

RESOLVING DISPUTES - INTERNAL DISPUTE RESOLUTION PROCEDURE

From time to time, you may have queries regarding your pension scheme. You may also have concerns about the way in which your personal data has been handled by the Trustees (and/or those acting on their behalf such as the Scheme Administrators), whether or not you are a member of the pension scheme.

We hope that you do not have any reason to complain about your pension scheme and/or how your personal data has been handled. However, if you have a dispute then the scheme aims to deal with it in a transparent manner.

Any disputes should be referred to the Pensions Manager in the first instance. The Pensions Manager can be contacted at:

Florence Spencer
Ministry of Justice
10 South Colonnade
Canary Wharf

London

E14 4PU

[Email: Florence.Spencer@justice.gov.uk](mailto:Florence.Spencer@justice.gov.uk)

Pensions and data protection legislation require a formal structure to be set out in order to deal with certain types of disputes. The Scheme's procedure is divided into two parts:

- (i) Part One: Scheme Complaints; and**
- (ii) Part Two: Data Protection Complaints,**

both of which are set out below.

Please use the procedure which is most appropriate for your complaint.

You may submit a Data Protection Complaint in any format you choose, but we encourage you to make use of the procedure set out in Part Two.

If you wish to raise a Data Protection Complaint as part of your Scheme Complaint, you may do so. You are not required to submit two separate complaints and your Data Protection Complaint will be considered at the same time as your Scheme Complaint. Depending on the

nature of your complaint, it may be possible to respond to your Data Protection Complaint before we respond to your Scheme Complaint, or vice versa.

For other disputes which do not fit into this structure, these should still be directed to the Pensions Manager, unless they involve the Pensions Manager in which case they should be sent directly to the Chair of Trustees Andrew Cole (andrew.cole@besttrustees.co.uk) and the Scheme Secretary (lscpensions@hymans.co.uk).

Disputes already referred to a court or a tribunal or where the Pensions Ombudsman has commenced an investigation are not covered by this procedure. If proceedings are commenced before a court or tribunal or Pensions Ombudsman after an application has been made under the procedure but before a decision is made by the Trustees, then the procedure will cease immediately.

Part One: Scheme Complaints

The procedure

The procedure below covers formal disputes involving the pension scheme trustees or manager from any of the following people: -

- Deferred members (former members with benefit entitlements);
- Pensioners;
- Surviving spouses, surviving civil partners, surviving dependants and surviving non-dependant beneficiaries of a deceased member of the scheme;
- Any person who has ceased to be in one of the above categories;
- Any person who claims to fall within any of the first three groups of people mentioned above and the dispute relates to whether he is such a person.

The procedure only covers complaints relating to persons who have ceased to be in any of the first three categories of persons if the complaint is made within 6 months of ceasing to be in the category. The procedure also only covers complaints from persons who claim to fall within the first three categories mentioned above and the dispute relates to whether they are such a person, if the complaint is made at a time when, or within 6 months of the last date, they claim to be such a person.

Any other application must be brought within 3 years of the matter complained of. A dispute may be continued on behalf of a person who is party to the dispute

- Where the person dies, by his personal representatives;
- Where the person is a minor or is otherwise incapable of acting for himself, by a member of his family or some other person suitable to represent him;
- In any other case, by a representative nominated by him

The procedure has two possible stages, as follows.

Stage 1

Please send details of your complaint in writing to the Pensions Manager. Please include the original member's full name, address, date of birth, and National Insurance number in your correspondence. If the complaint is on behalf of a dependant or other beneficiary please provide

the same details for the dependant or other beneficiary as for the original member and also include the relationship between the member and the dependant or other beneficiary. The scheme's dispute adjudicator is the Pensions Manager.

The Pensions Manager will adjudicate the dispute and respond to you in writing within two months of receiving your complaint. If the Pensions Manager cannot make a decision in that time, they will send you a reply explaining the delay and offering a realistic date for a full reply.

The full reply will include an explanation of how the decision was reached, and refer to any documents (scheme trust deed, rules, current law) on which it is based. It will also explain your right to appeal against the decision under stage 2 of the procedure.

If your complaint involves the Pensions Manager and you would prefer the Pensions Manager not to adjudicate the dispute then you should address your response directly to the Trustees, where it will be dealt with under stage 2 of the procedure.

Stage 2

If you have followed stage 1 of the process and you are not satisfied with the decision, you can then formally ask for it to be considered by the Trustees. You must make this request in writing within six months of the original decision and must include the reasons why you consider the original decision to be incorrect.

The Trustees will adjudicate the dispute and will always aim to respond to you in writing within two months of receiving this request, although this may take up to four months in some circumstances, depending on the nature of the dispute. Their final response will give reasons for their decision and set out any documents or laws, which support this. The Trustees as a whole may make the decision on your dispute or, they may delegate the decision to one or more of their number.

Written decisions will include information about your right to put the matter to the Pensions Ombudsman together with their contact details. The written decision will be sent as soon as possible following the making of the decision.

The Pensions Ombudsman

You have the right to refer your complaint to The Pensions Ombudsman free of charge.

