

# The National Federation of Voluntary Bodies

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**Pension & Life Assurance Scheme**

**Internal Dispute Resolution Procedures**



# INTERNAL DISPUTE RESOLUTION PROCEDURES

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## Dear Member

It is hoped, and expected, that the vast majority of issues and queries raised by the members about the Scheme will be resolved in an informal manner. However, in case there is an issue which cannot be resolved informally, the enclosed Internal Dispute Resolution (IDR) Procedures can help resolve the issue in an equitable and straightforward manner.

All pension plans must have an Internal Dispute Resolution (IDR) Procedure, under the Pensions Act (as amended). This IDR has been prepared for you (the members of the Plan) by New Ireland Assurance Company plc.

The purpose of having an IDR is to give people, who believe they may have suffered financial loss as a result of mal-administration of the plan, a way to raise the issue formally with the trustees.

This IDR involves a number of prescribed steps:

1. You submit a written note to the trustees setting out your details and a statement on the nature and grounds for the complaint, with supporting documentation (if any).
2. The trustees can (but do not have to) appoint an Investigator to examine the issue and provide a written report.
3. The trustees consider the complaint, any other relevant details, and, if applicable, the Investigator's report.
4. The trustees then make a decision and notify you of their decision. The decision must be made and notified within 3 months of the trustees receiving the complaint.
5. If you are not satisfied with the decision you can refer the matter to the Pensions Ombudsman.

All pension plans must have an Internal Dispute Resolution (IDR) Procedure, under the Pensions Act (as amended). This IDR has been prepared for you (the members of the Plan) by New Ireland Assurance Company plc.

If you have any queries about the Internal Dispute Resolution please contact us.



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**Tony Darmody**

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## 1. Definitions and interpretation

In these Procedures the following words and expressions have the following meanings:-

- (a) “Complaint” is a complaint made by, or on behalf of, a Person who alleges that he has sustained financial loss due to an act of maladministration carried out by or on behalf of a person responsible for the management of the Scheme.
- (b) “Dependant”, means a surviving spouse or dependant of a Person within the meaning of the Scheme rules or an individual who claims to be such an individual.
- (c) “Dispute” is a dispute of fact or law, referred by a Person, that arises in relation to an act or omission by or on behalf of a person responsible for the management of the Scheme. It does not include a dispute of fact or law relating to a matter which may be determined by the Pensions Board or by the Director of Equality Investigations or in respect of which there are proceedings before any court.
- (d) “Investigator”, means such person as the Trustees may from time to time appoint to undertake the responsibilities detailed in Procedure 4.
- (e) “Issue” means a complaint or dispute concerning a Person’s Scheme benefits.
- (f) “Pensions Act”, means the Pensions Act, 1990 (as amended).
- (g) “Pensions Ombudsman”, means the pensions ombudsman appointed under the Pensions Act.
- (h) “Person”, means any of the following who may apply to have an Issue resolved under these Procedures, namely:-
  - (i) an active, deferred or pensioner member of the Scheme
  - (ii) a surviving spouse or dependant of a deceased member of the Scheme;
  - (iii) a prospective member of the Scheme;
  - (iv) a personal representative of a deceased member of the Scheme or a surviving spouse of a deceased member of the Scheme;
  - (v) a person who claims to fall in one of the above categories;
  - (vi) any other person permitted by the Pensions Act.
- (i) “Scheme”, means the occupational retirement benefits scheme established under trust, to which the Issue refers,
- (j) “Trustees”, means the trustee or trustees of the Scheme for the time being and from time to time.

## 2. Status of Procedures

- (a) These Procedures are the formal arrangements put in place by the Trustees (as required by the Pensions Act) to resolve any Issues concerning the Scheme.
- (b) The Pensions Act prevails if there is any conflict between these Procedures and the Pensions Act.
- (c) These Procedures do not impose any requirements on the parties to the Issue over and above any Pensions Act requirements. To the extent that these Procedures do so, they shall be construed as being subject to the relevant provisions of the Pensions Act which will prevail.
- (d) Any or all of these Procedures may be amended, extended, revoked or replaced from time to time by New Ireland Assurance Company plc or resolution of the Trustees. Such changes will take effect from such date

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as is specified by New Ireland Assurance Company plc or the resolution of the Trustees.

