



Internal Dispute Resolution Procedure – Firefighter Pensions

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Executive Summary

The Internal Dispute Resolution Procedure (IDRP) is available to all members of the Firefighters' Pension Schemes 1992, 2006, 2015 and the Firefighters' Compensation Scheme (the Schemes) or their dependants. The IDRP offers a means of formally raising, and hopefully resolving, any disputes regarding pension scheme matters that may arise between the Authority and a person(s) with an interest in the pension scheme.

There are two stages to the IDRP. If you are dissatisfied with a decision made at stage one you can move onto stage two for a further reconsideration. If you remain dissatisfied following the completion of stage two of the IDRP process you may wish to consider contacting either The Pensions Advisory Service (TPAS) and/or the Pensions Ombudsman.

The IDRP is only one part of your appeal rights and does not include disputes relating to opinions based on medical advice.

Alternative Formats

If you require this document in another format please contact the Human Resources and Development Department.

Risk Critical Information (if applicable)

N/A

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1. Introduction

- 1.1 Hereford & Worcester Fire Authority as an employer is the 'manager' of the Firefighters' Pension Schemes 1992, 2006, 2015 and the Firefighters' Compensation Scheme (the Schemes). As such, officers of the Authority make decisions under the pension scheme rules that may affect a member of the pension scheme, their dependents and/or beneficiaries.
- 1.2 The Internal Dispute Resolution Procedure (IDRP) is available to all members of the Schemes or their dependants. The IDRP offers a means of formally raising, and hopefully resolving, any disputes regarding pension scheme matters that may arise between the Authority and a person(s) with an interest in the pension scheme.
- 1.3 If you have a pension problem it may be helpful if, initially, you raise it with our pensions Administrator (the HR department can provide the contact details). The problem may be a simple error which can be corrected immediately, or may be the result of a misunderstanding which can be clarified by explanation. If you are still dissatisfied, then one of the formal appeal routes can be used.
- 1.4 The Schemes offer various appeal routes according to the nature of the dispute. It is important that you select the most appropriate route. The IDRP is only one part of your appeal rights and does not include disputes relating to opinions based on medical advice.

2. Who is entitled to make a complaint under IDRP?

- 2.1 You can make a complaint under IDRP if you:
 - a) are a member (active, deferred or pensioner) of the Schemes;
 - b) are a widow, widower, surviving civil partner or surviving dependant of a deceased member of the Schemes;
 - c) are a surviving non-dependant beneficiary of a deceased member of the Schemes;
 - d) are a prospective member of the scheme i.e. persons who under their contract of employment can or will become a member;
 - e) have ceased to be within any of the categories of persons referred to in paragraphs (a) to (d); or
 - f) claim to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether you are such a person.

2.2 As the procedures also apply to disputes relating to the Firefighters' Compensation Scheme (FCS) 2006, they will be available to those who are entitled to benefits under the Scheme, i.e. those who have opted out of the FPS and retained firefighters employed before 6 April 2006 with protected rights.

IDRP exemptions

2.3 IDRP will not apply where –

- a) you have issued a notice of appeal under:
 - i) Rule H2 of the Firemen's Pension Scheme Order 1992 (appeal against opinion on a medical issue);
 - ii) Rule 2 of Part 6 of schedule 1 to the Firefighters' Compensation Scheme (England) Order 2006 (appeal to medical referee); or
 - iii) Rule 4 of Part 8 of Schedule 1 to the Fire Fighters' Pension Scheme (England) Order 2006 (appeals against decisions based on medical advice); or
- b) proceedings have begun in any court or tribunal; or
- c) The Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him.

Representation

2.4 An application under the IDRP may be made or continued on behalf of a person who is a party to the dispute:

- a) where the person dies, by his/her personal representative;
- b) where the person is a minor or is otherwise incapable of acting for him/herself, by a member of his/her family or some other person suitable to represent him/her; and
- c) In any other case, by a representative nominated by him/her.

3. How is the IDRP to be applied to the Schemes?

3.1 The IDRP provides recourse for you if you have a complaint relating to your pension, **other than matters covered by the medical appeal arrangements** in the Schemes.

- 3.2 There are two stages to the process. If you are dissatisfied with a decision made at Stage One you can move onto Stage Two for a further reconsideration.
- a) Stage one: the matters will be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and
 - b) Stage two: the decision will be confirmed or replaced by the decision of the Fire Authority's Pensions Appeals Panel.
- 3.3 If at any point after your IDRP application has been made your dispute then becomes exempted (as set out in 1.3 above), the resolution under IDRP will cease.

