



INTERNAL DISPUTES RESOLUTION PROCEDURES (I D R)

The Pensions Act, 1990 (the Act), as amended, requires that all pension schemes have an internal disputes resolution (IDR) procedure. The purpose of the procedure is to give actual or potential beneficiaries a **formal** basis for raising complaints or disputes with the Superannuation Committee. The Pensions Office and Superannuation Committee hope to resolve most complaints and disputes. However, if an individual is dissatisfied with the outcome it is open to the complainant to bring forward their complaint or dispute to the Financial Services and Pensions Ombudsman, who may then decide to investigate the matter.

A “complaint” for this purpose is one that is made by, or on behalf of, an actual or potential beneficiary, who alleges that he or she has sustained financial loss and that the loss has been occasioned by an act of misadministration done by or on behalf of a person responsible for the management of the Scheme.

A “dispute” is one of a fact of law referred by an actual or potential beneficiary that arises in relation to an act or omission by or on behalf of a person responsible for the management of the Scheme.

INTERNAL DISPUTES PROCESS DESCRIPTION

1. PREPARING YOUR COMPLAINT

Prior to submitting your complaint you may find it useful to contact ESB Pension Office to discuss the issue. Active members can contact Pension Services at 01 – 7917809, Retired Members can contact 01-7026699 Option 3 or email pensions@esb.ie. The Pensions Office may be able to deal with your query rather than requiring you to make a formal complaint under the Scheme’s IDR procedure. Alternatively they can assist you with submitting your complaint to the Superannuation Committee and gathering relevant documentation.

2. MAKING A FORMAL COMPLAINT

If you wish to make a formal complaint then the details of your complaint or dispute should be set out in writing using the attached form. Documentation that supports your case should be forwarded with your formal complaint or dispute. The form should set out the nature of your complaint or dispute and

should provide enough details to show why you feel aggrieved. The signed form should be sent to *James O'Loughlin, Secretary to ESB Superannuation Committee, 27 Lower Fitzwilliam St, Dublin 2.*

3. HOW YOUR COMPLAINT IS INVESTIGATED

On receipt of your letter, the Secretary to the Superannuation Committee will initially assess your complaint by;

- Consulting with any other parties involved in the dispute and providing these parties with details of your case and consider their views.
- Discuss your case if relevant with the Scheme's advisors and receive their opinion on the merits of your case.

If the case is reasonably clear, whether for or against you, the Secretary to the Superannuation Committee will issue a response to you by a 'notice of determination'.

- This may be issued directly by the Secretary to the Superannuation Committee.
- Or in more complex cases, the Superannuation Committee will meet to consider your case before issuing a 'notice of determination'.

If your complaint or dispute relates to a decision involving the exercise of discretion on a particular point by the Superannuation Committee, provided they remain satisfied with their decision,

- The Superannuation Committee will most likely simply confirm their decision to you and refer you to the part of the scheme rules that confers that discretion.

The Superannuation Committee may decide to offer you an oral hearing if they feel that

- a discussion with you would add clarity to the case
- Or assist in their deliberations.

If an oral hearing is offered to you, you may accept or reject it. An oral hearing may be with a representative or representatives of the Superannuation Committee.

If the facts of the case are unusually complex, the case may be put to an independent person. This would be an expert who has not previously been involved in the case.

- The Superannuation Committee will consider whether using an independent person is appropriate or will bring additional value to the process.
- If the Superannuation Committee decide that referring the case to an independent person is likely to be useful, they will consider who an appropriate independent person might be, for example, a pensions lawyer

employed by a law firm that does not have any conflict of interest in relation to the case.

- The Superannuation Committee will inform you of the proposed independent person and if you are not satisfied with their choice, the Superannuation Committee may decide not to refer the case to any independent person, but to proceed instead with issuing their conclusions to you by a 'notice of determination'.
- If the case is referred to the independent person they will be given supporting documents and asked for a recommendation on your complaint or dispute.

The Superannuation Committee will consider the recommendation of the independent person before issuing their conclusions to you by a 'notice of determination'.

4. DETERMINATION & RESPONSE TO YOUR COMPLAINT

A determination or decision will be made in relation to your complaint or dispute and details of the decision will be issued to you in writing within 3 months from the date on which all the particulars specified are received. This is called a "notice of determination".

This "notice of determination" may be a statement that the Superannuation Committee has made a decision to make a payment or take some other action that resolves the problem or it may be a rejection of the complaint. The notice will include:-

- a statement of what has been decided, which could be a decision to make a compensating payment, to reject the claim etc.;
- a reference to any legislation, legal precedent, ruling of the Pensions Authority, ruling or practice of the Revenue Commissioners or other material relied upon;
- a reference to any parts of the rules of the scheme relied upon;
- where a discretion has been exercised, a reference to the regulation of the scheme that confers this discretion;
- a statement that the determination is not binding on you unless you agree in writing to be bound by it;
- A statement that the Financial Services and Pensions Ombudsman may have jurisdiction to investigate the matter and that further information can be obtained from the Financial Services and Pensions Ombudsman, Lincoln House, Lincoln Place, Dublin 2, D02 VH29.

