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Internal Dispute Resolution Procedure (IDRP)

A PRACTITIONER'S GUIDE (1st JUNE 2004)



**LOCAL GOVERNMENT PENSION SCHEME
ENGLAND & WALES**

**NEW INTERNAL DISPUTE RESOLUTION
PROCEDURE**

A PRACTITIONER'S GUIDE

(With effect from 1 June 2004)

Introduction & Summary

1. From 1 June 2004 an amended Internal Dispute Resolution Procedure will apply to active members of the Local Government Pension Scheme (the LGPS) in England and Wales and to others, such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.
2. The main features of the new arrangements are :
 - a) Responsibility for determinations under the first stage of the procedure (arrangements for the determination of disputes) to be vested in a "specified person")
 - b) responsibility for determinations under the second stage of the procedure rests with the Administering Authority; and
 - c) the removal from the IDRPs of the former role of the Secretary of State.
3. The changes are described in more detail below. See **Annex A** for a flow-chart describing the new arrangements. Also attached at **Annex D** is a list of useful definitions and terms that are used throughout the guidance.
4. This guidance for practitioners is intended to familiarise local authorities and other key users with the new arrangements. It also offers informal advice on a number of issues, which might be of concern to pension managers and others with responsibilities and interests under these arrangements.
5. As before, it is for individual local authorities' legal advisers, or the Courts to interpret the related legislation.

6. Subject to the passage of the current Pensions Bill, further changes to the LGPS Internal Dispute Resolution Procedure may need to be made in 2005, or later. The Pensions Bill, published in February 2004, would provide for a less prescriptive procedure.¹ So when the Bill becomes an Act, a decision will need to be made on whether or not the LGPS procedure should continue to have two stages.

¹ The relevant provision is in draft section 210.

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Background - The legal position

7. The Occupational Pension Schemes (Internal Dispute Resolution Procedure) Regulations 1996 (SI 1996 No 1270), made under section 50 of the Pensions Act 1995, required occupational pension schemes such as the LGPS to make arrangements for the resolution of disagreements between the managers of the scheme on the one hand, and on the other, active, deferred and pensioner members, their widows, widowers and dependants, their nominated representatives and prospective members.
8. Regulations 99 to 104 of the LGPS Regulations 1997 provided for the Scheme's arrangements in this respect, and regulations 97 and 98 (initial determinations of questions) were also relevant.
9. Regulations 27 to 32 of The Local Government Pension Scheme (Amendment) Regulations 2004 (SI No 2004/573) make important changes to the arrangements.
10. The main features of the new arrangements, which come into force on 1 June 2004, are :
 - Responsibility for the first stage of the procedure (arrangements for the determination of disputes) is to be vested in a specified person, typically, the person or body who considered and made the initial decision against which the dispute has arisen; and
 - the responsibility for second stage determinations falls to the relevant Administering Authority. This removes the former role undertaken at this stage in the process by the Secretary of State in the Office of the Deputy Prime Minister (ODPM).
11. These new arrangements essentially bring the LGPS system more into line with the intention of the Pensions Act, ie, that pension disputes

should be resolved internally before progressing to an external, independent consideration by the Pensions Ombudsman.

Purpose of dispute resolution system

12. The Government's stated policy intention is that an occupational pension scheme's internal dispute resolution procedure should serve as "a filter, to ensure that easily resolved complaints and simple misunderstandings are not referred to the Pensions Ombudsman" ("Simplicity, Security and Choice –Technical Paper" 2002). The new system for the LGPS, therefore, needs to be seen in this context, rather than as an arrangement which seeks to replicate the IDRP as it operated in the LGPS between 6 April 1997 and 31 May 2004.
13. Where it has been an authority's policy to resolve disputes informally and so without recourse to the formal IDRP arrangements, the Office would encourage the continuation of that practice. The two stage internal arrangement could, in these circumstances, be reserved for cases which are more complex and contentious.
14. In the rest of this guidance, the above-mentioned Local Government Pension Scheme (Amendment) Regulations 2004 are referred to as "**the 2004 Regulations**". The changes are described in more detail below.
15. The Office is considering the impact of these changes and recent High Court cases on the appeal provisions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 and earlier equivalent regulations.² In particular, we are examining whether or not these regulations need to be amended to ensure that injury allowance and compensation related disputes are dealt with under the new IDRP arrangements. Further advice

will follow shortly. In the meantime, the advice in LGPC Bulletin 33 should be followed (see www.lg-employers.gov.uk/pensions/bulletins.html) except where the dispute relates to whether or not a person is entitled to an injury allowance. In those cases, employers may wish to seek the advice of the LGPS Secretariat (e-mail: terry.edwards@lg-employers.gov.uk) or tel 020 7296 6744).

OUTLINE OF THE NEW ARRANGEMENTS

16. There will continue to be a two stage dispute resolution procedure. A flow-chart of the new system is attached at **Annex A**.
17. The first stage consists of an application to a person specified by the Scheme employer; or, where a first instance decision has been made by an administering authority, to a person specified by that authority. The specified person is required to issue his or her decision on the disagreement within two months of receiving the applicant's written appeal, or longer if a letter explaining the reasons for the delay is sent instead.
18. Where the applicant is dissatisfied with the specified person's decision, the matter can then be referred to the administering authority for determination at the second stage of the procedure. Unless the matter is referred in this way, the decision of the specified person is binding on the LGPS employer/Administering Authority who took the initial decision. But there may be occasions when the specified person at Stage 1 is uncertain about the determination or would welcome a second opinion. In these circumstances, it would be appropriate for a draft determination to be sent to the main interested parties, including the applicant and the relevant administering authority, to invite their views on the proposed decision.
19. Please note that under the new arrangements, if the LGPS employer who took the initial decision is dissatisfied with the specified

² Such as the Local Government (Discretionary Payments) Regulations 1996 (SI 1996/1680

person's decision, there is no longer a right for the body that took the initial decision to refer the matter up to the second stage of the procedure (regulation 30(c) of the 2004 Regulations).

THE PARTIES

20. These comprise the "applicant" or "alternative applicant" and the "Scheme employer". Also the "person deciding the disagreement" who has been specified under regulation 98(5)(c), and at the second stage the "person who applied under regulation 100".
21. In some instances, the "Scheme employer" will be the administering authority where that authority is responsible under the regulations for making the initial decision. Where the dispute concerns a decision on the entitlement to benefit of a pension credit member or a person who is entitled to a pension credit, the other party will be the administering authority.
22. There is no change to the provisions of regulation 104 (rights of representation) on the rights of a representative appointed by the applicant, or of any other specified category of representative, to make/continue an application for a dispute to be resolved. A description of the requirements of regulation 104 is attached at **Annex F**.
23. The IDRPs procedure applies where a relevant LGPS employer makes a decision under the provisions of the LGPS which affects the pension position of a person who falls within the broad categories of "applicant" or "alternative applicant" (regulation 100(1) and 100(2)). If the applicant or alternative applicant is dissatisfied with the decision taken by the body that made it, he or she may refer the disagreement to the "person specified under regulation 98(5)(c)" for a decision.

