



## **ARCO INFORMATION BRIEF**

### **CONTRIBUTORY PENSION SCHEME for SPOUSES and CHILDREN**

#### **Introduction**

Pensions Administration Section, Finance Branch, Department of Defence is responsible for the administration and management of the Permanent Defence Force pensions under the delegated authority, previously of the Minister for Finance, now of the Minister for Public Expenditure and Reform.

In 2017, there were some 12,350 individuals in receipt of military pensions, these include dependants of deceased members of all ranks.

The Contributory Pension Scheme for Spouses and Children is a contributory scheme which provides pensions for the spouse and / or dependent children of an officer, or dependent marital children of an officer who dies in service, or after qualifying for pension.

The purpose of this Information Brief is to provide general information on the Contributory Pension Scheme for Spouses and Children in a format that is easy to understand, with an emphasis on the Revised Scheme which was offered to officers of the Permanent Defence Force in 1985.

There are, in fact, two Contributory Spouses and Children Pension Schemes: The Original Scheme and the Revised Scheme.

Membership of the Original Scheme was compulsory for officers who were commissioned on or after 1 January 1971, and for enlisted personnel who enlisted on or after 1 February 1978. Officers and enlisted personnel who were serving at the time were given a choice as to whether they wished to join the Scheme or not. The Scheme was extensively revised in 1985 and membership of the revised Scheme was compulsory for those who were commissioned, or enlisted, on or after 1 June 1985.

The Original Scheme provides pensions for the spouse and/or dependent children of an officer, or dependent children of a member who dies in service, or after qualifying for pension. It does not provide pensions for spouses of marriages occurring after retirement, or children resulting from such marriages.

Serving and retired officers are members of the Original Scheme, or a Revised Scheme which was introduced for Defence Forces commissioned officers in 1985. There is also a possibility that some officers, serving prior to 1971, opted not to join the Original Scheme and are therefore members of neither scheme.



## **The Revised Spouses' and Children's Pension Scheme**

During 1985, an option of joining the Revised Spouses' and Children's Pension Scheme, or of retaining their membership of the Original Scheme, was made available to officers in membership of the Contributory Pension Schemes for Spouses and Children.

Officers who elected not to join the Revised Scheme were retained in the Original Scheme.

The Revised Spouses' and Children's Pension Scheme provides pension benefits for the spouse and children of the officer and, unlike the Original Scheme, includes provision for the spouse of an officer who marries after retirement, for the children of an officer which are born after the officer's retirement and for non-marital children.

Officers commissioned after 1985 automatically became members of the Revised Spouses' and Children's Pension Scheme.

**If you are unsure whether you are covered for Spouses' and Children's benefits or which Scheme you may be a member of, then you should check with Pensions Administration, Finance Section, Department of Defence.**

### **Membership of the Revised Scheme**

In many cases, retired officers' circumstances are likely to be such that the Contributory Pension Schemes for Spouses and Children of which they are a member is not materially relevant.

Nevertheless, it is likely that a small proportion of officers serving in 1985 elected not to become members of the Revised Spouses' and Children's Pension Scheme. Accordingly, in these specific circumstances, the spouses and / or dependent children from a marital relationship, entered into after retirement, and children born outside such a relationship, will not benefit from the Revised Scheme, and, accordingly, will not receive a pension.

### **Appeal Mechanism**

The Commission on Public Service Pensions recognised deficiencies across the Public Service in introducing the Revised Scheme. One of the recommendations contained in its Final Report published on 14 November 2000 provided for a limited appeals mechanism. This limited appeals mechanism and other recommendations of the Commission on Public Service Pensions were approved by Government in 2004.

ARCO is now aware that procedures have been established by the Department of Defence, in conjunction with the Department of Public Expenditure and Reform, to address cases regarding the eligibility of applicants under the Revised Spouses' and Children's Pension Scheme, where the deceased officer was a member of the Original Scheme.

Spouses in circumstances whereby the deceased officer was not a member of the Revised Scheme, but was a member of the Original Scheme and who have been deemed by the



Department of Defence as not qualifying for a pension, are hereby advised of a new limited appeal process within the public service in respect of the Contributory Pension Schemes for Spouses and Children. The prescribed criteria which are restrictive in nature, are outlined on the Pensions Section of the Department of Defence website, as follows:

- (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, and*
- (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.”*

In recent years, a small numbers of dependent spouses have appealed determinations that deceased officers were not in the Revised Scheme. Following these appeals, the Department of Public Expenditure and Reform ruled in favour of the applicants under the terms of sub-paragraph (iii) above.

The Executive Committee requests that Regional Representatives be advised if it becomes knowledge that a spouse of a deceased officer is advancing an appeal process.

### **Pension Ombudsman**

Following any formal review, individuals who still have a complaint or dispute, may be entitled to refer the matter to the Pensions Ombudsman for determination.

Information concerning the internal review procedures and the role and functions of the Pensions Ombudsman is available from the Office of the Pensions Ombudsman:

- Address: Lincoln House, Lincoln Place Dublin 2, D02 VH29
- Telephone 01 567 7000
- Email: [info@fspo.ie](mailto:info@fspo.ie)
- Website: <http://www.pensionsombudsman.ie>

### **Spouses' and Children's Benefits**

When a retired officer dies, a spouse's pension of one-half of the retired officer's pension is payable. This pension is payable in addition to the Widows' and Orphans' pension entitlements payable under the Social Welfare Code.

A child's pension is one-third of the spouse's pension for each of the first three eligible children. If there are more than three eligible children then an amount equal to the spouse's pension is divided between them.



Where both spouses are deceased, and there is only one eligible child, the amount of pension is two-thirds of the deceased spouse's pension. Where there are two or more eligible children then an amount equal to the deceased spouse's pension is divided equally between them.

A spouse's pension along with children's pensions can bring the total amount payable up to the level of the deceased officer's pension.

### **Contacts**

Link to [www.defence.ie](http://www.defence.ie)

Queries on Defence Forces pensions should, in the first instance be referred to:

- PSSC Helpdesk, Payroll Shared Service Centre, Áras an tSáile, Renmore, Galway, H91 AN2E.
- Telephone: 076 1002 702.
- Email [militarypensions@pssc.gov.ie](mailto:militarypensions@pssc.gov.ie).

Queries on Defence Forces pension terms or entitlements should in the first instance, be referred to:

- Pensions Administration Section, Finance Branch, Department of Defence, Áras an tSáile, Renmore, Galway, H91 AN2E.
- Telephone: 091 743 900, or Lo-Call 1890-426444 (extension 3900).

Email [pensions.admin@defence.ie](mailto:pensions.admin@defence.ie)

**Executive Committee**

**20 November 2018**