

Colleges of Education Superannuation Scheme – Appeals Procedure (Internal Disputes Resolution)

The Colleges of Education Pension Scheme states

"If a person is aggrieved by failure to admit him to membership or by the failure or refusal of the College of Education to make an award under this Scheme or by the amount of any award made, he may appeal to the Minister who shall refer the dispute to the Minister for Finance whose decision shall be final.

An appeal against a failure to make an award must be made within eight months after the occasion in respect of which the award is claimed, and any other appeal must be made within six months after the decision to which it relates."

The procedure for the appeals process is as follows:

Application

An application shall be in writing, signed by or on behalf of the actual or potential beneficiary and shall contain the following details -

- (a) the full name, address and date of birth of the actual or potential beneficiary,
- (b) the address to be used for service of documents in connection with the application,
- (c) a statement concerning the nature of the complaint or dispute with sufficient details to show why the actual or potential beneficiary is aggrieved,
- (d) a statement confirming that all internal institutional review mechanisms have been exhausted,
- (e) a copy of correspondence between the appellant and the College of Education, and
- (f) such other information as the Ministers may reasonably require.

The Ministers reserve the right to contact the person's College of Education for other information which it feels necessary to consider for the appeal.

Determination

- (a) The Minister and the Minister for Public Expenditure and Reform shall make a determination in relation to an application and notify in writing the complainant of the determination within 3 months from the date on which all the details specified above are received.
- (b) The determination shall include -
 - (i) a statement of the determination,

- (ii) a reference to any legislation (other than the pension scheme), legal precedent, ruling of the Pensions Board, ruling or practice of the Revenue Commissioners or other material relied upon in making the determination,
 - (iii) a reference to the provisions of the pension scheme relied upon in making the determination and, where a discretion has been exercised, a reference to those of its provisions by which such discretion is conferred,
 - (iv) 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
 - (v) a statement that the applicant should establish whether or not the complaint or dispute is one in respect of which the Pensions Ombudsman has jurisdiction to investigate under section 131 of the Pensions Act 1990 (No. 25 of 1990) and that further information can be found in an information booklet available from the office of the Pensions Ombudsman, 4th Floor, Lincoln House, Lincoln Place, Dublin 2. Telephone (01) 6766002 or www.pensionsombudsman.ie
- (c) From the time a person commences the appeal process until a determination has issued, there should be no comment on the case other than confirmation that the complaint is being examined. This approach is necessary given the quasi-judicial process involved and applies to PQs, representations, FOI requests and similar requests.