



# THIRD-PARTY ACCESS TO PENSION RECORDS

MARCH 2024



West Midlands Pension Fund

## Background

This document sets out the West Midlands Pension Fund's ("the Fund") policy and approach towards the access to member records by third parties. Whilst each of these arrangements is supported in law, this policy purely seeks to cover application to the Fund, including how a third party can access or maintain records on a member's behalf, the circumstances in which this is possible and how it can be done.

## Third Party Access to West Midlands Pension Fund Pension Records

There may be circumstances, now or in the future where our members may require help managing their pension. There are different types of third-party access available dependent on an individual's needs. Further details with regards to the different types of third-party access and the Fund's approach to each type is outlined below:

## LASTING POWER OF ATTORNEY (LPA), FORMALLY ENDURING POWER OF ATTORNEY (EPA)

LPAs and EPAs are legal documents that lets someone (the donor) choose one or more trusted individuals (the attorney(s)) to make decisions relating to their financial affairs (including pensions). Please note there are two types of LPAs: one relating to property and financial affairs and a second covering health and welfare decisions. The Fund require a LPA for financial affairs to allow someone to make pension related decisions on behalf of a donor.

### Registering an LPA with us

You can register an LPA with us by contacting our Customer Services Department. Details of how to contact us are available [here](#). We will explain what to do and how to submit the relevant information. Unless you have used the Office of the Public Guardians '[Use LPA Service](#)' and have a valid access code to allow us to view the full document online, you will need to provide us with the full certified legal document which will take a copy of to validate and return to you.

Only the attorney(s) will need to visit/contact us to register the LPA and we will require valid identification documentation (such as a passport or driving licence) for each attorney to verify identity.

### What happens next?

Once we have received and validated all relevant documentation, we will action the LPA on our system and send a letter to the attorney(s) to confirm the LPA is in place. Until the LPA has been validated, the Fund will not amend or discuss the donor's pension record with an attorney.

Following validation, the attorney will be allowed access to the donor's pension record, including, if required access to our member portal. The attorney will be able to make amendments to and decisions regarding the donor's pension record as if they were our member. There are some exceptions to this which are outlined below:

- If a donor has appointed more than one attorney to make decisions on their behalf jointly, access will not be granted to the Fund's member portal (further details with regards to our member portal are available on our website) and steps will be put in place to ensure that all attorneys agree to decisions being made in accordance with the donors wishes.
- If a donor has included preferences or instructions within their LPA, the Fund will not do anything that contradicts these.

### Contacting the Fund

When an attorney contacts the Fund, they will be asked security questions relating to both the donor and themselves. This is so that the Fund can ensure that they are dealing with the correct pension record and to validate the identity of the attorney, to safeguard our member's benefits and personal information.

## COURT OF PROTECTION ORDER

Deputy court orders are legal documents giving one or more people (deputies) authority to make decisions for another person (the client) who lacks the mental capacity. Deputy court orders are issued by a judge when there is evidence that a client lacks the mental capacity.

Deputy court orders can be issued for, property and affairs (including finances such as pensions), personal welfare or both. The Fund require a deputy court order for property and affairs to allow deputies to make pension-related decisions on behalf of a client.

### Registering an deputy court order with us

You can register an deputy court order with us by contacting our Customer Services Department. Details of how to contact us are available [here](#). We will explain what to do and how to submit the relevant information. You will need to provide us with the full certified legal document, which we will take a copy of to validate and return to you.

Only the deputy(s) will need to visit/contact us to register a deputy court order and we will require valid Identity documentation (such as a passport or driving licence) for them to verify identity.

### What happens next ?

Once we have received and validated all relevant documentation, we will action the deputy court order on our system and send a letter to the deputy(s) to confirm the deputy court order is in place. Until the deputy court order has been validated, the Fund will not amend or discuss the donor's pension record with deputy.

Following validation, the deputy will be allowed access to the client's pension record, including, if required access to our member portal. The deputy will be able to make amendments to and decisions regarding the client's pension record as if they were our member. There are some exceptions to this which are outlined below:

- If more than one deputy had been appointed to make decisions jointly on a client's behalf, access will not be granted to the Fund's member portal and steps will be put in place to ensure that all deputy's agree to decisions being made in accordance with the donors wishes.
- If preferences or instructions have been included within their deputy court order, the Fund will not do anything that contradicts these.

### Contacting the Fund

When a deputy contacts the Fund, they will be asked security questions relating to both the client and themselves. This is so that the Fund can ensure that they are dealing with the correct pension record and to validate the identity of the deputy in order to safeguard our members benefits and personal information.

## WMPF – THIRD PARTY AUTHORITY (WMPF LOA)

There may be instances where our members may wish to provide consent for the Fund to deal with a third-party individual or organisation, such as a financial advisor on their behalf, regarding matters relating to their pension. This can be for a range of different reasons both personally or financially. In order to maintain the integrity of our member's personal information and their pension record(s), we require members to complete a West Midlands Pension Fund Letter of Authority (LOA), available on our website [here](#). Completion of a WMPF LOA by a member provides consent for their chosen third party to contact the Fund on behalf of the member and to access their personal information held by the Fund. A WMPF third-party authority **does not** provide the authority to amend pension records or make decisions on our member's behalf, and our member can rescind the agreement at any time. WMPF third-party authority is only valid for six months and is only valid with the West Midlands Pension Fund.