4. Stage One

- 4.1 The application for consideration of the dispute must be made in writing, giving details of the complaint.
- 4.2 Except in cases referred to in section 2, applications must be made by any person referred to in paragraph 1(a) to (d) above to the CFO **within six months** beginning after the date on which the person could have reasonably known about the matter in dispute, or in the case of a person in categories 1(e) and (f) the person ceased to be a member of the FPS. The Chief Fire Officer, or the person specified by him/her, has discretion to accept an application made outside this period.
- 4.3 However if your disagreement is about whether you are entitled to an award of a benefit and if so which one e.g. the award of a pension, lump sum or refund of pension contributions you must submit written notice of the disagreement to the CFO **within 28 days** of receipt of the determination you disagree with.
- 4.4 To help you with this an application form is attached for you to complete. You **must** provide us with all the information as required on the application form, otherwise your application may be delayed if we need to contact you. When you (or your representative if you prefer) have completed the form, it must be signed, dated and sent with any relevant attachments (i.e. any documents which you believe relevant and which may support your case) to the Chief Fire Officer (as the Stage One decision maker) at the address at the end of this guidance note.
- 4.5 When your application is received, the Chief Fire Officer, or the person specified by him/her will acknowledge it and will inform you that the Pensions Advisory Service (TPAS) is available to assist you in connection with any difficulty with your pension scheme and will provide you with the relevant contact details.

- 4.6 The Chief Fire Officer or the person specified by him/her will make a decision within two months of receiving your application and will notify you of the decision no later than 15 working days after reaching it. If a decision is reached sooner you will receive the decision earlier, however in the event that he/she cannot give a decision within two months he/she will send you (and/or your representative) an interim reply setting out the reasons for the delay and the expected date for the issue of a decision
- 4.7 The decision will refer to any legislation, including the relevant FPS or FPC Orders, relied upon for the decision. If a discretion allowed under the scheme(s) has been exercised, there will be reference to this and to the provisions of the scheme(s) which allow the discretion. The decision letter will also make reference to the availability of TPAS to assist members and beneficiaries in connection with any difficulty with the Scheme which remains unresolved.
- 4.8 The decision letter will also provide you with information about the next stage to take if you are not content with the decision made.
- 4.9 This concludes Stage One of the IDRP process.

5. Stage Two

- 5.1 If you are dissatisfied with the decision at stage one, you can apply for the decision to be reconsidered by the Fire Authority's Pensions Appeals Panel. You must apply **no later than six months after the date on which you were notified of the stage one decision.**
- 5.2 Your Stage Two application, like the stage one, must be given in writing. Again, an application form is available for you to complete. You **must** provide us with all the information as required on the application form, otherwise your application may be delayed if we need to contact you. When you (or your representative if you prefer) have completed the form, it must be signed, dated and sent the Head of Legal Services (Clerk/Monitoring Officer) at the address at the end of this guidance note with:
 - a) a copy of the stage one decision and
 - b) Any documents you believe relevant and which may support your case.
- 5.3 When your application is received, Committee & Members' Services will acknowledge it and inform you that a date will be arranged for the Pensions Appeals Panel to meet and consider your application.
- 5.4 The acknowledgement letter will also make reference to the availability of TPAS to assist members and beneficiaries in connection with any difficulty with the Scheme which remains unresolved.

- 5.5 The Pensions Appeals Panel comprises of 3 Fire Authority Members and a meeting will be held to enable a decision to be taken normally within two from the date your application for a stage two hearing was received. The terms of reference for the Panel are attached.
- 5.6 If, for any reason, the Panel is unable to meet and issue you with a decision within two months a further letter will be sent to you explaining the reasons for the delay and the expected date of the decision.

The Pensions Appeals Panel Meeting

- 5.7 You will be notified in writing once a date for the Panel meeting has been arranged. You and/or your representative may attend the meeting and you may make representations at the meeting. However, you are under no obligation to attend the meeting if you do not wish to do so.
- 5.8 Should you wish to provide any additional information to the Panel, this must be received by Committee & Members' Services by the deadline date set out in the notification of the meeting. If your additional information is received after the deadline date it will not be included with the agenda papers and will not be considered by the Panel, unless there are exceptional circumstances as to why you were unable to meet the deadline. The inclusion of any such late information will be at the discretion of the Head of Legal Services.
- 5.9 An agenda pack will be dispatched at least 5 clear working days¹ prior to the meeting, to:
- the Panel Members;
 - yourself and/or your representative;
 - the Head of Legal Services (Clerk/Monitoring Officer), or his representative who will be in attendance to advise the Panel on legal and procedural matters; and
 - The Treasurer and/or HR Manager who may be required to attend as a HWFRS representative.
- 5.10 The agenda pack will contain:
- a) a copy of your stage one application and any relevant documents you submitted with the application;
 - b) a copy of the stage one decision;
 - c) a copy of your stage two application and any relevant documents you submitted with the application;
 - d) a report from the Head of Legal Services (Clerk/Monitoring Officer) setting out a summary of the facts, the basis of the application and factors for the Panel to consider; and
 - e) Any additional information you have submitted prior to the meeting as referred to in 6.8.

