

LGPS Pensions Appeals Process



<u>Policy Title</u>	LGPS Pensions Appeals Process	
<u>Policy Category</u>	Compliant	
<u>Owner</u>	Payroll and Pensions Manager	
<u>Group Executive Lead</u>	Chief Finance Officer	
<u>Date Written</u>	June 2022	
<u>Considered By</u>	Chief Executive Group	
<u>Approved By</u>	Executive Board	
<u>Date Approved</u>	July 2022	
<u>Equality Impact Assessment</u>	The implementation of this policy is not considered to have a negative impact on protected characteristics	
<u>Freedom of Information</u>	This document will be publicly available through the Groups Publication Scheme.	
<u>Review Date</u>	July 2024	
<u>Policy Summary</u>	The document sets out the NCG position on the Local Government Pension Scheme (LGPS) Appeals Process. This is relevant to support staff in the Tyne & Wear Pension Fund and London Pension Fund Authority.	
<u>Applicability of Policy</u>	<u>Consultation Undertaken</u>	<u>Applicable To</u>
Newcastle	No	Yes
Newcastle Sixth Form	No	Yes
Carlisle	No	Yes
Kidderminster	No	Yes
Lewisham	No	Yes
Southwark	No	Yes
West Lancashire	No	Yes
Professional Services	No	Yes
<u>Changes to Earlier Versions</u>		
<u>Previous Approval Date</u>	<u>Summarise Changes Made Here</u>	
February 2021	Added the Equality Impact Assessment	
February 2021	Amended the adjudicator job title from Financial Controller to Deputy Chief Finance Officer	
February 2021	Added a Purpose section at the beginning of the policy	
N/A	Updated adjudicator to Group Financial Controller following move of payroll into finance reporting line, updated contact details for Ombudsman and Pensions Advisory Service.	
<u>Linked Documents</u>		
<u>Document Title</u>	<u>Relevance</u>	

Equality Impact Assessment

	Judgement	Explanatory Note if required
EIA 1 - Does the proposed policy/procedure align with the intention of the NCG Mission and EDIB Intent Statement in Section 2?	Yes	
EIA 2 - Does the proposed policy/procedure in any way impact unfairly on any protected characteristics below?		
Age	No	
Disability / Difficulty	No	
Gender Reassignment	No	
Marriage and Civil Partnership	No	
Race	No	
Religion or Belief	No	
Sex	No	
Sexual Orientation	No	
EIA3 - Does the proposed policy/processes contain any language/terms/references/phrasing that could cause offence to any specific groups of people or individuals?	No	
EIA4 - Does the policy/process discriminate or victimise any groups or individuals?	No	
EIA 5 - Does this policy/process positively discriminate against any group of people, or individuals?	No	
EIA 5 - Does this policy/process include any positive action to support underrepresented groups of people, or individuals?	No	
EIA 6 - How do you know that the above is correct?	We have revisited the policy and ensured that it has been updated to the latest guidance posted by each of the pension schemes.	

1. Purpose of this Policy

NCG is an employer within two Local Government Pension Schemes (LGPS), Tyne and Wear Pension Fund (TWPF) and London Pension Fund Authority (LPFA).

As an LGPS employer, NCG performs important functions in relation to the Scheme including making decisions and taking actions that affect the benefits of Members. However, there may be certain times where a person whose entitlement has been affected, disagrees with the impact of these actions.

It is preferable that any disagreements are resolved informally however in the instance that this is not possible, then the process documented in this policy must be followed.

The formal procedure to resolve disagreements is called the Internal Dispute Resolution Procedure (IDRP). It is set out in each pension schemes' rules and therefore cannot be amended by NCG.

NCG responsibilities in relation to the IDRP are to appoint an adjudicator, which will be the Deputy Chief Finance Officer and notify members of the process that will be followed to resolve the dispute.

2. NCG Decisions Regarding a Member's Pension

When any decision regarding a member's pension entitlement is made, details of the Internal Dispute Resolution Procedure (including the time limits) should be given to the member.

When first deciding the member's rights and then notifying the member of our decision, it is important that we comply with:

- Regulation 72, First Instance Decisions
- Regulation 73, Notification of First Instance Decisions

The requirements regarding member rights in the Scheme are set out under the Regulations and can be found via the following links:

- <https://www.lgpsregs.org/schemeregs/lgpsregs2013/si2013-2356.php>
- <https://www.lgpsregs.org/schemeregs/lgpsregs2013/si2013-2356.php#r72>
- <https://www.lgpsregs.org/schemeregs/lgpsregs2013/si2013-2356.php#r73>

Employees or their representatives must be advised that if they have any Scheme related dispute, they should contact either their employer, or the Pensions Office, depending on who made the relevant decision.

Many disputes can be resolved by a clear explanation of the situation, and the reasons behind the decision.

If the Scheme member/representative is not satisfied, they must be given written notification of their right to appeal (including details of the adjudicator appointed to deal with such cases), and that the appeal must be made within six months of receipt of the written notification.



