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| | County Durham and Darlington Fire and Rescue Service  |
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| Service Procedure No. AD-2-92 | Internal Dispute Resolution Procedure (IDRP) for Firefighter Pension |
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| Document Overview | |
| The following areas are covered by this document: | |
| <ul style="list-style-type: none"> • Introduction • Making a complaint • IDRP Exemptions • Stages of complaint • Further Information | |

Sign-off process

| | Policy | Procedure | Info notes | Date |
|---------------------------|---------------|------------------|-------------------|-------------|
| Section head | | ✓ | | 01/05/2023 |
| Rep bodies | | | | |
| SMT | | | | |
| Director | | | | |
| SLT / CFA (if applicable) | | | | |
| Assurance admin | | ✓ | | 01/05/2023 |

| | | | |
|-------------------------------|--------------|---|-----------------------------|
| Equalities impact | Full | | |
| <i>(Tick as required)</i> | Screening | ✓ | |
| | | | |
| FOI exemption required | Yes | | If yes, please state reason |
| <i>(Tick as required)</i> | No | ✓ | |
| | | | |
| Security level | Restricted | | |
| <i>(Tick as required)</i> | Unrestricted | ✓ | |
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Document control

| Version | Date | Author | Section Responsible |
|---------------------|-------------|---------------|----------------------------|
| 001 – Initial Issue | 06/03/2023 | K Metcalfe | SLT |

| Version | Date | Author | Section Responsible |
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| 002 | | | |

Reason for change

| Version | Date | Author | Section Responsible |
|----------------|-------------|---------------|----------------------------|
| 003 | | | |

Reason for change:

1. Introduction

- 1.1 County Durham and Darlington Fire & Rescue Authority as an employer is the 'scheme 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 Where an employee has a query about their pension, in the first instance they should contact our pensions Administrator, West Yorkshire Pensions Fund (WYPF) at pensions@wypf.org.uk. WYPF best placed to answer queries relating directly to an employee's pension. The query may relate to a simple error which can be corrected immediately or may be the result of a misunderstanding which can be clarified by explanation.
- 1.4 The Schemes referenced at 1.1 set out various appeal routes according to the nature of the dispute. It is important that an employee selects the most appropriate route and should seek advice where necessary. The IDRP is only one part of appeal rights and do not include disputes relating to opinions based on medical advice.
- 1.5 This IDRP has been made in compliance with:
 - a) Sections 50, 50A and 50B of the Pensions Act 1995 (as inserted by Section 273 of the Pensions Act 2004 as amended)
 - b) The Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008
 - c) Home Office Fire Service Circular 2/1997 "Firemen's Pension Scheme Internal Dispute Resolution Procedures"
 - d) Pensions Regulator Code of Practice No. 11 "Dispute resolution – reasonable periods"
 - e) Pensions Regulator Code of Practice No. 14 "Governance and administration of public service pension schemes"
- 1.6 These are the arrangements for the resolution of pension disputes, which are not "exempted disputes" (see 2.3), in respect of:
 - a) The Firemen's Pension Scheme Order 1992
 - b) The Firefighters' Pension Scheme (England) Order 2006
 - c) The Firefighters' Compensation Scheme (England) Order 2006
 - d) The Firefighters Pension Scheme 2015

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

2.1 You can make a complaint under IDR 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 IDR procedure also applies 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.

IDR exemptions

2.3 IDR will not apply where –

- a) An employee has 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 IDR may be made or continued on behalf of a person who is a party to the dispute:

- a) where the person dies, by their personal representative (see appendix 3).
- b) where the person is a minor or is otherwise incapable of acting for themselves, by a member of their family or some other person suitable to represent them; and

- c) In any other case, by a representative nominated by them (see appendix 3).

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

3.1 The IDRП provides recourse for an employee who has a complaint relating to their pension, other than matters covered by the medical appeal arrangements in the Schemes.

3.2 There are two stages to the process:

- a) Stage one: the matters will be considered by the Chief Fire Officer (CFO), or a senior manager specified by them, who will give a decision in the matters; and
- b) Stage two: the decision will be confirmed or replaced by the decision of the Combined Fire Authority Appeals Panel (CFAAP).

