

# Internal Dispute Resolution (IDR) Procedure National University of Ireland, Maynooth (Closed) Pension Scheme 2009 ("the Scheme")

This document sets out the Pensions Administration Committee's procedure for internal dispute resolution of complaints or disputes in relation to the Scheme.

## Who can complain or ask for a dispute to be resolved?

- A member
- A beneficiary<sup>1</sup>
- A potential or disputed member/beneficiary<sup>2</sup>.

These people will be described as a "**Complainant**" in this document.

## Can someone apply on behalf of the Complainant?

Yes. An application can be made on behalf of a Complainant e.g. by his or her solicitor or trade union representative. It may be necessary to apply on behalf of a Complainant where the Complainant is a minor, or is incapable of acting for themselves, or where the appeal is to be made or continued after the Complainant dies.

## What complaint can a Complainant make?

A Complainant can apply to have any complaint or dispute in relation to the Scheme dealt with under the IDR Procedure.

## How is an appeal made?

There are two stages to the IDR process.

### **Stage 1:**

Before making a formal appeal, a Complainant should raise the matter with the University's Pension Liaison Office, Room 56, New House, South Campus, Maynooth University, Co Kildare or email [Mary.Kelly@mu.ie](mailto:Mary.Kelly@mu.ie). The Pension Liaison Office will aim to provide a written explanation of the decision within one week, although complex matters may take longer. This explanation will refer to the relevant Scheme rules and explain how and why they applied in the matter.

The Pension Liaison Office's written response will also notify the Complainant that if they are not satisfied with the explanation of the decision, they may appeal the matter as follows:

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<sup>1</sup> "Beneficiary" is defined on page 4 of the Scheme's explanatory booklet, 2021 edition.

<sup>2</sup> A potential member is a person who will be entitled to join the Scheme in the future. A potential beneficiary is a person who may be considered for receipt of a benefit from the Scheme on the death of a Scheme member. A disputed member is a person who has not been permitted to join the Scheme but believes they are entitled to do so. A disputed beneficiary is a person who has not been granted a benefit from the Scheme on the death of a Scheme member but believes they have a right to such benefit

## **Stage 2:**

The attached IDR Application Form must be completed in full, signed by or on behalf of the Complainant and sent by email to [Bursar@mu.ie](mailto:Bursar@mu.ie) or by post/by hand to

The Pensions Administration Committee  
National University of Ireland, Maynooth  
Riverstown Lodge  
Maynooth  
Co. Kildare

### **How will the matter be investigated?**

1. The Pensions Liaison Office will prepare a response to the matter raised in the IDR Application Form and will send this response to the Pensions Administration Committee within two weeks of their receiving the IDR Application Form and requesting such response from the Pensions Liaison Office.
  - a. If any other party(ies) played a role in the decision, eg payroll/pension administrator, all parties should be notified of the appeal by the Pensions Liaison Office. The submission to the Pensions Administration Committee from the Pensions Liaison Office will then include a statement from all such parties and any documentary evidence relied upon.
2. The Pensions Administration Committee will also send the papers (except for any legal advice which is subject to legal privilege) to the Complainant and will notify the Complainant that they have ten days to send any comments to the Pensions Administration Committee.
3. If the Pensions Administration Committee seeks expert advice, they will:
  - a. inform the Complainant and the Pensions Liaison Office of their intention to seek advice;
  - b. Tell the Complainant and the Pensions Liaison Office of the nature of the advice once received; and
  - c. Give the Complainant and the Pensions Liaison Office an opportunity to make submissions regarding the advice.The timeframe for issuing the determination pauses until the expert advice is received.

### **Will the Complainant be asked for further information?**

If the information in the IDR Application Form is incomplete or inadequate or if for whatever reason more information is required, the Complainant will be asked to supply further information and/or respond to certain questions.

### **How is the determination made?**

The determination will be made by the Pensions Administration Committee. Anybody involved in the original decision which is the subject of the appeal will recuse themselves from the determination. The determination may require input from expert advisor(s) appointed by the Pensions Administration Committee to assist in the determination process.

### **When will the determination be made?**

The determination will be made in writing, or by email, depending on how the appeal was submitted, as soon as practicable and in any event not later than three months after all relevant details were received by or on behalf of the Pensions Administration Committee.

### **What will be contained in the determination?**

The determination by the Pensions Administration Committee will contain the following:

- a statement of the determination;
- the reasons for the determination, and any findings of fact that are material to the determination;
- a reference to any legislation, legal precedent, ruling or other material relied upon;
- a reference to such parts of any rules of the Scheme relied upon and, where a discretion has been exercised, a reference to such parts of the rules of the Scheme 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 Complainant should check whether the complaint or dispute is one in respect of which the Financial Services and Pensions Ombudsman has jurisdiction to investigate under and that further information can be found on the website or, or by contacting the Office of the Financial Services and Pensions Ombudsman, Lincoln House, Lincoln Place, Dublin 2 ([www.fspo.ie](http://www.fspo.ie)).

### **Is the determination of the Pensions Administration Committee binding?**

No, it is not binding upon any person unless, upon or after making the determination, that person assents in writing to be bound by it.

### **Who is the Financial Services and Pensions Ombudsman?**

The Financial Services and Pensions Ombudsman is established by legislation to hear disputes or complaints regarding occupational pension schemes.

### **Is there an appeal to the Financial Services and Pensions Ombudsman?**

The Financial Services and Pensions Ombudsman will generally only investigate if the complaint or dispute has gone through the Internal Dispute Resolution procedure.

The Financial Services and Pensions Ombudsman can deal with a complaint where a Complainant alleges that (s)he has sustained financial loss occasioned by an act of maladministration done by or on behalf of the Scheme, or any dispute of fact or law that arises in relation to the conduct of the Scheme.

An appeal to the Financial Services and Pensions Ombudsman must be made within 6 years from the date of the conduct giving rise to the complaint, or, if later, 3 years from the earlier of the date on which the Complainant became aware of such conduct, or ought reasonably to have become aware. The time limit is frozen during the IDR process.

Can this Internal Dispute Resolution procedure be changed?

Yes The Pensions Administration Committee reserve the right at any time to amend the above procedures but any revised procedures will be in full conformity with any relevant legislation

***The Pensions Administration Committee hereby adopt the foregoing procedure as the Scheme's Internal Dispute Resolution Procedure.***

Signed Maureen Hobhan  
For and on behalf of the Pensions Administration Committee

Derek Gleason  
For and on behalf of the Pensions Administration Committee

Date 4/11/2021