

Local Government Pension Scheme Regulations

The Oxfordshire Pension Fund

Adjudication of Disagreement Procedure
notes for employees and application form

Note: *This booklet provides a straightforward guide to how the adjudication of disagreement procedures operate in the Local Government Pension Scheme (LGPS), and is provided for general information only. It does not cover every aspect. It is not an interpretation of the scheme regulations. In the event of any unintentional differences, the scheme regulations will prevail. This booklet does not confer any contractual or statutory rights.*

Enquiries

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please contact your employer or administering authority. You can contact the administering authority by writing to, Pensions Services, Oxfordshire County Council, 4640 Kingsgate, Cascade Way, Oxford Business Park South, Oxford, OX4 2SU.

or telephoning **03300 241 359**

or by e-mail ***pension.services@oxfordshire.gov.uk***

We will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that looks after the pension fund.

Many problems that members have are, in fact, resolved in this way. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. An informal enquiry of this kind may save you a lot of time and trouble.

Decisions

From the day a person starts a job with an employer, to the day when benefits or dependant's benefits are paid, the employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependants). When you (this includes dependants) are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

Complaints

If you are not satisfied with any decision affecting you made in relation to the Scheme, you have the right to ask for it to be looked at again under the formal adjudication of disagreement procedure. You also have a right to use the procedure if your employer or administering authority fail to make a decision either should have made within the regulations. The complaint procedure's official name is the "adjudication of disagreement procedure".

There are also a number of other regulatory bodies, such as The Pensions Advisory Service (TPAS), which may be able to help you. They are described in the "Additional Help" section.

This formal procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make should be treated seriously, and considered thoroughly and fairly.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your husband, wife or partner, or a friend. We do ask that you send a letter of authorisation, with this form, if you use this option. We need to be certain that you have agreed to allow someone else access to reports about your pension, personal and/or financial information.

No charge is made at any stage for investigating a complaint under the adjudication of disagreement procedure. But expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

At any stage during the formal complaint procedure you can contact TPAS for information and advice (see "Additional Help" section).

Please remember that, before going to the trouble of making a formal complaint, Pensions Services will welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking again that they know you are concerned, and why.

First stage

If you need to make a formal complaint, you should make it:

- in writing, using the application form at pages 7-8, and
- within 6 months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by a person nominated by the body that took the decision against which you wish to complain. This guide calls them the "the adjudicator" That person is required to give you their decision in writing.

If the adjudicator's decision is contrary to the decision you complained about, the employer or administering authority who made that original decision will now have to deal with your case in accordance with the adjudicator's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the adjudicator decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

Second Stage

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances :

- you are not satisfied with the adjudicator's first-stage decision,
- you have not received a decision or an interim letter from the adjudicator, and it is 3 months since your lodged your complaint,
- it is one month after the date by which the adjudicator told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

This review would be undertaken by a person not involved in the first stage decision.

You will need to send the appropriate administering authority your complaint in writing. The time limits for making the complaint are set out in the table on page 6. The administering authority will consider your complaint and give you their decision in writing.

If you are still unhappy following the administering authority's second stage decision, you can take your case to The Pensions Ombudsman provided you do so within 3 years from the date of the original decision (or lack of a decision) about which you are complaining.

Additional Help

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact TPAS.

TPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on www.pensionsadvisoryservice.org.uk, connect from there for a 'webchat', or you can contact TPAS by phone, post or email.

The Pensions Helpline phone number is **0300 123 1047** (local call rate)

Lines are answered Monday to Friday 9am to 5pm.

Outside of these times, you can leave your number and someone will phone back later.

You can write to:

TPAS
11 Belgrave Road
London
SW1V 1RB

Email: enquiries@pensionsadvisoryservice.org.uk

If you have received a second-stage decision under the Local Government Pension Scheme adjudication of disagreement procedure, are not satisfied with that decision, and still think your complaint is well-founded, TPAS may be able to help to resolve your pensions complaint or dispute. Before asking for TPAS' help in resolving a dispute, you must have already tried to settle it using the LGPS adjudication of disagreement procedure.

A TPAS adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. TPAS would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

The Pensions Ombudsman (TPO)

The Pensions Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting, the Pensions Ombudsman's Office would normally expect you to have:

- been given first-stage and second-stage adjudication of disagreement procedure decisions by the Local Government Pension Scheme; and
- asked for the help of TPAS.

TPO is completely independent and acts, in most circumstances, as an impartial adjudicator. His role and powers have been decided by Parliament.

There is no charge for using the Pensions Ombudsman's services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, can settle disputes about matters of fact or law as they affect occupational pension schemes.

TPO can also investigate and decide any complaint or dispute about the maladministration of a pension scheme. "Maladministration" is about the way that a decision is taken, rather than about the merits of the decision. Examples of maladministration would be unreasonable delay, neglect, giving wrong information and discrimination.

