

Internal Dispute Resolution Procedures

INTERNAL DISPUTE RESOLUTION PROCEDURES

Dear Member

It is hoped, and expected, that the vast majority of Issues and queries raised by the members of the Plan will be resolved in an informal manner. However, in case there is an Issue which cannot be resolved informally, the enclosed Internal Dispute Resolution (IDR) Procedures is designed to help resolve the Issue in an equitable and straightforward manner.

All pension Plans must have an IDR Procedure. This IDR Procedure has been prepared for you (the members of the Plan) by General Investment Trust DAC (GIT).

The purpose of having an IDR Procedure is to give people, who believe they may have suffered a financial loss as a result of mal-administration of the Plan or who have any dispute of fact or law, a way to raise the Issue formally with GIT.

This IDR Procedure (the “Procedures”) involves a number of prescribed steps:

1. A Person submits a written note to GIT setting out their details and a statement on the nature and grounds of the Issue with supporting documentation (if any).
2. GIT can (but do not have to) appoint an Investigator to examine the Issue and provide a written report.
3. GIT consider the Issue any other relevant details, and, if applicable, the Investigator’s report.
4. GIT then make a decision and notify the Person who raised the Issue of the decision. The decision must be made and notified within 3 months of GIT receiving notification of the Issue.
5. If the Person is not satisfied with the decision they can refer the matter to the Financial Services & Pensions Ombudsman.

If you have any queries about the Internal Dispute Resolution please contact us.



Dara Clandillon

Managing Director (Interim),
General Investment Trust DAC

1. Definitions and interpretation

In these Procedures the following words and expressions have the following meanings:

- (a) “Complaint” is a complaint made by, or on behalf of, a Person who alleges that he has sustained financial loss due to an act of maladministration carried out by or on behalf of a person responsible for the management of the Plan.
- (b) “Dependant”, means a surviving spouse or dependant of a Person within the meaning of the Plan rules or an individual who claims to be such an individual.
- (c) “Dispute” is a dispute of fact or law, referred by a Person, that arises in relation to an act or omission by or on behalf of a person responsible for the management of the Plan. It does not include a dispute of fact or law relating to a matter which may be determined by the Pensions Authority or by the Financial Services & Pensions Ombudsman or by the Director General of the Workplace Relations Commission.
- (d) “Financial Services & Pensions Ombudsman”, means the Financial Services & Pensions Ombudsman established under the Financial Services & Pensions Ombudsman Act 2017 (the “Act”).
- (e) “Investigator”, means such person as GIT may from time to time appoint to undertake the responsibilities detailed in Procedure 4.
- (f) “Issue” means a Complaint or Dispute concerning a Person’s Plan benefits.
- (g) “Pensions Act”, means the Pensions Act, 1990 (as amended).
- (h) “Person”, means any of the following who may apply to have an Issue resolved under these Procedures, namely:
 - (i) an active, deferred or pensioner member of the Plan
 - (ii) a surviving spouse or dependant of a deceased member of the Plan;
 - (iii) a prospective member of the Plan;
 - (iv) a personal representative of a deceased member of the Plan or a surviving spouse of a deceased member of the Plan;
 - (v) a person who claims to fall in one of the above categories;
 - (vi) any other person permitted to raise an Issue
- (i) “Plan”, means the occupational retirement benefits plan established under trust including where applicable the relevant section of a Master Trust, to which the Issue relates,
- (j) “Master Trust” means any master trust under which GIT has been appointed to act as trustee.

2. Status of Procedures

- (a) These Procedures are the formal arrangements put in place by GIT to resolve any Issues concerning the Plan.
- (b) The Act prevails if there is any conflict between these Procedures and the Act.
- (c) These Procedures do not impose any requirements on the parties to the Issue over and above any requirements set out in the Act. To the extent that these Procedures do so, they shall be construed as being subject to the relevant provisions of the Act which will prevail.

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- (d) Any or all of these Procedures may be amended, extended, revoked or replaced from time to time by GIT. Such changes will take effect from such date as is specified by GIT.
 - (e) Irish Law applies to these Procedures.
 - (f) Words in the masculine gender include the feminine (and neuter except where the context clearly requires otherwise) and the singular number includes the plural and vice versa.
 - (g) The headings and captions in these Procedures are inserted for ease of reference only and are not a part of the Procedures, and do not affect their construction or interpretation

3. Issue

- (a) A Person may refer an Issue to GIT for their decision, under these Procedures.
- (b) The Issue raised by the Person must be made in writing and signed by or on his behalf. It must set out the particulars of the Issue, in respect of which a decision is sought, including:
 - (i) the full name, address, and date of birth of the Person. If the Person is a dependant of a member or deceased member of the Plan, he must also provide the full name, address and date of birth of that member or deceased member;
 - (ii) the address to which documents in connection with this Issue are to be sent;
 - (iii) a statement by the Person as to the nature of the Issue containing sufficient details to show the reason and grounds for the Issue;
 - (iv) any documentation supporting the Person's case.

