RETIREMENT BENEFITS SCHEME

Factsheet F

Disputes and complaints

Words and terms beginning with capital letters in this factsheet are defined in the appendix to **Factsheet A.**

What is the Internal Disputes Procedure?

It is hoped that most issues or complaints can be resolved informally by discussion between the member and the Scheme administrator (see contact details at the end of this factsheet).

However, in the event that the matter is not resolved to the satisfaction of the member, then a formal complaint may be made in accordance with the Internal Dispute Resolution Procedure ("IDRP") adopted by the Trustees of the University of Exeter Retirement Benefits Scheme (the "Scheme") in accordance with the Pensions Act 2004.

This Factsheet sets out the IDRP that will be followed to deal with disagreements between beneficiaries (or potential beneficiaries) of the Scheme and the Trustees.

What sort of dispute does the IDRP cover?

The IDRP can be used to resolve any complaint, dispute or disagreement you may have with the Trustees in connection with the Scheme.

This includes any data subject complaint, meaning any complaint, dispute or disagreement relating to your personal data e.g. how it has been collected, used, stored, shared or otherwise processed by the Scheme. See below and the ICO's guidance on data protection complaints for further details. If it is unclear whether the complaint is a data subject complaint, the Trustees may ask you to clarify.

Who may apply to use the IDRP?

Any person listed below may make a complaint under the IDRP:

- any current member of the Scheme, whether deferred or pensioner;
- a surviving Spouse or Civil Partner or surviving Dependent of a deceased member of the Scheme;
- a surviving, non-dependent beneficiary of a deceased member of the Scheme. This is someone who, on the death of the member, is entitled to the payment of benefits under the Scheme;
- a person who has ceased to be in one of the categories above within the last six months; or
- a person who claims to be in one of the above categories and the dispute relates to whether he or she is such a person.

This procedure does not cover complaints which are subject to specific investigation by the Pensions Ombudsman or where proceedings have begun in a court or a tribunal.

How should a complaint be made?

Complaints must be made in writing.

A complaint under the IDRP must be made in respect of the Trustees of the Scheme (or their delegates) and relate to the Scheme.

Complaints must contain the following information:

- the full name, address, date of birth, National Insurance number of the complainant;
- if the complainant is a surviving Spouse or Civil Partner or surviving dependent of a deceased member of the Scheme, the name, date of birth and National Insurance number of the member and the nature of their relationship to the member;
- if the complaint is to be dealt with by a representative, his or her name, address and whether that address should be used for the service of legal documents;
- details of the nature of the complaint (copies of relevant documentation relating to the complaint should be enclosed).

The complainant may have a representative if he or she wishes. Any such representative must be either:

- nominated by the complainant;

- the complainant's personal representative where the complainant is dead; or one of the complainant's family; or
- some other appropriate person, if the complainant is a minor or unable to act.

Where should the complaint be sent?

The complaint should be sent to:

Secretary to the Trustee
Quantum Advisory
St Mary's Court
The Broadway
Amersham
HP7 0UT

Email: ExeterRetirement@qallp.co.uk

What happens next?

The complaint will be acknowledged within 14 working days, including a statement that the Pensions Ombudsman (TPO) is available to assist members and beneficiaries with any difficulty with the Scheme (and providing TPO's contact details).

The Chair of the ERBS Trustee **("the Chair")** and the Secretary to the ERBS Trustee **("the Secretary")** will deal with the complaint initially and issue a decision. In reaching that decision, they will investigate the complaint as they see fit and may:

- obtain advice from the Scheme Actuary, Scheme solicitor or other appropriate professional;
- ask the complainant (or any other relevant person) for any additional information considered appropriate by the specified person in order to deal with the complaint;
- consider the Scheme Trustees' usual practice in relation to similar complaints (but they will not be bound by the Trustees' usual practice).

There is no right under this procedure to a personal hearing and the Chair and the Secretary will make a decision based on the written evidence received.

They will endeavour to make a decision as soon as possible after receipt of the complaint, and in any event within two months of receiving the complaint.

If they are unable to make a decision within two months, the Secretary will notify the complainant (or his representative), explaining the reason for the delay and when they expect to be able to make a decision.

The Secretary will notify the complainant of his decision in writing no later than 15 working days after the decision was made.

The notice will include:

- a statement of the decision, which may or may not include reasons for that decision;
- a reference to any legislation or provision of the Rules of the Scheme that the decision relied on;
- if a discretion has been exercised, a reference to the Scheme rule giving that discretion;
- a reference to the complainant's right to appeal to the Trustees within six months of the date of the decision;
- a statement that TPO is available to assist members and beneficiaries with any difficulty in connection with the scheme which remains unresolved.

  The Pensions Ombudsman can be contacted at:

  10 South Colonnade
  Canary Wharf
  E14 4PU

  Tel: 0800 917 4487

  Email:
  enquiries@pensions-ombudsman.org.uk.

If a complaint is treated as a data subject complaint, it will be handled differently from other complaints under the IDRP (see below). Where only part of a complaint is a data subject

complaint, the Trustees may either (i) treat the whole complaint as a data subject complaint, or (ii) split it up and deal with each part under the relevant procedure.

