1184 INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) – PENSION SCHEMES

The Pensions Act 1995, as amended by the Pensions Act 2004 and 2007 requires all occupational pension schemes to have an internal procedure for dealing with complaints or disputes.

OWNER	Senior HR Business Partner, Human Resources	
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OTHER (CROSS) REFERENCES:

- Pensions Act 1995
- Pensions Act 2004
- Pensions Act 2007
- Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008
- Firefighters' Pension Scheme Order 1992
- Firefighters' Pension Scheme (Specifically Rule H2 & H3)
- New Firefighters' Pension Scheme (Specifically Part 8 Rule 4 & 5)
- Firefighters' Compensation Scheme (Specifically Part 6 Rule 2 & 3)
- Firefighters' Pension Scheme Regulations 2014 (Specifically Part 12 Rule 154 & 163)
- Firefighters' Pension Scheme Circular FPSC 1/2009, Department of Communities and Local Government
- Local Government Association IDRP Factsheet
- The Pension Regulator Code of Practice Code 11 & 14

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PART 1 – POLICY SECTION

1. INTRODUCTION

- 1.1 The Pensions Act 1995 requires that all occupational pension schemes have a formal Internal Disputes Resolution Procedure (IDRP) for dealing with complaints from scheme members.
- 1.2 The Circular issued by the Department of Communities and Local Government (FPSC 1/2009) provided advice regarding IDRPs, as agreed with the Firefighters' Pension Committee. This IDRP reflects that, and subsequent advice.

2. APPLICATION AND EXEMPTIONS

- 2.1 The following procedures deal with all cases where there is a dispute about a matter relating to the Firefighters' Pension Scheme 1992 (FPS), the New Firefighters' Pension Scheme 2006 (NFPS), The Firefighters' Pension Scheme 2015 (FPS 2015) and the Firefighters' Compensation Scheme (FCS), with the following exemptions:
 - a) Appeals lodged under Rule H2 of the FPS;
 - b) Appeals lodged under Part 8, Rule 4 of the NFPS;
 - c) Appeals lodged under Part 6, Rule 2 of the FCS;
 - d) Appeals lodged under Part 12, Rule 154 of the FPS 2015

- e) Matters in respect of which proceedings have been commenced in any court or tribunal; and
- f) Matters in respect of which the Pensions Ombudsman has commenced an investigation, as a result of a complaint made or a dispute referred to them.

Appeals as in a) b) c) and d) above are exempted under the 2008 Regulations.

2.2 If, after an application for the resolution of a pension dispute has been made, the dispute becomes an exempted dispute under 2.1 above, the resolution of the dispute under this procedure ceases.

3. WHO IS ENTITLED TO MAKE A COMPLAINT UNDER THE IDRP?

- 3.1 The IDRP is available to the following:
 - a) a member (active, deferred or pensioner) of the FPS, NFPS or FPS 2015
 - a surviving spouse, surviving co-habiting partner or other surviving dependant of a deceased member of the FPS, NFPS or FPS 2015
 - c) a surviving non-dependant beneficiary of a deceased member of the FPS, NFPS or FPS 2015
 - d) a prospective member of the FPS, NFPS or FPS 2015 (i.e. a person who is not currently a member and could join at their request or would be automatically admitted unless they opt out, or who may be admitted subject to the consent of the FRA)
 - e) persons who have ceased to be within any of categories (a) to (d)
 - f) persons who claim to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether they are such a person.
- 3.2 As the procedures apply also to disputes relating to the Firefighters' Compensation Scheme 2006, they are available to those who are entitled to benefits under the Scheme, i.e. those who have opted out of the main FPS schemes, and retained firefighters employed before 6th April 2006 with protected rights.

4. WHEN CAN A COMPLAINT BE MADE?

- 4.1 For claims in respect of persons in categories a) to d) in 3.1, applications must be made within six months from the date on which the person could have reasonably known about the matter in dispute.
- 4.2 For claims in respect of persons in category e) in 3.1, applications must be made within six months from the date that the person ceased to be a member of the FPS, NFPS or FPS 2015.
- 4.3 The exception to this timeframe is that applications must be made **within 28 days** of receipt of a determination under Part 8, Rule 2 of the

New Firefighters' Pension Scheme 2006 and Part 12, Rule 151 of the Firefighters' Pension Scheme 2015.

5. **REPRESENTATION**

- 5.1 An application under the IDRP can be made by:
 - Where the applicant is a minor or is incapable of acting for themselves by a member of their family or some other person suitable to represent them
 - Where the applicant dies by their personal representative
 - In any other case, by a representative they have nominated.

6. HOW WILL THE CLAIM BE HEARD?

- 6.1 Two stages are available within the IDRP. In Stage One, the dispute will be considered by the Chief Fire Officer or a delegated senior manager, the "specified person", who will provide a decision.
- 6.2 If the applicant is not satisfied with the decision, the dispute may progress to Stage Two, in which the decision will be considered by the Staffing Sub-Committee of the Fire Authority.

