Firefighters’ Pension Scheme

**Internal Dispute Resolution Procedure**

A Guide for Scheme Members: what to do if you have a dispute

**Note**: *This booklet provides a straightforward guide to how the internal dispute resolution procedures operate in the Firefighters’ Pension Scheme and is provided for general information only. It does not cover every aspect. It is not an interpretation of the scheme regulations. In the event of any unintentional differences, the scheme regulations will prevail. This booklet does not confer any contractual or statutory rights.*

**INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) SYSTEM**

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| ContentsHow does IDRP apply to firefighters? | Page1 |
| Who can make a complaint under IDRP? | 1 |
| IDRP Stage One | 2 |
| IDRP Stage Two | 2 |
| The Money and Pension Service (MaPs) | 3 |
| Pensions Ombudsman |  3 |
| Time limits under the internal dispute resolution procedureApplication under the Internal Dispute Resolution Procedure  |  5 7 |

**INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)**

Internal Dispute Resolution Procedure (IDRP) is available to all members of occupational pension schemes or their dependents. 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 Firefighter’s Pension Scheme Orders. The IDRP requirements have not been written into the Orders but must operate alongside. In October 1996, a Central Fire Brigades Advisory Council 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 part of your appeal rights.

**Who can make a complaint under IDRP?**

The following persons can use IDRP –

1. Active, deferred and pensioner members of FPS 1992, 2006 or 2015 scheme, or RDS Modified scheme, or FPS Compensation Scheme 2006
2. Widows, widowers, surviving dependents or non-dependent beneficiaries of deceased FPS members
3. Prospective members of the FPS, i.e. persons who under their contract of employment can or will become members,
4. 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
5. 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
6. 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.

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

**IDRP Exclusions**

IDRP will not apply where –

* A notice of appeal has been issued by the complainant under Rule H2 of the Firefighter’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 them.

The IDRP procedure 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 IDRP Regulations. Your Stage One application should be made within 28 days from the date when you were notified of the decision.

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 may support your case) to the address at the bottom of the application form.

To comply with the IDRP Regulations, the specified person for your authority will, in writing-

* Acknowledge receipt of your Stage One application for a decision
* State that they intend to make a decision on the matters raised by your application within 2 months from the date the application was received
* Explain that if they cannot give a decision within 2 months, they 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
* Provide details for the Money and Pension Service (MaPs)

Having considered the case and arrived at a decision, the specified person will give you that decision in writing. The decision will refer to any legislation, including Firefighter’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 Money and Pension Service (MaPS) 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 Money and Pension Service (MaPS).

This concludes stage one of the IDRP process.

**IDRP Stage Two**

If you remain dissatisfied after you have received the decision of the adjudicator of your authority, you have six months from the receipt of that decision to apply for a reconsideration of the disagreement under Stage Two of the IDRP process.

Your Stage Two application, like the Stage One, must be given in writing and must contain all the information required by the IDRP Regulations. 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 with:

* A copy of the Stage One decision made by the specified person, and
* Any documents you believe relevant and which may support your case

This person, on behalf of the Fire Authority will, in writing

* Acknowledge receipt of your Stage Two application for reconsideration of the specified person’s decision
* Tell you that they will consider your application for the issue of a decision on the matters raised by your application within 2 months from the date your application was received
* Explain that if they cannot give a decision within 2 months they 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 Fire Authority will consider the case and arrive at their decision. This will be set out in a letter to you, giving details if 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 adjudicator at Stage One. As with the Stage One decision, the Stage Two decision will include a reference to any legislation, including the Firefighter’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 will allow the discretion. The notice of decision will also include a statement that the Pensions Ombudsmen may investigate and determine any complaint or dispute of fact or law in relation to the pension scheme. A contact address for the Pensions Ombudsmen will also be given.

This completes Stage Two of the IDRP process.

If you wish to find out your Fire Authority’s specified person please contact us and we will be happy to let you know.

If you remain dissatisfied following the completion of Stage Two of the IDRP process you may

wish to consider contacting one of the following Services:

**The Money and Pensions Service (MaPS)**

The Money and Pensions Service 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 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.

If the Office feels it appropriate, they may recommend that the complainant should put his or her case to the Pensions Ombudsman.

