

Internal Dispute Resolution Procedure (IDRP)

June 2026 – Version 2



Dumfries
and Galloway

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Introduction

Dumfries and Galloway Council Pension Fund aims to always demonstrate the highest level of customer service; however, we understand disputes and issues sometimes arise. We hope that most problems can be dealt with informally, but we recognise that this is not always possible. As required by law, the Fund has a formal 2 stage Internal Dispute Resolution Procedure (IDRP) which describes the Fund's procedures for settling disputes and disagreements.

Who Can Raise Concerns?

A concern can be raised by various sources. Members, prospective members and widows, widowers, partners, or dependents of a deceased member can use the Internal Dispute Resolution Procedure (IDRP). Members can also ask someone else to raise a concern for them for example, trade union representative or an adult child. In such cases, the person chosen must be identified in writing by the member as acting on their behalf.

For members who have died, their personal representative can make and carry on with a concern on their behalf.

If any court or tribunal proceedings have started or if the Pensions Ombudsman has begun an investigation, these arrangements do not apply.

Who is my concern with?

Before progressing with a concern, you need to identify exactly what your concern is and who it is with. Depending on the nature of the concerns the Pensions Section will identify the appropriate process for dealing with it.

Decisions concerning pensions matters can be made by:

- Dumfries and Galloway Council, acting as Administering Authority to the Fund.
- Dumfries and Galloway Council, acting as Employer to their employees who are members of the Fund.
- Other employers, whose employees are members of the Fund.

If you are unsure who made the decision you have a concern about, please contact the Pensions Section for help in the first instance.

Data Subject Complaints

If you have a complaint in relation to data protection, please contact the Pensions Section in the first instance and provide full details as to the nature of your complaint.

The Pensions Section will acknowledge your complaint within 30 days, respond as soon as possible and in accordance with Dumfries and Galloway Council's **data protection** procedures.

Pensions Decisions

It is the responsibility of the organisation making the decision, to give the member details of their right of appeal against that decision, the time limits for making such an appeal, the Appointed Person and the process to be followed.

Dumfries and Galloway Council as Administering Authority

The Administering Authority is required to make decisions ("first instance decisions") in regard to members and inform scheme members of these decisions. Examples of decisions the Fund is required to make include:

- The provision of information regarding the scheme
- Calculation and payment of pension benefits
- Calculation and treatment of transfer benefits
- Deciding who will receive benefits in the event of a member's death.

Employers (Dumfries and Galloway Council and other Employers in the Fund)

Employers are required to make decisions (known as “first instance decisions”) and inform employees of these decisions. Examples of decisions employers are expected to make include:

- Deciding whether or not an employee is eligible to join the scheme.
- Deciding and applying the appropriate pension contribution rate that the member must pay in the scheme.
- Deciding whether to award ill health retirement based on the opinion of the employer’s independent medical adviser and all other available evidence.

Appointed Person

The Appointed Pension for Dumfries and Galloway Council as Administering Authority and Employer is the Council’s Pensions Panel. This is a panel comprised of senior officers of the Council.

The Appointed Person for all other employers is determined by that employer in accordance with their Internal Disputes Resolution Procedure.

Administering Authority and Employer Discretions

Some decisions are made by employers or administering authorities “in the exercise of a discretion”. This means that they have a choice about the decision they make rather than simply looking at the scheme rules and deciding how they should be applied.

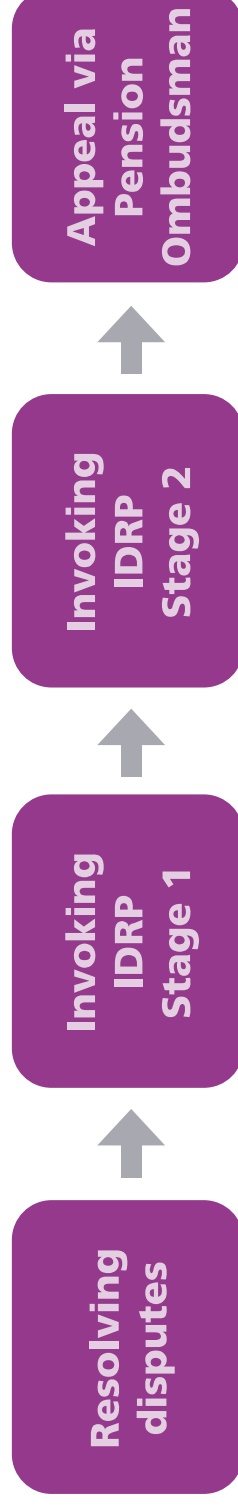
If an appeal is made about a discretionary decision, the Appointed Person will investigate it.

The Appointed Person does not have the power to overturn the decision. What the Appointed Person can do, however, is to ensure that the discretion is being exercised reasonably and to insist on the decision being reconsidered if it is found that the decision was not taken in a reasonable and transparent manner.