- (c) The Person must furnish such other information as GIT may reasonably require to enable them to carry out their functions under these Procedures.

4. Investigator

- (a) Where an Issue is referred to GIT for a decision in accordance with Procedure 3, GIT may appoint an Investigator to examine and investigate the Issue and to report on it to GIT. GIT shall (where applicable) advise the Person of this.
- (b) The Investigator is entitled to act as such even if he has or may have some interest or duty which conflicts or may conflict with his duties under these Procedures, provided he discloses the potentially conflicting interest or duty to GIT beforehand.
- (c) The Investigator must prepare a written report, setting out the relevant details on which the report is made and any conclusions reached by the Investigator. The report must be given to GIT within two calendar months of the Investigator's appointment, or within such other time period as may be agreed or required by GIT.
- (d) If the Investigator fails to make a written report within the required timeframe, the Investigator's appointment shall automatically cease and GIT shall proceed to make a decision in accordance with these Procedures.
- (e) If GIT, in their sole and absolute discretion, decide it is necessary, they may remove the Investigator from his position, with effect from the date of such a decision. GIT shall inform the Investigator and the Person of their decision and shall proceed to make a decision in accordance with these Procedures. GIT may proceed to make

a decision even if the Investigator and the Person have not been informed of the Investigator's removal from his position, if they deem it necessary to ensure a decision is made within the timeframe specified in Procedure 5 (d).

5. Decision of General Investment Trust

- (a) GIT shall consider the Person's Issue and, where applicable, the Investigator's report.
- (b) GIT may make such other or further enquiries about the Issue as they may reasonably require, in order to make a decision on the Issue.
- (c) GIT shall then make a decision in relation to the Issue.
- (d) The decision shall be notified to the Person in writing within three months from the date, as determined by GIT, on which all the particulars referred to in Procedure 3 are received by GIT.
- (e) The written notification of GIT's decision shall include:
 - (i) a statement as to what has been decided;
 - (ii) a reference to any legislation, legal precedent, ruling of the Pensions Authority, ruling or practice of the Revenue Commissioners relied upon;
 - (iii) a reference to any other material relied upon;
 - (iv) a reference to any provision of the trust deed and rules of the Plan relied on;
 - (v) where a discretion has been exercised, a reference to the relevant clause or rule of the Plan conferring such discretion;
 - (vi) a statement that the decision is not binding upon any party unless the Person agrees, in writing, to be bound by it; and
- (vii) a statement that the Financial Services & Pensions Ombudsman may have jurisdiction under Section 50 of the Act to investigate the matter further, and that further information can be obtained from the Financial Services & Pensions Ombudsman, together with details of the contact address.
- (f) The decision of GIT shall be final and conclusive for the purposes of these Procedures.
- (g) If the Person is not satisfied with the decision of GIT with respect to the Issue, he may refer the matter to the Financial Services & Pensions Ombudsman.

6. Representatives

- (a) A Person may nominate a representative to act on his behalf to make or continue a complaint under these Procedures. If a Person dies, a complaint may be made or continued by his personal representative. If a Person is under 18 years of age or is incapable of acting, a complaint/dispute may be made or continued by a member of his family or some other suitable person.
- (b) Where a representative is acting on behalf of the Person, the particulars required under Procedure 3 must include the representative's full name and address and must state whether this address is to be the address to which documents are to be sent.
- (c) Where a representative has been nominated, he will be sent a copy of any document sent to the Person including a copy of any written decision reached under these Procedures.

7. Arbitration Acts

GIT are not arbitrators and the provisions of the Arbitration Act, 2010 and any other relevant legislation do not apply to GIT or their decisions under these Procedures.

8. Costs and Expenses

Any costs and expenses of a Person in respect of an Issue referred for a decision under these Procedures shall be borne by the Person.

Any costs and expenses of GIT in respect of an Issue referred for a decision under these Procedures, including any fees, costs and expenses of an Investigator, shall be borne by the sponsoring employer of the relevant Plan.

