

I Want to Make a Group Complaint – What should I do?

The Pensions Ombudsman can consider complaints made by individuals who allege maladministration of a personal or occupational pension scheme. Due to legal precedent, he cannot consider “class actions” which means that each person with a complaint about a pension scheme must make an application to the Pensions Ombudsman, even if the complaints appear to be identical. However, where a large number of people have apparently identical complaints, we try to make the process as easy as possible for everyone. Below is a guide to what we require from you if you are considering making a group complaint:

- We usually expect that multiple applicants are represented by one person, which enables us to have a central point of contact and avoids the need to write to all applicants whenever we need to make contact;
- We will then set up one applicant as the “lead case”. We will usually require an application form, or equivalent, to be completed by this applicant. If the applicant in the lead case is also the representative for the group, then it may be necessary at times to share information about you and your case with the other applicants. We would therefore need you to provide your written authority for us to do this;
- We may not need formal application forms to be completed by the other applicants. But at the very least we will need their personal details (name, address etc), confirmation of their complaint (which could be by reference to the complaint made by the lead case), confirmation of appointment of a representative (if applicable) and their signature; and
- When we receive an application, our first step is to check that the matter is something that the Pensions Ombudsman can investigate. We would usually carry out this check on the lead case initially and then decide the appropriate course of action for the remaining applicants. The key areas we look at are:
 - Time limits and whether the complaint has been brought to the Pensions Ombudsman within three years of when the complaint occurred or when the applicant first reasonably knew (or ought to have known) of the complaint;
 - Whether the complaint has been formally raised, in writing, with all the parties alleged to be at fault. If an internal dispute resolution procedure (IDRP) is in place, this also needs to have been attempted before the Pensions Ombudsman will consider the matter. It may not be enough for the lead case alone to have been through the complete complaints process and this is something we would be looking at and discussing with you.

If you are considering making a group complaint, we would appreciate it if you could contact us in advance for further guidance. You may also find the services of the Pensions Advisory Service (TPAS) helpful; further details can be found at www.pensionsadvisoryservice.org.uk.