

Pensions Disputes practice

2021



Our Pensions Disputes practice

Our Pensions Disputes practice specialises in advising on a broad range of pension disputes and has acted on some of the most high profile pensions cases.

The practice is comprised of lawyers from our top tier pensions and litigation practices as well as a full-time pensions disputes specialist. This wealth of expertise and experience allows us to advise on a broad range of pension-related disputes including:

Pensions Ombudsman

disputes on a wide range of issues from ill-health, to death benefits and overpayments cases

PPF Ombudsman

disputes regarding PPF levies

Regulator anti-avoidance powers

disputes concerning Financial Support Directions, Contribution Notices and other regulatory powers

High Court actions

including rectification cases, applications to court concerning questions about a scheme's governing documentation or the interpretation of pensions legislation, and member disputes

Professional negligence claims

acting for and against trustees, employers and pension professionals in relation to a myriad of issues

Alternative Dispute Resolution

including mediation

Internal Dispute Resolution Procedure

advising on complaints about a wide variety of issues

Financial Ombudsman Service

disputes concerning advice in relation to the sale and marketing of individual pension arrangements

Our Pensions Disputes team has acted for all types of pension clients, including trustees, employers, life assurance companies, financial institutions, pension professionals and representative beneficiaries. It prides itself on its commercial approach to potentially contentious issues and, in the vast majority of cases, can assist clients in avoiding formal dispute proceedings.

Some of our notable cases

Lloyds Banking Group Pensions Trustees Ltd v Lloyds Bank plc & Ors

Once every few years there's a case that changes the pensions industry. The Lloyds GMP equalisation case provides clarity after nearly 30 years' uncertainty about whether schemes have to equalise for the effects of unequal guaranteed minimum pensions (GMPs) and, if so, how. We advised the Trustee of the major Lloyds schemes throughout on strategy, including the initial choice to seek directions from the Court rather than allowing matters to take their course in the Employment Tribunal. As a result the industry now has the Court's answer to that central question – scheme benefits in excess of GMP must be adjusted so that the total benefits received by male and female members with equivalent age, service and earnings histories are equal. We also have guidance on how to do it.

Working alongside the Scheme actuary, we considered and analysed all methods of achieving equalisation and the potential implementation issues with each; we reviewed the Schemes' rules and prepared benefit specifications, and advised on all aspects of the litigation.

In the public sphere, we prepared and implemented a communications strategy including direct member communications, a new web portal with the latest Court case information, FAQs directed at members, videos from Trustee directors and statements from the Trustee to the press.

The issue is phenomenally complex in both cause and effects, with significant industry-wide implications estimated at up to GBP20bn. It requires outstanding technical knowledge and depth of understanding, the capability to manage a significant Part 8 Court application and, as lead legal advisers, co-ordination of multiple other advisers and parties.

Hogg Robinson Plc. v Harvey

We acted for the Trustee in relation to Hogg Robinson's application to the High Court for rectification of an erroneous deed. We advised the Trustee throughout, including in relation to evidence gathering, the Trustee's role and duties in relation to the proceedings, the drafting of the necessary court orders and preparation for and representation at the hearing. We also advised the Trustee in the related professional negligence claim which was successfully concluded through the payment of a significant settlement sum to our clients.

British Telecommunications PLC v HM Treasury & Another

We've also acted on another significant and complex GMP-related action: an application to the High Court to review the Government's decision on public sector pensions, which also affects the BT Pension Scheme. In particular, this case looked at how increases are applied to the GMP part of certain members' pensions. This will have a significant GBP100m+ impact on the Scheme and affects thousands of BTPS members.

This was a matter that played out on a large scale. We drafted and organised a consultation with 70,000+ Section A and B members of the BTPS. We used our market-leading Belfast legal services team to collate responses from members in a form we could submit to Court, using cutting edge legal tech tools.

SPS Technologies Limited v Phillex Lovester Moitt and others

We are advising the trustees on this High Court rectification case. Our advice has included advising the trustees on their role in the litigation; drafting a defence; consultation with members; cost issues, including negotiating a costs agreement; commenting and advising on the draft rectification documentation and engaging with counsel. Proceedings were issued in 2018 and the hearing will take place later this year.

Saga Group Ltd & Another v Paul

This matter involved an application to the High Court by Saga for rectification of the pension scheme's documentation. We acted for a representative beneficiary who was appointed to represent the interests of the members of the pension scheme.

Adding value

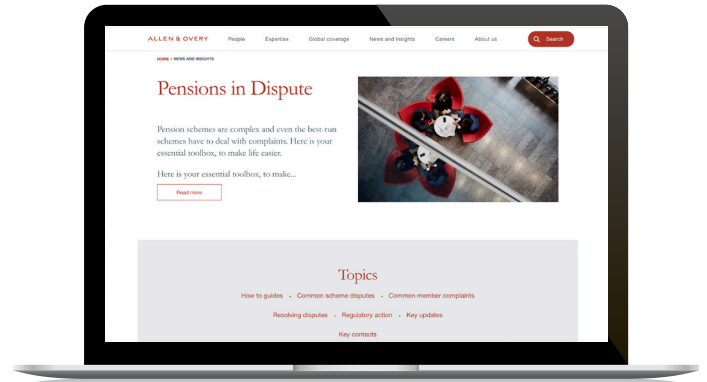
Our award winning online resource base

We have the size and experience to run major cases but our lawyers also work on IDRPs and Pensions Ombudsman cases day-in-day-out – we understand that these cases can be time consuming, expensive and reputationally damaging.

So, in 2017 we launched new website, Pensions in Dispute, designed to help schemes prevent complaints through good governance, and deal with them efficiently when they do arise, to prevent matters escalating.

We aim to help schemes of all sizes and budgets avoid the wasted time and costs of unnecessary disputes. The website contains a helpful toolbox with materials and 'how to' guides.

It was awarded 'Educational Initiative of the Year' at the UK Pensions Awards 2018.



www.allenoverly.com/pensionsindispute

Our Awards/Accolades

Pension Lawyers of the Year

Professional Pensions UK Pensions Awards 2019

Pensions Law Firm of the year

FT PIPA Awards 2017

Pensions Litigation Firm of the Year

Professional Pensions UK Pensions Awards 2019

Pensions and Benefits Firm of the Year

Who's Who Legal

European Pensions Law Firm of the Year

European Pensions Awards 2017 and 2018

Ranked tier one for Pensions

Legal 500 UK 2021

Educational Initiative of the Year

UK Pensions Awards 2018

Ranked tier one for Pensions

Chambers UK 2021

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