

## **INTERNAL DISPUTE RESOLUTION PROCEDURE**

The Imperial Tobacco Pension Fund (“the Fund”) is administered in accordance with the rules by Imperial Tobacco Pension Trustees Limited (“the Trustees”) who are responsible for ensuring that the provisions of the Fund are properly applied for the benefit of its members.

All categories of members are entitled to receive information about the Fund, but as an individual your particular requirements will be different depending on whether you are a pensioner, a deferred beneficiary or a dependant.

If you or your dependants have any query over your pension arrangements from the Fund or a data protection query, then you should raise the matter initially on an informal basis with the Pension Fund Office, which can be contacted at:-

**Imperial Tobacco Limited  
Pension Fund Office  
PO Box 3242  
Winterstoke Road  
BRISTOL  
BS3 9GY  
Pension.Enquiries@uk.imptob.com  
Telephone: 0117 953 0000**

If your query cannot be resolved to your satisfaction on this informal basis or you have a clear dispute or complaint relating to the Fund or a data protection complaint, then you may be able to use the Internal Dispute Resolution Procedure.

A summary of this Internal Dispute Resolution Procedure and details of those entitled to use it are set out on the following pages.

## **INTERNAL DISPUTE RESOLUTION PROCEDURE**

### **Two-Stage Procedure**

The Internal Dispute Resolution Procedure is essentially a two-stage procedure. A relevant complaint or dispute may be referred at the first stage to a disputes officer nominated by the Trustees ("the Disputes Officer"), with a second stage appeal where necessary to the Trustees.

### **Persons who can use the Procedure**

You may use the Internal Dispute Resolution Procedure if you are:

- an employee
- a deferred beneficiary
- a current pensioner
- the surviving spouse, surviving civil partner or dependant of a deceased member
- a person who has ceased to be within any of the categories described above
- a prospective member
- a person, whose claim to be within the categories above, is the subject of dispute
- in the case of a data protection complaint only, a person whose data has processed by the Trustees

You may pursue your complaint or dispute personally or you may appoint a representative (e.g. a colleague, friend, solicitor or trade union representative) to act on your behalf. In the latter case, you should give your representative a written statement of authority to act on your behalf.

The Disputes Officer will refuse to discuss the details of your complaint with any person claiming to be acting on your behalf who cannot produce written authority to act on your behalf.

If you are under 18 years of age, or are incapable of acting for yourself, then an application for a decision may be made on your behalf by a member of your family or another person suitable to represent you.

If you die, your personal representatives can continue with your complaint or dispute.

### **Disagreements to which the Procedure applies**

The Internal Dispute Resolution Procedure covers any dispute between you and the Trustees, or any complaint by you against the Trustees. However, it may not always be easy for you to identify whether a dispute or complaint is a matter involving the Trustees or relates to your employment. You will be informed by the Disputes Officer if your complaint does not fall within the Internal Dispute Resolution Procedure.

A data protection complaint covers alleged infringements of data protection legislation due to the way your data has been processed by the Trustee, covering areas such as:

- non-compliance in response to a data subject access request;
- security measures; or
- how your personal data has been collected, used or how long it has been kept for.

Disagreements relating to the Fund that are already the subject of proceedings in any court or tribunal, or are under investigation by the Pensions Ombudsman cannot be dealt with under the Internal Dispute Resolution Procedure.

## **INTERNAL DISPUTE RESOLUTION PROCEDURE**

If your complaint is about an infringement of UK data protection law in connection with your personal data you have the right to complain to both the Trustees and the Information Commissioner's Office (the "ICO"). However, please note that in most cases the ICO will ask that you raise your complaint with the Trustees first. The ICO can only investigate and deal with complaints about data protection.

Furthermore, if your complaint has already been dealt with through the Internal Dispute Resolution Procedure, it cannot be re-examined through that procedure unless new information has emerged. You are free, however, to contact Money Helper (the body into which the Pensions Advisory Service was amalgamated), who may then refer you to the Pensions Ombudsman.

## INTERNAL DISPUTE RESOLUTION PROCEDURE

### **Procedure for making an Application**

Any application for a decision on a relevant complaint or dispute must be made in writing and signed by you or your representative and addressed to:-

**The Disputes Officer  
Imperial Tobacco Pension Fund  
PO Box 3242  
Winterstoke Road  
BRISTOL  
BS3 9GY**

In all cases where you wish a complaint or dispute to be considered under the Internal Dispute Resolution Procedure, your application must:-

- be in writing and signed by you
- include your
  - full name
  - home address
  - date of birth
  - national insurance number (if known)
  - pension fund number (if known)
- include if you are the surviving spouse, surviving civil partner or dependant of a deceased member the same information in respect of the deceased member
- include a statement as to the nature of your complaint or dispute with enough details to explain why you are aggrieved
- include a statement as to whether your complaint or dispute relates to the Fund, the Trustees or the managers, or whether it is a data protection complaint
- include if a representative is acting on your behalf:-
  - a written and signed authority for that representative to act on your behalf
  - their full name
  - their address
  - the address to which correspondence is to be sent for the service of documents

Where an application is submitted on behalf of a person under the age of 18, or someone incapable of managing their own affairs, or the personal representatives of a deceased member, it is sufficient for the application to be signed on behalf of the member, by the representative.