3. The Internal Disputes Resolution Procedure (IDRP)

The IDRP is the mechanism by which:

- a prospective Scheme member.
- a Scheme member.
- a pension credit member.
- the beneficiary or personal representative of a Scheme member.
- a person who is no longer a Scheme member, but left the Scheme within six months leading up to the date of their complaint.

can dispute a decision, discretion, or failure to reach a decision by an employer or the Pension Fund, in relation to:

- scheme membership.
- award or non-award of benefits.
- the amount of benefits being paid.
- an independent doctor’s decision regarding ill health retirement.
- any other pension matters.

NB – before starting this procedure you should contact the Payroll and Pension team at payroll@ncgrp.co.uk to express your concerns. It may be possible to resolve the issue immediately and to your satisfaction.

Step 1	<p>Write to the Deputy Chief Finance Officer of NCG:</p> <p>You should address your letter to:</p> <p>Deputy Chief Finance Officer NCG Rye Hill House Rye Hill Campus Scotswood Road Newcastle Upon Tyne NE4 7SA</p> <p>Please provide the following:</p> <ul style="list-style-type: none"> • Your full name, address and contact details • Date of birth and national insurance number • Full details of your dispute including any supporting documentation • An indication of how you would like your dispute resolved • Please clearly mark your correspondence as a dispute.
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	<p>You must write to the person above within 6 months of receiving notification from your employer of the decision with which you disagree.</p> <p>They will write to you within two months of receiving your letter to confirm their decision.</p> <p>The reply will include:</p> <ul style="list-style-type: none"> • the decision. • references to any relevant legislation or Scheme provisions. • confirmation that the appellant has the right to have the decision reconsidered by the Pension Fund’s Panel of Appointed Persons, and the time limit for doing this. • a statement that The Pensions Advisory Service (TPAS) is available to provide information and advice relating to a pension dispute which is unresolved. • contact details for TPAS. • if the adjudicator cannot issue a decision within two months, a letter will be sent to the appellant explaining the reason for the delay and confirming the date that the decision is expected to be made. <p>If you are unhappy with this person’s decision please progress to Step 2.</p>
<p>Step 2</p>	<p>For members of the Tyne & Wear Pension Fund:</p> <p>Write to The Tyne & Wear Pension Fund’s panel of appointed persons.</p> <p>You should address your letter to:</p> <p>Secretary to the Panel of Appointed Persons Tyne and Wear Pension Fund The Pensions Office PO Box 212 South Shields NE33 9ER</p> <p>For members of the London Pension Fund Authority:</p> <p>Send an e-mail (with the subject line of FAO Complaints and Appeals Administration Lead) to askpensions@localpensionspartnership.org.uk or a letter to Complaints and Appeals Administration</p>

	<p>LPP - Your Pension Service PO Box 1383 Preston PR2 0WR</p> <p>Please include the same information you included in Step 1 and why you disagree with the decision made at that stage.</p> <p>An appointed person will consider your case and will let you know their decision. They will write to you within two months of receiving your letter or e-mail to confirm their decision.</p> <p>An appointed person must consider the case in depth. They will:</p> <ul style="list-style-type: none"> • reconsider the original decision, taking full account of the facts of the case, including any evidence submitted or relied on by either party at stage one. • check that the regulations have been properly applied. • check that impartial procedures were used to reach the decision. This is particularly important when the dispute concerns an employer or administering authority discretion. <p>The appointed person should be satisfied that the first stage decision was reasonable and consistent with other decisions issued by the employer or the Pension Fund, and that it would stand up to scrutiny. That person should then notify the appellant of their decision within two months of receiving the appeal letter.</p> <p>If you are unhappy with the decision at Step 2 please progress to Step 3.</p>
<p>Step 3</p>	<p>Write to the Pensions Ombudsman.</p> <p>The Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have completed Step 1 and 2 (as set out above).</p> <p>The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. Their role and powers have been decided by Parliament.</p> <p>There is no charge for using the Pensions Ombudsman's services</p> <p>The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, they can settle disputes about matters of fact or law as they affect occupational pension schemes.</p> <p>The Ombudsman 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</p>

<p>would be unreasonable delay, neglect, giving wrong information and discrimination.</p> <p>The 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.</p> <p>You must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.</p> <p>Contact the Pensions Ombudsman at:</p> <p>The Pensions Ombudsman 10 South Colonnade Canary Wharf E14 4PU</p> <p>UK telephone: 0800 917 4487 Overseas telephone: +44 (0) 207 630 2200</p> <p>Email: enquiries@pensions-ombudsman.org.uk</p>
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The Money and Pensions Service

The Money and Pensions Service (MaPS) brings together three respected financial guidance bodies: The Money Advice Service, The Pensions Advisory Service (TPAS) and Pension Wise.

The Pensions Advisory Service (TPAS)

At any time if you are having difficulties in sorting out your complaint, you may wish to contact The Pensions Advisory Service (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.TPAS.org.uk or you can contact TPAS by phone, post or via their website.

The Pensions Helpline phone number is 0800 011 3797

Lines are open 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:

Money and Pensions Service

120 Holborn

London

EC1N 2TD

Online enquiry form:

www.pensionsadvisoryservice.org.uk/contacting-us

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution 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 internal disputes resolution procedure described above.

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.