



THE CHEVIOT TRUST
Pensions for the legal sector

THE CHEVIOT TRUST

INTERNAL DISPUTE
RESOLUTION PROCEDURE

Introduction

Cheviot Trustees Limited (the “Trustee”) hopes that before a formal complaint against the Trustee is considered, the applicant/complainant will contact the Pensions Administration Department about any concerns - it may be that a concern can be resolved informally.

If, however, it is not possible to resolve the applicant's/complainant's concerns, the Trustee will follow the formal procedure set out below when resolving a disputes which arises in connection with the scheme. The aim of the procedure is to settle any dispute fairly. The Trustee hopes to prevent disputes developing into more serious grievances.

Who is covered by the procedure?

The procedure is open to you, if you:

- are in pensionable service;
- have a deferred pension;
- receive a pension or other benefits from the scheme;
- are the widow, widower, surviving civil partner or surviving dependant of a deceased member;
- are entitled as a beneficiary to scheme benefits on the death of a member on whom you are not financially dependant
- are a prospective member; or
- fell into one of the above categories in the six months before making a complaint.

If you claim to be in one of the above categories you can use the procedure to obtain a decision on whether or not you are entitled to use the procedure.

This procedure is not available for disputes which ought more properly to be brought against your employer.

Representation

You may ask a representative to act on your behalf if you wish. Applications will also be accepted from:

- a person suitable to act on behalf of a minor, or any person incapable of acting for themselves; and

- the personal representative of someone who has died.

How does the procedure work?

First stage

If a dispute cannot be resolved informally by the Pensions Administration Department, a formal complaint can be made. The complaint must be in writing and sent to Elspeth McKinnon, Chief Executive of The Cheviot Trust at Cheviot House 70 Baxter Avenue, Southend-on-Sea, Essex SS2 6JA. A form can be obtained from the Southend office to use for the purpose.

The application/complaint must include:

- the member's/prospective member's full name, address, date of birth and national insurance number;
- if the application/complaint is lodged by the member's widow(er), surviving civil partner or surviving dependant, that person's full name, address and date of birth and the relationship with the scheme member;
- the full name and address of any representative acting for the applicant/complainant and whether or not replies should be addressed to the representative;
- the facts of the case in sufficient detail to show why the applicant/complainant has a dispute; and
- a signature by or on behalf of the applicant/complainant.

If the application/complaint does not contain all the above details it may result in delay in the dispute being considered.

Upon the application being received, the applicant should be made aware, as soon as possible, of the existence of the Pensions Advisory Service (TPAS) and its role in assisting members and beneficiaries of pension schemes in connection with any difficulty with the scheme and the address at which TPAS may be contacted.

First stage decision/recommendation

Within four months of receiving the complaint Elspeth McKinnon will make her decision/recommendation. She will write to the applicant/complainant (and his representative if appropriate) within 15 working days of reaching her decision/recommendation. However, if a decision is not possible within four months she will send an interim reply to the complainant (and his representative if appropriate) giving the reasons for the delay and a date when she expects to send her decision.

The decision will include:

- a statement of the decision reached;
- a reference to any legislation which has been relied on;
- a reference to any relevant part of the scheme documentation which has been relied on and if a discretion has been exercised, a reference to the part of the scheme rules which gives that discretion; and
- an explanation of the complainant's right to appeal to the Board of the Trustee within six months of the date of the first stage decision.
- a statement that The Pensions Ombudsman is available to assist any member or beneficiary, to investigate any complaint or dispute of fact or law in relation to the scheme and the address at which the Pensions Ombudsman may be contacted.

The decision will be binding on the Trustee unless the complainant appeals.

Appeal

If the applicant/complainant is not satisfied with the decision he or she can appeal to the Board of the Trustee to reconsider the application/complaint. The Trustee Board has delegated this function to the Legal Committee who will reconsider the application/complaint on its behalf. The appeal must be made within six months of the date of the original decision/recommendation. A form can be obtained from Southend office for the purpose.

The appeal must be in writing and include:

- the member's/prospective member's full name, address, date of birth and national insurance number;
- if the application/complaint is lodged by the member's widow(er) or surviving dependant, that person's full name, address and date of birth and the relationship with the scheme member;
- the full name and address of any representative acting for the applicant/complainant and whether or not replies should be addressed to the representative;
- a copy of the first stage decision/recommendation made by Elspeth McKinnon;
- the applicant's/complainant's reasons for being dissatisfied with the decision/recommendation;

- a formal statement that applicant/complainant wants the application/complaint to be reconsidered by the Board of the Trustee; and
- a signature by or on behalf of the applicant/complainant.

