

Complaints policy

November 2008

Introduction

This policy sets out how you can make a complaint about the Pensions Regulator. It provides information on:

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Background

The Pensions Regulator was established by the Pensions Act 2004 to regulate work-based pensions. The regulator replaced Opra (Occupational Pensions Regulatory Authority) on 6 April 2005.

The Pensions Act 2004 gives the Pensions Regulator a set of specific objectives:

- to protect the benefits of members of work-based pension schemes;
- to promote good administration of work-based pension schemes; and
- to reduce the risk of situations arising that may lead to claims for compensation from the Pension Protection Fund.

In order to meet these objectives, we concentrate our resources on schemes where we identify the greatest risk to the security of members' benefits. We will also promote high standards of scheme administration, and work to ensure that those involved in running pension schemes have the necessary skills and knowledge.

What is a complaint?

The regulator can deal with any complaint about the way in which we have carried out, or failed to carry out, our role. This includes complaints about mistakes or lack of care, unreasonable delay, unprofessional behaviour, bias or lack of integrity by the regulator and its staff.

This policy outlines how the regulator will deal with complaints directed against us rather than against any other organisation, firm or pension scheme. It also provides information about other sources of help and advice that may be useful to you.

What is not a complaint

If you have a query or problem with your pension scheme you should always begin by trying to sort it out with the scheme itself. You should contact the scheme trustees as they are responsible for running the scheme. In most cases they will be able to help sort out the problem. If you do not know who the trustees/managers of the

scheme are, the personnel office of the employer should be able to identify them to you. The trustees/scheme managers often delegate day-to-day responsibility to a third party and may suggest you write to that party.

However, if this does not resolve the problem, the pension scheme will have a complaints procedure you can use, called a dispute resolution procedure. This formal dispute procedure will tell you who will deal with your complaint and within what timescales. You may also contact the Pensions Advisory Service, whose details are given in section 5.

If you believe your scheme may not be complying with pensions legislation, you can report the scheme to us. However, our regulatory investigation will not necessarily resolve your own complaint against your scheme.

There are some things that the Pensions Regulator cannot help directly with:

- We cannot help you with questions about state pensions
- We cannot intervene in disputes between individual pension scheme members and scheme trustees, managers or employers
- We cannot help members with claims for compensation
- We are not responsible for making or drafting pensions legislation

We do understand that sometimes complaints are made to the regulator because of a misunderstanding about what the regulator can and cannot do.

How we will deal with your complaint

The Pensions Regulator operates a 3-stage formal complaints process.

In the first instance if you have a problem then please contact the member of staff or the department that you originally dealt with to discuss your concerns. We will always take seriously any dissatisfaction with our service and the member of staff may well be able to deal with your concerns there and then.

However, if you decide you want to make a formal complaint, please submit your complaint in writing to the corporate secretary. Please list your main areas of concern clearly and make sure you include all information relevant to your complaint. Contact details are as follows:

The Corporate Secretary
The Pensions Regulator
Napier House
Trafalgar Place
Brighton
BN1 4DW

Email: complaints@thepensionsregulator.gov.uk
Fax: 01273 627630

Stage 1

The corporate secretary will acknowledge receipt of your complaint within 5 working days. They will review all the information we have about your complaint and will look at:

- whether staff have taken the right actions;
- whether staff have been courteous and fair; and
- whether there has been any unreasonable delay or withholding of information.

The corporate secretary will write to inform you of their findings in writing within 20 working days. Where we need longer we will keep you informed of progress, the reasons for any delay and when we will reply in full.

On occasion the assistant corporate secretary may investigate the complaint and reply on behalf of the corporate secretary.

If the corporate secretary is the subject of a complaint, the chair of the Pensions Regulator will look into the matter.

Our response will include an explanation of what went wrong, if necessary an indication of what steps have been or will be taken to put matters right, and whether your complaint is upheld or not. If your complaint is not upheld, our response will explain why.

Stage 2

If you are dissatisfied with the corporate secretary's reply you may write to the chair of the Pensions Regulator and ask them to review the matter. The chair will acknowledge your stage 2 complaint within 5 working days and will give a full reply within 20 working days.

Stage 3

If you are still dissatisfied, you can ask us to refer your complaint to our Independent Complaints Adjudicator (ICA). The ICA will only accept a case once our internal procedures have been exhausted. The ICA reviews the regulator's handling of complaints but does not have the power to question regulatory actions taken by the Pensions Regulator staff. Once the ICA has received your complaint they will contact you directly to let you know how long their review will take and whether they need any more information to help with their review.

Parliamentary Ombudsman

The Parliamentary Ombudsman can also investigate complaints against the Pensions Regulator. Normally the Ombudsman will only accept a case if our internal complaints procedure has been exhausted. Complaints can be referred to the Ombudsman by writing to your MP.

Plain English

Wherever possible we will use plain English in all our replies, although sometimes we may need to refer to pensions legislation.