THE INITIAL DECISION

Giving an Explanation

24. Providing a clear written explanation of the decision is an obvious, and essential, part of good administration. The LGPS Regulations 1997 (notification of decisions) are quite specific on this point. "The grounds for the decision" must be included in any notification informing a person that they are not entitled to a benefit (regulation 98(2)). A notification about a decision on the amount of a benefit must show how the benefit is calculated (regulation 98(3)). The notification must give an address from which more information about the decision can be obtained (regulation 98(4)).
25. Particularly when the decision results from the exercise of a discretion by the employer, if no proper explanation of the decision is given employers should bear in mind that there could be a possibility of a maladministration ruling eventually by the Pensions Ombudsman.

Ill health benefit decisions

26. Disputes may be particularly likely to arise when a member is refused ill health retirement benefits or early payment of a preserved benefit requested on the grounds of ill-health. Before making any decision on entitlement to ill health benefits or early payment of a preserved benefit on the grounds of ill-health, the employer must obtain a certificate from an independent registered medical practitioner qualified in occupational health medicine. The certificate must give the doctor's opinion on whether the member is "permanently incapable" of discharging efficiently the duties of his/her employment because of ill health or infirmity of mind or body (regulation 97(9)), "Permanently incapable" is defined in regulation 27(5) as meaning "that the member will, more likely than not, be incapable until,

at the earliest, his 65th birthday".³ In this context, "independent" means having no previous involvement with the case, and not acting as the representative of any particular party (regulation 97(9A)). The administering authority must approve a scheme employer's choice of doctor before the employer refers to them any question of a member's health (regulation 97(10)).

27. If a dispute over ill health benefits has emerged, it would be sensible for an employer to first check that all of these requirements have been complied with. If they have not, a fresh decision needs to be made. Where these requirements have been complied with, there may still be a dispute about the decision taken by the independent registered medical practitioner. In these circumstances, it would be open to the specified person, on behalf of the employer against whose decision the dispute has arisen, to arrange for a further independent medical examination. Normally, however, this course of action would only be taken where the medical evidence as a whole is either ambiguous or contradictory. The costs of such an examination would fall to be met by the relevant employer.

Obligation to inform applicant

28. When a relevant LGPS employer makes a decision under the LGPS Regulations 1997, the notification of that decision must include a reference to both the recipient's right under regulation 100 to refer any disagreement to the specified person, and their right under regulation 102 to refer any subsequent disagreement with the specified person's decision to the administering authority (regulation 98(5)(a)). The reference in the notification to the specified person who would decide any application under regulation 100, must include that person's job title and the address at which he or she can be contacted (regulation 98(5)(c))⁴.

³ Regulation 10(b) of the LGPS 9Amendment) Regulations 2004 (SI 2004/573).

Action which may avert a formal dispute

29. Where the member is clearly unhappy with the decision and may resort to the formal dispute procedure in the absence of any further action by the body that took the decision, it makes sense for an appropriate person from the pensions administration section of the administering authority to offer the member further information on the reasons for the decision, perhaps at an informal meeting with his advisers, if necessary. In some instances where the issues are not complex, this recognition of their concerns, and the opportunity to understand more about the decision, may be sufficient to satisfy the complainant. It is appreciated that many administering authorities already take this positive and helpful kind of action, and recommend it to their Scheme employers.

⁴ See regulation 27 of the 2004 Regulations.

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APPLICATION FOR A DECISION BY THE SPECIFIED PERSON

30. Although most applications under regulation 100 are likely to follow from a notification of a decision made by an LGPS employer or the administering authority, a complaint can be made "... about a matter in relation to the Scheme." This means, in effect, that the person specified under regulation 98(5)(c) cannot refuse to accept an application on the grounds that no notification of a decision under the Scheme has been issued. This will of course be the case where an LGPS employer or the administering authority has failed to make a decision which they were required to make under the regulations, but there may be other occasions where a regulation 100 application must proceed, because it relates to the Scheme, even though no decision has been made by the relevant LGPS employer or, as appropriate, by the administering authority.

31. The arrangements apply only to complaints which arise from the operation of the LGPS. In other words, it is restricted to the prospective, active and former members of the Scheme, as well as those who fall within the "alternative applicant" category of a widow, widower or surviving dependant of a deceased member or any other person to whom benefits in respect of him may be paid (regulation 100(2)(a), a prospective member regulation 100(2)(ba), a person entitled to a pensions credit (regulation 100(2)(bb)) and a person who ceased to be a member or to fall within within the above categories during the period six months ending with the date of the application (regulation 100(2)(d)).

CONSIDERATION BY THE SPECIFIED PERSON

Purpose of First Stage

32. This stage involves a formal review of the initial decision by the authority or body which took that decision. It is an opportunity to reconsider the question and, where appropriate, to alter the decision - for

instance, where certain relevant facts or evidence were not taken into account, or where there has clearly been a mistake or oversight.

Procedure

33. Upon receipt of an application, which must be a written one, the person deciding the disagreement will need to ensure that he is in receipt of the relevant particulars (regulations 100(3), 100(4) or 100(4A) or 100(5) as relevant, and 100(7).
34. He must also check that the application has been submitted within a period of six months after the "relevant date" (regulations 100(9) and 100(10)). However, the specified person may extend this period at his discretion (see regulation 100(8)).
35. It is expected that the specified person will consider each case on the basis of the evidence and representations submitted by the parties to the complaint, together with any other evidence which he or she requests from expert advisers, etc. Where the complaint is of a medical nature, the specified person may wish to consider each case on the basis of the medical evidence submitted by both parties to the disagreement, although in some circumstances, the opinion of an independent medical practitioner (IMP) could be sought. (see para 27 above).

The person deciding the dispute

36. The Pensions Act 1995 does not stipulate any particular requirements about who should determine any complaint at this first stage. Section 50(2)(a) simply says that there must be arrangements under any occupational pension scheme for "a person" to give a decision on a disagreement. The 2004 LGPS Regulations, similarly, do not elaborate on who "the person specified under regulation 98(5)(c)" should or might be.

37. In practice, as the person will need to understand the details of the dispute, the employer is likely to ask someone with relevant expertise to decide it, although this does not have to be an employee or elected member of the authority. Depending on the circumstances, a suitable person could be the pensions manager, for instance, or an authority's solicitor, the human resources manager or payroll manager. But as a general rule, if a person is competent to consider and make the initial decision, then it is assumed that they are equally competent to re-consider that decision comprehensively and carefully in the light of a Stage 1 appeal.

