

COMPLAINTS AND APPEALS: A SCHEME MEMBER'S GUIDE

1. Introduction

This guide tells you about the complaints and appeals procedure for the Local Government Pension Scheme (LGPS). There is a two stage procedure where you first informally complain to who you feel is at fault – either your current/former employer or Derbyshire Pension Fund (DPF) directly. Most problems can be solved informally in this way, but if you are still not happy, you can then submit a formal appeal, which has up to 3 stages.

2. Who can complain or appeal

This guidance is provided for the following individuals who are not happy with a decision made about their LGPS benefits:

- **Members of Derbyshire Pension Fund (DPF)**
(I.e. actively contributing, deferred or pensioner members)
- **Prospective DPF members**
(I.e. not yet a member, but could become one if you are auto-enrolled or ask to join)
- **Dependants of a DPF member**
(I.e. a widow, widower, surviving civil partner, eligible cohabiting partner or child of a member of prospective member)
- **A representative of a DPF Member**
(I.e. a union representative, solicitor, relative or friend)

3. Where can I find help?

You should initially contact whoever made the decision about your pension which you are not happy about. This will either be your current/former employer or the pension fund.

Many issues are caused by misunderstandings, wrong information or human error. In most cases, these can be quickly corrected or explained by contacting the person who has made the decision you are disputing. Their contact details will be on the communication you have received.

You don't have to do this, but an informal enquiry may save you a lot of time and trouble and, if an error has been made it will be dealt with as quickly as possible. Most problems that members have are resolved in this way.

4. What can I complain about?

If you are dissatisfied with a decision made regarding your pension benefits you should contact the body that made the decision explaining what you feel is wrong in writing. They can then look into your case and provide you with a written reply.

Your Employer *(Examples)*

Any decision that affects your eligibility for benefits or level of benefits, for example Ill Health Retirement, Flexible Retirement, Redundancy, Business Efficiency, Pensionable Pay.

Derbyshire Pension Fund (DPF) *(Examples)*

Any errors or omissions in the calculation of your benefits based on the information provided by your employer, any information provided by DPF or any discretion exercised by DPF. For example inclusion of any previous service or employment, crediting of additional pension, any calculation made by DPF, any incorrect information in DPF documents or website

If you have any **questions** or issues, such as you are in doubt about your **level of LGPS benefit entitlements**, you may be able to find the information you need on our website, or the main LGPS website for scheme members.

If you are not able to find the information you need, you can contact us directly. We can offer support and guidance (however, not financial advice), and may be able to assist you in resolving your issue quickly and efficiently. Please find below our email, post and helpline contact details and one of our administrators will be happy to assist you:

Contact Details		
	DPF Website	www.derbyshirepensionfund.org.uk
	National LGPS Website	https://www.lgpsmember.org/
@	Email	pensions@derbyshire.gov.uk
	Address	Derbyshire Pension Fund, County Hall, Matlock, Derbyshire, DE4 3AH
	Helpline	01629 538900

5. The Disputes Procedure (AADP)

Overview

If you have attempted to resolve your issue informally with your employer or the pension fund and are still dissatisfied, the DPF’s **Application for the Adjudication of Disagreements Procedure** aims to resolve matters locally wherever possible.

How do I appeal?

All appeals must be submitted in writing using the DPF application form found on our website; to the relevant Adjudicator.

Who is the relevant Adjudicator?

The table below distinguishes who your adjudicator will be in different scenarios:

For Employer disagreements	Please contact your Employer for details
For DPF disagreements	Mary Fairman, Derbyshire Pension Fund Adjudicator, County Hall, Matlock, Derbyshire, DE4 3AH

How long do I have to appeal?

A stage 1 appeal **must be received within 6 months** of when you were informed of the decision you wish to dispute.

A stage 2 appeal **must be received within 6 months** of when you were informed of the stage 1 adjudicator’s decision.

