



Surrey Local Pension Board 24 October 2019

Review of Internal Dispute Resolution cases in 2019/20 (Quarter 2)

Recommendation

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

Detail:

Introduction

1. 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.
2. 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 Acting Section 151 Officer.
 - The Director of Legal and Democratic Services.
 - The Director of People and Development.
 - The Head of Pensions (Pension Fund and Treasury).

Summary of the appeals in 2019/20 (Quarter 2)

Stage 1 – not yet determined

3. A claims company has complained on behalf of a former member about a transfer-out completed in 2013. This is well outside the normal appeals window; however, recent combative Pensions Ombudsman determinations make a finely balanced decision whether to (1) reject it as being out of time, (2) admit it and try to control the narrative or (3) admit it and accept that our due diligence could have been better.
4. A high earner opted-out of the pension fund for tax reasons and subsequently asked for their pension to be paid. The pension was put into payment; however, it soon emerged that they had not left the employment the pension related to, they were not

eligible to draw their pension and the overpayment should be recovered. It is a complicated case compounded by the fact that their employer is in termination - albeit that they have not yet terminated.

5. A member queried whether the calculation of their pensionable pay. The matter should be considered by the employing authority but, for some reason, the member has focused their appeal on the administering authority.
6. A member launched an appeal because they considered that the payment of their pension payments had been delayed.
7. There was confusion over a member's date of birth and estimate was produced on the basis that she was older than she in fact was. This led to her pension benefits being overstated (smaller actuarial increases for late payment) and raised questions about other calculations on her record.

Stage 1 – determined

8. A member who had suffered a serious illness appealed against the decision to award tier 2, as opposed to tier 1 ill-health retirement. The key issue was whether it was an acute or chronic issue and the adjudicator sent the case back to the employer for reconsideration.

Stage 2 – determined

9. The compensation awarded for an inaccurate estimate prior to retirement was increased from £1,000 to £1,500 at stage 2.
10. An appeal against a failure to award ill-health retirement was partially upheld insofar as the appellant was awarded £500 for inconvenience and distress.

Pensions Ombudsman cases

11. An informal determination was received from the Pension Ombudsman which, we believe, contains inaccuracies. However, as we anticipate expending more than the £500 we expect to save by contesting it, we will settle it informally but reserve the right to contest it if the other side insists on a formal determination.

Report contact: John Smith, Senior Advisor (Investments, Finance and Governance)

Contact details: T: 020 8213 2700 E-mail: john.smith@surreycc.gov.uk

Sources/background papers: The LGPS Regulations 2013