NOTICE OF A DECISION

38. Written notice of the specified person's decision must be sent to the applicant (or his/her representative), the Scheme employer, and the appropriate administering authority (where different), within two months of the receipt of the relevant particulars (see paragraph 33 above). Regulation 101(3) requires the decision to include the following :

- the decision;
- a reference to any legislation or Scheme provisions that it relies on;
- where relevant, a reference to the Scheme provisions conferring the discretion whose exercise has caused the disagreement;
- a reference to the applicant's right to have the disagreement reconsidered by the appropriate administering authority, and the time limit for doing this;
- a statement that OPAS is available to assist the member with any difficulty with the Scheme which remains unresolved, and OPAS' address

39. Where it has not been possible for the specified person to issue his/her decision within the two month period, a letter must be sent immediately to all the relevant parties explaining the reasons for the delay and giving an expected date for issuing the decision (regulation 101(2)).
40. Although in most cases the decision under regulation 101 will be a final one as described in paragraph 41 below, there may be circumstances where the specified person may wish to issue a provisional decision so that the views of the interested parties, in particular, that of the relevant administering authority, can be obtained before a final decision is taken. Because the two month time-limit relates to the final decision, a letter of explanation should still be sent if the issue of a provisional letter delays the specified person's decision beyond that time-limit. **Annex C** contains a sample decision letter.
41. Unless the applicant refers the decision of the specified person to the administering authority for determination under regulation 102, the decision reached by the specified person [under regulation 100] is final and binding on the Scheme employer.

Discretionary Questions

42. Due to the scope of the Pensions Act 1995, the specified person may be asked to consider a disagreement about the way in which a Scheme employer has exercised a discretionary power under both the main Scheme Regulations and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended). In such cases, the role of the person deciding the disagreement is not to overturn the initial decision but to ensure that the discretion has been exercised reasonably and, in cases where this is found not to be the case, to determine that the matter should be reconsidered in a proper manner.

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REFERRAL OF DISAGREEMENT TO THE ADMINISTERING AUTHORITY

43. Referrals to the administering authority against the decision of the specified person may be made by the applicant. In addition to the information previously supplied to the specified person, the administering authority must also be given a copy of the specified person's decision, a statement of the reasons why the applicant is dissatisfied with that decision, and a statement confirming that they wish the disagreement to be reconsidered by the administering authority (regulation 102(2) to 102(5)).

44. A disagreement may also be referred to the administering authority in cases where :

- the specified person has failed to issue either a decision, or a letter of explanation, within three months from the date on which the application under regulation 100 was made, or
- an interim letter of explanation has been sent, but the specified person has failed to issue the decision within one month of the expected date given in that letter (regulation 102(1) with 102(9) and 102 (10)).

NATURE OF SECOND STAGE

45. Under the new arrangements, it is the administering authority's responsibility to determine Stage 2 disputes. Each administering authority shall determine the procedure to be followed by them when exercising their functions under regulation 102, and the manner in which those functions are to be exercised (regulation 99(2)). Persons determining disputes at the second stage will, in many respects, undertake that function in much the same way that "appointed persons" did under Stage 1 of the previous arrangements.

46. There is no statutory requirement for the authority to appoint a suitably qualified panel of persons to determine disputes, or for the decision maker to be someone with no previous involvement in the dispute. However, this simpler approach at the regulatory level does **not** of course mean that administering authorities should ignore good practice, nor ignore the need to foster and maintain the confidence of complainants in their dispute resolution arrangements.

47. The applicant's complaint is to be considered :

- in-depth, and
- in a formal way.

48. The administering authority should :

- reconsider the decision, taking full account of the facts of the case and of any evidence submitted, or relied on, by either party in the determination at Stage 1,
- check that the regulations were applied correctly,
- check that sound, impartial procedures were used to reach the decision. This is particularly important where the dispute concerns the exercise of a discretion by a scheme employer or by the administering authority.

49. The administering authority need to satisfy themselves that the first stage decision was reasonable and consistent with other decisions issued by the authority and from other employers in the Fund, and that it would stand up to external scrutiny. If the complainant decides to pursue the dispute beyond the second stage of the internal procedure, it will of course fall to be considered by the Pensions Ombudsman.

Delegating the function

50. As with any local government function, the administering authority has the power to delegate the making of a second stage determination in various ways, if this is considered appropriate and necessary for effective, efficient and timely handling. They may delegate the work, for instance, to one or more elected members, to a committee or sub-committee of the authority, or to one or more officers/employees of the authority. This could include someone employed specially for the purpose of making second stage decisions.

51. The authority may wish to continue to use the services of one or more of its external advisers who may have previously served on its panel of "appointed persons". However, the authority will not be able to delegate the decision-making function to anyone who is not actually a member or officer/employee of the authority itself. As responsibility for discharging the function lies with the administering authority alone, they can only use external parties in an advisory capacity. Further guidance on who might be used to determine disputes is at **Annex B**. That Annex should be read in the context of the rest of this section.

Non-local authority statutory bodies

52. Non-local authority administering authorities such as the London Pensions Fund Authority and the Environment Agency, can delegate the work of making the second stage decision in accordance with the rules governing their particular governance arrangements.

Expertise

53. The Pensions Act clearly intends that the second stage of the internal dispute resolution procedure for an occupational pension scheme should be carried out by a person/persons senior to the day-to-day

scheme administrator, and who has a reasonable knowledge of that scheme.

54. The kind of skills likely to be needed therefore by the second stage decision-maker are :

- a good working knowledge of the LGPS regulations, and
- a thorough understanding of the associated administrative procedures.

55. Where a decision-maker is chosen for their skills in interpreting regulations in general and their ability to make sound judgements, rather than because they possess specific LGPS expertise, they would need to obtain information/advice from someone who does have such expertise, before being able to proceed to make their own judgement.

Impartiality

56. The second stage of the procedure should seek to achieve an impartial, fair-minded decision on the dispute. This is not the same thing as a wholly independent judgement. By definition, an "internal dispute resolution procedure" is carried out by those responsible for a particular occupational pension scheme. An entirely independent judgement by an external body is available from the Pensions Ombudsman, after the second stage of the internal procedure, if a complainant decides to pursue a dispute that far.

57. To encourage trust in the second stage of the procedure, administering authorities are strongly recommended to follow the guidelines below.

Not representing either party or any other particular interest

58. Decision makers at this stage should be able to say they are not acting, in relation to the case :

- As the representative of the member/alternative applicant, or
- As the representative of the Scheme employer⁵, or
- As the representative of any other party⁶

No previous personal involvement with the case

59. The decision-maker should be able to say they :

- have not previously advised on the case,
- have not previously given an opinion on it, and
- have not previously been involved in it.

60. Where the administering authority is the body whose initial decision gave rise to the dispute, they must not use the same person to determine the dispute at both the first and second stages of the procedure, as this would obviously be contrary to natural justice, and there would not be the proper separation between the two stages which the Pensions Act requires.. They should take all appropriate steps to ensure the dispute is reconsidered impartially at the second stage.

