

Trustee toolkit downloadable



Pensions law

Case example 1 of 1: A case for the Ombudsman

If the internal disputes resolution process doesn't work, what does the complainant do next?



This case example is linked to the **Internal dispute resolution procedure** tutorial.

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Sometimes, if a member or dependant cannot get satisfaction from the trustees, he or she may appeal to the Ombudsman. This is what Mrs A did.

What was Mrs A's problem?

Mrs A's husband died, leaving her with three children, two of whom were Mr A's from a previous marriage. When she tried to claim benefits from his pension scheme, the trustees refused to make any grant to Mr A's two elder children on the grounds that they had not been 'wholly or mainly' dependent on Mr A.

Did she appeal?

She did, and at last the matter was sorted out. But Mrs A had been very distressed by the whole business, and, not unreasonably, asked for compensation.

Did she get it?

Not immediately. Originally, Mrs A went through the scheme's IDRP, but she was refused compensation, and of course was even more stressed and upset than before.

She appealed using the second stage of the scheme's IDRP. Under the rules of the scheme, the appeal was heard by an external lawyer who upheld the appeal. The lawyer said: 'It was not easy putting a monetary figure on the injustice caused by the maladministration but a figure of £1500 was settled upon.'

So then the employer paid up?

No. Despite the verdict of the external lawyer, the scheme's trustees still refused to change their view.

So Mrs A appealed to the Ombudsman?

She did. And it agreed with the external lawyer. In the report it stated 'For all the wrong reasons this sorry saga can be used as a case study of how not to deal with a bereaved spouse. The Ombudsman agreed that Mrs A was entitled to some compensation, and directed the employer to pay it.'

You have now reached the end of this case example.

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