

Our ref: PO 140319890

Mr Barry,

I refer to your email of 12 February 2015.

When this Office investigates a complaint the first thing we do is to forward a copy of the complaint to the party against whom the complaint has been made and direct that party to provide this Office with a response to the complaint.

As a rule, when a complaint is made to the Pensions Ombudsman the complaint must be made against some other party, in the same way that if a person wants to bring a case to court that person must identify to the court the party against whom the case is being brought.

In your case we forwarded a copy of your complaint form, and copies of the supporting documentation, to the trustees of the Hunter Advertising Pension Scheme (the trustees of an occupational pension scheme are ultimately responsible for the administration of a pension scheme even if the administration has been delegated to another party). However, legal counsel for the trustees has replied to this Office and pointed out that you did not identify, on the complaint form that you submitted to this Office, any party against whom your complaint is being made. There is a section on the complaint form specifically for this purpose (Section B5: 'Who are you making the complaint against and/or with whom is your dispute?'). The trustees have not provided this Office with a proper response to the complaint that you made because you have not identified any such party on Section B5 of the form or elsewhere. The trustees' legal counsel has also pointed out that you did not assert that you are entitled to a benefit under the Hunter Advertising Pension Scheme.

While it appears to be clear to me that you accrued a benefit under the Hunter Advertising Pension Scheme and that benefit was preserved in the scheme under the trusteeship of Irish Pensions Trust Limited until your retirement date, the trustees have taken a very legalistic and, in my view, unhelpful approach to their responsibilities with regard to the complaint that you submitted to this Office.

In summary, this Office has been frustrated in our attempts to proceed with your complaint because when you submitted your complaint form to us on 4 July 2014 the complaint form was not fully completed.

It was following a discussion of your case with the Pensions Ombudsman, Paul Kenny, and on his recommendation, that I sent you a blank complaint form so that you can clearly formulate your complaint and identify the party against whom the complaint is being made.

I hope this clarifies the matter for you. This Office will not be able to proceed further with your complaint until you have submitted a fully completed complaint form with a clearly formulated complaint containing an assertion that you have an entitlement to benefit under your pension scheme.

Regards,

John Sheehan

Investigator

Office of the Pensions Ombudsman

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