

## **Lancashire Local Pension Board**

Meeting to be held on Tuesday, 24 January 2023

Electoral Division affected:  
(All Divisions);

### **Appeals Update**

Contact for further information:

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#### **Brief Summary**

This report provides an update and broad analysis of appeals received under the Internal Disputes Resolution Procedure for the period 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022.

#### **Recommendation**

The Board is asked to consider and note the contents of the report.

### **Detail**

The Local Government Pension Scheme regulations set out a formal procedure to resolve disagreements. This is called the Internal Dispute Resolution Procedure. Specifically, the rules for the appeal process are set out in the Local Government Pension Scheme Regulations 2013 within regulations 72 to 79.

The Procedure has 2 stages. Stage 1 is dealt with by the body who made the initial decision (or omission of a decision) that is in dispute. This will normally either be the scheme employer if an employer decision or omission has led to the dispute, or Local Pensions Partnership Administration (LPPA) if an administering authority decision, calculation or omission has led to the dispute.

If the disagreement is not resolved at stage 1, the individual can refer it to the Appeals Officer for a decision at stage 2. The nominated Appeals Officer for reviewing stage 2 appeals is Julie Price, Technical Pensions Lead for the Lancashire County Pension Fund.

#### **Overview of stage 1**

The right to make a stage 1 complaint is time limited. Generally, the applicant has 6 months from the date of notification of the decision under dispute. The employer (or LPPA on behalf of the administering authority) will nominate a person to determine



stage 1 complaints known as the adjudicator. The adjudicator should provide their written decision within 2 months (although if there are specific reasons to do so they could send a letter extending and revising this deadline).

## Overview of stage 2

The applicant can ask the Pension Fund to take a fresh look at their complaint if they are not satisfied with the adjudicator's stage 1 decision, or the applicant has not received the stage 1 decision letter within certain deadlines.

The decision at stage 2 must be given within 2 months (although again if there are specific reasons to do so a letter can be sent extending and revising this deadline). If the applicant is still unhappy following the stage 2 decision, they can take their case to The Pensions Ombudsman for a formal determination provided they do so within 3 years of the event that gave rise to the initial complaint.

## Analysis of appeals – 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022

In general, the large percentage of appeal cases remains those linked to ill health whether this is a dispute with the level awarded to the scheme member or where ill health retirement has been determined by the employer not to be appropriate for the scheme member.

The number of stage 2 cases received during the year is the same as the number received last year. Over the last 3 years the numbers of stage 1 appeals have been 28 cases in 2020, 15 cases in 2021 and 23 cases in 2022. Only 2 cases at stage 1 were upheld during the report period.

6 cases at stage 2 were upheld – 2 of these had additional information supplied at the appeal stage which wasn't previously available when the original decision was taken. 4 of the upheld appeals were ill health cases, where the employer would have been expected to ask further questions of the IRMP before making a decision. Where this has been the case, we have notified the relevant employers of what would have been expected of them and the reasons behind that.

A full breakdown of the case types and outcomes are set out below:

### Stage 1 cases

Type of Case	Total	Breakdown
Received	23	17 - Ill-health 2 - Late transfer requests 1 - Transfer Value 1 - Retirement 1 - Benefit revision 1 - Added years
Upheld	2	2 – Ill Health
Dismissed	13	10 - Ill-health 2 - Late transfer requests 1 - Retirement



Outstanding	8	1 – Transfer value 5 – Ill Health 1 – Benefit Revision 1 – Added years
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### Stage 2 cases

Type of Case	Total	Breakdown
Received	9	6 - Ill-health 2 – Late transfer 1 - Final pay calculation
Upheld	6	3 – Ill health 2 – Late transfer 1 – Final pay calculation
Dismissed	0	0
Outstanding	3	3 – Ill health (deadline dates in January 2023)

### Ombudsman Cases

There have also been two ombudsman cases. The first involved a member complaint about the recovery of overpayment of pension due to reemployment, which was not upheld. The second case related to a member complaint about delays in AVC disinvestment at retirement, where they were awarded £100.

### Consultations

N/A

### Implications:

This item has the following implications, as indicated:

### Risk management

No significant risks have been identified

### Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
N/A		

Reason for inclusion in Part II, if appropriate  
N/A