61. If the complainant works/worked for another Scheme employer whom the administering authority has previously advised on the dispute, then the

⁵ In some cases, the administering authority itself will have taken the initial decision that gave rise to the dispute.

⁶ For example, a political party, a trade union, a professional organisation, an employers' organisation, etc.

second stage decision maker within the administering authority would need to be someone who had no connection with that advice.

NOTICE OF DECISION FROM THE ADMINISTERING AUTHORITY

62. The administering authority is required to issue a copy of its decision to the parties within two months from the date on which the application with the particulars required by the Regulations was received (regulation 103(1) and regulation 102(2) to 102(5)). The following information must be included in the decision notice (regulation 103(3)) :

- the decision;
- whether, and to what extent, it confirms or replaces any related decision under regulation 100;
- a reference to any legislation or Scheme provisions that the second stage decision relies on;
- a reference to any legislation or Scheme provisions that the second stage decision relies on;
- if relevant, a reference to the Scheme provisions conferring the discretion whose exercise caused the disagreement;
- a reference to the services offered by OPAS⁷,
- a reference to the Pensions Ombudsman's powers⁸ to investigate and determine any complaint or dispute of fact or law.

63. **Annex C** contains a sample decision letter

⁷ Occupational Pensions Advisory Service

⁸ Under the Pensions Schemes Act 1993.

64. The administering authority must issue a letter of explanation to the parties if their decision is delayed beyond two months from the date of receiving the written application (regulation 103(2)). The letter must set out the reasons for the delay and give an expected date for issuing the decision. To ensure that a decision is issued within the statutory deadline, it will be important for the administering authority to have effective procedures for obtaining records, evidence, etc from Scheme employers. Note that the applicant can refer a dispute on to the Pensions Ombudsman if the statutory deadline has passed, and there is an unexplained or unreasonable delay in issuing the authority's decision.

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Consistency & Resources

65. Except for discretionary matters, the same LGPS rules apply to all Scheme members and beneficiaries, whichever administering authority they happen to come under. So the decisions of different authorities on disputed points should be reasonably consistent.

66. Existing informal regional/other pensions officers' groups can obviously help to support awareness of good practice. Another helpful source of information is the database of Appeal Determinations in the "Timeline Regulations" section of the Employers' Organisation's Local Government Pensions Committee website. This lists determinations alphabetically by topic (for instance, A includes Abatement, and I includes Ill Health, etc), giving a brief summary of the issues raised and the outcome of the appeal. For appeals under the 1997 Regulations, it links to the decision letters issued by the ODPM between 1997 and 2004. The relevant address is : <http://www.lg-employers.org.uk/timeline/default.html>. A decision has yet to be made on how this arrangement will continue under the new procedure, in particular, about arrangements for administering authorities to submit copies of their Stage 2 decision to the Employers' Organisation. Further advice will follow shortly.

67. Those involved in operating the new arrangements will need suitable training. It is intended that the Office, in conjunction with the Employers' Organisation and the trades unions, will establish a formal training programme for those involved in the IDR process and to use this facility to maintain training on an on-going basis. Because of the special nature of ill-health retirement disputes, it is also intended to involve the Association of Local Authority Medical Advisers (ALAMA) in these arrangements

Help and Assistance

68. Where a dispute raises unusual, complex and important issues about the interpretation and application of the LGPS regulations, and an

administering authority is considering overturning the decision made at the first stage, it may wish to discuss the issues informally first with the Local Government Pensions Committee of the Employers' Organisation. The Office also stands ready to assist where appropriate. But there is no requirement to do this. And such an approach would clearly not be appropriate for disputes about issues on which relevant information is easily accessible (for instance, on the LGPC's appeals database) and with which it would be reasonable to expect the authority to be familiar, disputes that the administering authority considers to be frivolous or without foundation, and those which result from maladministration.

OTHER POINTS TO NOTE

Duty of Care

69. Scheme employers and administering authorities should be aware that any decision-makers they use at the first or second stage of the dispute resolution procedure will owe a common law duty of care to the persons affected by their decisions. Decision-makers would not therefore be exempt from any claim of negligence against them but the ODPM has consulted recently on draft regulations to clarify and extend the provisions relating to the indemnification of elected members and officers of local authorities. Further details will be given when the necessary legislation has been introduced.

Court or Tribunal proceedings & Pensions Ombudsman investigations

70. Under the Pensions Act 1995, the resolution of a dispute under the internal dispute resolution procedure ceases if the dispute has become the subject of proceedings in any court or tribunal. The same applies where the Pensions Ombudsman has begun an investigation of the dispute as a result of a complaint made, or the dispute being referred to him, for instance, because no decision was given within the statutory time limit.

TRANSITIONAL ARRANGEMENTS

71. By virtue of regulation 42(9) of the 2004 Regulations, a person who made an application to an Appointed Person or to the Secretary of State before 1 June 2004 will be allowed to continue with that appeal until its determination. Any application by such a complainant for the reconsideration of the Appointed Person's decision would be for the Secretary of State to consider.

MONITORING OF THE NEW ARRANGEMENTS

72. The Office will establish a working committee to monitor implementation of the new arrangements. The Committee will meet on a regular basis each year and will report to the Office on all aspects of the procedure and related activities. It will help to develop good practice and to ensure that this is applied consistently on a national basis. In the future, it will review the new arrangements in the light of the simplified IDRPs provisions that are expected to feature in the forthcoming Pensions Act and come into force in 2005. The ODPM chaired committee is likely to comprise the Employers' Organisation, UNISON/TUC, ALAMA and a representative sample of appointed persons.

73. Administering authorities may also wish to consider the need for internal monitoring of the IDRPs arrangements within their locality. For example, the investment/pension committee, with representation of scheme members, trades unions, etc, as set out in the ODPM's letter of 27 February 2004, would provide administering authorities with an ideal forum to monitor the effectiveness of local IDRPs arrangements. ODPM would be pleased to hear of these initiatives and to circulate the details of their governance and focus to all interests.

74. The Employers' Organisation and the TUC on behalf of the local government trades unions, will also have an important role in the effective delivery of the new arrangements. This could include, for example, raising awareness of the changes amongst Scheme employers and members, providing training for decision makers and publicising good practice guidance, information/advice for those involved in disputes, and providing information to help with monitoring.

THE PENSIONS OMBUDSMAN

75. Since 6 April 1997, the Pensions Ombudsman's jurisdiction has included both disputes of fact or law, and complaints of maladministration in cases concerning public service pension schemes. This arrangement remains unchanged. The Pensions Ombudsman has no jurisdiction to intervene in any case that is subject to the IDRPs procedure, unless the complaint or dispute concerns the way in which the particular case is being handled. It is also understood that OPAS is unlikely to become involved in any particular case during the IDRPs process. Access to the Courts is unchanged.

