

**Internal Dispute Resolution Procedure**

**What are "Internal Dispute Resolution Procedures"?**

Internal Dispute Resolution Procedures ("IDRP") are available to those who have an interest in an occupational pension scheme. For example, members or prospective members, their dependants and any other person who may be entitled to benefits under the scheme. (See “Who can make a complaint under IDRP?” on the next page.) IDRP offer them a means of formally raising, and hopefully resolving, disputes and grievances about the way in which their pension rights have been managed.

All occupational pension schemes are required to have arrangements for IDRP. The current requirements are set out in Sections 50, 50A and 50B of the Pensions Act 1995 and in the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. Previously the requirements were contained in the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 2006. Schemes have the discretion to retain the structure of procedures they set up under these earlier Regulations.

Schemes must also have regard to Codes of Practice issued by the Pensions Regulator, the body that regulates work-based pension arrangements and whose objectives include the protection of benefits of pension scheme members and the promotion of good administration.

**How do IDRP apply to firefighters?**

IDRP offer those who have an interest in the Firefighters’ Pension and Compensation Schemes a two-stage process of internal appeal on pension and compensation matters.

Firefighters pension rights are set out in the Firefighters’ Pension Scheme Orders. The IDRP Regulations requirements have not been written into the orders but must operate alongside. In October 1996, a Central Fire Brigades Advisory Council Joint Pensions Committee Working Party was set up to decide and recommend how fire authorities should comply with the IDRP Regulations. The joint recommendations of employers and trade unions were issued in Fire Service Circular 2/1997.

Apart from a few minor adjustments to reflect changes required by later Pensions Acts, the current recommended structure reflects the views of that Working Party. The IDRP arrangements of the Staffordshire Commissioner Fire and Rescue Authority are modelled on that structure and these Guidance Notes set out the approved procedures

You should remember, however, that IDRP form only one part of your appeal rights in respect of the Firefighters’ Pension and Compensation Schemes.

It is important that you should select the most appropriate route to raise your grievance. For example, if you disagree with a determination made by the Authority in respect of entitlement to an ill-health award, and you believe the problem lies in the medical opinion upon which the authority based their decision, it is more appropriate to take your case to a Medical Appeal Board as allowed by the Schemes.

Whatever your pension problem it would be helpful if, initially, you could raise it with the pensions administrator. The problem may be a simple error which can be corrected immediately, or it 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, such as the IDRP.

**Would I have to attend a hearing?**

Only in exceptional circumstances. IDRP are normally conducted in writing

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

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

(a) an active member (one paying into the scheme), deferred member (one who has benefits in the scheme for future payment) or pensioner member (one who is In receipt of benefits from the scheme) of the Firefighters’ Pension Scheme.

(b) a widow, widower, surviving civil partner, surviving nominated cohabiting partner or other surviving dependant of a deceased member;

(c) pension credit members, i.e. former spouses or civil partners of firefighters, with pension rights under the Firefighters’ Pension Scheme granted by a pension sharing order made on divorce, dissolution of a civil partnership, or annulment;

(d) a prospective member, i.e. a person who, although not currently a member, 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 Fire and Rescue Authority;

(e) a person who has ceased to be within any of the above categories (a) to (d) within six months before the date of any application under IDRP; 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.

(g) in respect of the Compensation scheme, a person who is covered by that Scheme.

**What about retained firefighters appointed before April 2006 who chose not to join the New Firefighters' Pension Scheme, and optants out?**

The IDRP Regulations apply to an “occupational pension scheme” as defined by the Pension Schemes Act 1993. That Act’s definition of the meaning is:

*“any scheme or arrangement which is comprised in one or more instruments or agreements and which has, or is capable of having, effect in relation to one or more descriptions or categories of employments so as to provide benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of earners with qualifying service in an employment of any such description or category”.*

Optants out, and retained firefighters who chose not to join the New Firefighters' Pension Scheme, have injury cover under the Firefighters' Compensation Scheme. This provides benefits on ill-health retirement or death, resulting from a qualifying injury. In view of the above definition of an occupational pension scheme, this means that they would be able to use IDRP if they have a grievance relating to an injury award; their dependants, too, could use IDRP if they have a grievance relating to injury-based death benefits.

Remember, though, that if it is the medical evidence that is to be challenged in respect of a Compensation Scheme award, the medical appeal route may be more appropriate.

**Who makes the application?**

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 where a person is incapable of acting for themselves.