¹ "Clear working days" does not include the day of dispatch or the day of the meeting. Working days are any day except Saturday, Sunday or Bank Holidays, including Christmas Day and Good Friday.

- 5.11 The procedure for the meeting is attached. Please note that no new matters can be raised at the meeting by any party. Only information that has been submitted and dispatched as part of the agenda pack will be considered by the Panel.
- 5.12 A decision will be taken by the Panel normally within two months of receipt of the application and you will be notified of the decision no later than 15 working days after the Panel has reached a decision. If a decision is reached sooner you will receive the notification earlier, or a further letter will be sent to you explaining the reasons for the delay and the expected date of the decision.
- 5.13 The notice of the decision will include information and contact details for the Pensions Ombudsman who may investigate and determine any complaint or dispute of fact or law between a scheme member and the pension scheme managers or employer.
- 5.14 This completes stage two of the IDR process.

6. Further Advice and Contacts

- 6.1 If you remain dissatisfied following the completion of stage two of the IDR process you may wish to consider contacting one of the following Services.

The Pensions Advisory Service

- 6.2 The Pensions Advisory Service (TPAS) provides free, confidential advice to individual members of the public. Although TPAS will offer help before, during and after Internal Dispute Resolution Procedures before getting involved they will normally expect a person to have taken up his/her dispute at least informally with the pension scheme administrators.
- 6.3 The Pensions Advisory Service can be contacted at:

11 Belgrave Road, London, SW1V 1RB

Telephone: 0300 123 1047

www.pensionsadvisoryservice.org.uk

The Pensions Ombudsman

- 6.4 The Pensions Ombudsman can investigate a pension scheme member's complaint of maladministration or a dispute of fact or law between a scheme member and the pension scheme managers or employer. However, the Ombudsman cannot help if court proceedings have begun and will normally expect the case to have first been put through Internal Dispute Resolution Procedures (explained above). A complainant who writes to the Ombudsman directly will usually be requested to have the case dealt with first by the Pensions Advisory Service (see above). You should contact the Ombudsman

within 3 years of the act or omission that you are complaining about or disputing although he does have the discretion to extend this period where appropriate.

6.5 The Pensions Ombudsman can be contacted at:

11 Belgrave Road, London, SW1V 1RG
Telephone: 020 7630 2200
www.pensions-ombudsman.org.uk

Other Addresses

Chief Fire Officer
Fire Service Headquarters
2 King's Court
Charles Hastings Way
Worcester
WR5 1JR

Head of Legal Services (Clerk/Monitoring Officer)
Fire Service Headquarters
2 King's Court
Charles Hastings Way
Worcester
WR5 1JR

Firefighters' Pension Scheme Internal Dispute Resolution: Stage One Application

This application may be submitted by a person (or nominated representative) who is (a) an active, deferred or pensioner member of the Firefighters' Pension Scheme (FPS); (b) a widow, widower, surviving civil partner or surviving dependent of a deceased member of the FPS; (c) a surviving non-dependent beneficiary of a deceased member of the FPS; (d) a prospective member of the FPS; (e) persons who have ceased to be within any of the categories in (a) to (d); or (f) persons who claim to be a person mentioned in (a) to (e) and the dispute relates to whether he is such a person.

To the Chief Fire Officer, Hereford & Worcester Fire and Rescue Service

1. I wish to apply for a decision to be made, under section 50 of the Pensions Act 1995, in respect of the disagreement set out in this application.
2. I understand that an application may not be made where, in respect of a disagreement:
 - a notice of appeal has been issued under Rule H2 of the Firefighters' Pension Scheme 1992, Part 8, rule 4 of the Firefighters' Pension Scheme 2006 or Part 6, rule 2 of the Firefighters' Compensation Scheme 2006 (appeal to a board of medical referees against a decision on an issue of a medical nature), or
 - proceedings in respect of this dispute have begun in any court or tribunal, or
 - the Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. The nature of the disagreement is set out in the attached page(s).

Complete in all cases (in Block capitals)

Full name of scheme member

Role and employment reference.....

Address of scheme member.....

.....

Member's date of birth Member's National Insurance No.