The **Pensions Helpline phone number** is 01159 659570

You can write to:

Money and Pensions Service

Holborn Centre

120 Holborn

London

EC1N 2TD

Email: complaints@maps.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 Money and Pensions Service. 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

Address: 10 South Colonnade,

Canary Wharf,

E14 4PU

Tel: 0800 917 4487

Email: helpline@pensions-ombudsman.org.uk

Website: [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)

You can also submit a complaint form online: [www.pensions-ombudsman.org.uk/our-service/make-a-complaint/](http://www.pensions-ombudsman.org.uk/our-service/make-a-complaint/)

**TIME LIMITS UNDER THE INTERNAL DISPUTE RESOLUTION PROCEDURE**

|  |  |  |
| --- | --- | --- |
| **Your situation** | **To complain to** | **Time Limit** |
| You have received a decision on your benefits under the pension scheme from your employer/administering authority, and there seem to be good grounds for complaining. | The adjudicator under the first stage of the procedure. | 28 days from the date when you were notified of the decision. |
| You have received a first stage decision on your complaint from the adjudicator, but you are not satisfied. | The Fire Authority. | 6 months from the date of the adjudicator's decision |
| You made your complaint in writing to the adjudicator, with all the information they needed but,3 months later, you have not received their decision on your complaint or any interim reply. | The Fire Authority. | 9 months from the date when you submitted your complaint. |
| You received an interim reply to your complaint to the adjudicator, within 2 months of applying to them. Their reply promised you a decision by a specified date but, one month after the specified date, you still have not received their decision. | The Fire Authority. | 7 months from the date by which you were promised you would receive a decision |

|  |  |  |
| --- | --- | --- |
| **Your situation** | **To complain to** | **Time Limit** |

|  |  |  |
| --- | --- | --- |
| Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme | The Fire Authority. | 6 months from the date when the employer or administering authority should have made the decision2. |
| Your complaint went to the administering authority under the second stage of the procedure. You received their decision, but you are still not satisfied. | The Pensions Ombudsman.  | 3 years from the date of the original decision about which you are complaining. |
| You have taken your complaint to theadministering authority under the second stage of the procedure but, 2 months after your complaint was received by the authority, you have not received their decision onyour complaint or any interim reply. | The Pensions Ombudsman.  | 3 years from the date of the original decision about which you are complaining. |
| You received an interim reply to your second stage complaint to theadministering authority, within 2 months of applying to them. Their reply promised you a decision by a certain date but, by that date, you still have not received their decision | The PensionsOmbudsman. | 3 years from the date of the original decision about which you are complaining. |

**Application under the Internal Dispute Resolution Procedure**

**You can use this form (Please tick):**

 **to apply to the adjudicator at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and**

 **to apply to the administrating authority at stage 2 of the internal dispute resolution procedure if you want them to reconsider a determination made by the adjudicator**.

**Please write clearly in ink, and use capital letters in sections 1, 2 and 3.**

**1. Member's details:**

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this section.

You can then go straight to section 4.

If you are the member's dependent (for example, their husband, wife or child) or you are representing the person with the complaint, please give the member's details in this section, and then go to section 2.

|  |  |
| --- | --- |
| Full Name |  |
| Address |  |
| Postcode |  |
| Email Address |  |
| Contact Number |  |
| Date of Birth |  |
| Employer |  |
| National Insurance number |  |

**2. Dependent’s details:**

If you are the member's widow, widower, civil partner or dependent and the complaint is about a benefit for you, please give **your** details in this section and then go to section 4.

If the complaint is about a benefit for a dependent and you are the dependent’s representative, please give the dependent’s details in this section and then go to section 3.

|  |  |
| --- | --- |
| Full Name |  |
| Address |  |
| Postcode |  |
| Email Address |  |
| Contact Number |  |
| Date of Birth |  |
| Relationship to member |  |

**3. Representative's details:**

If you are the member's or dependent’s representative, please give your details in this section.

|  |  |
| --- | --- |
| Full Name |  |
| Company Name (if applicable) |  |
| Address |  |
| Postcode |  |
| Email Address |  |
| Contact Number |  |
| The address response letters should be sent to |  |

**4. Your complaint**

Please give full details of your complaint in this section. Please try to explain exactly why you are unhappy, giving any dates or periods of scheme membership that you think are relevant.

**If there is not enough space, use a separate sheet and attach it to this form**. Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

**5. Your signature**

I would like my complaint to be considered and a decision to be made about it. I am a:

• Scheme member/former member/prospective member \*

• Dependent of a former member \*

• Member's representative/dependent’s representative \*

\* delete as appropriate

Signed: Date:

**6. Please enclose a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority.** Also enclose any other letter or notification that you think might be helpful.

**Please send this form to:**

LPPA

PO Box 1383

Preston

PR2 0WR