

Internal Dispute Resolution (Pensions) Procedures

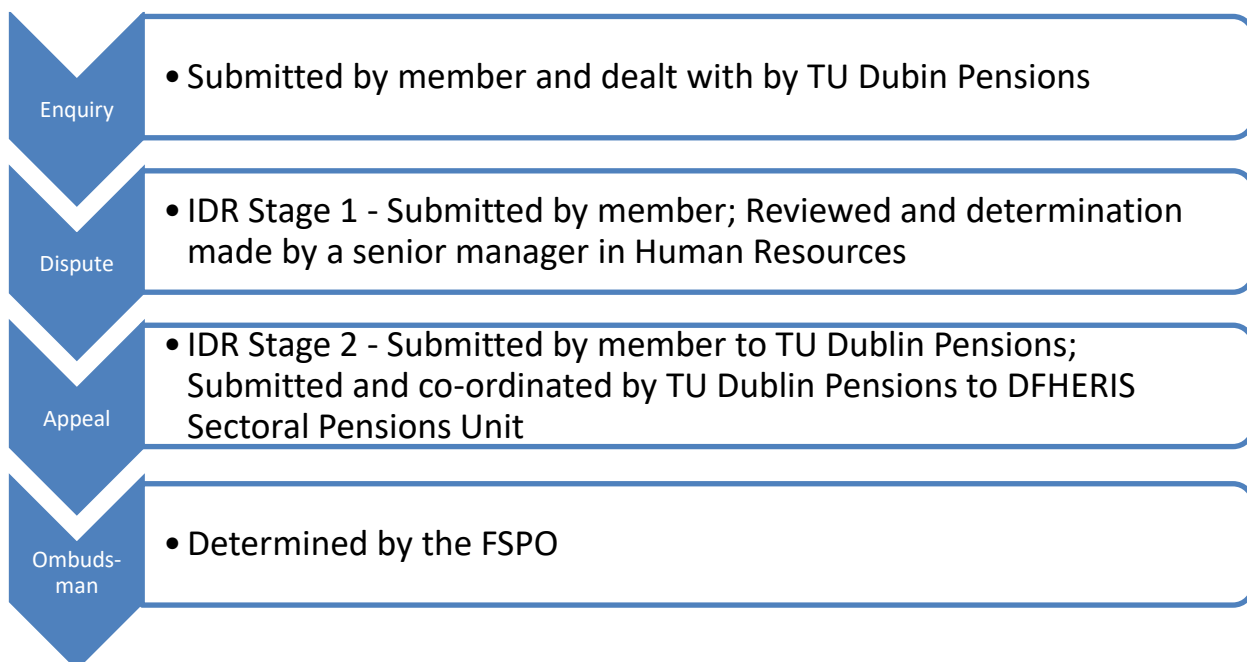
1. A matter raised in relation to a **pensions** matter begins as **an enquiry** submitted by the member to TU Dublin Pensions, Human Resources.

2. If the member is dissatisfied with the response, they may raise a **dispute** under the TU Dublin Internal Dispute Resolution (Pensions) Procedures (Stage 1).

3. If the member is dissatisfied with the findings of the Internal Dispute Resolution (Pensions) Procedures (Stage 1), they may **appeal that outcome** to the Minister (Stage 2). The appeal is co-ordinated and submitted by TU Dublin Pensions, Human Resources, to the Sectoral Pensions Unit of the Department of Further and Higher Education, Research, Innovation and Science.

Finally, should the member remain dissatisfied, they may **seek recourse** via the Financial Services and Pensions Ombudsman (FSPO).

The IDR (Pensions) Procedures are illustrated below:



The stages in this procedure cannot be skipped. Each must be completed in sequence.

Stage 1

If initiating the Internal Dispute Resolution (Pensions) Procedures, the member must submit a formal complaint in writing to TU Dublin Pensions, Human Resources stating that they are invoking the IDR (Pensions) Procedures and provide a written statement outlining their dispute, including relevant details and supporting documentation.

The following information must be included in the written submission:

- (a) Name, date-of-birth, home address and staff I.D. number.
- (b) Details of membership of the Scheme (e.g. existing employees should include date of joining; pensioners should include date of retirement, etc).
- (c) A statement of the complaint or dispute and who or what the complaint is against. If the person believes that s/he has suffered a financial loss details, including supporting calculations, should be submitted.
- (d) Any other relevant supporting documentation.

The designated person will allocate a person, who was not involved in the initial calculation of benefits, to check the records to ensure that the pension has been calculated correctly by reference to

- the reckonable service
- reckonable remuneration
- the terms of the pension scheme of which the person is/was a member and
- where applicable, that all the appropriate pension adjustments (increases or decreases) have been applied; the pension benefits that have been and are in payment will also be verified

The designated person will provide a full and comprehensive written response to the claimant **within four weeks** of receipt of the original written submission.

A written response from a claimant should be submitted to the TU Dublin Pensions, Human Resources **within four weeks** confirming acceptance or otherwise of the findings under the Internal Disputes Resolution (Pensions) Procedures. If the member is dissatisfied with the findings of the Internal Dispute Resolution (Pensions) Procedures an appeal can be made to the Minister.

Stage 2

In the event that the matter is not resolved to the satisfaction of the member at Stage 1 and should they feel that the rules of the Superannuation Scheme have not been applied properly in their case, an appeal may be sent to the Department of Further and Higher Education, Research, Innovation, and Science.

The member must submit a formal confirmation of the appeal in writing to TU Dublin Pensions, Human Resources. TU Dublin Pensions, Human Resources will collate all relevant documentation and submit to the Department of Further and Higher Education, Research, Innovation and Science.

It should be noted that, on appeal, the Minister may only make a determination where, in their opinion, a determination should have been made by TU Dublin in accordance with the statutory provisions of the scheme, i.e. the Minister has no discretion to give a higher award than the provisions of the Scheme allow.

An application shall be in writing, signed by or on behalf of the actual or potential beneficiary, and shall contain the following details -

- a) the full name, address and date of birth of the actual or potential beneficiary,
- b) the address to be used for service of documents in connection with the application,
- c) a statement concerning the nature of the complaint or dispute with sufficient details to show why the actual or potential beneficiary is aggrieved,
- d) a statement confirming that all internal institutional review mechanisms have been exhausted,
- e) a copy of correspondence between the appellant and the University, and such other information as the Minister may reasonably require
- f) completed checklist of Appeals Papers Required – a copy of this can be found at Page 10 of DPENDR Circular 16/2020)

The Department of Further and Higher Education, Research, Innovation and Science, on behalf of the Minister, reserves the right to contact the member's employer for any other information which it feels necessary for consideration of the appeal.

The Minister shall consider the application and provide the complainant and TU Dublin with a written determination within 3 months from the date on which all details specified above are received.

The determination shall include:

- a statement of the determination
- a reference to any legislation (other than this Scheme), legal precedent, ruling of the Pensions Board, ruling or practice of the Revenue Commissioners, or other material relied upon, in making the Determination
- a reference to the provisions of the scheme relied upon in making the determination and, where a discretion has been exercised, a reference to those of its provisions by which such discretion is conferred
- a statement that the determination is not binding upon any person unless, upon or after the making of the determination, the person assents, in writing, to be bound by it, and
- a statement that the applicant should check whether the complaint or dispute is one in respect of which the Financial Services and Pensions Ombudsman has jurisdiction to investigate under Section 131 of the Pensions Act 1990 (No. 25 of 1990) and that further information can be found in an information booklet available from the Financial Services and Pensions Ombudsman, 36 Upper Mount St., Dublin 2. Telephone (01)6471650 or www.fspo.ie