

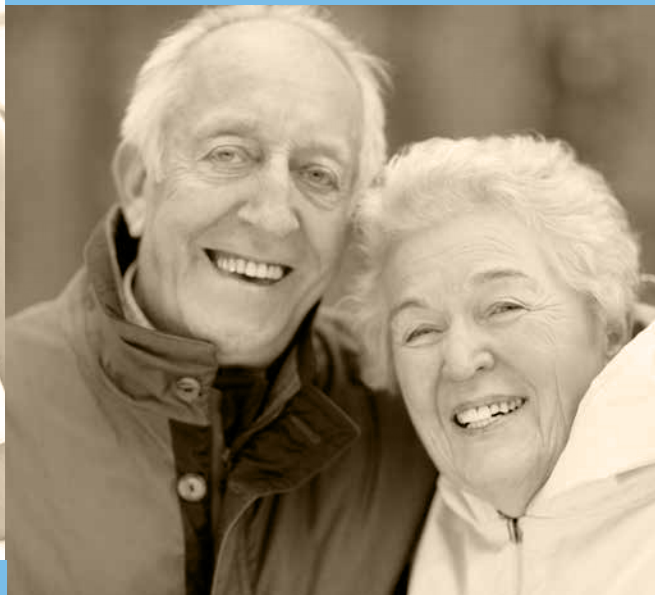


An tOmbudsman Pinsean  
Pensions Ombudsman

Annual Report

**2013**

Tuarascáil Bhliantúil



Paul Kenny  
An tOmbudsman Pinsean



## Maidir linn

Gníomhaireacht neamhspleách, neamhchlaonta is ea Oifig an Ombudsman Pinsean a bunaíodh i 2003 faoi Acht na bPinsean, 1990 agus leasuithe ina dhiaidh sin. Is é Paul Kenny an tOmbudsman Pinsean. Ceapadh é don ról i 2003 agus athcheapadh é i 2009 agus i 2013. Is é an ról atá ag an Oifig gearáin faoi phinsin neamh-Stáit a imscrúdú agus a réiteach.

Cabhraímid le saoránaigh agus le soláthraithe pinsean d'fhonn an chumarsáid eatarthu a dhéanamh níos soiléire agus déanaimid moltaí chun an bealach a riartar pinsean a fheabhsú. Cuirimid oscailteacht agus ardchaighdeán riartha pinsin chun cinn.

Tá sé d'údarás ag an Ombudsman Pinsean imscrúdú a dhéanamh ar ghearáin maidir le:

- Scéimeanna Pinsean Ceirde,
- Cuntais Choigiltis Scoir Phearsanta (CCSPanna), agus
- Conarthaí Blianachta Scoir Iontaobhais (CBSanna).

De ghnáth cuireann comhaltaí scéime pinsin gearán chugainn má chailleann siad airgead ar a bpinsin nó má chreideann siad go bhfuil míriarachán á dhéanamh ar an gciste pinsin ag na hiontaobhaithe nó ag na riarthóirí. Déanaimid iarracht réiteach a dhéanamh ar ghearáin go neamhchlaonta, go neamhfhoirmiúil agus go tapa. D'fhéadfadh sé go mbeadh achar ama níos faide de dhíth chun roinnt cásanna níos casta a réiteach. Murar féidir linn déileáil le gearán faoi leith, mínítear cén fáth agus moltar bealaí eile chun an t-ábhar a réiteach.

Ní ghearrtar aon táillí ar dhaoine a chuireann gearán nó ábhar aighnis faoi bhráid na hOifige.

Paul Kenny  
Pensions Ombudsman



## About us

The Office of the Pensions Ombudsman is an independent and impartial agency established in 2003 under the Pensions Act, 1990 and later amendments. The Pensions Ombudsman is Paul Kenny who was first appointed to the role in 2003 and reappointed in 2009 and in 2013. The role of the Office is to investigate and resolve complaints about non-State pensions.

We help citizens and pension providers to communicate clearly with each other and we make recommendations to improve the way pensions are administered. We promote openness and quality in the administration of pensions.

The Pensions Ombudsman has the authority to investigate complaints concerning:

- Occupational Pension Schemes,
- Personal Retirement Savings Accounts (PRSAs), and
- Trust Retirement Annuity Contracts (RACs).

Typically, pension scheme members make a complaint if they lose money on their pension or if they believe the pension fund is being mismanaged by the trustees or administrators. We try to resolve complaints impartially, informally and quickly. Some more complicated cases may take longer to resolve. If we can't deal with a particular complaint, we will explain why and try to suggest other ways of dealing with the matter.

We do not charge any fees to people who bring complaints or disputes before us.

## Ráiteas Misin

Is é ár misean imscrúdú a dhéanamh ar ghearáin agus ar dhíospóidí maidir le scéimeanna pinsin ceirde, Cuntais Choigiltis Scoir Phearsanta (Personal Retirement Savings Accounts nó PRSAanna) agus Conarthaí Blianachta Scoir (Retirement Annuity Contracts nó RACanna) lontaobhais a bhaineann le míriarachán agus le cailteanas airgeadais, agus cinneadh a dhéanamh ina leith.

Déanaimid an méid sin ar bhealach neamhspleách, neamhchlaonta, agus deonaímid sásamh nuair is cuí.

## Ár gcuid Luachanna

Bíonn ár gcuid oibre faoi threoir i gcónaí ag luachanna na seirbhíse poiblí. Tá sí mar aidhm againn:

- gníomhú ar shlí atá eiticiúil, cothrom agus neamhchlaonta;
- a bheith díograiseach, dian agus críochnúil maidir lenár gcuid imscrúduithe;
- feidhmiú de réir na gcaighdeán is airde maidir le héifeachtúlacht, le cuntasacht agus le héifeachtacht;
- a bheith oscailte agus freagrach, agus aithint gurb ann dúinn chun aghaidh a thabhairt ar na hábhair imní a bhíonn ag tairbhíthe agus tairbhíthe féideartha scéimeanna pinsin agus ag a gcleithiúnaithe, mar aon le ranníocóirí do PRSAanna agus RACanna lontaobhais;
- gníomhú go neamhspleách;
- meas a bheith againn ar an rúndacht;
- aithint go bhfuil an ceart céanna acu siúd a ndéantar gearán fúthu agus atá ag na daoine a rinne an gearán chun éisteacht chóir a thabhairt dóibh;
- an chomhpháirtíocht a chur chun cinn trí dhul i gcomhairle lenár bhfoireann agus lenár gcustaiméirí, idir ghearánaigh agus fhreagróirí, agus trí mheas a bheith againn orthu;
- measúnú leanúnach a dhéanamh ar ár gcórais, ár gcleachtais, ár struchtúir agus ár n-acmhainní lena chinntiú go gcuirimid an tseirbhís is fearr is féidir ar fáil dár gcustaiméirí;
- féachaint, trí chomhoibriú le gníomhaireachtaí eile, le feabhas a chur ar an tseirbhís a chuirimid ar fáil don phobal.



## Mission Statement

Our mission is to investigate and decide on complaints and disputes concerning occupational pension schemes, Personal Retirement Savings Accounts (PRSAs) and Trust RACs involving maladministration and financial loss.

We do this in an independent and impartial manner and we grant redress where appropriate.

## Our Values

Our work is guided at all times by public service values. We aim to:

- behave ethically, fairly and impartially;
- be diligent, rigorous and thorough in our investigations;
- operate to the highest standards of efficiency, accountability and effectiveness;
- be open, accountable and recognise that we are here to address the concerns of beneficiaries and potential beneficiaries of pension schemes and their dependants, together with contributors to PRSAs and Trust RACs;
- act independently;
- respect confidentiality;
- recognise that those complained about have as much right to a fair hearing as those who have complained;
- promote partnership by consultation with, and respect for, our staff and our customers – both complainants and respondents;
- continually assess our systems, practices, structures and resources to make sure we provide the best possible service to our customers;
- seek, through co-operation with other agencies, to enhance the service we provide to the public.

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Joan Burton Uasal, T.D.,  
An tAire Coimirce Sóisialaí  
Áras Mhic Dhiarmada  
Sráid an Stórais  
Baile Átha Cliath 1  
15 Aibreán 2014



An tOmbudsman Pinsean  
Pensions Ombudsman

An tAire Coimirce Sóisialaí

A Aire,

Is cúis áthais dom an Tuarascáil Bhliantúil agus na Cuntais don bhliain 2013 a chur faoi do bhráid. Lena linn sin, is mian liom buíochas a ghabháil leat as an tacaíocht leanúnach a thug tú do m'Óifig agus dom féin go pearsanta.

Ba mhaith liom mo bhuíochas as an tacaíocht agus as an gcúnamh a thug an Roinn Coimirce Sóisialaí agus a hoifigigh dom thar na blianta ó bunaíodh an Oifig sa bhliain 2003 a chur ar taifead. Is mian liom buíochas a ghabháil go háirithe leis na daoine san Aonad Polasaí maidir le Pinsin a mbíonn caidreamh leanúnach agam leo, agus leis na Rannóga maidir le hAcmhainní Daonna, Seirbhísí IS, Cuntas, agus Bainistíocht Áiseanna freisin. Is mór agam go háirithe an comhoibriú ón Rannóg Scóipe agus ó Rannóg na dTaifead i gcúrsa na hoibre ó lá go ló, agus tugtar an cabhair sin uile le meas iomlán do neamhspleáchas na hOifige.

Taifeadtar an buíochas atá ag gabháil le Tionscal na bPinsean níos leithne agus le daoine eile a chabhraigh linn in áit eile sa Tuarascáil seo.

Ba mhaith liom an deis seo a ghlacadh freisin chun buíochas a ghabháil le mo imscrúdaitheoirí féin agus leis an bhfoireann tacaíochta as a ndíograis, as an obair chrua, as a ndílseacht agus, thar aon rud eile, as an tsolúbthacht a chuir ar mo chumas an oiread sin a bhaint amach le hacmhainní teoranta. Dealraíonn sé gur dócha go ndéanfar cónascadh idir í agus Biúró an Ombudsman um Sheirbhísí Airgeadais cé nach bhfuil an t-amscála a theastóidh chun é sin a bhaint amach soiléir go fóill.

Mar a léiríonn na figiúirí sa tuarascáil seo, tá éileamh árd ar ár gcuid seirbhísí go fóill, ó thaobh uimhreacha agus ó thaobh éagsúlacht agus chastacht mhéadaitheach na bhfadhbanna atá le sárú ag baill scéimeanna pinsin. Mar sin, pé rud a bheidh scríofa ar an ainmchlár ar an doras, agus pé áit ina mbeidh an oifig lonnaithe, leanfar lenár gcuid oibre agus leanfaidh comhaltáí scéimeanna pinsin agus a dteaghlach ar aghaidh ag fáil sásaimh i cibé cás ina mbeidh an drochriarachán le sonrú. Tá sé ina aidhm againn leanúint ar aghaidh ag cur seirbhís ardchaighdeáin ar fáil sna blianta amach romhainn.

Beir beannacht,

**Paul Kenny**  
An tOmbudsman Pinsean

Ms Joan Burton TD  
Minister for Social Protection  
Áras Mhic Dhiarmada  
Store Street  
Dublin 1  
15 April 2014



An tOmbudsman Pinsean  
Pensions Ombudsman

To the Minister for Social Protection

A Aire,

I am pleased to present my Annual Report and Accounts for 2013. In doing so, I wish to thank you for the ongoing support that you have given to my Office and to me personally.

I would like to record my appreciation for the support and help given to me by the Department of Social Protection and its officials over the years since the Office was established in 2003. I wish to thank in particular the people in the Pensions Policy Unit, with whom I have ongoing contact, and also Human Resources, IS Services, Accounts and Facilities Management. The co-operation of Scope Section and Records Section in the course of our day-to-day work is particularly appreciated, and all of this help is given with complete respect for the independence of the Office.

My thanks to the wider Pensions Industry and others who have helped us are recorded elsewhere in this Report.

I would also take this opportunity to thank my own investigators and support staff for their diligence, hard work, loyalty and, above all, flexibility, which has enabled me to achieve so much with limited resources. The Government has decided that the amalgamation of this Office with the Financial Services Ombudsman's Bureau will take place, though the time-scale over which this can be achieved is not yet clear.

As the figures in this report demonstrate, there is a continued high demand for our services, both in terms of numbers and in the increasing variety and complexity of the problems facing pension scheme members. So, whatever the name-plate on the door may be, or regardless of where the office is located, our work will continue and pension scheme members and their families can continue to receive redress wherever maladministration may be manifest. We aim to continue to provide a quality service in the years ahead.

Beir beannacht,

**Paul Kenny**  
Pensions Ombudsman

# Réamhrá an Stiúrthóra

Bhí 2013 ina bhliain ghnóthach eile d'Oifig an Ombudsman Pinsean. Leanann an Oifig ag déanamh dul chun cinn suntasach i ndáil le deacrachtaí pinsin a réiteach ar bhealach neamhspleách, neamhfhoirmiúil. Bunaíodh an Oifig faoi Chuid XI d'Acht na bPinsean, 1990 (a cuireadh isteach le hAcht na bPinsean (Leasú), 2002). Ceapadh an chéad Ombudsman Pinsean in Éirinn, Paul Kenny, ar an 28 Aibreán 2003.

Dhíríomar ár gcuid oibre i 2013 ar chásanna ní ba shine a réiteach agus fad ama na n-imscrúduithe a ghiorrú. Ar an drochuair, chaill an Oifig beirt bhall foirne thábhachtacha le linn 2013 – imscrúdaitheoir, Ciaran Creagh, agus ár n-oifigeach tacaíochta imscrúduithe, Michelle O'Keefe. Níor líonadh na folúntais sin, rud a d'fhág gur cuireadh brú mór ar na baill foirne a bhí fágtha. Táimid tar éis leanúint lenár n-iarrachtaí cásanna a réiteach ar bhonn idirghabhála, trí úsáid a bhaint as na Teicnící um Réiteach Malartach Aighnis. Go deimhin, d'fhoilsigh an Oifig leabhar ar an ábhar sin i 2013. Rinneamar an foilseachán sin a dháileadh go forleathan ar institiúidí tríú leibhéal, ar scoileanna dara leibhéal, ar leabharlanna poiblí agus ar oifigí eolais do shaoránaigh. Mar sin féin, tá an méid dlíthíochta méadaithe agus tá méadú tagtha ar líon na gcásanna achomhairc a bhfuil baint ag an Oifig leo. Cé nach í an Oifig seo a thionscnaíonn na cásanna cúirte sin, déanaimid iad a chosaint go bríomhar. Is é fírinne an scéil go bhfuil costais dlí ina ndíscúis síoraí ar acmhainní na hOifige. Bunaíodh painéal nua cleachtóirí dlí i 2013, rud a d'éascaigh spáráil shuntasach airgid i ndáil le soláthar seirbhísí dlí.

Thar na deich mbliana ina bhfuil sí ar an bhfód, fuair Oifig an Ombudsman Pinsean thart ar 12,000 ceist agus d'oscail sí breis is 5,500 comhad gearán mionsonraithe i ndáil le cúrsaí pinsin ceirde. Cé go bhfuil dul

chun cinn suntasach déanta maidir le réitigh thráthúla, ar chostas íseal, a sholáthar i leith gearán faoi phinsin, is gá dúinn fós an fad ama a thógtar chun cásanna a réiteach a laghdú tuilleadh. D'fhonn dul i ngleic leis an méadú leanúnach ar líon na gcásanna nua arna bhfáil, rinneamar uasghrádú ar an gcóras faisnéis bhainistíochta chun an fheidhmíocht imscrúduithe agus an fheidhmiúlacht a fheabhsú. Rinneamar athstruchtúrú ar ár gcuid foirne, inar dhíríomar ar speisialtóireacht agus réimsí saineolais a neartú. Tríd an scéim JobBridge, an gclár meantóireachta 'Toilteanach agus In Ann' agus intéirneach ó Scoil Riaracháin Phoiblí na Polainne, thugamar céimithe óga agus dlíodóirí faoi oiliúint isteach go dtí an Oifig chun tacaíocht bhreise um imscrúduithe a sholáthar. Bealach solúbtha, éifeachtúil is ea é sin chun líon méadaitheach na gcásanna a bhainistiú. Mar thoradh air sin, dhúnamar 655 cás i 2013 agus laghdaíomar líon na gcásanna idir lámha ag deireadh na bliana go dtí 222 i 2013. Is ionann é sin agus laghdú 40%, ó 369 i 2012. Aithníonn muid nach bhféadfaí seo a bhaint amach gan tiomantas ár n-imscrúdaitheoirí, a ghníomhaigh mar mhaoir agus mar mheantóirí ag an fhoireann sealadach, agus ag an am céanna, ag bainistiú ualaí troma oibre s'acu féin. Bhronn an chomhairle, an tacaíocht agus an oiliúint a thug siad leasa móra ar na daoine faoi oiliúint iad féin agus ar an Oifig.

Ba mhaith liom moladh a thabhairt do thiomantas agus do dhíograis na n-imscrúdaitheoirí agus na foirne ar fad.

Go raibh maith agat as ár dTuarascáil Bhliantúil a léamh.

**John O'Toole**  
*Stiúrthóir*

Oifig an Ombudsman Pinsean



## Director's introduction

2013 was another busy year for the Office of the Pensions Ombudsman. The Office continues to make significant progress in solving pension difficulties in an independent and informal manner. The Office was established under Part XI of the Pensions Act 1990 (inserted by the Pensions (Amendment) Act 2002). Ireland's first Pensions Ombudsman, Paul Kenny was appointed on 28 April 2003.

The emphasis on our work in 2013 was on resolving older cases and shortening the duration of investigations. Unfortunately, the Office lost two key staff members during 2013 – an investigator, Ciaran Creagh, and our investigations support officer, Michelle O'Keeffe. These vacancies were not filled which put considerable pressure on the remaining team members. We have continued our efforts to resolve cases on a mediated basis using the Alternative Dispute Resolution Techniques. Indeed, the Office published a book on this topic during 2013. We distributed this publication widely to third-level institutions, second-level schools, public libraries and citizens' information offices. However, the amount of litigation has increased with a rise in the number of appeal cases in which the Office is involved. These court cases, although not initiated by this Office, are vigorously defended by us. The reality is that legal costs are a large drain on the resources of the Office. A new panel of legal practitioners was set up in 2013 which facilitated significant savings in the procurement of legal services.

Over the ten years of its existence, the Office of the Pensions Ombudsman has received around 12,000 queries and opened over 5,500 detailed complaint files in relation to occupational pension matters.

While significant progress has been made in providing timely, low-cost solutions to pension complaints, we still need to reduce further the length of time taken to resolve cases. In order to tackle the continuing increase in new cases received, we have upgraded our management information systems to enhance investigation performance and functionality. We have restructured our teams, focusing on strengthening specialisation and areas of expertise. Through the JobBridge scheme, the Willing and Able Mentoring programme and an intern from the Polish School of Public Administration, we have brought young graduates and trainee lawyers into the Office to provide additional investigation support. This is a flexible and efficient way of managing the growing caseload. As a result, we closed 655 cases in 2013 and reduced the number of cases on hand at end of year to 222 in 2013. This is a 40% reduction from 369 in 2012. We recognise that this could not have been achieved without the commitment of our Investigators, who acted as supervisors and mentors to the temporary staff, while, at the same time, managing their own heavy workloads. The advice, support and training they gave conferred great benefits on the trainees themselves and on the Office.

I would like to commend the commitment and dedication of the investigators and the entire team.

Thank you for reading our Annual Report.

**John O'Toole**

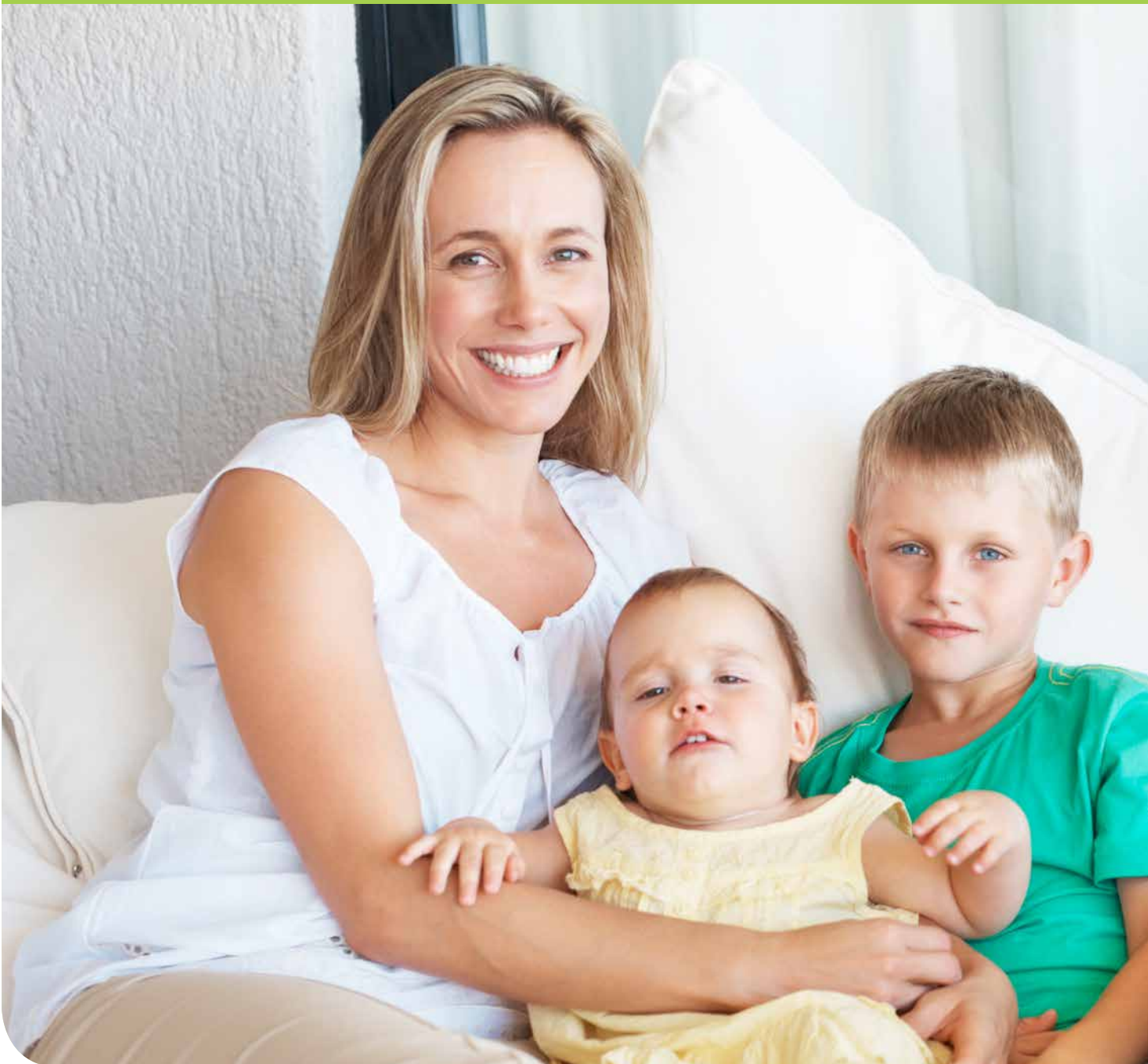
*Director*

Office of the Pensions Ombudsman

1

What we did in 2013

A ndearnamar i 2013





### Bainistíocht cáis

Fuair Oifig an Ombudsman Pinsean 1,884 fiosrúchán nua i 2013. B'ionann sin agus laghdú 14% ar fhigiúr 2,189 na bliana 2012.

Dhéileáil an Oifig le 1,498 fiosrú ar an teileafón i rith na bliana, arb ionann é freisin agus laghdú 14% ar an 1,705 cás i 2012.

Le linn 2013, d'oscail an Oifig 463 comhad nua mionsonraithe maidir le himscrúduithe ar ghearáin, tar éis athbhreithniú tosaigh ar gach cás nua a tugadh chugainn. B'ionann sin agus laghdú 23% ar an 601 comhad i 2012. Chuireamar 655 cás i gcrích le linn 2013 i gcomparáid le 677 cás i 2012, ar laghdú 3% é ar líon na gcásanna mionsonraithe a cuireadh i gcrích.

Toradh den scoth is ea é sin, agus é san áireamh gur fágadh dhá fholúntas lárnacha foirne - an dá phost bainteach go díreach le réimse na himscrúdaithe - gan líonadh i 2013. Chun an dúshlán sin a sháru, tá iarracht déanta againn ár n-imscrúduithe a shruthlíniú agus athrú a dhéanamh ar an mbealach a mbímid ag obair, ionas gur féidir linn freastal ar an éileamh méadaithe gan dochar do chaighdeán ár seirbhíse don phobal.

Caithfidh mé aitheantas a thabhairt arís do thiomantas agus ghairmiúlacht na mball foirne ar fad san Oifig. Cuireann na baill foirne seirbhís den scoth ar fáil agus cinntíonn siad go ndéileáiltear le héilimh go tapa agus go héifeachtach. Míníonn siad cásanna casta trí mheascán de chabhair agus de chomhairle le linn an phróisis gearáin.

Ag tús na bliana 2013 bhí 369 comhad gearán ar oscailt san Oifig agus chríochnaíomar an bhliain le 222 ar láimh. Is ionann sin agus laghdú 40%. Tá anailís mhionsonraithe ar líon na gcásanna agus ar an mbainistíocht cásanna i Rannán 2.

Mar sin féin, táim fós buartha faoin bhfad ama a thógann sé gearán a phróiseáil. Is casta iad na cineálacha gearán a mbímid ag déileáil leo agus éilítear leo malartuithe eolais agus soiléiriú doiciméadúcháin a thógann a lán ama. I 2013, thóg sé 113 seachtain ar an meán imscrúdú mionsonraithe a chur i gcrích (mar an gcéanna le figiúr na bliana 2011). Is fearr é sin ná an meánthréimhse 127 seachtain i 2012 ach is ábhar imní nach beag é mar sin féin. Ar an drochuair, tá sé go pointe áirithe ina thoradh díreach ar an lánchosc earcaíochta, rud nach bhfuil aon smacht againn air. Is fíor go bhfuil muid ag brath ar fhreagraí prasa iomlána ó fhreagróirí agus ó ghearánaigh ar ár bhfiosrúcháin. I dtaca le sin, tá codanna den tSeirbhís Phoiblí atá níos lú ná pras ag deileáil le ceisteanna a thógann muid leo.

### Córas Bainistithe Cáis

Trí fheabhsúcháin a rinneadh ar an gcóras bainistithe cáis, cuireadh ar ár gcumas cásanna a phróiseáil go héifeachtach agus eolas cruinn a thabhairt do ghlaiteoirí faoin gcaoi a bhfuil a gcuid gearán ag dul chun cinn. Soláthraíonn an córas bainistithe cáis staitisticí an-chruinn dúinn chomh maith, trína gcuirtear lenár n-éifeachtacht fhoriomlán.

### Cásanna a ndearnadh Cinneadh Críochnaitheach ina leith nó a socraíodh trí Idirghabháil

I 2013, eisíodh 67 Cinneadh Críochnaitheach faoi Alt 139 d'Acht na bPinsean, 1990 (arna leasú). B'ionann sin agus méadú 16% ar na 58 Cinneadh Críochnaitheach a eisíodh i 2012.

As na 67 Cinneadh Críochnaitheach a eisíodh, seasadh le 55% de na gearáin. Cuirtear anailís níos mionsonraithe ar na cásanna sin i láthair i Rannán 2. Bhí 330 cás i gceist inar tugadh 'tuarascáil agus treoir'. Is



# 1

## What we did in 2013

### Case management

The Office of the Pensions Ombudsman received 1,884 new enquiries during 2013. This represented a reduction of 14% from the 2012 figure of 2,189.

The Office dealt with 1,498 telephone enquiries during the year, also representing a 14% reduction from the 1,705 in 2012.

During 2013, the Office opened 463 new detailed investigation complaint files after an initial review of all new cases brought to us. This was a reduction of 23% on the 601 in 2012. We completed 655 cases during 2013 compared with 677 cases in 2012, which is a reduction of 3% on detailed cases completed.

This is an excellent result given that two key staff vacancies - both directly involved in the area of investigations - were left unfilled during 2013. To overcome this challenge, we have tried to streamline our investigations and change the way we work, so that we can meet the increased demand without losing the quality of our service to the public.

I must again acknowledge the commitment and professionalism of the entire team in the Office. The staff provide an excellent service and make sure that claims are dealt with quickly and efficiently. They explain complicated cases through a combination of help and advice during the complaint process.

The Office came into 2013 with 369 complaint files open and we ended the year with 222 on hand. This is a 40% reduction. A detailed analysis of caseload and case management is dealt with in Section 2.

However, I continue to be concerned about the length of time it takes to process a complaint. The types of complaint we deal with are complex and involve time-consuming exchanges of information and clarification of documentation. In 2013, the average time taken to complete a detailed investigation was 113 weeks (the same as 2011). This is an improvement on the 127 weeks in 2012 but it is still extremely concerning. Unfortunately, it is partly a direct result of the recruitment freeze, over which we have no control. It is also the case that we are dependent on prompt and complete replies to our queries from respondents and also from complainants. In that regard, some elements of the Public Service are less than prompt in dealing with issues which we raise with them.

### Case management system

Improvements to the case management system have helped us to process cases efficiently and to give callers accurate information about how their complaint is progressing. The case management system also provides us with highly accurate statistics which help our overall efficiency.

### Cases brought to Final Determination or settled by Mediation

During 2013, 67 Final Determinations were issued under Section 139 of the Pensions Act, 1990 (as amended). This was an increase of 16% over the 58 Final Determinations issued in 2012.

Of the 67 Final Determinations issued, 55% of the complaints were upheld. A more detailed analysis of these cases is presented

ionann cásanna ‘tuarascáil agus treoir’ agus iad siúd is féidir a réiteach gan tabhairt faoi imscrúdú iomlán.

I rith na bliana, socraíodh 82 cás trí idirghabháil. Astu sin, socraíodh 90% i bhfabhar an ghearánaí. Is fearr é sin ná figiúr na bliana 2012, nuair a réitíodh 84% de na cásanna le sochar éigin don ghearánaí.

Baineadh an céatadán níos airde de thorthaí dearfacha amach trí idirghabháil mar gheall gur minic a bhíonn an idirghabháil ina rogha níos solúbtha, i measc cúiseanna eile. I gcás Cinneadh Críochnaitheach, mar shampla, ní féidir liom ordú a thabhairt faoi athrú rialach ná cumhacht lánroghnach de chuid na n-iontaobhaithe a sháru. Tá Cinneadh Críochnaitheach ceangailteach freisin ar na páirtithe uile, faoi réir achomhairc chun na hArd-Chúirte, agus bíonn na dámhachtainí airgeadais is féidir liom a dhéanamh teoranta don chaillteanas sochar scéime. Ní féidir liom caiteachas a thabhaítear agus an cás á chur i láthair a chur san áireamh, ná cúiteamh a dhámhachtain ar strus nó ar imní. Ar an láimh eile, ceadaíonn an idirghabháil níos mó solúbthachta agus is minic a gcuirtear réiteach ar fáil léi nach bhféadfaí a bhaint amach trí Chinneadh Críochnaitheach. Molaim toil tionscal na bpinsean go ginearálta as a bheith rannpháirteach sa phróiseas seo.

