

REFERRALS AND COMPLAINTS GENERAL GUIDANCE ON ORAL HEARINGS

An oral hearing may be held as a result of a request from a party¹ or on the Pension Protection Fund (PPF) Ombudsman's direction.

The most common situation in which an oral hearing will be arranged is when the PPF Ombudsman believes that oral evidence will resolve a conflict about a matter of fact. There may also be times when the PPF Ombudsman will find it helpful to have all parties present in order to examine and discuss issues concerning the referral or complaint.

The hearing will normally be open to the public and will be arranged at a place and time as convenient as possible to the parties and to the PPF Ombudsman. It is likely that most hearings will be held in the PPF Ombudsman's office in Central London.

Your right to request an oral hearing

If you believe that an oral hearing should be held, you may apply to the PPF Ombudsman in writing explaining your reasons. You must apply no later than within **28 days** of the date of the PPF Ombudsman's acknowledgement of the referral or complaint (or, in the case of a significantly adversely affected person, within **28 days** of being notified of the referral or complaint).

The PPF Ombudsman will consider your request for a hearing but he is not obliged to agree. If he decides not to call a hearing he will write to you giving his reasons.

When an oral hearing is called

All parties will be invited to attend, and will be notified of the date of the hearing at least **21 days** beforehand (or a shorter period if those involved agree). You will be told if there are any subsequent alterations to the arrangements. The hearing will normally be completed within a day, but the PPF Ombudsman may decide to adjourn to a future time.

The PPF Ombudsman will explain the purpose of the hearing.

You may appoint a representative to attend the hearing on your behalf if you have not already done so. Any appointment must be in writing and must give the representative's name and full address. A form is available from the PPF Ombudsman's office if required. You must write to the PPF Ombudsman at least **14 days** before the hearing takes place telling him whether you or your representative will attend.

¹ *Party* means the person making the referral or complaint, the Board of the Pension Protection Fund, and includes any person who may be significantly adversely affected by the PPF Ombudsman's decision.

Right to call witnesses

Anyone attending an oral hearing may call witnesses to give relevant evidence on their behalf.

If you (or your appointed representative) want to call a witness or witnesses, you must write to the PPF Ombudsman at least **14 days** before the hearing takes place. You must tell him the names of the witnesses, and provide him with any written representations.

Conduct at the hearing

The PPF Ombudsman may ask anyone whose conduct has disrupted a hearing to leave and may refuse to allow anyone whose conduct is likely to disrupt a hearing to attend.

If a person is vexatious or their conduct (or that of their representative) is unreasonable, the PPF Ombudsman may direct that person to pay the costs and expenses of others in connection with their attendance at the hearing.

Not attending the hearing

If you decide not to attend but you wish to make representations, you must send your written representations to the PPF Ombudsman not later than **14 days** before the oral hearing. A copy of your representations will be sent to all other parties to the referral or complaint before the hearing is held.

If you subsequently decide not to attend and have not sent written representations, the PPF Ombudsman may adjourn the hearing or proceed with the hearing in your absence and decide the referral or complaint on the evidence available to him.