

The Pensions Authority

Public Consultation Guidelines

As a regulatory body, the Authority has a role in providing technical advice to the Department of Employment Affairs and Social Protection (DEASP) in developing regulations for occupational pension schemes, Personal Retirement Savings Accounts and trust based Retirement Annuity Contracts. In the course of monitoring and supervising these pension arrangements under the Pensions Act, the Authority deals with a varied array of clients such as pension scheme members, trustees of schemes, their advisors and scheme administrators.

These Consultation Guidelines set out the Authority's approach to meaningful consultation with stakeholders regarding the development, delivery and review of pension regulation.

1. Why consult?

As part of its drive to achieve more effective and efficient supervision of these pension arrangements, the Authority is committed, where possible, to consulting with interested parties regarding the following:

- policy principles underlying the introduction of new regulations governing these pension arrangements;
- policy principles underlying changes to existing regulations governing these pension arrangements;
- introduction of policy initiatives; and
- any other significant changes that may impact on pensions.

In this way, stakeholders can have an input into the decision-making process. It is important to the Authority that those who are affected by proposed changes are allowed to express their concerns about, and make any suggestions for improvements to, the proposals.

2. Benefits of consultation

Both the Authority and ultimately the State can benefit from the involvement of stakeholders in policy making and implementation. Some of the benefits of involving stakeholders in this way include:

- improved and more relevant policy making – perspectives are shared, problems are anticipated, more tailored solutions;
- wider ownership of policy, recognising the inter-dependence of the State/Pensions Authority and stakeholders; and
- improved accountability for policy outcomes.

The Authority endeavours to consider all submissions when reaching conclusions. This reflects the Authority's commitment to the Government's principles of better regulation through openness and transparency.

3. Duties of all participants in the consultation process

The value of the consultation process is widely recognised by Government and stakeholders alike. However, while all parties to the consultation process have separate roles and responsibilities, they are bound by the mutual need to achieve common aims and to be accountable for the decisions made. Consultation is a two-way process and all involved stand to benefit greatly if it is conducted correctly.

Effective involvement in the process is achieved when stakeholders:

- engage fully in the process, making all their views known at a stage in the process when it is possible to accommodate their needs;
- meet consultation deadlines;
- clarify any aspect of their submission, when asked by the Authority; and
- attend any follow-up meetings or workshops that may be necessary to advance the process.

Similarly, the Authority fulfils its responsibility for the process by:

- having as inclusive processes as possible;
- treating all stakeholders with courtesy and respect;
- responding in a prompt manner to any queries stakeholders may have about the process;
- seeking clarification regarding individual submissions, if necessary, to ensure a full understanding of the stakeholders views on the subject;
- drawing on the experience and knowledge of stakeholders when reaching conclusions on the matter;
- ensuring, where possible, that the policies and services of the Authority reflect, and are responsive to, stakeholders' needs; and
- being clear about the boundaries of the consultation.

5. Who to consult

In carrying out a consultation process, the Authority identifies its target audience and endeavours to reach as wide an audience as possible to prevent any one interested party's views dominating the process.

6. Clear purpose

The Authority strives to clearly establish and communicate the purpose and objectives of any consultation process being undertaken.

7. Limits to the consultation process

At the same time, the Authority recognises that there may be boundaries to the process such as timescale, resources, legal obligations and the extent of involvement possible. Participants may wish to note that the actual text of

pensions legislation is a matter for the Department of Social Protection and the Attorney General's Office, and that, any consultation undertaken by the Authority, will focus on the principles underlying the legislation rather than the legislation itself.

However, the Authority tries to be as inclusive as possible and accommodate the needs of all stakeholders when undertaking a consultation.

8. Facilitating participation

To make the consultation as accessible as possible, the Authority, where possible, keeps the use of jargon or technical terms to a minimum and tries to be as clear and concise as possible in its description of the issues for consultation to suit the target audience.

The Authority issues reports on certain aspects of pensions from time to time. Where parties are asked to express views on such reports, a summary of the recommendations and findings of the report will usually be included in the consultation document.

As some of the matters being consulted on may be very technical and complex in nature, the Authority may arrange one to one meetings or hold workshops with participants in the consultation process to gain a greater understanding of participant's views on the matter. In this way stakeholders can have a meaningful input into the regulatory process surrounding pensions.

9. Decision making forum

However, all stakeholders should be aware from the outset, that while consultation should inform the decision-making process, final decisions will ultimately have to be made by those formally responsible for formulating policy regarding the regulation of pensions.

10. Response time

It is essential that stakeholders are aware of the timeframes allowed for observations in any consultation process conducted by the Authority. The Authority's policy in this regard would be to allow a minimum period of 4 weeks for submissions in a consultation process.

However, stakeholders should note that the length of time allowed for responses to consultation in each situation may vary depending on the circumstances. The time allowed should strike a reasonable balance between the need for input/observations regarding the policy and the need for timely decision-making.

Consultation deadlines may differ from the recommended period in some cases due to the following: the urgency of the matter; the complexity of the issues addressed; and any statutory timing requirements that may exist.

11. Informal consultation

There may be instances when the Authority has to consult informally with stakeholders about, for example, new developments on a particular issue. It may be important to obtain the views of the relevant stakeholders before the Authority proceeds with a particular course of action. The outcome of this process may set the framework for further formal consultations on the matter.

In cases where informal consultation takes place, the Authority would expect a timely response from interested parties with their views on the matter about which they are being consulted.

12. Post consultation – information sharing

After the consultation process has finished and the Authority has considered all submissions and come to a conclusion on the matter and/or decided on a possible course of action, the Authority may choose to hold information seminars on any resulting regulations prior to their commencement, and/or publish information notes on the proposed changes.

13. Consultation flow-chart

The attached flowchart at appendix 1 outlines the various stages to a consultation process.

Appendix 1 - Consultation flowchart