Uaireanta, agus cásanna ag dul ar aghaidh chuig Cinneadh Críochnaitheach, eisím Réamhfhógra Cinnidh. Leagtar amach ansin na príomhfhiricí a bunaíodh le linn an imscrúdaithe agus léirítear freisin cad é an toradh dóchúil. Leis sin, tugtar an deis don dá pháirtí athbhreithniú a dhéanamh ar thuarascáil an imscrúdaithe, trácht a dhéanamh uirthi, agus aon fhianaise bhreise a chur i láthair sula ndéanfaidh mé mo Chinneadh Críochnaitheach. Is maith mar a fheidhmíonn an próiseas de ghnáth,

ach glactar a lán ama leis. Mar sin féin, ní úsáidtear an cur chuige sin ach amháin nuair a mheasaim go bhféadfadh sé mo thuairim a athrú trí fhianaise nua a thabhairt chun solais. Seachas sin, nuair a bhíonn firicí an cháis soiléir, téim díreach chuig Cinneadh Críochnaitheach.

### Eolas a thabhairt

Caitheann m’fhoireann go leor ama ag déileáil le ceisteanna ón bpobal. Is minic go leor nach mbíonn daoine a bhfuil fadhbanna pinsin acu cinnte cén áit le dul lena gcuid gearán. Táimid in ann comhairle shaineolach a thabhairt agus, más rud é nach bhfuil an Oifig in ann plé leis an ngearán áirithe atá ag duine, déanaimid ár ndícheall an duine sin a threorú chuig gníomhaireacht eile a bheidh in ann cabhrú leis nó léi.

Ina theannta sin, tá nasc ríomhphoist ar an suíomh gréasáin againn ionas gur féidir le daoine ríomhphost a sheoladh chugainn lena gcuid ceisteanna agus a gcuid ábhar cúraim. Tugaimid faoi deara, áfach, gur fearr le daoine a gcuid ceisteanna a phlé ar an teileafón. Fiú amháin iad siúd a bhaineann úsáid as an gcóras ríomhphoist, is minic a chuireann siad glao teileafóin orainn ina dhiaidh sin. I 2013, cuireadh 1,498 glao ar phríomhuimhir na hOifige, líon atá fós an-ard.

Tá ár gcuid foirmeacha gearáin agus ár gcuid leabhrán eolais ar fáil i mBéarla agus i nGaeilge araon. Chomh maith leis sin, tá eolas ar ár seirbhísí i bhFraincis, i Spáinnis agus i bPolainnis ar an suíomh Gréasáin atá againn. Tá eolas curtha ar fáil againn i mBraille freisin.

Tá áthas orm go ndearna NALA (National Adult Literacy Agency nó an Áisíneacht Náisiúnta Litearthachta d’Aosaigh) ár leabhrán eolais, ár leabhrán um Réiteach Malartach Aighnis agus an Tuarascáil

# 1

## What we did in 2013 (continued)

in Section 2. There were 330 cases where a 'report and guidance' was given. 'Report and guidance' cases are those that can be resolved without the need to go into a full investigation.

During the year, 82 cases were settled by mediation. Of these, 90% were settled in favour of the complainant. This is an increase on 2012, when 84% of cases were settled with some benefit to the complainant.

The higher percentage of positive outcomes achieved through mediation can be partly explained by the fact that mediation can very often be a more flexible option. For example, in a Final Determination, I cannot direct a rule change or override a discretionary power of the trustees. A Final Determination is also binding on all parties, subject to appeal to the High Court, and the financial awards that I can make are limited to the loss of scheme benefit. I cannot take account of expenses incurred in presenting the case, or award compensation for stress or worry. Mediation, on the other hand, allows for more flexibility and can very often provide a solution that could not be arrived at by a Final Determination. I commend the willingness of the pensions industry in general to participate in this process.

Sometimes, when cases are proceeding to a Final Determination, I issue a Preliminary Notice of Determination. This sets out the main facts established during the investigation and also indicates what the likely outcome will be. This gives both parties a chance to review and comment on the investigation report and to present any further evidence before I make my Final

Determination. The process generally works well but is time consuming. However, this approach is taken only when I consider it possible that it might alter my view of a case by bringing new evidence to light. Otherwise, when the facts of the case are clear, I move directly to a Final Determination.

### Giving information

My staff spend a lot of time dealing with queries from members of the public. Quite often, people with pension problems are not sure where to go with their complaint. We are able to give expert advice and, if our Office is not able to take their particular complaint on board, we do our best to direct them to another agency that can help them.

We also provide an email link on our website for people to mail us with their queries and concerns. We find, however, that people prefer to discuss their query over the phone. Even those who use the email system often follow up with a phone call. In 2013, the volume of calls to the main Office number continues to be very high at 1,498.

Our complaint forms and information booklets are available in both English and Irish. Also, our website has information on our services in French, Spanish and Polish. We have made information available in Braille also.

I am pleased that NALA (National Adult Literacy Agency) considered our information booklet, our Alternative Dispute Resolution booklet and this Annual Report for 2013 and awarded them the Plain English Mark.



Bhliantúil seo don bhliain 2013 a mheas agus gur bhronnadar an Comhartha um Béarla Soiléir orthu. Ábhar is ea pinsin atá thar a bheith casta agus teicniúil, agus is ríthábhachtach, dá bhrí sin, go mbeadh an t-eolas leagtha amach go soiléir.

### Feasacht an phobail a mhéadú

Is féidir le fadhbanna nó díospóidí cur as go mór don duine aonair príobháideach, go háirithe nuair a thagann na fadhbanna sin chun cinn gar don scor nó tar éis an scoir. Tá ról ríthábhachtach ag an Oifig maidir le himscrúdú a dhéanamh ar ghearáin agus ar dhíospóidí arna dtionscnamh ag saoránaigh phríobháideacha. Dá bhrí sin, bíonn sé i gcónaí ina thosaíocht againn cinnte a dhéanamh de go bhfuil a fhios ag daoine faoin Oifig agus faoin obair a dhéanaimid.

Leanaimid de bheith ag cur na hOifige chun cinn go gníomhach ar shlíte éagsúla:

- Cuirimid seisiúin eolais i láthair do ghrúpaí éagsúla ar fud na tíre; déanaimid agallaimh leis na meáin agus eisímid preasráitis.
- Freastalaímid ar mhór-imeachtaí tomhaltóirí.
- Tugaimid faoi fheachtais spriocdhírthe mhargaíochta.

- Foilsímid treoracha agus leabhráin eolais úsáideacha.

Foilseachán dá leithéid sin le déanaí is ea an leabhrán dár gcuid, 'Alternative Dispute Resolution: Settling your Dispute out of Court' [Réiteach Malartach Aighnis: do Aighneas a Réiteach lasmuigh den Chúirt]. Sheol an tAire Coimirce Sóisialaí, Joan Burton TD, an leabhrán sin i 2013 agus leagtar amach ann roinnt bealaí éagsúla chun díospóidí a réiteach gan dul chun na cúirte. Cuimsítear ann eolas ar idirbheartaíocht dhíreach, idirghabháil, agus réiteach agus eadráin, chomh maith le liosta d'fheidhmeanna na scéimeanna éagsúla Ombudsman a bhfuil fáil orthu in Éirinn. Dáileadh an foilseachán go forleathan ar fud na tíre, i measc faighteoirí lena n-áirítear leabharlanna, seirbhísí eolais do shaoránaigh, boird chúnamh dhlíthiúil, institiúidí tríú leibhéal, meánscoileanna agus ionaid eadrána teaghlach.

Tá ár suíomh gréasáin, [www.pensionsombudsman.ie](http://www.pensionsombudsman.ie), ina fhoinse thábhachtach eile eolais agus ina mhodh cumarsáide. Tá físeán eolais (i mBéarla agus i nGaeilge) ar an suíomh gréasáin faoi na seirbhísí a sholáthraíonn an Oifig. Pléann m'fhoireann le ceisteanna a fhaightear ar an ríomhphost trí fhreagra díreach a thabhairt ar an gceist nó trí fhoirm ghearáin a chur



Pensions are an extremely complex and technical area and it is crucial, therefore, that information is set out clearly.

### **Increasing public awareness**

Problems or disputes can be quite distressing for the private individual, particularly when these problems occur close to or after retirement. This Office has a vital role to play in investigating complaints and disputes brought by private citizens. Therefore, making sure that people know about our Office and know what we do remains a priority.

We continue to actively promote the Office in a number of ways:

- We present information sessions to various groups throughout the country; we give media interviews and issue press releases.
- We attend major consumer events.
- We undertake targeted marketing campaigns.
- We publish useful information guides and booklets.

One such recent publication is our booklet 'Alternative Dispute Resolution: Settling your Dispute out of Court'. This booklet was launched by the Minister for Social Protection, Joan Burton TD in 2013 and sets out a number of different ways of settling disputes without going to court. It includes information on direct negotiation, mediation, conciliation and arbitration, as well as listing the functions of the various Ombudsman schemes available in Ireland. The publication has been widely distributed throughout the country, with recipients including libraries, citizens' information services, legal aid boards, third level institutions, secondary schools and family mediation centres.

Our website, [www.pensionsombudsman.ie](http://www.pensionsombudsman.ie), is another important source of information and means of communication. The website includes an information video (in English and Irish) on the services provided by the Office. Queries received by email are followed up by my staff either with a direct answer to the query or by posting out a complaint form to begin the process of an investigation by my Office.

ar an bpost chun tús a chur le próiseas imscrúdaithe a mbeidh m'Oifig ina bhun.

Tá an suíomh gréasáin ina fhoinsé thábhachtach eolais faoinár gcuid seirbhísí, ós rud é go dtugann a lán daoine cuairt ar an suíomh sula ndéanann siad teagmháil leis an Oifig. Bhí 195,000 cuairt agus 1.7 milliún amas ar an suíomh gréasáin i 2013, líon arb ionann é agus méadú 31% ar thrácht na bliana 2012. Tá preasráitis, tuarascálacha bliantúla, ráitis straitéise, leabhráin eolais agus foirmeacha gearáin ar fáil ar an suíomh gréasáin freisin, ar féidir iad go léir a íoslódáil.

Níl le déanamh ach féachaint ar an méadú mór atá tagtha ar líon na ngearán le blianta beaga anuas leis an mbarúil a bheith ag duine go bhfuil ag éirí leis an Oifig an fheasacht ar ár seirbhísí a mhéadú. Is tábhachtach an rud é, dá bhrí sin, go leanfaimid orainn ag tapú cibé deiseanna is féidir linn chun feidhmeanna na hOifige seo a chur chun cinn.

Tá leagan Gaeilge den suíomh gréasáin ann freisin. Cuirimid fáilte roimh fhiosruithe agus chomhfhreagras i nGaeilge. Tá eolas ar fáil i bhFraincis, i Spáinnis agus i bPolainnis chomh maith.

Ina theannta sin, táimid tar éis athscríobh agus athdhearadh iomlán a dhéanamh ar an eolas agus an ábhar bolscaireachta ar fad atá againn, i mBéarla agus i nGaeilge araon, ionas go mbeidh sé níos éasca do dhaoine an t-eolas a fháil agus a gcuid gearán a leagan amach go soiléir.

Glacaimid cur chuige réamhghníomhach maidir le hobair na hOifige a choimeád i súile an phobail trí ailt a chur ar fáil i bhfoilseacháin éagsúla phinsin agus in irisí eile. Leanaimid ag cur fógraí i roinnt foilseachán chun cur le feasacht an phobail ar an obair a dhéanaimid.

Tá sonraí maidir leis an Oifig san áireamh i mbliainiris an Fhorais Riaracháin (Institute of Public Administration nó an IPA), i mbliainiris Chumann Chistí Pinsin na hÉireann (Irish Association of Pension Funds nó an IAPF) agus i mbliainiris an Gharda Síochána. Chuireamar cainteanna i láthair do chearchumann, chomhlachtaí gairmiúla agus do chomhlachtaí ionadaíochta éagsúla, lena n-áirítear an IAPF, Cumann na nDlíodóirí Pinsin in Éirinn, Cumann Dlí Teaghlaigh na hÉireann, Institiúid Bhainistíocht Pinsin na hÉireann, Institiúid Árachais na hÉireann, an Cumann Árachais Saoil, Cumann na nOifigeach Comhlíontacháin, Dlí-Chumann na hÉireann agus Parlaimint na Seanóirí.

Leanaimid de bheith ag déanamh caidrimh laistigh de thionscal na bpinsean agus d'fhreastalaíomar ar roinnt cúrsaí oiliúna a chuir an tionscal ar fáil i rith na bliana. Tá dhá chuspóir i gceist leis an bhfreastal ar na cúrsaí sin – oiliúint foirne agus poiblíocht a dhéanamh ar ról na hOifige.

### Teagmhálacha le heagraíochtaí náisiúnta agus idirnáisiúnta

Chomh maith leis na teagmhálacha atá luaite thuas, leanaimid ar aghaidh ag forbairt ár gcuidrimh oibre le go leor eagraíochtaí agus cumainn eile. Ina measc siúd, tá:

- Oifig an Ombudsman
- An tOmbudsman um Sheirbhísí Airgeadais\*
- Banc Ceannais na hÉireann
- An Stiúrthóir um Fhorfheidhmiú Corparáideach
- Stiúrthóireacht Tomhaltóirí an Rialóra Airgeadais
- An Roinn Coimirce Sóisialaí
- An Oifig um Chlárú Cuideachtaí
- Oifig na gCoimisinéirí Ioncaim\*
- An tÚdarás Pinsean\*

# 1

## What we did in 2013 (continued)

The website is an important source of information about our services as many people visit the site before contacting the Office. There were 195,000 visits and 1.7 million hits to the website in 2013, which is an increase of 31% on traffic in 2012. The website also carries press releases, annual reports, statements of strategy, information booklets and complaint forms, all of which can be downloaded.

Simply looking at the dramatic increase in complaints over the last few years suggests that the Office has been successful in increasing awareness of our services. It is, therefore, important that we continue to take whatever opportunities we can to promote the functions of this Office.

Tá leagan Gaeilge den suíomh gréasáin ann freisin. We welcome queries and correspondence in Irish (as Gaeilge). In addition, there is information available in French, Spanish and Polish.

We have also completely rewritten and redesigned all our information and promotional material in English and Irish to make it easier for people to access and to set out their complaints clearly.

We take a proactive approach to keeping the work of the Office in the public eye by placing articles in various pension publications and other journals. We continue to advertise in several publications to build public awareness of the work we do.

Details about the Office are included in the yearbooks of the Institute of Public Administration (IPA), the Irish Association of Pension Funds (IAPF) and An Garda Síochána. We have given talks to various

Trade Unions, to professional and representative bodies, including the IAPF, the Association of Pensions Lawyers in Ireland, the Irish Family Law Association, the Irish Institute of Pensions Management, the Insurance Institute of Ireland, the Life Insurance Association, the Association of Compliance Officers in Ireland, the Law Society and the Senior Citizens' Parliament.

We continue to build relationships within the pensions industry and we attended a number of training courses during the year provided by the industry. Attendance at these courses serves two purposes – staff training and to publicising the role of the Office.

### **Contacts with national and international organisations**

As well as the contacts mentioned above, we continue to develop our working relationships with many other organisations and associations. These include:

- Office of the Ombudsman
- Financial Services Ombudsman\*
- Central Bank of Ireland
- Director of Corporate Enforcement
- Consumer Directorate of the Financial Regulator
- Department of Social Protection
- Companies Registration Office
- Office of the Revenue Commissioners\*
- the Pensions Authority\*
- the UK Pensions Ombudsman\*

- An tOmbudsman Pinsin sa Ríocht Aontaithe\*
- An Foras Bainistíochta Pinsean agus
- Oifig an Stiúirthóra um Fhorfheidhmiú Corparáideach\*
- Fóram an Ombudsman.

\* Tá Meabhráin Chomhlachais i bhfeidhm sna heagraíochtaí seo.

Ba mhaith liom buíochas a ghabháil leis na heagraíochtaí sin as a gcomhoibriú leanúnach linn, comhoibriú atá thar a bheith luachmhar ó thaobh cúnamh a thabhairt dúinn go leor de na gearáin a fhaighimid a réiteach.

Go luath i mí na Nollag, bhí áthas orm bheith sa chathaoir don chéad chruinniú d'Fhóram Ombudsman na hÉireann, a bhí ar siúl san Fhoras Riaracháin i mBaile Átha Cliath. Is é príomhchuspóir an Fhórait comhroinnt agus iniúchadh a dhéanamh ar réitigh chomhpháirteacha maidir le dúshlán choitianta a bhíonn le sárú ag na hOifigí Ombudsman in Éirinn.

Táimid i dteagmháil rialta le roinnt ceardchumann. Bímid i dteagmháil chomh maith le Scéim Pinsin na nOibrithe Tógála. Ina theannta sin, táim i mo bhall den Chumann Ombudsman, ar tugadh Cumann Ombudsman na Breataine agus na hÉireann air roimhe seo. Bíonn m'fhoireann rannpháirteach go hiomlán ina chuid oibre agus suíonn siad ar na grúpaí éagsúla a phléann le gnéithe éagsúla d'obair Ombudsman.

### Ráiteas Straitéise i gcomhair 2013 - 2015

Bhí áthas orm mo Ráiteas Straitéise do 2013 - 2015 i gcomhair na hOifige seo a sheoladh i rith na bliana seo. Tógtar san áireamh sa straitéis an cónascadh atá amach romhainn idir an Oifig seo agus Biúró an Ombudsman

um Sheirbhísí Airgeadais, cé nach bhfuil amscála an chónasctha sin deimhnithe go fóill.

Is eol dom nach féidir, sna dálaí deacra atá i réim faoi láthair, cur leis an líon foirne. Dá bhrí sin, ní mór dom iarracht leanúnach a dhéanamh m'Oifig a bheith chomh héifeachtach agus chomh héifeachtúil agus is féidir, trí úsáid a bhaint as gach dul chun cinn is féidir i gcúrsaí riaracháin agus i gcúrsaí teicneolaíochta. Sa Ráiteas Straitéise nua trí bliana, leagtar amach an creat faoina mbeidh m'Oifig ag soláthar seirbhís ardchaighdeán don phobal. Coinneofar an tStraitéis faoi athbhreithniú leanúnach thar na trí bliana atá amach romhainn. Tá an doiciméad Straitéise ar fáil ar ár suíomh gréasáin.

### Cónascadh idir Oifig an Ombudsman Pinsean agus Oifig an Ombudsman um Sheirbhísí Airgeadais

Chinn an Rialtas i mí Aibreáin 2013 cónascadh a dhéanamh idir Oifig an Ombudsman Pinsean agus Oifig an Ombudsman um Sheirbhísí Airgeadais. Tháinig sé sin sna sála ar athbhreithniú criticiúil a rinne coiste stiúrtha faoi chathaoirleacht saineolaí seachtraigh ón mBanc Domhanda. Beidh an cónascadh sin ina údar dúshlán d'Oifig an Ombudsman Pinsean. Baineann na dúshlán sin le seirbhís atá tráthúil agus éifeachtúil ó thaobh costais a sholáthar i ndálaí ina bhfuil méadú ag teacht ar líon na bhfiosrúchán agus na ngearán ó chustaiméirí, agus ina bhfuil lánchosc earcaíochta i bhfeidhm go fóill maidir le poist sa tseirbhís phoiblí a líonadh. In ainneoin dhá fholúntas nár líonadh go fóill, tá an Oifig tiomanta don tseirbhís do phinsinéirí na hÉireann a chothabháil agus a fheabhsú le linn na hidirthréimhse.

Táthar tar éis obair ullmhúcháin a thosú leis an Ombudsman um Sheirbhísí Airgeadais



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## What we did in 2013 (continued)

- Office of the Director of Corporate Enforcement\*
- the Pensions Management Institute and the
- Ombudsman's Forum.

*\* Memoranda of Understanding are in place with these organisations.*

I would like to thank these organisations for their ongoing co-operation which is of immense value in helping to resolve many of the complaints we receive.

In early December, I was delighted to chair the inaugural meeting of the Irish Ombudsman's Forum held in the Institute of Public Administration in Dublin. The Forum's key objective is to share and explore joint solutions for common challenges facing the Ombudsman's Offices in Ireland.

We are in regular contact with a number of trade unions. We also have contact with the Construction Workers' Pension Scheme. In addition, I am a member of the Ombudsman Association, which was previously known as the British and Irish Ombudsman Association (BIOA). My staff participate fully in its work and sit on the various groups which deal with different aspects of an Ombudsman's work.

### **Statement of Strategy for 2013 - 2015**

I was pleased to launch my Statement of Strategy for 2013 - 2015 for this Office during this year. The strategy takes into account the forthcoming amalgamation of this Office with the Financial Services Ombudsman's Bureau although the

timescale for this amalgamation has not yet been finalised.

I recognise that, at this difficult time, it is simply not possible to increase staff numbers. Consequently, I must continually strive to keep my Office as efficient and effective as possible, using every administrative and technological advance available. This new three-year Statement of Strategy sets out the framework in which my Office will deliver a high-quality service to the public. This Strategy will be kept under continuous review over the next three years. The Strategy document is available on our website.

### **Amalgamation of the Offices of Pensions Ombudsman and Financial Services Ombudsman**

The Government decided in April 2013 to amalgamate the Offices of the Pensions Ombudsman and the Financial Services Ombudsman. This followed a critical review conducted by a steering committee chaired by an external expert from the World Bank. This amalgamation will pose challenges to the Office of the Pensions Ombudsman. These challenges relate to the provision of a timely and cost-efficient service against the backdrop of increasing numbers of customer enquiries and complaints, and the ongoing recruitment freeze on filling public services positions. Despite two vacancies that have not yet been filled, the Office is committed to maintaining and improving service to the pensioners of Ireland during the changeover period.

Preparatory work has commenced with the Financial Services Ombudsman in advance of



roimh an gcónascadh. Is ann do go leor saincheisteanna praiticiúla ar gá iad a scrúdú. Creidimid go rachaidh 'ionad ilfhreastail' chun tairbhe na dtomhaltóirí mar go gcomasófar leis gearáin ina bhfuil gnéithe airgeadais agus gnéithe pinsin araon a imscrúdú in aon chás amháin.

Is dócha go mbeidh buntáistí le sonrú de bharr an chónasctha. Trínár gcuid acmhainní a chur le chéile, tá súil againn go mbainfear amach barainneacht scála trí chumarsáid, suíomhanna gréasáin, córais faisnéise agus córais bainistíochta cásanna a shruthlíniú. Tríd is tríd, tá súil againn go mbeimid in ann úsáid níos éifeachtaí a bhaint as an teicneolaíocht atá ar fáil dúinn. Ba cheart go dtabharfadh an taithí a fhaigheann baill foirne sna réimsí éagsúla um dhéileáil le gearáin breis solúbthachta i ndéileáil le cineálacha nua gearán de réir mar a thagann siad chun cinn amach anseo.

### **Na Cineálacha Gearáin a fuarthas i 2013**

B'ionann na cineálacha gearán a fuarthas i 2013 agus iad siúd a cuireadh i láthair sna blianta roimhe sin, tríd is tríd. Mar sin féin, de bharr foirceannadh scéimeanna pinsin le sochar sainithe, de bharr gur theip orthu an Caighdeán Cistithe Íosta a chomhlíonadh, agus de bharr gur cuireadh samhail le ranníocaíocht sainithe i go leor cásanna

ina n-áit, tháinig saincheisteanna gearáin ar leith chun cinn agus bhí imní ar bhaill scéimeanna.

Cailliúint an ionchais um shochar sainithe nuair a dhéantar scéim a fhoirceannadh, is féidir léi daoine a chur trí chéile agus is féidir go mbeadh deacracht ag baill na scéime an chailliúint a thuiscint. Is féidir go mbeadh fadhbanna ag baill nó mearbhall orthu de bharr an laghdaithe ar luachanna aistrithe nó de bharr tharraingt siar an toilithe um luathscor a d'fhéadfadh tarlú i gcás scéim sochair sainithe le heasnamh.

Bíonn mearbhall agus imní ar a lán ball agus iad ag triail an luach ceart a bhaineann le ciste pinsin ag am scoir a fháil amach, nó nuair a dhéantar scéim pinsin a fhoirceannadh nó a aistriú. Mar gheall ar an easpa tuisceana (teip ar chumarsáid shoiléir i bhformhór na gcásanna) ar na roghanna atá ar fáil sna cásanna sin, cuirtear gearáin faoi bhráid na hOifige seo.

Leanaimid ag fáil gearán maidir le moill i dtaca le sochair a íoc, aistrithe a chur i bhfeidhm, nó aistriú idir infheistíochtaí. Bíonn neamh-íocaíocht ranníocaíochtaí ina fadhb go fóill i gcás roinnt ball scéime, ach oiread le forfheidhmiú asbhaintí ón aisce scoir i leith riaráistí ranníocaíochta atá dlite faoi scéimeanna seirbhíse poiblí. Baineann cuid mhór de na gearáin sin le teipeanna



*By kind permission  
of Irish Independent*

the amalgamation. There are many practical issues that need to be examined. We believe that a 'one-stop shop' will benefit the consumers by allowing complaints containing financial and pension elements to be investigated in one case.

There are likely to be benefits from the amalgamation. We expect that our pooled resources will result in economies of scale achieved by streamlining communications, websites, information systems and case management systems. Overall, we expect to be able to make more effective use of the technology available to us. Also, experience gained by staff members in different areas of complaint handling should afford greater flexibility in dealing with new types of complaint as they arise in the future.

### **Types of Complaint received in 2013**

The types of complaint we received in 2013 were much the same as those presented in previous years. However, the winding up of defined benefit pension schemes, their failure to meet the Minimum Funding Standard and their replacement in many cases with a defined contribution model, have brought their own crop of complaint

issues and have caused concern amongst scheme members.

The loss of the defined benefit expectation in the event of a scheme winds up can be disconcerting and difficult for members to understand. The reduction in transfer values or the withdrawal of consent for early retirement that can occur in a defined benefit scheme that is in deficit also cause problems and confusion for members.

Finding out the correct value attaching to a pension fund at retirement or when a scheme wind ups or is transferred, confuses and worries many members. A lack of understanding (in most cases, failure of clear communication) of the options available in these circumstances results in complaints being submitted to this Office.

We continue to receive complaints about delays in putting benefits into payment, in effecting transfers or investment switches. The non-remittance of contributions persists as a problem for some scheme members, as does the imposition of deductions from retirement gratuity in respect of contribution arrears due under public service schemes. Failure to give timely and accurate information to members regarding

i ndáil le heolas atá tráthúil agus cruinn a thabhairt do bhaill maidir lena ndliteanais i dtaca leis na ranníocaíochtaí sin.

Is minice anois ná riamh a chuirtear gearáin a bhaineann le Bannaí Ceannaigh thar-barr-amach nó Cistí Scoir Formheasta/Cistí Scoir Íosta Formheasta (ARF/AMRFanna) ar aghaidh chuig an Oifig. Conarthaí árachais is ea iadsan go léir agus is é Biúró an Ombudsman um Sheirbhísí Airgeadais a bhíonn ag déileáil leo. Má bhaineann an gearán leis an bpróiseas aistrithe ón scéim ceirde nó ón PRSA, áfach, d'fhéadfadh m'Oifig féin a bheith páirteach san imscrúdú.

In ainneoin an réimse gearán a chuirtear faoi bhráid na hOifige, tá dhá réimse faidhbe i gcoiteann ag formhór na ngearán:

- tuiscint ar fhreagracht agus comhroinnt na freagrachta; agus
- droch-chumarsáid nó cumarsáid neamhleor.

Measaim gur chóir do na páirtithe go léir a bhfuil baint acu le scéimeanna pinsean gairme agus PRSAanna oibriú chun feabhas a chur ar a dtuiscint ar a gcuid freagrachtaí agus a mbainistíocht orthu. Ba chóir dóibh scrúdú a dhéanamh ar nádúr a rannpháirtíochta agus athbhreithniú a dhéanamh ar conas ba chóir dóibh idirghníomhú lena chéile d'fhonn feidhmiú is fearr na scéime nó an PRSA a chinntiú ar sin féin, áfach, tarlaíonn sé go bhfaigheann cuid mhaith de bhaill scéimeanna cumarsáidí atá deacair a thuiscint. Tá riachtanais Nochtadh Eolais mionsonraithe agus casta, agus tá sé iontuigthe gur é an príomhchúram ag iontaobhaithe déanamh cinnte go mbíonn an t-eolas a thugtar iomlán agus cruinn.

Ní ceart go gciallódh sin nach mbíonn sé dothuigthe ag gnáthdhuine. Go fadtéarmach sábhálfaidh cumarsáid soiléir am agus airgead.

### Reachtaíocht a chuaigh i bhfeidhm ar phinsin i 2013

#### An tAcht Airgeadais 2013:

San Acht sin, cuireadh i bhfeidhm forálacha Cháinainéis na bliana 2013 maidir le rochtain luath ar chuid de chistí Rannaíocaíochtaí Breise Deonacha (Additional Voluntary Contribution nó AVC). Rinneadh soiléiriú ann freisin ar an staid maidir le ranníocaíochtaí scéime Céilí agus Leanaí gan íoc ina gcás siúd a bhain leas as socruithe Luathscoir Dhreasaithe sa tseirbhís phoiblí. Asbhainfear na ranníocaíochtaí sin as an ngné iarchurtha de na cnapshuimeanna dá bhfuil na hoibrithe sin i dteideal. Sonraítear go follasach san Acht gur féidir iad a lamháil mar asbhaint chun críocha cánach (mar a bheadh amhlaidh dá mbeadh siad íoctha ag an bpointe scoir). Ina theannta sin, déantar athruithe breise faoin Acht ar an réimeas um Thairseach Ciste Chaighdeánach, lena gcuirtear teorainn le méid an chiste pinsin incheadaithe uasta chun críocha cánach.

#### An tAcht Leasa Shóisialaigh agus Pinsean 2013:

Faoin Acht, déantar cumasú ar athruithe teicniúla a dhéanamh lena n-aithnítear páirtnéireachtaí sibhialta agus lena gceadaítear d'iontaobhaithe leasuithe a dhéanamh ar rialacha scéime mar thoradh ar an athrú ar aois an phinsin Stáit ó 65 go 66.

#### An tAcht Leasa Shóisialaigh agus Pinsean (Forálacha Ilghnéitheacha) 2013:

Faoin Acht sin, tá roinnt athruithe rialála déanta, mar seo a leanas:

- bunú an Údaráis Pinsean, na Comhairle Pinsean agus an Rialtóra Pinsean;
- forálacha a áireamh chun cead a thabhairt don Údarás Pinsean foirceannadh scéime a ordú; athrú ar an aois pinsin reachtúil; agus

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## What we did in 2013 (continued)

their liability for these contributions is a major factor in these complaints.