## **INTERNAL DISPUTE RESOLUTION PROCEDURE**

### **Disputes Officer's Response**

Your complaint in relation to the Fund will be acknowledged and answered in writing by the Disputes Officer within two months of its receipt by them. In relation to a data protection complaint, it will be acknowledged within 30 days of receipt, and answered in writing by the Disputes Officer without undue delay and in any event within two months of its receipt by them. If it appears there is likely to be a delay, you will be told the reason for the delay and the date upon which you can expect a full reply.

If you feel the delay is unreasonable, you may complain to Money Helper or to the Pensions Ombudsman.

The Disputes Officer will give you and your representative their decision in writing and this will identify the provisions of any clauses or rules in the Fund documents, or any legislation or the exercise of any discretion on which that decision is based.

### **Appealing against a Decision by the Disputes Officer**

If you are not satisfied with the decision of the Disputes Officer, you may appeal to the Trustees of the Fund at any time within 6 months from the date of receiving the Disputes Officer's decision.

Any appeal must be made in writing and signed by you or your representative and be addressed to:-

**The Chair  
Imperial Tobacco Pension Trustees Limited  
PO Box 3242  
Winterstoke Road  
BRISTOL  
BS3 9GY**

**Telephone: 0117 953 0000 (Bristol)**

Your appeal must include the same information as your original application and also:-

- a copy of the Disputes Officer's decision
- a statement setting out the reasons why you are not satisfied with the decision
- a statement that you wish that decision to be reconsidered by the Trustees.

### **Responding to an Appeal**

Your appeal will be acknowledged and answered, in writing, by the Trustees within two months of their receiving it. However, if there is likely to be a delay, you will be told the reasons for the delay and the date upon which you can expect a full reply.

The Trustees will give you, and your representative, their decision in writing and will explain the extent to which their decision confirms or replaces the decision by the Disputes Officer, against which you have appealed.

The Trustees' decision will also identify the provisions of any clauses or rules in the Fund documents, or any legislation or the exercise of any discretion on which the decision is based.

## INTERNAL DISPUTE RESOLUTION PROCEDURE

### **Further action**

If you are not satisfied with the decision of the Trustees in relation to a complaint about the Fund, or at any stage in the complaint process, you may wish to seek independent assistance from the Government's Money and Pensions Service. The Money and Pensions Service is free and available to assist pension scheme members and beneficiaries with any pensions-related questions or difficulties they may have. In particular, the **Money Helper** organisation currently sits within the Money and Pensions Service and may be able to assist you in relation to this matter.

Similarly, the Pensions Ombudsman can investigate and determine any complaint or dispute of fact or law referred to them in relation to a pension scheme. The Pensions Ombudsman also provides an Early Resolution Service which was established to provide free advice to pension scheme members and beneficiaries who have potential complaints or disputes concerning pensions.

The contact details for Money Helper and the Pensions Ombudsman (and its Early Resolution Service) are as follows:

#### **Money Helper (Pensions Guidance)**

Money and Pensions Service 120  
Holborn  
LONDON EC1N  
2TD

**Email:** [pensions.enquiries@moneyhelper.org.uk](mailto:pensions.enquiries@moneyhelper.org.uk)

**Webchat:** <https://www.moneyhelper.org.uk/pensionschat>

**Online form:** <https://www.moneyhelper.org.uk/en/contact-us/pensions-guidance/pensions-guidance-enquiry-form.html>

**Website:** <https://www.moneyhelper.org.uk/en>

**Telephone:** 0800 011 3797

#### **The Early Resolution Service - The Pensions Ombudsman**

10 South Colonnade  
Canary Wharf LONDON  
E14 4PU

**Email:** [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk) **Website:**

[www.pensions-ombudsman.org.uk/](http://www.pensions-ombudsman.org.uk/) **Telephone:** 0800 917 4487

As previously advised, the ICO can help investigate complaints relating to data protection only. Contact details for the ICO are as follows:

**Telephone:** 0303 123 1113

**Post:** Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

**Website:** <https://ico.org.uk/make-a-complaint/data-protection-complaints/?p=start>