SUMMARY

76. This note has been prepared to assist Scheme employers and administering authorities in the implementation and administration of the new IDRPs arrangements which come into force on 1 June 2004. Where possible, the guidance addresses the concerns expressed in response to last year's consultation exercise on the draft amending regulations. It is not an exhaustive guide to the new arrangements and Scheme employers and administering authorities are of course free to adapt its contents for their own purposes.

77. Any queries about this note [or the IDRPs arrangements in general,] should be referred in the first instance to Bob Holloway, Local Government

Pensions Division, 2/E6, Ashdown House, 123 Victoria Street, London
SW1E 6DE

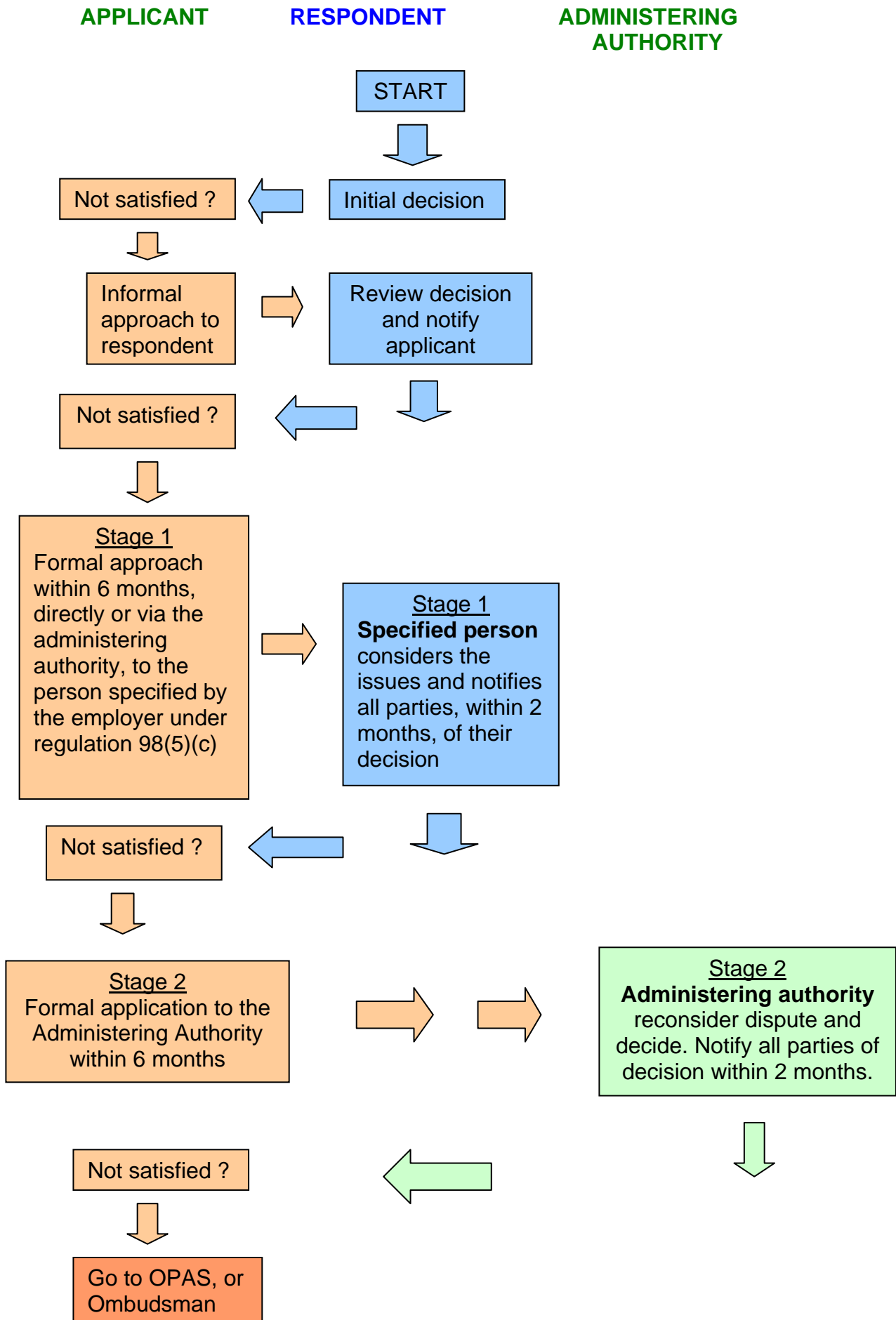
Tel - 020 7944 5998 Fax : 020 7944 6019

Email : lgpensions@odpm.gov.uk

This note can also be found on www.xoq83.dial.pipex.com - See Available Documents or What's New.

Local Government Pensions Division, ODPM

April 2004



Notes

1. Complaints may be resolved or withdrawn at any stage.
2. The Respondent will be the "employing authority". In some cases, they will also be the administering authority.

SECOND STAGE DECISION-MAKERS

78. The following list of suggestions is indicative, but by no means exhaustive, of the type of persons that an administering authority may wish to consider selecting as Appointed Persons under Stage 2.

Elected members

79. Some local authority elected members may possess the necessary expertise to make decisions based on the Local Government Pension Scheme Regulations. But they would still be perfectly entitled to consult with their expert pensions officers, but not with those involved in taking original decisions (ie where the administering authority is the employer in the case, or the dispute arose from their exercise of their discretion).

Administering Authority's Monitoring Officer, Borough Solicitor or Treasurer

80. Some of these officers may lack detailed experience of the LGPS Regulations, but they would be competent to interpret regulations and make decisions.

Administering authorities which are legally joint authorities

81. Where a number of constituent local authorities comprise the administering authority, that authority could consider using a panel of officers from the various constituent authorities to make decisions. This could provide the scope for every complaint to be referred to an officer who had nothing to do with the original decision complained of. It should also be possible to ensure that a complaint is never referred to an officer who is employed by the same authority as a complainant. This may reassure complainants as to the impartiality of the procedure.

82. Where the functions of the administering authority are the responsibility of a single local authority, this option would not be available. Under the amended Regulations, the second stage of the dispute procedure is the responsibility of the administering authority, and it cannot be delegated to another local authority.

Advice from the fund actuary, pensions lawyer or other professional adviser, prior to issuing a decision

83. As none of these hold office or employment within the administering authority, the authority cannot delegate its responsibility for making a second stage decision to them. However, the authority would be able, if they wish, to seek advice from such a person before making and issuing their own decision. Professional advisers would normally have some knowledge of the LGPS regulations and possess the necessary competencies to make interpretations and judgements, although they are obviously not engaged in making decisions under the LGPS Regulations on an everyday basis.