Complaints relating to Buy Out Bonds and Approved Retirement Funds/Approved Minimum Retirement Funds (ARF/AMRFs) are increasingly being referred to the Office. These are all insurance contracts and complaints relating to them are dealt with by the Financial Services Ombudsman's Bureau. However, if the complaint relates to the transfer process from the occupational scheme or PRSA, then my Office may get involved.

Despite the range of complaint issues presented to the Office, there are two problem areas that are common to the majority of complaints:

- the understanding and sharing of responsibility; and
- poor or inadequate communications.

It is my view that all parties involved in occupational pension schemes and PRSAs should work to improve their understanding and management of their responsibilities. They should examine the nature of their involvement and review how they should be interacting with each other to ensure the best operation of the scheme or PRSA.

It is, however, the case that many scheme members receive communications that are hard to understand. The Disclosure of Information requirements are detailed and complex, and it is understandable that trustees' main concern may be to ensure that the information given is complete and accurate. That shouldn't mean that it can't be understood by a lay person. Clear

communication will save time and money in the long run.

### Legislation affecting pensions in 2013

#### Finance Act 2013:

This Act brought Budget 2013 provisions for early access to a portion of Additional Voluntary Contribution (AVC) funds into effect. It also clarified the position in relation to outstanding Spouses' and Children's scheme contributions for those who availed of Incentivised Early Retirement arrangements in the public service. These contributions will be deducted from the deferred element of the lump sums to which these workers are entitled. This Act states categorically that they will be allowed as a deduction for tax purposes (as would have been the case if they had been paid at point of retirement). In addition, this Act makes further changes to the Standard Fund Threshold regime, which limits the amount of the maximum allowable pension fund for tax purposes.

#### Social Welfare and Pensions Act 2013:

This Act enables technical changes to be made to recognise civil partnerships and to allow trustees to make amendments to scheme rules following the change in the State pension age from 65 to 66.

#### Social Welfare and Pensions (Miscellaneous Provisions) Act 2013:

Under this Act, several changes to regulation have been effected, namely:

- athruithe ar théarma oifige an Ombudsman Pinsean – lenar ceadaíodh don Aire an sealbhóir oifige atá ann faoi láthair a athcheapadh ar feadh téarma gearr, go dtí go ndéanfar cumasc ar an Oifig seo agus Oifig an Ombudsman um Sheirbhísí Airgeadais.

### An tAcht um Bearta Airgeadais Éigeandála ar mhaithe le Leas an Phobail 2013:

Foráladh faoin Acht sin do laghdú breise ar phinsin áirithe de chuid na seirbhíse poiblí.

### An tAcht Airgeadais (Uimh. 2), 2013:

Foráladh faoin Acht sin do thobhach ar scéimeanna pinsin cistithe. Beidh an tobhach á mhéadú ó 0.6% go dtí 0.75% i 2014, agus cuirfear tobhach breise 0.15% i bhfeidhm i 2015. Fógraíodh é seo i gCáinainéis 2014.

### An tAcht Leasa Shóisialaigh agus Pinsean (Uimh. 2) 2013:

Faoin Acht seo, a tháinig in éifeacht ar an 25 Nollaig 2013, leasaítear Cuid IV (Caighdeán Maoiniúcháin) d'Acht Pinsean 1990 agus athraítear an bealach a dháiltear acmhainní scéim phinsin le sochar sainithe ar fhoirceannadh scéim pinsean ('ord tosaíochta i ndáil le foirceannadh').

Ina theannta sin, cuireann sé leis an gcatagóir sochar is féidir a laghdú sa chás go bhfuil scéim sochair sainithe á hathstruchtúrú mar nach bhfuil an Caighdeán Cistithe Íosta reachtúil á chomhlíonadh. Rinneadh foráil san ordú tosaíochta roimhe seo i ndáil le foirceannadh mar atá leagtha amach in Alt 48 d'Acht na bPinsean chun pinsinéirí a íoc sula ndéantar aon acmhainní a dháileadh chun dliteanais ball gníomhach agus tairbhíthe iarchurtha a íoc (seachas AVCanna déanta nó aistrithe isteach sa scéim).

Ina theannta sin, soláthraíonn na leasuithe ar Alt 48 comhlíonadh le riachtanais Threoir 2008/94/CE maidir le cosaint fostaithe sa chás go mbíonn dócmhainneacht a bhfostóra i gceist. Déantar idirdhealú sna leasuithe idir foirceannadh scéim fostóir sócmhainneach agus fostóir dócmhainneach.

Ceadaíonn Alt 50 d'Acht na bPinsean don Údarás Pinsean iontaobhaithe scéim phinsin le sochar sainithe sochair ball reatha agus iarbhaill scéime a laghdú sa chás go dteipeann ar scéim an Caighdeán Cistithe Íosta reachtúil a chomhlíonadh. Chomh maith leis sin, féadfaidh na hiontaobhaithe méaduithe iarscoir i sochair do bhaill ar pinsinéirí iad a laghdú sa chás seo. Tá an leasú ar Alt 50 d'Acht na bPinsean mar bhonn le síneadh a chur leis an gcatagóir sochar is féidir a laghdú chun leibhéal sonraithe sochar pinsinéara a chur san áireamh. Tá míniú iomlán ar na forálacha seo le fáil ar láithreán gréasáin Údarás na bPinsean: [www.pensionsauthority.ie](http://www.pensionsauthority.ie)

### Soláthar foirne

D'fhág dhá phríomhbhall foirne an Oifig i rith 2013. Níor líonadh na folúntais seo rud is cúis le brú suntasach a bheith ar na baill foirne atá ann anois, go háirithe i bhfianaise an líon suntasach gearán atá á gcur faoinár mbráid go leanúnach.

Ní féidir leanúint ar aghaidh ag feidhmiú mar seo. Tá sé ríshoiléir go dteastaíonn breis foirne, ag leibhéal Imscrúdaitheora go háirithe, ach mar gheall ar an moratóir ar earcú sa tseirbhís phoiblí, ní féidir linn breis foirne a earcú. Trí chlár JobBridge agus Meantóireacht Toilteanach agus In Ann, d'éirigh linn céimithe óga agus dlíodóirí faoi oiliúint a aimsiú le hoibriú san Oifig chun tacaíocht bhreise imscrúdaithe, a sholáthar. Tá mé buíoch de mo chuid imscrúdaitheoirí, go háirithe, as an mheantóireacht agus as

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## What we did in 2013 (continued)

- the establishment of the Pensions Authority, Pensions Council and Pensions Regulator;
- the inclusion of provisions to permit the Pensions Authority to order the winding up of a scheme; alteration in the statutory pension age; and
- changes to the term of office of the Pensions Ombudsman – this permitted the Minister to reappoint the current office holder for a short term, pending the merger of this Office and the Financial Services Ombudsman’s Office.

### Financial Emergency Measures in the Public Interest Act 2013:

This Act provided for the further reduction of certain public service pensions.

### Finance (No. 2) Act 2013:

This Act provided for a levy on funded pension schemes. This levy will increase from 0.6% to 0.75% in 2014, and a further levy of 0.15% will be applied in 2015. This was announced in Budget 2014.

### Social Welfare and Pensions (No. 2) Act 2013:

This Act, which took effect on 25 December 2013, amends Part IV (Funding Standard) of the Pensions Act 1990 and changes the way the resources of a defined benefit pension scheme are distributed on the winding up of a pension scheme (the ‘order of priorities on winding up’).

It also broadens the categories of benefits that can be reduced where a defined benefit scheme is being restructured because it

does not meet the statutory Minimum Funding Standard. The previous winding up priority order as set out in Section 48 of the Pensions Act provided for pensioners to be paid before any resources were distributed to meet the liabilities of active members and deferred beneficiaries (other than AVCs made or transferred into the scheme).

The amendments to Section 48 also provide compliance with the requirements of Directive 2008/94/EC on the protection of employees in the event of the insolvency of their employer. The amendments differentiate between the winding up of a scheme of a solvent and an insolvent employer.

Section 50 of the Pensions Act permits the Pensions Authority to direct the trustees of a defined benefit pension scheme to reduce the benefits of current and former scheme members where a scheme fails to meet the statutory Minimum Funding Standard. The trustees can also reduce post-retirement increases in benefits for pensioner members in this event. The amendment to Section 50 of the Pensions Act extends the category of benefits that can be reduced to include a specified level of pensioner benefits. A full explanation of these provisions can be found on the website of the Pensions Authority: [www.pensionsauthority.ie](http://www.pensionsauthority.ie)

### Staffing issues

The Office lost two key members during 2013. These vacancies were not filled which puts considerable pressure on the remaining team members, especially given the high volume of complaints we continue to receive.

an tacaíocht a thug siad do na hearcaigh shealadacha, a d'fhág go raibh ar a gcumas cion bríoch agus feidhmiúil a imirt ar obair na hOifige.

Táimid ag obair go leanúnach ar fhadhbanna a réiteach ar mhaithe le seirbhís ghairmiúil a sholáthar do líon gearánach atá ag dul i méid an t-am ar fad.

### Rath Scrúdaithe agus Mac Léinn na Bliana san Oifig



*Cáilíocht CIMA á bronnadh ag Denis McCarthy, Director - Ireland, Institiúid Chairte na gCuntasóirí Bainistíochta ar Colette Coghlan, ag an searmanas bronnata i gCaisleán Bhaile Átha Cliath ar an 13 Nollaig 2013.*

Bhronn Ollscoil na hÉireann Baitsiléir i Staidéar Gnó (Onóracha) (Cuntasaíocht) ar Colette Coghlan, Riarthóir in Oifig an Ombudsman Pinsean, i Meitheamh 2013. Ba san Fhoras Riaracháin i mBaile Átha Cliath a thug Colette faoin gcúrsa seo.

Chomh maith leis, bronnadh dhá ghradam bhreise ar Colette: bronnadh gradam Institiúid Chairte na gCuntasóirí Bainistíochta uirthi (an chéad áit i sruth cuntasaíochta an scrúdaithe) mar aon le Gradam Mac Léinn Fochéime na Bliana Scoil Rialtais &

Bainistíochta Whitaker. Guíonn gach duine san Oifig gach rath ar Colette lena cuid taighde amach anseo.

### Gairmiúlacht

Ó tharla nós a bheith ann na laethanta seo locht a fháil ar an obair atá ar bun ag an státseirbhís, is mian liom gairmiúlacht, díograis agus tiomantas na foirne atá ag obair san Oifig a mholadh. Ainneoin sruth leanúnach gearán agus cásanna nua a bheith ag teacht faoinár mbráid, tá mo chomhghleacaithe ag leanúint orthu ag tabhairt faoina gcuid oibre le fuinneamh agus le díograis. Tá sé soiléir i ndáil le gach gné den obair – idir an teagmháil tosaigh teileafóin leis an Oifig, an t-imscrúdú agus dréachtú na gCinntí Críochnaitheacha, go bhfuil gach duine toilteanach an méid oibre agus iarrachta is gá a dhéanamh chun cásanna a réiteach. Sa lá atá inniu ann, ní mór do státseirbhísigh a bheith solúbtha maidir leis na tascanna a bhíonn le cur i gcrích acu. Is mian liom a chur in iúl go bhfuil idir sholúbthacht agus spiorad foirne le brath i measc fhoireann na hOifige seo ó osclaíodh doirse na hOifige den chéad uair in 2003.

Ainneoin nach féidir teacht ar réiteach a oireann don ghearánach i gcónaí, tá tús áite á thabhairt againn do chur chuige gairmiúil agus is é dearcadh na foirne nach bhfuil ceist nach féidir a réiteach.



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## What we did in 2013 (continued)

This is unsustainable. There is a clear need for more staff, particularly at Investigator level, but, due to the freeze on public service recruitment, we have not been able to recruit staff. Through JobBridge and the Willing and Able Mentoring programmes, we have brought young graduates and trainee lawyers into the Office to provide additional investigation support. I am grateful to my Investigators, in particular, for the mentoring and support they gave to these temporary recruits, which enabled them to make a meaningful and useful contribution to the work of the Office. We continue to work around problems to provide a professional service to an increasing number of complainants.

### Exam Success and Student of the Year in the Office



*Colette Coghlan receiving her CIMA award from Denis McCarthy, Director - Ireland, Chartered Institute of Management Accountants, at the conferring ceremony in Dublin Castle on 13 December 2013.*

Colette Coghlan, Administrator at the Office of the Pensions Ombudsman, received

her Bachelor of Business Studies (Hons) (Accounting), accredited by the National University of Ireland in June 2013. Colette undertook her studies in the Institute of Public Administration, Dublin.

Colette also received two additional recognitions: she received the Chartered Institute of Management Accountants' award (first place in the exam's accounting stream) and the Whitaker School of Government & Management Undergraduate Student of the Year award. All of us in the Office wish Colette every success in her future studies.

### Professionalism

In these times, when it is fashionable to criticise the work of the civil service, I would like to praise the professionalism, dedication and commitment of the team who work in the Office. Despite the unrelenting stream of complaints and new cases, my colleagues continue to work with energy and enthusiasm. From the initial telephone point of contact with the Office, through to the investigation and drafting of Final Determinations, there is a willingness to put in the work and the extra effort needed to bring cases to a resolution. These days, more and more flexibility is required of public servants. I would like to put on record the fact that the staff of this Office have displayed utmost flexibility and team spirit since we first opened our doors in 2003.

Even though it is not always possible to find in favour of a complainant, there is a professional approach and a 'can do' attitude taken by the entire team.

# 2

## Caseload summary and statistics 2013

### Achoimre agus staitisticí maidir le cásanna 2013





# 2

## Achoimre agus staitisticí maidir le cásanna 2013

Mar a dúradh i dTuarascáil na bliana seo caite táimid in ann anois de bhuíochas an bhogearra nua atá againn líon agus cineál na gcásanna a chuirtear chuig an Oifig a thaifeadadh níos beachte.

**Tábla 2.1 Cásanna: fiosrúcháin agus gearáin**

Rangaítear cásanna faoi dhá chatagóir:	
<b>Fiosrúchán</b>	Cás a réitítear go tapa trí ghlaoch teileafóin nó trí chomhfhreagras gairid ríomhphoist.
<b>Gearán</b>	Cás níos mionsonraithe a mbíonn breis imscrúdúcháin de dhíth agus a n-osclaítear <b>comhad gearáin mionsonraithe</b> ina leith.

Duine ar bith a mheasann gur fhulaing sé cailteanas airgid mar gheall ar dhrochriarachán ar scéim pinsean ceirde, ar Chuntas Coigiltis Scoir Pearsanta (CCSP) nó ar Chonradh Blianachta Scoir Iontaobhais (CBS), is féidir leis gearán a chur chuig an Oifig.

Cuirtear cineálacha difriúla cáis faoinár mbráid agus dá bhrí sin tá córas scagtha i bhfeidhm againn chun measúnú a dhéanamh ar gach cás d'fhonn réiteach a fháil air chomh tapa agus chomh héasca agus is féidir.

Ar an gcéad dul síos molaimid do ghearánaithe iarracht a dhéanamh a ngearán a réiteach trí dhul díreach chuig iontaobhaithe na scéime pinsin nó chuig an soláthraí CCSP. Níos minice ná a mhalairt déantar sin trí phróiseas Réiteach Aighnis Inmheánach (RAI).

Mura n-éiríonn leis sin, is féidir leis an ngearánaí a iarraidh ar an Oifig tús a chur le himscrúdú níos mionsonraithe ar ábhar an ghearáin. Tagann **comhad gearáin mionsonraithe** i gceist leis sin agus féachann an Oifig leis an ngearán a thabhairt chun críche a luaithe is féidir.

Is áis cúnata an córas scagtha chun cinneadh a dhéanamh conas is fearr déileáil le gearáin a chuirtear chuig an Oifig. Tar éis measúnú tosaigh a dhéanamh déileáiltear le gearán ar cheann amháin de na ceithre bhealach a bhfuil cur síos orthu anseo thíos.

**Tarchur ar aghaidh:** Más rud é nach bhfuil an cás sainithe faoi chatagóir ar féidir linn déileáil léi san Oifig seo, treoraímid an gearánaí chuig gníomhaireacht eile nó chuig Ombudsman eile, nó insímid don ghearánaí cén fáth nach féidir linn cabhrú leis.

**Tuairisc agus treoir:** Ní gá dúinn imscrúdú foirmeálta a dhéanamh ar chásanna atá sách simplí. Sna cásanna sin cuirimid tuairisc maille le treoir ar fáil don ghearánaí, rud a chuireann dlús leis an bpróiseas. Ar an drochuair, ciallaíonn sin in amanna go mbíonn míniú soiléir le tabhairt ar nithe a bhfuil “míniú” tugtha cheana féin orthu ag riarthóirí scéime.

**Eadráin:** Tairgtear tairiscint don ghearánaí eadráin a dhéanamh idir é/í agus iontaobhaithe na scéime pinsin nó an soláthraí CCSP d'fhonn réiteach na ceiste a fháil chun sástachta gach aon duine.

**Imscrúdú foirmeálta:** Déanaimid imscrúdú foirmeálta i gcásanna níos casta nach féidir réiteach a fháil orthu ar aon bhealach eile. Dá thoradh sin déantar Cinneadh Críochnaitheach atá ceangailteach ó thaobh dlí de.

# 2

## Caseload summary and statistics 2013

As stated in last year’s report, our new software allows us to record more accurately the number, nature and type of cases submitted to the Office.

**Table 2.1 Cases: enquiries and complaints**

Cases fall into two categories:	
<b>Enquiry</b>	A case that is resolved quickly, either in a telephone call or in a short exchange of email.
<b>Complaint</b>	A more detailed case that requires further investigation, and on which we open a <b>detailed complaint file</b> .

Anyone who believes that they have suffered financial loss because of poor administration of an occupational pension scheme, Personal Retirement Savings Account (PRSA) or Trust Retirement Annuity Contract (RAC) can make a complaint to my Office.

Different kinds of cases are brought to us so we have a screening system in place to assess each case with a view to resolving it as quickly and easily as possible.

First of all, we encourage complainants to try to solve their complaint directly with their pension scheme trustees or PRSA provider. Most often, this is done through an Internal Disputes Resolution (IDR) process.

If this does not work, the complainant can then ask my Office to begin a more detailed investigation of the complaint. These become **detailed complaint files**

and, again, we try to bring the complaint to closure as quickly as possible.

The screening system helps us to decide how best to deal with complaints brought to us. After initial assessment, we will deal with a complaint in one of the four ways outlined below.

**Onward reference:** If a case doesn’t fall into a category we can deal with in this Office, we refer the complainant to another agency or another Ombudsman, or tell the complainant why we cannot help.

**Report and guidance:** We do not need to formally investigate cases that are relatively straightforward. In these cases, we provide the complainant with a report and guidance which speeds up the process. Unfortunately, this sometimes involves giving a clear explanation of matters which have already been “explained” by scheme administrators.

**Mediation:** This is where we offer to mediate between the complainant and their pension scheme trustees or PRSA provider, in an effort to resolve the issue to everyone’s satisfaction.

**Formal investigation:** We undertake a formal investigation for more complex cases that cannot be resolved in any other way. This leads to a legally binding Final Determination.

We record the receipt of telephone and email enquiries but we do not hold much data on these, as they can generally be answered and resolved promptly.

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Coinnítear ar taifead go bhfuarthas fiosrúchán ar an teileafón nó le ríomhphost ach ní choinnítear mórán sonraí i leith an fhiosrúcháin ós iondúil gur féidir é a fhreagairt agus a réiteach go pras. Mar sin féin tá an déileáil leis na fiosrúcháin sin ina cuid thábhachtach d’obair na hOifige.

I rith 2013, dhéileáladar le 1,498 fiosrú teileafóin agus r-phoist i gcomparáid le 1,705 in 2012. Sílim go mbaineann tábhacht ar leith leis an gcéad phointe teagmhála do ghlaointeoirí d’fhonn a chinntiú go dtugtar an treoir agus an chomhairle is fearr do bhaill don phobal maidir le cibé ceist atá ag

déanamh inní dóibh. Ó tharla go ndéantar ceist an ghlaointeora a mheas agus go gcuirtear i dteagmháil leis an duine ceart é bíonn níos mó ama le caitheamh ag na himscrúdaitheoirí ar chásanna casta.

Is iad na cásanna a ndéantar sonraí a bhailiú agus a choinneáil na ceanna a ndéantar comhaid ghearáin mhionsonraithe ina leith de réir an chur síos thuas.

Tábla 2.2 Achoimre ar Chásanna don bhliain 2013

	An Bhliain 2013	An Bhliain 2012	+ Méadú - Laghdú
Líon na gCásanna a fuarthas	<b>1,884</b>	2,189	-14%
Comhaid ghearáin imscrúdaithe mionsonraithe a osclaíodh	<b>463</b>	601	-23%
Gearáin imscrúdaithe mhionsonraithe idir lámha ag tús na bliana	<b>369</b>	409	-10%
Cásanna imscrúdaithe mionsonraithe a athosclaíodh	<b>45</b>	36	+25%
Iomlán na gcásanna imscrúdaithe mionsonraithe	<b>877</b>	1046	-16%
Cásanna imscrúdaithe mionsonraithe i gcrích i rith na bliana	<b>655</b>	677	-3%
Cásanna imscrúdaithe mionsonraithe idir lámha ag deireadh na bliana	<b>222</b>	369	-40%

Bhí 2,253 cás ar fad ann i rith na bliana - an 369 cás a tugadh anonn ó 2012 agus an 1,884 cás nua a rinneadh in 2013 san áireamh.

I rith 2013 dhúnamar 655 cás, rud a chiallaigh go raibh 222 cás gearáin á dtabhairt anonn go 2014.

Tá achoimre le fáil i dTábla 2.3 ar an líon cásanna a raibh ar m’Oifige déileáil leo in 2012 agus 2013.

# 2

## Caseload summary and statistics 2013 (continued)

However, dealing with these enquiries forms an important and often a time-consuming part of the work of the Office.

During 2013, we dealt with 1,498 telephone and e-mail enquiries compared with 1,705 in 2012. I consider that the first point of contact for callers is crucial in making sure that members of the public are given the best direction and advice about their problem. Assessing the issue that a caller

has and pointing them in the right direction leaves more time for my investigators to deal with more complex cases.

The cases that we gather and hold data on are those we escalate to detailed complaint files, as described above.

**Table 2.2 Summary of Cases for 2013**

	Year 2013	Year 2012	+ Increase - Decrease
Number of cases received	<b>1,884</b>	2,189	-14%
Detailed investigation complaint files opened	<b>463</b>	601	-23%
Detailed investigation complaints on hand at start of year	<b>369</b>	409	-10%
Detailed investigation cases re-opened	<b>45</b>	36	+25%
Total Detailed investigation cases	<b>877</b>	1046	-16%
Detailed investigation cases completed during the year	<b>655</b>	677	-3%
Detailed investigation cases on hand at end of year	<b>222</b>	369	-40%

Adding the 369 cases carried forward from 2012 to the 1,884 new cases received during 2013 meant that we had a total caseload of 2,253 for the year.

During 2013 we closed 655 cases, thereby carrying forward 222 complaint cases into 2014.

Table 2.3 summarises my Office's caseload for 2012 and 2013.

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Tábla 2.3 Achoimre ar Ualach na gCásanna

An Bhliain	Cásanna a tháinig isteach	Tugadh ar aghaidh	Iomlán na bliana	Cásanna a dúnadh	Idir lámha ag deireadh na bliana
<b>2013</b>	<b>1,884</b>	<b>369</b>	<b>2,253</b>	<b>2,031</b>	<b>222</b>
2012	2,189	409	2,598	2,229	369

Gné tábhachtach den obair a bhíonn ar siúl againn is ea an t-am a theastaíonn chun cásanna a réiteach.

In 2011, dúnadh 168 de na 577 cás gearáin mhionsonraithe (30%) i 5 seachtaine nó níos lú.

In 2012, dúnadh 257 de na 677 cás gearáin mhionsonraithe (38%) i 5 seachtaine nó níos lú.

In 2013, dúnadh 254 de na 655 cás gearáin mhionsonraithe (39%) i 5 seachtaine nó níos lú.

Tábla 2.4 Achoimre ar Chásanna Imscrúdaithe Mionsonraithe i gCrích

	An Bhliain 2013	An Bhliain 2012	+ Méadú - Laghdú
Líon na n-imscrúduithe i gcrích	<b>655</b>	677	-3%
Seachtainí go dtí críoch ar an meán	<b>57</b>	43	+33%
Seachtainí is faide go dtí críoch	<b>437</b>	411	+6%
Seachtainí is gairide go dtí críoch	<b>1</b>	1	

Tábla 2.5 Cineál an Imscrúdaithe maidir le Comhaid Ghearáin Mhionsonraithe a Osclaíodh in 2013

Cineál an Imscrúdaithe	2013	2012
Laghdú agus Pinsean Forlíontach	<b>1</b>	1
Ranníocaíochtaí Breise Deonacha (AVCanna)	<b>7</b>	20
Ceisteanna ARF agus AMRF	<b>12</b>	1
Bannaí Ceannaigh-thar-barr-amach	<b>22</b>	1
Ríomh na sochar	<b>138</b>	161
Aisíoc ranníocaíochtaí	<b>2</b>	5
Sochar Sainithe agus Ranníocaíocht Shainithe	<b>0</b>	2
Faisnéis a nochtadh	<b>19</b>	23
Luathscor	<b>20</b>	18
Cóir chomhionann	<b>0</b>	0
Luach ciste	<b>21</b>	40



# 2

## Caseload summary and statistics 2013 (continued)

Table 2.3 Caseload Summary

Year	Cases Received	Carried Forward	Total for year	Cases Closed	On hand at year end
<b>2013</b>	<b>1,884</b>	<b>369</b>	<b>2,253</b>	<b>2,031</b>	<b>222</b>
2012	2,189	409	2,598	2,229	369

An important aspect of our work is the time taken to resolve cases.

In 2011, 168 of 577 detailed complaint cases (30%) were closed in 5 weeks or less.

In 2012, 257 of 677 detailed complaint cases (38%) were closed in 5 weeks or less.

In 2013, 254 of 655 detailed complaint cases (39%) were closed in 5 weeks or less.

Table 2.4 Summary of Detailed Investigation Case Completions

	Year 2013	Year 2012	+ Increase - Decrease
Number of investigations completed	<b>655</b>	677	-3%
Average weeks to completion	<b>57</b>	43	+33%
Longest weeks to completion	<b>437</b>	411	+6%
Shortest weeks to completion	<b>1</b>	1	

Table 2.5 Nature of Investigation in Detailed Complaint Files Opened in 2013

Nature of Investigation	2013	2012
Abatement and Supplementary Pensions	<b>1</b>	1
Additional Voluntary Contributions (AVCs)	<b>7</b>	20
ARF and AMRF queries	<b>12</b>	1
Buy out Bonds	<b>22</b>	1
Calculation of benefits	<b>138</b>	161
Contribution refunds	<b>2</b>	5
Defined Benefit and Defined Contribution	<b>0</b>	2
Disclosure of information	<b>19</b>	23
Early retirement	<b>20</b>	18
Equal treatment	<b>0</b>	0
Fund values	<b>21</b>	40
General enquiry	<b>31</b>	88

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## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Cineál an Imscrúdaithe	2013	2012
Fiosrúchán ginearálta	31	88
Easláinte	17	19
Íocaíocht mhícheart, dhéanach, neamhíoc sochair	33	36
Faisnéis mhícheart as a n-eascaíonn dréim fhabhtach	2	6
Coinníollacha ballraíochta agus iontrála	22	25
Díol faoi dhúmas bréige	3	4
Iliomad gearán	0	1
Saorú Pinsin	7	0
Orduithe um Choigeartú Pinsin	3	10
Méaduithe iarscoir	3	14
Sochair a chaomhnú	4	4
Ranníocaíochtaí a íoc	23	35
Sochar céile agus cleithiúnaí	14	18
Aistriú	24	15
Foirceannadh	18	17
Blianta seirbhíse – costas le haghaidh, creidmheas in aghaidh	17	37
<b>Iomlán</b>	<b>463</b>	<b>601</b>

### Anailís ar chásanna gearáin a dúnadh in 2013

As 2,031 cás a dúnadh in 2013, bhí comhad gearáin mionsonraithe ag baint le 655 acu – tá achoimriú orthu sin i dTábla 2.6.

In 2013 athosclaíodh 45 cás i gcomparáid le 36 in 2012. Ba chásanna cuid acu sin a raibh tuairisc agus treoir tugtha ag an Oifig ina leith cheana féin ach ar thug an gearánaí ábhar eile i gceist ina leith ina dhiaidh sin nó nár léir cineál an ghearáin dáiríre ón eolas a cuireadh ar fáil dúinn an chéad uair.

Tábla 2.6 Gearáin a Dúnadh in 2013

An Bhliain	Gearáin nua a Tháinig	Cásanna a Athosclaíodh	Tugadh ar aghaidh	Iomlán	Gearáin a Dúnadh	Idir lámha ag deireadh na bliana
<b>2013</b>	<b>463</b>	<b>45</b>	<b>369</b>	<b>877</b>	<b>655</b>	<b>222</b>
2012	601	36	409	1,046	677	369

## 2

## Caseload summary and statistics 2013 (continued)

Nature of Investigation	2013	2012
Ill health	17	19
Incorrect, late and no benefit payment	33	36
Incorrect information causing false expectation	2	6
Membership and entry conditions	22	25
Mis-selling	3	4
Multiple complaints	0	1
Pension Liberation	7	0
Pensions Adjustment Orders	3	10
Post-retirement increases	3	14
Preservation of benefits	4	4
Remittance of contributions	23	35
Spouses' and dependants' benefits	14	18
Transfers	24	15
Winding up	18	17
Years of service – cost of and credit for	17	37
<b>Total</b>	<b>463</b>	<b>601</b>

### Analysis of complaints closed in 2013

Of the 2,031 cases we closed in 2013, 655 were detailed complaint files – these are summarised in Table 2.6.

In 2013 we reopened 45 cases, compared to 36 in 2012. We reopened cases where new information came to light after we provided a report and guidance and where the true nature of the complaint was not clear from the information originally given to us.

Table 2.6 Complaint Closures in 2013

Year	New Complaints Received	Re-opened Cases	Carried Forward	Total	Complaints Closed	On hand at year end
<b>2013</b>	<b>463</b>	<b>45</b>	<b>369</b>	<b>877</b>	<b>655</b>	<b>222</b>
2012	601	36	409	1,046	677	369

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Táimid in ann cásanna a dhúnadh faoi chatagóirí éagsúla agus tá sonraí faoi na cúiseanna leis an dúnadh i dTábla 2.7 thíos.