The Pension Ombudsman's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

You must refer your complaint to the TPO within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

The Ombudsman is at the same address as TPAS:

The Office of The Pensions Ombudsman
11 Belgrave Road
London
SW1V 1RB

Other ways to contact him are :

Tel: **020 7630 2200**

Email: ***enquiries@pensions-ombudsman.org.uk***

The website address is: ***www.pensions-ombudsman.org.uk***

The Pensions Regulator

www.thepensionsregulator.gov.uk

This is the regulator of work-based pension schemes. The Pensions Regulator has powers to protect members of work-based pension schemes and a wide range of powers to help put matters right, where needed. In extreme cases, the regulator is able to fine trustees or employers, and remove trustees from a scheme. You can contact the Pensions Regulator at: tel **0345 6000707**

Time limits under the Adjudication of Disagreement Procedure

Your situation	To complain to	Time Limit
You have received a decision on your benefits under the pension scheme from your employer/administering authority, and there seem to be good grounds for complaining.	The adjudicator under the first stage of the procedure.	6 months from the date when you were notified of the decision ¹ .
You have received a first stage decision on your complaint from the adjudicator, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the adjudicator's decision.
You made your complaint in writing to the adjudicator, with all the information they needed but, 3 months later, you have not received their decision on your complaint or any interim reply.	The relevant administering authority under the second stage of the procedure.	9 months from the date when you submitted your complaint.
You received an interim reply to your complaint to the adjudicator, within 2 months of applying to them. Their reply promised you a decision by a specified date but, one month after the specified date, you still have not received their decision	The relevant administering authority under the second stage of the procedure.	7 months from the date by which you were promised you would receive a decision.
Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme.	The adjudicator under the first stage of the procedure.	6 months from the date when the employer or administering authority should have made the decision ² .
Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.	The Pensions Ombudsman. Note that the TPO will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to the administering authority under the second stage of the procedure but, 2 months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.
You received an interim reply to your second stage complaint to the administering authority, within 2 months of applying to them. Their reply promised you a decision by a certain date but, by that date, you still have not received their decision	The Pensions Ombudsman. Note that TPO will normally expect you to have asked TPAS for help first.	3 years from the date of the original decision about which you are complaining.

¹ The adjudicator can extend the 6 month time limit for a reasonable period where there are special circumstances.

² The adjudicator can extend the 6 month time limit for a reasonable period where there are special circumstances.

Application under the Adjudication of Disagreement Procedure

You can use this form:

- (a) to apply to the adjudicator at stage 1 of the adjudication of disagreement procedure if you want them to investigate a complaint concerning your pension; and
- (b) to apply to the administering authority if you want them to reconsider a determination made by the adjudicator.

Please write clearly in ink, and use capital letters in boxes 1, 2 and 3. When personal information is exchanged by email, we will use the 'Egress Switch' to encrypt and protect your data. Instructions on its use are included with our first email to you.

1. Member's details :

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this box. You can then go straight to box 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to box 2.

If you are representing the person with the complaint, please give the member's details in this section, and then go to box 3. Ensure you supply a copy of the member's authorisation to enable you to represent them.

Full Name	
Address	
Contact email address	
Date of Birth	
Employer	
National Insurance No.	

2. Dependant's details:

If you are the member's dependant and the complaint is about a benefit for you, please give your details in this box and then go to box 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box and then go to box 3.

Full Name	
Address	
Contact email address	
Date of Birth	
Employer	
National Insurance No.	

3. Representative's details:

If you are the member's or dependant's representative, please give your details in this box.

Full Name	
Address	
Contact email address	
Date of Birth	
Employer	
National Insurance No.	

4. Your complaint

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant.

If there is not enough space, please go on to a separate sheet and attach it to this form. Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet. If you have a representative, please ensure you have supplied a signed authorisation for us to send details to your named representative.

5. Your signature

I would like my complaint to be considered and a decision to be made about it. I am a:

<ul style="list-style-type: none">• Scheme member/former member/prospective member*• Dependant of a former member*• Member's representative/dependant's representative* <p><i>*delete as appropriate</i></p>	
Signed:	Date:

6. Please enclose a copy of any notification of the decision about which you are complaining that has been issued by your employer or administering authority. Also enclose any other letter or notification that you think might be helpful.

Information supplied on this form is used for dealing with your complaint and not for any other purpose; information will be shared with the adjudicator, and once decision is made, held within documentation on your pension record.

PLEASE SEND THIS FORM FOR BOTH STAGE 1 AND 2 DISPUTES TO:

*Pension Services Manager, Oxfordshire County Council, 4640 Kingsgate, Cascade Way,
Oxford Business Park South, Oxford, OX4 2SU*