PART 2 - PROCEDURES SECTION

Procedure 1: Stage One - Appeal to Chief Fire Officer

	Process/Action	Timeframe	Responsibility
1	Employee or other complainant (or their representative) to complete the Stage One Application (see Appendix 1) and forward to Chief Fire Officer.	Within 6 months from complainant knowing of matter in dispute (see S4) OR within 28 days of receipt of a determination under Part 8, Rule 2 of the New Firefighters' Pension Scheme or Part 12, Rule 151 of the Firefighters' Pension Scheme 2015	Employee / complainant / representative
2	Chief Fire Officer / Delegated Senior Manager to acknowledge receipt of application (see Appendix 2) and advise Head of People Services.	As soon as reasonably possible	Chief Fire Officer / Delegated Senior Manager
3	Chief Fire Officer / Delegated Senior Manager to write to complainant with decision (see Appendix 4).	Within 2 months of receiving application	Chief Fire Officer / Delegated Senior Manager
4	If a decision is not possible within 2 months, Chief Fire Officer / Delegated Senior Manager to write to complainant with reasons for the delay and providing a new timeframe (see Appendix 3).	Within 2 months of receiving application	Chief Fire Officer / Delegated Senior Manager
5	Delayed decision to then be sent (see Appendix 4).	Within new specified timeframe	Chief Fire Officer / Delegated Senior Manager

Procedure 2: Stage Two – Appeal to the Staffing Sub-Committee of the Fire Authority

	Process/Action	Timeframe	Responsibility
1	If not satisfied with the Chief Fire Officer's decision, employee or other complainant (or their representative) to complete the Stage Two Application (see Appendix 5) and forward to the Staffing Sub-Committee, Cheshire Fire Authority.	Within 6 months of the date of the Chief Fire Officer's decision	Employee / complainant / representative
2	Chair of the Staffing Sub-Committee to acknowledge receipt of application (see Appendix 6).	As soon as reasonably possible	Legal and Democratic Services / Chair of Staffing Sub- Committee
3	Staffing Sub-Committee to consider the appeal, and Chair to write to complainant with decision (see Appendix 8).	Within 2 months of receiving application	Legal and Democratic Services / Staffing Sub- Committee
4	If a decision is not possible within 2 months, Chair of the Staffing Sub-Committee to write to complainant with reasons for the delay and providing a new timeframe (see Appendix 7).	Within 2 months of receiving application	Legal and Democratic Services / Chair of Staffing Sub- Committee
5	Delayed decision to then be made by Staffing Sub-Committee and decision sent (see Appendix 8).	Within new specified timeframe	Legal and Democratic Services / Staffing Sub- Committee

PART 3 – GUIDANCE SECTION

FREQUENTLY ASKED QUESTIONS

Q: Who can make a complaint under the IDRP?

A: Members of the FPS, NFPS, FPS 2015 or FCS may make a complaint. Surviving beneficiaries of FPS, NFPS or FPS 2015 scheme members, and some others may also make a complaint (see S3).

If you are unsure about your entitlement to make a complaint, please contact the Human Resources Team.

Q: I was the Civil Partner of a scheme member who is now deceased. Can I make a complaint?

A: Yes – the term 'spouse' in section 3.1 b) is intended to include Civil Partner.

Q: Who can my representative be?

A: You can nominate any person to act on your behalf.

Family members or other suitable people may also bring a claim on behalf of a person not capable of acting for themselves. A personal representative may bring a claim on behalf of a claimant who has died. See S5.

Q: Will I have to attend a hearing?

A: No – this process is usually carried out by correspondence.

Q: What information should I include in my application (both stages)?

A: You should provide as much detail as possible regarding the reasons for your complaint or the reason that you disagree with the decision. You may provide a statement on a separate sheet if you prefer. You should attach any documents that you have that support your case.

Q: Who may make the decision in Stage One?

A: The Chief Fire Officer may make the decision personally, or may nominate a senior manager to make the decision on their behalf.

Q: Where can I get independent advice?

A: You can at any stage seek advice from the Government's new Money and Pension Service called MoneyHelper. MoneyHelper is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. MoneyHelper can be contacted at: Holborn Centre, 120 Holborn, London EC1N 2TD, Monday to Friday 9am to 5pm on 0800 011 3797 or online at www.moneyhelper.org.uk

Q: What if I am not satisfied with the decision made in Stage One?

A: The letter that you receive regarding the decision at Stage One will inform you that you have the right to apply for reconsideration of the decision. This will be considered by the Staffing Sub-Committee of Cheshire Fire and Rescue Authority. If you wish to do this, you should apply within 6 months from the date of the Stage One decision letter.

