

INTERNAL DISPUTE RESOLUTION PROTOCOL THE EDRINGTON GROUP PENSION SCHEME & HIGHLAND DISTILLERS PENSION SCHEME

Introduction

The Pensions Act 1995 required trustees of pension schemes to put procedures in place for resolving internal disputes between members and trustees. This document describes the internal dispute resolution procedure currently applying to the scheme.

Part A represents the information to be given to somebody wishing to make a complaint under the Internal Dispute Resolution Protocol.

Part B gives guidelines for decision-makers.

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Part A

To be given to scheme beneficiaries wishing to make a complaint under the Internal Dispute Resolution Protocol

You may use this protocol if you are:

1. a scheme member;
2. a spouse or dependant of a deceased scheme member;
3. a non-dependant beneficiary;
4. the former spouse of a scheme member with a pension credit in the scheme
5. ceased to be any of the former during the six months before you lodge your complaint
6. or if you believe yourself to be any of the former, but this is disputed.

The internal dispute resolution protocol does not apply to matters of dispute between scheme members and the company or between the trustees and the company. Nor does it apply to matters of dispute, which are already under investigation by the Pensions Ombudsman or where proceedings have already started in a tribunal or a court of law.

The trustees are anxious to assure members and others that the scheme is administered and managed to high standards and feels confident there will only be a small number of occasions when the internal dispute resolution procedure may be called into use.

If you have a complaint or dispute about your membership, benefits or any other matter relating to the scheme, you should follow the procedure described below.

Procedure

In the first instance, you should apply in writing, **using the attached application form**, to:

The Chair of the Trustees of the Edrington Group & Highland Distillers Pension Schemes
c/o Ashleigh Clark
Edrington
100 Queen Street
Glasgow
G1 3DN

You may, if you wish, nominate someone to represent you in making the complaint – for example a colleague or solicitor. If you choose to do this, by signing the application form, you are giving them your permission to act for you and for correspondence about your complaint to be sent to their address.

You should receive an acknowledgement of your complaint within one month, which will state that the Pensions Advisory Service is available to assist members and beneficiaries with advice.

The trustees will normally reach a decision about your complaint within four months and will write to you to let you know of their decision within a further 15 working days. If this is not possible, the trustees will write to explain why there is a delay and when you can expect a reply.

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Referral to TPAS or the Pensions Ombudsman

If you are not satisfied with the decision, it is open to you to take the matter further.

You may refer your complaint or dispute to the Pensions Advisory Service (TPAS) via their online enquiry form at <https://www.pensionsadvisoryservice.org.uk/contacting-us/online-enquiry-form> or the Pensions Ombudsman at their email address, enquiries@pensions-ombudsman.org.uk.

Alternatively, you could refer the matter to an appropriate tribunal or a court of law.

Amendments

The trustees may amend this internal dispute resolution procedure from time to time in the light of experience and practice or to accord with any changes in legislation.

YOU SHOULD KEEP THIS LEAFLET IN A SAFE PLACE FOR FUTURE REFERENCE.

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Application Form

PLEASE FULLY COMPLETE THIS FORM USING BLOCK CAPITALS

Note: If someone acts for you as your representative concerning your complaint or dispute, the representative may complete this form for you and sign it on your behalf.

To:

The Chair of the Trustees of the Edrlington Group & Highland Distillers Pension Schemes
c/o Ashleigh Clark
Edrlington
100 Queen Street
Glasgow
G1 3DN

I have a complaint or dispute concerning the scheme. I apply for the matter to be considered and a decision made under the internal dispute resolution procedure applicable to the scheme.