Complete if complainant is not a scheme member (in Block Capitals)

Full name of complainant

Address for correspondence

.....

Relationship of complainant to Scheme member (if relevant)

Signature of complainant (or representative) Date

**Nature of
disagreement**

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

When did you first become aware of the facts relating to the disagreement?

Signature of complainant (or representative).....

Date

Firefighters' Pension Scheme Internal Dispute Resolution: Stage Two Application

If a person is dissatisfied with the decision of the Chief Fire Officer or the person specified by him/her at stage one of the IDRP, an application may be submitted by that person (or nominated representative) for the decision to be confirmed or replaced by the decision of elected members of the Fire Authority. The Authority has provided for decisions to be taken on its behalf by the Pensions Appeals Panel, which comprises three Fire Authority Members.

To the Head of Legal Services (Clerk/Monitoring Officer)

1. I am applying for reconsideration of the decision ofmade under section 50 of the Pensions Act 1995. I understand that the Fire Authority will either confirm the decision or replace it.
2. I understand that an application may not be made where, in respect of a disagreement:
 - a notice of appeal has been issued under Rule H2 of the Firefighters' Pension Scheme 1992, Part 8, rule 4 of the New Firefighters' Pension Scheme 2006 or Part 6, rule 2 of the Firefighters' Compensation Scheme 2006 (appeal to a board of medical referees against a decision on an issue of a medical nature), or
 - proceedings in respect of this dispute have begun in any court or tribunal, or
 - the Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. I attach a copy of the notice of the decision referred to in paragraph 1 and a statement of the reason(s) for dissatisfaction with that decision.

Complete in all cases (in block capitals)

Full name of scheme member

Role and employment reference.....

Address of scheme member.....

.....

Member's date of birth Member's National Insurance No.

Complete if complainant is not a scheme member (in block capitals)

Full name of complainant

Address for correspondence

.....

Relationship of complainant to Scheme member (if relevant)

Signature of complainant (or representative) Date

Nature of disagreement

Give a statement of the nature of the disagreement with the decision made by the Chief Fire Officer or the person specified by him/her. If necessary, continue details on to another page and attach the application form with any supporting documents.

When did you first become aware of the facts relating to the disagreement?

Signature of complainant (or representative)

Date

PENSIONS APPEALS PANEL

Terms of Reference, Constitution, Rules and Procedures

Role

1. The Panel shall consider and determine any second stage disputes regarding determinations made by the Authority under the Firefighters' Pensions Scheme Rules 1992 and 2006 [and 2015], except those relating to opinions based on medical advice.

Constitution

2. The Panel will comprise 3 Members of the Policy and Resources Committee, to include the Committee Chairman (or his nominee). The remaining two members will be selected by the Monitoring Officer by rotation.
3. Political balance will apply insofar as possible.
4. Substitution rules will not apply.

Rules and Procedures

5. The Panel Chairman shall be the Policy and Resources Committee Chairman (or his nominee).
6. The Panel will be advised by the Treasurer, Head of Legal Services and Head of Human Resources.
7. The appellant or aggrieved person(s) may attend the Panel meeting and may make any representations. The appellant or aggrieved person may be represented.
8. The Panel meetings will not be open to the public or other Members of the Authority due to the nature of the business, therefore the ordinary Access to Information Procedure Rules will not apply.

Procedure for Pensions Appeals Panel Hearing

1. Chair's welcome and introductions

The Chairman to introduce those present and confirm that the hearing is a Stage 2 Hearing under the Authority's Internal Dispute Resolution Procedure regarding a decision made under the Firefighters' Pensions Scheme Rules 1992 / 2006 /2015.

The Chairman will then explain the procedure for the hearing.

2. Appellant to make representations

The appellant and/or their representative make representations to the Panel. Panel Members ask the appellant and/or their representative questions, as necessary.

3. Service representative to put forward comments

A Service representative to respond to the appellant's representations. Panel Members ask questions, as necessary.

4. Appellant to have right to reply

The appellant and/or their representative have an opportunity to put forward a right of reply to the Panel but shall not be entitled to raise new matters. Panel Members ask questions, as necessary.

5. Parties to leave whilst Panel deliberates

Once all the evidence has been presented the Panel, the Chairman will ask both parties i.e. the appellant and/or their representative and the Service representative to leave the meeting to enable the Panel to consider the evidence. A representative from Legal Services will remain with the Panel to answer any questions from Members with regards to legal issues.

The appellant will be advised of the timescale for communication of the Panel's decision which will be confirmed in writing and that should the Panel be unable to come to a decision, the appellant will be informed in writing of the reasons for the delay and an expected date when a decision will be issued.