

FIRST INSTANCE DECISIONS / INTERNAL DISPUTE RESOLUTION PROCEDURE ("IDRP")

SCHEME EMPLOYER GUIDE

Hertfordshire Pension Fund
Local Government Pension Scheme

HERTFORDSHIRE PENSION FUND (THE "FUND")

FIRST INSTANCE DECISIONS / INTERNAL DISPUTE RESOLUTION PROCEDURE ("IDRP")

SCHEME EMPLOYER QUICK GUIDE

INTRODUCTION

This quick guide is issued by Hertfordshire County Council, in its capacity as administering authority to the Fund ("**HCC**") and is intended to assist scheme employers ("**Employer**") of the Fund when:

- Making a "**First Instance Decision**", and
- Acting as an "**Adjudicator**" in relation to a complaint brought under Stage 1 of the IDRP ("**Stage 1**").

As noted within the [Discretions Policy](#), the Fund has set out the procedure for IDRP. This can be viewed by visiting the Local Pensions Partnership Administration's [website](#).

BACKGROUND AND REGULATIONS

The procedure for First Instance Decisions and the IDRP are outlined in the Local Government Pension Scheme Regulations 2013 ("**Regulations**")¹, supplemented by The Pensions Regulator's General Code of Practice (the "**Code**").

- If a person remains dissatisfied with a First Instance Decision, they may bring a complaint under the IDRP.
- The IDRP has two stages, both are outlined in the Regulations:

¹Regulations 72-79 of the Regulations.

- Stage 1 will be considered by a person nominated by the body that took the decision that the person is complaining about (the "**Adjudicator**"); and
- Stage 2 of the IDRP ("**Stage 2**") will be considered by the administering authority.

As noted within the Fund's [Administration Strategy](#), Employers are required to appoint an Adjudicator to consider disputes under Stage 1 and provide full, up to date, contact details to the Fund.

FIRST INSTANCE DECISIONS

FIRST INSTANCE DECISIONS	COMMENTARY
Responsibility for First Instance Decisions	The Regulations specify different parties responsible for different questions concerning a person's rights or liabilities under the Fund. The Employer must decide any question concerning any other matter relating to a person's rights or liabilities under the Fund. However, HCC must decide any question concerning: (a) a member's previous service or employment; (b) the crediting of additional pension; and (c) the amount of any benefit, or return of contributions, a person is or may become entitled to out of a pension fund. This quick guide only focuses on the Employer's responsibilities.

Notification of First Instance Decisions	The Employer must provide written notification of its First Instance Decision to the person who raised the question(s), as soon as reasonably practicable after its decision is made. A notification of a decision: • that the person is not entitled to a benefit, must contain the grounds for the decision; • about the amount of a benefit, must contain a statement showing how it is calculated. The notification must include: • contact details from which the person may obtain further information about the decision; • details of the person's right to bring a complaint under both stages of the IDRP² and timescales for doing so; • the Adjudicator's job title and contact details.
--	---

² As set out in Regulation 74 (applications for adjudication of disagreements) and Regulation 76 (references of adjudications to administering authority).

STAGE 1 IDRP

STAGE 1 IDRP	COMMENTARY
Appointment of Adjudicator	The Employer must appoint an Adjudicator. The Adjudicator will consider and make a decision on applications from any person whose rights or liabilities under the Fund are affected by: • a First Instance Decision; or • any other act or omission by the Employer. This quick guide only focuses on the Employer's responsibilities.
Timescales for bringing a complaint under Stage 1	A person can bring a Stage 1 complaint within 6 months from the date of: • notification of the First Instance Decision; or • the act or omission (or the last act or omission if there are more than one). The Adjudicator has discretion to extend the timescale for bringing a Stage 1 complaint.

	The Regulations set out specific details that the complainant should include in the Stage 1 IDRP complaint. ³
Timescales for making a decision under Stage 1	Any decision must be: • made by the Adjudicator as soon as reasonably practicable and within two months of receiving the Stage 1 IDRP; and • the complainant must be notified in writing of this decision. Should it not be possible for the Adjudicator to make a decision within 2 months, they may issue an interim reply to the complainant explaining the reasons for the delay and an updated expected date for their decision to be made.
Information gathering in order to reach a Stage 1 decision	The Adjudicator should: • ensure they have all the appropriate information to make an informed decision; and • request further information if required.

³ These are set out in Regulation 74(5) and include: the complainant's name, address and date of birth; if the complainant is not a member of the LGPS, the complainant's relationship to any relevant member of the LGPS (together with that member's full name, address, date of birth, national insurance number and the name of the member's Employer); details of the nature of the disagreement and the reasons why the complainant is aggrieved; a copy of any First Instance Decision; and be signed by or on behalf of the complainant.

Reaching a Stage 1 decision	In reaching a Stage 1 decision, the Adjudicator should: • have regard to all relevant factors; • disregard all irrelevant factors; • reach a decision that is reasonable in all the circumstances; • be satisfied that the time and action taken to reach a decision and notify the complainant are appropriate to the situation, and be able to demonstrate this.
Communication of Stage 1 Decision	The Adjudicator should issue a written notice of their decision to the complainant and Employer as soon as reasonably practicable and no later than 21 days after the decision is made.⁴ The notice must contain the following information: • a statement of the decision; • reference to any legislation on which the Adjudicator relied; • in a case where the disagreement relates to the exercise of a discretion, a reference to the Regulation setting out the discretion;

⁴ There is no specific timescale set out in the Regulations; however, the Code provides that a response must be issued no later than 21 days after the decision is made.

	• reference to the complainant's right to bring a Stage 2 complaint and the timescales for doing so; and • a statement that the Money and Pensions Service can provide assistance together with contact details. It may be useful to also include the following information in the notice: • details of what issue(s) has been considered; • the evidence received and considered.
Status of Stage 1 decision	The Adjudicator's Stage 1 decision will take effect as if it was made by the Employer. However, should the Adjudicator disagree with the Employer's exercise of discretion, the matter should be referred back to the Employer for reconsideration.

Use of this guide

*This quick guide has been prepared and issued by Squires Patton Boggs (SPB), Legal Advisors, to Hertfordshire County Council in its capacity as Administering Authority of the Hertfordshire Pension Fund (the "**Fund**"). SPB understand that copies will be provided to scheme employers of the Fund ("**Employers**"). Accordingly, they accept no liability to individual Employers unless instructed by that Employer to provide specific advice to that Employer.*

*This quick guide is not advice to other connected or stakeholder parties, their auditors or other advisers, or other third parties ("**Third Parties**"). Other than as noted in the paragraph above, no part of this quick guide may be passed on to Third Parties without SPB's written agreement*

but, if it is so passed, SPB accept no responsibility, and will have no liability in contract, tort or otherwise, to those Third Parties in relation to this quick guide.

This quick guide has been prepared and updated based on an understanding of the law and guidance as at the date of issue. Accordingly, it is possible that this quick guide will need to be updated if the law changes or guidance is revised. Notwithstanding the ability for individual Employers to instruct SPB for advice on this quick guide. This quick guide will only be updated following written instructions from the Fund.

Effective date of guide	April 2025
Date approved	April 2025
Last reviewed	N/A
Next review	April 2026