



## **The Surrey Local Pension Board**

### **23 April 2018**

### **Review of Internal Dispute Resolution cases in 2017/18 (quarter four).**

#### **Recommendations:**

1. The Board is asked to **note** the content of this report.

#### **Detail:**

##### **Introduction**

2. Pursuant to the Local Government Pension Scheme (LGPS) Regulations 2013 (the Regulations) each scheme employer and administering authority must appoint an adjudicator to consider applications regarding the first instance decisions made by the scheme employer or where relevant the administering authority.
3. Under the Scheme of Delegation relating to section 106 agreements, the following officers are nominated to hear stage one and stage two Internal Dispute Resolution (IDRP) appeals:
  - The Director of Finance.
  - The Director of Legal and Democratic Services.
  - The Director of People and Development.
  - The Strategic Finance Manager (Pension Fund and Treasury).

##### **Summary of the appeals in 2017/18 (quarter four)**

4. Two first stage appeals were submitted and responded to in the fourth quarter of 2017/18. The first was received on 4 December 2017 and the second on 9 February 2018, and there was also one second stage appeal which was received on 20 June 2017.

## **Case 1**

### **Stage 1**

The appellant was unhappy about being awarded tier 3 ill-health retirement as she believes that her infirmity justifies her being placed in a higher tier.

#### **The nominated stage 1 adjudicator**

The adjudicator is collating evidence that was available at the time and he sent her a holding letter explaining that he will review the decision to award her tier 3 ill-health retirement under regulations 35 and 39 of the Local Government Pension Scheme regulations 2013 (as amended) shortly.

## **Case 2**

### **Stage 1**

The appellant telephoned to request a transfer value on 14 April 2015, one full working day (15<sup>th</sup>) before his 64<sup>th</sup> birthday, which was the first day of his 65<sup>th</sup> year. The administrators pointed out that they could not provide a transfer quotation once he entered the year in which he achieved SPA, which is the deadline for transferring pension benefits from occupational pension schemes under the Pension Schemes Act 1993.

#### **The nominated stage 1 adjudicator**

The adjudicator is reviewing the evidence and will send a holding letter if she cannot make a determination within two months.

## **Case 3**

### **Stage 2**

The appellant asked the adjudicator to replace her ill-health pension, which derived from a deferred pension put into payment in 2015, with one calculated as if she had been awarded ill-health retirement from active status when she left employment in 2003.

#### **The nominated stage 2 adjudicator**

The adjudicator considered regulations 27 and 28 of the Local Government Pension Scheme Regulations 1997 (as amended) and pointed out that he could only take evidence that was available at the time into consideration and, bearing that in mind, dismissed her appeal as the original decision to award preserved benefits seemed “fair and reasonable”.

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**Sources/background papers:** The LGPS Regulations 2013