- (e) Irish Law applies to these Procedures.
- (f) The masculine gender includes the feminine (and neuter except where the context clearly requires otherwise) and the singular number includes the plural and vice versa.
- (g) The headings and captions in these Procedures are inserted for ease of reference only and are not a part of the Procedures, and do not affect their construction or interpretation

### **3. Issue**

- (a) A Person may refer an Issue to the Trustees for their decision, under these Procedures.
- (b) The Person's complaint must be in writing and signed by or on his behalf. It must set out the particulars of the Issue, in respect of which a decision is sought, including:-
  - (i) the full name, address, and date of birth of the Person. If the Person is a dependant of a member or deceased member of the Scheme, he must also provide the full name, address and date of birth of that member or deceased member;
  - (ii) the address to which documents in connection with this issue are to be sent;
  - (iii) a statement by the Person as to the nature of the Issue containing sufficient details to show the reason and grounds for the Issue;
  - (iv) any documentation supporting the Person's case.
- (c) The Person must furnish such other information as the Trustees may reasonably require to enable them to carry out their functions under these Procedures.

### **4. Investigator**

- (a) Where an Issue is referred to the Trustees for a decision in accordance with Procedure 3, the Trustees may appoint an Investigator to examine and investigate the Issue and to report on it to the Trustees. The Trustees shall (where applicable) advise the Person of this.
- (b) The Investigator is entitled to act as such even if he has or may have some interest or duty which conflicts or may conflict with his duties under these Procedures, provided he discloses the potentially conflicting interest or duty to the Trustees beforehand.
- (c) The Investigator must prepare a written report, setting out the relevant details on which the report is made and any conclusions reached by the Investigator. The report must be given to the Trustees within two calendar months of the Investigator's appointment, or within such other time period as may be agreed or required by the Trustees.
- (d) If the Investigator fails to make a written report within the required timeframe, the Investigator's appointment shall automatically cease and the Trustees shall proceed to make a decision in accordance with these Procedures.
- (e) If the Trustees, in their sole and absolute discretion, decide it is necessary, they may remove the Investigator from his position, with effect from the date of such a decision. The Trustees shall inform the Investigator and the Person of their decision and shall proceed to make a decision in accordance with these Procedures. The Trustees may proceed to make a decision even if the Investigator and the Person have not been informed of the Investigator's removal from his position, if they deem it necessary to ensure a decision is made within the timeframe specified in Procedure 5 (d).

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## 5. Decision of Trustees

- (a) The Trustees shall consider the Person's complaint and, where applicable, the Investigator's report.
- (b) The Trustees may make such other or further enquiries about the Issue as they may reasonably require, in order to make a decision on the Issue.
- (c) The Trustees shall then make a decision in relation to the Issue.
- (d) The decision shall be notified to the Person in writing within three months from the date, as determined by the Trustees, on which all the particulars referred to in Procedure 3 are received by the Trustees.
- (e) The written notification of the Trustees' decision shall include:-
  - (i) a statement as to what has been decided;
  - (ii) a reference to any legislation, legal precedent, ruling of the Pensions Board, ruling or practice of the Revenue Commissioners relied upon;
  - (iii) a reference to any other material relied upon;
  - (iv) a reference to any part of the trust and rules of the Scheme relied on;
  - (v) where a discretion has been exercised, a reference to the relevant clause or rule of the Scheme conferring such discretion;
  - (vi) a statement that the decision is not binding upon any party unless the Person agrees, in writing, to be bound by it; and
  - (vii) a statement that the Pensions Ombudsman may have jurisdiction under Section 131 of the Pensions Act and that further information can be obtained from the Pensions Ombudsman, together with details of his contact address.

- (f) The decision of the Trustees shall be final and conclusive for the purposes of these Procedures.
- (g) If the Person is not satisfied with the decision of the Trustees with respect to the Issue, he may refer the matter to the Pensions Ombudsman.

## 6. Representatives

- (a) A Person may nominate a representative to act on his behalf to make or continue a complaint under these Procedures. If a Person dies, a complaint may be made or continued by his personal representative. If a Person is under 18 years of age or is incapable of acting, a complaint may be made or continued by a member of his family or some other suitable person.
- (b) Where a representative is acting on behalf of the Person, the particulars required under Procedure 3 must include the representative's full name and address and must state whether this address is to be the address to which documents are to be sent.
- (c) Where a representative has been nominated, he will be sent a copy of any document sent to the Person including a copy of any written decision reached under these Procedures.

## 7. Arbitration Acts

The Trustees are not arbitrators and the provisions of the Arbitration Act, 2010 and any other relevant legislation do not apply to the Trustees or their decisions under these Procedures.

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## **8. Costs and Expenses**

Any costs and expenses of a Person in respect of an Issue referred for a decision under these Procedures shall be borne by the Person.

Any costs and expenses of the Trustees in respect of an Issue referred for a decision under these Procedures, including any fees, costs and expenses of an Investigator, shall be borne by the sponsoring employer of the Scheme.



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