

Employer appeals policy

This policy outlines the process by which Local Government Pension Scheme (LGPS) employers of Bedfordshire Pension Fund may appeal to the Administering Authority (the Fund) following a decision made by the Fund which affects the employer.

The Administering Authority of Bedfordshire Pension Fund is Bedford Borough Council.

This appeal process may be used by a Scheme employer (including scheduled bodies and admission bodies) where:

- a.** the Scheme employer wishes to challenge the Fund's decision regarding a change in contribution rates; or
- b.** the Scheme employer wishes to challenge the Fund's decision regarding the calculation and liability for an exit payment or exit credit; or
- c.** the Scheme employer wishes to challenge the Fund's decision to allow or not allow a Deferred Debt Agreement or a Debt Spreading Agreement, or the proposed content of those agreements or a change in covenant in those agreements; or
- d.** the Scheme employer wishes to challenge the Fund's decision regarding a suspension notice; or
- e.** the Scheme employer wishes to challenge the Fund's decision not to allow a partial termination or the terms upon which they decide to allow the same.

The appeals process may also be applied in relation to other issues where an employer is of the view that the Fund has not followed its own procedures or policies in any area, or has incorrectly applied the LGPS regulations, other legislation or statutory guidance, to the detriment of the employer.

Step 1 – Informal engagement

The Fund welcomes the opportunity to resolve any disputes informally. If an employer is unhappy with a decision that the fund has made, it should engage with the Fund informally in the first instance to see if the matter can be resolved. The fund can be contacted at pensions@bedford.gov.uk

Employers should:

- request clarification, or reconsideration, of the decision
- provide additional relevant information if the employer believes a decision has been made without the Fund having all relevant information
- provide an explanation of why the employer believes the Fund has incorrectly applied its policies or strategies or misinterpreted the application of legislation or guidance.

If the employer is unhappy with the outcome of the informal engagement, then a formal dispute can be raised (see step 2)

Employers should be aware that they will be asked to meet the costs of any additional actuarial work or other professional (including legal) advice required by the Fund.

Step 2 – Formal appeal submission

Any dispute relating to matters referred to in paragraphs (a) to (e) on page 1 must be raised with the Fund in writing within six months of the employer being notified of the disputed decision.

The appeal submission should be sent to pensions@bedford.gov.uk, marked for the attention of the Service Director for Bedfordshire Pension Fund, and should include:

- a statement that the employer is requesting a formal review
- the decision being appealed
- grounds for appeal
- desired outcome or alternative proposal

- supporting documentation

The Fund will acknowledge the employer's formal appeal within 10 working days.

Step 3 – Review by the Fund

The Service Director for Bedfordshire Pension Fund will carry out an internal review of the appeal, consulting with the Fund actuary and other professional advisers if necessary and appropriate.

The appeal will be considered in accordance with the LGPS Regulations, relevant guidance, and the Fund's policies, and will take into account risk to the Fund and, where relevant, the financial impact on other employers.

The Service Director may request additional information from the employer and it is expected that additional information will be supplied in a timely manner. If information is requested but a response is not supplied within one month then the Fund will consider the appeal to have been withdrawn.

The Service Director will issue a written response within two months, confirming the outcome of the review. If it is not possible to respond within this timeframe, the Service Director will confirm the reason for the delay and the date by which a response can be expected.

If the employer is not satisfied with the outcome of the review, it may escalate the matter.

Step 4 – Escalation of dispute

If the employer is not satisfied with the Fund's response under step 3, it may request a further review by the Bedfordshire Pension Fund Committee.

Any appeal against the decision should be raised with the Pension Fund Committee, setting out the full grounds of the appeal in writing, within two months of the date of the Fund's final decision.

The Pension Fund Committee may engage with the parties as it sees fit in determining the appeal and may request relevant information or documentation.

An appeal will be considered independently from those directly involved in the decision of the Fund.

An appeal will be determined by the Pension Fund Committee at the next scheduled meeting following receipt of the appeal and all required information. Pension Fund Committee meetings take place quarterly during the year.

The decision will be confirmed to the parties in writing. Where either party fails to cooperate with requests made by the Pension Fund Committee in a timely manner, the Pension Fund Committee may at its discretion either treat the appeal as dismissed without reaching a decision, or reach a decision based upon the information available to it.

If the employer is not satisfied with the decision of the Pension Fund Committee, it may wish to seek an independent determination via the Pensions Ombudsman, where appropriate, and where the complaint falls within the Ombudsman's remit.

Please note that the Ombudsman expects employers to have exhausted the Fund's internal appeal processes before it investigates a decision.