Pensions Ombudsman Service

Complaint about your pension?

Here's how we can help

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

“I’m 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.”

Please contact us if you need this leaflet in another format or language.

Introduction

If you've got a complaint about your pension scheme you can get help to sort it out.

First, you need to try and fix the problem yourself - this usually involves making a formal complaint to the people you think are at fault.

But if you're not satisfied with the outcome, you can ask us to look into it. We are an independent organisation set up by law to investigate complaints about how pension schemes are run. Our service is free.

There are a lot of problems we can deal with, but there are also some things we can't investigate. This leaflet has information about:

- How we can help
- What you need to do
- What you can expect from us
- Other organisations that can help

Ombudsmen are independent and offer a free service to consumers. Our Ombudsmen have legal powers to make final and binding decisions.

How we can help

We can help if your complaint is about a pension scheme provided by an employer or a pension you have set up yourself. These are called occupational or personal pensions.

We can help if you:

- are (or were) a member of the pension scheme
- think you should be a member of the pension scheme
- are the widow, widower, surviving civil partner or dependant of a member who has died.

A 'member' is anyone who has joined a pension scheme and is entitled to payments from it now, or in the future. This includes people who have a pension sharing order.

And if your complaint is about both:

- the people who run your pension scheme – for example employers, trustees, scheme administrators or managers
- and something that affects you personally – for example you have lost money or suffered distress or inconvenience.

Unless there are special circumstances we can only deal with problems you became aware of within the last three years.

We can't help with complaints about:

- State Pensions
- sales or marketing (mis-selling) of pensions
- the type of benefits your pension scheme offers
- a decision made by a tribunal, court or another Ombudsman.

We may not be able to help if your complaint is in the process of being considered by a tribunal, court or another Ombudsman. Page 10 has details of organisations you can contact if your complaint isn't something we can deal with.

What you need to do

Step 1

First you need to complain to whoever you think is at fault. You should telephone or write a letter explaining clearly what you think has gone wrong - the Pensions Advisory Service can support you to do this and can often help sort out the problem at an early stage.

If your scheme has a formal Internal Dispute Resolution (IDR) process, you should ask for details.

Step 2

If you have tried to resolve a problem but haven't received a response; or if you have reached the end of the complaints process and aren't satisfied with the outcome, you can ask us to investigate.

Bringing your complaint to us

You'll need to send us an application form along with any documents related to your complaint.

The application form outlines the information you need to provide and has details about how we will deal with any personal information you send us.

We will always use your information fairly and keep it safe and secure.

Not sure if your complaint is something we can deal with? Visit www.pensions-ombudsman.org.uk for more information or call us on 020 7630 2200.

Appointing a representative

You can nominate someone else to help you – a member of your family, a friend or a professional person such as a solicitor. However you are unlikely to get any costs repaid (even if your complaint is upheld) because our service is designed so that people should not normally need professional help.

If you appoint a representative we will write to them directly when we process your application and during the investigation process.

What you can expect from us

When someone asks us to look into a problem they have often been trying to resolve it for some time. A lot of people feel very frustrated or distressed.

We will always be considerate and treat you with respect. And we will keep you informed at each stage in the process.

We have to be impartial and look into a problem without taking sides. Sometimes a decision that is fair in a legal sense may not seem fair to you personally.

We will always be open and honest with you about how and why we have made our decisions.

What we will do

First we'll decide whether or not your complaint is something we can deal with (see pages 4 and 5).

We may need to get more information from you or elsewhere to help us decide.

On average it will take no more than seven weeks for us decide whether or not we can deal with your complaint and if we can't we will explain why.

Some complaints can be resolved in a few months, others may take longer depending on how complex they are. Our website has more information about what to expect if we can investigate your case.

How we resolve complaints

If we can look at your complaint it will be allocated to an adjudicator.

We may contact you or the people you are complaining about to ask for more information. We will usually ask the people you think are at fault to comment on your complaint.

To be fair to everyone we will share information with all parties involved in the case. This will include documents you provide and any information we receive from the people you are complaining about.

Oral hearings

Any party to a case can ask us to hold an oral hearing – though it will be our decision, and we may hold one even if we aren't asked. For example we might decide, or agree, to hold a hearing if there is a significant conflict of evidence that can't be decided based on the papers, or if we think that a party may have been dishonest. If you think we should hold an oral hearing for your case you should write to us explaining why.

Making a decision about your case

Some applications can be resolved in a few months; others may take longer depending on the number of people who need to be contacted or the complexity of the case. Our website has more information about what to expect if we can investigate your case.

Once we have enough information we usually send all parties an adjudicator's view of the case. All the parties will

have a chance to comment. Should any party disagree, they can ask an Ombudsman to review the case papers and make a final and binding decision. This is called a determination.

In some cases an Ombudsman will issue a preliminary decision and invite all parties to comment on it. The Ombudsman will then review any comments and ask for more information if needed before making a final determination.

After a determination has been made

If an Ombudsman makes a determination in your favour it will usually include instructions to put things right.

An Ombudsman determination is like a court judgment – that means all parties have to comply. Normally there won't be a problem, but if necessary you can ask the courts to enforce an Ombudsman determination.

An Ombudsman determination is final and binding which means you can't ask us to review it. The only exception to this is that any party can make an appeal to the court on a point of law (if they think the Ombudsman has made an error of law in reaching a decision).

Unless there are special circumstances we publish all full determinations on our website.
Visit www.pensions-ombudsman.org.uk to view our privacy and personal information policy.

Other organisations that can help

The Pensions Advisory Service

Provides advice on pensions and how to complain to your pension scheme. They can often help sort out a problem at an early stage.

The Pensions Advisory Service
11 Belgrave Road
London SW1V 1RB
Telephone 0300 123 1047
www.pensionsadvisoryservice.org.uk

Financial Ombudsman Service

Deals with complaints about sales and marketing (mis-selling) of pensions and other financial products.

Financial Ombudsman Service
Exchange Tower
London E14 9SR
Telephone 0800 023 4567 or 0300 123 9123
www.financial-ombudsman.org.uk

Pension Service

Deals with State Pension enquiries and is part of the Department for Work and Pensions.

The Pension Service
Telephone 0800 731 7898
www.gov.uk

Feedback and complaints about us

If you have some feedback on how we could improve our service or think something may have gone wrong please contact us.

You should start by contacting the person who is dealing with your case. If you're not able to resolve the matter, contact their line manager and ask them to look into it.

We hope you won't need to, but if you're not happy with a line manager's response (other than a complaint that the outcome of your case should have been different), then you can write to:

The Casework Director
Pensions Ombudsman Service
11 Belgrave Road
London SW1V 1RB

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

This leaflet is a basic guide to our role and how we work. It does not provide a comprehensive description of the legislation that governs our work.

Pensions Ombudsman Service

When someone has tried to resolve a problem with their pension and isn't satisfied with the outcome, they can ask us to help.

We are an independent organisation set up by law to investigate complaints about pension administration. We also consider complaints about actions and decisions of the Pension Protection Fund and about some decisions made by the Financial Assistance Scheme.

We look at the facts, without taking sides. And we have legal powers to make decisions that are final, binding and enforceable in court. Our service is free.

www.pensions-ombudsman.org.uk

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