# WORCESTERSHIRE PENSION FUND

# APPEAL PROCEDURE AND FORM

## Decisions and Applications for adjudication of disagreements

### BACKGROUND

This procedure is in accordance withthe [Local Government Pension Scheme (LGPS) Regulations 2013 (as amended) Part 2, Regulation 72 Decisions](https://www.lgpsregs.org/schemeregs/lgpsregs2013/timeline.php#r72)*.*

All pension schemes are required to have a formal Internal Disputes Resolution Procedure (IDRP), and ours is called LGPS Appeal Procedure (the appeal procedure).

This procedure provides a guide to how the appeal procedure operates within the LGPS and is provided for general information only. It does not cover every aspect of the regulations. It is not an interpretation of the regulations. In the event of any unintentional differences, the LGPS regulations will prevail. This procedure does not confer any contractual or statutory rights.

### FIRST INSTANCE DECISIONS

From the day a person becomes a member of the LGPS, to the day when benefits or beneficiaries’ benefits are paid, the employer (known as the Scheme employer) and the Pension Fund (known as the Administering Authority) have to make decisions relating to the LGPS rules that affect you (or your beneficiaries).

The  [Administering Authority](http://www.lgpsregs.org/index.php/regs-legislation/timeline-regulations-2014?showall=&start=17#s1adau) must decide any question concerning-

1. a person’s previous service or employment;
2. the crediting of additional pension under regulation 16 (additional pension); and
3. the amount of any benefit, or return of contributions, a person is or may become entitled to out of a pension fund.

A person’s [employer](http://www.lgpsregs.org/index.php/regs-legislation/timeline-regulations-2014?showall=&start=17#s1scem) must decide any question concerning any other matter relating to the person’s rights or liabilities under the LGPS.

### NOTIFICATION OF DECISIONS

When you (this includes beneficiaries) 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.

The decision should be confirmed in writing to you as soon as is reasonably practicable. Where the decision is confirming that you are not entitled to a benefit, the letter must contain the grounds for the decision. If the decision is about the amount of benefit, it must contain a statement showing how it is calculated.

Every decision letter must provide:

1. contact details where further information about the decision can be obtained;
2. information about the appeal process;
3. time limits within which the appellant can appeal, and
4. the job title and address to whom appeals may be made.

### ENQUIRIES

If you have any queries about the content of a letter you have received, or you are not sure which benefits you are entitled to, or you have a problem with your benefits, please contact the person who has written to you, be that your employer or Worcestershire Pension Fund. They will try to deal with the problem as quickly and efficiently as possible.

Many problems that members of the LGPS have are 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.

### COMPLAINTS

If you are not satisfied with any decision affecting you made in relation to the LGPS, you have the right to ask for it to be looked at again under a formal appeal procedure. You should also use the appeal procedure if a decision should have been made by your employer or Administering Authority, but it hasn't been.

There are also two bodies that may be able to help you. They are described in the "Additional Help" section below.

The appeal procedure has two stages. Many complaints are resolved at Stage One. Any complaint you make under this procedure will 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, your husband, wife or partner, or a friend.

No charge is made at any stage for investigating a complaint under the procedure however you are responsible for any expenses that you incur e.g. your own (and/or your representative's) time, stationery, postage and where incurred, travel expenses.

Additionally if you fail to attend a confirmed appointment with an Independent Registered Medical Practitioner or if you cancel such an appointment at late notice which results in a charge the costs of the appointment may be passed on to you to pay.

Please remember that, before going to the trouble of submitting a formal appeal, your employer and/or Worcestershire Pension Fund welcomes the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking that they know you are concerned, and why.

### THE PROCEDURE

#### Stage One

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

1. in writing, using the application form below, and
2. within 6 months of the date when you were told of the decision you want to appeal about.

Your complaint will be considered carefully by the person specified by the body that took the decision against which you wish to complain. This guide calls them the "adjudicator".

The adjudicator is required to give you their decision in writing, within two months from when they received your complaint. If they are unable to respond within this timeframe, the specified person can send you an interim reply setting out the reason(s) for the delay and an expected date to be able to give a decision.

You can refer your complaint for re-consideration to the Administering Authority adjudicator, i.e. Worcestershire Pension Fund in the following circumstances:

1. you are not satisfied with the adjudicator's Stage One decision, and you are within six months from the date the decision letter (notice) was received;

or

1. you have received an interim letter from the adjudicator, but no decision letter (notice) has been given, seven months from the expected decision date;

or

1. you have not received a decision letter (notice) and no interim reply has been sent, nine months from the date on which your appeal was made.

Please note the above timeframes, as these are important for the adjudicator to take into account in determining whether your request for re-consideration is received in time to be actioned.

#### Stage Two

You can ask the Administering Authority to take a fresh look at your complaint in the circumstances described above. This review would be undertaken by a person not involved in the original decision or the Stage One decision.

