

SOUTH EAST WATER
PENSION SCHEMEDISPUTE RESOLUTION
PROCEDURE

The following is a statement of the formal Dispute Resolution Procedure that has been established by the Trustees of the South East Water Pension Scheme.

The Trustees will initially attempt to resolve any complaints informally. Complainants should also be referred to the Pensions Ombudsman from an early stage and before a formal complaint is initiated, to encourage early resolution of the complaint. If an informal resolution is not possible, then the complaint will be dealt with formally.

1. Who may make a complaint?

Complaints about matters in relation to the scheme may be made against the Trustees by:

- Active members, deferred members, and pensioners;
- A surviving spouse, civil partner, dependent or other persons entitled to benefits on the death of a member;
- Prospective members;
- Anyone who was in one of the aforementioned categories within the preceding six months;
- 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 Trustees 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 Trustees, South East Water Pension Scheme, c/o Hymans Robertson, One London Wall, London, EC2Y 5EA.

The complaint must set out:

- The full name, address, date of birth and national insurance number of the member (or former member) or prospective 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
- A statement about the nature of the disagreement, showing why the complainant is aggrieved.

- (B) The Secretary to the Trustees will acknowledge receipt of a formal complaint within seven days and the complainant will normally receive a formal response to his/her complaint within two months. If a complaint is not dealt with within two months, the complainant will be sent a letter explaining the reason for the delay; this letter will also tell the complainant when a formal response will be provided.

The formal response will include:

- A statement of 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; and
- A reference to the complainant's right of appeal if made within six months.

4. Complaints Procedure – Stage 2

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

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 Chairman of the Trustees.

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 that the complainant wishes the grievance to be reconsidered by the Trustees.

- (B) The Trustees will acknowledge receipt of an appeal within seven days and the complainant will normally receive a formal response to his/her appeal within two months. If an appeal is not dealt with within two months, the complainant will be sent a letter explaining the reason for the delay; this letter will also tell the complainant when a formal response will be provided.

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;
- 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 it is available to assist complainants to resolve grievances or disputes and that it has the jurisdiction to investigate complaints.