



Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte

Ospidéal Dr. Steevens'

Baile Átha Cliath 8

Office of the National Director of Human Resources

Health Service Executive

Dr. Steevens' Hospital

Dublin 8

Tel: 01 635 2319 Email: nationalhr@hse.ie

**To: Chief Executive Officer
Each National Director
Each Assistant National Director HR
Each Assistant Chief Finance Officer
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHOs
Each Head of HR CHOs
Head of HR, PCRS
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery
Each Clinical Director
Director National Ambulance Service**

From: Anne Marie Hoey, National Director of Human Resources

Date: 16th February 2021

Re: HR Circular 008/2021 New Public Service Family Law Guidelines – Pensions

Dear Colleagues

Please find attached a copy of Department of Health Circular 2/2021 and Department of Public Expenditure and Reform (DPER) Letter Ref: P18-002-2016 and the new *Public Service Family Law Guidelines – Implementation of Pension Adjustment Orders in Public Service Pension Schemes*.

These new guidelines replace the earlier notifications of 2001 *Family Law Legislation and the Administration of Public Service Pensions* and 2010 *Family law legislation and its interaction with public service superannuation schemes*.

Family law legislation makes provisions for the court to grant certain orders, including pension adjustment orders (PAO), to ensure that adequate and reasonable financial provision can be made for the spouse, civil partner, qualified cohabitant or dependent child in the context of judicial separation, divorce, dissolution of civil partnership or redress in respect of qualified cohabitants.

Under family law legislation, responsibility for compliance with the legislation, in so far as it affects the administration of public service pension schemes, falls on the trustees of the schemes. These guidelines aim to assist trustees of public service pension schemes in the administration and implementation of PAOs in respect of the benefits payable under their schemes.

Please note that these guidelines are not intended to be a legal interpretation of the legislation and should be read in conjunction with the relevant legislation and the Pension Authority's Guidance Notes. Where trustees are in doubt in relation to the implementation of a PAO, legal advice should be sought.

It is intended by DPER that these guidelines will be updated in the near future to provide specific guidance relating to the application of family law for members of the Single Public Service Pension Scheme.

The guidelines will be updated periodically to take account of any new public service pension policy or family law developments. The most up-to-date version of the guidelines will be available on the Public Service Pensions page of the gov.ie website [at this link](#).

Please bring this Circular and the new Family Law Guidelines to the attention of staff within your organisation/area of responsibility who are dealing with superannuation matters.

Queries

Queries from individual employees or managers should be referred to local HR/Employee Relations Departments or local Superannuation Units.

Requests for clarification from Pensions and HR managers in the **HSE** should be directed to: Gerry Mescall, HSE Pensions Standards & Quality Manager – HBS HR Services, Email: gerry.mescall@hse.ie

Queries from Pensions and HR managers in the **HSE** in relation to family law pension matters should be directed to: Eimer O'Mahony, National Family Law Pensions Unit Manager, HBS HR Services, Email: NFLP@hse.ie

Requests for clarification from Pensions and HR managers in **Section 38 organisations** should be directed to: Bernie Neary, Pensions Manager VHSS/NHASS, National Pensions Management Unit – HBS HR Services, Email bernie.neary@hse.ie

Yours sincerely



Anne Marie Hoey
National Director of Human Resources