6. The Stages

(a) Stage One (AADP)

What is Stage One?

If you have attempted to resolve your issue informally with your employer or the pension fund and are still dissatisfied and want to submit a formal appeal, then this is the first step on the formal appeal process.

However, before making a formal appeal at stage 1, you may wish to have a better understanding of the situation and have questions to ask about your pension.

◆ Complete the Application for Adjudication of a Disagreement form

You should put your appeal in writing, using the Application for Adjudication of a Disagreement form, to whoever you think is at fault. I.e. either your employer or DPF.

◆ **Formal Review by an Adjudicator**

You can formally refer a dispute on a pensions matter to the relevant **Adjudicator** appointed by the body that made the decision you are disputing or appealing against. This stage is a **formal review of the initial decision** and is an opportunity to reconsider the matter. Your employer can tell you who their Adjudicator is, and provide you with a form to fill in.

◆ **When will I receive a decision?**

You should receive a written reply within **two months** of the date your complaint arrives.

*Please note: This disputes procedure only applies to the **main Pension Scheme** and cannot be used for other areas such as awards of compensation.*

(b) Stage Two (AADP)

What is Stage Two?

If you attempted to resolve your dispute at stage 1 and

- ◆ You are not satisfied with the stage 1 adjudicators decision, or;
- ◆ You have not received a decision or an interim letter from the stage 1 adjudicator, and it is more than 3 months since your lodged your stage 1 complaint, or;
- ◆ It is one month after the date by which the stage 1 adjudicator told you (in an interim letter) that they would give you a decision and you have still not received that decision, then you have the right to escalate your appeal to stage 2.

◆ **Escalate to stage two?**

Should you wish to escalate your appeal to stage 2, you should put your complaint in writing using the Application for Adjudication of a Disagreement form. The matter can then be referred to the DPF for determination.

◆ **Appeal submitted to Committee**

Derbyshire County Council's Pensions and Investments Committee will consider all Stage Two appeals.

7. My issue was not resolved by the AADP Disputes Procedure

In the event that your concerns cannot be resolved locally or formally, please find below a list of pensions organisations you can contact for further support and in what scenario each one should be contacted:

The Pensions Advisory Service (TPAS)

About TPAS

TPAS offer free and impartial guidance to people with workplace and personal pensions. TPAS is available to assist members and beneficiaries of the scheme with any general pension queries they may have or any general requests for information or guidance concerning their pension benefits.

The Pensions Advisory Service: Contact Details		
	Webchat	www.pensionsadvisoryservice.org.uk/chat
	Address	The Pensions Advisory Service, 11 Belgrave Road, London, SW1V 1RB
	Helpline	0800 011 3797
	Website	www.pensionsadvisoryservice.org.uk
	Online enquiry form	www.pensionsadvisoryservice.org.uk/contacting-us/online-enquiry-form

The Pensions Ombudsman (TPO)

About TPO

TPO are a free, independent, impartial organisation set up by law to investigate **complaints about pension administration and management** regarding occupational pension schemes and personal pension schemes. They focus on **fact** and have the legal power to make decisions that are final, binding and enforceable in court.

In what situation should I contact TPO?

TPO will not normally investigate your dispute until you have gone through both stages 1 and 2 of the formal appeals process.

How long do I have to contact TPO?

A complaint normally needs to be made either:

- Within 3 years of when the event(s) you are complaining about happened **or**
- Within 3 years of when you first knew about the issue (or ought to have known).
There is discretion for those time limits to be extended.

The Pensions Ombudsman: Contact Details		
@	Email	enquiries@pensions-ombudsman.org.uk
✉	Address	The Pensions Ombudsman, 10 South Colonnade, Canary Wharf, E14 4PU
☎	Helpline	0800 917 4487
💻	Website	www.pensions-ombudsman.org.uk
📄	Online complaints form	www.pensions-ombudsman.org.uk/our-service/make-a-complaint/