Timescales

There are time limits that apply to making a formal complaint. However, we understand that each case is different and as such these time limits may be extended where necessary. As a guide, they are as follows:

- A stage 1 complaint can be made at any time. However, if it is about a particular incident it is best if the complaint is made as soon as possible after the event.
- A stage 2 complaint should be made within 28 days of the date of the stage 1 reply from the regulator.
- A stage 3 complaint should be made within 28 days of the date of the stage 2 reply from the chair of the regulator.

Other sources of help and advice

The Pensions Advisory Service

The Pensions Advisory Service provides free help and advice to people with queries about their occupational, personal or stakeholder pensions. It has a telephone helpline which is open from 9am to 5pm Monday to Friday. The service may be able to help you directly or, depending on the nature of your query, they will advise you which other organisation can help.

The service's advisers will also try to help you sort out problems you may have with the way your pension scheme is run. In some cases the adviser may correspond with the scheme on your behalf to help resolve matters. These could include discrepancies with benefit payments or a disagreement with certain decisions made by the trustees. The service cannot normally help if you are simply disappointed with the investment performance of your pension fund.

Tel: 0845 601 2923

Email: enquiries@pensionsadvisoryservice.org.uk

www.pensionsadvisoryservice.org.uk

Pensions Ombudsman

The Pensions Ombudsman deals with complaints about the running of pension schemes that have not been resolved by the scheme's own complaints procedure or by the Pensions Advisory Service. The Pensions Advisory Service can provide advice on taking your complaint to the Ombudsman. However, even if they do not advise this, you may still go to the Ombudsman if you wish.

The Pensions Ombudsman has the power to make a final decision on a complaint. He will investigate the case and reach a decision that is legally binding on you and the scheme. Possible outcomes may be to confirm a scheme's actions were correct or to direct a party to pay compensation where the ombudsman considers there was maladministration by the scheme.

Tel: 020 7834 9144

Email: enquiries@pensions-ombudsman.org.uk

www.pensions-ombudsman.org.uk

Pension Tracing Service

The Department for Work and Pensions maintains a register of pension schemes. They provide a tracing service which can help you if you have lost touch with your scheme when you changed jobs, or if a former employer has changed its name. This could mean that you cannot claim your pension when you retire.

www.thepensionservice.gov.uk/atoz/atozdetailed/pensiontracing.asp

Pension Protection Fund

The Pension Protection Fund (PPF) was established to pay compensation to members of eligible defined benefit pension schemes where the sponsoring employer becomes insolvent and the scheme is under funded. The PPF is a statutory fund run by the Board of the PPF, a statutory corporation established under the provisions of the Pensions Act 2004. It began work on 6 April 2005.

If you have a query about whether you may be entitled to compensation from the PPF you should, in the first instance, contact your pension scheme trustees.

www.ppf.gov.uk

Financial Services Authority

The Financial Services Authority (FSA) is the independent watchdog set up by government to regulate financial services in the UK and protect the rights of retail customers. By law, most financial services firms, including providers of personal and stakeholder pensions, must be authorised by the FSA. You can check that the firm you are dealing with is authorised by using the FSA Firm Check Service on their website or via the consumer helpline.

The FSA also regulates the selling and marketing of personal and stakeholder pensions. The Pensions Regulator regulates the administration of pension schemes but not the selling of pensions.

The FSA provides general information about personal or stakeholder pensions. But it cannot give you advice specific to your circumstances. The FSA does not investigate individual consumer complaints but has a complaints process that firms must follow. The firm will advise you of this.

www.fsa.gov.uk

Financial Ombudsman Service

The Financial Ombudsman Service can investigate a complaint about the selling or marketing of a pension scheme when a consumer is not satisfied with the way the firm has handled the complaint.

www.financial-ombudsman.org.uk

Financial Services Compensation scheme

Financial Services Compensation Scheme (FSCS) is the UK's statutory fund of last resort for customers of authorised financial services firms. Authorised firms are those that are regulated by the Financial Services Authority (FSA). FSCS may be able to pay compensation if a firm is unable, or likely to be unable, to pay claims against it.

For pensions this may be, for example, where a consumer has a complaint about the selling or marketing of a personal pension, and the firm has gone out of business and is unable to pay claims against it, or where a pension provider goes out of business and is unable to meet its commitments to policyholders.

www.fscs.org.uk

The Pension Service

This service is part of the Department for Work and Pensions. It manages the payment of state pensions and benefits. You should contact them if you have a query about the benefits and entitlements provided by the State.

www.thepensionservice.gov.uk

Disclosure of information by the regulator

The Pensions Regulator is governed by legislation that controls what kinds of information we can disclose, including:

- The Pensions Act 2004
- The Freedom of Information Act 2000
- The Data Protection Act 1998
- The Human Rights Act 1998

The main aim of these disclosure restrictions is to protect individuals (including, for example, pension scheme trustees) from inappropriate release of personal data, to protect companies and individuals from inappropriate release of information given in confidence, and to maintain the integrity of our regulatory investigations.

The Pensions Act 2004 places restrictions on the release of information gathered in the course of our regulatory investigations. Any information which falls within the definition of 'restricted' under this Act will be exempt from release under the Freedom of Information Act.

This all means that we cannot always tell pension scheme members what information we have gathered.

If we think any aspect of your complaint should be handled by another organisation we will not pass any information to them until we have asked your permission.