**Dublin City University Superannuation Scheme**

**Internal Disputes Resolution Procedure**

 **(For members of Pre-existing Pension Schemes)**

**Circular 16/2020**

**Definitions**:

***Relevant Body/Department*** means the Body/Department that was involved in the pension decision being complained of

***Parent Body means*** the Department of Further and Higher Education, Innovation & Science.

***Appellant*** – person by whom, or on whose behalf, a complaint is made

***LHR*** – Local HR in relevant Body/Department responsible for making the initial decision being complained of

**To whom these procedures apply:**

Beneficiaries/disputed beneficiaries of pre-existing pension schemes (public service pension/superannuation schemes in place prior to the establishment of the Single Public Service Pension Scheme on 1 January 2013). This the Dublin City University Superannuation Scheme.

An appeal under these IDR procedures may also be made or continued on behalf of a beneficiary by a representative nominated by the member, e.g. Trade Union representative or solicitor. An appeal may be made or continued on a beneficiary’s behalf when the member dies, or is a minor, or is incapable of acting for themselves.

**What type of claims/disputes are eligible for Internal Dispute Resolution (IDR)?**

* alleged financial loss occasioned to an appellant by an act of maladministration done by or on behalf of the pension provider, or
* any dispute of fact or law that arises in relation to conduct by or on behalf of the pension provider.
* They do not apply in relation to other HR/contract/retirement-related decisions. For example, a decision by an employer not to grant ill-health retirement is a HR decision rather than a pension decision. If ill-health retirement has been granted and then a dispute arose regarding the calculation or payment of an ill-health retirement pension awarded, an appeal could be pursued under these procedures.

**Stage 1 - Written Explanation of Decision**

Appeals should be raised with the HR office of the relevant Body/Department in the first instance. For example, if a period of service early in one’s career was not deemed pensionable by the employer at the time and the individual wishes to dispute this, it is the HR office of their employing body/department at the time of that period of employment that should be pursued, and not the final employing Body/Department, if different.

If the dispute relates to Dublin City University then the following steps should be taken:

**Step 1:**

Appellant expresses concern, in writing, to the Senior HR Manager, Human Resources, Dublin City University, Dublin 9.

**Step 2**:

Written explanation to be provided to appellant by DCU **within one week** of receipt of complaint.

Where the appellant does not accept the findings under stage 1 they can pursue a formal appeal via Stage 2 of the Internal Disputes Resolution Procedure.

**Stage 2 – Formal Appeal**

The Appellant should notify their LHR that they wish to pursue a formal appeal. The complaint should be submitted in writing to the Senior HR Manager, Human Resources, Dublin City University, Dublin 9 with information including:

**Step 1:**

1. The name, address and date of birth of the beneficiary of disputed/potential beneficiary
2. A correspondence address
3. Details of the dispute, including the response they received at Stage 1 (or earlier)
4. A clear statement of the reasons why they are still aggrieved and the grounds on which the appeal is being continued to Stage 2. Provide detailed information, e.g. relevant dates, places and times.

The statement must be in writing and signed on or on behalf of the actual disputed/potential beneficiary. Copies of documents referred to, and evidence being relied upon e.g. contracts, scheme rules, statements, emails, letters, invoices and receipts should be included also.

**Step 2:**

1. The appeal documents will be submitted by DCU to the line department of the referring Minister (Minister of Further and Higher Education, Innovation & Science (DFHERIS)) specified in the scheme rules/governing legislation **within 2 weeks** of receiving the appellant’s appeal.
2. The line department (DFHERIS) will ensure it has all the necessary information, both from the appellant’s point of view and DCU’s point of view.
3. The line department (DFHERIS) will set out a factual description of the appellant’s case including relevant legislation/scheme rules so that the case can be adjudicated upon by the Minister for Per.
4. The line department (DFHERIS) will ensure the papers and signed checklist (as per Circular 16/2020) are submitted to DPER (and copied to appellant) **within 2 weeks** of receiving the papers from the public service body.
5. DCU will notify the appellant that they have **10 days** in which to forward comments to the Pensions Appeals Team in the Department of Further and Higher Education, Innovation & Science.
6. In the course of examining the appeal, the advice of an expert in the relevant area, such as a lawyer, actuary, pension consultant or accountant, who is not involved in the matter at issue, may be sought by the DFHERIS. If such is being sought, the DFHERIS Appeals Office will:
* Inform the parties of their intention to ask for expert advice;
* On receipt of the advice, inform the parties of the nature of the advice obtained, and
* Give the parties an opportunity to make submissions in regard to the advice.
1. A “notice of determination” will be given in writing to the appellant **within 3 months** from the date all particulars required to make the determination have been furnished. The notice of determination will include:
* a statement of determination;
* the reasons for the determination, and any finding of the fact that were material to the determination;
* a reference to such parts of any rules of the scheme relied upon and, where a discretion has been exercised, a reference to such part of the rules of the scheme by which such discretion is conferred;
* a reference to any legislation, legal precedent, ruling of other material relied upon; and
* a statement that the appellant should check whether the complaint of dispute is one in respect of which the Financial Service and Pensions Ombudsman (FSPO) has jurisdiction to investigate.

The determination will also be shared with the relevant line department who will forward to DCU with an instruction to make any necessary changes/revisions to the pension as result of the determination.



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