

August 2022



# Falkland Islands Pensions Scheme

## Complaints Procedure

The Pensions Board  
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The Pensions Board are responsible for appointing an independent person (known as an Adjudicator) who is the person that complaints about matters relating to the Pensions Scheme may be submitted to. This is required under the Falkland Islands Pensions Scheme Ordinance 1997 (as amended). If you think that you have not been fairly treated in relation to the Pensions Scheme, you can submit a formal written complaint to the Adjudicator.

Before you submit a complaint to the Adjudicator, you will need to have tried to resolve the problem with your employer and/or the Pensions Office. If your complaint cannot be resolved or you are unhappy with the response from your employer and/or the Pensions Office you can then contact the Adjudicator. The Adjudicator will not consider your complaint unless you have followed this process.

### Who can submit a complaint:

- Members of the Scheme.
- A surviving spouse or dependant of a deceased member.
- Anyone who is considering joining the Scheme.
- Employers of members or prospective members.
- Anyone who ceased to be within any of above categories, within six months (eg. a person who has left the Scheme).
- Anyone who claims to be eligible to make a complaint where that claim is disputed.

### What you can make a complaint about:

You may complain about any disagreement concerning the Scheme which arises between any persons entitled to make a complaint (eg. between a member and their employer), or between such persons and the Pensions Board or any agent of the Pensions Board involved with the administration of the Scheme such as the Pensions Officer or the Board's UK-based pensions management company.

### Who you send your complaint to:

The Adjudicator is currently Mr Keith Biles of 14 Kent Road, Stanley. The Pensions Board has chosen the Adjudicator as someone who knows about the Scheme. Their duty is to look into your complaint in confidence and without bias and provide a written response.

### Representation:

You are entitled to nominate another person to make a complaint on your behalf. That person does not have to be a lawyer but might be a member of your family or a friend.

### How to submit a complaint:

You write to the Adjudicator, signing your complaint, and providing the following information:

- Your full name, address and date of birth;
- If you are the spouse or dependent of a deceased member, your relationship to the member and their full name, last address, date of birth and date of death;
- The full name and address of any representative who you have chosen to make a complaint on your behalf;
- An address to which any correspondence in relation to the complaint should be sent;
- A statement as to the nature and facts of the disagreement with sufficient details to show why you are making a complaint.
- Any additional information for example how you have tried to resolve your issue with your employer or Pensions Office.
- Where the complaint involves the complainant's employer, the complainant must copy the complaint to the employer within 5 days of submitting the complaint.

**What the Adjudicator will do:**

The Adjudicator will look carefully into your complaint, consulting any relevant person or body, and will then reply within two months. You will receive a written response and it will include a decision and the reasons for the decision. If a decision cannot be reached within two months, you will be told why the decision is late and when you can expect it.

There may be complex cases where the Adjudicator is unable to come to a decision within the two month decision period, or the parties involved may be out of the Falkland Islands for part of the time delaying consideration of the complaint. The Adjudicator is allowed more time provided they send a notice to the complainant, and to the employer if they are concerned in the matter. The Notice must explain the delay and identify a date by which the decision notice will be issued. To assist in understanding the basis on which the decision has been arrived, the Adjudicator must mention in their written decision any legislation that they have relied upon in making their decision.

**Your Employer:**

Where your complaint involves anything that your employer has done or failed to do, you must give a copy of your complaint to your employer. The Adjudicator will consult your employer before coming to a decision, and shall provide a copy of their written decision to your employer.

**The Pensions Board:**

The Adjudicator will consult the Pensions Board before coming to a decision, and will provide the Pensions Board with a copy of their written decision, even where your complaint is not about the Pensions Board or anything they have done or failed to do.

**What happens next:**

Everyone involved in the complaint – the person making the complaint, where relevant your employer, the Pensions Board and any agent of the Pensions Board, must take all necessary steps to give effect to the decision of the Adjudicator. This may include reconsidering an earlier decision and amending it or substituting a new decision or withdrawing the claim.

**If you are not satisfied:**

If you are not content with the Adjudicator's decision, you are advised to seek legal advice. The Pensions Board and its agents are bound by the Adjudicator's decision and must implement it. If you believe the decision is wrong, your only option is to take legal action by invoking a process known as "judicial review". More information on this action would be provided by a legal practitioner.