

Internal Dispute Resolution Procedure (IDRP)



Local Government Pension Scheme

A Guide for Scheme Employers

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Introduction

From the day an employee becomes a member of the Local Government Pension Scheme (LGPS), the employer and Norfolk Pension Fund make decisions under the Scheme rules which affect a member's pension rights.

If a member disagrees or has a complaint about a decision made regarding their pension benefits in the first instance it should be referred to the person who made that decision, either the employer or the Norfolk Pension Fund.

If the complaint cannot easily be resolved the member has the right to take the complaint forward under the internal disputes resolution procedure (IDRP). This route brings the LGPS in line with the Pensions Acts stipulating pension disputes should be resolved internally before progressing to independent consideration by the Pensions Ombudsman.

Regulation 74 of the Local Government Pension Scheme Regulations 2013 applies where there is a disagreement about a matter in relation to the Scheme between a member (or alternative applicant) and an employer or the administering authority. "Alternative applicant" under the scheme rules can be a widow, widower, surviving civil partner, or cohabiting nominated partner of a deceased member, a dependant of a deceased member, a prospective scheme member or a former member.

The formal dispute procedure under the LGPS rules has two stages.

This guide tells you what your responsibilities as the scheme employer are under the first stage.

IDRP - Stage One

This stage involves a formal review of the initial decision made by the organisation. The member/alternative applicant must write to the “Adjudicator”. Norfolk Pension Fund have developed a guide and form for members called ‘**Dispute Procedure: A Guide for Members**’ (G071) which is available on our website www.norfolkpensionfund.org.

What do employers need to do?

The LGPS rules state this initial stage is down to the employer. If you have not already done so, as a scheme employer you will need to decide who will deal with any pension complaints and ensure your Employer Pension Policy is up to date in this respect (guidance is available in our **Employer Pensions Policy Guide [G060]**). The LGPS rules do not state who the adjudicator should be, but it will need to be someone who will understand the details of the dispute. A suitable person for example would be an organisation’s solicitor, pensions officer, HR manager or payroll manager. You will need to make sure your members are aware of the person you have nominated to deal with legal disputes under the LGPS.

Procedure

The adjudicator’s role is to look at the facts of the case to ensure all processes were followed correctly and then to either agree with the original decision or overturn the decision. The adjudicator should consider each case based on the evidence submitted together with any additional evidence required from the employer, Norfolk Pension Fund, or other advisers.

This stage allows the adjudicator to alter the decision (except in an ill-health dispute) in cases where

- certain relevant facts or evidence were not considered; or
- a process has not been followed correctly; or
- there has clearly been a mistake or oversight.

Receipt of a Written Grievance

On receiving a written grievance from the member or alternative applicant the adjudicator should check:

1. It has been received within 6 months of the “relevant date” (although the adjudicator has discretion to extend the time limit). The relevant date is the date the original decision regarding the member’s pension rights was made.
2. The applicant has provided full name, address, date of birth and National Insurance Number.
3. The statement contains the nature of the disagreement and the reasons why the applicant is unhappy.
4. The statement is signed by or on behalf of the applicant. If the application is being made by someone other than the member the applicant must state their relationship with the member.

Notice of the decision

The adjudicator must send a written decision to the member (and the Norfolk Pension Fund) within two months of receiving the written complaint and include the following:

1. A statement of the decision.
2. Reference to any legislation or provisions of the Scheme on which the decision is based.
3. Reference to the next stage of the appeal process for the member to follow if still not satisfied (**Stage two**).
4. Confirm The Money and Pensions Service is available to give assistance for dispute cases, including the address:-

The Money and Pensions Service,
Borough Hall,
Cauldwell Street,
Bedford, MK42 9AB

