

The Mencap Pension Trustee Limited
Internal Dispute Resolution Procedure

30 June 2022



1. What is the aim of the procedure?

- 1.1 The Trustee Directors of the Mencap Pension Trustee Limited have adopted an internal dispute resolution procedure ("IDRP") in accordance with sections 50 to 50B of the Pensions Act 1995 ("PA 1995") in respect of the Mencap Pension Plan ("The Plan"). The aim of the IDRP is to settle any dispute fairly and quickly. It is hoped that this will help prevent minor disputes from developing into more serious grievances.

2. Who may make a complaint?

- 2.1 Any person listed below who wishes to make a complaint to the Trustee Directors about the Plan, may make a complaint under this IDRP:
- (a) a member of the Plan;
 - (b) a widow, widower, surviving civil partner or surviving dependant of a deceased member of the Plan;
 - (c) a surviving, non-dependant beneficiary of a deceased member of the Plan. (This is someone who, on the death of the member, is entitled to the payment of benefits under the Plan);
 - (d) a prospective member of the Plan. (This is someone who, under the terms of their contract of service or the rules of the Plan, can become a member by choice; after a specified period; automatically unless they elect otherwise; or with employer consent);
 - (e) a person who has ceased to be in one of the categories above. (Any application must be made within 6 months of the date you ceased to be in the category in question);
 - (f) 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. (If you say you are no longer in the category in question, you must make your application within 6 months of the date you say you ceased to be in that category).
- 2.2 A Complainant may ask a representative to act on their behalf. Complaints will also be accepted from persons acting on behalf of a minor (or any person incapable of acting for themselves) and from the personal representatives of someone who has died.
- 2.3 The IDRP does not cover disputes or disagreements with the Employer. Such a dispute or disagreement should be raised directly with the Employer.
- 2.4 For the avoidance of doubt, the IDRP also does not cover enquiries arising in relation to the Plan. By definition, a complaint is an expression of dissatisfaction or discontent with the operation of the Plan. The Trustee Directors recognise that an element of judgment exists as to whether an enquiry may become a complaint. Therefore, the Chair of the Trustee Directors will determine whether, and if so when, the progress of any enquiry should be treated as a complaint to be dealt with under this IDRP.

3. How should a complaint be made?

- 3.1 Complaints must be made in writing, ideally using the form attached to this procedure. The complaint must be submitted to the Pensions Team at Mencap, 6 Cyrus Way, Hampton, Peterborough, PE7 8HP.
- 3.2 Complaints from members, or a person claiming to be a member, must contain the following information:
- (a) the full name, address, date of birth and National Insurance number of the member;
 - (b) the full name and address of the member's representative (if any) and whether that address should be used for the service of legal documents;
 - (c) an explanation of the complaint, including enough detail to show why the member is aggrieved.
- 3.3 Complaints from persons who are not Plan members, but are the surviving spouse, dependant, civil partner, or non-dependant beneficiary of a deceased member (or who claim to be any of these), must include the following information:
- (a) the full name, address and date of birth of the Complainant and the member;
 - (b) the member's National Insurance number;
 - (c) details of the relationship between the member and the Complainant;
 - (d) the full name and address of the member's representative (if any) and whether that address should be used for the service of legal documents;
 - (e) an explanation of the complaint, including enough detail to show why the member is aggrieved.
- 3.4 The Complainant may have a representative. The representative must be:
- (f) nominated by the Complainant;
 - (g) the Complainant's personal representative (if the Complainant is dead);
 - (h) one of the Complainant's family, or another appropriate person, if the Complainant is a minor or otherwise unable to act.

4. How will the complaint be handled?

- 4.1 The complaint will be acknowledged by the Trustee Directors as soon as is reasonably practicable.
- 4.2 The Trustee Directors will consider all the information and evidence supplied by the Complainant before reaching a decision. The Trustee Directors will also make their own enquiries and consult its professional advisers, where appropriate.

- 4.3 The Trustee Directors will decide as soon as reasonably practicable and generally within four months of receiving the written complaint. If it is not possible to reach a decision within four months, the Trustee Directors will advise the Complainant of the reason for the delay and of when a decision can be expected.
- 4.4 The Trustee Directors will write to the Complainant (or their representative) within 15 working Days of the decision being made. The statement setting out the Trustee Directors' decision will include:
- (a) A clear statement of the decision;
 - (b) Reference to any relevant part(s) of the Scheme's documentation (in, if any Trustee Directors' discretion has been exercised) or any relevant legislation;
 - (c) A copy of this dispute resolution note; and
 - (d) Details of the Pensions Ombudsman who the Complainant can contact if they are not satisfied with the Trustee Directors' decision.

5. Free assistance

- 5.1 You may wish to seek independent assistance from the Government's Money and Pensions Service. The Money and Pensions Service is available to assist pension scheme members and beneficiaries with any pensions-related questions or difficulties they may have.
- 5.2 Several organisations currently sit within the Money and Pensions Service, including the Pensions Advisory Service (TPAS). TPAS may be able to assist you with any general questions or difficulties you might have in respect of your benefits in the Scheme.
- 5.3 You can contact TPAS using the details set out below:
- Telephone (UK): 0800 011 3797
- Webchat: <https://www.pensionsadvisoryservice.org.uk/chat>
- Post: The Money and Pensions Service
120 Holborn
London
EC1N 2TD
- 5.4 In addition to the above, you may wish to consult the Early Resolution Service at the Pensions Ombudsman (which TPAS may direct you towards in any case).
- 5.5 You can contact the Early Resolution Service using the details set out below:
- Telephone: 0800 917 4487
- Email: helpline@pensions-ombudsman.org.uk
- Website: www.pensions-ombudsman.org.uk
- Post: The Early Resolution Service
The Pensions Ombudsman

10 South Colonnade
Canary Wharf
E14 4PU

6 The Pensions Ombudsman

6.1 If this IDRP or the Early Resolution Service is unable to resolve your complaint, you may wish to approach the Pensions Ombudsman.

6.2 The Pensions Ombudsman is also a free service and has the power to determine complaints or disputes of fact or law in relation to occupational pension schemes such as the Scheme. Further details are available here:

<https://www.pensions-ombudsman.org.uk>

6.3 The Pensions Ombudsman's contact details are as follows:

Telephone: 0800 917 4487
Email: enquiries@pensions-ombudsman.org.uk
Website: www.pensions-ombudsman.org.uk
Post: The Pensions Ombudsman
10 South Colonnade
Canary Wharf
E14 4PU

6.4 This IDRP will not apply (or will cease to apply) if proceedings in respect of the same complaint or dispute are commenced in any court or tribunal or the Pensions Ombudsman starts an investigation in respect of it.