

## **Limited appeal process for Spouses and Children's Pension Scheme membership options**

There is a limited appeal process for Spouses and Children's Pension Scheme membership options. This was established in the public service to examine individual cases and to allow appeals that meet any one of the following criteria:

(i) where there is no evidence that an option was provided to the individual public servant in the first place;

(ii) where there is medical evidence to indicate that the person making the decision not to join the scheme was of sufficiently unsound mind not to appreciate the consequences of his or her decision;

(iii) where a member of the original scheme declined to join the revised scheme in circumstances where there would have been no reasonably foreseeable adverse financial consequences for the individual (in terms only of his or her scheme contributions) had he or she instead opted to join the revised scheme.'

Appeals in respect of the Defence Forces Pensions Schemes should be referred in the first instance to the Pensions Administration Section, Department of Defence (see below for contact details). Each appeal case is examined to see if they may be eligible under the criteria and if so are referred to the Department of Public Expenditure and Reform for determination.

By way of background, with regard to the Defence Forces Spouses and Children Contributory Pension Schemes, there is an **Original Scheme**, which was introduced in the 1970s, and a **Revised Scheme** which was introduced in 1985.

Under the terms of the Revised Scheme the spouse and children of a marriage which takes place after the scheme member has retired are covered for pension benefits arising from his/her death, whereas there is no such provision under the terms of the Original Scheme. Arising from this additional coverage the contribution arrangements under the Scheme were also amended, in particular the provisions for refund of contributions were made more restrictive under the Revised Scheme.

**Options** - At the time of the introduction of both the Original Scheme and the Revised Scheme membership of the schemes were applied automatically to new entrants while an **option** was made available to serving staff.

For a variety of reasons a number of serving public servants, both male and female, declined to join the Revised and/or Original Spouses and Children's Schemes when introduced. Over the years the question of re-opening these options or of allowing a new option be exercised has been raised. The Commission on Public Service Pensions examined the issue but recommended against opening a further general membership option across the public service as a whole. However, the Commission recommended that a limited appeals process for scheme membership options be established to examine individual cases and to allow appeals that met any one of the abovementioned criteria, and this was agreed by Government. These criteria are used in considering Spouses and Children's Scheme membership option appeals.

**Contact details for Pensions Administration Section are as follows;**

Pensions Administration Section,  
Finance Branch,  
Department of Defence,  
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Galway, H91 AN2E.

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