You will need to send the Administering Authority your appeal in writing. The time limits for requesting a re-consideration are provided above. The Administering Authority adjudicator will consider your complaint and give you their decision in writing, within two months from when they received your completed appeal form. If they are unable to respond within this timeframe, the adjudicator can send you an interim reply setting out the reason(s) for the delay and an expected date to be able to give a decision.

If you are still unhappy following the Administering Authority's adjudicator's Stage Two decision, you can ask The Pensions Ombudsman to investigate and determine any complaint or dispute of fact or law in relation to the Scheme.

#### ADDITIONAL HELP: TPO / MoneyHelper

**The Pensions Ombudsman (TPO)**

[TPO](https://www.pensions-ombudsman.org.uk/) (<https://www.pensions-ombudsman.org.uk/>) is an independent organisation set up by law to investigate complaints or disputes about pension schemes. It will look at what both parties have to say before deciding how the problem should be resolved. You have the right to refer your complaint to TPO free of charge. There is no financial limit on the amount of money that TPO can award. Its determinations are legally binding on all parties and are enforceable in court. Contact with TPO about a complaint needs to be made within three years of when the events(s) you are complaining about happened -or, if later, within three years of when you first knew about it (or ought to have known about it). There is discretion for those time limits to be extended. TPO can be contacted at:

[enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)

Telephone: 0800 917 4487

The Pensions Ombudsman, 10 South Colonnade, Canary Wharf, London, E14 4PU

**MoneyHelper**

[MoneyHelper](https://www.moneyhelper.org.uk/en/contact-us/pensions-guidance) offers [free pensions guidance](https://www.moneyhelper.org.uk/en/contact-us/pensions-guidance) and help from its pension specialists. As an independent and impartial organisation, it does not have access to people’s pension records, and it does not provide regulated financial advice. It is a free service provided by the Money & Pensions Service. The Money & Pensions Service is an arm’s-length body, sponsored by the Department for Work & Pensions. It has a joint commitment to ensure that people throughout the UK have guidance and access to the information they need to make effective financial decisions over their lifetime. It is funded by levies on both the financial services industry and pension schemes. MoneyHelper can be contacted at:

[pensions.enquiries@moneyhelper.org.uk](mailto:pensions.enquiries@moneyhelper.org.uk)

Telephone: 0800 011 3797

MoneyHelper Pensions Guidance, Money and Pensions Service, 120 Holborn, London, EC1N 2TD.

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## CF – October 2022Application under the Local Government Pension Scheme (LGPS) Appeal Procedure

**I confirm that I have read the LGPS Appeal Procedure guidance notes and understand that this procedure is an application for adjudication of a disagreement (encompassing the Internal Disputes Resolution Procedure (IDRP)).**

You can use this form:

* to apply to the adjudicator at Stage One if you want them to investigate a complaint concerning your benefits; and
* to apply to the Administering Authority if you want them to reconsider a decision made by the adjudicator.

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 beneficiary (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.

**Please write clearly in ink, and use capital letters in boxes 1, 2, 3 and 4.**

|  |  |
| --- | --- |
| Full Name | Mr/Mrs/Miss/Other (please specify) |
| Postal Address including post code |  |
| Telephone Number |  |
| Date of Birth |  |
| Employer |  |
| National insurance number |  |

1. **Beneficiary's details:**

If you are the member's beneficiary 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 beneficiary and you are the beneficiary's representative, please give the beneficiary's details in this box and then go to box 3.

|  |  |
| --- | --- |
| Full Name | Mr/Mrs/Miss/other (please specify) |
| Postal Address including post code |  |
| Date of Birth |  |
| Relationship to member |  |

1. **Representative's details:**

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

|  |  |
| --- | --- |
| Full Name | Mr/Mrs/Miss/Other (please specify) |
| Postal Address including post code |  |
| Telephone Number |  |

1. **Correspondence**

|  |
| --- |
| Please confirm how you would prefer to receive correspondence:   * Via post\*, or * Via email to the following email address\* (please write clearly):   -----------------------------------------------------------------------------------------------------------------  \* delete as appropriate |

1. **Your complaint**

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving dates or periods of LGPS 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.

|  |
| --- |
| Continued… |

**6. Your signature**

|  |
| --- |
| I would like my complaint to be considered and a decision to be made about it. I am a:   * Member/former member/prospective member \* * Beneficiary of a former member \* * Member's representative/beneficiary's representative \*   \* delete as appropriate |
| Signed : |
| Date : |

**7. Supporting Documentation**

Please enclose a copy of any notification of the decision you are complaining of which has been issued by the employer or Administering Authority**.** Also enclose all other letters or notification that relate to the case.

**8. Please send your completed form and supporting documentation to:**

Richard Sultana

Head of Pensions Administration

Worcestershire Pension Fund

County Hall, Spetchley Road, Worcester, WR5 2NP

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