Q: What if I am not satisfied with the decision made in Stage Two?

A: The Pensions Ombudsman, appointed under Section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act. The Ombudsman can be contacted at 10 South Colonnade, Canary Wharf, London E14 4PU; Telephone 0800 917 4487 or online at <u>www.pensions-ombudsman.org.uk</u>.

If your complaint refers to the Firefighters' Compensation Scheme, you could take your grievance to Crown Court. You should notify the appropriate officer of both the Court and the Authority, within 21 days of the Stage Two decision.

Q: Where can I find some more information about this process and some definitions for the terms used?

A: The Pensions Advisory Service provides some information at:

www.moneyhelper.org.uk/en/pensions-and-retirement/pension-problems

www.moneyhelper.org.uk/en/pensions-and-retirement/pensions-basics

Firefighters' Pension Scheme, NFPS, FPS 2015 and FCS 1184 Internal Dispute Resolution Procedure (IDRP) Stage One: Application

(*Please see the above procedure for details of who can make a complaint, etc*)

To the Chief Fire Officer, Cheshire Fire and Rescue Authority

- 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:
 - An appeal has been lodged under Rule H2 of the FPS;
 - An appeal has been lodged under Part 8, Rule 4 of the NFPS;
 - An appeal has been lodged under Part 12, Rule 154 of the FPS 2015
 - An appeal has been lodged under Part 6, Rule 2 of the FCS;
 - Proceedings have begun in any court or tribunal; or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to them.
- 3. The nature of the disagreement is set out in the attached page(s).

Scheme Member's details (please complete in block capitals):

Full name
Role
Service reference
Address
Date of birth
National Insurance No.
Complainant's details if not a Scheme Member (block capitals):
Full name
Address

Relationship of complainant to Scheme Member (if relevant)

Representative's details - if any (please complete in block capitals):

Full name

Address for correspondence

Relationship of Representative to Scheme Member / complainant (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.

Signature of complainant (or representative)

.....Date

Send your complete application to:

The Chief Fire Officer Cheshire Fire and Rescue Service Clemonds Hey Oakmere Road Winsford CW7 2UA

[Service Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedure (IDRP): Stage One

Your application under Section 50 of the Pensions Act 1995 for a decision in respect of a disagreement was received on *(date)*.....

The Chief Fire Officer has passed your application to me for a decision *(delete if CFO to make decision personally)*.

I intend to make a decision on the matters raised by your application within two months from the date the application was received.

If, for any reason, I am unable to issue you with a decision within this time-scale you *and your representative (delete as appropriate)* will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

The Government's new Money and Pension Service called MoneyHelper. MoneyHelper is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. MoneyHelper can be contacted at: Holborn Centre, 120 Holborn, London EC1N 2TD, Monday to Friday 9am to 5pm on 0800 011 3797 or online at <u>www.moneyhelper.org.uk</u>

If you have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

Yours sincerely

Insert name and title of CFO / senior manager as appropriate Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref:

This acknowledgement letter must be sent, in all cases, where a Stage One application is received from a complainant. If there are any problems or queries about the application, then this letter should be adapted to state the nature of the problem and/or request further information.

[Service Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSIONS SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures (IDRP): Stage One

Further to my letter of *(date of issue of IDRP Stage One: Letter 1).....,* I regret that I am not yet in a position to issue you with a decision.

The reasons for the delay are *(reasons)*

I expect to be able to issue you with a decision on (date).

If you have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

Yours sincerely

Insert name and title of CFO / senior manager as appropriate Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref:

This letter must be sent if a decision cannot be made within two months of receipt of a Stage One application from a complainant.

[Service Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures (IDRP): Stage One

I have considered your application received on *(date).....* for a decision to be made under Section 50 of the Pensions Act 1995 in respect of your disagreement referred to in the application.

My decision is as follows:

Give a statement of the decision and make reference to any legislation (including the relevant pension or compensation scheme orders) relied upon for the decision. If discretion has been exercised under the scheme, include a reference to the provisions of the scheme under which the discretion is conferred.

If you are not satisfied with this decision, you have the right to apply for reconsideration of the disagreement by the Staffing Sub-Committee of Cheshire Fire and Rescue Authority no later than six months from the date of this notice.