Tábla 2.7 Achoimre ar Chásanna Gearáin a Dúnadh in 2013 Rangaithe de réir Cúise

Cúis le Dúnadh	2013	2012
Riachtanas Réiteach Aighnis Inmheánach molta	29	19
Achomharc - Seasadh le Cinneadh	3	1
Achomharc – Níor Seasadh le Cinneadh	0	1
Ní dheachthas ar aghaidh leis an ngearán	56	68
Tugadh an Forfheidhmiú chun críche	1	2
Cinneadh Críochnaitheach – Níor seasadh le gearán	33	21
Cinneadh Críochnaitheach – seasadh le gearán	37	37
Ní féidir imscrúdú de bharr dlí caingean	4	0
Tugadh cás maidir le bac chun críche trí imeachtaí dlí	5	4
Taobh amuigh de théarmaí tagartha Ombudsman na bPinsean (TTT)	30	42
TTT - cuir faoi bhráid Ombudsman nó Rialtóir eile	45	31
Tugadh tuairisc agus treoir	330	357
Eadráin rathúil	74	79
Níor Éirigh le hEadráin	8	15
<b>Iomlán</b>	<b>655</b>	<b>677</b>

### Dúnadh: taobh amuigh de théarmaí tagartha (TTT)

Siocair a chastacht is a bhíonn pinsin is minic gur deacair cinneadh a dhéanamh cibé acu an gearán é ar féidir leis an Oifig déileáil leis nó nach é. Ní mór dúinn an-chuid ama a chaitheamh go minic i mbun imscrúdaithe agus taighde ar ghearáin sular féidir linn breithiúnas a dhéanamh maidir leis sin.

In 2013, dhúnamar 75 gearán ar measadh nár tháinig siad faoi scáth théarmaí tagartha na hOifige. Astu sin, bhí 45 ar measadh gur tháinig siad faoi chúram Ombudsman, rialtóra nó gníomhaireachta Stáit eile agus

cuireadh faoina mbráid sin iad mar ba chúí. Bhí na 30 gearán eile taobh amuigh de théarmaí tagartha na hOifige ar chúiseanna éagsúla, mar shampla, cásana nár fhulaing an gearánaí aon chailteanas airgid.

### Dúnadh: tugadh tuairisc agus treoir

Ní léir ar an dtoirt i gcónaí cé acu atá nó nach bhfuil foras dhlísteanach ag gearánaí chun gearán a dhéanamh. Is féidir gurb amhlaidh an cás:

- murar léir cineál iarbhír an ghearáin ar an toirt;

# 2

## Caseload summary and statistics 2013 (continued)

We are able to close cases under various categories and details of the reasons for closures are in Table 2.7 below.

**Table 2.7 Summary of Complaint Closures by Reason in 2013**

Reason for Closure	2013	2012
Advised of need for Internal Disputes Resolution	29	19
Appeal - Determination upheld	3	1
Appeal - Determination not upheld	0	1
Complaint not proceeded with	56	68
Enforcement completed	1	2
Final Determination - complaint not upheld	33	21
Final Determination - complaint upheld	37	37
Investigation not possible due to legal action	4	0
Obstruction case completed through legal proceedings	5	4
Outside the Pensions Ombudsman's terms of reference (OTOR)	30	42
OTOR - refer to other Ombudsman or Regulator	45	31
Report and guidance given	330	357
Successful mediation	74	79
Unsuccessful mediation	8	15
<b>Total</b>	<b>655</b>	<b>677</b>

### Closure: outside terms of reference (OTOR)

Due to the complex nature of pensions, it can often be difficult to decide whether or not a complaint is one that my Office can deal with. We often spend quite a lot of time examining and researching complaints before we can make a judgment in this regard.

In 2013, we closed 75 complaints that were found to be outside the terms of reference of this Office. Of these, 45 were considered to fall within the remit of another

Ombudsman, regulator or State agency and were duly referred to them. The remaining 30 complaints were outside my terms of reference for different reasons; for example, those where the complainant did not suffer any financial loss.

### Closure: report and guidance given

It is not always immediately clear whether or not a complainant has legitimate grounds for making a complaint. This can be the case when:

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## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

- murar léir cé ar chóir don ghearánaí an gearán a chur chuige; nó
- más deacair a dheimhniú gan imscrúdú breise cibé an dtagann an cás faoi chúram na hOifige nó nach dtagann.

Dá bhrí sin is minic gur gá don Oifig imscrúdú a dhéanamh ar méid mór doiciméad a chuir an gearánaí isteach sula ndéantar cinneadh faoin gcur chuige is fearr a ghlacadh.

Uaireanta aimsímid nach ann d'fhorais dhóthanacha chun gearán a dhéanamh nó nach mbaineann an cheist le mo théarmaí tagartha. Mar shampla, ainneoin go bhféadfadh drochriarachán a bheith ríshoiléir, b'fhéidir nach mbeadh sé soiléir cibé an raibh nó nach raibh cailteanas airgeadais mar thoradh leis. I gcásanna áirithe, i ndiaidh scrúdaithe a dhéanamh, d'fhéadfadh go mbeadh sé soiléir go mbaineann an gearán le ceist fostaíochta seachas le ceist pinsean.

I gcásanna eile b'fhéidir go mbeadh sé soiléir ón bpróiseas gur tháinig ceist an ghearánaí chun cinn de thoradh droch-chumarsáide nó míthuisceana maidir le mionsonra.

I gcásanna den sórt sin, is iondúil de ghnáth gur féidir linn an cheist a thabhairt chun réitigh gan dul ar aghaidh le himscrúdú foirmeálta. Is éard atá i gceist leis sin tuairisc agus treoir a thabhairt don ghearánaí. Mar shampla d'fhéadfadh sé gurbh é a bheadh i gceist:

- míniú níos mionsonraithe a dhéanamh ar theidlíocht chomhalta scéime pinsin;
- míniú níos mionsonraithe a dhéanamh ar rialacha scéim pinsin, nó an modh a bhfleidhmítear í, nó

- ceangail na gCoimisinéirí Ioncaim nó Acht na bPinsean a mhíniú ar bhealach atá intuigthe don ngearánaí.

Ciallaíonn soláthar tuairisce nó treorach gur féidir linn gearáin a réiteach i gcoitinne go tapa agus ar bhealach neamhfhoirmiúil. Ina theannta sin bíonn laghdú dá thoradh ar líon na gcásanna a ndéantar comhaid ghearáin mhionsonraithe díobh agus a dteastaíonn achar ama níos faide lena chur i gcrích.

As na 655 gearán a dúnadh in 2013 dúnadh 330 tar éis imscrúdú a dhéanamh agus tar éis tuairisc agus treoir a sholáthar.

### Dúnadh: cásanna faoi eadráin

Thrácht mé i dtuarascálacha bliantúla roimhe seo gurbh bhfearr liom eadráin idir na páirtithe mar bhealach chun gearáin a réiteach. Is tapúla, is solúbtha agus is éifeachtaí ó thaobh costais í an eadráin ná aon bealach réitithe eile agus is réiteach níos sásúla a bhíonn ann dá thoradh ná mar a bheadh ann dá ndéantaí Cinneadh Críochnaitheach.

I roinnt cásanna faoi eadráin thug soláthraithe pinsin deontais bhreise do ghearánaithe dá ndeoin féin mar chúiteamh ar an míchaoithiúlacht agus ar an suaitheadh aigne a ndeachaigh siad tríd. Níl sé de chumhacht agam na deontais bhreise sin a dhéanamh ach bím an-sásta nuair a fhaigheann gearánaí sochar breise de thoradh eadrána.

In 2013, réitíodh 82 den 655 comhad gearáin trí idirghabháil. Astu seo, réitíodh 74 cás chun sástachta an ghearánaigh. As na hocht gcás eile, ní dheachaigh toradh ár rannpháirtíochta chun tairbhe airgeadais an ghearánaigh nó níor réitíodh an díospóid ina bhfabhar siúd.

# 2

## Caseload summary and statistics 2013 (continued)

- the true nature of the complaint might not be immediately obvious;
- it might not be clear at whom the complaint should be directed; or
- it may be difficult to determine, without some further investigation, whether or not the problem falls within my remit.

Therefore, it is often necessary for this Office to examine a large number of documents submitted by a complainant before deciding on the proper approach to take.

We might find that there are insufficient grounds for a complaint or that the matter is not one that is within my remit. For example, while poor administration might be obvious, it may not be clear whether this resulted in financial loss. In some cases, examination may reveal that the true nature of the complaint is an employment related matter rather than a pensions issue.

In others, it may become clear that the complainant's issue has arisen as a result of poor communication or a misunderstanding over a point of detail.

In such cases, we can usually bring the matter to a satisfactory conclusion without proceeding to a formal investigation. This involves providing a report and guidance to the complainant. This could include, for example:

- explaining a pension scheme member's entitlement in more detail;
- explaining a scheme's rules, or the way it is run in more detail; or
- explaining the requirements of the Revenue Commissioners or of the Pensions Act in a way that the complainant can understand.

Providing a report or guidance means that we can generally resolve complaints quickly and in a less formal way. It also reduces the number of cases which go on to be detailed complaint files which take longer to conclude.

Of the 655 complaints closed during 2013, 330 were closed after an examination and the provision of a report and guidance.

### Closure: mediated cases

I have commented in previous annual reports on my preference for using mediation between parties to resolve complaints. Mediation is quicker, more flexible, more cost effective and leads to more satisfactory solutions than progressing to a Final Determination.

In some mediated cases, pension providers have made additional awards to complainants whose cases have been upheld to recognise the inconvenience and stress they have experienced. I don't have power to make these additional awards but I am very pleased when mediation brings an extra benefit to a complainant.

In 2013, 82 of the 655 complaint files closed were resolved through mediation. Of these, 74 cases were resolved to the complainant's satisfaction. In the remaining 8 cases, the outcome of our involvement either did not benefit the complainant financially or did not resolve the dispute in their favour.

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Bíonn toradh níos gasta mar thoradh ar idirghabháil. In 2013, ar an meán, thóg sé 61 seachtain chun cás a réiteach trí idirghabháil i gcomparáid le 113 seachtain ar an meán chun Cinneadh Críochnaitheach a eisiúint. (An figiúr inchomparáide a bhí ann in 2012 ná 127.) Tá an tréimhse fhada seo i gceist mar gur próiseas fada, dian-saothair é tuairisc an Chinnidh Chríochnaitheach a ullmhú.

### Dúnadh: Cinntí Críochnaitheacha

Faoi Alt 139 d'Acht na bPinsean 1990, arna leasú, leagtar d'údarás ormsa Cinneadh Críochnaitheach atá ceangailteacht faoin dlí a eisiúint maidir le ceisteanna gearáin.

I rith 2013, dúnadh 67 cás trí Chinneadh Críochnaitheach i gcomparáid le 58 in 2012. Sheas mé leis na gearáin i 37 cás agus dhiúltaigh mé do na cinn eile. Níl sa mheán-

am a thógann sé chun gearán a phróiseáil agus Cinneadh Críochnaitheach a dhéanamh ach tásc, de bhrí nach gá go mbeadh aon dá chás mar a chéile. Braitheann an méid ama a bhíonn i gceist ar a chasta is atá an cás agus ar a ghasta is a sholáthraíonn na páirtithe ar fad an fhaisnéis a iarrtar.

Sa chás go n-eisítear Réamhbhreith is féidir leis sin dífeall a dhéanamh don scála ama freisin. Bíonn sé i gceist leis an próiseas go dtugtar tuairisc mhion do na páirtithe, agus go mbíonn breis ama ar fáil dóibh le fáisnéis nua a chur i láthair. Is féidir go gcaithfear achar sách fada ag dréachtú an fhoclaíocht sa Chinneadh Críochnaitheach atá ceangailteach ó thaobh dlí de ar na páirtithe uile agus atá faoi réir achomhairc os comhair na hArd-Chúirte.

Tábla 2.8 Achar Ama go Réiteach i Seachtainí in 2013 agus 2012

	2013	2012
Meánlíon na seachtainí go réiteach trí Eadráin	61	45
Meánlíon na seachtainí go réiteach trí Chinneadh Críochnaitheach	113	127

### Dúnadh: cúiseanna eile

In 2013, dúnadh 101 cás ar chúiseanna éagsúla ilghnéitheacha eile. Is féidir iadsan a rangú de réir na dtrí chatagóir seo a leanas:

- Dúnadh i gcás ar tharraing gearánaithe gearán siar
- Ní fhéadfaí cásanna áirithe a dhúnadh sna cásanna nach raibh imscrúdú indéanta mar gheall ar chaingean dlí
- Dúnadh i gcás ar cuireadh na cásanna ar aghaidh lena réiteach faoi Réiteach Aighnis Inmheánach
- Dúnadh tar éis imeachtaí dlí



# 2

## Caseload summary and statistics 2013 (continued)

Mediation leads to a speedier outcome. In 2013, the average time taken to settle a case through mediation was 61 weeks compared to an average of 113 weeks to issue a Final Determination. (The comparable figure for 2012 was 127). This is because the preparation of the Final Determination report is usually a lengthy, work-intensive process.

### Closure: Final Determinations

Under Section 139 of the Pensions Act 1990, as amended, I am authorised to issue legally binding Final Determinations on complaints.

During 2013, 67 cases were closed by Final Determination compared to 58 in 2012.

I upheld the complaints in 37 cases and rejected the remainder. The average time taken to process a complaint through to a Final Determination is just an indication, as each case can be different. The time taken depends on how complicated the case is and also on how quickly all parties supply the information requested.

If a Preliminary View is issued, this can also affect the timescale. The process involves a detailed report to the parties, and additional time allowed to them to present new evidence. It can also take considerable time to draft the wording of the Final Determination which is legally binding on all parties and subject only to appeal to the High Court.

**Table 2.8 Time to Resolution in Weeks for 2013 and 2012**

	2013	2012
Average number of weeks to resolution through Mediation	<b>61</b>	45
Average number of weeks to resolution by Final Determination	<b>113</b>	127

### Closure: other reasons

During 2013, we closed 101 cases for a variety of other reasons. These break down into the following four categories:

- Closures where complaints were withdrawn by complainants
- Closures where investigation was not possible due to legal action
- Closures where cases were directed to Internal Dispute Resolution
- Closures after legal proceedings

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

Tábla 2.9 Dúnadh: cúiseanna eile

<p><b>Tharraing an gearánaí an gearán siar (56 cás)</b></p>	<p>Sna cásanna sin chinn na gearánaithe nár mhian leo go rachadh an Oifig níos faide ar aghaidh leis an imscrúdú.</p> <p>B'iondúil gur tharla sin nuair ba léir i ndiaidh an imscrúdaithe thosaigh:</p> <ul style="list-style-type: none"> <li>■ nach dócha go seasfaí leis an ngearán; nó</li> <li>■ dá ndéantaí nach dócha gur chúiteamh suntasach a bheadh i gceist; nó</li> <li>■ i gcás a raibh an gearánaí ag súil le leibhéal cúitimh níos airde ná a bhfuil d'údarás agamsa a thabhairt.</li> </ul> <p>Tá teorainn faoi Acht na bPinsean le dámhachtainí sa chatagóir 'caillteanas sochar scéime'. Ní féidir liom damáistí nó foirmeacha eile cúiteamh a mheasfadh gearánaithe a bheith dlite dóibh a dhámhachtain.</p> <p>I mbeagán beag cásanna, tarraingíodh gearáin siar i gcúinsí a raibh amhras orm, ach nár bh féidir liom a chruthú, gur imríodh imeaglú ar an ngearánaí. I gcásanna annamha diúltóidh mé cead an gearán a tharraingt siar, san áit a gcreidim go n-éilíonn cothrom na Féinne go mbainfeadh an freagróir leas as cinneadh ceangailteach. Níor tharla a leithéid de chás i 2013.</p>
<p><b>Bhí tús curtha le himeachtaí cúirte (4 chás)</b></p>	<p>Ní fhéadfaí m'Oifigse imscrúdú a dhéanamh ar ghearán nó ar dhíospóid sa chás go bhfuil tús curtha le himeachtaí Cúirte ach amháin má tá 'bac' (go bhfuil siad curtha ar fionraí, i bhfocail eile) curtha ag an gcúirt ar na himeachtaí in imthosca ceadaithe de réir an dlí.</p>
<p><b>Cásanna a cuireadh ar aghaidh lena réiteach faoi phróiseas Réiteach Aighnis Inmheánach (29 gcás)</b></p>	<p>Go ginearálta, ní féidir leis an Oifig imscrúdú a dhéanamh ar ghearán nó ar aighneas go dtí go gcuireann soláthraithe na scéime pinsin trí phróiseas Réiteach Aighnis Inmheánach (RAI) é. Má chuirtear gearán isteach gan é bheith pléite faoin bpróiseas RAI ní mór dom an gearánaí a ordú dul ar ais agus a chur faoin bpróiseas RAI.</p> <p>Tá roinnt eisceachta ann i ndáil leis an gceangal sin – mar shampla, sa chás go bhfuil foirceannadh a dhéanamh ar an scéim. Féach an leabhrán <i>Guide to Disputes Resolution Procedures/Bealaí Oibre le Conspóidí a Réiteach</i> atá ar fáil i rannán na bhfoilseachán den suíomh idirlín chun sonraí iomlána a fháil faoina leithéidí d'eisceachtaí.</p>
<p><b>I ndiaidh imeachtaí dlí (12 chás)</b></p>	<p>Is cásanna iadsan a dúnadh i ndiaidh réiteach a fháil orthu sa chúirt. (i ndiaidh éisteacht a achomharc nó imeachtaí forghníomhaithe a thabhairt chun críche).</p>

# 2

## Caseload summary and statistics 2013 (continued)

Table 2.9 Closure: other reasons

<p><b>Complainant withdraws complaint</b> <b>(56 cases)</b></p>	<p>In these cases, complainants decided they did not wish my Office to proceed any further.</p> <p>This tended to happen where it became clear after our initial examination that:</p> <ul style="list-style-type: none"> <li>■ the complaint was unlikely to be upheld; or</li> <li>■ the likely level of redress was not significant; or</li> <li>■ the complainant expected a higher level of compensation than I am authorised to award.</li> </ul> <p>The Pensions Act limits awards to the ‘loss of scheme benefit’. I cannot award damages or other forms of compensation which complainants may consider to be their due.</p> <p>On rare occasions, complaints have been withdrawn in circumstances where I have suspected, but could not prove, intimidation of the complainant. In some rare cases I will refuse permission for the complaint to be withdrawn, where I believe that the interests of justice require that the respondent should benefit from a binding determination. No such cases occurred in 2013.</p>
<p><b>Court action had begun</b> <b>(4 cases)</b></p>	<p>My Office cannot investigate a complaint or dispute where Court action has begun unless the action is ‘stayed’ (that is, suspended) by the court in circumstances allowed for under the law.</p>
<p><b>Cases directed to Internal Dispute Resolution</b> <b>(29 cases)</b></p>	<p>Generally, my Office cannot investigate a complaint or dispute until it has gone through an Internal Disputes Resolution procedure (IDR) by the pension scheme providers. If a complaint is submitted to me without having gone through IDR, then I must direct the complainant back to the IDR procedure.</p> <p>There are certain exceptions to this requirement – for example, where a scheme is currently being wound up. See the booklet <i>Guide to Disputes Resolution Procedures</i>, available in the Publications section of our website for full details of such exceptions.</p>
<p><b>Following legal proceedings</b> <b>(12 cases)</b></p>	<p>These are cases that were closed following their resolution in court (either following the hearing of an appeal or the conclusion of enforcement proceedings).</p>

## 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

### Cineálacha scéime

Bhí cineálacha éagsúla scéime i gceist leis na 463 comhad gearáin mhionsonraithe a osclaíodh in 2013.

Tábla 2.10 Cineál Scéime 2013

Cineál Scéime	2013	2012
Scéim na hEarnála Poiblí	<b>143</b>	225
Scéim na hEarnála Príobháidí	<b>256</b>	310
Conarthaí Blianachta Scoir Iontaobhais (CBS)	<b>0</b>	0
Cuntais Choigiltis Scoir Phearsanta (CCSP)	<b>16</b>	20
Fo-iomlán	<b>415</b>	555
Neamhshonraithe	<b>48</b>	46
<b>Iomlán</b>	<b>463</b>	601

Ón méid thuasluaite, is léir go bhfuil laghdú 23% tagtha ar an líon comhad gearáin nua a osclaíodh in 2013.

### An méid ama a thóg sé cásanna dúnta a thabhairt chun críche in 2013

Tábla 2.11 An méid seachtainí a thóg sé Cásanna a Dhúnadh in 2013

Seachtainí go Críoch	2013	2012
5 Seachtaine nó níos lú	<b>254</b>	257
6 - 10 Seachtaine	<b>55</b>	75
11 - 15 Seachtaine	<b>30</b>	50
16 - 20 Seachtaine	<b>27</b>	40
21 - 25 Seachtaine	<b>21</b>	27
26 - 30 Seachtaine	<b>19</b>	25
31 - 35 Seachtaine	<b>13</b>	15
36 - 40 Seachtaine	<b>7</b>	10
41 - 45 Seachtaine	<b>8</b>	6
46 – 50 Seachtaine	<b>11</b>	15
Níos mó ná 50 Seachtaine	<b>210</b>	157
<b>Iomlán</b>	<b>655</b>	677

Fianaise iad na figiúirí seo, in 2013, gur dhírigh an Oifig ar chásanna níos sine ná 12 mí a dhúnadh.

## 2

## Caseload summary and statistics 2013 (continued)

### Scheme types

The 463 detailed complaint files opened in 2013 involved several types of scheme.

Table 2.10 Scheme Type 2013

Scheme Type	2013	2012
Public Sector Scheme	<b>143</b>	225
Private Sector Scheme	<b>256</b>	310
Trust Retirement Annuity Contract (RAC)	<b>0</b>	0
Personal Retirement Savings Account (PRSA)	<b>16</b>	20
Subtotal	<b>415</b>	555
Not specified	<b>48</b>	46
<b>Total</b>	<b>463</b>	601

From the above, we see that there is a 23% reduction in new complaint files opened in 2013.

### Time to completion for 2013 closed cases

Table 2.11 Weeks to Completion for 2013 Closed Cases

Weeks to Completion	2013	2012
5 weeks or less	<b>254</b>	257
6 - 10 weeks	<b>55</b>	75
11 - 15 weeks	<b>30</b>	50
16 - 20 weeks	<b>27</b>	40
21 - 25 weeks	<b>21</b>	27
26 - 30 weeks	<b>19</b>	25
31 - 35 weeks	<b>13</b>	15
36 - 40 weeks	<b>7</b>	10
41 - 45 weeks	<b>8</b>	6
46 - 50 weeks	<b>11</b>	15
More than 50 weeks	<b>210</b>	157
<b>Total</b>	<b>655</b>	677

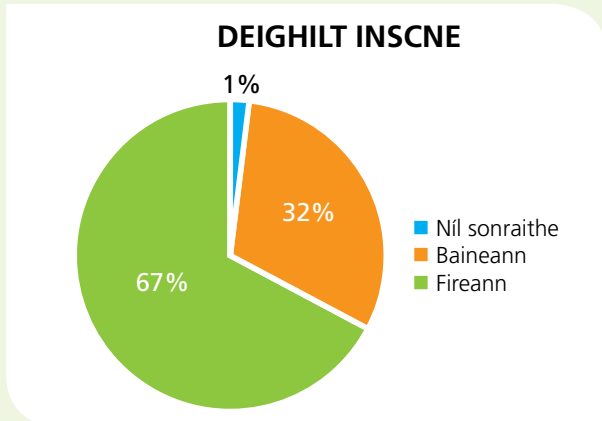
These figures reflect the fact that, in 2013, the Office focussed on closing cases older than 12 months.

# 2

## Achoimre agus staitisticí maidir le cásanna 2013 (ar lean)

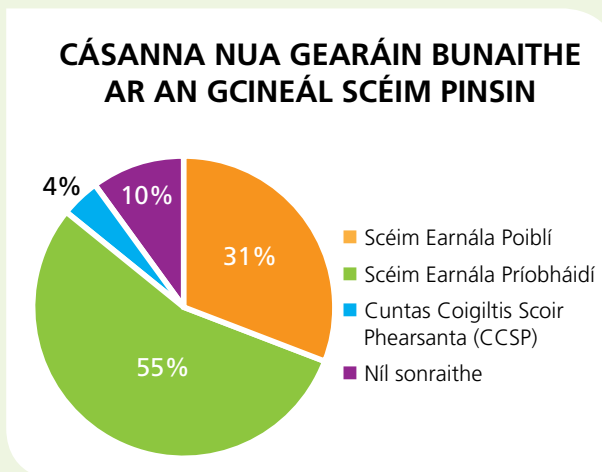
### Staitisticí Ginearálta do Chásanna Nua Gearáin

Figiúr 2.1 – Deighilt Inscne 463 Cás Nua Gearáin in 2013



As an 463 cás gearáin nua a fuarthas in 2013, fir a rinne 67% agus mná a rinne 32% de na cásanna gearáin sin. San 1% eile, níor sonraíodh an inscne.

Figiúr 2.2 – 2013 Cásanna Nua Gearáin bunaithe ar an gCineál Scéim Pinsin



Seo a leanas miondealú an 463 cás nua gearáin a fuarthas in 2013 rangaithe de réir an chineáil scéime – scéimeanna pinsean Earnála Príobháidí 55%, scéimeanna pinsean Earnála Poiblí 31%, Cuntais Choigiltis Scoir Phearsanta (CCSPanna) 4% agus ní raibh 10% sonraíthe.

### Conclúid

Ainneoin nár shroich an líon cásanna a cuireadh faoi bhráid na hOifige in 2013 na hardleibhéil a bhí in 2012, fianaise atá sa Tuarascáil Bhliantúil seo go raibh bliain ghnóthach eile ag Oifig an Ombudsman Pinsean.

Is léir go bhfuil ardéileamh go leanúnach ar sheirbhísí na hOifige – fuarthas 1,884 fiosrúchán nua agus osclaíodh 463 comhad nua mionsonraithe imscrúdaithe gearáin in 2013.

Baineann brú agus strus le bheith ag dul ar scor, dá réir sin, baineann fíorthábhacht le cumarsáid shoiléir agus le faisnéis chuimsitheach a sholáthar do dhaoine. Ciallaíonn na dúshlán leanúnacha gheilleagracha go bhfuil go leor daoine buartha anois ag glaoch ar m'Oifige ag iarraidh deacrachtaí pinsin a réiteach. Sa ré dhúshlánach seo, baineann fíorthábhacht le seirbhís sásaimh, ar furasta tairbhe a bhaint aisti, a sholáthar do dhaoine má bhíonn deacrachtaí acu lena bpinsin ghairme.

In 2013, cuireadh 67 comhad gearáin chuig Cinneadh Críochnaitheach, líon comhad arb ionann é agus méadú 14% ar an 58 cás a bhí ann in 2012. As an 67 Cinneadh Críochnaitheach, seasadh le 55% de na gearáin.

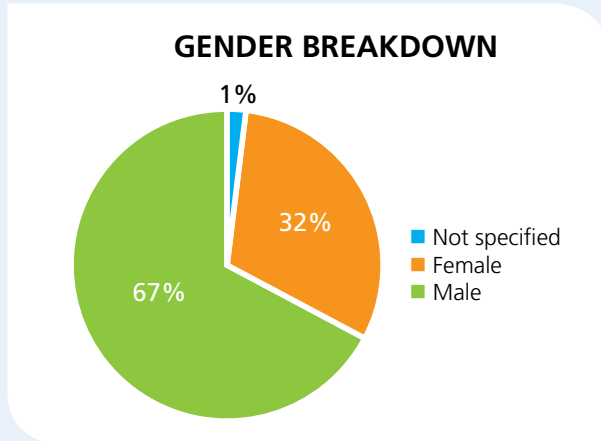
In 2013, bhí an mheántréimhse ama chun imscrúdú mionsonraithe a chríochnú laghdaithe ó 127 seachtain in 2012 go dtí 113 seachtain. Dá ainneoin seo, measaimid go bhfuil an mheántréimhse ama chun cásanna a réiteach fós réasúnta ard. Dá réir sin, leanfaimid le tréaniarracht a dhéanamh dul i ngleic leis seo sna míonna agus sna blianta amach romhainn.

# 2

## Caseload summary and statistics 2013 (continued)

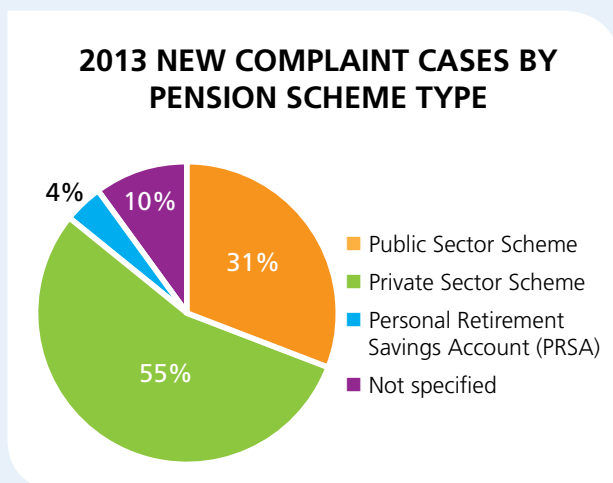
### General Statistics for New Complaint Cases

Figure 2.1 – Gender Divide of 463 New Complaint Cases in 2013



Of the new 463 complaint cases received in 2013, 67% were submitted by men and 32% by women. In the remaining 1%, gender was not specified.

Figure 2.2 – 2013 New Complaint Cases by Pension Scheme Type



The breakdown of the new 463 complaint cases received in 2013 classified by the scheme type was – Private Sector pension schemes 55%, Public Sector pension schemes

31%, Personal Retirement Savings Accounts (PRSAs) 4% and not specified 10%.

### Conclusion

While the number of cases referred to the Office in 2013 has not reached the extremely high levels of 2012, this Annual Report shows that we had another very busy year at the Office of the Pensions Ombudsman.

It is clear that there is continued high demand for the services of the Office with the 1,884 new enquiries received and 463 new detailed investigation complaint files opened in 2013.

Retirement can be a difficult and stressful time, and it is a time when people require clear communication and comprehensive information. The continuing economic difficulties result in many anxious people consulting my Office trying to resolve pension difficulties. In these challenging times, it is essential that people have a service of redress that is easily accessible to them, should they experience problems with their occupational pensions.

In 2013, 67 complaint files went to Final Determination which is an increase of 14% from the 58 cases in 2012. Of these 67 Final Determinations, 55% of the complaints were upheld.

In 2013, the average length of time to complete a detailed investigation reduced from 127 weeks in 2012 to 113 weeks. Despite this, we consider that the length of time taken to resolve cases is still quite high. We will therefore continue to do everything possible to address this in the months and years ahead.

# Appendices

## Aguisíní







# A

## AGUISÍN A - Cuntais Airgeadais don bhliain 2012

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# Tuarascáil an Ard-Reachtair

## Cuntas agus Ciste

### Oifig an Ombudsman Pinsean

Tá ráitis airgeadais Oifig Fhear an Phobail um Pinsin don bhliain dar chríoch 31 Nollaig 2013 iniúchta agam de réir Acht na bPinsean, 1990, arna leasú. Is éard atá sna ráitis airgeadais, a ullmhaíodh de réir na bpolasaithe cuntasáochta dá bhforáiltear ansin, Ráiteas na bPolasaithe Cuntasáochta, an Cuntas Ioncaim agus Caiteachais, an Ráiteas faoi Ghnóthachain agus Cailteanais Aitheanta lomlána, an Clár Comhardaithe agus na nótaí gaolmhara. Ullmhaíodh na ráitis airgeadais sa forim leagtha amach faoi Alt 22 don Acht agus i gcomhréir le cleachtas cuntasáochta a nglactar igcoitinne le in Éirinn.