The following list (although not exclusive) are some examples of “discretionary decisions” employers and administering authorities are required to make:

- Whether to grant additional pension to an active member (Employer discretion)
- To whom a death grant should be paid in the event of the death of a scheme member (Administering Authority discretion)

The Internal Disputes Resolution Procedure (IDRP)



Resolving Disputes

In the first instance any concern should be put to Dumfries and Galloway Council's Pensions Section if your concern is with a decision made by Dumfries and Galloway Council as Administering Authority or Employer.

If your concern is with your employer, and you are not employed by Dumfries and Galloway Council, your concern should be sent to your employer.

This gives an opportunity to resolve the concern.

Making an appeal - Internal Dispute Resolution Procedure

If a concern cannot be resolved by Dumfries and Galloway Council or your employer, you can invoke the two-stage Internal Dispute Resolution Procedure (IDRP).

Appeals received under the IDRP must be made in writing within six months of the date the member is notified of the decision which is being appealed against.

Invoking IDRP Stage 1

If you wish to appeal a decision made by Dumfries and Galloway Council concerning pensions matter, please contact the Pensions Section to request an Appeals Form.

If you wish to appeal a decision made by your employer, who is not Dumfries and Galloway Council, concerning a pensions matter you should write to your employer's nominated Appointed Person.

The Appointed Person

On receipt of your appeal, the Appointed Person, either from your scheme employer or administering authority, will consider your appeal under Stage 1 of the Internal Dispute Resolution Procedure (IDRP).

The Appointed Person will be independent and must not have been involved in any capacity in the decision against which you are appealing. The Appointed Person must first consult with Dumfries and Galloway Council Pension Fund to ensure any determination made is in accordance with the Regulations. The Appointed Person will either uphold or dismiss your appeal.

What details does the Appointed Person need?

In all cases members must explain the reasons for appeal as fully as possible, enclosing copies of any relevant documentation. In particular, if the appeal is about a decision that has been made, a copy of the letter or notice of decision from either the employer or Dumfries and Galloway Council advising of the decision should be submitted with the appeal.

If you are a relative, dependent or representative of a member, be sure to include the member's details such as their National Insurance (NI) number, full name, date of birth and your relationship. If applicable also provide written evidence of your authority to act for the complainant.

What else may be required?

The Appointed Person may need to ask for more information. For example, if the state of the member's health has a bearing on the appeal, they may be asked to attend a medical examination or to give consent for medical records to be released to a doctor chosen by the Appointed Person. This will be done at no cost to the member.

Timescale for the Appointed Person's decision

The Appointed Person should either give a decision within two months of receiving a written appeal or write to the member at the end of two months explaining the reasons for the delay in reaching a decision and give a date by which the member may expect to hear the outcome.

If a member receives neither a letter giving the Appointed Person's decision, nor a letter giving the reason for the delay, within three months from the date that the application was made, or if the member fails to receive from the Appointed Person a decision within one month of the date by which they were told they could expect an outcome, a member can apply directly to the Scottish Ministers without waiting any longer.

Invoking IDRP Stage 2

If a member is not satisfied with the decision of the Appointed Person, there is a further right of appeal under Stage 2 of IDRP to the Scottish Ministers. This must be made in writing within six months of the Stage 1 determination.

Following the Stage 1 determination, the employer or Dumfries and Galloway Council, whoever made the decision which is under

appeal also has the right of appeal to the Scottish Ministers if they do not agree with the Appointed Person's determination.

If there is no Stage 2 appeal, then the decision of the Appointed Person is binding.

The Scottish Ministers are totally independent of employers, Pension Funds and Appointed Persons. At Stage 2 the Ministers will require copies of all papers which were submitted at Stage 1 and a copy of the Stage 1 decision.

The Scottish Ministers may also request further evidence and professional views; for example, they have the power to request a further expert opinion in medical cases if they think it necessary. The Ministers must also respond to a complaint within two months of receiving it or let the member know the reason for any delay and when a member may expect a reply.

Appeals should be made in writing to:

The Scottish Ministers

Scottish Public Pensions Agency
7 Tweedside Park
Tweedbank
Galashiels,
TD1 3TE

Appealing to the Pensions Ombudsman

If a member goes through the formal 2 stage dispute process and is still not satisfied, they can take the case to the Pensions Ombudsman (even if they were not the one who complained to the Scottish Ministers). For example, a member may have made a complaint to the Appointed Person which was resolved to their satisfaction but referred on to the Scottish Ministers by the employer. If the Scottish Ministers, then overturned the Appointed Person's decision, the member could complain to the Pensions Ombudsman about the Scottish Ministers' decision.

The Pensions Ombudsman investigates and makes decisions on complaints and disputes about the way that Pension Schemes are run. His role and powers have been decided by Parliament, and he is appointed by the Secretary of State for Work and Pensions. He is completely independent and acts as an impartial adjudicator. There is no charge for using the Pensions Ombudsman's services.

