

po pensions ombudsman

How we can help you
with a complaint about a pension

pensions

About Us

The Pensions Ombudsman's Office is the independent and impartial organisation set up by law to help if you have a complaint about a pension scheme provided by an employer - or about a pension plan that you have arranged with an insurance company or other financial organisation.

The Pensions Ombudsman is an individual person appointed to do the job, with an office of experienced staff to help. The current ombudsman is Tony King. There is also a Deputy Pensions Ombudsman who has the same powers as the ombudsman.

You do not have to pay to use our service.

We deal with complaints about the *administration* of pensions and pension schemes. (If your complaint is against a financial business or adviser *about sales or advice*, then usually the Financial Ombudsman Service will deal with it – see *What we cannot deal with*.)

The ombudsman can make decisions that are “final and binding” on you and the people or organisation you are complaining about. If he decides that something has gone wrong and tells someone to put it right then they have to comply. If they do not you can ask the Courts to make them do so (though this is very rarely necessary).

Before we will deal with the complaint you must first have tried to resolve it with the people or organisations you think are responsible – and in most cases we will expect you to have consulted the Pensions Advisory Service before coming to us. This is explained later, under *What you should do*.

What We Can Deal With

We can usually deal with a complaint about anyone who is involved with running a pension scheme, for example:

- employers;
- trustees;
- scheme administrators;
- local authorities and government departments;
- insurance companies and other financial firms.

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We can deal with your complaint:

- if you are or were a member of the pension scheme; or
- if you think you ought to be a member; or
- if you are the widow, widower, surviving civil partner; or dependant of a member who has died.

(A “member” means anyone entitled to a benefit under the scheme, now or in the future, and includes a person with an entitlement as a result of a pension sharing order on divorce.)

Your complaint must affect you personally. Usually that will mean you think you have suffered financially because of what has gone wrong – but it could mean that you have been caused significant upset or inconvenience.

Some typical complaints:

“When I retired I should have received my pension straightaway – but it took months to organise.”

“I am ill and unable to work. My pension scheme allows for an ill-health early retirement pension, but I have been told I don't qualify.”

“The insurance company that looks after my pension did not transfer my funds when I told them to.”

What We Cannot Deal With

Anything that is outside our time limits: Usually you have to come to us within three years of when the event(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). Sometimes we can extend the three year limit – but only if we think the delay in bringing the complaint is reasonable, for example we might do so if you have been actively trying to resolve the problem but without success. If it is taking a long time to resolve the problem and you think that you might need to refer your complaint to us, you should contact us within the three year limit if at all possible.

Complaints about sales or advice given by financial firms: If your problem concerns the advice you have been given by a firm that is authorised by the Financial Services Authority, then it will usually be dealt with by the Financial Ombudsman Service. Contact information is at the end of this leaflet.

Complaints about State pensions: Problems with State pensions should be taken to the Pension Service (part of the Department for Work and Pensions). Contact information is at the end of this leaflet.

Anything that has already been fully dealt with by a court or tribunal, or by another ombudsman: You cannot come to us for a “second opinion” if an equivalent body has already reached a decision. If court or tribunal proceedings relating to your complaint start or are already in progress but have not been fully dealt with, please tell us as soon as you can – even if you do not think they are relevant.

General complaints about the benefits that the scheme provides: It is not our job to decide what pension choices you should have or the benefits a pension scheme should be designed to provide.

Advice: We cannot give you advice on types of pension schemes or different pension scheme providers. You can talk about the different kinds of arrangements to the Pensions Advisory Service, whose services are free – but they cannot give you personal advice. Contact information is at the end of this leaflet. If you want personal advice you might decide to talk to an independent financial adviser.

What You Should Do

Before you come to us

Start by taking the problem up with whoever you think has done something wrong. It is usually best to do that in writing, being as clear as you can. If you use the telephone, then you might find it helpful to think about what you are going to say before you call. Even if you are upset or angry about what has happened, the person you are talking to will find it easier to help if you are able to explain clearly what you think has gone wrong. Keep copies of letters and make notes of telephone calls. You may need them later.

In some circumstances there is a formal procedure (usually called “Internal Dispute Resolution” or “IDR”) that you have to try to use before we can help you. Your pension scheme booklet should tell you about this. (If you cannot locate your booklet, your scheme should supply you with a copy on request.) If you try to use the formal procedure but don't get a response then you can still come to us.

How we can help you with a complaint about a pension

You can get help and advice before you come to us by contacting the Pensions Advisory Service. They can explain how pension schemes work and help you deal with the people who you think are at fault. Normally we will expect you to have contacted them before applying to us.