Appeal decision

Within four months of receiving the appeal, the Legal Committee will reach a final decision. It will write to the complainant (and his representative if appropriate) within 15 working days of reaching its final decision. However, if a final decision is not possible within the four months, the Legal Committee will send an interim reply to the complainant (and his representative if appropriate) giving the reasons for the delay and a date it expects to send its decision.

The notice of the final decision will include:

- a statement of the final decision and an explanation of the extent to which it confirms or replaces the previous decision;
- reference to any legislation which have been relied on;
- reference to any relevant parts of the scheme documentation which have been relied on and if a discretion has been exercised a reference to the part of the scheme rules which gives that discretion;
- a statement that The Pensions Ombudsman is available to assist any member or beneficiary, to investigate any complaint or dispute of fact or law in relation to the scheme and the address at which the Pensions Ombudsman may be contacted.

The Cheviot Trust

Dispute Resolution Procedure

First stage application

1. Member/prospective member's personal details

Full Name:

Address:

Postcode:

Date of birth:

National insurance number:

2. Eligibility

Please tick one box:

I am in pensionable service

Please go to Section 4

I have a deferred pension

Please go to Section 4

I receive a pension/other benefits from the scheme

Please go to Section 4

I am a prospective member of the scheme

Please go to Section 4

I was one of the above within the last six months

Please go to Section 4

I am the widow/widower* of a scheme member/pensioner

Please go to Section 3

I am a surviving civil partner of a scheme member/pensioner

Please go to Section 3

I am a surviving dependant of a scheme member/pensioner

Please go to Section 3

I am entitled as a beneficiary to scheme benefits on the death of a member on whom I am not financially dependant

Please go to Section 3

3. If you have ticked one of the last three boxes please complete this section:

Full name:

Address:

Postcode:

Date of birth:

4. **Representative**

If you have asked someone to represent you (or if you are the applicant's/complainant's personal representative) please complete this section:

Full name of the representative:

Address:

Postcode

Do you want correspondence to be sent directly to the representative? You will be sent a copy of Elspeth McKinnon's decision in any event. YES NO

5. **Facts of the case**

Please provide the facts of the case in sufficient detail to show why you have a dispute. Please use another sheet of paper if necessary.

In accordance with the Data Protection Act 1998 I consent to the information and personal data on this form being held and processed by the Chief Executive of the Cheviot Trust and/or Cheviot Trustees Limited for the purpose of conducting the dispute resolution procedure including any appeal application and I consent to my personal data being stored with or transferred to third parties (for example, actuaries or legal advisers) who provide services in connection with the administration of the Scheme.

Signature

Date

Once completed please return the form to the Chief Executive's Office, The Cheviot Trust, Cheviot House, 70 Baxter Avenue, Southend on Sea, Essex. SS2 6JA

The Cheviot Trust

Dispute Resolution Procedure

Appeal application

Please use this form only if you have received a decision from Elspeth McKinnon under the first stage of the dispute resolution procedure.

1. Member/prospective member's personal details

Full name:

Address:

Postcode:

Date of birth:

National insurance number:

2. If you are the widow, widower, surviving civil partner or surviving dependant of a member please complete this section:

Your full name:

Your address:

Post code:

Date of birth:

Your relationship with the scheme member:.....

3. Representative

If you have asked someone to represent you (or if you are the applicant's/complainant's personal representative) please complete this section:

Full name of the representative:

Address:

Post code:

Do you want correspondence to be sent directly to the representative?

You will be sent a copy of the decision of the Board of the Trustee in any event.

Yes No

4. **First decision**

I have included a copy of the first stage decision.

Yes No

5. **Reason for the appeal**

Please give your reasons for being dissatisfied with the first stage decision.
Please use another sheet of paper if necessary.

6. **Appeal**

I wish the Legal Committee to reconsider my first stage application on behalf of the Trustee Board.

In accordance with the Data Protection Act 1998 I consent to the information and personal data on this form being held and processed by the Chief Executive of the Cheviot Trust and/or Cheviot Trustees Limited for the purpose of conducting the dispute resolution procedure including any appeal application and I consent to my personal data being stored with or transferred to third parties (for example, actuaries or legal advisers) who provide services in connection with the administration of the Scheme.

Signature Dated.....

Once completed please return the form to the Chairman of the Legal Committee, c/o Chief Executive's Office, The Cheviot Trust, Cheviot House, 70 Baxter Avenue, Southend on Sea, Essex. SS2 6JA