3.3 If at any point after an IDRП application has been made, the dispute becomes exempted (as set out in 2.3 above), the resolution under IDRП 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 2.1 or 2.4 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 2.1(e) and (f) within 6 months of the person ceased to be a member of the FPS. The CFO, or the person specified by them, has discretion to accept an application made outside this period.

4.3 However, if the disagreement is about whether the employee is 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, employees must submit written notice of the disagreement to the CFO **within 28 days** of receipt of the determination they disagree with.

4.4 There is a set form to complete attached in Appendix A. Employees must provide all information as required on the application form, otherwise the application may be delayed whilst relevant details are sought. Once completed, the form must be signed, dated and sent with any relevant attachments (i.e., any documents which may support the complaint) to the CFO at the address given below:

CDDFRS Service Headquarters, Belmont Industrial Estate, Durham, DH1 1TW

- 4.5 Once received, the CFO, or the person specified by them will acknowledge it and make a decision within two months of receiving the application. They will notify the employee of the decision no later than 15 working days after reaching it. If a decision cannot be given within two months, the employee will be notified setting out the reasons for the delay and the expected date for the issue of a decision.
- 4.6 The decision will refer to any legislation, including the relevant FPS or FPC Orders referenced in 1.6, 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 provide information about the next stage if the employee is not content with the decision made.

5. Stage Two

- 5.1 Where an employee remains dissatisfied with the decision at stage one, they can apply for the decision to be reconsidered by the Combined Fire Authority Appeals Panel (CFAAP). This must be done no later than six months after the date on which they were notified of the stage one decision.
- 5.2 Stage Two applications must be submitted in writing and an application form is available for the employee to complete (Appendix B). The form must be signed, dated and sent to the CFO at the address above along with any documents relevant which may support the case.
- 5.3 Applications will be acknowledged, and the employee will be informed that a date will be arranged for the CFAAP to consider the appeal normally within two months from the date the appeal was received.
- 5.4 If, for any reason the CFAAP members are unable to meet within two months, a letter will be sent explaining the reasons for the delay and the expected date of the decision.

The Combined Fire Authority Appeal Panel

- 5.5 The employee will be notified in writing once a date for the CFAAP has been arranged. The employee and/or their nominated representative may attend the meeting and may make representations at the meeting (see appendix C).
- 5.6 Any additional information to the Panel must be received by the deadline date set out in the notification of the meeting letter. Any information not submitted in time, will not be included with the agenda papers and will not be considered by the CFAAP, unless there are exceptional circumstances as to why the deadline could not be met. The

inclusion of any such late information will be at the discretion of the Clerk/Monitoring Officer.

5.7 An agenda pack will be dispatched at least 5 clear working days¹ prior to the meeting, to:

- the CFAAP.
- the employee and/or their representative.
- the Clerk/Monitoring Officer or their representative who will be in attendance to advise the Panel on legal and procedural matters; and
- The designated officer who may be required to attend as a CDDFRS representative to advise on the stage 1 decision.

5.8 The agenda pack will contain:

- a) a copy of the stage one application and any relevant documents submitted with the application.
- b) a copy of the stage one decision.
- c) a copy of the stage two application and any relevant documents submitted with the application.
- d) Any additional information submitted prior to the meeting as part of the Stage two appeal.

5.9 No new matters can be raised at the meeting by any party and only information that has been submitted and dispatched as part of the agenda pack will be considered by the CFAAP.

5.10 A decision will be taken by the CFAAP, and the employee will be notified of the decision no later than 15 working days after the panel has reached a decision.

5.11 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. This is a separate process; independent of the IDR.

6. Further Advice and Contacts

6.1 Where an employee remains dissatisfied following the completion of stage two of the IDR process, they may wish to consider contacting one of the following Services.

