

I - Internal Dispute Resolution
Legal requirements

The Pensions Act 1995 requires scheme managers to set up and implement an Internal Dispute Resolution Procedure (IDRP) to help resolve disputes between the scheme manager and people with an interest in the scheme.

TPR Code Ref 213

The Act states that a person has an interest in the scheme if they:

TPR Code Ref 215

- are a member or beneficiary
- are a prospective member
- have ceased to be a member, beneficiary or prospective member
- claim to be any of the above and the dispute relates to this claim.

The Act also states that the procedure must include:

TPR Code Ref 218

- how an application is to be made
- what must be included in an application
- how decisions are to be reached and notified
- a specified period (which is reasonable) within which applications must be made.

The procedure may require people with an interest in the scheme to first refer matters in dispute to a 'specified person' in order for that person to consider and give their decision on those matters. This decision may then be confirmed or replaced by the decision taken by the scheme manager after reconsideration of the matters. However, legislation provides flexibility for scheme managers to decide the details of these.

TPR Code Ref 216

No.	TPR Requirement	TPR Code	London Borough of Havering Approach / Evidence	Frequency	Last	Check	Compliant	Notes	Action
I1	Has the Administering Authority put in place an internal dispute resolution procedure?	213	There is a formal process in place. This is documented in the IDRP factsheet which is available from the pensions team or on the Havering Pensions website. The factsheet details the 2 different steps and provides the required contact details for each stage and information regarding TPAS and the Pensions Ombudsman.	Annual check	31/08/2022	Fully completed	Fully compliant		
I2	Does the Administering Authority's process highlight or consider whether a dispute is exempt?	214	Exempt disputes are covered in the IDRP factsheet	Annual check	31/08/2022	Fully completed	Fully compliant		
I3	Does the information made available to applicants about the procedure clearly state the procedure and process to apply for a dispute to be resolved including: - who it applies to - who the specified person (stage 1) is - the timescales for making applications - who to contact with a dispute - the information that an applicant must include - the process by which decisions are reached?	224	The IDRP Factsheet includes all specified information along with a form for the person with an interest in the scheme to complete.	Annual check	31/08/2022	Fully completed	Fully compliant		

14	Has the Administering Authority ensured that employers who make first stage decisions also have IDRPs in place?		Some of our scheme employers have published their stage 1 IDRPs adjudicator details along with their scheme discretions, available on the pension scheme website. This has not been followed up with all employers	Ongoing		In Progress	Partially compliant		Liaise with employers to agree a stage 1 process (which could be use of the LBH stage 1 appointed person).
15	Are the timescales in the procedure adhered to including sending an acknowledgment on receipt of an application?	228	LPPA has a dedicated complaints team which assist in the monitoring of IDRPs timescales	As and when required		Fully completed	Fully compliant		Havinging would benefit from have a central register of IDRPs cases as and when they arise in the future
16	Does the Administering Authority notify and advertise the procedure appropriately?	235	There is a paragraph in all standard letters for notification of benefits and new starters. The guide is also on the Havering Pensions website	Ongoing		Fully completed	Fully compliant		
17	Are the notification requirements in relation to TPAS and the Pensions Ombudsman being adhered to?	238	The TPAS and Ombudsman details are provided at the required stages	Annual check	31/08/2022	Fully completed	Fully compliant		
18	Does the Administering Authority regularly assess the effectiveness of its arrangements?	234	No formal reporting as such is in place. LBH have very few IDRPs cases they are almost exclusively Tier 3 Ill health cases.	As and when required		Fully completed	Fully compliant		Havinging would benefit from have a central register of IDRPs cases as and when they arise in the future
19	Does the Administering Authority regularly assess the effectiveness where employers carry out a stage one process?	234	No formal reporting as such is in place. Our employers have very few IDRPs cases they are almost exclusively Tier 3 Ill health cases.	As and when required		Fully completed	Fully compliant		Havinging would benefit from have a central register of IDRPs cases as and when they arise in the future

J - Reporting breaches of the law

Legal Requirements

Certain people are required to report breaches of the law to the regulator where they have reasonable cause to believe that:

TPR Code Ref 241

- a legal duty which is relevant to the administration of the scheme has not been, or is not being, complied with
- the failure to comply is likely to be of material significance to the regulator in the exercise of any of its functions.

People who are subject to the reporting requirement ('reporters') for public service pension schemes are:

TPR Code Ref 242

- scheme managers
- members of pension boards
- any person who is otherwise involved in the administration of a public service pension scheme
- employers: in the case of a multi-employer scheme, any participating employer who becomes aware of a breach should consider their statutory duty to report, regardless of whether the breach relates to, or affects, members who are its employees or those of other employers
- professional advisers including auditors, actuaries, legal advisers and fund managers: not all public service pension schemes are subject to the same legal requirements to appoint professional advisers, but nonetheless the regulator expects that all schemes will have professional advisers, either resulting from other legal requirements or simply as a matter of practice
- any person who is otherwise involved in advising the managers of the scheme in relation to the scheme.

The report must be made in writing as soon as reasonably practicable.

TPR Code Ref 243

No.	TPR Requirement	TPR Code	London Borough of Havering Approach / Evidence	Frequency	Last	Complete	Compliant	Notes	Action
J1	Is the Administering Authority satisfied that those responsible for reporting breaches under the legal requirements and TPR guidance understand the requirements?	244	The reporting arrangements are published on the Havering Pension website	Annual check	31/08/2022	In Progress	Partially compliant		A register of breaches must be set up and maintained. New officers would benefit from training
J2	Does the Administering Authority have appropriate procedures in place to meet their legal obligations for identifying and assessing	245	A procedure for reporting breaches has been in place since 2005 and a report is presented annually to the Pensions Committee which includes the reporting arrangements and whether any breaches occurred and reported to TPR. Administration breaches are reported by LPPA on a	Annual check	31/08/2022	In Progress	Partially compliant		A register of breaches must be set up and maintained.
J3	Are breaches being recorded in accordance with the agreed procedures?	246	As above (J2). The named officer for reporting issues to within Havering is currently the Section 151 Officer. A register is maintained to record breaches even if they are not reported to the Pensions Regulator.	Annual check	31/08/2022	In Progress	Partially compliant		A register of breaches must be set up and maintained.