The Pensions Ombudsman's decision is final and binding on all the parties to the complaint or dispute. It can be enforced in the Courts. His decision can only be changed by appealing to the appropriate court on a point of law.

The Office of the Pensions Ombudsman

10 South Colonnade, Canary Wharf. E14 4PU

Email: helpline@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

More Information

For more information, please contact the Pension Fund at the details below:

The Pensions Section

Dumfries and Galloway Council

English Street

Dumfries

DG1 2DD

Phone: 01387 273855

Email: pensions@dumgal.gov.uk

Website: www.dumgal.gov.uk/pensions

The Scottish Public Services Ombudsman (SPSO)

The Scottish Public Services Ombudsman can also be contacted if a member is dissatisfied with the outcome of an application where Stage 2 of IDRP and an appeal to the Pensions Ombudsman has been exhausted.

Scottish Public Services Ombudsman

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

Freephone advice line: 0800 377 7330

Email: ask@spsa.org.uk

Website: www.spsa.org.uk

The Money and Pension Service (MaPS)

If, at any time, you are having difficulty sorting out your concern you may wish to contact MaPS. MaPS can provide free advice and information to explain your rights and responsibilities.

A MaPS adviser cannot force a pension scheme to take a particular step, but if they think your concern is justified, they will try to resolve the problem through conciliation and mediation. MaPS would need copies of all relevant documents relating to your concern/appeal under the IDRP.

Money and Pensions Service

120 Holborn

London

EC1N 2TD

Freephone advice line: 0800 011 3797

Website: <https://maps.org.uk/en#>

Document History

Policy

Version	Revision Date	Previous Revision Date	Summary of Changes
1	-	-	New Procedure

Committee Approval/Noting

Version	Committee	Committee Date
1	Pensions Sub Committee	May 2025

Distribution

The approved version of this document is distributed to:

Name	Version	Date
	1	

Dumfries and Galloway Council Pension Fund
Local Government Pension Scheme (Scotland) Regulations

Stage 1 – Appeal Application Form

This form is to be used to lodge your appeal against a decision taken by either your employer or Dumfries and Galloway Council Pension Fund that affects your pension rights. Please write clearly and complete your personal details in BLOCK CAPITALS.

Member's Details

Full name	NI Number
Home Address	
Personal email address for correspondence	
Phone number	
Date of birth	Employer
Job title	

Dependant's Details

If you are the member's dependant and the dispute is about a decision taken by the employing authority or Dumfries & Galloway Council Pension Fund that affects the scheme benefit payable to you please give your details below.

Dependant's full name
Dependant's address
Date of birth
Relationship to member

Representative's Details

If you are the member's or dependant's representative, please give your details below

Representative's full name, address and email address

Your Dispute

Please give full details of your dispute below. If you do not have enough room please continue on a separate sheet and write your name and National Insurance number at the top (if you are a dependant or representative it should be the member's name and NI number) and attach the sheet to this form.

I would like the appointed person to look into my dispute and make a decision about it.

I am

- a scheme member/former member/prospective member*
- a dependant of a former member*
- member/dependant's representative* (if a representative is appealing on behalf of a member/dependant, the member/dependant must also sign the appeal form confirming their consent to having a representative).

*Delete as appropriate

Data Protection Act 2018

I hereby give consent to Dumfries and Galloway Council, as administering authority to Dumfries and Galloway Council Pension Fund, to access my personnel records, including, but not limited to medical information, on which the employer, named above, made the decision to award ill health retirement benefits and the level of benefits awarded on termination of employment.

This information will not be shared out-with the appeals process unless the member named above provides their explicit written consent to the sharing of this information.

Access to the Medical Reports Act 1988 does not affect an individual's right to make an access request in relation to their personal data in accordance with the Data Protection Act 2018.

Member's signature	Date
Representative's signature	Date

Please attach a copy of any notification you received from your employer or Dumfries & Galloway Council Pension Fund relating to the decision you are disputing together with any other letter or notification that you feel would be helpful. Please return this form to: pensions@dumgal.gov.uk or by post to Council HQ, English Street, DUMFRIES, DG1 2DD

Data Protection

The information collected on this form is recorded electronically, stored securely and processed for the purposes of calculating your pension benefits with Dumfries and Galloway Council. Dumfries and Galloway Council will process your information fairly and lawfully and in accordance with the principles of the Data Protection Act.

To maintain the security of any information about you, we are registered under the Data Protection Act 2018. For the purposes of processing your personal information, Dumfries and Galloway Council is the Data Controller. You can check that your computerised personal record is accurate by contacting us at:

The Pensions Section

Council HQ
English Street
Dumfries
DG1 2DD
Phone: 01387 273855
Email: pensions@dumgal.gov.uk

Copies of the Council's full and short Privacy Notice are available at www.dumgal.gov.uk

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