Data subject complaints

- You may wish to contact the Information Commissioner's Office (**ICO**) for assistance. **The ICO can be contacted at:**
  Telephone: 0303 123 1113
  Website: https://ico.org.uk/global/contact-us
- The Trustees will:
  - acknowledge the data subject complaint within 30 days of it being received,
  - take appropriate steps to respond to the data subject complaint (such as making enquiries into it and informing you about progress) without undue delay, and
  - provide you with a clear outcome without undue delay, including explaining any remedial action taken (if relevant).
- The Trustees will notify you (and your representatives) that if you are not satisfied with the decision reached, you can escalate your data subject complaint up to the ICO using the contact details as follows:

  Telephone: 0303 123 1113

  Website: https://ico.org.uk/make-a-complaint

- If the ICO opens an investigation into the data subject complaint as a result of a complaint or referral to it, then the data subject complaint will become exempt and its consideration under the IDRP will cease.

Appeals

The complainant may appeal to the full ERBS Trustee Board against the decision of the Chair and the Secretary. The notice of appeal must be in writing and include:

- the details originally submitted to the Secretary;
- a copy of the written decision made by the Chair and the Secretary following the original application;
- a statement that the complainant wants the Trustees to reconsider the decision; and
- the reasons why the complainant is dissatisfied with the original decision.

Where should the notice of appeal be sent?

The notice of appeal must be sent to:

Secretary to the Trustee
Quantum Advisory
St Mary's Court
The Broadway
Amersham
HP7 0UT

Email: ExeterRetirement@qallp.co.uk

Is there a deadline for making an appeal?

The notice of appeal must be received by the Trustees within six months from the date of the notice of the original decision.

What happens once a notice of appeal has been submitted?

The Trustees will acknowledge receipt of the appeal within 14 working days of receipt. The Trustees may request from the appellant any additional information they require in order to consider the appeal. They will use their reasonable efforts to make their decision within two months of receiving the appeal.

If the Trustees are unable to make their decision within two months of receiving the appeal, they shall inform the appellant or his representative (as appropriate) in writing, of the reasons for the delay and when they expect to make a decision on the appeal.

The Trustees will notify the complainant of their decision in writing, no later than 15 working days after the decision was made. The decision on the appeal must include the following information:

- a statement of the decision;
- an explanation of whether (and, if so, the extent that) the decision confirms the original decision;

- a reference to any legislation or provision of the Rules of the Scheme that the decision relied on;
- if a discretion has been exercised, a reference to the Scheme rule giving that discretion;
- a statement that TPO is available to assist members and beneficiaries with any difficulty in connection with the scheme which remains unresolved. TPO can be contacted at **10 South Colonnade, Canary Wharf E14 4PU, telephone number 0800 917 4487 or email enquiries@pensions-ombudsman.org.uk.**
- a statement that the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to a scheme made, or referred to, under the Pension Schemes Act 1993.

What happens once the Trustees have made their decision?

If the appellant is happy with the Trustees' decision, that is the end of the matter. However, if the dispute has not been resolved to the appellant's satisfaction, the next step is to contact the Pensions Ombudsman.

Where can I find further information?

For further information please contact:

Secretary to the Trustee
Quantum Advisory
St Mary's Court
The Broadway
Amersham
HP7 0UT

Telephone: 020 3008 7197
Email: Exeter.Retirement@qallp.co.uk

The Early Resolution Service

The Pensions Ombudsman has introduced an Early Resolution Service. If you need help raising your concerns, or want to discuss a potential complaint, you can use their helpline service.

Their staff will listen to your issue and if possible, help you there and then, for more complex problems or issues where a number of documents are involved, they may pass you on to their Early Resolution Team who can go into more detail. If this happens you will be asked to sign a consent form that allows them to handle your documents and speak to third parties on your behalf.

Using this service will not affect your right to apply to the Ombudsman for formal adjudication if you later choose to do so.

Phone **0800 917 4487** and select option 1 or

email: **helpline@pensions-ombudsman.org.uk**

Contact Points

If you have any questions about your benefits or wish to notify a change of personal details, please contact the Scheme administrators:

The ERBS Administration Team
Broadstone Consultants & Actuaries Ltd
23-25 St George's Road
Bristol
BS1 5UU

Tel: 0117 9378700
Email: ERBS@broadstone.co.uk

For general queries about the Scheme or to obtain formal documents relating to funding, investments or the annual accounts please contact:

Secretary to the Trustee
Phil Farrell
Quantum Advisory
St Mary's Court
The Broadway
Amersham HP7 0UT

Telephone: 020 3008 7197
Email: ExeterRetirement@qallp.co.uk

RETIREMENT BENEFITS SCHEME

Factsheet F

We have prepared a series of factsheets to give you additional information about key topics:

Factsheet A – General Scheme Information
Factsheet B – Benefits of deferred members
Factsheet C – Death benefits
Factsheet D – Divorce and Dissolution of Civil Partnership
Factsheet E – State Pension Benefits and Contracting-out
Factsheet F – Disputes and Complaints

Please note that these factsheets are intended as a guide and are not legal documents. Full details of the benefits provided on retirement can be found in the formal Rules of the Scheme. The Rules, together with statutory provisions, take full precedence over any information contained in this factsheet. If there is any conflict between this factsheet and the Rules, the Rules will prevail.