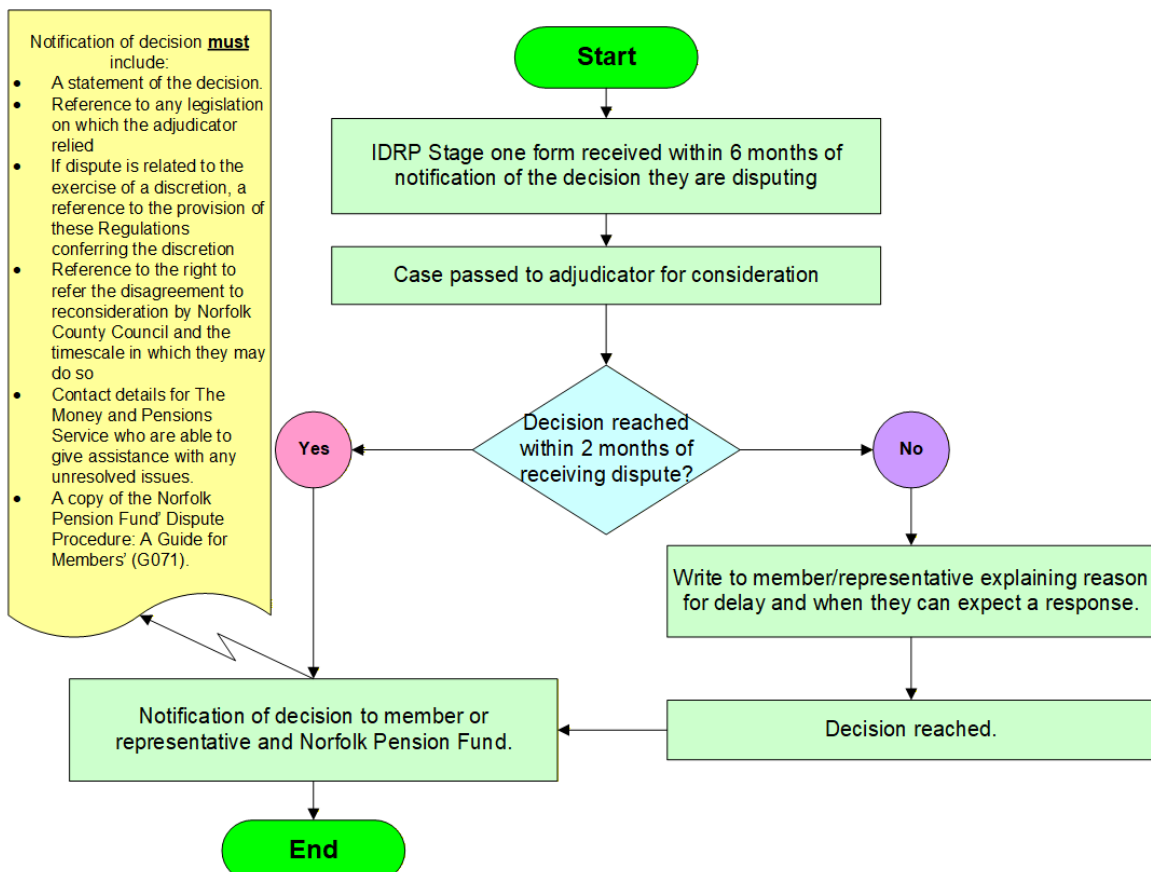
Telephone: 0800 011 3797

Website: www.moneyhelper.org.uk

If the adjudicator is unable to reply within two months a letter must be sent to the member explaining the reason for the delay and an expected date for issuing a decision.