The Pensions Ombudsman deals with complaints and disputes which concern the administration and/or management of occupational and personal pension schemes.

Contact with The Pensions Ombudsman about a complaint needs to be made within three years of when the event(s) you are complaining about happened – or, if later, within three years of when you first knew about it (or ought to have known about it). There is discretion for those time limits to be extended.

The Pensions Ombudsman can be contacted at:

10 South Colonnade

Canary Wharf

London

E14 4PU

Tel: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint form online: www.pensions-ombudsman.org.uk/our-service/make-a-complaint/

If you have general requests for information or guidance concerning your pension arrangements, you may contact:

The Money and Pensions Service

120 Holborn

London

EC1N 2TD

Tel: 0800 138 7777

Website: <https://moneyandpensionsservice.org.uk/>

Part Two: Data Protection Complaints

What is a Data Protection Complaint?

A “Data Protection Complaint” is a complaint that relates to or includes an allegation that the Trustees (or those acting on their behalf, eg the Scheme Administrator) may have infringed data protection legislation because of the way your personal information has been handled.

Exercising your data protection rights (for example, a subject access request for copies of your personal information, or requesting deletion of your information) is **not** considered a Data Protection Complaint.

Who Can Bring a Data Protection Complaint?

Any individual who is concerned that the Trustees (or those acting on their behalf, eg the Scheme Administrator) may have infringed UK data protection legislation can bring a Data Protection Complaint under this procedure.

Following receipt of a Data Protection Complaint, you may be asked for proof of ID before responding so that we can verify your identity. Where this is necessary, we will do so at the earliest opportunity.

There may also be occasions where you want to make a Data Protection Complaint on behalf of someone else. Where this is the case, we will check that you have authority to act on behalf of the other person.

Procedure

You may raise a Data Protection Complaint in any format you choose, but we encourage you to send details of your complaint in writing to the Pensions Manager. Please include your full name, address, date of birth, and, if you are a Scheme member, your National Insurance number in your correspondence.

We will acknowledge receipt of your Data Protection Complaint as soon as is reasonably practicable, and in all cases within 30 days. We will do so even if you have raised a Data Protection Complaint at the same time as a Scheme Complaint under Part One of this procedure.

The Pensions Manager will adjudicate the dispute and respond to you in writing within two months of receiving your complaint. If the Pensions Manager cannot make a decision in that

time, however, they will send you a reply explaining the delay and offering a realistic date for a full reply.

The full reply will include an explanation of how the decision was reached, and refer to any documents on which it is based.

The full reply will also explain your options if you are not satisfied with the outcome of your Data Protection Complaint. You can either:

1. formally ask for it to be considered by the Trustees; or
2. escalate your Data Protection Complaint to the UK data protection regulator (currently the Information Commissioner's Office (the “ICO”)). You do not have to wait for your Data Protection Complaint to be considered by the Trustees before doing so.

Where you wish for your Data Protection Complaint to be considered by the Trustees, you must make this request in writing within six months of the original decision and must include the reasons why you consider the original decision to be incorrect.

The Trustees will adjudicate the dispute and will always aim to respond to you in writing within two months of receiving this request, although this may take up to four months in some circumstances, depending on the nature of the dispute. Their final response will give reasons for their decision and set out any documents or laws, which support this. The Trustees as a whole may make the decision on your dispute or, they may delegate the decision to one or more of their number.

Any written decisions you receive will include information about your right to put the matter to the UK data protection regulator (currently the ICO) together with their contact details. The written decision will be sent as soon as possible following the making of the decision.

Record keeping

The UK data protection regulator may ask to see records of the data protection complaints received by the Trustees and/or they may ask about the number of complaints that we have received. The Trustees will keep a record of the following:

- the date we received the Data Protection Complaint;
- the date and content of the acknowledgement;
- any relevant considerations and documentation;
- the date and content of the reply to the individual, explaining the outcome of the Data Protection Complaint; and

- any actions we took following our investigations into the Data Protection Complaint.

We will not keep personal data provided or otherwise processed in relation to a Data Protection Complaint for longer than is necessary.

The UK data protection regulator

As mentioned above, you also have the right to raise a complaint with the UK data protection regulator (currently the ICO). However, the UK data protection regulator would expect you to have at least received the full reply from the Pensions Manager first.

You can contact the UK data protection regulator at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

You can also contact them online, by accessing their website at www.ico.org.uk or by phone (0303 123 1113).

Data protection and the General Data Protection Regulation

In order for the Trustees to process your complaint, you will need to provide us with relevant evidence and information. This is likely to include personal data, which will be processed in accordance with the privacy notice appended to this document. We may pass information you provide in relation to this dispute on to the Pensions Manager, the Scheme's administrator, the Scheme actuary and/or the Scheme's legal advisers.

We may also need to process special categories of sensitive personal data for the purpose of considering and deciding your complaint. This includes data concerning racial or ethnic origin, religious beliefs, trade union membership, health or sexual orientation. We may process your dispute (including this sensitive information) where it is necessary in order to comply with our legal obligations or to defend a claim.

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