environment-agency.gov.uk

Alternatively, please send your form to the address below.

Chief Pensions Officer
Pension Fund Management Team
Environment Agency Pension Fund
Horizon House, Deanery Road
Bristol
BS1 5AH

You can also go straight to Administering Authority representative if:

- You've gone through the adjudicator and haven't had a reply within 3 months of making your complaint, or
- You've gone through the adjudicator and haven't had a decision within 1 month of the date you were told you would do so

In either case, you should send your application form as soon as possible after the time limit has passed. You should make your application to the Administering Authority representative in writing, using the [application form on our website](#).

What happens next?

The Administering Authority representative will re-examine your case, looking at the scheme rules and other relevant information. They may need to contact your employer or former employer to ask for information to help them understand your complaint. They must reply to you within 2 months of receiving your complaint to either:

- Give you a decision which will confirm or replace the adjudicator's decision or
- Acknowledge your complaint and explain when they'll send you their decision

Once the Administering Authority representative has made a decision, they must write to you, or your representative, and the original decision maker to provide their decision with the following information:

- What the decision is.
- The particular LGPS Regulations and any other legislation they've taken into account in reaching their decision.

- Details of the support available from the Pensions Ombudsman and his powers to provide assistance and investigate and determine matters following the IDRP process.

The Administering Authority representative's decision takes effect as if it were the decision of the original decision maker. As with the adjudicator, if the original decision was linked to exercising a discretion, and the Administering Authority representative disagrees with the original decision, they must refer it back to the original decision maker for reconsideration.

The Pensions Ombudsman

If you need any help in submitting or dealing with your complaint you can ask the Early Resolution Service at The Pensions Ombudsman (TPO) to help you at any time, using the contact details below. They can provide free advice and information to explain your rights and responsibilities.

Applying to the Pensions Ombudsman (TPO) after the IDRP determination

If you remain dissatisfied after you have received the adjudicator's and Administering Authority representative's IDRP decisions, you can ask TPO to investigate your complaint. TPO is completely independent and acts as an impartial adjudicator. Their role and powers have been decided by Parliament and there is no charge for using TPO's services.

TPO's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law. You must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

You can contact TPO at:

The Pensions Ombudsman
10 South Colonnade Canary Wharf
London
E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Appendix 1

Time limits under the Internal Dispute Resolution Procedure		
Your situation	To complain to	You must submit your claim in writing before
You're unhappy with a decision made regarding your pension.	Adjudicator	6 months from the date you were notified of the decision.
Your employer or administering authority have failed to make a decision about your benefits under the pension scheme.	Adjudicator	6 months from the date when the decision should have been made.
You're not satisfied with the adjudicator's decision.	Administering Authority representative	6 months from the date of the adjudicator's decision.
You've not received the adjudicator's decision on your complaint or any interim reply within 3 months of your application.	Administering Authority representative	9 months from the date of the adjudicator's decision.
You received an interim reply from the adjudicator but one month after the date they stated you still have not received their decision.	Administering Authority representative	7 months from the date by which you were promised you would receive a decision.
You're still not satisfied following receipt of the Administering Authority representative's decision.	The Pensions Ombudsman	3 years from the date of the original decision about which you are complaining.
You received an interim reply from the Administering Authority representative but one month after the date they stated you still have not received their decision.	The Pensions Ombudsman.	3 years from the date of the original decision about which you are complaining.
You've not received a decision or any interim reply to your complaint to the Administering Authority representative within 2 months of your application	The Pensions Ombudsman	3 years from the date of the original decision about which you are complaining.

Note: The adjudicator can allow a longer period if they feel this is reasonable.