

DC hot topic

July 2018

Member communications – keep it legal!

Giving your lawyers a seat at the table when a communications strategy is being devised can save both time and costs. Not only can lawyers often spot potential pitfalls before they arise, but they have lots of valuable experience that trustees and employers can use to their advantage. Below are five key points to bear in mind:

01

Trustees are ultimately responsible for member communications

Whether or not other parties, such as the employer, have provided input, the trustees will be ultimately responsible for all member communications. This makes it essential that trustees know, and keep under review, what is being published in their name.

02

Electronic communications are subject to legal requirements

Specific rules apply to electronic communications. When communicating via email or posting information on a website, trustees must liaise with their legal advisors to ensure the requirements are met.

03

Take care when simplifying information

Drafting communications often involves condensing complicated information. Before documents are finalised, trustees should check with their lawyers that, by saying less, legal requirements are still met.

04

Make clear that the trust deed and rules takes priority

While the general rule is that the trust deed and rules should take priority over any conflicting information in a scheme communication, including a statement to that effect in each member communication is good practice and should avoid any later misunderstanding.

05

A complete communications strategy is good practice

Reviewing communications piecemeal can make it difficult to ensure communications are sent at all the appropriate junctures in a member's saving journey.



An absence of information at key points could lead to inappropriate member decisions and poor member outcomes. A clear communications strategy can help members achieve better outcomes and protect trustees against spurious complaints in future years.



For further information, training and assistance with meeting your legal requirements, please speak to your usual Sackers contact. You can also visit www.sackers.com/expertise/schemes/defined-contribution.