### **Registering WMPF third-party authority with us**

To grant a third-party access to our member's pension record, the WMPF LOA referenced above must be fully completed by our member. ID documentation will also be required to verify the identity of the individual completing the form.

### **What happens next?**

Once we have validated the LOA it will be registered on our member's record and the nominated third party will have access to our member's pension record. Please note that as WMPF third-party authority is for access to information only. The third party will not be provided with access to our member portal. As stated above, WMPF third-party authority is only valid for six months. Once expired, the Fund will require completion of a further letter of authority from our member.

### **Contacting the Fund**

When a third party contacts the Fund, they will be asked security questions relating to both the member and themselves/their organisation. This is so that the Fund can ensure that they are dealing with the correct pension before providing personal information to a third party, and to validate the identity of the third party in order to protect our members personal information.

## GUARDIANSHIP (MISSING PERSONS) ORDER

A guardianship (missing persons) order (GMPO) is a court-appointed document that lets someone take care of the property and finances of a member who has been missing for an extended period of time.

A relative of the missing member can apply to be a guardian if over 18. Being a guardian comes with responsibilities and defined rules, in particular any action must be in the member's best interests.

A guardian can manage the missing member's finances. If guardians are appointed to act jointly, they must make decisions together unanimously.

When a court issues a GMPO, it may add restrictions or clauses to the way the guardian can act. It is the guardian's responsibility to follow these.

### Registering a guardianship with us

To enable a guardian to manage a missing member's pension record we will require a certified copy of the GMPO and valid ID Documentation (such as a driving licence or passport) to verify the identity of the individual.

You can register a GMPO with us by contacting our Customer Services Department. Details of how to contact us are available [here](#).

### What happens next?

Once we have validated the GMPO it will be registered on our member's record and the nominated third party (guardian) will have access to our member's pension record, including, if required access to our member portal. The guardian will be able to make amendments to and decisions regarding the member's pension record as if they were the member themselves. There is an exception to this which is outlined below:

- If a member has appointed more than one guardian to make decisions on their behalf jointly, access will not be granted to the Fund's member portal and steps will be put in place to ensure that all guardians agree to decisions being made in the best interests of the member.

## FREQUENTLY ASKED QUESTIONS

- **Do Department for Work and Pensions (DWP) appointeeships apply to benefits provided by West Midlands Pension Fund?**

An appointeeship provides an individual or an organisation ‘the appointee’ authority to deal with benefits from the Government, i.e. state benefits, on behalf of someone else. As an occupational pension scheme appointeeships do not apply to the West Midlands Pension Fund. Instead, in order manage benefits from the Fund you may have to apply for a Court of Protection Order.

- **What happens if I need to contact you about a members’ record in an emergency?**

The Fund recognises that there may be times, for an example in a medical emergency, where an individual needs to contact us regarding one of our members. In these circumstances if you contact our Customer Services department they will advise accordingly.

- **What if there are concerns about the decisions being made by someone on a member’s behalf?**

If the Fund has concerns that the members best interests are not being maintained, it will report the concerns to the relevant authorities. Concerns could be regarding (but not limited to):

- The misuse of money
- Decisions that benefit someone other than the member
- An attempt to register and use a fraudulent form of authority (LOA, LPA, Court of Protection or Guardianship Order)
- Any circumstances that would make the Fund believe the member is at risk of harm.

In accordance with safeguarding procedures, if the Fund thinks that a crime has been committed against a member, the police will also be contacted.

- **I am acting on a member’s behalf as a attorney, deputy or a guardian, however, I don’t hold an up-to-date passport or driving licence for you to validate my identity.**

Please continue to contact us using the details above and we will advise you on the most appropriate form of identification to supply.

### For further information and additional support:

- Citizens advice: [Managing affairs for someone else - Citizens Advice](#)
- Office of the Public Guardian: [Office of the Public Guardian - GOV.UK \(www.gov.uk\)](#)
- Court of Protection: [Court of Protection - GOV.UK \(www.gov.uk\)](#)
- How to make decisions for someone else: [Make decisions on behalf of someone: When you can make decisions for someone - GOV.UK \(www.gov.uk\)](#)
- How to apply and register an LPA: [Make, register or end a lasting power of attorney: Overview - GOV.UK \(www.gov.uk\)](#)

## POLICY REVIEW

The Third-Party Access Policy will be reviewed on a minimum biennial basis but more frequently if there is a material change required to the service delivery of the Fund and/or regulatory requirements that govern the Fund’s approach.

### Version control:

Version	Author	Approved By	Approval Date	Next Review
1.0	Simon Taylor (with oversight from Governance, Risk and Assurance team)	Senior Leadership Team	March 2024	March 2026

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