

INTRODUCTION

The purpose of this policy is to set out the formal Internal Dispute Resolution Procedure ("**IDRP**") that has been established by the Trustee of the South East Water Pension Scheme ("**Scheme**") in accordance with Sections 50 to 50B of the Pensions Act 1995 ("**PA 1995**"). The Trustee also operates a separate procedure for handling data protection complaints in accordance with Section 164A of the Data Protection Act 2018 ("**DPA 2018**") (a "**Data Protection Complaint**").

The Trustee will initially attempt to resolve any complaints informally. If an informal resolution is not possible, then the complaint will be dealt with formally.

IDRP

In accordance with the PA 1995, the Trustee must put in place a formal procedure and process to investigate and decide upon disputes relating to the Scheme, in respect of persons with an interest in the Scheme. Trustees can adopt either a one-stage or two-stage dispute resolution procedure. The Trustee has decided to adopt a two-stage procedure, as set out below.

The IDR applies only to complaints about the Scheme or the Trustee. It does not apply to complaints in relation to the Scheme's employer, South East Water Limited. In addition, the Trustee will not consider (or will cease to consider) disputes under the IDR where proceedings in respect of that matter have been commenced in any court or tribunal, or where The Pensions Ombudsman is investigating the matter.

1. Who may make a complaint under the IDR?

Complaints about matters in relation to the Scheme may be made against the Trustee by:

- Deferred members and pensioners of the Scheme;
- A surviving spouse, civil partner, dependant or other persons entitled to benefits on the death of a member;
- A surviving non-dependant beneficiary of a deceased member of the Scheme (this is a person who, on the death of the member, is entitled to the payment of benefits under the Scheme);
- Anyone who was in one of the aforementioned categories within the preceding six months (or such longer period as the Trustee may consider appropriate);
- Anyone claiming to be covered by one of the aforementioned categories;
- A representative nominated by anyone in any of the aforementioned categories (or by a personal representative if the complaint concerns someone who is deceased,

or by a suitable person if the complaint concerns a child or someone who is otherwise incapable of acting for themselves).

2. Time limit for making a complaint

The time limit for making a complaint is six months from the date that the complainant first became aware of the issue that is the subject of the complaint. The Trustee may agree to consider a complaint made outside of the six-month time period, but this is only likely to be in cases where the complainant could not have reasonably known about the matter in dispute or where there are exceptional circumstances which mean that the complaint could not be made earlier.

3. Complaints Procedure – Stage 1

- (A) A complaint must be in writing and signed; it should be addressed to: Secretary to the Trustee, South East Water Pension Scheme, c/o Hymans Robertson, One London Wall, London, EC2Y 5EA or by email to: southeastwater@hymans.co.uk.

The complaint must set out:

- The full name, address, date of birth and national insurance number of the member (or former member);
 - If the complainant is a surviving spouse, civil partner or any other person entitled to benefits on the death of the complainant, the full name, address and date of birth of the complainant and the complainant's relationship to the member;
 - If the complaint is made by a representative, the representative's full name and address (and whether that address is to be used for correspondence) and proof of appointment; and
 - A statement about the reasons for the complaint.
- (B) The Secretary to the Trustee will acknowledge receipt of a formal complaint as soon as possible. In that acknowledgment of receipt, the Secretary to the Trustee will inform the complainant (or their representative) that the Money and Pensions Service (including MoneyHelper) is available to assist scheme members and beneficiaries in connection with any difficulty with the Scheme and provide the relevant contact details. The complainant will normally receive a formal response to their complaint within two months. If a complaint is not dealt with within two months, the complainant will be notified explaining the reason for the delay; this notification will also tell the complainant when a formal response will be provided. The Secretary to the Trustee may request such further additional information/documentation as it considers necessary.

The formal response will include:

- A statement of the decision and the reasons for it;
 - A reference to any legislation relied on;
 - A reference to any Scheme rules relied on and, where a discretion has been exercised, to any Scheme rules conferring that discretion; and
 - A reference to the complainant's right of appeal if made within six months.
- (C) The Secretary to the Trustee will retain a record of the complaint, which has been investigated under the IDR, (including the outcome of the complaint) in line with the Trustee's retention policy and then ensure that the record is securely deleted.
- (D) If the Secretary to the Trustee believes that the complaint is a data protection complaint in accordance with section 164A of the DPA2018, the complaint will be treated in accordance with the Trustee's policy on handling data protection complaints as set out below.

4. Complaints Procedure – Stage 2

- (A) If a complainant is not satisfied with the Stage 1 decision made by the Secretary to the Trustee, an appeal may be made by the complainant (or their representative) to the full Trustee board.