Annex C - Sample first-stage decision letter

Mrs Jane Smith
14 High Street
Townham
AB1 2CD

Local Government Pension Scheme
00 Nowhere Street
Any Town
Any Shire
AA0 Z00

Direct line: 01010 111111
Fax: 01010 111100
email : xxxxxx@xxx.xxx.uk

website : www.xxx.xxx.uk

1 December 2004

Dear Mrs Smith

Local Government Pension Scheme : First-stage decision

Thank you for your letter of 10 October enclosing information on your disagreement with *[name of relevant Scheme employer]*. I was asked to make the first stage decision under the dispute resolution procedure set up under the Scheme.

I have looked at the details of your complaint and have made the following decision.

Details should include :

- *The question for decision*
- *The decision itself*
- *Evidence received*
- *Any scheme regulations considered, and the reasons for the decision*
- *If the decision is based on a discretionary power contained in a policy made by the employer, a copy of the policy or the relevant part of it, and a reference to the scheme regulation that allows the policy.*

If you are not happy with this reply, you have the right to ask the AZ pension fund administering authority to look at your complaint again. You must do this in writing, within six months from the date of this letter. You can contact me for a form that will help you to give the administering authority all the information they will need.

If you are still not happy, you can contact OPAS (The Pensions Advisory Service). OPAS helps members and beneficiaries of pension schemes with disputes that they cannot sort out. Their address is : 11 Belgrave Road, London SW1V 1RB
Pensions Helpline number : 0845 6012923 (local call rate)
Fax : 020 7233 8016 email : enquiries@opas.org.uk
OPAS can also be contacted via your local Citizens' Advice Bureau.

Yours sincerely.

Mr John Brown
Title - eg Human Resources Manager

Annex C - Sample first-stage decision letter

NOTES

- This letter is an example to show you what, by law, you have to include in the letter giving the first-stage decision. **[If you use it, you may need to adapt it.?)** You may also want your advisers to check it before you use it.
- You must send the first-stage decision to the person making the complaint, and to anyone acting for them. If necessary, you can address the letter to the person and copy it to the person acting for them.

Mrs Jane Smith
14 High Street
Townham
AB1 2CD

Local Government Pension Scheme
Name of Relevant Administering Authority
00 Nowhere Street
Any Town
Any Shire
AA0 Z00

Direct line: 01010 111111
Fax: 01010 111100
email : xxxxxx@xxx.xxx.uk

[website : www.xxx.xxx.uk]

15 May 2005

Dear Mrs Smith

Local Government Pension Scheme : Second stage decision

Thank you for your letter of 31 March 2005 enclosing information on your disagreement with [*name of relevant Scheme employer*]. You have asked us, as the appropriate administering authority for the xx Pension Fund, to consider the first-stage decision that was made under the dispute resolution procedure set up for the scheme.

We have considered the details of your complaint carefully. I have been asked to give you our decision.

Details should include :

- *The decision, and whether it agrees totally or partly with the first-stage decision or whether it replaces it*
- *The scheme regulation/regulations the decision is based on*
- *If the decision is based on a discretionary power contained in a policy made by the employer, a copy of the policy (or the relevant part of it), a reference to where the policy is published, and a reference to the scheme regulation that allows the policy.*

If you are not happy with this reply, you can contact OPAS (The Pensions Advisory Service). OPAS helps members and beneficiaries of pension schemes with disputes that they cannot sort out. If you want to contact OPAS, their address is 11 Belgrave Road, London SW1V 1RB.

Pensions Helpline number : 0845 6012923 (local call rate)

Fax : 020 7233 8016 email : enquiries@opas.org.uk

OPAS can also be contacted via your local Citizens' Advice Bureau.

Also the Pensions Ombudsman, appointed under the Pension Schemes Act 1993, may investigate and give a decision on complaints and disputes. However, he would expect you to have consulted OPAS first.

The address of the Pensions Ombudsman is 11 Belgrave Road, London SW1V 1RB.

Tel : 020 7834 9144 Fax : 020 7821 0065 email : enquiries@pensions-ombudsman.org.uk

Yours sincerely,

David Williams

Title,

XX County Council Pension Fund

NOTES

- This letter is an example to show you what, by law, you have to include in the letter giving the second-stage decision. [If you use it, you may need to adapt it.?] You may also want your advisers to check it before you use it.
- You must send the second-stage decision to the person making the complaint, and to anyone acting for them. If necessary, you can address the letter to the person and copy it to the person acting for them

DEFINITIONS

"Scheme Employer"

The body that took the initial decision that is being disputed by the member or alternative applicant. In many cases, this will be the member's employer. Sometimes that employer will be the LGPS administering authority where that authority is charged with making the decision under dispute.

"Scheme employer" can also mean the administering authority in other cases, ie, where the initial decision being complained of was their responsibility under the Regulations rather than one taken by the member's employer. An example would be where the dispute is about the calculation of a retirement benefit.

"applicant"

The member (or other person) who is making a complaint under the dispute resolution procedure, the member (or other person) who is making the appeal. In previous guidance, "the applicant" was always called "the complainant".

"alternative applicant"

Those persons other than an active member who may appeal, or make an application, under the dispute procedure. They are listed in regulation 100(2)(a) to 100(2)(d). They are :

- a prospective member;
- a former member (deferred or pensioner)
- a widow/widower or surviving dependant of a deceased member (or any other person to whom benefits in respect of the deceased member may be paid);
- a pension credit member;
- a person entitled to a pension credit;

- where the dispute concerns this claim, a person claiming to be a member or to fall within one of the other categories mentioned above.

"Specified person"

The person responsible for giving a First Stage decision in response to an application by an aggrieved member or alternative applicant. The person must be "specified" by the Scheme Employer whose initial decision is being disputed. Paragraphs 35-36 discuss who might act in this capacity. Regulations 98(5)(c), 100 and 101 refer.

"The 2004 Regulations"

The Local Government Pension Scheme (Amendment) Regulations 2004 (SI No 2004/573). Regulations 27 to 32 relate to the Internal Dispute Resolution Procedure.

"independent medical practitioner"

See regulation 97(9), 97(9A) and 97(10), and paragraph 26.

["appropriate administering authority"

Is defined in regulation 99.]

"ODPM"

Office of the Deputy Prime Minister. The Government Department responsible for stewardship of the Local Government Pension Scheme and its regulatory framework.

"OPAS"

The independent Occupational Pensions Advisory Service can be contacted for advice by any of the parties at any stage of a dispute.

"Pensions Ombudsman"

Where a complainant is still dissatisfied after exhausting the internal dispute resolution procedure, they have a right to apply to the independent Pensions Ombudsman who can investigate and determine a complaint or dispute of fact or law. If the Ombudsman finds that there has been maladministration by the Scheme employer and/or the administering authority, he can decide to award compensation to the complainant.

