

## Derbyshire County Council non-compulsory LGPS employer discretion

Scheme employers may also determine other LGPS discretionary controls.

At the committee meeting on 21 January 2015, Pensions and Investment Committee approved the following non-compulsory employer discretions, applicable from 1<sup>st</sup> April 2014.

### Employee's LGPS contribution rate : Regulation 9 (1) & (3)

Where an active member changes employment or there is a material change which affects the member's pensionable pay during the course of a financial year, the scheme employer may determine that a contribution rate from a different band (as set out in Regulation 9 (2) and subsequent adjustments) should be applied.

Derbyshire County Council has decided that it will review the employee's contribution band from the date a permanent change to pay is applied and notify the employee in the revised contract that a review will be or has been undertaken.

Otherwise the band will be reviewed on 1 April each year in accordance with scheme regulations.

What to do if you are not happy with a decision about the assessment of your pension scheme contribution banding.

***If you do not believe that the assessment of your pension scheme contribution banding has been correctly determined in line with the Council's policy above, you should contact the Council in the first instance.***

***However***, if you have sought further information or clarification from the Council but you are not satisfied with a decision affecting you made in relation to the Local Government Pension Scheme, you have the right to ask for that decision to be looked at again under a formal complaint procedure.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make will be considered thoroughly and fairly by an adjudicator.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your spouse, your partner, or a friend.

No charge is made at any stage for investigating a complaint. But you will have to meet the cost of your own (and/or your representative's) time, stationery and postage.

### **First stage**

If you need to make a formal complaint, you should make it:

- in writing to Kay Riley, Assistant Director of Legal Services, County Hall, Matlock, Derbyshire, DE4 3AH, and
- normally within 6 months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by the adjudicator who is required to give you a decision in writing within 2 months or tell you when you can expect to receive a decision.

If the adjudicator finds in your favour, the body that made the original decision about which you made the complaint will be required to reconsider their decision.

### **Second Stage**

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances:

- you are not satisfied with the adjudicator's first-stage decision,
- you have not received a decision or an interim letter from the adjudicator, and it is 2 months since you lodged your complaint,

This review would be undertaken by a person not involved in the first stage decision.

You will need to send your complaint in writing to the pension scheme administering authority.

- within 6 months of the date of the adjudicator's decision, or
- within 9 months from the date you submitted your complaint if the adjudicator has not given you a decision within 3 months of the date you originally submitted your complaint, or
- if the adjudicator gives you an interim decision but not a final decision, within 7 months of the date the adjudicator had promised to give you a final decision.

The administering authority will consider your complaint and give you their decision in writing.

If you are still unhappy following the administering authority's second stage decision, you can take your case to the Pensions Ombudsman provided you do so within 3 years from the date of the original decision (or lack of a decision) about which you had complained.