### Freagrachtaí an Ombudsman Pinsean

Tá an tOmbudsman Pinsean freagrach as ullmhúchán na ráiteas airgeadais, as a chinntiú go dtugann siad léargas fíorcheart ar staid chúrsaí agus ar ioncam agus ar chaiteachas na gOifige agus as a chinntiú go ndéantar na hidirbhearta mar is ceart.

### Freagrachtaí Ard-Reachtair Cuntas agus Ciste

I é an fhreagracht atá orm na ráitis airgeadais a iniúchadh agus tuairisc a dhéanamh fúthu de réir dlí infheidhme.

Déanaim an t-iniúchadh faoi threoir na n-imthosca speisialta a bhaineann le Comhlachtaí Stáit i dtaca lena mbainistiú agus lena bhfeidhmiú.

Déanaim an t-iniúchadh i gcomhréir leis na Caighdeáin Idirnáisiúnta Iniúcháireachta (RA agus Éire) agus i gcomhlíontas na gCaighdeán Eiticiúil d'iniúcháirí atá leagtha síos ag an mBord um Chleachtais Iniúcháireachta.

### Raon Feidhme an Iniúchta ar na Ráitis Airgeadais

Is éard atá i gceist le hiniúchadh fianaise leordhóthanach a bhailiú i leith na méideanna agus an nochta sna ráitis airgeadais le go mbeidh cinnteacht réasúnta ann go bhfuil na ráitis airgeadais saor ó mhíráiteas ábhartha, cibé acu calaois nó earráid eile is cúis leis. Áirítear leis sin measúnú ar:

- oiriúnacht na bpolasaithe cuntasáochta do na himthosca a bhaineann le hOifig an Ombudsman Pinsean, agus measúnú ar ar cuireadh i bhfeidhm go comhréireach agus ar nochtadh go leordhóthanach iad
- réasúntacht meastúcháin shuntasacha chuntasáochta a rinneadh le linn ullmhúchán na ráiteas airgeadais, agus
- cur i láthair na ráiteas airgeadais tríd is tríd.

Déanaim iarracht freisin fianaise a fháil i gcúrsa an iniúchta faoi rialtacht na n-idirbheart airgeadais.

# Report of the Comptroller and Auditor General

## Office of the Pensions Ombudsman

I have audited the financial statements of the Office of the Pensions Ombudsman for the year ended 31 December 2013 under the Pensions Act 1990, as amended. The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Statement of Total Recognised Gains and Losses, the Balance Sheet and the related notes. The financial statements have been prepared in the form prescribed under Section 22 of the Act, and in accordance with generally accepted accounting practice in Ireland.

## Responsibilities of the Pensions Ombudsman

The Pensions Ombudsman is responsible for the preparation of the financial statements, ensuring that they give a true and fair view of the state of the affairs of the Office and of its income and expenditure and for ensuring the regularity of transactions.

## Responsibilities of the Comptroller and Auditor General

My responsibility is to audit the financial statements and report on them in accordance with applicable law.

My audit is conducted by reference to the special considerations which attach to State bodies in relation to their management and operation.

My audit is carried out in accordance with the International Standards on Auditing (UK and Ireland) and in compliance with the Auditing Practices Board's Ethical Standards for Auditors.

## Scope of Audit of the Financial Statements

An audit involves obtaining evidence about the amounts and disclosures in the financial statements, sufficient to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or error. This includes an assessment of:

- whether the accounting policies are appropriate to the circumstances of the Office of the Pensions Ombudsman, and have been consistently applied and adequately disclosed,
- the reasonableness of significant accounting estimates made in the preparation of the financial statements, and
- the overall presentation of the financial statements.

I also seek to obtain evidence about the regularity of financial transactions in the course of audit.

# Tuarascáil ab Ard-Reachtair Cuntas agus Ciste (ar lean)

## Tuairim faoi na Ráitis Airgeadais

Is é mo thuairim go dtugann na ráitis airgeadais a ullmhaíodh go cuí de réir an Chleachtais Chuntasaíochta a nGlactar i gCoitinne leis in Éirinn léargas fíorcheart ar staid chúrsaí Oifig an Ombudsman Pinsean an 31 Nollaig 2013 agus ar a hioncam agus a caiteachas do 2013.

Tá mé mo thuairim gur choinnigh Oifig an Ombudsman Pinsean leabhair chúí chuntais. Tá na ráitis airgeadais ag teacht leis na leabhair chuntais.

## Ábhar a Thuairiscím de réir Eisceachta

Tuairiscím de réir eisceachta

- mura bhfuil an fhaisnéis agus na míniúcháin uile a theastaíonn chun críocha an iniúchta faighte agam, nó
- má thugtar aon ásc ábharach faoi deara le linn an iniúchta nár caitheadh airgead faoi chomhair na gcuspóirí a bhí ceaptha dó nó nach raibh na hidirbhearta i gcomhréir leis na húdaráis a rialaíonn iad, nó
- mura léiríonn an Ráiteas faoi Rialú Airgeadais Inmheánach go bhfuil an Oifig ag comhlíonadh an Chóid Chleachtais maidir le Rialachán Comhlachtaí Stáit, nó
- má fhaighim amach go bhfuil aon ábhar ábhartha eile ann a bhaineann leis an gcaoi a ndearnadh gnó poiblí.

Níl aon rud le tuairisciú agam maidir leis na hábhair ar a bhfuilim ag tuairisciú de réir eisceachta.



## Andrew Harkness

Le haghaidh agus thar ceann an Ard-Reachtair Cuntas agus Ciste

15 Aibreán 2014

# Report of the Comptroller and Auditor General (continued)

## Opinion on the Financial Statements

In my opinion, the financial statements, which have been properly prepared in accordance with Generally Accepted Accounting Practice in Ireland, give a true and fair view of the state of the affairs of the Office of the Pensions Ombudsman at 31 December 2013 and of its income and expenditure for 2013.

In my opinion, proper books of account have been kept by the Office. The financial statements are in agreement with the books of account.

## Matters on which I Report by Exception

I report by exception if

- I have not received all the information and explanations I required for my audit, or
- my audit noted any material instance where moneys have not been applied for the purposes intended or where the transactions did not conform to the authorities governing them, or
- the Statement on Internal Financial Control does not reflect the Office's compliance with the Code of Practice for the Governance of State Bodies, or
- I find there are other material matters relating to the manner in which public business has been conducted.

I have nothing to report in regard to those matters upon which reporting is by exception.



### Andrew Harkness

For and on behalf of the  
Comptroller and Auditor General

15 April 2014

# Ráiteas maidir le Freagrachtaí an Ombudsman Pinsean

Éilítear de réir Alt 143(1) d'Acht na bPinsean 1990, (arna chur isteach ag Alt 5 d'Acht na bPinsean (Leasú) 2002) go n-ullmhóidh an tOmbudsman Pinsean ráitis airgeadais i cibé foirm a cheadóidh an tAire Coimirce Sóisialaí i ndiaidh dó dul i gcomhairle leis an Aire Airgeadais. Le linn dó na ráitis airgeadais seo a ullmhú ceanglaítear ar an Ombudsman Pinsean:

- Polasaithe oiriúnacha cuntasáochta a roghnú agus iad a chur i bhfeidhm go comhsheasmhach.
- Breithiúnais agus meastacháin a dhéanamh atá réasúnach agus críonna.
- A rá cé acu ar cloíodh nó nár cloíodh leis na caighdeáin chuntasaíochta infheidhme faoi réir aon difriú ábhartha a nochtadh agus a míníodh sna ráitis airgeadais.
- Na ráitis airgeadais a ullmhú faoi mar ba ghnóthas leantach a bheadh i gceist mura bhfuil sé iomchuí a mheas go leanfaidh an Oifig ag feidhmiú.

Tá an tOmbudsman Pinsean freagrach as leabhair chuí chuntais a choinneáil ina bhfuil nochtadh ag aon am amháin léargas fíorcheart ar staid airgeadais na hOifige agus a chuireann ar a cumas a chinntiú go bhfuil Alt 143(1) den Acht á chomhlíonadh sna ráitis airgeadais.

Tá an tOmbudsman Pinsean freagrach freisin as sócmhainní na hOifige a choimeád faoi choimirce agus as céimeanna réasúnacha a ghlacadh chun calaíoch agus mírialtachtaí eile a chosc.



**Paul Kenny**

An tOmbudsman Pinsean

2 Aibreán 2014



# Statement of Responsibilities of the Pensions Ombudsman

Section 143(1) of the Pensions Act 1990, as inserted by Section 5 of the Pensions (Amendment) Act, 2002 requires the Pensions Ombudsman to prepare financial statements in such form as may be approved by the Minister for Social Protection after consultation with the Minister for Finance. In preparing those financial statements, the Ombudsman is required to:

- Select suitable accounting policies and then apply them consistently.
- Make judgements and estimates that are reasonable and prudent.
- State whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.
- Prepare the financial statements on the going concern basis unless it is inappropriate to presume that the Office will continue in operation.

The Ombudsman is responsible for keeping proper books of account, which disclose in a true and fair manner at any time the financial position of the Office and which enable it to ensure that the financial statements comply with Section 143(1) of the Act.

The Ombudsman is also responsible for safeguarding the assets of the Office and for taking reasonable steps for the prevention and detection of fraud and other irregularities.



**Paul Kenny**  
Pensions Ombudsman

2 April 2014

# Ráiteas maidir le Rialú Inmheánach Airgeadais

## Freagracht as an gCóras Rialaithe Airgeadais Inmheánach

Is Oifig bheag í Oifig an Ombudsman Pinsean inarb ionann costais tuarastail agus 66% den chaiteachas iomlán. Tá foireann ochtar ann – an tOmbudsman, Stiúrthóir, trí imscrúdaitheoir, bainisteoir oifige agus beirt oifigeach breise. Tá dhá fholúntas nár líonadh ón chéad leath de 2013.

Is ormsa mar Ombudsman Pinsean atá an fhreagracht a chinntiú go bhfuil córas éifeachtach rialaithe inmheánaigh coinnithe ar siúl agus ag feidhmiú. Is féidir le haon chóras dá leithéid cinnteacht réasúnta a sholáthar ach ní féidir leis cinnteacht absalóideach a sholáthar go mbeidh idirbhearta údaráithe agus cláraithe mar is cuí, go mbeidh sócmhainní faoi choimirce, agus go gcuirfear cosc ar earráidí ábharacha nó ar mhírialtachtaí nó go mbraithfear iad ar mhodh thráthúil.

Tá bearta glactha agam agus ag foireann na hOifige lena chinntiú go mbeidh córas láidir rialaithe airgeadais ann, go gcuirfear faisnéis ar chaiteachas ar fáil go tráthrialta don bhainistíocht agus go mbeidh nósanna imeachta riaracháin trédhearcacha in éifeacht, lena n-áirítear saindeighilt dualgais i gcóras ina dtarmlichtear freagracht ar mhodh soiléir. Cuimsíonn sin na nósanna imeachta a leanas:

- Cuirfear meastachán bliantúil faoi riachtanais airgeadais ar fáil dár Roinn mhaoinithe, don Roinn Coimirce Sóisialaí.
- Nuair a aontaófar an buiséad don bhliain ullmhófar próifíl caiteachais mhíosúil.
- Clárófar caiteachas uile na hOifige seo i gcóras cuntasáochta mhórleabhar ginearálta na Roinne. Ullmhóidh brainse Cuntasáochta na Roinne tuarascáil chaiteachais mhíosúil. Ansin cuirfidh bainisteoir na hoifige i gcomparáid í leis na taifid atá coinnithe san Oifig.

- Ullmhóidh bainisteoir na hoifige ráiteas caiteachais míosúil ina ndéanfar comparáid idir an caiteachas iarbhir agus an phróifíl chaiteachais. Scaipfear sin ar na baill foirne uile agus déanfaidh mé féin athbhreithniú uirthi.
- Cuirfear tuarascáil ar fáil don Roinn dhá uair in aghaidh na bliana ina ndéanfar comparáid idir caiteachas iarbhir agus caiteachas measta.
- Tá na dualgais a bhaineann le híocaíochtaí a dheimhniú, a údarú, agus a íoc deighilte óna chéile.
- Is í an Roinn tuismitheora a dhéanann na híocaíochtaí agus na ríomhanna uile maidir le tuarastal agus le cúrsaí gaolmhara.
- Ullmhóidh cuideachta cuntasáochta neamhspleách/iniúchóireachta na dréacht-chuntais bhliantúla sula gcuirfear faoi bhráid an Ard-Reachtair Cuntas agus Ciste iad.
- Feidhmíonn córas iniúchóireachta inmheánach san Oifig maille le nósanna imeachta airgeadais doiciméadaithe agus mórleabhar mionairgid.

Ina theannta sin tá feidhm iniúchóireachta inmheánach le fail sa Roinn Coimirce Sóisialaí. Clúdóidh aon iniúchadh a dhéanfar ar fheidhm íocaíochta na Roinne thart ar 66% de chaiteachas na hOifige seo. Déantar monatóireachta rialaithe párolla ar bhonn míosúil.

Deimhním go ndearna mé athbhreithniú ar chóras na hOifige maidir le Rialú Inmheánach Airgeadais i rith na bliana 2013.



**Paul Kenny**  
An tOmbudsman Pinsean  
2 Aibreán 2014

# Statement on Internal Financial Control

## Responsibility for the System of Internal Financial Control

The Office of the Pensions Ombudsman is a small office where staff costs represent about 66% of total expenditure. There is a staff of 8 – the Ombudsman, Director, three investigators, an office manager and two further officials. There are two unfilled vacancies since the first half of 2013.

The responsibility for ensuring that an effective system of internal controls is maintained and operated falls to myself, as Pensions Ombudsman. Any such system can provide reasonable, but not absolute, assurance that transactions are certified, authorised and properly recorded, assets are safeguarded and that material errors or irregularities are either prevented or are detected in a timely manner.

The staff of this Office and I have taken steps to ensure that there is a robust system of financial control in place, with regular information on expenditure being supplied to management and transparent administrative procedures in force, including segregation of duties through a clear system of delegation of responsibility. This includes the following procedures:

- An annual estimate of financial requirements is provided to our funding Department, the Department of Social Protection.
  - When the budget for the year is agreed, a monthly profile of expenditure is prepared.
  - All expenditure by this Office is recorded on the Department's general ledger accounting system. A monthly expenditure report is prepared by the Department's Accounts branch. This is then checked by the office manager against the records held in the Office.
- The office manager prepares a monthly statement of expenditure which compares actual with profile. This is circulated to members of staff and is reviewed by myself.
  - A twice yearly report is provided to the Department which compares actual expenditure with estimates.
  - A segregation of duties exists between the certification, authorisation and execution of payments.
  - All pay (and related calculations) and non-pay payments are made by the parent Department.
  - The draft annual accounts are prepared by an independent accounting/auditing company prior to submission to the Comptroller and Auditor General.
  - An internal audit function has been established in the Office, together with documented financial procedures and a petty cash ledger.

In addition, an internal audit function is available within the Department of Social Protection. Any audit of Departmental pay function will cover about 66% of the expenditure by this Office. Payroll control monitoring is conducted on a monthly basis.

I confirm that I reviewed the Office's system of internal financial control during the year 2013.



**Paul Kenny**  
Pensions Ombudsman

2 April 2014

# Ráiteas maidir le Polasaithe Cuntasaíochta

## 1. Bunús Ullmhúcháin

Ullmhaítear na ráitis airgeadais ar bhonn fabhráithe, cé is moite den chás atá léirithe thíos, de réir na bprionsabal cuntasaíochta a bhfuil glacadh leo go ginearálta faoin gcoinbhinsiún costais stairiúil, agus comhlíonann siad na caighdeáin tuairiscithe airgeadais infheidhme agus ceanglais Alt 143 d'Acht na bPinsean 1990, (arna gcur isteach ag Alt 5 d'Acht na bPinsean (Leasú) 2002).

## 2. Aitheantas Ioncaim

Léirítear le hioncam an Deontais Oireachtais iomlán na n-íocaíochtaí a rinne an Roinn Coimirce Sóisialaí thar ceann na hOifige, i mbliain an chuntais.

Ioncam eile a bhaineann go príomha le dámhachtainí cúirte um chostais dlí i bhfabhar Oifig an Ombudsman Pinsean, tugtar cuntas air ar bhonn fáltais airgid thirim.

## 3. Pinsin

Tá fostaithe de chuid an Ombudsman Pinsean clúdaithe ag socruithe pinsin na Státseirbhíse, ós rud é gur Státseirbhísigh iad. Tugadh isteach scéim aoisliúntais le sochar sainithe don Ombudsman Pinsean in 2007 le héifeacht ó 2006. Tá an scéim cistithe go bliantúil ar bhonn 'íoc mar a úsáidtear' ó airgead atá ar fáil di, lena n-áirítear airgead a chuireann an Roinn Coimirce Sóisialaí ar fáil.

Tomhaistear dliteanais scéime pinsean ar bhonn achtúireach ag úsáid modh an aonaid réamh-mheasta.

Léirítear sna costais phinsin sochair phinsin arna dtuilleadh ag an Ombudsman sa tréimhse agus léirítear iad glan óna chuid ranníocaíochtaí pinsin, a gcoinníonn an Roinn Coimirce Sóisialaí iad. Aithnítear aon mhéid arb ionann é agus an muirear pinsean mar ioncam, sa mhéid is go bhfuil sé

inghnóthaithe, agus fritháirithe ag deontais a fhaightear sa bhliain chun íocaíochtaí pinsean a scaoileadh.

Áirítear gnóthachain agus cailteanais achtúireacha ó athruithe ar thoimhdí actúireacha agus ó bharrachais agus easnaimh sa Ráiteas ar Ghnóthachain agus Cailteanais Aitheanta Iomlána don bhliain ina dtarlaíonn siad agus áirítear coigeartú comhfhreagrach sa mhéid inghnóthaithe ón Roinn Coimirce Sóisialaí.

Léiríonn dliteanais phinsin luach reatha de chuid íocaíochtaí pinsin na todhchaí atá tuillte ag an Ombudsman go dtí seo. Léiríonn maoiniú pinsean iarchurtha an tsócmhainn fhreagraigh le haisghabháil i dtréimhsí sa todhchaí ón Roinn Coimirce Sóisialaí.

## 4. Sócmhainní Seasta Inláimhsithe

Luaitear Sócmhainní Seasta Inláimhsithe ar a gcostas nó ar a luacháil lúide luachlaghdú carntha. Déantar soláthar do luachlaghdú ar bhonn líne díreach ag rátaí a measfar go laghdóidh siad na sócmhainní go luachanna inréadaithe faoi dheireadh an tsaolí úsáidigh a measfar a bheith i ndán dóibh mar a leanas:

TE agus Trealamh Oifige	20%	Líne Díreach
Troscán agus Feistis	10%	Líne Díreach

## 5. Cuntas Caipitil

Is ionann an Cuntas Caipitil agus luach neamh-amúchta an ioncaim arna fheidhmiú le haghaidh caiteachas caipitil.

## 6. Ráiteas faoi Shreabhadh Airgid Thirim

Ní chuirtear aon Ráiteas um Shreabhadh Airgid Thirim i láthair, rud a thagann leis na heisceachtaí atá deonaithe in FRS 1.

# Statement of Accounting Policies

## 1. Basis of Preparation

The financial statements are prepared on an accruals basis, except as outlined below, in accordance with generally accepted accounting principles under the historic cost convention and comply with applicable financial reporting standards and with the requirements of Section 143 of the Pensions Act 1990 (inserted by Section 5 of the Pensions (Amendment) Act 2002).

## 2. Recognition of Income

Oireachtas Grant income represents the total payments made by the Department of Social Protection on behalf of the Office, in the year of account.

Other income which relates mainly to court awards of legal costs in favour of the Office of the Pensions Ombudsman are brought to account on a cash receipts basis.

## 3. Pensions

The employees of the Pensions Ombudsman, being Civil Servants, are covered by the Civil Service pension arrangements. A defined benefits superannuation scheme for the Pensions Ombudsman was introduced in 2007 with effect from 2006. The scheme is funded annually on a pay as you go basis from monies available to it, including monies provided by the Department of Social Protection.

Pension scheme liabilities are measured on an actuarial basis using the projected unit method.

Pension costs reflect pension benefits earned by the Ombudsman in the period and are shown net of his pension contributions which are retained by the Department of Social Protection. An amount corresponding

to the pension charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising from changes in actuarial assumptions and from experience surpluses and deficits are recognised in the Statement of Total Recognised Gains and Losses for the year in which they occur and a corresponding adjustment is recognised in the amount recoverable from the Department of Social Protection.

Pension liabilities represent the present value of future pension payments earned by the Ombudsman to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Social Protection.

## 4. Tangible Fixed Assets

Tangible Fixed Assets are stated at cost or valuation less accumulated depreciation. Depreciation is provided for on a straight line basis at rates which are estimated to reduce the asset to their realisable values by the end of their expected useful lives as follows:

IT and Office Equipment	20% Straight Line
Furniture and Fittings	10% Straight Line

## 5. Capital Account

The Capital Account represents the unamortised value of income applied for capital expenditure.

## 6. Cash Flow Statement

No Cash Flow Statement is presented in line with the exemptions granted in FRS 1.

# An Cuntas Ioncaim agus Caiteachais

don bhliain dar chríoch 31 Nollaig 2013

	<i>Nótaí</i>	<b>2013</b>	<b>2012</b>
<b>Ioncam</b>		<b>€</b>	<b>€</b>
Deontas Oireachtais	1	974,225	976,745
Lúide Aisíocaíocht leis an Roinn Coimirce Sóisialaí		-	(32,503)
Lúide Ranníocaíochtaí Aoisliúntais a Íocadh ar ais	8a	(6,909)	(7,301)
Deontas Oireachtais Glan		967,316	936,941
Glanmhaoiniú larchurtha le haghaidh Pinsean		46,000	44,000
Aistriú go Cuntas Caipitil	6	6,616	24,464
Ioncam Eile	2	-	13,100
Lúide Ioncam Eile a cuireadh ar aghaidh	2	-	(13,100)
<b>Ioncam Iomlán</b>		<b>1,019,932</b>	<b>1,005,405</b>
<b>Caiteachas</b>			
Costais Foirne	3	676,625	754,922
Riarachán	4	327,668	254,763
Táille Iniúchta		7,700	4,380
Luachlaghdú	5	6,616	24,464
<b>Caiteachas Iomlán</b>		<b>1,018,609</b>	<b>1,038,529</b>
<b>Farasbarr/(Easnamh) don bhliain</b>		<b>1,323</b>	<b>(33,124)</b>
<b>Farasbarr/(Easnamh) ar 1 Eanáir</b>		<b>(8,509)</b>	<b>24,615</b>
<b>Easnamh ar 31 Nollaig</b>		<b>(7,186)</b>	<b>(8,509)</b>

Is cuid de na ráitis airgeadais seo Ráiteas na bPolasaithe Cuntasaíochta agus Nótaí 1 go 10.



**Paul Kenny**

An tOmbudsman Pinsean

2 Aibreán 2014

# Income and Expenditure Account

for the year ended 31 December 2013

	Notes	2013 €	2012 €
<b>Income</b>			
Oireachtas Grant	1	974,225	976,745
Less Refund to Department of Social Protection		-	(32,503)
Less Superannuation Contributions Repaid	8a	(6,909)	(7,301)
Net Oireachtas Grant		967,316	936,941
Net Deferred Funding for Pensions		46,000	44,000
Transfer from Capital Account	6	6,616	24,464
Other Income	2	-	13,100
Less Other Income Remitted	2	-	(13,100)
<b>Total Income</b>		<b>1,019,932</b>	<b>1,005,405</b>
<b>Expenditure</b>			
Staff Costs	3	676,625	754,922
Administration	4	327,668	254,763
Audit Fee		7,700	4,380
Depreciation	5	6,616	24,464
<b>Total Expenditure</b>		<b>1,018,609</b>	<b>1,038,529</b>
<b>Surplus/(Deficit) for the year</b>		<b>1,323</b>	<b>(33,124)</b>
<b>Surplus/(Deficit) at 1 January</b>		<b>(8,509)</b>	<b>24,615</b>
<b>Deficit at 31 December</b>		<b>(7,186)</b>	<b>(8,509)</b>

The Statement of Accounting Policies and Notes 1 to 10 form part of these financial statements.



**Paul Kenny**

Pensions Ombudsman

2 April 2014

# Ráiteas maidir le Gnóthachain agus le Cailteanais Aitheanta Iomlána

don bhliain dar chríoch 31 Nollaig 2013

	<i>Nótaí</i>	<b>2013</b>	<b>2012</b>
		€	€
Farasbarr/(Easnamh) don bhliain		<b>1,323</b>	<b>(33,124)</b>
Gnóthachain actúireacha maidir le dliteanais scéim pinsin	<i>8d</i>	25,000	9,000
Athruithe ar na toimhdeanna is bun le luach dliteanais scéim pinsin faoi láthair		-	-
<b>Gnóthachan achtúireach maidir le Dliteanais Phinsin</b>	<i>8b</i>	25,000	9,000
<b>Coigeartú ar Mhaoiniú Pinsin Iarchurtha</b>		(25,000)	(9,000)
<b>Gnóthachan/(Cailteanas) Aitheanta Iomlán don bhliain</b>		<b>1,323</b>	<b>(33,124)</b>

Is cuid de na ráitis airgeadais seo Ráiteas na bPolasaithe Cuntasaíochta agus Nótaí 1 go 10.



**Paul Kenny**

An tOmbudsman Pinsean

2 Aibreán 2014



# Statement of Total Recognised Gains and Losses

for the year ended 31 December 2013

	Notes	2013 €	2012 €
Surplus/(Deficit) for year		<b>1,323</b>	<b>(33,124)</b>
Experience gains on pension scheme liabilities	8d	25,000	9,000
Changes in assumptions underlying present value of pension scheme liabilities		-	-
<b>Actuarial gain on Pension Liabilities</b>	8b	25,000	9,000
<b>Adjustment to Deferred Pension Funding</b>		(25,000)	(9,000)
<b>Total Recognised Gains/(Losses) for the year</b>		<b>1,323</b>	<b>(33,124)</b>

The Statement of Accounting Policies and Notes 1 to 10 form part of these financial statements.



**Paul Kenny**

Pensions Ombudsman

2 April 2014

# An Clár Comhardaithe ar 31 Nollaig 2013

	Nótaí	2013		2012	
		€	€	€	€
<b>Sócmhainní Seasta</b>					
Sócmhainní Seasta Inláimhsithe	5		12,271		18,887
<b>Sócmhainní Reatha</b>					
Fiachóirí agus Réamhíocaíochtaí	7	10,481		6,364	
Banc agus Airgead Tirim		38		212	
		<u>10,519</u>		<u>6,576</u>	
<b>Dlíteanais Reatha</b>					
Creidiúnaithe		6,377		5,888	
Fabhruithe		11,328		9,197	
		<u>17,705</u>		<u>15,085</u>	
<b>Glan-Dlíteanas Reatha</b>			(7,186)		(8,509)
<b>Sócmhainní Iomlána Lúide</b>					
<b>Dlíteanais Reatha</b>			<u>5,085</u>		<u>10,378</u>
Maoiniú Pinsin Iarchurtha	8c		315,000		294,000
Dlíteanas Pinsin	8b		(315,000)		(294,000)
<b>Glansócmhainní</b>			<u>5,085</u>		<u>10,378</u>
<b>Arna Airgeadú ag</b>					
Cuntas Caipitil	6		12,271		18,887
Cuntas Ioncaim agus Caiteachais			(7,186)		(8,509)
			<u>5,085</u>		<u>10,378</u>

Is cuid de na ráitis airgeadais seo Ráiteas na bPolasaithe Cuntasaíochta agus Nótaí 1 go 10.



**Paul Kenny**

An tOmbudsman Pinsean

2 Aibreán 2014

# Balance Sheet as at 31 December 2013

	Note	2013		2012	
		€	€	€	€
<b>Fixed Assets</b>					
Tangible Fixed Assets	5		12,271		18,887
<b>Current Assets</b>					
Debtors and Prepayments	7	10,481		6,364	
Bank and Cash		38		212	
		<u>10,519</u>		<u>6,576</u>	
<b>Current Liabilities</b>					
Creditors		6,377		5,888	
Accruals		11,328		9,197	
		<u>17,705</u>		<u>15,085</u>	
<b>Net Current Liabilities</b>			<u>(7,186)</u>		<u>(8,509)</u>
<b>Total Assets Less Current Liabilities</b>			<u>5,085</u>		<u>10,378</u>
Deferred Pension Funding	8c		315,000		294,000
Pension Liability	8b		<u>(315,000)</u>		<u>(294,000)</u>
<b>Net Assets</b>			<u>5,085</u>		<u>10,378</u>
<b>Financed By</b>					
Capital Account	6		12,271		18,887
Income and Expenditure Account			<u>(7,186)</u>		<u>(8,509)</u>
			<u>5,085</u>		<u>10,378</u>

The Statement of Accounting Policies and Notes 1 to 10 form part of these financial statements.



**Paul Kenny**  
Pensions Ombudsman

2 April 2014

# Nótaí maidir leis na Ráitis Airgeadais

## 1 Deontas Oireachtais

Is í an Roinn Coimirce Sóisialaí a mhaoiníonn Oifig an Ombudsman Pinsean agus is í a dhéanann gach íocaíocht thar ceann na hOifige. Is ionann an deontas iomlán agus an tsuim a mhuirearaítear ar Chuntas Leithreasa na Roinne sin.

## 2 Ioncam Eile

Ioncam eile €13,100 a fuarthas in 2012 a bhain le costais dlí a dhámh na Cúirteanna i leith cásanna dlí a ndearna Oifig an Ombudsman Pinsean iad a thionscnamh. Íocadh an t-ioncam sin ina iomláine leis an Roinn Coimirce Sóisialaí mar Leithreasaí i gCabhair in 2012. Ní bhfuarthas aon ioncam den sórt sin in 2013.

## 3 (a) Costais Foirne

	<i>Nótaí</i>	<b>2013</b>	<b>2012</b>
		€	€
Luach Saothair agus Tuarastal		632,842	710,706
Taisteal		4,692	7,517
Costais Phinsin	8(a)	39,091	36,699
<b>Iomlán</b>		<b>676,625</b>	<b>754,922</b>

Rinne an Roinn Coimirce Sóisialaí Asbhaint maidir le Pinsin ar luach €43,176 (2012: €48,604) ó thuarastail foirne agus choinnigh siad í.

## (b) Líon na bhFostaithe

Seo mar a ríomhtar meánlíon na bhfostaithe sa tréimhse:

	<b>2013</b>	<b>2012</b>
An tOmbudsman Pinsean	1	1
Foireann Riaracháin	8	9
	<b>9</b>	<b>10</b>

## (c) Tuarastal an Ombudsman Pinsean

	<b>2013</b>	<b>2012</b>
	€	€
Tuarastal	119,185	125,655

Ní fuair an tOmbudsman Pinsean aon bhreisíocaíocht bunaithe ar fheidhmíocht agus ní ghabhann a theidlíochtaí pinsin thar mhúnla scéim na státseirbhíse.

