

Firefighters' Pension Schemes

Guide to the Internal Dispute Resolution Procedure

Introduction

Warwickshire Pension Fund manages the Firefighters' Pension Schemes 1992, 2006, 2015 and the Firefighters' Compensation Scheme 2006 (the Schemes).

This guide explains how people with an interest in the Schemes can formally raise and hopefully resolve pension disputes through an Internal Dispute Resolution Procedure (IDRP).

If you think you have a pension dispute, it may be helpful if you raise it with our pensions team in the first instance. 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.

The Schemes offer various appeal routes according to the nature of the dispute. It is important that you select the most appropriate route. For example, if you disagree with a determination made in respect of entitlement to an ill-health award and you believe the problem lies in the medical opinion upon which the decision was made, it may be more appropriate to apply to a Medical Appeal Board.

Who may make an application under the IDRP?

The following persons may make use of the IDRP –

1. members (active, deferred or pensioner) of the Schemes.
2. widows, widowers, surviving civil partners or surviving dependants of a deceased member of the Schemes.
3. surviving non-dependant beneficiaries of a deceased member of the Schemes
4. prospective members of the scheme i.e. persons who under their contract of employment can or will become a member.
5. those who have ceased to be within any of the categories of persons referred to in paragraphs 1 to 4; or
6. those who claim to be such a person as is mentioned in paragraphs 1 to 5 and the dispute relates to whether they are such a person.

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.

Exemptions under the IDR

The IDR does not apply to disputes relating to opinions based on medical advice, such as where a notice of appeal has been issued under:

1. Rule H2 of the Firemen's Pension Scheme Order 1992 (appeal against opinion on a medical issue).
2. Rule 2 of Part 6 of schedule 1 to the Firefighters' Compensation Scheme (England) Order 2006 (appeal to medical referee); or
3. Rule 4 of Part 8 of Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006 (appeals against decisions based on medical advice).

The IDR is also not available where the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to them, or where proceedings have begun in any court or tribunal.

The Procedure

There are two stages to the IDR.

- At Stage One, the complaint will be considered by a person nominated by the Chief Fire Officer. If the person with the complaint remains dissatisfied, they may then proceed to Stage Two.
- At Stage Two the complaint will be considered by the Chief Fire Officer.

The IDR is usually conducted in writing. A hearing shall be convened only in exceptional circumstances.

Stage One

The application for consideration of the complaint should be made within six months of the decision that is disputed.

The application should be in writing and contain all the details of the complaint. Warwickshire Pension Fund has produced a form for this purpose which can be obtained by contacting Warwickshire Pension Fund on the contact details supplied below.

The form should be signed and submitted to Warwickshire Pension Fund together with any relevant documents which may support the complaint.

The Stage One decision maker will, in writing:

- acknowledge receipt of the Stage One application
- state that they intend to make a decision on the matters raised by the application within two months from the date the application was received

- explain that in the event that they cannot give a decision within two months, the applicant will be sent an interim reply (copied to any representative) setting out the reasons for the delay and the expected date for the issue of a decision,
- provide contact details for the Money and Pensions Service (MaPS) which is available to assist members and beneficiaries of a pension scheme in connection with any difficulty with the scheme

The Stage One decision maker shall gather such facts and evidence as they feel appropriate to give a fair decision in respect of the complaint.

Having considered the case and arrived at their decision, the Stage One decision maker will notify their decision in writing. The decision will refer to any legislation, including any Scheme Orders relied upon for the decision. If a discretion allowed by the relevant Scheme has been exercised, there will be a reference to this and to the provisions of the Scheme which allow the discretion. The decision letter will also provide details of Stage Two of the IDRP, in the event that the dispute remains unresolved. This correspondence will be copied to any representative.

Stage Two

If the applicant is dissatisfied with the decision at Stage One, they can apply for the decision to be reconsidered by the Chief Fire Officer at Stage Two.

This application should be made within six months of the date that the Stage One decision was notified.

This application, like the Stage One application, must be given in writing. Again, a form has been produced for this purpose which can be obtained by contacting Warwickshire Pension Fund.

The application must contain all the information required by the form.

The form should be signed and submitted to Warwickshire Pension Fund together with a copy of the Stage One decision, and any relevant documents which may support the complaint.

Warwickshire Pension Fund will acknowledge receipt of the Stage Two application for a reconsideration of the Stage One decision in writing. That letter shall:

- state that a notice of a decision on the matters raised by the application will be made within two months from the date the application was received and that, in the event that a decision cannot be made within two months, an interim reply shall be sent (copied to any representative) setting out the reasons for the delay and the expected date for the issue of a decision.
- make reference to the availability of MAPS to assist members and beneficiaries in connection with any difficulty with the Scheme which remains unresolved.

The Chief Fire Officer will consider the application and arrive at their decision which shall be given in writing (copied to any representative) with an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made at Stage One.

As in the case of the Stage One decision, the Stage Two decision will include a reference to any legislation, including Scheme Orders, relied upon for the decision. If a discretion allowed by the relevant Scheme has been exercised, there will be a reference to this and to the provisions of the Scheme which allow the discretion.

The letter will also advise that, if the applicant remains dissatisfied, the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to a pension scheme. A contact address for the Pensions Ombudsman will be given.

Contact Details

Warwickshire Pension Fund's contact details are as follows:

Email: firefighterpensions@warwickshire.gov.uk

Telephone: 01926 412984

Post: Shire Hall, Market Square, Warwick CV34 4RL

Further Advice

Money and Pensions Service

MaPS provides free, confidential advice to individual members of the public. Although MaPS will offer help before, during and after and IDRPs, they will normally expect a person to have taken up the dispute at least informally with Warwickshire Pension Fund in the first instance.

MaPS can be contacted as follows:

Email: contact@maps.org.uk

Telephone: 01159 659570

Post: 120 Holborn, London, EC1N 2TD

The Pensions Ombudsman

The Pensions Ombudsman can investigate and determine complaints of maladministration or a dispute of fact or law in relation to an occupational pension scheme.

Please note that you must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

The Ombudsman cannot help if court proceedings have begun and will normally expect the case to have first been considered under the IDRPs and advice to have been sought from MaPS.

The Pensions Ombudsman can be contacted as follows:

Email: enquiries@pensions-ombudsman.org.uk

Telephone: 0800 917 4487

Post: 10 South Colonnade, Canary Wharf, E14 4PU