Box 1 - Applicant details

Full name	
Address	
Telephone number	
National Insurance number	<i>Note: This need not be given if you are a widow/widower/dependant</i>
Date of birth	

Box 2 - Applicant category

Please tick the box which describes the category applicable to you (<i>see explanatory notes at end of form</i>).		(tick one box only from (a) to (d))
(a) a deferred/pensioner member of the scheme		☐
(b) a widow/widower or survivor dependant of a deceased member		☐
(c) a person who ceased to be within (a) or (b) in the six months before the date of the first stage application form		☐
(d) a person claiming to be within (a), (b) or (c) above		☐

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Box 3 - Additional details if applicant is a widow/widower or dependant

If you are, or claim to be, a widow, widower or surviving dependant of a deceased member, please give the following additional details about the *member in respect of whom* you derive, or claim to derive, a benefit under the scheme.

Full name	
Previous address	
National Insurance number	
Date of birth	
Please state your relationship to the member	

Box 4 - Representative's details

Name	
Address	
Telephone number	
Email	
Is this address the only address to be used for all communications concerning the complaint or dispute? Yes / No (<i>delete as appropriate</i>) <i>Note: If no, all communications will be sent to both the applicant and the representative.</i>	

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Box 5 - Details of complaint or dispute

Please give a statement describing the nature of your complaint or dispute, including any relevant background information and how the complaint or dispute arose. *(Note: If you wish, you may continue on a separate sheet or attach your complete statement to this application.)*

Box 6 - Other referral of complaint or dispute

Have you, or someone on your behalf, referred your complaint or dispute for advice or a decision to any other internal source or externally, to the Pensions Advisory Service (TPAS) or the Pensions Ombudsman or started any legal or tribunal proceedings concerning it? Yes / No *(delete as appropriate)*

If yes, please give *(either here or on a separate sheet)* an indication of any decision made or action taken.

Signed by (or on behalf of) the applicant:

Name:

Date:

Explanatory notes

1. *A deferred member is a person who has an entitlement to a benefit payable at a future date under the scheme (as a result of employment with an employer connected with the scheme) but who is not yet in receipt of a pension or other benefit.*
2. *A pensioner member is a person who is receiving a pension or other benefit from the scheme.*

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Part B

Operational guidelines for decision-makers

What a decision-maker must do

- Accept disputes and complaints only in writing.
- Accept disputes and complaints from any person who is (or claims to be) within one of the following categories:
 - ⇒ scheme members (that is, deferred members and pensioners);
 - ⇒ the widow, widower or surviving dependant (for example, the child) of a deceased member); and
 - ⇒ any person who ceased to be within any of the above categories in the six months before the date of their first stage application.
- Ensure compliance with the regulations when notifications of decisions are issued, keeping strictly within legislative time-scales.
- Make decisions in a fair and reasonable manner and keep them strictly confidential.

What a decision-maker ought to do (in the interests of good practice)

- Perform the role of decision-maker only within his/her limits of authority and responsibility.
- Be familiar with the scheme documentation – including the trust deed and rules, explanatory booklet and member announcements.
- Where an informal route exists for resolving disputes and complaints, identify whether that route was first used prior to the formal internal dispute resolution procedures being implemented.
- Set up procedures to ensure compliance with the time limits under the regulations.
- Check if any supporting documents or papers are needed in connection with the dispute or complaint and, if so, promptly ask for these to be supplied.
- Establish whether expert help is needed and whether the decision can be given within the required four months' period.
- Decide whether disputes and complaints are likely to be channelled through a nominated person before onward transmission to the decision-maker.

What a decision-maker must not do

- Accept disputes and complaints made orally.
- Entertain any dispute or complaint if proceedings have begun in respect of it in a court or tribunal, or if the Pensions Ombudsman has commenced an investigation into a complaint made, or dispute referred to him.
- Make a decision requiring the exercise of a discretion vested in the employer.
- Inform other applicants of decisions made where circumstances are similar to their own and give them details.
- Where an informal route exists for resolving disputes and complaints, insist on the complainant using the informal route for resolving the dispute or complaint if, having already made his first stage application in writing, he or she has not agreed to the informal route being used by withdrawal, in writing, of his or her first stage application.