An appeal must be made within six months from the date of the Stage 1 decision; it must be in writing and signed; it should be addressed to the Chair of the Trustee.

The appeal must include:

- The name, address and national insurance details as in the initial complaint;
 - A copy of the initial decision;
 - A statement of why the complainant is dissatisfied with the initial decision; and
 - A statement requesting that the complaint is reconsidered by the Trustee.
- (B) The Trustee will acknowledge receipt of an appeal as soon as possible, and the complainant will normally receive a formal response to their appeal within two months. If an appeal is not dealt with within two months, the complainant will be notified explaining the reason for the delay; this notification will also tell the complainant when a formal response will be provided. The Trustee may request such further additional information/documentation as it considers necessary.

The formal response will include:

- A statement of the decision and an explanation as to whether, and if so to what extent, the new decision confirms or replaces the original decision together with a reason for the decision;
- A reference to any legislation relied on;
- A reference to any Scheme rules relied on and, where a discretion has been exercised, to any Scheme rules conferring that discretion;
- The address of the Pensions Ombudsman and a statement that the complainant has a right to refer their complaint to the Pensions Ombudsman who may investigate and determine any complaint or dispute of fact or law, in relation to a scheme.

DATA PROTECTION COMPLAINTS

In accordance with Section 164A of the DPA 2018, individuals have a right to make a data protection complaint to 'controllers' ("**Data Protection Complaint**"). The Trustee is the controller of the personal data that it holds and processes in connection with the Scheme. As the controller it is required to facilitate the making of Data Protection Complaints by the data subjects that the personal data relates to.

If a Data Protection Complaint meets the criteria to be resolved using the IDRPs, or a dispute which is being investigated under the IDRPs also includes a Data Protection Complaint addressed to the Trustee, the Trustee will ensure that the procedures are run in parallel to each other. In doing so, the Trustee will ensure that the timeframes and deadlines described in the IDRPs and this policy are complied with. If the Trustee can provide an outcome to the Data Protection Complaint sooner than it can provide an outcome to the other issues addressed in the IDRPs, it will resolve the Data Protection Complaint separately and without undue delay.

An individual's right to make a Data Protection Complaint to the Trustee (as the controller) is separate to the individual's right to make a Data Protection Complaint to the Information Commissioner's Office ("**ICO**"), in accordance with Section 165 of the DPA 2018, if it considers that there has been an infringement of the UK GDPR or DPA 2018 in connection with their personal data.

1. Who can make a Data Protection Complaint to the Trustee?

- (A) Any individual whose personal data is held or processed by the Trustee (or its processors) can make a Data Protection Complaint to the Trustee.
- (B) If an individual has made a Data Protection Complaint to the Trustee but has subsequently died, the Data Protection Complaint may be continued on behalf of the complainant by their personal representative.
- (C) A Data Protection Complaint addressed to the Trustee may be made, or continued, on behalf of the complainant by a representative of the complainant who shall be:
 - (i) if the complainant is a minor or is otherwise incapable of acting on their own behalf, a member of the complainant's family, or another person suitable to represent the complainant; or
 - (ii) in any other case, a representative nominated by the complainant in writing.

The Trustee reserves the right to request confirmation that a representative, or personal representative, acting on behalf of the complainant has been appropriately appointed.

2. What is the complaints process?

- (A) If a complainant contacts the Trustee directly, or via the Scheme's administrators, with a Data Protection Complaint that they wish to raise with the Trustee, the Trustee will acknowledge receipt of the complaint within the period of 30 days of the date that the complaint was received. Where possible, this acknowledgment should be made in writing. Where the Data Protection Complaint meets the criteria to be resolved using the IDRPs, the requirements set out in the IDRPs (including the provision of information concerning the Money and Pensions Service) will also be met.
- (B) When the complainant is provided with the acknowledgment referred to in paragraph 2(A) above, they should also be asked to provide further details of their Data Protection Complaint by supplying the information referred to in paragraph 2(C) below (if the complainant has not already provided that information).
- (C) To enable a Data Protection Complaint to be considered by the Trustee, complainants should be asked to provide the following information in writing:
 - (i) the complainant's name, address, date of birth, national insurance number (if available), payroll number (if known) and relationship to the Scheme e.g. member/beneficiary etc;
 - (ii) if a representative is appointed, the representative's name, address and proof of appointment; and
 - (iii) full reason(s) for the complaint.
- (D) The complainant should be asked to supply the information referred to in 2(C) above to the Secretary to the Trustee, South East Water Pension Scheme, c/o Hymans Robertson, One London Wall, London, EC2Y 5EA or by email to: southeastwater@hymans.co.uk.
- (E) The Trustee will, without undue delay, investigate and consider the Data Protection Complaint. In doing so, it will conduct such investigations as it sees fit to ensure it has all the appropriate information to make an informed decision and may request such further additional information/documentation as it considers necessary.