If you would like to receive a form to apply for reconsideration, or have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

The Government's new Money and Pension Service called MoneyHelper. MoneyHelper is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. MoneyHelper can be contacted at: Holborn Centre, 120 Holborn, London EC1N 2TD, Monday to Friday 9am to 5pm on 0800 011 3797 or online at <u>www.moneyhelper.org.uk</u>

Yours sincerely

Insert name and title of CFO / senior manager as appropriate Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref:

Firefighters' Pension Scheme, NFPS, FPS 2015, FCS 1184 Internal Dispute Resolution Procedure (IDRP) Stage Two: Application

(*Please see the above procedure for details of who can make a complaint, etc*)

To the Staffing Sub-Committee, Cheshire Fire and Rescue Authority

- 1. I am applying for reconsideration of the decision of the Chief Fire Officer (or the senior manager nominated by them), made under section 50 of the Pensions Act 1995. I understand that the Cheshire Fire and Rescue 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:
 - An appeal has been lodged under Rule H2 of the FPS;
 - An appeal has been lodged under Part 8, Rule 4 of the NFPS;
 - An appeal has been lodged under Part 12, Rule 154 of the Firefighters' Pension Scheme 2015
 - An appeal has been lodged under Part 6, Rule 2 of the FCS;
 - Proceedings have begun in any court or tribunal; or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to them.
- 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.

Scheme Member's details (please complete in block capitals):

Full name
Role
Service reference
Address
Date of birth
National Insurance No

Complainant's details if not a Scheme Member (block capitals):

Full name

Address

.....

Relationship of complainant to Scheme Member (if relevant)

.....

Representative's details - if any (please complete in block capitals):

 Full name

 Address for correspondence

 Relationship of Representative to Scheme Member / complainant (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 senior manager nominated by them), with sufficient details. If necessary, continue details on to another page and attach to the application form with any supporting documents.

Signature of complainant (or representative)

......Date

Attach a copy of the notice of the decision referred to in paragraph 1.

Send your complete application to:

The Staffing Sub-Committee Cheshire Fire Authority C/O Democratic Services Clemonds Hey Oakmere Road Winsford CW7 2UA

[Fire Authority Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSIONS SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures (IDRP): Stage Two

Your application for a reconsideration of a decision dated (*insert date*) made under Section 50 of the Pensions Act 1995 by *insert name and title of CFO / Senior Manager who made the decision* was received on (*insert date*).

The Staffing Sub-Committee, Cheshire Fire and Rescue Authority will consider the matters raised by your application and will confirm or replace that decision within two months from the date your application was received.

If, for any reason, the Staffing Sub-Committee is unable to issue you with a decision within this time-scale you *and your representative (delete as appropriate)* will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

The Government's new Money and Pension Service called MoneyHelper. MoneyHelper is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. MoneyHelper can be contacted at: Holborn Centre, 120 Holborn, London EC1N 2TD, Monday to Friday 9am to 5pm on 0800 011 3797 or online at <u>www.moneyhelper.org.uk</u>

If you have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

Yours sincerely

Name Chair of the Staffing Sub-Committee Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref:

[Fire Authority Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSIONS SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures (IDRP): Stage Two

Further to my letter of *(insert date)*, I regret that the Staffing Sub-Committee are not yet in a position to issue you with a decision.

The reasons for the delay are (*reasons*)

The panel expect to be able to issue you with a decision on (date)

If you have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

Yours sincerely

Chair of the Staffing Sub-Committee Title Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref:

This letter must be sent if a decision cannot be made within two months of receipt of a Stage Two application from a complainant.

[Fire Authority Headed Notepaper] [Delete / amend all text in italics]

CONFIDENTIAL

Name Address Line 1 Address Line 2 Address Line 3 Address Line 4 Postcode

Date

Dear >>>>>>>

FIREFIGHTERS' PENSION SCHEME / NEW FIREFIGHTERS' PENSIONS SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 / FIREFIGHTERS' COMPENSATION SCHEME: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures (IDRP): Stage Two

The Staffing Sub-Committee have considered your application received on *(date)* for reconsideration of the decision made by *insert name and title of CFO / Senior Manager who made the decision* under Section 50 of the Pensions Act 1995, as indicated in the notice of decision dated *(date)*.

The decision of the committee is as follows:

Give a statement of the decision and an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made by the Chief Fire Officer. Refer to any legislation, including the FPS, NFPS, FPS 2015 or FCS relied upon for the decision. If discretion has been exercised under the scheme, include a reference to the provisions of the scheme under which the discretion is conferred.

If you remain dissatisfied:

- The Government's new Money and Pension Service called MoneyHelper. MoneyHelper is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. MoneyHelper can be contacted at: Holborn Centre, 120 Holborn, London EC1N 2TD, Monday to Friday 9am to 5pm on 0800 011 3797 or online at www.moneyhelper.org.uk
- The Pensions Ombudsman, appointed under Section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act. The Ombudsman can be contacted at 10 South Colonnade, Canary Wharf, London E14 4PU; Telephone 0800 917 4487 or online at <u>www.pensions-</u>

ombudsman.org.uk

If you have any queries regarding this matter, please contact (*insert name and contact details of officer in HR*) who would be pleased to assist.

Yours sincerely

Name Chair of the Staffing Sub-Committee Tel: 01606 Email: <u>>>>>@cheshirefire.gov.uk</u> CC: PRF Ref: