



Pensions OMBUDSMAN

Fear an Phobail um Pinsin

Explanatory Notes on Completing the Complaint Form for Occupational Pension Schemes

We recommend that, before completing the form, you read the booklet

“What can the Pensions Ombudsman do for you?”

Section A1 The complaint form would normally be completed by the complainant, who can be a member, former member, widow or widower of the member, or an actual or potential beneficiary under the occupational pension scheme.

Section A2 Alternatively the complaint form could be completed by an “appropriate person”, who may be:-

- (a) A person nominated by the complainant to assist them with the complaint/dispute.
- (b) A representative of a complainant who is under age 18 or is incapable of acting for him/herself.
- (c) The legal personal representative or administrator of a deceased complainant's estate.

Sections B1 & B2

Generally, the Pensions Ombudsman cannot carry out an investigation if:

- (a) more than 6 years have passed since the date of the act or event giving rise to the complaint/dispute or
- (b) more than 3 years have passed since the complainant became aware **or should have been aware** of the act or event giving rise to the complaint/dispute.

The Pensions Ombudsman has discretion to consider a complaint/dispute outside these timeframes but cannot go back further than 13th April 1996.

The Pensions Ombudsman can carry out an investigation if the act or event that gave rise to the complaint/dispute took place between 13th April 1996 and 28th April 2003, even if more than 6 years have passed since the event.

- Section B3** The Pensions Ombudsman cannot investigate all types of pension complaints or disputes. He can investigate:
- (a) A complaint of financial loss due to maladministration under an occupational pension scheme.
 - (b) A dispute of fact or law in relation to an occupational pension scheme.
 - (c) He cannot investigate complaints or disputes relating to Social Welfare pensions,
 - (d) Personal Pension Plans, Approved Retirement Funds (ARFs) or Approved Minimum Retirement Funds (AMRFs)

Section C2 Under Part X1 of the Pensions Act 1990, the trustees of all occupational pension schemes must now operate an *Internal Disputes Resolution* procedure, whereby complaints/disputes from members can be referred to the trustees for their determination. The Pensions Ombudsman cannot, as a rule, investigate the complaint/dispute until the matter has been fully considered under that procedure. The trustees of the scheme have three months within which to consider a complaint/dispute and to issue a Notice of Determination of their decision. If the member is unhappy with the outcome of this procedure, the complaint/dispute can then be referred to the Pensions Ombudsman.

Section C4 A scheme being ‘wound up’ refers to the process of terminating a pension scheme and transferring all of the assets out of it. A scheme is not fully ‘wound up’ until there are no further assets under the control of its trustees.

Section C5 A ‘frozen’ scheme is one which has been closed to new members and into which no more contributions will be paid and no further benefits build up. Members are entitled to preserved benefits held in the scheme pending their retirement. This can also be referred to as a “paid up” scheme.

Additional Information

There is no charge for referring a complaint/dispute to the Pensions Ombudsman. If, however, you engage a professional person to make the complaint/dispute on your behalf, you must pay any fees charged by them. Any such fees will not be reimbursed by the Pensions Ombudsman regardless of the outcome of your complaint/dispute.

The complaint form should be completed as fully as possible.

If you require any assistance with the completion of the complaint form, the staff at the Office of the Pensions Ombudsman would be pleased to help. The contact details for the Office are:

Phone number: **01-6471650**

Email: **info@pensionsombudsman.ie**