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

Moneyandpensionservice.org.uk

contact@maps.org.uk

Telephone: 01159 659570

6.3 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). Employees 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. The Pensions Ombudsman can be contacted at:

11 Belgrave Road, London, SW1V 1RG

Telephone: 020 7630 2200

www.pensions-ombudsman.org.uk

Impact and Risk Assessments

GDPR and Data (Information Services)

Impact: NA

Consultation with section: SMT Stage

People and Culture (HR and OD)

Impact: N/A

Consultation with section: SMT Stage

Financial and Economic (Finance)

Asset management impact: N/A

Financial impact: N/A

Consultation with section: SMT Stage

Environmental/Carbon footprint issues:

Impact: N/A

Consultation with Service: SMT Stage

Training

Impact: N/A

Consultation with section: SMT Stage, no issues identified.

Emergency Response/Control

Impact: N/A

Consultation with section: SMT Stage

Health and safety (Risk)

Impact: N/A

Consultation with section: SMT Stage

Governance (Legal/Political)

Impact: N/A

Consultation with section: SMT Stage

Assets and Assurance

Impact: N/A

Consultation with section: SMT Stage

ICT and Technological

Impact: N/A

Consultation with section: SMT Stage

Estates

Impact: N/A

Consultation with section: SMT Stage

Communications

Impact: N/A

Consultation with section: SMT Stage

Audit, monitoring and review criteria:

The Service will undertake a review of this procedure every 5 years or if a change in circumstances occurs. This may include an audit of compliance.

Any recommendations resulting from the review will be implemented into the existing procedure.



28 June 2023

Deputy Chief Executive

County Durham and Darlington
Fire and Rescue Service



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, or the New Firefighters' Pension Scheme; (b) a widow, widower or surviving dependant of a deceased member of the FPS or NFPS; (c) a surviving non-dependant beneficiary of a deceased member of the FPS or NFPS; (d) a prospective member of the NFPS; (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, 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:
 - 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. 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.

Signature of complainant (or representative):

Date:

Appendix B

County Durham and Darlington
Fire and Rescue Service



Stage Two: Application

If a person is dissatisfied with the decision of the Chief Fire Officer or the person specified by him at Stage 1 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 and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number.

To the Fire and Rescue Authority

1. I am applying for reconsideration of the decision of made under section 50 of the Pensions Act 1995. I understand that the Fire and Rescue Authority will either confirm the decision or replace it.

2. I understand that an application may not be made were, in respect of the matter:
 - 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. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of complainant (or representative):

Date:

Appendix C

Meanings of certain expressions

Meaning of “persons with an interest in the scheme”

Firefighters’ Pension Schemes

In respect of the Pension Schemes, a person with an interest in the Scheme and who may use the IDRП would be –

- a) a member – this includes those paying into the Scheme (“active members”), those who have left with entitlement to immediate payment of benefits (“pensioner members”), or who have benefits preserved in the Scheme for future payment (“deferred members”),

those who have entitlement to pension rights as the former spouse or civil partner of a Scheme member, under the terms of a pension sharing order made on divorce, dissolution of a civil partnership, or annulment ("pension credit members"), and those who have left the Scheme with a period of membership of insufficient length to qualify for benefits other than a refund of contributions;

- b) a widow, widower, surviving civil partner, surviving nominated cohabiting partner or other surviving dependant of a deceased member.
- c) a surviving non-dependant beneficiary of a deceased member.
- d) a prospective member, i.e., a person who, although not currently a member, could join at their request or would be automatically admitted until and unless they opt out, or who may be admitted subject to the consent of the Fire and Rescue Authority.
- e) a person who has ceased to be within any of the above categories (a) to (d); or
- f) a person who claims to be within any of the above categories (a) to (e) and the dispute relates to whether he/she is such a person.

Firefighters' Compensation Scheme 2006

In respect of the Compensation Scheme, a person with an interest in the Scheme and who may use the Internal Dispute Resolution Procedures would be –

- a) an employee.
- b) a widow, widower, surviving civil partner, or other surviving dependant of a deceased employee.
- c) a surviving non-dependant beneficiary of a deceased employee.
- d) a person prospectively covered by the Compensation Scheme.
- e) a person who has ceased to be within any of the above categories (a) to (d); or
- f) a person who claims to be within any of the above categories (a) to (e) and the dispute relates to whether he/she is such a person.