"The Office"

The Office of the Deputy Prime Minister (ODPM)

IDRP provisions of The Local Government Pension Scheme Regulations 1997

As amended by the Local Government Pension Scheme (Amendment) Regulations 2004 - SI 2004/573

First instance decisions

97.-

(1) Any question concerning the rights or liabilities under the Scheme of any person other than a Scheme employer must be decided in the first instance by the person specified in this regulation.

(2) Any question whether a person is entitled to a benefit under the Scheme must be decided :

(a) in the case of a person entitled to a pension credit or a pension credit member and in relation to his pension credit rights or pension credit benefits, by his appropriate administering authority, and

(b) in any other case by the Scheme employer who last employed him.

(3) That decision must be made as soon as is reasonably practicable after the earlier of the date the employment ends or the date specified in the notification mentioned in regulation 8(3).

(4) Where a person is or may become entitled to a benefit payable out of a pension fund, the administering authority maintaining that fund must decide its amount.

(5) That decision must be made as soon as is reasonably practicable after the event by virtue of which the entitlement arises or may arise.

(6) In relation to any employment in which a person is a member or prospective member, the appropriate administering authority must decide-

(a) any questions concerning his previous service or employment;

(b) what rate of contribution he is liable to pay to the appropriate fund;

(c) any questions about counting added years or additional periods as membership; and

(d) whether he is a Class A member, a Class B member or a Class C member.

(7) Those decisions must be made as soon as is reasonably practicable after the person becomes a member in the employment.

(8) Other questions in relation to any member or prospective member must be decided by his employer as soon as is reasonably practicable after he becomes a member or a material change affects his employment.

(8A) But any question in relation to a person entitled to a pension credit or a pension credit member and his pension credit rights or pension credit benefits must be decided by his appropriate administering authority as soon as is reasonably practicable after the question arises.

(9) Before making a decision as to whether a member may be entitled under [regulation 27](#) or under [regulation 31](#) on the ground of ill-health or infirmity of mind or body, the Scheme employer must obtain a certificate from an independent registered medical practitioner who is qualified in occupational health medicine as to whether in his opinion the member is permanently incapable of discharging efficiently the duties of the relevant local government employment because of ill-health or infirmity of mind or body.

(9A) The independent registered medical practitioner must be in a position to certify, and must include in his certification a statement, that -

(a) he has not previously advised, or given an opinion on, or otherwise been involved in the particular case for which the certificate has been requested; and

(b) he is not acting, and has not at any time acted, as the representative of the member, the Scheme employer or any other party in relation to the same case.

(10) If the Scheme employer is not the member's appropriate administering authority, before referring any question to any particular registered medical practitioner under paragraph (9) the Scheme employer must obtain the approval of the appropriate administering authority to their choice of registered medical practitioner.

(11) In paragraphs (2) and (4) "benefit" includes a return of contributions.

(12) In paragraph (4) benefit includes a benefit specified in [regulation F6\(12\)](#) or [\(16\)](#) of the 1986 regulations.

(13) For this Chapter, references to the Scheme employer or the appropriate administering authority of a prospective member are references to the body that would be his employer or appropriate administering authority if he were to

become an active member in the employment by virtue of which he would be eligible to join the Scheme.

(13A) For this Chapter, references to the appropriate administering authority of a person entitled to a pension credit are references to the body that would be his appropriate administering authority if he were to become a pension credit member.

(14) In paragraph (9)-

(a) "permanently incapable" has the meaning given by regulation 27(5)⁹ and

(b) "qualified in occupational health medicine" means holding a diploma in occupational medicine (D Occ Med) or an equivalent qualification issued by a competent authority in an EEA State (which has the meaning given by the European Specialist Medical Qualifications Order 1995) or being an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State.

Notification of decisions under regulation 97

98.-

(1) Every person whose rights or liabilities are affected by a decision under regulation 97 must be notified of it in writing by the body who made it as soon as is reasonably practicable.

(2) A notification of a decision that the person is not entitled to a benefit must include the grounds for the decision.

(3) A notification of a decision as to the amount of a benefit must include a statement showing how it is calculated.

(4) Every notification must contain a conspicuous statement giving the address from which further information about the decision may be obtained.

(5) Every notification must also-

(a) refer to the rights available under regulations 100 and 102,

(b) specify the time limits within which the rights under those regulations may be exercised, and

~~(c) specify the name and the address of the appointed person and the appropriate administering authority to whom applications under regulation 100 may be made~~

⁹ As amended by regulation 10(b) of the 2004 Regulations (SI 2004/573), regulation 27(5) says : " "permanently incapable" means that the member will, more likely than not, be incapable until, at the earliest, his 65th birthday."

(c) specify the job title and the address of the person to whom applications under regulation 100 may be made

Resolution of disputes

Appointment of persons to resolve disputes

~~99.-~~

~~(1) Each administering authority must appoint a panel of persons they consider to be suitably qualified for the purpose of resolving disagreements in respect of which an application is made under regulation 100 in cases where they are the appropriate administering authority.~~

~~(2) For this Chapter an administering authority are the appropriate administering authority as respects such a disagreement if-~~

~~(a) where the person making the application is a member or prospective member, they are or were his last appropriate administering authority for the other purposes of these Regulations, and~~

~~(b) where the person making the application is the widow, widower or surviving dependant of a deceased member, they were his appropriate administering authority.~~

~~(2) For this Chapter the persons appointed under paragraph (1) are "appointed persons".~~

~~(3) An application under regulation 100 may be decided by one or more appointed persons (and references to "the appropriate appointed person", in relation to any application, are to the appointed person or persons to whom the application in question is referred).~~

~~(4) An application must not be referred to a person who has previously been involved in the subject matter of the disagreement.~~

~~(5) An appointed person shall hold and vacate office under the terms of his appointment.~~

~~(6) But he may resign by notice in writing to the administering authority.~~

~~(7) Each administering authority shall determine-~~

~~(a) the procedure to be followed by the persons appointed by them when exercising their functions as appointed persons, and~~

~~(b) the manner in which those functions are to be exercised.~~

Appropriate administering authorities

99. -

(1) For this Chapter an administering authority are the appropriate administering authority for the purpose of resolving disagreements in respect of which an application is made under regulation 102 if -

(a) where the person making the application is a member or prospective member, they are or were his last appropriate administering authority for the other purposes of these Regulations, and

(b) where the person making the application is the widow, widower or surviving dependent of a deceased member, they were his appropriate administering authority.

(2) Each administering authority shall determine -

(a) the procedure to be followed by them when exercising their functions as an appropriate administering authority under regulation 102; and

(b) the manner in which those functions are to be exercised.

