

# **LOCAL GOVERNMENT PENSION SCHEME REGULATIONS**

## **APPEALS AGAINST DECISIONS AFFECTING PENSION RIGHTS**

Your attention is drawn to your right to appeal decisions that affect your pension rights under the above regulations. The appeals process is noted below however it is suggested that any points which may arise should be submitted in the first instance, either to the Employing Authority or to the Pension Administering Authority, with a view to their investigation and settlement.

### **INTERNAL DISPUTE RESOLUTION PROCESS**

#### **Stage 1 - Appeal to Appointed Person**

If you are dissatisfied with a decision made by either your employing or administering authority that affects your pension rights then you may submit an appeal within 6 months of being notified. To make an appeal you may either write a letter or request an application form from the pension section which once completed should be forwarded to one of the persons appointed to consider appeals.

The appointed persons for Tayside Pension Fund are the Head of Democratic & Legal Services and the Head of Human Resources & Business Support for Dundee City Council. They will inform you of their decision or send you an **interim reply** (giving you the date you can expect their decision) within two months of receiving your application of appeal. Both you and your employing or administering authority will have the right to appeal the decision of the appointed person. You may also contact the Occupational Pension Advisory Service for help and details of this service are given in stage 1 overleaf.

#### **Stage 2 - Appeal to Scottish Ministers**

If you are still dissatisfied, you may refer the disagreement for reconsideration by the Scottish Ministers. There are strict timelines by which appeals to Scottish Ministers should be made and these are given below:

- before the end of 6 months from the date of the appointed person's decision
- if an interim reply has been sent but you do not receive a decision on the expected date, you may appeal within one month of the date given in the interim reply that a decision would be made by
- where no response or interim reply is sent to you after 2 months you may appeal by the end of the 3rd month after the date of your application to the appointed person

## **REFERRAL TO PENSIONS OMBUDSMAN**

If you are still not satisfied with the decision made at the end of the Internal Dispute Resolution Process then you can apply to the Ombudsman to investigate the matter. The Ombudsman has the power to investigate and determine complaints or disputes of fact or law in relation to occupational schemes but can only become involved after a dispute has been referred to the Scottish Ministers.

### **Stage 1 - Occupational Pensions Advisory Service (OPAS)**

This organisation is available to assist members and beneficiaries in connection with any difficulty with the scheme that remains unresolved. If you wish you can contact OPAS for assistance after completing Stage 1 of the Internal Dispute Resolution Process at the address below:

The Occupational Pensions Advisory Service  
11 Belgrave Road  
London  
SW1V 1RB

### **Stage 2 - The Pensions Ombudsman**

If OPAS are unable to settle the problem then a Pensions Ombudsman based at the same address as OPAS has been appointed. This Ombudsman has the power to investigate and determine any complaint or dispute of fact or law in relation to made or referred in accordance with the Pension Schemes Act 1993 and their decision is binding on the scheme.