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Our Ref: TO2019/21832

19 June 2019

Dear Mr Burns

Thank you for your email of 8 June to the Minister for Pensions enclosing a letter from Mr John Copplestone-Bruce to the Pensions Ombudsman and his Deputy. Government Ministers receive a large volume of correspondence and they are unable to reply personally on every occasion. I have been asked to respond.

The Pensions Ombudsman was established by Parliament as an independent statutory authority to investigate and determine complaints about occupational and personal pension schemes. The Pensions Ombudsman and his deputy have legal powers to settle complaints and disputes and their decisions are final and binding on all parties to a case. They are subject to appeal in the High Court on a point of law only and there is a time limit for this. Neither Ministers nor their officials can intervene in either their investigations or their decisions.

However, my colleagues have asked the Pensions Ombudsman for an update of Mr Galpin's case. The Pensions Ombudsman has confirmed that the correspondence of 5 June 2019 from Mr Copplestone-Bruce is a response to an Opinion issued by the adjudicator investigating Mr Galpin's complaint. The Ombudsman manages a significant number of pension complaints utilising this approach. The adjudicator, having considered the matter, provides their Opinion on it. The Opinion is issued to the parties involved in the complaint who can either comment on the opinion and/or request that the matter is passed to the Ombudsman for a final decision to be made. The important point is that the Opinion is therefore not a final, legally binding decision.

In Mr Galpin's case the adjudicator has not presented himself as an Ombudsman, nor has he presented his view as if it were a decision from an Ombudsman. Therefore, if Mr Galpin is unhappy with the adjudicator's view, he can ask for the matter to be considered by an Ombudsman. The correspondence of 5 June 2019 is, in effect, that request, with supporting comments.

As the correspondence of 5 June 2019 is to be taken as Mr Galpin's response to the adjudicator's Opinion the usual procedure would be for the matter to now go forward to the Ombudsman for a review, with a view to a final determination of the matter being made. All the comments made in the correspondence will be available to the Ombudsman when a decision is made.

It is likely that this usual procedure will be followed. However, in light of the volume of the comments, and their seriousness, the Ombudsman will shortly decide as to the most appropriate next steps.

With regard to a situation where a person has a complaint about the way their complaint has been dealt with and/or the level of service received by the Pensions Ombudsman and if they have exhausted the internal complaints procedure then this can be escalated to the Parliamentary and Health Service Ombudsman. As the Pensions Ombudsman makes determinations which carry the same binding legal status as a court, these can only be appealed on a point of law through the courts. As a public body, judicial review may also be available as a route of challenge in certain circumstances. It should be noted that many other ombudsman schemes provide no statutory appeal rights, leaving only judicial review as an option.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Watling', with a horizontal line underneath.

Robert Watling
Head of the Ministerial Correspondence Team