Right to apply for an appointed person to decide a disagreement**100.-**

~~(1) Where there is a disagreement about a matter in relation to the Scheme between a member or an alternative applicant and a Scheme employer, the member or, as the case may be, the alternative applicant may-~~

~~(a) apply directly to the appropriate appointed person to decide the disagreement, or~~

~~(b) apply to the appropriate administering authority for them to refer the disagreement to an appointed person for decision.~~

Right to apply to person to decide the disagreement**100.-**

(1) Where there is a disagreement about a matter in relation to the Scheme between a member or an alternative applicant and a Scheme employer, the member or, as the case may be, the alternative applicant may apply to -

(a) the person specified under regulation 98(5)(c) to decide the disagreement; or

(b) the appropriate administering authority for them to refer the disagreement to a person to decide.;

(2) These persons are alternative applicants-

(a) a widow, widower or surviving dependant of a deceased member or any other person to whom benefits in respect of him may be paid;

(b) a prospective member;

(ba) a pension credit member;

(bb) a person entitled to a pension credit;

(c) a person who ceased to be a member or to fall within sub-paragraph (a), (b), (ba) or (bb) during the period of six months ending with the date of the application; and

(d) in the case of a disagreement relating to the question whether a person claiming to be a member or to fall within sub-paragraph (a), (b), (ba), (bb) or (c) does so, the claimant.

(3) The application for a decision must set out particulars of the disagreement, including a statement as to its nature with sufficient details to show why the applicant is aggrieved.

(4) An application by-

(a) a member or prospective member,

(b) a person who ceased to be such a person during the period of six months ending with the date of the application, or

(c) a person claiming to be a person within paragraph (a) or (b),

must set out his full name, address, date of birth, his national insurance number (if any) and the name of his employing authority.

(4A) An application by -

(a) a person entitled to a pension credit or a pension credit member,

(b) a person who ceased to be such a person or member during the period of six months ending with the date of the application, or

(c) a person claiming to be a person or member within sub-paragraph (a) or (b),

must set out his full name, address, date of birth, and the name of his appropriate administering authority.

(5) An application by any other person must set out-

(a) his full name, address and date of birth,

(b) his relationship to the member, and

(c) the member's full name, address, date of birth and national insurance number and the name of his employing authority.

(6) The application must be signed by or on behalf of the applicant.

(7) The application must be accompanied by a copy of any written notification issued under [regulation 98](#).

(8) The application must be made before the end of the period of six months beginning with the relevant date or such further period as the ~~appropriate appointed person~~ person deciding the disagreement considers reasonable (but see [regulation 105\(6\)](#)).

(9) Where the disagreement relates to a decision under [regulation 97](#), the relevant date is the date notification of it is given under [regulation 98](#).

(10) Otherwise, the relevant date is the date of the act or omission which is the cause of the disagreement or, if there is more than one, the last of them.

Notice of decisions by ~~appointed persons~~ under regulation 100

101.-

(1) A decision on the matters raised by an application under [regulation 100](#) must be issued by the person deciding the disagreement ~~appropriate appointed person~~

(a) to the applicant,

(b) to the Scheme employer, and

(c) if the Scheme employer is not the appropriate administering authority, to that authority,

by notice in writing before the expiry of the period of two months beginning with the date the application was received.

(2) But, if no such notice is issued before the expiry of that period, an interim reply must immediately be sent to those persons, setting out the reasons for the delay and an expected date for issuing the decision.

(3) A notice under paragraph (1) must include-

(a) a statement of the decision;

(b) a reference to any legislation or provisions of the Scheme relied upon;

(c) in a case where the disagreement relates to the exercise of a discretion, a reference to the provisions of the Scheme conferring the discretion;

(d) a reference to the rights of the applicant ~~and the Scheme employer's right~~ to refer the disagreement for reconsideration by the appropriate administering authority ~~Secretary of State~~ under regulation 102, specifying the time within which they may do so; and

(e) a statement that OPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved and the address at which OPAS may be contacted.

Reference of disagreement to the appropriate administering authority Secretary of State

102.-

(1) Where an application about a disagreement has been made under regulation 100, an application may be made to the appropriate administering authority ~~Secretary of State~~ to reconsider the disagreement by the person who applied under regulation 100 ~~or the Scheme employer in question~~.

(2) The application must set out particulars of the grounds on which it is made, including a statement that the applicant under this regulation wishes the disagreement to be reconsidered by the appropriate administering authority ~~Secretary of State~~.

(3) An application made by the person who applied under regulation 100 must set out the matters required by paragraph (4) or, as the case may be, paragraph (5) of that regulation to be included in his application.

(4) The application must be accompanied by a copy of any written notification issued under [regulation 98](#).

(5) Where notice of a decision on the application under regulation 100 has been issued, the application under this regulation must state why the applicant is dissatisfied with that decision and be accompanied by a copy of that notice.

(6) The application must be signed by or on behalf of the person making it.

(7) An application for reconsideration may only be made before the expiry of the period of six months beginning with the relevant date.

(8) Where notice of a decision on the matters raised by the application under regulation 100 has been issued, the relevant date is the date of that notice.

(9) Where-

(a) an interim reply has been sent under regulation 101(2), but

(b) no notice of decision has been issued before the expiry of the period of one month beginning with the date specified in the reply as the expected date for issuing the decision,

the relevant date is the date with which that period expires.

(10) Where no notice of decision has been issued or interim reply has been sent before the expiry of the period of three months beginning with the date the application under regulation 100 was made, the relevant date is the date with which that period expires.

Notice of decisions by the ~~Secretary of State~~ under regulation 102

103.-

(1) The appropriate administering authority ~~Secretary of State~~ must issue their ~~his~~ decision on the matters raised by an application under regulation 102 to the parties to the disagreement by notice in writing before the expiry of the period of two months beginning with the date the application was received (but see paragraph (2)).

(2) If no such notice is issued before the expiry of that period, an interim reply must be sent immediately to those parties, setting out the reasons for the delay and an expected date for issuing the decision.

(3) A notice under paragraph (1) must include-

(a) a statement of the decision;

(b) in a case where there has been a decision made under section 100, an explanation as to whether and, if so, to what extent that decision is confirmed or replaced;

(c) a reference to any legislation or provisions of the Scheme relied upon;

(d) in a case where the disagreement relates to the exercise of a discretion, a reference to the provisions of the Scheme conferring the discretion;

(e) a statement that OPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved (and of the address at which it may be contacted; and

(f) a statement that the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to the Scheme made or referred in accordance with the Pension Schemes Act 1993 and of the address at which he may be contacted.

The Local Government Pension Scheme Amendment) Regulations 2004 - SI 2004/573

Transitional provisions

42. -

(9) Nothing in these Regulations shall affect the rights of any person who made an application to an appointed person or to the Secretary of State under regulations 100 or 102 of the principal Regulations before 1st June 2004.

(11) So far as it is necessary to give effect to the entitlements in this regulation and to make provision for any matters incidental to them, the principal Regulations shall be treated as if they had continued in effect without the amendments made by these Regulations.