**Are any cases excluded?**

Yes. IDRP cannot be used where it is classed as an exempted dispute. An exempted dispute is one where –

(a) proceedings in respect of the dispute have been commenced in any court or tribunal;

(b) the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him; or

(c) a notice of appeal has been issued by the complainant in respect of the content of a medical opinion obtained by the Fire and Rescue Authority for the purposes of making a determination

**What is the procedure?**

There are two stages to the Procedures –

**Stage One:** The first stage consideration of a person’s dispute, and a decision in respect of that dispute, would be made by the Chief Fire Officer of the Staffordshire Commissioner Fire and Rescue Authority or a person nominated and authorised to act for the Chief Fire Officer in this matter.

**Stage Two:** If the appellant remains dissatisfied with the decision made at Stage One, he/she may refer the matter for confirmation or replacement of that decision by the Scheme Manager of the Staffordshire Commissioner Fire and Rescue Authority.

For details of the procedure and the application forms, please see **Appendices 1 & 2**

**Are there any time limits for using IDRP?**

Yes. If your appeal is against a determination of an award made under the Schemes by the Authority:

* your Stage One application should be received by them within 28 days of the date on which you received that determination; or
* if you wish to apply for the resolution of any other dispute relating to the Schemes, your application for the resolution of dispute must be received within 28 days of the act or omission which gives rise to the grievance.

Similarly, should you be dissatisfied with the decision made at Stage One, your application for a reconsideration at Stage Two must be made within **28 working days** of the Stage One decision.

If the basis of the grievance is whether or not you are a person covered by the Schemes (see categories (e) and (f) on the previous page “Who can make a complaint under IDRP?”) the time limit for making your application for the resolution of dispute would be **6 months**.

The Authority will not normally agree to extend these time limits unless it can be demonstrated to the satisfaction of the Authority that the delay in making an application was caused by an error or oversight on their part.

For further details on the applicable time limits, please see Appendix 3

**Where can I get further help?**

**Money and Pensions Service**

At any time if you are having difficulties sorting out your complaint, you may wish to contact the Governments new Money and Pensions Service (MaPS) called MoneyHelper. To get information or guidance, you can look at the website on https://www.moneyhelper.org.uk/en or you can contact MoneyHelper by phone, webchat and their web form.

The Pensions Helpline phone number is 0800 011 3797 and lines are staffed Monday to Friday 9am to 5pm.

Their online enquiry form is at **www.moneyhelper.org.uk/en/contact-us/pensions-guidance/pensions-guidance-enquiry-form**

Or try their web chat service at [**www.moneyhelper.org.uk/PensionsChat/**](http://www.moneyhelper.org.uk/PensionsChat/)

If you have received a second-stage decision under the internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, MoneyHelper may be able to help to resolve your pensions complaint or dispute. Before asking for their help resolving a dispute, you must have already tried to settle it using the internal disputes resolution procedure described above.

MoneyHelper cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. They would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

**The Pensions Ombudsman**

At any time if you are having difficulties sorting out your complaint, you may wish to contact The Pensions Ombudsman’s early resolution team.

The early resolution team can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on **www.pensions-ombudsman.org.uk** or you can contact The Pensions Ombudsman by phone, post or email.

The Pensions Helpline free phone number is **0800 917 4487**.

Lines are staffed Monday to Friday 9am to 5pm.

Outside of these times, you can leave your number and someone will phone you back later.

You can write to:

The Pensions Ombudsman

10 South Colonnade

Canary Wharf

E14 4PU

Email **helpline@pensions-ombudsman.org.uk**

If you have received a second-stage decision under the internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, The Pensions Ombudsman may be able to help to resolve your pension complaint or dispute. Before asking for their help in resolving a dispute, you must have already tried to settle it using the internal disputes resolution procedure described above.

An adviser for The Pensions Ombudsman cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. The Pensions Ombudsman would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

The Pensions Ombudsman’s role is to investigate complaints and settle disputes about pension schemes. However, before contacting The Pensions Ombudsman, you would normally be expected to have been given first-stage and second-stage internal dispute resolution procedure decisions.

**Where can I get more information?**

If you would like more information about IDRP, the Staffordshire Commissioner Fire and Rescue Authority’s IDRP Statement, or wish to know more about any other aspect of the Firefighters’ Pension and Compensation Schemes, you should contact the Authority’s pensions administrator:

**E-mail:** **pensions@wypf.org.uk**

**Phone: 01274 434999**

For all postal enquiries write to:
**WYPF
PO Box 67
Bradford
BD1 1UP**