# Notes to the Financial Statements

## 1 Oireachtas Grant

Funding for the Office of the Pensions Ombudsman is provided by the Department of Social Protection which makes all payments on behalf of the Office. The total grant matches the sum charged to the Appropriation Account of that Department.

## 2 Other Income

Other income of €13,100 received in 2012 related to legal costs awarded by the Courts in respect of legal cases undertaken by the Office of the Pensions Ombudsman. This income was remitted in full to the Department of Social Protection as Appropriations-in-Aid in 2012. There was no such income received in 2013.

## 3 (a) Staff Costs

	<i>Notes</i>	<b>2013</b>	<b>2012</b>
		€	€
Wages and Salaries		632,842	710,706
Travel		4,692	7,517
Pension Costs	8(a)	39,091	36,699
<b>Total</b>		<b>676,625</b>	<b>754,922</b>

Pension Related Deductions of €43,176 (2012: €48,604) were made from staff salaries and retained by the Department of Social Protection.

## (b) Employee Numbers

The average number of employees during the period was made up as follows

	<b>2013</b>	<b>2012</b>
Ombudsman	1	1
Administrative Staff	8	9
	<b>9</b>	<b>10</b>

## (c) Ombudsman Salary

	<b>2013</b>	<b>2012</b>
	€	€
Salary	119,185	125,655

The Ombudsman did not receive a performance related bonus and his pension entitlements do not extend beyond the model civil service scheme.

# Nótaí maidir leis na Ráitis Airgeadais (ar lean)

## 4 Costais Riaracháin

	<b>2013</b>	<b>2012</b>
	€	€
Costais Ghinearálta	12,456	12,947
Seachfhoinsiú na Tacaíochta maidir le hImscrúduithe	48,997	-
Post agus Teileachumarsáide	21,059	15,132
Clódóireacht agus Stáiseanóireacht	35,571	18,222
TF/Innealra Oifige (Neamh-Shócmhainn)	1,737	17,426
Obair Chothabhála	26,619	28,552
Fógraíocht/Seimineáir/Foilseacháin	29,604	50,539
Táillí Dí	151,625	111,945
	<b>327,668</b>	<b>254,763</b>

De bharr méadú 79% a tháinig ar líon na bhfiosrúchán nua agus méadú 24% ar líon na gcásanna nua in 2012, rinneadh roinnt obair thacaíochta i leith imscrúduithe a sheachfhoinsiú in 2013 chun an riaráiste a ghlanadh.

## 5 Sócmhainní Seasta

	<b>Crua-earra agus Bogearra TE agus Trealamh Oifige</b>	<b>Troscán agus Feistis</b>	<b>Iomlán</b>
	€	€	€
<b>Sócmhainní ar a gCostas</b>			
Comhardú ar 1 Eanáir 2013	117,000	152,714	269,714
Breiseanna	-	-	-
<b>Comhardú ar 31 Nollaig 2013</b>	<b>117,000</b>	<b>152,714</b>	<b>269,714</b>
<b>Luachlaghdú</b>			
Comhardú ar 1 Eanáir 2013	(111,126)	(139,701)	(250,827)
Muirear don bhliain	(1,958)	(4,658)	(6,616)
<b>Comhardú ar 31 Nollaig 2013</b>	<b>(113,084)</b>	<b>(144,359)</b>	<b>(257,443)</b>
<b>Luach Leabhair Glan</b>			
<b>Comhardú ar 31 Nollaig 2013</b>	<b>3,916</b>	<b>8,355</b>	<b>12,271</b>
<b>Comhardú ar 31 Nollaig 2013</b>	<b>5,874</b>	<b>13,013</b>	<b>18,887</b>

# Notes to the Financial Statements (continued)

## 4 Administration Costs

	<b>2013</b>	<b>2012</b>
	€	€
General Expenses	12,456	12,947
Outsourcing of Investigation Support	48,997	-
Postage and Telecommunications	21,059	15,132
Printing and Stationery	35,571	18,222
IT/Office Machinery (Non-Asset)	1,737	17,426
Maintenance	26,619	28,552
Advertising/Seminars/Publications	29,604	50,539
Legal Fees	151,625	111,945
	<u>327,668</u>	<u>254,763</u>

Following a 79% increase in new enquires and a 24% increase in new cases in 2012, some investigation support work was outsourced during 2013 to clear the backlog.

## 5 Fixed Assets

	<b>IT Hardware, Software and Office Equipment</b>	<b>Furniture and Fittings</b>	<b>Total</b>
	€	€	€
<b>Assets at Cost</b>			
Balance at 1 January 2013	117,000	152,714	269,714
Additions	-	-	-
<b>Balance at 31 December 2013</b>	<b>117,000</b>	<b>152,714</b>	<b>269,714</b>
<b>Depreciation</b>			
Balance at 1 January 2013	(111,126)	(139,701)	(250,827)
Charge for the year	(1,958)	(4,658)	(6,616)
<b>Balance at 31 December 2013</b>	<b>(113,084)</b>	<b>(144,359)</b>	<b>(257,443)</b>
<b>Net Book Value</b>			
<b>Balance at 31 December 2013</b>	<b>3,916</b>	<b>8,355</b>	<b>12,271</b>
<b>Balance at 31 December 2012</b>	<b>5,874</b>	<b>13,013</b>	<b>18,887</b>

# Nótaí maidir leis na Ráitis Airgeadais (ar lean)

## 6 Cuntas Caipitil

	€	€
Comhardú ar 1 Eanáir 2013		18,887
Ceannach Sócmhainne Seasta	-	
Amúchadh i gcomhréir le Luachlaghdú	(6,616)	
Luachlaghdú ar Athluacháil	-	
Aistriú go Cuntas Ioncaim agus Caiteachais		(6,616)
<b>Comhardú ar 31 Nollaig 2013</b>		<b>12,271</b>

## 7 Fiachóirí agus Réamhíocaíochtaí

	2013	2012
	€	€
Fiachóirí	92	828
Réamhíocaíochtaí	10,389	5,536
	<u>10,481</u>	<u>6,364</u>

## 8 Pinsin

### (a) Anailís ar chostais iomlána pinsin muirearaithe ar chaiteachas

	2013	2012
	€	€
Costas Láithreach Seirbhíse	30,000	30,000
Ús ar dhliteanais Scéim Pinsin	16,000	14,000
Ranníocaíochtaí Fostaithe	(6,909)	(7,301)
Maoiniú inghnóthaithe maidir le costais phinsin na bliana reatha	<u>39,091</u>	<u>36,699</u>



# Notes to the Financial Statements (continued)

## 6 Capital Account

	€	€
Balance at 1 January 2013		18,887
Purchase of Fixed Asset	-	
Amortisation in line with Depreciation	(6,616)	
Loss on Disposal	-	
Transfer to Income and Expenditure Account		(6,616)
<b>Balance at 31 December 2013</b>		<b>12,271</b>

## 7 Debtors and Prepayments

	2013	2012
	€	€
Debtors	92	828
Prepayments	10,389	5,536
	<u>10,481</u>	<u>6,364</u>

## 8 Pensions

### (a) Analysis of total pension costs charged to expenditure

	2013	2012
	€	€
Current Service Cost	30,000	30,000
Interest on Pension Scheme Liabilities	16,000	14,000
Employee contributions	(6,909)	(7,301)
Funds recoverable in respect of current year pension costs	<u>39,091</u>	<u>36,699</u>

# Nótaí maidir leis na Ráitis Airgeadais (ar lean)

## 8 Pinsin (ar lean)

### (b) Gluaiseacht maidir le glandliteanas pinsin i rith na bliana airgeadais

	2013	2012
	€	€
Glandliteanas Pinsin an 1 Eanáir	294,000	259,000
Costas Láithreach Seirbhíse	30,000	30,000
Costas Seirbhíse san Am Atá Caite	-	-
Costas Úis	16,000	14,000
(Gnóthachan)/Caillteanas Achtúireach	(25,000)	(9,000)
Pinsin íoctha sa bhliain	-	-
<b>Glandliteanas Pinsin an 31 Nollaig</b>	<b>315,000</b>	<b>294,000</b>

### (c) Sócmhainní Maoinithe Iarchurtha le haghaidh Pinsean

Aithníonn Oifig an Ombudsman Pinsean an méid sin mar shócmhainn atá comhréireach leis an dliteanas iarchurtha neamh-mhaoinithe le haghaidh pinsean ar bhonn shraith na dtuairimheana a bhfuil cur síos orthu ag (e) agus ar bhonn roinnt imeachtaí san am atá thart. Cuimsíonn na himeachtaí sin foras reachtúil chun an scéim pinsin a bhunú agus an polasaí agus an dea-chleachtas atá ann faoi láthair maidir le maoiniú pinsin seirbhíse poiblí ar a n-áirítear ranníocaíochta fostaithe agus próiseas na meastachán bliantúil. Níl aon fhianaise ag Oifig an Ombudsman Pinsean nach n-íocfar suimeanna dá leithéid go leanúnach tríd an maoiniú sin de réir an chleachtais atá ann faoi láthair.

Seo a leanas an ghlanmhaoiniú iarchurtha le haghaidh pinsean a bhí aitheanta sa chuntas ioncaim agus caiteachais:

	2013	2012
	€	€
An maoiniú atá inghnóthaithe maidir le costais phinsin na bliana reatha	46,000	44,000
Deontas Stáit curtha chun feidhme d'fhonn pinsinéirí a íoc	-	-
	<b>46,000</b>	<b>44,000</b>

Ba é €315,000 (2012: €294,000) méid na sócmhainne maoinithe iarchurtha le haghaidh pinsin an 31 Nollaig 2013.

# Notes to the Financial Statements (continued)

## 8 Pensions (continued)

### (b) Movement in net pension liability during the financial year

	<b>2013</b>	<b>2012</b>
	€	€
Net Pension Liability at 1 January	294,000	259,000
Current Service Cost	30,000	30,000
Past Service Cost	-	-
Interest Cost	16,000	14,000
Actuarial (gain)/loss	(25,000)	(9,000)
Pensions paid in the year	-	-
<b>Net Pension Liability at 31 December</b>	<b>315,000</b>	<b>294,000</b>

### (c) Deferred Funding Assets for Pensions

The Office of the Pensions Ombudsman recognises this amount as an asset corresponding to the unfunded deferred liability for pensions on the basis of the set of assumptions described at (e) and a number of past events. These events include the statutory basis for the establishment of the pension scheme and the policy and practice currently in place in relation to funding public service pensions including contributions by employees and the annual estimates process. The Office of the Pensions Ombudsman has no evidence that this funding policy will not continue to meet such sums in accordance with current practice.

The net deferred funding for pensions recognised in the Income and Expenditure Account was as follows:

	<b>2013</b>	<b>2012</b>
	€	€
Funding recoverable in respect of current year pension costs	46,000	44,000
State Grant applied to pay pensioners	-	-
	<b>46,000</b>	<b>44,000</b>

The deferred funding asset for pensions as at 31 December 2013 amounted to €315,000 (2012: €294,000).

# Nótaí maidir leis na Ráitis Airgeadais (ar lean)

## 8 Pinsin (ar lean)

### (d) Stair Dhliteanais Scéime agus cailteanais/(gnóthachain) saintaithí

	<b>2013</b>	<b>2012</b>	<b>2011</b>
	<b>€</b>	<b>€</b>	<b>€</b>
Dliteanas Scéime	315,000	294,000	259,000
(Gnóthachan)/cailteanas saintaithí i ndáil le dliteanais scéime	(25,000)	(9,000)	(8,000)
Céatadán luach láithreach dhliteanais na scéime	-8%	-3%	-3%

### (e) Cur síos Ginearálta ar an Scéim

Sochar sainithe shocrú pinsin an tuarastail deiridh atá sa scéim pinsin ina sainmhínítear sochair agus ranníocaíochta trí thagairt a dhéanamh do rialacháin múnla reatha scéim na hearnála poiblí. Soláthraítear pinsean (ochtódú in aghaidh bliain seirbhíse), aisce ar chnapshuim (trí ochtódú in aghaidh bliain seirbhíse), agus pinsin chéile agus leanaí tríd an scéim. Is ionann an gnáthaois scoir agus an aois a bhfuil 65 bliana slán ag an gcomhalta agus beidh teidlíocht ag an lucht a bhí ina gcomhaltaí roimh 2004 ar laghdú achtúireach ón dáta a mbeidh 60 bliain slán acu. Méadaíonn pinsin atá á n-íoc (agus pinsin iarchurtha) i gcomhréir le boilsciú ginearálta tuarastal seirbhíse poiblí.

Tá an luacháil a mbaintear úsáid as le haghaidh nochtadh FRS17 (Athbhreithnithe) bunaithe ar luacháil iomlán achtúireach a rinne achtúire cáilithe neamhspleách ar an 23 Feabhra 2010 inar cuireadh ceangail an FRS san áireamh d'fhonn dliteanais na scéime ar an 31 Nollaig 2013 a mheas.

Seo a leanas na príomhthoimhdeanna achtúireacha:

	<b>2013</b>	<b>2012</b>
Ráta ardaithe tuarastal	4%	4%
Ráta méadaithe pinsean atá á n-íoc	4%	4%
Ráta Lascaine	5.50%	5.50%
Ráta Boilscithe	2%	2%

Cuirtear feabhais ar ionchas saoil in imeacht ama san áireamh sa bhunús báis atá glactha sa chaoi is go mbeidh ionchas saoil ag an aois scoir ag brath ar an mbliain a shroichfidh comhalta an aois scoir (65 bliana d'aois). Léirítear sa tábla thíos ionchas saoil na gcomhaltaí a mbeidh 65 bliana slán acu in 2012 agus in 2013.

# Notes to the Financial Statements (continued)

## 8 Pensions (continued)

### (d) History of Scheme Liabilities and experience losses/(gains)

	<b>2013</b>	<b>2012</b>	<b>2011</b>
	<b>€</b>	<b>€</b>	<b>€</b>
Scheme Liability	315,000	294,000	259,000
Experience (gain)/loss on scheme liabilities	(25,000)	(9,000)	(8,000)
Percentage of the present value of scheme liabilities	-8%	-3%	-3%

### (e) General Description of the Scheme

The pension scheme is a defined benefit final salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The scheme provides a pension (one eightieth per year of service), a gratuity or lump sum (three eightieths per year of service) and spouse's and children's pensions. Normal retirement age is a member's 65th birthday, and pre 2004 members have an entitlement to retire without actuarial reduction from age 60. Pensions in payment (and deferment) normally increase in line with general public sector salary inflation.

The valuation used for FRS17 (Revised) disclosures has been based on a full actuarial valuation on 23rd February 2010 by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31 December 2013.

The principal actuarial assumptions were as follows:

	<b>2013</b>	<b>2012</b>
Rate of increase in salaries	4%	4%
Rate of increase in pensions in payment	4%	4%
Discount Rate	5.50%	5.50%
Inflation Rate	2%	2%

The mortality basis adopted allows for improvements in life expectancy over time, so that life expectancy at retirement will depend on the year in which a member attains retirement age (age 65). The table below shows the life expectancy for members attaining age 65 in 2012 and 2013.

# Nótaí maidir leis na Ráitis Airgeadais (ar lean)

## 8 Pinsin (ar lean)

65 bliana slán sa bhliain	<b>2013</b>	<b>2012</b>
lonchas saoil - fear	87	87
lonchas saoil - bean	90	90

## 9 Áitreabh

Tá an chóiríocht atá á háitiú ag Oifig an Ombudsman Pinsean ag 36 Sráid an Mhóta Uachtarach, Baile Átha Cliath 2 léasaithe agus íoctha ag Oifig na nOibreacha Poiblí. Is é €200,000 an cíós bliantúil reatha a íocann OOP. Tá athbhreithniú á dhéanamh faoi láthair ag Oifig na nOibreacha Poiblí agus táthar ag fanacht lena thoradh sin. Ní íocann Oifig an Ombudsman Pinsean aon mhuirear maidir leis an gcóiríocht sin.

## 10 Clár Athchóirithe na Seirbhíse Poiblí

Mar chuid de Chlár Athchóirithe na Seirbhíse Poiblí, cuireadh Oifig an Ombudsman Pinsean san áireamh ar liosta athbhreithnithe criticiúil de na comhlachtaí a bhféadfaí a chónascadh. Tá sé socraithe ar Oifig an Ombudsman Pinsean a cheangal le Biúró an Ombudsman um Sheirbhísí Airgeadais. Tá teagmhálacha leanúnacha ar bun idir an Roinn Airgeadais agus an Roinn Coimirce Sóisialaí maidir le gnéithe dlí agus gnéithe riaracháin eile an chónaisc seo. Níl an reachtaíocht a bheartaítear chun éifeacht a thabhairt don chónasc atá beartaithe tionscanta fós i dTithe an Oireachtais. Táthar ag ceapadh go mbeidh an cónasc seo críochnaithe in 2015.

# Notes to the Financial Statements (continued)

## 8 Pensions (continued)

Years of attaining age 65	<b>2013</b>	<b>2012</b>
Life expectancy - male	87	87
Life expectancy - female	90	90

## 9 Premises

The accommodation occupied by the Office of the Pensions Ombudsman at 36 Upper Mount Street, Dublin 2 is leased and paid for by the Office of Public Works. The current annual rent paid by the OPW is €200,000. A review is being conducted currently by the OPW and the outcome of this is awaited. There is no charge to the Office of the Pensions Ombudsman in respect of this accommodation.

## 10 Public Sector Reform Programme

As part of the Public Service Reform Programme, the Office of the Pensions Ombudsman was included on a critical review list of public bodies that might be amalgamated. The critical review considered a possible merger for the Office of the Pensions Ombudsman with the Financial Services Ombudsman Bureau. A decision was reached by Government in April 2013 to amalgamate the two offices. There are ongoing contacts between the Department of Finance and the Department of Social Protection on the legal and other administrative aspects of this amalgamation. The proposed legislation to give effect to the proposed amalgamation has not yet commenced in the Houses of the Oireachtas. It is expected that the amalgamation will be completed in 2015.

# B

## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhir atá na cásanna ach ní hiad na hainmneacha céanna atá luaite.*

### Cás 1 Achomharc Ardchúirte – Cur Chun Feidhme an Achta um Bearta Airgeadais Éigeandála ar Mhaithe le Leas an Phobail ('FEMPI') (Uimh.2) 2009

Faoi Acht na bPinsean, 1990, tá Cinneadh Críochnaitheach ó m'Oifigse ina cheangal dlíthiúil ar gach páirtí agus faoi réir achomhairc roimh an Ardchúirt laistigh de 21 lá. Ó am go ham, bíonn ar m'Oifigse Cinneadh Críochnaitheach a chosaint i gcoinne achomhairc san Ardchúirt.

Cás achomhairc a cuireadh faoi bhráid na hArdchúirte le déanaí ba ea Willis & Eile (Iontaobhaithe Scéim Pinsin Sheirbhís Fuilastriúcháin na hÉireann) v an tOmbudsman Pinsean agus Duine Eile. Bhain an t-achomharc seo le hAcht um Bearta Airgeadais Éigeandála ar Mhaithe le Leas an Phobail ('FEMPI') (Uimh.2) 2009.

Ag an achomharc, sheas an Ardchúirt leis an rialú a rinne mé nach raibh forálacha FEMPI curtha i bhfeidhm mar is ceart ag Iontaobhaithe Scéim Pinsean Sheirbhís Fuilastriúcháin na hÉireann.

De réir Alt 2 de FEMPI cuireadh tús le gearradh i bpá státseirbhíseach. Rinneadh foráil in Alt 3 de FEMPI go raibh neamhaird le tabhairt d'Alt 2 chun críche teidlíochtaí pinsean státseirbhísigh a ríomh sa chás go ndeachaigh an duine i gceist ar scor roimh an 29 Feabhra 2012.

Bhí tuarastal an duine laghdaithe ag Seirbhís Fuilastriúcháin na hÉireann de réir an Achta, agus bhí a teidlíochtaí pinsin siúd bunaithe ag na hiontaobhaithe ar an tsuim laghdaithe. Ba é an gearán a rinne sí le m'Oifigse go raibh Alt 2 den Acht curtha i bhfeidhm ina cás siúd, ach gur tugadh neamhaird d'Alt

3. D'argóin na hiontaobhaithe nach 'scéim pinsin seirbhís phoiblí' an scéim pinsean laistigh de bhrí FEMPI. Dá réir sin, chreid siad nach bhféadfadh Alt 3 de FEMPI a bheith ábhartha don fhostóir.

Rinne an tOmbudsman Pinsean Cinneadh Críochnaitheach i bhfabhar an ghearánaigh ar an mbonn nach bhféadfaí FEMPI a chur chun feidhme ar bhonn páirteach. Bhí blianta fada caite ag an bhfostaí seo ag obair don Bhord agus ba ag deireadh 2011 a chuaigh sí ar scor, agus dá réir sin, bhí sí clúdaithe faoi Alt 3(2).

Rinne na hiontaobhaithe an Cinneadh a achomharc. Argóint eile a rinne na hiontaobhaithe ba ea, ó tharla an t-achomharc a bheith bunaithe ar cheist dlí, gur cheart go mbeadh saineolas uachtarach ag an gCúirt seachas ag an Ombudsman Pinsean agus nár cheart breithniú siar chuig saineolas nó saintuiscint an Ombudsman.

Agus an achomharc á dhiúltú, lean an Breitheamh Kearns, Uachtarán na hArdchúirte, breithiúnas Bhanc Uladh v an tOmbudsman um Sheirbhísí Airgeadais [2006] IEHC 323. Sheas an breithiúnas, i gcás achomhairc i gcoinne cinneadh Ombudsman, nach mór a chruthú go raibh Cinneadh Críochnaitheach bunaithe ar earráid shuntasach nó sraith earráidí den sórt sin, agus, le linn na tástála sin a chur i bhfeidhm, go dtabharfadh an Chúirt aird ar shaineolas agus ar shaintuiscint an chosantóra.

Ina bhreithiúnas thagair an Breitheamh Kearns do chinneadh na Cúirte Uachtaraí in Henry Denny & Sons (Éire) Ltd. v Aire Leasa Shóisialaigh [1998] 1 I.R. 34, a dúirt an Príomh-Breitheamh Hamilton (Ich.36-37) an méid seo a leanas maidir leis na cúirteanna:



# B

## Appendix B – Examples of cases\* dealt with in 2013

*\*Cases are based on actual events but with the names changed.*

### **Case 1 High Court Appeal – Implementation of Financial Emergency Measures in the Public Interest ('FEMPI') (No.2) Act 2009**

Under the Pensions Act, 1990, a Final Determination from my Office is legally binding on all parties and subject only to appeal before the High Court within 21 days. From time to time, my Office has to defend a Final Determination against an appeal in the High Court.

A recent appeal case in the High Court was *Willis & Others (Trustees of the Irish Blood Transfusion Service Pension Scheme) v the Pensions Ombudsman and Another*. This appeal related to the Financial Emergency Measures in the Public Interest ('FEMPI') (No.2) Act 2009.

At the appeal, the High Court upheld my ruling that the plaintiffs, the Trustees of the Irish Blood Transfusion Service Pension Scheme, had not applied the provisions of FEMPI correctly in this case.

Section 2 of FEMPI introduced cuts in public servants' pay. Section 3 of FEMPI provided that Section 2 was to be disregarded for the purposes of calculating the pension entitlements of a public servant where the individual retired before 29 February 2012.

The Irish Blood Transfusion Service had reduced the person's wages in accordance with the Act, and the trustees had based her pension entitlements on the reduced amount. Her complaint to my Office was that Section 2 of the Act had applied to her, but that Section 3 had been disregarded. The trustees argued that the pension

scheme was not a 'public service pension scheme' within the meaning of FEMPI. Thus, they believed Section 3 of FEMPI could not apply to the employee.

The Pensions Ombudsman made a Final Determination in favour of the complainant on the basis that FEMPI could not be partially implemented. She was a long-serving employee of the Board who retired in late 2011 and was, accordingly, covered by Section 3(2).

The trustees appealed the Determination. A further argument of the trustees was that, as the appeal was based on a legal issue, the Court should have superior expertise than the Pensions Ombudsman and should not defer to his specialised expertise or knowledge.

In rejecting the appeal, Mr Justice Kearns, President of the High Court, followed the judgment of *Ulster Bank v Financial Services Ombudsman* [2006] IEHC 323. This judgment held that, in an appeal against a decision of an Ombudsman, it must be proven that a Final Determination was based on a serious and significant error or series of such errors and, in applying that test, the Court will have regard to the degree of expertise and specialist knowledge of the defendant.

Mr Justice Kearns in his judgment referred to the Supreme Court decision in *Henry Denny & Sons (Ireland) Ltd. v Minister for Social Welfare* [1998] 1 I.R. 34, in which Chief Justice Hamilton noted (pp36-37) that the courts:

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## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhir atá na cásanna ach ní hiad na hainmneacha*

*“...níor chóir dóibh cur isteach gan ghá ar na cinntí a dhéanann na sainbhinsí riaracháin. Sa chás go bhfuil conclúidí bunaithe ar earráid inaitheanta dlí nó ar chinneadh fíorais neamh-inbhuanaithe a dhéanann binse, ní mór a leithéid sin de chonclúidí a cheartú. Nó ba chóir a aithint sa chás go bhfuil tascanna reachtúla le comhlíonadh ag binsí agus go ndéanann siad a bhfeidhmeanna a chleachtadh, mar a tharlaíonn go hiondúil anois, ar bhealach a léiríonn ardleibhéal saineolais agus a sholáthraíonn breithiúnais shoiléire agus chothroma i ndáil leis an bhfianaise agus leis na hargóintí a d'éist siad, níor chóir go mbeadh sé riachtanach go ndéanfadh na cúirteanna athbhreithniú ar a gcinntí trí achomharc nó athbhreithniú breithiúnach.”*

Chomh maith leis sin dúirt an Breitheamh Kearns:

*“...glacaim leis, mar is gá, sa chomhthéacs seo, nach bhféadfadh an tOmbudsman Pinsean, beag beann ar fhiúntas an cháis, cinneadh dlísteanaigh a dhéanamh nach raibh ceadaithe de réir an dlí. Ach faoi réir an bhreithniúcháin sin tá discríd shuntasach aige chun toradh cothrom maidir le gearán a cheadú agus a chinntiú.*

*... Táim sásta nár chóir don Chúirt seo a bheith páirteach sa phróiseas ach chun a conclúidí a chur ar leataobh (arb ionann iad agus conclúidí saineolaí sa réimse seo) sa chás gur léir earráid dhlíthiúil shoiléir agus dháiríre a bheith i gceist. Níl a leithéid d'earráid tugtha faoi deara agus níl aon amhras ach gurb ionann a chinneadh agus toradh cothrom chomh fada is a bhaineann leis an ngearánach áirithe seo.”*

Níor ghlac an Breitheamh Kearns go raibh earráid dlí déanta i gCinneadh Críochnaitheach an Ombudsman Pinsean agus dúirt sé: “nach mór go mbeadh ardtairseach á sárú ag achomharcóir ó chinneadh Ombudsman Airgeadais/ Pinsean”. Seo a leanas a chinn sé i ndáil le mo Chinneadh Críochnaitheach: “...ní hionann a rialú agus cinneadh cuimsitheach de chomhartha ar bith claontachta nó réamhbhreithiúnas de shórt ar bith.”

Chomh maith leis sin, dhearbhaigh an Breitheamh Kearns nach féidir leis an gCúirt glacadh leis na nithe nár cuireadh faoi bhráid m'Oifigse ina dhiaidh sin, ach amháin in imthosca eisceachtúla.

### Cás 2 Soiléiriú maidir le teidlíocht sochair

Fuarthas gearán ó Chathal, ball de scéim pinsean earnála príobháidí ar pinsinéir é, agus a raibh a sochar laghdaithe d'fhonn comhlíonadh leis an tobhach scéime pinsean 0.06%. Cuireadh tús leis an laghdú seo faoi Acht Airgeadais (Uimh.2) 2011, ar mhargadhluach caipitil sócmhainní.

Mheas Cathal nár chóir go mbeadh a pinsean faoi réir an tobhaigh seo de bhrí:-

- go raibh a theidlíocht pinsin bunaithe ar ghealltanais a rinne an fostóir seachas ar aon scéim pinsean; agus
- gur tugadh le fios dó go raibh an pinsean a bhí iníoctha cibé tráth a ndeachaigh sé ar scor slán.

Chomh maith leis sin, chuir Cathal ceist maidir leis an gcúis nach bhféadfaí an tobhach a íoc trí asbhaint óna pinsean, seachas mar asbhaint ón sochar a bhí á fháil go leanúnach aige.

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\*Cases are based on actual events but with the names changed

*"...should be slow to interfere with the decisions of expert administrative tribunals. Where conclusions are based upon an identifiable error of law or on unsustainable finding of fact by a tribunal, such conclusions must be corrected. Otherwise it should be recognised that where tribunals which have been given statutory tasks to perform and who exercise their functions, as is now usually the case, with a high degree of expertise and provide coherent and balanced judgments on the evidence and arguments heard by them, it should not be necessary for the courts to review their decisions by way of appeal or judicial review."*

Mr Justice Kearns continued:

*"...I accept, as I must, that in this context the Pensions Ombudsman could not, regardless of the merits of the case, legitimately make a decision which the law did not permit. But subject only to that consideration he enjoys a significant discretion to allow and achieve a fair outcome in relation to a complaint.*

*... I am satisfied that this Court should only step in to set aside his conclusions (being those of an expert in this area) where a clear and serious legal error may be demonstrated. No such error has been demonstrated and there can be no doubt but that his decision achieved a fair result insofar as this particular complainant was concerned."*

Mr Justice Kearns did not accept that an error of law had been made in the Final Determination of the Pensions Ombudsman and held that: "a high threshold must be crossed by any appellant from a decision of a Financial/Pensions Ombudsman". He concluded in relation to my Final Determination that: "...his comprehensive ruling and determination evinces no sign of bias or pre-judgment of any sort."

Mr Justice Kearns also confirmed that evidence that was not put before my Office before cannot be subsequently admitted to Court, except in exceptional circumstances.

### **Case 2 Clarification of benefit entitlement**

I received a complaint from Cathal, a pensioner member of a private sector pension scheme, whose benefit had been reduced to meet the 0.06% pension scheme levy. This reduction was introduced under the Finance (No. 2) Act 2011, on the capital market value of pension scheme assets.

Cathal maintained that his pension should not be subject to this levy because:-

- his pension entitlement derived from an employer's promise made to him rather than from any pension scheme; and
- he was given to understand that the amount of pension payable to him on retirement was guaranteed.

Furthermore, Cathal queried why the levy couldn't be met by a deduction from his pension, rather than as a reduction in his ongoing benefit.

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## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhir atá na cásanna ach ní hiad na hainmneacha*

I ndiaidh scrúdú a dhéanamh ar an gcás, tharraing m’Oifige aird ar dhá phríomhcheist nach mór iad a shoiléiriú. B’iad seo:

- Oibleagáid Chathail an tobhach a íoc; agus
- An bealach a raibh an oibleagáid seo le híoc.