Bringing your complaint to us

You will need to fill in our application form – which you can do using our website if you prefer (www.pensions-ombudsman.org.uk). You will need to set out what your complaint is, who you think is at fault and what you think should be done to put things right. It is important that you summarise these clearly on the application form, even though we will want copies of all the relevant documents that you have.

To be fair to everyone, we will usually decide to show any documents you send us to the people you are complaining about. You cannot give us documents and expect us to withhold these from the people you are complaining about. You must not hold anything back if it is relevant.

What We Will Do

First we will decide whether we can deal with the matter at all. That means deciding whether:

- you are a person allowed to complain to us;
- the subject matter is something we can deal with;
- the people or organisations you think have done something wrong are within our scope;
- you have already taken up the matter with the people or organisations you think have done something wrong;
- you have come to us within our time limits.

All of these things are explained in more detail earlier in this leaflet. We may need to get more information from you or elsewhere before we reach a decision (our application form at the back of this leaflet asks you to give consent that you are content for us to do this). If we cannot deal with the matter we will tell you and explain why.

If we are able to investigate your complaint, we may do a number of things, including:

- contacting you or the people or organisations you think are at fault to ask for more information;
- sending the people or organisations you think are at fault what you have given us and asking them to comment;
- asking you or them particular questions about what happened, or why either you or they think they are in the right;
- writing to you, or to them, or to both of you to say what our view of the complaint is.

If we write to people to say what our view of the complaint is, we hope that they will accept our view and the matter will end there. If they do not accept our view and send us further information to show why they think we are wrong, we will reconsider and it may be necessary for the ombudsman to give a final and binding decision (or “determination”) which will say whether or not the complaint should be upheld and, if so, what should be done to put matters right.

Sometimes, when we write to you with our views, this will include the ombudsman’s preliminary conclusions about your complaint. Where we do this, the ombudsman will make a final and binding decision after considering the responses he receives to his preliminary conclusions.

Whatever we decide to do, you will be given an opportunity to comment before a final decision is made – and you will be given the opportunity of having a determination from the ombudsman if you want one.

What Happens Afterwards

If the ombudsman makes a decision in your favour then it will usually include instructions to put things right. Normally there will not be any problem with the instructions being carried out. But if it is necessary you can apply to the Court to “enforce” the ombudsman’s instructions.

A determination from the ombudsman is “final and binding” just like a Court judgment. That means that neither you nor the people or organisations you have complained about can just ignore it. You cannot ask the ombudsman to review it – and you cannot start up the dispute again. And the people or organisations your complaint is about will have to take any steps the ombudsman says they should take.

The only exception is that either side can make an appeal to the Court on a point of law (if they think that the ombudsman has made an error of law in reaching his decision).

Common Questions

Can someone else deal with the ombudsman on my behalf?

Yes. You can nominate anyone to help you; a member of your family, a friend or a professional person such as a solicitor. But if you appoint a professional person you are not likely to get their charges paid for you even if your complaint is upheld. That is because our way of working is designed so that people should not normally need professional help.

Can I see the ombudsman personally?

The ombudsman does not usually see any of the parties to a complaint. Normally we can deal with everything very effectively in writing and on the telephone.

Sometimes the ombudsman will decide to hold a hearing. This means both sides would have the opportunity to be present at the same time. If you think a hearing should be held in your case, you should let us know and we will consider it.

How long will you take to deal with my complaint?

That varies a lot, depending on things like how complicated the issues are, how many other people are involved, how many questions we have to ask and so on. Some cases can take just a month or two. Others can take a year or more. But we will try to keep you informed as the case progresses.

Will my information be dealt with confidentially?

We will usually pass any information that you give us to the people or organisation you think are at fault, to give them an opportunity for comment. But neither they, nor you, are allowed to use any information you receive in this way for anything except our investigation.

Please remember that, if you send us personal information by email, this may not be secure (unless it is encrypted). For this reason, we do not usually exchange personal information by email.

Your Personal Information

Under the Data Protection Act 1998, we are a data controller for any personal information that we hold about you. This means that we must comply with various duties; for instance, we must use your information fairly, and keep it safely and securely.

By "personal information", we mean information that is about identifiable living individuals. Your complaint will include a considerable amount of information about you, such as your name, age, workplace or former workplace, and possibly your financial affairs and medical history. When we investigate your complaint you or others will probably give us additional information about you.

We use this information to help us reach a decision about your complaint, and we may need to share information with any individuals or organisations that are involved in dealing with your pension. By law, we also have the power to share information about your complaint with a small number of other organisations, if we think it necessary in helping them carry out their own functions, but we will always consider this carefully before doing so.

