

Appendix I

Low Volume Performance Measures – IDRP

Nature of IDRP	Summary of Complaint	Outcome	Fund actions
<p>A complaint against the Fund relating to a transfer in from the Civil Service in 2011 and how it is to be treated for the purposes of the 85-year rule.</p>	<p>At the time of the transfer there was a lack of central guidance regarding the treatment of transfers in. As a result, it was possible for a transfer in to be calculated using two different methods. This is supported by the LGS's guide to the 85-year rule. With regards to this member, their service credit was increased at the point the transfer was received to account for the scheme NPA (at the time) of age 65. This methodology was not made clear on the transfer in documentation. Subsequent 'generic' communications referred to their pre – 2008 service as being protected under the Rule of 85 i.e. giving the impression that this element would have no reductions at age 60. Whilst the application of this statement could be deemed as misleading, all pension calculations had applied the correct retirement reductions so the figures themselves were not overquoted. The issue had arisen from a number of technicalities which wasn't helped by changes to the treatment to transfers-in in 2011. However, the Fund are not in a position to pay something that would not be allowed under the regulations. This would result in an unauthorised payment.</p>	<p>The stage one adjudicator determined that there was serious maladministration and recommended that WPF make an award of £1,500 for distress and inconvenience. However, they acknowledged that WPF were not able to pay something that would not be allowed under the regulations. They were also unable to determine any direct financial loss, other than potentially some loss of earnings, which the member is still able to mitigate for.</p> <p>The stage one determination was inconclusive but advised WPF to seek specialist legal advice. This was to establish whether a contract was formed at the point they accepted the transfer-in. The legal advice received determined that a contract was <u>not</u> formed. This concluded the stage 1 process.</p> <p>The member submitted a stage 2 IDRP. The outcome of the stage 2 review was corroborative with the stage 1 determination and subsequent legal advice.</p>	<p>The member has the right to refer his complaint to the Pensions Ombudsman. To date, we are not aware of any such referral.</p> <p>This case highlights the importance of making sure the Fund's paperwork is accurate and compliant with any changes in legislation. Also, the Fund should ensure that the wording used to explain technical areas (such as the 85-year rule) is clear and not ambiguous.</p>
<p>A complaint against the Employer where Member resigned from their employment on 01/11/2018, however, believed that her employer had an obligation to investigate ill-health retirement from active status based on her circumstances.</p>	<p>The member was assessed in February 2019 and it was determined that she would meet Tier 1 ill-health retirement. However, as she was no longer in active employment benefit payments would be in relation to accessing her on a deferred benefits basis on ill-health grounds.</p>	<p>The employer intervened before the stage 1 adjudicator had had a chance to conduct their review. The employer reviewed their decision and awarded tier 1 ill-health retirement (from active status). The member is now receiving her pension. The complaint was not taken any further.</p>	<p>There were no learning objectives or actions for the Fund in respect of the complaint. However, it highlighted that there was a breakdown in the employer IDRP process itself as the employer believed that they had not carried out their internal resolution</p>

			process before it had gone to IDR. I have asked the employer to nominate a Stage 1 adjudicator and a nominated contact to avoid this confusion in the future.
<p>A complaint against the Fund where the member was a 'casual hours' employee between 2001 and 2013. On leaving, this member queried her service history & in turn her benefit entitlement. Her complaint surrounds the effort required in the resolution of her case and the need to involve an IFA in order to resolve the matter.</p>	<p>On leaving her role the member was credited with 56 days pensionable service, the service believed to be related to her final year only. There were no records to suggest that WPF asked her former employer to clarify her service history.</p> <p>In 2019 this member used an IFA to investigate the matter. WPF asked SBC for a history of the hours worked and, based on a mutually agreed approach, WPF re-calculated their pension entitlement. The member and the IFA were satisfied with the agreed approach. However, the member requested for the IFA fees to be paid in full.</p>	<p>As there was no arrangement (informal or otherwise) for the Fund to pay the IFA fees the Fund declined to cover these fees.</p> <p>This was also on the basis that the IFA would have been aware of the IDR process which could have been used to resolve this matter (without the need for involvement from an IFA). However, a payment of £500 was offered for the distress and inconvenience which was accepted by the member.</p> <p>The member then submitted a stage 1 application in which she also expressed her concerns that the issue identified and requiring resolution in her case, may affect other members of WPF. The stage 1 complaint was not upheld, and it was determined that the error was not indicative of a wider issue. On this basis there was no further action required.</p>	<p>This complaint could have been avoided at a number of stages. At the point of being deferred, the hours should have been clarified with the employer and adjusted correctly on the record.</p> <p>At the point the member queried her service, a member of the team should have taken responsibility to look into this and clarify again with the employer.</p> <p>WPF notes on her record indicate that the member was going to send in copies of her P60's, however, it doesn't appear that these were ever provided. Diary notes to follow up on outstanding member casework issues & ensuring member records are complete form part of the current end-to end process review.</p>