Process map

NPF/PROC/144: Internal Dispute Resolution Procedure - Guide



IDRP – Stage Two

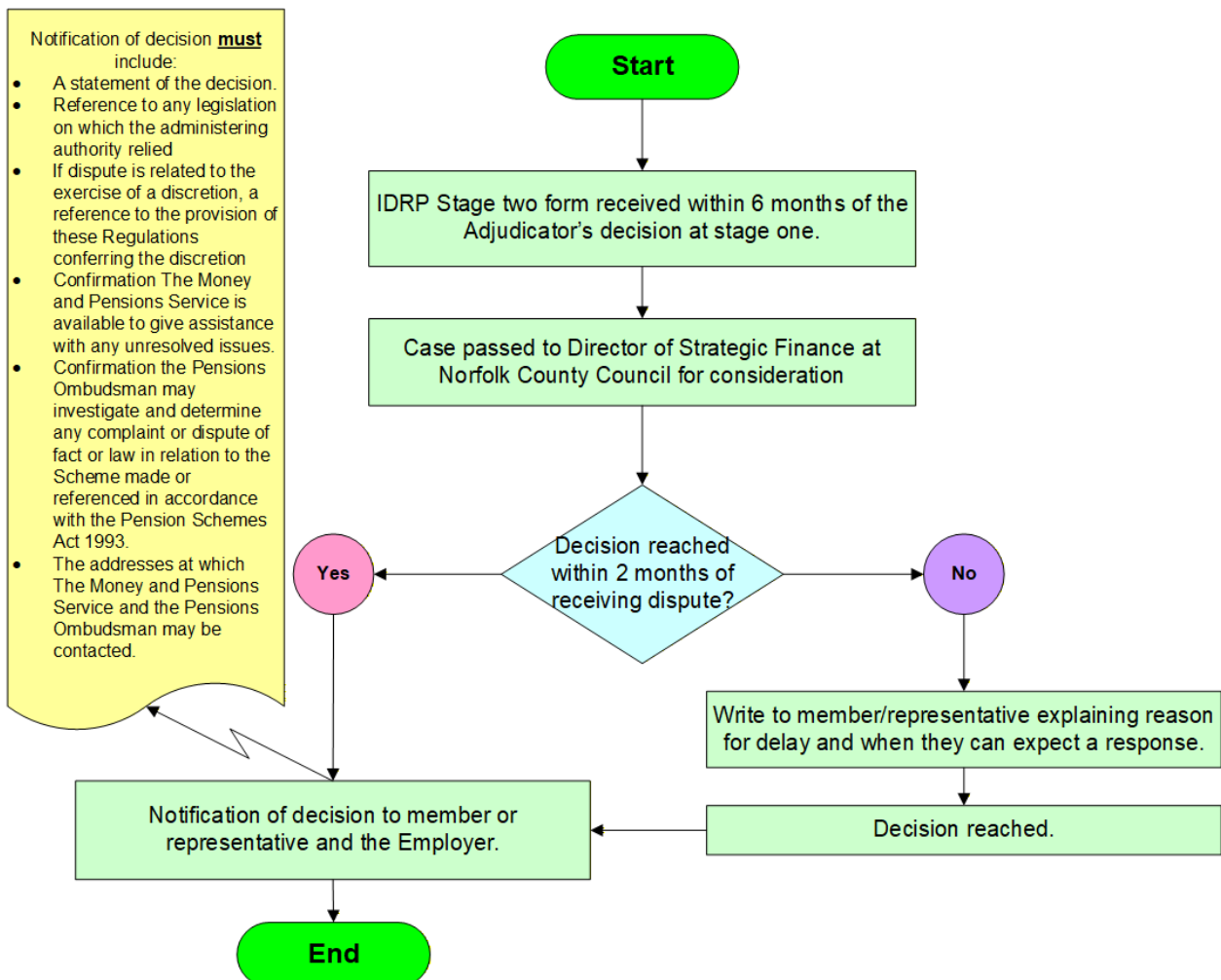
If the member or alternative applicant is not happy with the adjudicator's decision they may appeal in writing to:

**The Director of Strategic Finance,
Norfolk County Council
Norfolk Pension Fund, County Hall
Martineau Lane, Norwich, NR1 2DH**

This should be done within 6 months of the date of the adjudicator's decision.

Process map

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Ill-health Benefit Decisions

Most disputes are in respect of ill-health decisions such as whether to award benefits on permanent ill-health grounds and the tier to award. If a complaint is received in this respect, it would be sensible to first check all the requirements and procedures have been complied with before the member follows the IDRP.

The requirements before making any decision on entitlement to ill-health benefits or early payment of a preserved benefit on the grounds of ill-health are:

- the employer must obtain a certificate from an independent registered medical practitioner (IRMP) qualified in occupational medicine.
- The IRMP must be approved by the Norfolk Pension Fund.
- The certificate must give the doctor's opinion as to 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.

The adjudicator cannot overturn the employer's decision in these cases but can make a recommendation for the case to be looked at again.

Guidance for Members

The guide "**Dispute Procedure: A guide for members**", is available on our website. This gives information on the procedure a scheme member/former member needs to follow if they have a grievance about the way they have been treated in the Local Government Pension Scheme. It also contains a form to capture all the required information for a member to file an official dispute.

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Online, Technical, and i-Connect Queries

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If you would like this guide in large print, audio, Braille, alternative format or in a different language, please email pensions@norfolk.gov.uk or call 01603 222824