



## Dispute resolution procedure

### Purpose

From time to time issues may arise in connection with your membership, or benefits under, the Cable & Wireless Superannuation Fund (CWSF). To make sure that you have a means to discuss those issues and have them resolved, the trustee has set up an internal procedure for you to follow. This does not stop you discussing any issue informally with your manager, or any of the trustee directors, or with your HR department.

The procedure is available to, and applies to, active, deferred and pensioner members, and to the dependants of all members and to prospective members. If you cease to be in any of these categories you may still use the procedure, but you must apply under Stage I below within six months of ceasing to be in one of the categories.

The procedure is not available if any proceedings have already been begun or the Pensions Ombudsman has started an investigation into a complaint made or a dispute referred to him.

### Preliminary stage

If you have a problem relating to the CWSF you should, at the earliest opportunity, discuss the matter with us.

If the matter cannot be resolved, we'll decide whether the dispute is essentially one with your employer or one with the trustee. If the dispute is one with your employer you may then apply in writing to your HR manager for a further review which will be dealt with in accordance with your employment grievance procedures.

Alternatively, if the dispute is one with the trustee, then the following formal procedures will apply.

### Internal procedure

#### Stage I

You should make an application in writing to our Company Secretary, Peter Hampton, for a decision. As well as setting out the nature of your disagreement with details showing why you feel aggrieved, your letter should include your full name, address, date of birth and National Insurance Number.

If you're the widow/widower or child or other surviving dependant of a member who has died, you should also include the member's full name, address, date of birth and National Insurance Number and state your relationship to the member.

If you wish, you may ask someone else to represent you. Your representative's full name, address and profession (if any) should be included in your letter. The letter should state whether you would like correspondence about the matter to be sent to your address or your representative's address.

You or your representative must sign the letter.

Within two months of receiving your letter, our Company Secretary will write to you (and where applicable, your representative) setting out his decision on the matter. The decision will include references to any legislation or scheme rule relied on and to your rights under Stage 2 below. If for any reason your problem cannot be decided within two months, the Company Secretary will write to you (and your representative) explaining the reasons for the delay and will tell you the expected date for a decision.

## **Stage 2**

If you're dissatisfied with the Company Secretary's decision or the trustees' action following it, you may write to the trustee at the above address within six months of receiving the decision asking them to reconsider the disagreement.

Your letter to the trustee should include the information that you gave in your application at Stage 1. You should also send a copy of the Company Secretary's decision and give the reasons why you're dissatisfied with the decision or the trustees' action following it, and you should state that you wish the trustee to reconsider your complaint.

You or your representative must sign the letter.

Within two months of receiving your letter, the trustee will write to you (and your representative) telling you their decision and explaining whether, and to what extent, their decision confirms or replaces the Company Secretary's decision. The decision will include references to any legislation or scheme rule relied on and to your rights to resort to external resolution (see below).

If for any reason the trustee cannot reach a conclusion within two months, they'll write to you (and your representative) explaining the reasons for the delay and will tell you the expected date for a decision.

## **External resolution**

If, despite going through the whole of the internal procedure, you remain dissatisfied, The Pensions Advisory Service (at 11 Belgrave Road, London, SW1V 1RB) is available to assist with unresolved difficulties.

Finally, the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law made or referred to him. He is also at 11 Belgrave Road, London SW1V 1RB. He normally insists before accepting any matter for investigation that it shall previously have been raised with The Pensions Advisory Service and still remains unresolved.

## **Group disputes**

It's possible that from time to time a problem might arise that affected a number of members in the same way and which didn't just relate to an individual member's circumstances. In such event your employer and the trustee would in the first place seek to resolve the matter internally by using the steps outlined above, suitably adapted as necessary.

If the internal procedure failed, it's likely (because the services of The Pensions Advisory Service are not available in group disputes) that your employer and/or the trustee would first seek to employ an external alternative dispute procedure of the type offered by the Centre for Dispute Resolution (CEDR).

## **Future changes**

The trustee reserves the right to alter these procedures to reflect experience and changes of circumstances or law.