

Sixty second summary

Top tips from The Pensions Ombudsman



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At our recent “Keeping the LGPS Connected” webinar we were joined by Mairi Dearden and Tony Attubato from The Pensions Ombudsman who provided attendees with some insights into how to stay on their right side.

Since then, we’ve had a number of requests about the determinations and guidance referred to in the webinar. In this 60 Second Summary we’ve collated some of the material that LGPS funds might find most useful.

TPO top tips

During the webinar our speakers shared the 11 top tips designed to stop you being on the wrong end of an Ombudsman determination;

1. Provide accurate information and act in accordance with the general law and the Regulations of the particular scheme
2. Take account of codes of practice (e.g. The Pensions Regulator, The Pension Scams Industry Group)
3. Be clear about what the Regulations say – is a decision mandatory or discretionary?
4. Decisions must be taken by people with appropriate powers to do so – be clear about what is an employer matter and what is a fund matter
5. Act impartially and fairly
6. Exercise the proper standard of care
7. Adopt policies for exercising a discretion but be careful not to bind future decision-makers. Don’t fetter your discretion
8. Obtain such specialist advice as is necessary
9. Provide an audit trail for decision making
10. Obtain all the evidence up front

11. Use TPO involvement as an opportunity to take stock - what does the complainant want? Are the parties so entrenched that they have missed an opportunity to resolve things amicably/cheaply?

TPO Guidance

TPO has published guidance on some key areas which administrators may find helpful.

Recoupment in Overpayment Cases

[This guidance](#) sets out its own views on whether or not The Pensions Ombudsman is a “competent court” in respect of having the power to enforce recovery of overpayments.

Non-Financial Injustice

[This factsheet](#) sets out TPO’s approach to determining when and how much should be paid to members who suffer distress and inconvenience as a result of maladministration.

Useful Determinations

While the facts of each case will differ and decisions must be made based on each set of circumstances, administrators may find the following determinations useful for establishing principles and understanding TPO’s perspective on some areas that are often subject to appeals.

Pensions Liberation

[PO-12763 - Mr N & Northumbria Police Authority](#)

[PO-10365 Mr R & LPFA Newham Council](#)

Death Benefits

[PO-17639 The Estate of Mr R & The Simons Group Ltd Pensions & Life Assurance Scheme](#)

TPO’s website

You can access more material from the Pensions Ombudsman, including thousands of previous determinations, at its [website](#).