

Firefighters' Pension Scheme

Internal Dispute Resolution Procedure – Guidance Note to applicants



Internal Dispute Resolution procedure (IDRP) is available to all members of occupational pension schemes or their dependants. They offer a means of formally raising, and hopefully resolving, grievances about the way in which their pension rights have been managed.

How does IDRP apply to firefighters?

Firefighters' pension rights are set out in the Firemen's Pension Scheme Orders. The IDRP requirements have not been written into the Orders but must operate alongside. In October 1996, a CFBAC Joint Pension Committee Working Party was set up to decide and recommend how fire authorities should comply with the IDRP Regulations. Recommendations agreed between employer's side and trade union representatives were issued in Fire Service Circular 2/1997.

The FPS offers various appeal routes according to the nature of the grievance. It is important that you should select the most appropriate route. The IDRP is only once part of your appeal rights.

If you have a pension problem it may be helpful if, initially, you raise it with the relevant person in Lancashire Fire and Rescue Service (e.g. the Human Resources Manager responsible for pension's administration). 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 various formal appeal routes can be used.

Who can make a complaint under IDRP?

The following persons can use IDRP –

- (a) Active, deferred and pensioner members of FPS, NFPS or LGPS
- (b) Widows, widowers or surviving dependants of deceased FPS members
- (c) Prospective members of the FPS, i.e. persons who under their contract of employment can or will become members,
- (d) Pension credit members, i.e. ex-spouses of firefighter's with pension rights under the FPS granted a pension by a pension sharing order made on divorce or annulment of marriage
- (e) Persons who ceased to be within any of the categories (a) to (d) within six months before the date of any application under IDRP, and
- (f) Persons whose claims to be in one of the categories (a) to (e) above are the subject to the dispute.

The application can be made by –

- The applicant in person or by a nominated representative
- Personal representatives where the person has died
- A member of the person's family or some other suitable representative in the case of a minor or a person incapable of acting for him or herself.

Optants-out

A regular firefighter who has opted out of the FPS has IDRPs rights.

IDRP exclusions

IDRP will not apply where –

- A notice of appeal has been issued by the complainant under Rule H2 of the Firemen's Pension Scheme Order 1992 (appeal against opinion on a medical issue), or
- Proceedings have begun in any court or tribunal, or
- The Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him.

IDRP Procedure

The IDRPs process allows a person to make an application to have a decision regarding pension rights reconsidered.

There are two stages to the process. A person dissatisfied with a decision made at Stage One can move onto Stage Two for a further reconsideration.

IDRP Stage One

Your Stage One application for a decision in respect of a disagreement must be given in writing and must contain all the information required by the IDRPs Regulations.

To help you with this an application form is available for you to complete. If you supply all the information prompted by the form then you will have complied with the Regulations. When you (or your representative if you prefer) have completed the form, it should be signed 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 or Director of People and Development and (as the Stage One decision maker) at the address at the end of this guidance note.

To comply with the IDRPs Regulations, the Chief Fire Officer or Director of People and Development will, in writing-

- Acknowledge receipt of your Stage One application for a decision
- State that he/she intends to make a decision on the matters raised by your application within 2 months from the date the application was received
- Explain that in the event that he/she cannot give a decision within 2 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
- Will gather such facts and evidence as felt appropriate to give a fair decision in respect of your grievance

Having considered the case and arrived at a decision, the Chief Fire Officer or Director of People and Development will give you that decision in writing. The decision will refer to any legislation, including Firemen's Pension Scheme Orders, relied upon for the decision. If a discretion allowed by the FPS has been exercised, there will be reference to this and to the provisions of the FPS which allow the discretion. There will also be a statement to the effect that the Pensions Advisory Service (see above) is available to assist members and

beneficiaries of the Scheme in connection with any difficulty with the Scheme which remains unresolved, together with a contact address for the Pensions Advisory Service.

This concludes Stage One of the IDRPs process.

IDRP Stage Two

If you remain dissatisfied after you have received the decision of the Chief Fire Officer you have six months from the receipt of that decision to apply for a reconsideration of the disagreement under Stage Two of the IDRPs process.

At Stage Two, the decision of the Chief Fire Officer would be reconsidered by the fire authority's Appeals Committee.

Your Stage Two application, like the Stage One, must be given in writing and must contain all the information required by the IDRPs Regulations. Again, an application form is available for you to complete. If you supply all the information prompted by this form then you will have complied with the Regulations.

The form should be signed and sent to the Clerk to the Lancashire Combined Fire Authority (see address at the end of the document) with:

- A copy of the Stage One decision made by the Chief Fire Officer, and
- Any documents you believe relevant and which may support your case

This person, on behalf of the Appeals Committee will, in writing

- Acknowledge receipt of your Stage Two application for reconsideration of the Chief Fire Officer's decision
- Tell you that he/she will refer your application to the Appeals Committee for the issue of a decision on the matters raised by your application within 2 months from the date of your application was received
- Explain that in the event that the Committee cannot give a decision within 2 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

The Appeals Committee will consider the case and arrive at their decision. This will be set out in a letter to you, giving details 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. As with the Stage One decision, the Stage Two decision will include a reference to any legislation, including the Firemen's Pension Scheme Orders, relied upon for the decision. If a discretion allowed by the FPS has been exercised there will be a reference to this and to the provisions of the Scheme which will allow the discretion.

This completes Stage Two of the IDRPs process.

If you remain dissatisfied following the completion of Stage Two of the IDRPs process you may wish to consider contacting one of the following Services:

The Pensions Advisory Service

The Pensions Advisory Service (formerly known as the Occupational Pensions Advisory Service or "OPAS") has been in existence since 1983. Its objectives include giving free,

confidential advice to individual members of the public who are experiencing difficulties with their pension scheme authorities have either ignored or failed to resolve.

Although the Advisory Service will offer help before, during and after Internal Dispute Resolution Procedures (explained above), before getting involved they will normally expect a person to have taken up his/her grievance at least informally with the pension scheme administrators.

The Pensions Advisory Service can negotiate and conciliate but does not provide an arbitration service or initiate legal action. An adviser can refer a case to the Advisory Service's Office for specialist guidance. If the Office feels it appropriate they may recommend that the complainant should put his or her case to the Pensions Ombudsman.

The Pensions Advisory Service can be contacted at:

11 Belgrave Road, London, SW1V 1RB
Telephone: 0845 6012923 (local call rate)
Enquiries@pensionsadvisoryservice.org.uk
www.pensionsadvisoryservice.org.uk

The Pensions Ombudsman

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). Also, 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 normally 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.

The Pensions Ombudsman can be contacted at:

11 Belgrave Road, London, SW1V 1RG
Telephone: 020 7834 9144
www.pensions-ombudsman.org.uk

Other Addresses:

Chief Fire Officer
Lancashire Fire and Rescue Service
Headquarters
Garstang Road
Fulwood
Preston
PR2 3LH

Telephone: 01772 862545

The Clerk to the Lancashire Combined Fire
Authority
Lancashire Fire and Rescue Service
Headquarters
Garstang Road
Fulwood
Preston
PR2 3LH

Telephone: 01772 862545