Maidir leis an oibleagáid a bhí ar Chathail an tobhach a íoc, ainneoin gealltanais maidir le pinsean a bheith luaite ina théarmaí fostaíochta, bhí éifeacht sháraitheach ag an Acht i ndáil le rialacha na scéime pinsean ceirde. Le linn do Chathail a bheith i mbun fostaíochta, cuireadh in iúl dó gur ball den scéim ba ea é agus go raibh sé i dteideal sochair faoin scéim.

Bhí an Oifig sásta gur eascair teidlíocht pinsean Chathail as rialacha na scéime pinsean ceirde agus go raibh sé faoi réir théarmaí agus coinníollacha na rialacha – a raibh oibleagáid san áireamh ann chun an tobhach 0.06% forchurtha ag Acht 2011 a chomhlíonadh.

Maidir leis an mbealach a raibh an tobhach le híoc, mhíníomar do Chathail gur bhain tobhach na scéime pinsean le luach caipitil shócmhainní na scéime seachas leis na sochair íocaíochta amháin. Faoi Acht 2011, bhí discríd ag na hlontaobhaithe cinneadh a dhéanamh maidir leis an tslí a bhféadfaí an tobhach a chomhlíonadh.

Chomhairligh na hlontaobhaithe do Chathail, i ndiaidh neart comhairliúcháin, gur chinn siad costas an tobhaigh a íoc trí shochair bhaill a laghdú. D’aimsigh m’Oifige go raibh na hlontaobhaithe ag feidhmiú laistigh den reachtaíocht agus nach bhféadfaí a rá gur fheidhmigh siad go mícheart nó go faillíoch. Dá réir sin, níorbh ann do na forais

d’fhonn cur ar mo chumas seasamh le gearán Chathail nó cúiteamh a bhronnadh air.

Bhí mé ag súil trína sheasamh faoin scéim a mhíniú dó go mbeadh tuiscint níos fearr ag Cathal ar nádúr a theidlíochta faoin scéim pinsean ceirde.

### Cás 3 Íocaíocht Mhoillithe

Le blianta beaga anuas, tá freagracht maidir le buiséadú airgeadais sa tseirbhís phoiblí cineachta ó lár-ranna chuig oifigí áitiúla. Ciallaíonn sé seo, sa chás go bhfuil seirbhís phoiblí á soláthar go háitiúil, go bhféadfadh na daoine atá freagrach as an tseirbhís áitiúil a sholáthar a bheith freagrach freisin as buiséad a chomhaontú a chinnteoidh go mbeidh seirbhís oiriúnach á soláthar gach bliain. Nuair a bhíonn na buiséid seo á gcomhaontú, ní mór a chinntiú go gcuirtear na sochair pinsean do bhaill foirne atá ag dul ar scor san áireamh freisin.

Chuaigh Thomas, iar-fhostaí gníomhaireachta a sholáthraíonn seirbhísí thar ceann Fheidhmeannacht na Seirbhíse Sláinte (FSS), ar scor agus é ag súil le sochair a fháil faoi Scéim Aoisliúntais na nGníomhaireachtaí Sláinte Ainmnithe (NHASS). Rinne sé roinnt iarrachtaí an sochar a raibh súil aige leis a fháil ón ngníomhaireacht, ach níor éirigh leis. D’iarr sé ar m’Oifige a chás a scrúdú.

Bhunaigh m’Oifige go raibh Thomas i dteideal sochair faoin scéim agus go raibh íoc an tsochair do Thomas údaraithe ag an FSS. Theip ar lucht bainistíochta na gníomhaireachta a raibh Thomas ag obair dó, áfach, íoc na sochar aoisliúntais a áireamh sa bhuiséad bliantúil, rud a bhí mar bhonn le moill a chur ar íoc shochar Thomas.

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## Appendix B - Examples of cases\* dealt with in 2013

*\*Cases are based on actual events but with the names changed*

On examining the case, my Office identified the two main issues that needed to be clarified. These were:

- Cathal's obligation to pay the levy; and
- How this obligation was to be paid.

With regard to Cathal's obligation to pay the levy, although the promise of a pension was included in his employment terms, the Act had an overriding effect on the rules of the occupational pension scheme. While in employment, Cathal had been made aware that he was included as a member of that scheme and was entitled to benefits under it.

This Office was satisfied that Cathal's pension entitlement derived from the rules of the occupational pension scheme and was subject to its terms and conditions – which included the obligation to meet the 0.06% levy imposed by the 2011 Act.

With regard to how the levy was to be paid, we explained to Cathal that the pension scheme levy applied to the capital value of the scheme assets rather than only to benefits in payment. Under the 2011 Act, the Trustees were given the discretion to determine how the levy could be met.

The Trustees had advised Cathal that, after much consultation, they had decided to meet the cost of the levy by reducing member benefits. My Office found that the Trustees were acting within the legislation and could not be deemed to have acted incorrectly or negligently. Therefore, the grounds did not exist for me to uphold

Cathal's complaint or to award him any redress.

I hoped that clarifying his position under the scheme would help Cathal to better understand the nature of his entitlement under the occupational pension scheme.

### Case 3 Delayed Payment

In recent years, responsibility for financial budgeting in the public service has devolved from central departments to local offices. This means that where a public service is being provided locally, those responsible for providing the local service may also be responsible for agreeing a budget that will ensure the service is adequately provided every year. When these budgets are being agreed, it is necessary to ensure that pension benefits for retiring staff members are included.

Thomas, a former employee of an agency providing services on behalf of the Health Services Executive (HSE), retired with an expectation of benefits under the Nominated Health Agencies Superannuation Scheme (NHASS). He made several attempts to obtain his expected benefit from the agency, with no success. He asked my Office to examine his case.

My Office established that Thomas was entitled to a benefit under the scheme and that the HSE had authorised payment of the benefit to Thomas. However, the management of the agency that Thomas had worked for had failed to include the payment of superannuation benefits in

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## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhir atá na cásanna ach ní hiad na hainmneacha*

Ní hionann teip lucht bainistíochta na gníomhaireachta íocaíochtaí sochair a áireamh ina bhuiséad agus deis don ghníomhaireacht gan a hoibleagáid na sochair a bhfuil baill na scéime ina dteideal a íoc. Threoraigh mé do lucht bainistíochta na gníomhaireachta sochair Thomas a íoc laistigh de 30 lá.

### **Cás 4 Scor ó scéim thearcmhaoinithe ar fhoras easláinte**

Ní mór go mbeadh scéimeanna pinsin le sochar sainithe ag feidhmiú os cionn leibhéal sócmhainneachta atá forchurtha ag Acht na bPinsean (An Caighdeán Cistithe). Gach bliain, ní mór do na hiontaobhaithe tuarascáil bhliantúil a chur i dtoll a chéile - tuarascáil ina bhfuil ráiteas ó achtúire na scéime ag deimhniú go bhfuil an leibhéal cistithe a theastaíonn á chomhlíonadh ag an scéim. Mura ndeimhniú an t-achtúire go bhfuil an leibhéal cistithe á chomhlíonadh ag an scéim, ní mór do na hiontaobhaithe Údarás na bPinsean a chur ar an eolas.

Ní mór d'iontaobhaithe leibhéal cistithe scéim pinsean a chur san áireamh agus cinntí á dhéanamh acu mar gur dócha go mbeidh tionchar ag cinntí a dhéanann na hiontaobhaithe ar an leibhéal cistithe. Tá sé seo fíor go háirithe sa chás nach bhfuil an Caighdeán cistithe á chomhlíonadh ag an scéim. D'fhéadfaidh go mbeadh ceisteanna eile ar cheart cinneadh a dhéanamh ina leith, áfach, gan tagairt a dhéanamh don leibhéal cistithe.

Fuarthas gearán ó Gemma, ball de scéim pinsean earnála príobháidí, a bhí ag iarraidh iarratas a dhéanamh ar luathscor mar gheall ar easláinte agus a raibh deacracht aici freagairt a fháil ó na hiontaobhaithe. Nuair a d'fhiosraigh mé an scéal leis na

hiontaobhaithe, cuireadh in iúl dom go raibh an scéim tearcmhaoinithe. Is í an tuiscint a bhí agamsa go raibh drogall ar na hiontaobhaithe comhaontú ar luathscor mar go mbeadh tionchar diúltach aige ar an leibhéal cistithe. De ghnáth, bheadh ar iontaobhaithe diúltú do luathscor dá laghdódh ceadú luathscor leibhéal an chistithe ag scéim dhócmhainneach a bhí ann cheana féin.

Mheabhraigh mé do na hiontaobhaithe nach bhféadfaidís leibhéal cistithe na scéime a chur san áireamh agus iarratais ar luathscor mar gheall ar easláinte á meas. Bhí Gemma sách tinn chun an sochar luathscoir a fháil - sa chás sin ní bheadh de rogha ag na hiontaobhaithe ach an sochar a íoc - nó ní raibh sí sách tinn chun an sochar a fháil sa chás sin ní bheadh na hiontaobhaithe in ann an sochar a íoc.

Sa chás seo, áfach, ní raibh rogha acu faoi na rialacha luathscor a dhiúltú ar bhonn drochshláinte. I ndiaidh dom cumarsáid a dhéanamh leis na hiontaobhaithe, thángthas ar réiteach cairdiúil idir Gemma agus na hiontaobhaithe, rud a chiallaigh nár gá domsa cinneadh foirmiúil a dhéanamh maidir le gearán Gemma.

### **Cás 5 Gníomhaíocht mhoillithe iontaobhaithe**

Tá dualgas ar iontaobhaithe déileáil go héifeachtach, go beacht agus go pras le sochair scoir ball scéime. Tarraingítear aird i lámhleabhar Údarás na bPinsean d'iontaobhaithe ar riarachán sochar scoir mar cheann de phríomhfhreagrachtaí iontaobhaithe. Sonraítear ann nach mór d'iontaobhaithe a chinntiú go bhfuil socruithe sásúla i bhfeidhm chun na sochair chearta a

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*\*Cases are based on actual events but with the names changed*

the annual budget and was delaying the payment of Thomas's benefit.

The failure of the agency's management to include benefit payments in their budget does not excuse the agency from its obligation to pay the benefits that scheme members are entitled to. I directed the agency management to pay Thomas's benefits within 30 days.

### **Case 4 Ill-health retirement from an underfunded scheme**

Defined benefit pension schemes must operate above a solvency level that is prescribed by the Pensions Act (the Funding Standard). Every year, the trustees must produce an annual report which includes a statement from the scheme actuary certifying that the scheme meets the required funding level. If the actuary does not certify that the scheme meets the funding level, then the trustees must notify the Pensions Authority.

The funding level of a pension scheme must be taken into account by trustees in their decision making as decisions made by the trustees will most likely have an impact on the funding level. This is especially the case when the scheme does not meet the Funding Standard. However, there may be matters that should be decided without reference to the funding level.

I received a complaint from Gemma, a member of a private sector pension scheme, who was seeking early retirement due to ill-health and had difficulty getting a response from the trustees. When I made enquiries to

the trustees, I was informed that the scheme was significantly underfunded. I got the impression that the trustees were reluctant to agree early retirement because the funding level would worsen as a result. In normal circumstances, trustees would have to refuse early retirement if allowing early retirement would reduce the funding level of an already insolvent scheme.

In this case, however, the trustees did not have discretion under the rules to refuse early retirement on grounds of ill health. I reminded the trustees that they could not take the funding level of the scheme into account when assessing applications for ill-health early retirement. Either Gemma was ill enough to receive the early retirement benefit - in which case the trustees would have no choice but to pay the benefit - or she was not ill enough to receive the benefit, in which case the trustees could not pay the benefit.

Following my communication with the trustees, an amicable solution was agreed between Gemma and the trustees without the need for me to make a formal decision on Gemma's complaint.

### **Case 5 Delayed action by trustees**

Trustees have a duty to deal efficiently, accurately and promptly with the retirement benefits of scheme members. The Pensions Authority handbook for trustees identifies the administration of retirement benefits as one of the primary responsibilities of trustees. It states that trustees must ensure that satisfactory arrangements are in place to pay the correct benefits to eligible

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## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhir atá na cásanna ach ní hiad na hainmneacha*

íoc le baill incháilithe agus le tairbhithe eile nuair atá siad dlite.

Fuarthas gearán ó Helen, bean atá ar scor agus ar ball de scéim pinsean bhig earnála príobháidí í. I ndiaidh di dul ar scor, shleamhnaigh cúpla mí thart sula bhfuair Helen a sochar scoir agus bhí an sochar níos lú ná a raibh súil aici leis.

Rinne m’Oifigse teagmháil leis na hiontaobhaithe agus le riarthóirí na scéime d’fhonn eolas a fháil maidir leis an gcúis a bhí le moill a bheith curtha ar shochar Helen. Thug na hiontaobhaithe le fios gur chuir siad in iúl do na riarthóirí, in am cuí, go raibh Helen ag dul ar scor agus gurb iad na riarthóirí ba chúis leis an moill. Thug na riarthóirí le fios go raibh sochar Helen íoctha a luaithe agus a fuair siad fógra maidir le scor Helen ó na hiontaobhaithe.

Is é an rud a tharla ná nuair a d’fhág sí an chuideachta go ndearna na hiontaobhaithe iarracht a chur in iúl do riarthóirí na scéime go raibh deireadh tagtha le fostaíocht Helen. D’úsáid na hiontaobhaithe seoladh mícheart, áfach, agus ní bhfuair na riarthóirí an fógra. Faoin am gur sholáthair na hiontaobhaithe an fógra cuí do na riarthóirí, bhí luach ciste pinsin Helen laghdaithe.

Ní go dtí go ndearna m’Oifigse imscrúdú iomlán ar an gceist gur aimsíodh go raibh an seoladh mícheart curtha ag na hiontaobhaithe ar an bhfógra. Chomh maith leis sin, léirigh an t-imscrúdú a rinne mé go raibh an sochar a íocadh le Helen níos lú ná mar a bheadh mura mbeadh an botún déanta ag na hiontaobhaithe.

Threoraigh mé go n-íocfadh na hiontaobhaithe suim le Helen a chiallódh go mbeadh a sochar cothrom leis an leibhéal a

bheadh faighte aici mura mbeadh an botún déanta ag na hiontaobhaithe.

### Cás 6 Ríomh riaráistí ranníocaíocht pinsin

Fostaí sa tseirbhís phoiblí ba ea Seán, ar cuireadh comhairle air, roimh a ghnáthdháta scoir, go raibh liúntas a bhí á fháil aige inphinsin, faoi réir íoc riaráistí ranníocaíochtaí pinsin. Mhol a fhostóir go bhféadfaí na riaráistí a asbhaint as aisce scoir Sheáin.

Chuir Seán a ghearán faoi bhráid m’Oifigse mar gur fhiosraigh sé na riaráistí nuair a bhí siad ríofa.

De bhrí nár lean sé an nós imeachta do Réiteach Aighnis Inmheánacha (IDR), ní fhéadfadh m’Oifigse leanúint le himscrúdú foirmiúil. D’fhéachamar ar an gcás, áfach, agus rinneamar teagmháil lena iar-fhostóir d’fhonn a aimsiú ar caitheamh go cuí le Seán chomh fada is a bhain lena theidlíochtaí agus lena dhliteanais faoin scéim pinsean.

D’aimsíomar go raibh suim mholta riaráistí na ranníocaíochta iomarcach. Rinneamar teagmháil lena iar-fhostóir, mhíníomar an bunús a bhí leis an gconclúid seo agus dó athbhreithniú a dhéanamh ar ríomh riaráistí Seán de réir na fianaise seo. D’aontaigh siad lenár dtástáil agus rinne siad athbhreithniú ar na riaráistí pinsin a bhí dlite. Rinne siad teagmháil le Seán chun méid laghdaithe na riaráistí a chur in iúl dó agus rinne siad na socruithe cuí chun an méid seo a asbhaint óna aisce scoir.

### Cás 7 Díospóid maidir le suim iníochta Sochar Báis

Is baintreach í Joyce, ball de scéim pinsean ceirde earnála príobháidí. Ba í an tuiscint a bhí aici, i ndiaidh bhás a fhir chéile, go



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## Appendix B - Examples of cases\* dealt with in 2013

*\*Cases are based on actual events but with the names changed*

members and other beneficiaries when they are due to be paid.

I received a complaint from Helen, a retired member of a small private sector pension scheme. After retiring, several months passed before Helen received her retirement benefit and the benefit was less than she had been expecting.

My Office contacted both the trustees and the scheme administrators to find out what had caused the delay with Helen's benefit. The trustees claimed that they had notified the administrators of Helen's retirement in good time and that the cause of the delay lay with the administrators. The administrators claimed that Helen's benefit was paid as soon as they received notification of Helen's retirement from the trustees.

What actually happened was that, when she left the company, the trustees attempted to notify the scheme administrators that Helen's employment had come to an end. However, the trustees used a wrong address and the administrators did not receive the notification. By the time the trustees eventually provided the necessary notification to the administrators, the value of Helen's pension fund had fallen.

It was only when the matter was fully investigated by my Office that it was discovered that the trustees had addressed the notification incorrectly. My investigation also revealed that the benefit paid to Helen was less than it would have been if the trustees had not made the mistake.

I directed that the trustees pay Helen an amount that would bring her benefit up to the level that she would have received if the trustees had not made the mistake.

### **Case 6 Calculation of arrears of pension contribution**

Sean was a public service employee, who, in advance of his normal retirement date, was advised that an allowance he had been in receipt of was deemed to be pensionable, subject to the payment of pension contribution arrears. His employer proposed that the arrears would be deducted from Sean's retirement gratuity.

Sean brought his complaint to my Office because he queried the way the arrears were calculated.

As he had not gone through the Internal Disputes Resolution (IDR) procedure, my Office could not proceed to a formal investigation. However, we did look at the case and we liaised with his former employer to find out if Sean had been treated properly in terms of his entitlements and liabilities under the pension scheme.

We found that the proposed amount of contribution arrears was excessive. We contacted his former employer, explained the basis on which we reached this conclusion and asked them to review Sean's arrears calculation in light of this. They agreed with our findings and revised the amount of pension arrears due. They contacted Sean to advise him of the reduced amount of arrears and undertook to make

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bhfaighfeadh sí sochar báis chnapshuime a bhí cothrom le ceithre oiread tuarastal deiridh a fhir chéile.

Cúis díomá do Joyce ba ea nach raibh an sochar iníoctha ach cothrom le trí oiread an tuarastail deiridh agus chuir sí a cás faoi bhráid m'Oifigse.

I ndiaidh an cháis a scrúdú, d'éirigh le m'Oifigse a aimsiú go raibh an Sochar Báis iníoctha, de réir rialacha na scéime, cothrom le trí oiread tuarastal deiridh an bhaill agus go raibh sé seo á chur in iúl, i scríbhinn, do bhaill suas go dtí 2008.

I ndiaidh 2008, bhí foráil á déanamh do na Sochair Bháis trí pholasáí árachais a bhí á choimeád ar leithligh ó na sócmhainní pinsin infheistithe. Dá réir sin, ní raibh sonraí maidir le teidlíocht Sochar Báis na mball á dtaispeáint ar na Ráitis Bhliantúla Luachála Pinsean eisithe i ndiaidh 2008.

In 2008, d'eisigh riarthóir na scéime pinsean meamram cumhdaigh do gach ball mar aon leis an Ráiteas Luachála Pinsean is déanaí. Sonraíodh sa mheamram seo go raibh foráil do Shochair Bháis agus do Ranníocaíochtaí Deonacha Breise san áireamh sa scéim pinsean. Deimhníodh sa chumarsáid sin go raibh scála an tSochair Bháis cothrom le trí oiread tuarastal deiridh an bhaill.

In 2010, d'eisigh riarthóir na scéime pinsean meamram cumhdaigh do gach ball mar aon lena Ráiteas Luachála Pinsean go dtí an 1 Eanáir 2010. Ar an drochuair, sonraíodh sa chumarsáid seo, go mícheart, go raibh scála an tSochair Bháis cothrom le ceithre oiread tuarastal deiridh an bhaill.

Eascaíonn an teidlíocht sochair a d'fhéadfadh a bheith ag aon bhall nó tairbhí faoi scéim pinsean ceirde ó rialacha na scéime

sin. Agus gearán á chinneadh, ní féidir le m'Oifigse réiteach a thairiscint do bhall nó do thairbhí a thabharfadh níos mó ná a dteidlíocht faoi rialacha na scéime sin dóibh.

Sa chás seo, ainneoin a aithint go raibh earráid nó drochriarachán i gceist i gceann de na cumarsáidí a eisíodh chuig baill scéime, ní fhéadfadh m'Oifigse buntáiste a bhronnadh ar Joyce de dheasca na hearráide sin, de bhrí gurb éard a bheadh mar thoradh leis sochar a bheith á fháil aici sa bhreis ar a teidlíocht mar atá sonraithe i rialacha na scéime.

### **Cás 8 Coinneáil siar de thoiliú íocaíocht luath sochar scéime a dhéanamh**

Fuair mé gearán ó John, fear a d'éirigh as seirbhís fostóir eanála príobháidí roinnt blianta roimhe sin. Bhí John i dteideal sochar coinnithe a fháil faoi scéim an phinsin oibre, rud a bheadh iníoctha óna 65ú breithlá. Aicmíodh é mar bhall iarchurtha scéime mar sin.

Nuair a bhain sé 60 bliain d'aois amach, rinne John machnamh ar dhul ar scor go luath agus chuir sé ceist ar riarthóir na scéime faoi luach a phinsin dá n-íocfaí é ag 60, 61 nó 62 bliain d'aois. Agus luachanna féideartha luathscoir á gcainníochtú dó, luaigh riarthóir na scéime go soiléir go raibh dul ar scor luath baill iarchurtha faoi réir chead na n-iontaobhaithe.

Nuair a bhain sé 61 bliain d'aois amach, d'iarr John íocaíocht luath a shochar iarchurtha scéime. Dúradh leis nach gceadódh na hiontaobhaithe seo ach amháin dá mbeadh an fostóir sásta íocaíocht shuntasach a dhéanamh leis an scéim le cinntiú gur lean sé de chomhlíonadh an Chaighdeáin Cistithe Íosta. Ar an drochuair, ní raibh an fostóir sásta a leithéid d'íocaíocht a dhéanamh

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*\*Cases are based on actual events but with the names changed*

arrangements to have this deducted from his retirement gratuity.

### **Case 7 Dispute as to amount of Death Benefit payable**

Joyce is the widow of a member of a private sector occupational pension scheme. She understood that, following her husband's death, she would receive from the scheme a lump sum death benefit of four times her husband's final salary.

Joyce was dismayed to discover that the benefit payable was only three times the final salary and she brought her case to my Office.

On examining the case, my Office was able to establish that the rules of the scheme defined the Death Benefit payable as three times the member's final salary and that members had been informed of this in writing up to 2008.

After 2008, the Death Benefits were provided for by means of an insurance policy held separately from the invested pension assets. Accordingly, details of the members' Death Benefit entitlement were not shown on the Annual Pension Valuation Statements issued after 2008.

In 2008, the pension scheme administrator issued a covering memorandum to all members along with the latest Pension Valuation Statement. This memorandum stated that the pension scheme included provision for Death Benefits and for the making of Additional Voluntary Contributions. The scale of the Death

Benefit was declared to be three times the member's final salary in this communication.

In 2010, the pension scheme administrator issued another covering memorandum to all members along with their Pension Valuation Statement for the year to 1st January 2010. Unfortunately, the scale of the Death Benefit was incorrectly stated as four times the member's final salary in this communication.

The benefit entitlement that any member or beneficiary has under an occupational pension scheme derives from the rules of that scheme. In deciding a complaint, my Office cannot offer a member or beneficiary a solution that would grant them more than their entitlement under the rules of that scheme.

In this case, while acknowledging that there was an error or maladministration in one of the communications issued to scheme members, my Office could not grant Joyce the benefit of that error, as it would result in her receiving a benefit in excess of her entitlement as set out in the rules of the scheme.

### **Case 8 Withholding of consent for early payment of scheme benefit**

I received a complaint from John, who had left the service of a private sector employer some years earlier. John was entitled under the occupational pension scheme to a preserved benefit, payable from his 65th birthday. He was therefore classified as a deferred scheme member.

On reaching age 60, John considered early retirement and enquired of the scheme

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agus chuir na hiontaobhaithe in iúl nach bhféadfaidís íocaíocht luath an tsochair iarchurtha a cheadú mar sin.

Tar éis dúinn imscrúdú a dhéanamh ar chás John, dhearbhaigh m’Oifig-se gur shainmhínigh rialacha na scéime teidlíocht an bhaill mar shochar iarchurtha atá iníoctha ó 65 bliain d’aois. Ní chiallaíonn na rialacha go bhfuil John i dteideal sochar a fháil níos luaithe ná sin – ní bheadh a leithéid d’íocaíocht ceadaithe ach le cead na n-iontaobhaithe.

Fuaireamar amach go ndearna na hiontaobhaithe breithniú ar an iarratas ar dhul ar scor go luath, agus gur iarr siad ar an bhfostóir an costas breise a bheadh i gceist a íoc. Ach ós rud é nach raibh an fostóir sásta íocaíocht bhreise a dhéanamh leis an scéim, mheas mé gur ghníomhaigh na hiontaobhaithe go cuí agus gan iad sásta íocaíocht luath an tsochair a cheadú. Dá mbeadh a mhalairt déanta acu, d’fhéadfadh éifeacht dhíobhálach a bheith aige ar theidlíocht sochair na mball eile, agus mar sin bheadh faillí á dhéanamh acu ina ndualgas soláthar a dhéanamh le haghaidh theidlíocht na mball uile sa scéim.

Scríobh m’Oifig-se chuig John le míniú dó nach féidir liom cur isteach ar chleachtadh cuí cumhachta lánroghnaí, amhail cumhacht cheada.

### **Cás 9 Scor mar gheall ar dhrochshláinte sa tSeirbhís Phoiblí**

Fuair m’Oifig-se gearán ó Barry, agus é ag maíomh go raibh sé i dteideal pinsean drochshláinte, rud a dhiúltaigh a fhostóir a thabhairt dó faoin scéim aoisliúntais. Chuaigh fostóir Barry ar lorg comhairle leighis le cur ar a gcumas cinneadh a dhéanamh.

Tá an cinneadh pinsean drochshláinte a bhronnadh ar bhall á rialú ag forálacha na scéime baintí aoisliúntais. Ní féidir le treoir nó polasaithe breise ar bith atá forbartha ag an bhfostóir le cabhrú leis a chinntí a dhéanamh faoi pinsean drochshláinte a bhronnadh forálacha na scéime a shárú.

Ní féidir le cleachtóirí leighis modh oibre a mholadh ach ar bhonn an scrúdaithe chliniciúil a dhéanann siad ar an mball agus ar stair leighis an bhaill. Atreoraíonn fostóirí oibrithe chuig speisialtóirí leighis ar chúiseanna éagsúla – mar shampla, seiceáil rialta sláinte, scrúduithe leighis fostaithe nua agus mar sin de. Tá sé ríthábhachtach go luafadh an eagraíocht atá ag atreorú an bhaill an chúis ar leith atá leis an atreorú chuig speisialtóir leighis. Ba chóir dóibh cóip dá rialacháin a sheoladh chuig an speisialtóir leighis ina luaitear caighdeán na sláinte atá de dhíth, nó ba chóir dóibh ceisteanna thar a bheith sainiúil a chur le cloí leis an rialacháin – mar shampla, an tinneas buan é, an féidir leis an mball leanúint leis an bpost go réasúnta maith, agus mar sin de.

Bíonn forálacha le haghaidh pinsin drochshláinte comhchosúil ar fud scéimeanna pinsean, ach níl aon dhá scéim díreach mar an gcéanna. Mar sin, tá sé tábhachtach go mbíonn an eagraíocht atá ag atreorú an bhaill an-sainiúil nuair a thugann sí treoracha don speisialtóir leighis.

I gcás Barry, bhí sé mar fhreagracht ar an bhfostóir a chinntiú gur cuireadh an cleachtóir leighis ar an eolas faoin bhfáth a bhí leis an atreorú, agus na critéir cháilitheachta le haghaidh pinsean drochshláinte faoi fhorálacha na scéime aoisliúntais.

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*\*Cases are based on actual events but with the names changed*

administrator about the value his pension if paid at either age 60, 61 or 62. In quantifying possible early retirement values to him, the scheme administrator clearly stated that early retirement for a deferred member was subject to the consent of the trustees.

On reaching age 61, John requested the early payment of his deferred scheme benefit. He was advised that the trustees could not consent to this unless the employer was prepared to make a substantial payment to the scheme to ensure that it continued to meet the Minimum Funding Standard. Unfortunately, the employer was not prepared to make such a payment and the trustees advised that they could not, therefore, consent to the early payment of the deferred benefit.

On examining John's case, my Office established that the scheme rules defined the member's entitlement as a deferred benefit payable from age 65. The rules did not entitle John to receive benefit earlier – such a payment would only be permissible with the consent of the trustees.

We found that the trustees had considered the early retirement request and applied to the employer to meet the additional cost this would give rise to. However, as the employer was not prepared to make an additional payment into the scheme, I considered that the trustees acted correctly in withholding their consent for the early payment of benefit. For them to have done otherwise could have had a detrimental effect on the benefit entitlement of the other members and, so, it would have been a dereliction

of their duty to provide for the benefit entitlement of all the scheme members.

My Office wrote to John to explain that I could not interfere with the proper exercise of a discretionary power, such as the power of consent.

### **Case 9 Ill-health retirement in the Public Service**

My Office received a complaint from Barry who claimed that he was entitled to an ill-health pension which had been refused by his employer under the superannuation scheme. Barry's employer sought medical evidence to enable them to make their decision.

The decision to grant an ill-health pension to a member is governed by the provisions of the relevant superannuation scheme. Any additional guidance or supplementary policies developed by the employer in assisting it to make its decision about granting an ill-health pension cannot override the scheme provisions.

Medical practitioners can only recommend a course of action based on their clinical examination of the member and the member's medical history. Employers refer workers to medical specialists for numerous reasons - for example, regular health checks, new employee medicals, and so on. It is imperative that the organisation referring the member gives the specific reason for the referral to the medical specialist. They should either send a copy of their regulations to the medical specialist stating the standard of health required or they should ask very

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Tar éis dúinn imscrúdú a dhéanamh, fuair m’Oifig amach gur láimhseáladh iarratas Barry ar phinsean drochshláinte go dona. Ba chóir go mbeadh sé tugtha le fios go soiléir don speisialtóir leighis ag an bhfostóir go háirithe céard iad na critéir leighis a bhfuil gá leo chun cáilitheacht Barry le haghaidh pinsean drochshláinte faoi fhorálacha na scéime aoisliúntais a dhearbhu. Ní raibh sé d’údarás agam íocaíocht an tsochair drochshláinte le Barry a dhéanamh nó a dhiúltú. Ach ós rud é gur aimsíodh drochriaracháin sa phróiseas a bhí glactha ag an bhfostóir, thug mé ordú don fhostóir athbhreithniú a dhéanamh ar chás Barry, chomh maith le tuairim agus deimhniú leighis a fháil i gcomhréir le forálacha na scéime aoisliúntais.

### Cás 10 Malartú infheistíochta

Fuair m’Oifig-se gearán ó Michael agus é ag maíomh gur tháinig laghdú thart ar €5,000 ar luach a chistí toisc gur dhiúltaigh iontaobhaithe an phlean pinsin ligean dó a AVCanna a mhalartú as ciste cothromais go ciste airgid thirim. Nuair a bhí Michael ag iarraidh cistí a mhalartú, níor ceadáíodh malartú ach dhá uair sa bhliain ar dhá dháta ar leith. Bhí an t-eolas seo leagtha amach i leabhrán eolais an phlean pinsin agus bhí sé ar eolas ag Michael. Rinne sé iarratas ar mhalartú cistí ar dhátaí eile seachas na cinn a bhí luaite.

I gcomhréir le gníomhas agus rialacha iontaobhais an phlean pinsin, bhí cumhacht fhoriomlán infheistíochta ag na hiontaobhaithe maidir le sócmhainní an phlean. Bhí rogha an bhaill ceadaithe faoi réir na bparaiméadar agus na gcoinníollacha mar a bhí leagtha amach ag na hiontaobhaithe. Mar sin bhí cinneadh na n-iontaobhaithe

iarratas Michael ar chistí a mhalartú taobh amuigh den dá dháta shainiúla a dhiúltú i gcomhréir le gníomhas agus rialacha an iontaobhais agus polasaí na n-iontaobhaithe mar a bhí glactha le haghaidh infheistíocht na ranníocaíochtaí san am sin.

Leag leabhrán eolais an phlean pinsin a cuireadh ar fáil do na baill eolas tábhachtach amach faoi na cineálacha cistí atá ar fáil, na rioscaí a bhaineann leo agus na cineálacha ball ar dócha a n-oirfeadh na cistí éagsúla dóibh agus iad faoi réir a n-aoise, a meoin i leith riosca agus pleanáil ghinearálta pinsean.

Bhí ranníocaíocht Michael infheistithe i gCiste Cothromais Domhain, rud ar cuireadh síos air sa leabhrán mar chiste ‘ardriosca’. Mar sin, rinne Michael cinneadh a ranníocaíochtaí a infheistiú i gciste ardriosca agus lánfhios aige nach bhféadfadh sé ach aistriú as na cistí sin ar dhá dháta ar leith i rith na bliana beag beann ar fheidhmíocht na gcistí sin.

Níorbh fhéidir le m’Oifig-se seasamh le gearán Michael ó ba rud é nár tharla an laghdú ar luach an chiste mar gheall ar dhrochriaracháin na n-iontaobhaithe, ach é tarlaithe mar gheall ar fheidhmíocht na gcistí inar infheistíodh na ranníocaíochtaí. Rinne na hiontaobhaithe athbhreithniú ina dhiaidh sin ar na roghanna malartaithe atá ar fáil do bhaill, agus d’athraigh siad an polasaí a bhí acu cheana le ligean do mhalartú a bheith déanta ar bhonn níos minice.

### Cás 11 Moill ar aistriú a raibh méadú ar chiste mar thoradh air

Rinne a fostóirí iomarcaíocht ar Mary i nDeireadh Fómhair 2010, agus ba é an luach a bhí ar a sochar scoir ná tuairim is €32,000.

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*\*Cases are based on actual events but with the names changed*

specific questions to satisfy the regulations - for example, whether the illness is permanent, can the member continue to do the job reasonably well, and so on.

Provisions for ill-health pensions are similar across pension schemes but no two schemes are absolutely identical. Therefore, it is important that the organisation referring the member is quite specific when issuing its instructions to the medical specialist.

In Barry's case, it was the employer's responsibility to ensure that the medical practitioner was made aware of the reason for the referral, and the eligibility criteria for an ill-health pension under the provisions of the superannuation scheme.

After investigation, my Office found that Barry's application for an ill-health pension had been handled poorly. In particular, the employer should have made clear to the medical specialist the relevant criteria needed to establish Barry's eligibility for an ill-health pension under the provisions of the superannuation scheme. It was not within my authority to grant or refuse the payment of the ill-health benefit to Barry. However, as maladministration was found in the process adopted by the employer, I directed the employer to re-examine Barry's case and to get medical opinion and clarification in accordance with the provisions of the superannuation scheme.

### **Case 10 Investment switch**

My Office received a complaint from Michael, who claimed that his funds had dropped in value by about €5,000 because

the trustees of the pension plan refused to allow him to switch his AVCs out of an equity fund into a cash fund. At the time when Michael wanted to switch funds, switches were only allowed twice a year on two specific dates. This information was set out in the pension plan's information booklet and was known to Michael. His request to switch funds occurred at a time that did not coincide with either of these dates.

In accordance with the trust deed and rules of the pension plan, the trustees had overall power of investment in relation to the plan's assets. Member choice was permitted subject to the parameters and conditions as set down by the trustees. Therefore, the trustees' decision to refuse Michael's request to switch funds outside of the two specific dates was in keeping with the trust deed and rules and the trustees' policy as adopted for the investment of contributions at that time.

The pension plan's information booklet provided to members set out important information about the types of funds available, the risks associated with those funds and the types of members which the various funds would be likely to suit depending on their age, their attitude to risk and general pension planning.

Michael's contributions were invested in a World Equity Fund which was described in the booklet as a 'high risk' fund. Therefore, Michael made the decision to invest his contributions in a high risk fund in the full knowledge that he could only switch out of

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## Aguisín B – Samplaí de chásanna\* ar déileáladh leo in 2013

*\*Is bunaithe ar eachtraí iarbhír atá na cásanna ach ní hiad na hainmneacha*

Tamall ina dhiaidh sin sa bhliain chéanna, thosaigh Mary ag obair d'fhostóir nua agus thosaigh sí ag aistriú a sochar ó scéim pinsean an fhostóra a bhí aici roimhe sin go banna scoir. Faoi Shamhain 2011, tar éis di roinnt cruinnithe a bheith aici lena comhairleoir, chreid Mary go raibh na riachtanais go léir comhlíonta aici chun an t-aistriú a phróiseáil.

Fuair Mary litir in Eanáir 2013 a d'iarr síniú breise uirthi chun a pinsean a aistriú. Tar éis di tuilleadh fiosruithe a dhéanamh, míníodh di nár aistríodh a pinsean riamh, ós rud é nach raibh bailchríoch curtha ar na doiciméid.

Rinne Mary gearán le m'Oifig-se faoin moill a bhí ar aistriú na sochar. Bhí sé i gceist aici an íocaíocht aistrithe a infheistiú i 'gciste taisce' faoin mbanna scoir.

Rinne m'Oifig-se fiosruithe faoin moill ar aistriú na sochar agus d'fhéachamar ar luach an chiste sa scéim pinsean i gcomparáid le luach an chiste dá mbeadh an t-aistriú próiseáilte gan mhoill.

Dheimhnigh an fostóir a bhí ag Mary roimhe seo gurbh é an luach a bhí ar a ciste i mBealtaine 2013 ná €42,573 faoin bplean pinsin. Mar sin, cé go raibh moill ar aistriú a sochar go dtí an banna scoir, ní raibh cailteanais airgeadais i gceist. Tá an ciste pinsean tar éis méadú ó shin agus tá toradh níos mó bainte amach aige ná mar a bheadh ann sa 'chiste taisce' faoin mbanna scoir.



# B

## Appendix B - Examples of cases\* dealt with in 2013

*\*Cases are based on actual events but with the names changed*

those funds on two specific dates during the year irrespective of the performance of those funds.

My Office was unable to uphold Michael's complaint, as the drop in the value of the fund was not due to the maladministration of the trustees but due to the performance of the funds in which the contributions were invested. The trustees subsequently reviewed the switch options available to members and changed their existing policy to allow switches to be made more often.

### **Case 11 Delay in transfer resulted in fund increase**

In October 2010, Mary was made redundant by her employer and the value of her retirement benefit was about €32,000.

Later that year, Mary started working for a new employer and began the process of transferring her benefits from her previous employer's pension scheme to a retirement bond. By November 2011, having had a number of meetings with her adviser, Mary believed she had fulfilled all the requirements to process the transfer.

In January 2013, Mary received a letter asking for an additional signature to transfer her pension. After making further enquires, it was explained to her that her pension had never been transferred as the documentation had not been finalised.

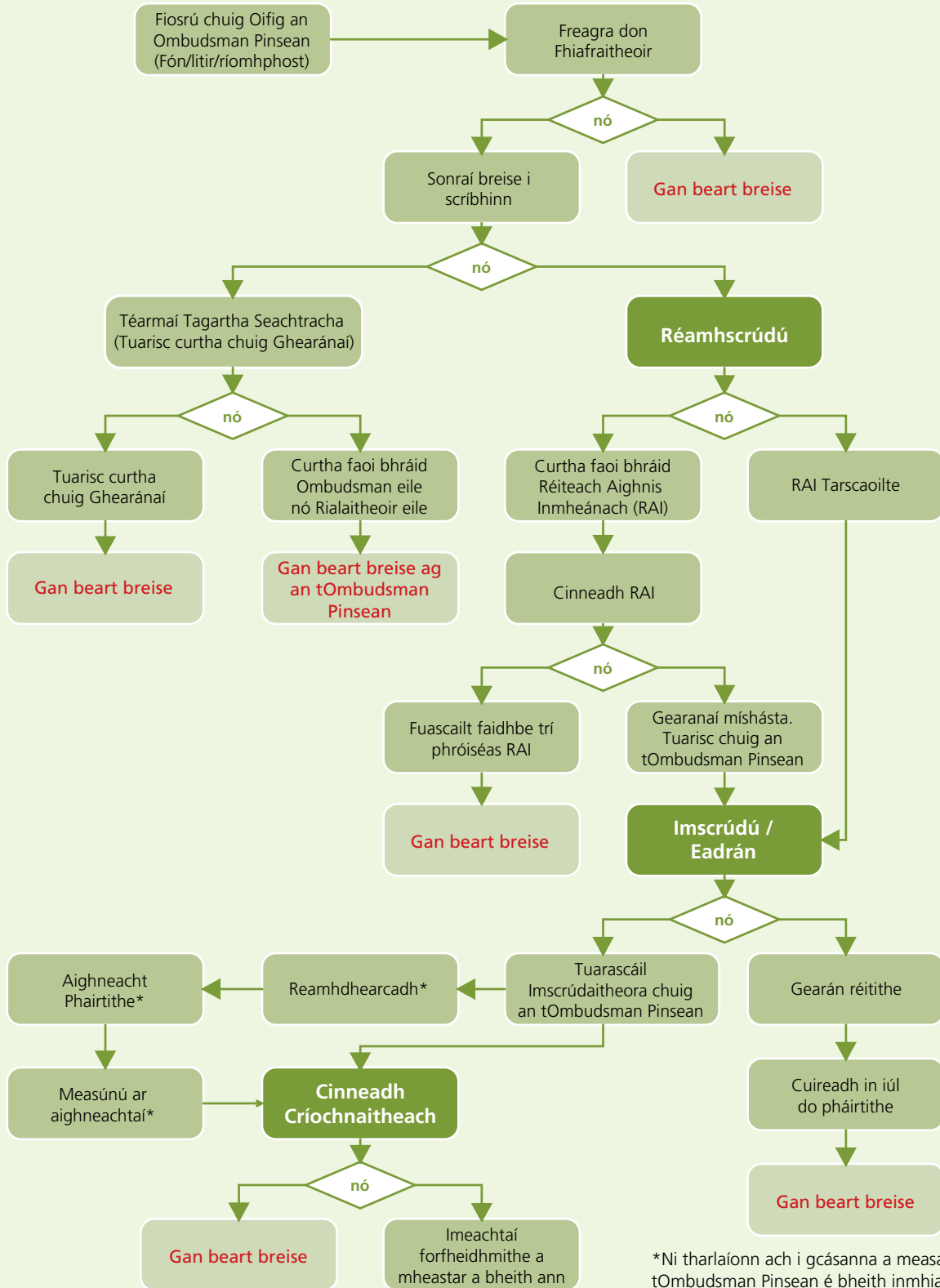
Mary complained to my Office about the delay in transferring the benefits. She had intended the transfer payment to be invested in a 'deposit fund' under the retirement bond.

My Office made enquires about the delay in transferring the benefits and looked at the value of the fund in the pension scheme against the value of the fund if the transfer had been processed without delay.

Mary's previous employer confirmed that the current value of her fund at May 2013 was €42,573 under the pension plan. Therefore, even though there was a delay in transferring her benefits to the retirement bond, there was no financial loss. The pension scheme fund had increased in the meantime and achieved a higher return than would have been achieved in the 'deposit fund' under the retirement bond.

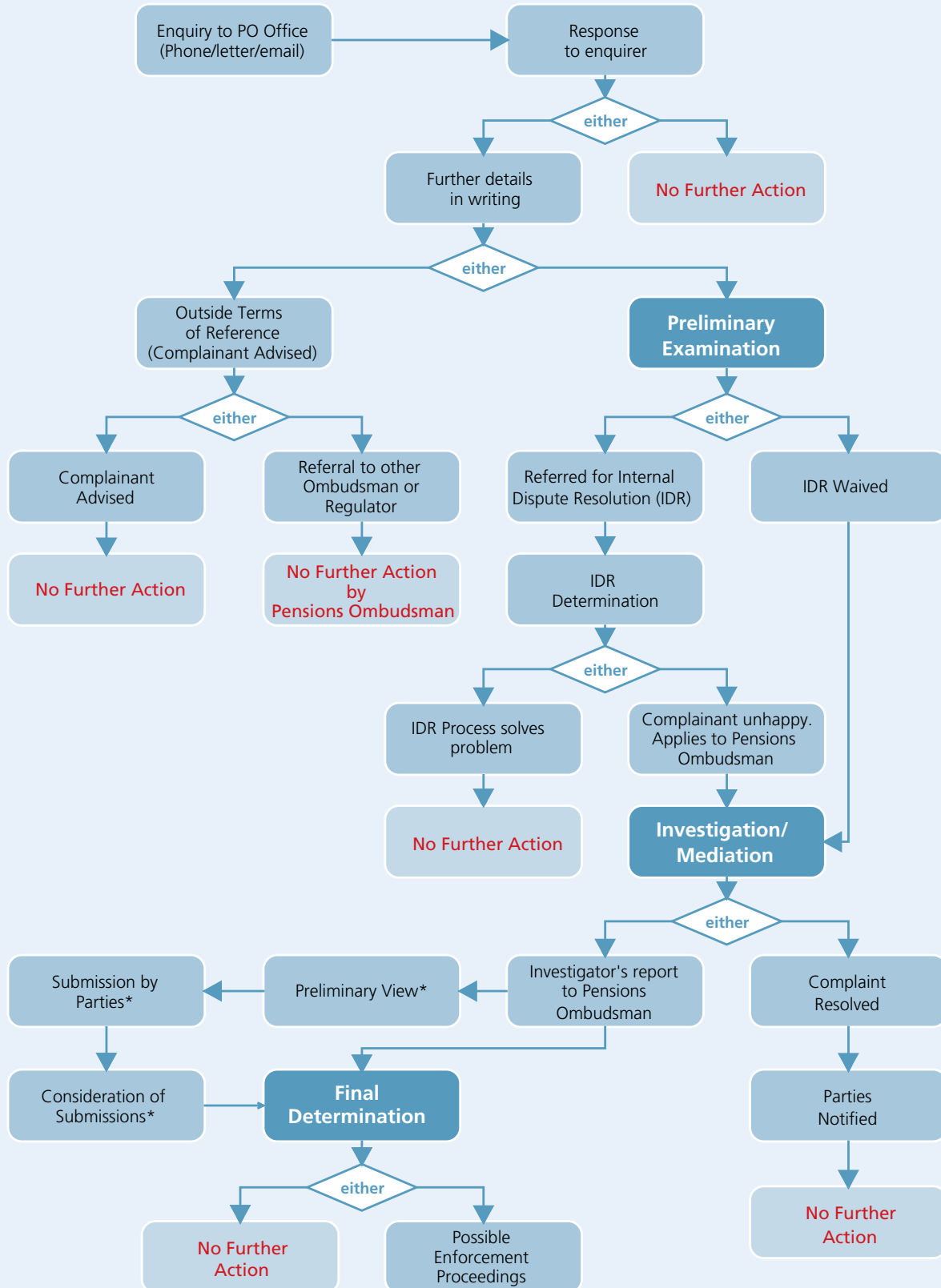


# Aguisín C - An chaoi a ndéantar gearán a láimhseáil de ghnáth





# Appendix C- How a complaint is normally handled



\*Occurs only in cases where the Pensions Ombudsman considers it desirable



## Aguisín D - Reachtaíocht Rialaithe

Acht na bPinsean 1990

Acht na bPinsean (Leasú), 2002)

Acht Leasa Shóisialaigh (Forálacha Ilghnéitheacha), 2003

Ionstraim Reachtúil Uimh 119 de 2003

Ionstraim Reachtúil Uimh 397 de 2003

Ionstraim Reachtúil Uimh 398 de 2003

Ionstraim Reachtúil Uimh 399 de 2003

Aoisliúntas na Seirbhíse Poiblí (Forálacha Ilghnéitheacha), 2004

Acht Leasa Shóisialaigh (Forálacha Ilghnéitheacha), 2004

Athchóiriú an Dlí Leasa Shóisialaigh agus um Pinsin, 2006

Acht Leasa Shóisialaigh agus Pinsean 2007

Ionstraim Reachtúil Uimh 181 de 2007

Ionstraim Reachtúil Uimh 182 de 2007

Rialacha Cúirte maidir le hAchomhairc i leith Chinntí an Ombudsman Pinsean:

Ionstraim Reachtúil Uimh 14 de 2007

Acht Leasa Shóisialaigh agus Pinsean 2008

Acht Leasa Shóisialaigh agus Pinsean (Uimh. 2), 2009

Rialacha Cúirte maidir le Forfheidhmiú Chinntí an Ombudsman Pinsean:

Ionstraim Reachtúil Uimh 446 de 2010

Acht Leasa Shóisialaigh agus Pinsean, 2012

An tAcht Leasa Shóisialaigh agus Pinsean (Forálacha Ilghnéitheacha) 2013



## Appendix D - Governing Legislation

Pensions Act, 1990

Pensions (Amendment) Act, 2002

Social Welfare (Miscellaneous Provisions) Act, 2003

Statutory Instrument No. 119 of 2003

Statutory Instrument No. 397 of 2003

Statutory Instrument No. 398 of 2003

Statutory Instrument No. 399 of 2003

Public Service Superannuation (Miscellaneous Provisions) Act, 2004

Social Welfare (Miscellaneous Provisions) Act, 2004

Social Welfare Law Reform and Pensions Act, 2006

Social Welfare and Pensions Act 2007

Statutory Instrument No. 181 of 2007

Statutory Instrument No. 182 of 2007

Rules of Court for Appeals from Determinations of the Pensions Ombudsman:

Statutory Instrument No. 14 of 2007

Social Welfare and Pensions Act, 2008

Social Welfare and Pensions (No. 2) Act, 2009

Rules of Court for Enforcement of Determinations of the Pensions Ombudsman:

Statutory Instrument No. 446 of 2010

Social Welfare and Pensions Act, 2012

Social Welfare and Pensions (Miscellaneous Provisions) Act 2013

# E

## Aguisín E – Forbhreathnú ar Chuspóirí Straitéiseacha agus Príomhthosaíochtaí le haghaidh 2013-2015

### Cuspóirí Straitéiseacha



### Fís

Seirbhís phoiblí atá cothrom, neamhspleách, tráthúil agus éifeachteach

### Misean

Imscrúdú agus cinneadh a dhéanamh, ar bhealach neamhspleách agus neamhchlaonta ar ghearáin agus díospóidí maidir le scéimeanna pinsin cheirde, Cuntais Choigiltis Scoir Phearsanta, agus RACanna Iontaobhais, lena n-áirítear drochriaracháin agus cailteanas airgeadais, agus chun sásamh a chur ar fáil nuair is cuí sin.



# Appendix E - Overview of Strategic Objectives and Key Priorities for 2013-2015

## Strategic Objectives



## Vision

A public service that is fair, independent, timely and effective

## Mission

To investigate and decide, in an independent and impartial manner, complaints and disputes concerning occupational pension schemes, Personal Retirement Savings Accounts and Trust RACs, involving maladministration and financial loss, and to grant redress where appropriate.

# E

## Aguisín E – Forbhreathnú ar Chuspóirí Straitéiseacha agus Príomhthosaíochtaí le haghaidh 2013-2015 (ar lean)

### Príomhthosaíochtaí

#### Oibriú de réir na gcaighdeán is airde ar bhealach neamhspleách agus neamhchlaonta.

- Cleachtais láidre bhainistíochta a úsáid
- Gach gearán a phróiseáil go cothrom agus go héifeachtach
- Seirbhís ar ardchaighdeán a chur ar fáil

#### Athbheithniú leanúnach a dhéanamh ar ár bpróisis, ár gcórais agus ár n-acmhainní chun an chaoi a gcuirfimid ár seirbhís ar fáil a fheabhsú.

- Córais agus próisis a úsáid chun treochoitaí a aithint
- Foghlaim ó agus gníomhú ar threochoitaí chun ár seirbhís a fheabhsú

#### Teagmháil a dhéanamh le páirtithe leasmhara chun ár seirbhís don phobal a fheabhsú.

- Feasacht a chur chun cinn
- Ár suíomh gréasáin a fhorbairt
- Feidhmiú mar chomhairleoirí do lucht ceaptha polasaí

#### Buanna ár bhfoirne a fhorbairt.

- Cleachtais foghlama agus forbartha a neartú
- Eolas agus taithí foirne a roinnt

#### Comhpháirtíocht agus dea-chaidreamh oibre a chothú idir gearánaigh agus freagróirí.

- Plé a spreagadh idir páirtithe le teacht ar chomhaontú gan idirghabháil bhreise

### TOMHAIS AR RATH

- Cloítear le caighdeán cháilíochta ar bhealach tráthúil agus éifeachtach
- Réiteach tapa cásanna oscailte
- Tá a fhios ag an bpobal cén uair is féidir linn cabhair a thabhairt agus conas teagmháil a dhéanamh linn
- Tá muintín ag an bpobal asainn
- Tá meas ag tionscal na bpinsean agus comhlachtaí poiblí agus príobháideacha eile ar Oifig an Ombudsman Pinsean
- Tá an fhoireann díograiseach agus spreagtha le dul chun cinn a dhéanamh agus tá suim acu in gcuid oibre



# E

## Overview of Strategic Objectives and Key Priorities for 2013-2015 (continued)

### Key Priorities

#### Operate to the highest standards in an independent and impartial way.

- Use strong management practices
- Process all complaints fairly and effectively
- Provide a high-quality service

#### Continually review our processes, systems and resources to improve how we deliver our service.

- Use systems and processes to identify trends
- Learn from and act on trends to improve our service

#### Engage with stakeholders to enhance our service to the public.

- Promote awareness
- Develop our website
- Act as advisors to policy makers

#### Develop the strengths of our team.

- Strengthen learning and development practices
- Share team knowledge and experience

#### Promote partnership and good working relationships between complainants and respondents.

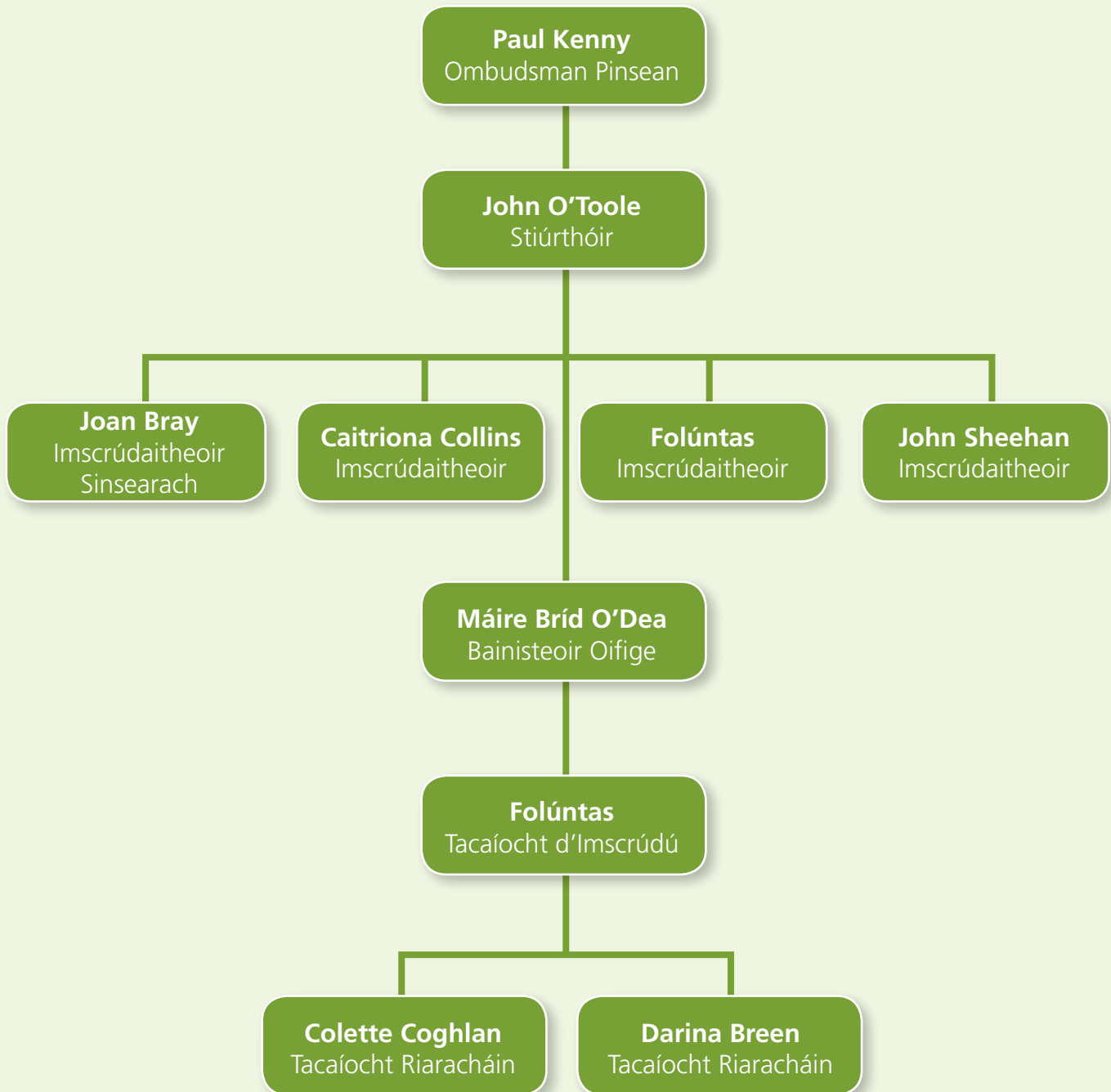
- Encourage discussion between parties to reach agreement without further intervention

### MEASURES OF SUCCESS

- Quality standards are met in a timely and effective manner
- Speedy resolution of open cases
- The public know when we can help and how to contact us
- The public trust us
- The Office of the Pensions Ombudsman is respected by the pensions industry and other public and private bodies
- Staff are motivated, encouraged to progress and are interested in their work

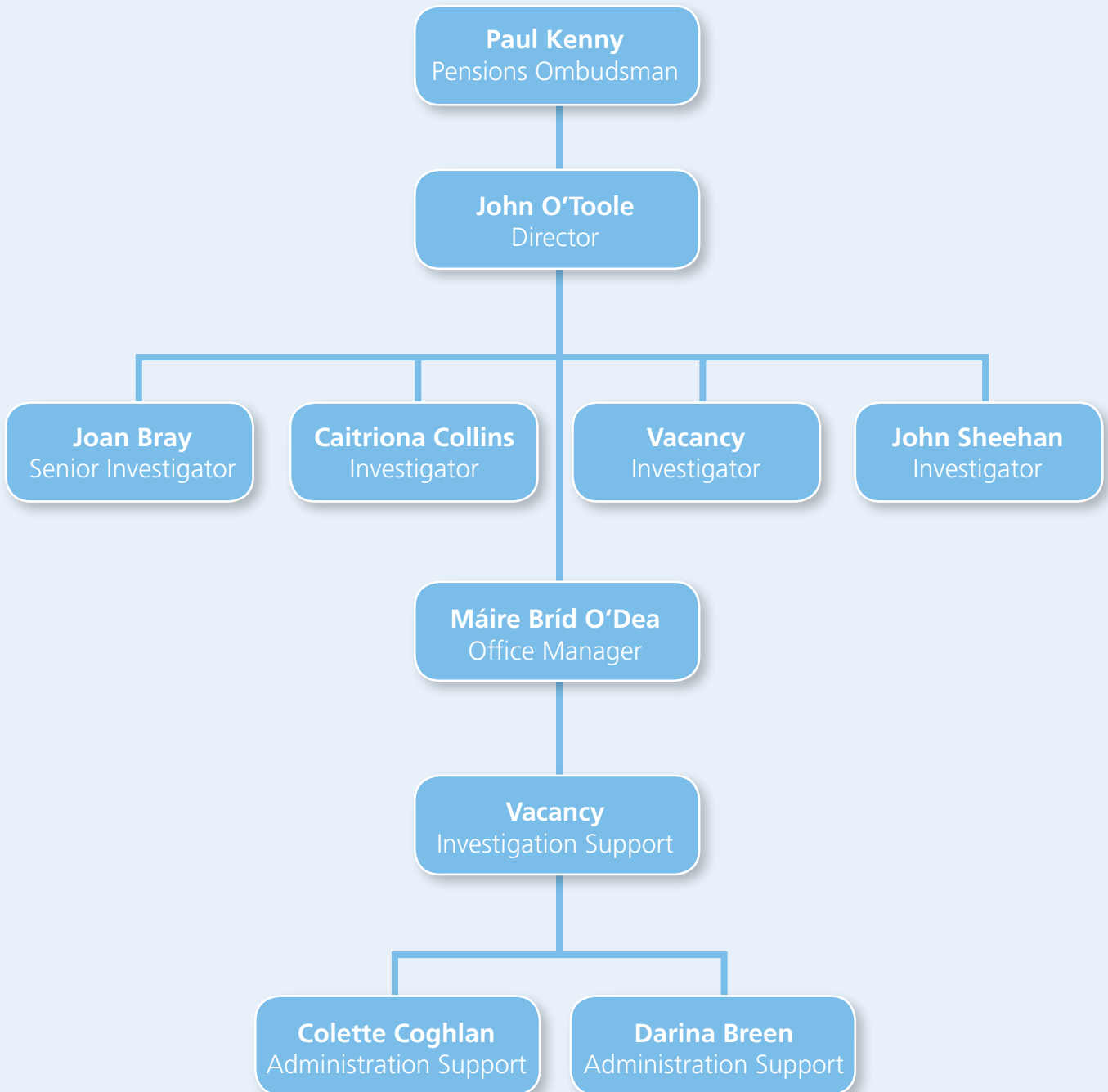
# F

## Aguisín F- Cairt eagraíochta amhail an 1 Eanáir 2014



# F

## Appendix F - Organisation chart at 1 January 2014





An tOmbudsman Pinsean  
Pensions Ombudsman

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