We aim to carry out our work openly and transparently and for this reason, we usually publish the ombudsman's decisions on our website. The published decisions give the complainant's name (but not address), and will include relevant information about you, in order to explain what decision the ombudsman has reached and why.

In some cases, before publishing a decision, we may decide to edit it, so that individuals cannot be identified or so that particular information is not disclosed. For example, we might: remove names; remove other information that might enable individuals to be identified; remove particularly sensitive material such as medical information; or, in an exceptional case, publish the decision in summary form only, while making more information available to anyone who requests it.

We would consider editing a decision before publication where, for example, a case involves: details about an individual's medical history; information about a complainant's family members (particularly children); serious and unfounded allegations where publication would give them wider circulation; information about other sensitive matters (such as an individual's sexual life).

If you think that we should edit the decision in your case before publishing it, you should let us know as soon as possible, giving your reasons. We will not always agree, but will always consider a request very carefully.

Application Form

Please complete the details below (you are required to complete those marked *)

Your details

*Your surname:

*Your first name:

Your title:

*Your address:

*Your postcode:

Your date of birth:

Your telephone number:

Your email address:

How would you like us to contact you?

Do you need information in another language or format (eg large print)?

Yes/No

If yes, please give details:

Representative details

Is someone representing you?

Yes/No

(Please note, if someone is representing you we will correspond only with them.)

Name:

Address:

Postcode:

Telephone number:

Email address:

Your complaint or dispute details

*Name of scheme or policy number(s):

*Please tell us the name and address of who you are complaining about:

(Before contacting the Ombudsman, you should complain in writing to the people or bodies you would like to complain about.

The Ombudsman will not normally be able to consider your complaint until you have done this.)

Employer:

Trustees:

Scheme Managers:

Scheme Administrators:

Previous referrals

*Have you referred your complaint to the Pensions Advisory Service? Yes/No

(You may find it useful to do so before contacting us.)

Can we request your papers from them? Yes/No

What is your Pensions Advisory Service reference number?

Has a Court or Tribunal been involved in your complaint? Yes/No
(If yes, please provide details and any supporting documents.)

*Please summarise your complaint

(Please complete this part even if you have referred the matter to the Pensions Advisory Service (TPAS) or are providing supporting documents. It may help you to list what each party has done wrong. Please provide a provide a copy of all documents if not held by TPAS.)

My complaint is...

*When did you first become aware of this matter?

*Please detail the injustice you have suffered

*How would you like the matter put right?

Declaration: I consent to the Office of the Pensions Ombudsman obtaining necessary information from the parties I am complaining about and other third parties to process my complaint and during any investigation. (We will not be able to deal with your complaint unless you consent to this.) Please note that any papers received may be copied to all parties you are complaining about. I have read the section headed "Your personal information" in the Pensions Ombudsman's leaflet "How we can help you with a complaint about a pension".

Signed: _____

Date: _____

Complaints About Us

If you think something may have gone wrong, start by contacting the member of staff who is dealing with your case (or their manager). We hope that you won't have any need to, but if you still want to complain about the way that we dealt with your case (excluding any complaint that the outcome should have been different), then you can write to the Casework Director at our usual address.

If we cannot resolve your complaint then you may be able to take it to the Parliamentary Ombudsman by contacting a Member of Parliament.

Our contact details

- The Pensions Ombudsman
11 Belgrave Road
London SW1V 1RB
Telephone: 020 7630 2200
Web: www.pensions-ombudsman.org.uk

Other useful contacts

- For general advice on pensions and making a complaint (including bringing it to the Pensions Ombudsman):
The Pensions Advisory Service
11 Belgrave Road
London SW1V 1RB
Telephone: 0845 601 2923
Web: www.pensionsadvisoryservice.org.uk
- For State pension scheme enquiries:
The Pension Service
(part of the Department for Work and Pensions)
Telephone: 0845 606 0265
Web: www.thepensionsservice.gov.uk
- For complaints about mis-selling of pensions or other financial products:
Financial Ombudsman Service
South Quay Plaza II
183 Marsh Wall
London E14 9SR
Telephone: 020 7964 1000
Web: www.financial-ombudsman.org.uk

Please contact us directly if you require this leaflet in large text or another language.



Office of the Pensions Ombudsman
11 Belgrave Road
London SW1V 1RB
Telephone: 020 7630 2200
Fax: 020 7821 0065

E-mail: enquiries@pensions-ombudsman.org.uk
Website: www.pensions-ombudsman.org.uk

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