- (F) The Trustee will keep the complainant updated on the progress of the investigation without undue delay.
- (G) The Trustee will inform the complainant of the outcome of the Data Protection Complaint in writing, without undue delay. The written notice will:
 - (i) explain the decision and set out the reasons for it;
 - (ii) explain any actions taken as a consequence of the complaint; and
 - (iii) inform the complainant of their right to complain to the ICO and provide the ICO's contact details.

If the Data Protection Complaint met the criteria to be resolved using the IDRPs, or formed part of a dispute which is being investigated using the IDRPs, and the Trustee is notifying the complainant of the outcome of the IDRPs in the written notice, then the written notice must also meet the requirements set out in the IDRPs (including the provision of information concerning the complainant's right to refer the matter to The Pensions Ombudsman).

- (H) The Trustee and the Scheme's administrators will keep a record of the following.
 - (i) The date the Data Protection Complaint was received.
 - (ii) The acknowledgement from the Trustee of receipt of the Data Protection Complaint.
 - (iii) Any relevant conversations, evidence gathered and documents.
 - (iv) The outcome of the Data Protection Complaint.
 - (v) Communications with the complainant regarding the progress of the investigation and the outcome of the Data Protection Complaint.
 - (vi) Any actions taken as a result of the investigation.

These records will be retained in line with the Trustee's retention policy and then securely deleted.

SCHEDULE 1

Suggested wording to include in IDRPs responses signposting The Pensions Ombudsman and external advisory services

Assistance and information

The Money and Pensions Service (MaPS) is available to assist members and beneficiaries of pension schemes (including the South East Water Pension Scheme) in connection with difficulties with those schemes, and to answer general requests for information or guidance concerning pension arrangements or pension scheme benefits.

MoneyHelper is MaPS' consumer-facing money and pensions guidance service. It provides free, impartial help and information.

Contact details for the Money and Pensions Service

Email: contact@maps.org.uk

Telephone number: 01159 659570

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

Contact details for MoneyHelper:

Email: pensions.enquiries@moneyhelper.org.uk

Telephone number: 0800 011 3797 Overseas: +44 20 7932 5780

Website: www.moneyhelper.org.uk/

Suggested wording for inclusion in the notice of decision

If you are unhappy with our response, you can 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 1 2
Tel: 0800 917 4487*

Email: Enquiries@pensions-ombudsman.org.uk

Website: www.pensions-ombudsman.org.uk

You can also submit a complaint online: www.pensions-ombudsman.org.uk/making-complaint

Further information about making a complaint to The Pensions Ombudsman can be accessed using this link: <https://www.pensions-ombudsman.org.uk/making-complaint>

SCHEDULE 2

COMPLAINT FORM

South East Water Pension Scheme (the "Scheme")

Please refer to the Scheme's privacy notice for further information about the processing of your personal data that we may carry out in connection with your complaint. The current version of the privacy notice can be accessed using this link: <https://www.sewpensionscheme.co.uk/resources/south-east-water-privacy-notice/>.

Part 1

Details of person making the complaint (the "Complainant")

Full Name	
Address	
Email address	
Telephone number	
Date of Birth	
National Insurance Number (if available)	
Payroll Number (if known/applicable)	
Membership Status	Member – not yet receiving a pension from the Scheme
<i>Please circle the descriptions that apply to the complainant (if any)</i>	Pensioner – currently receiving a pension from the Scheme

	<p>Pensioner – currently receiving a pension from the scheme following the death of a Member</p> <p>Former Member of the Scheme</p> <p>Other Beneficiary – receiving, or eligible to receive, benefits from the Scheme in connection with another person’s Membership</p>
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Part 3

Details of representative acting on behalf of the Complainant (if any)

Full Name	
Address	
Email address	
Telephone number	
Proof of appointment <i>Please describe the nature of your appointment as the representative of the Complainant and provide any supporting documents with this form.</i>	

Part 4

Details of the Complaint

Please provide a statement describing the reason(s) for your complaint. Please also supply any information that you consider will be of use to the Trustee in investigating your complaint.

(Continue on a separate piece of paper if necessary.)

Signed (by or on behalf of the Complainant): Print name:	Date
The completed form should be sent to the Secretary to the Trustee, South East Water Pension Scheme, c/o Hymans Robertson, One London Wall, London, EC2Y 5EA or by email to: southeastwater@hymans.co.uk .	