



Bedfordshire
Fire and Rescue Service

Internal Dispute Resolution Procedure – Firefighter Pensions

The Internal Dispute Resolution Procedure (IDRP) is available to all members of the Firefighters' Pension Schemes 1992, 2006, 2015 and the Firefighters' Compensation Scheme (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.

There are two stages to the IDRP. If you are dissatisfied with a decision made at stage one you can move onto stage two for a further reconsideration. If you remain dissatisfied following the completion of stage two of the IDRP process you may wish to consider contacting either The Money and Pensions Service (MAPS) and/or the Pensions Ombudsman.

The IDRP is only one part of your appeal rights and does not include disputes relating to opinions based on medical advice.

1.0 Index

1. Index
2. [Introduction and scope](#)
3. [Roles and responsibilities](#)
4. [Dealing fairly with complaints](#)
5. [Representation](#)
6. [Informal action](#)
7. [Stage one](#)
8. [Stage two](#)
9. [After stage two](#)

2.0 Introduction and scope

The Internal Dispute and Resolution procedure (IDRP) is a process that can be used when an individual is not satisfied with a decision made regarding their pension.

On every occasion where the Service makes a decision about a pension scheme member, the individual should be advised in writing. Where decisions are made outside of the Service's control, e.g. pension contribution rates, information will be appropriately communicated in accordance with normal communication channels. Decisions can cover a wide variety of issues from joining a pension scheme, contribution rates, through to leaving the scheme and resulting benefits. Individuals also have the right to complain if a decision should have been made by the Service and information should have been given to them, however has not been. Individuals can also complain about maladministration, for example:

- Unreasonable delays in providing information to the individual about or paying their pension benefits
- Failure to inform individuals about changes to pension entitlements or changes to scheme rules that may affect them
- Failure to give adequate or timely information that scheme members need to enable them to make informed decisions about their rights and benefits in the pension scheme

It is not the intention for this procedure to cover matters being dealt with by the Medical Appeals arrangements of the different pension schemes. Also exempt are matters in which proceedings have been commenced in any court or tribunal, or where the Pensions Ombudsman has already started to investigate.

In all cases, the individual is required to notify Human Resources in the first instance of the complaint being raised. The Local Pensions Board will be informed of this matter and on all occasions the Board will be notified of the outcome of the complaint. Information may be used, confidentially, to assist in the future improvement of pension related matters within the Service.

Individuals are expected to follow the principles represented within this document in all related activities, whether working online or offline, and working remotely where a virtual co-presence is provided.

3.0 Roles and responsibilities

The IDRPs are available to the following:

- a) A member (active, deferred or pensioner) of the 1992, 2006, Modified, 2015 Firefighters' Pension Schemes or Local Government Pension Scheme 2014
- b) A widow, widower or surviving civil partner, surviving cohabitating 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 is not currently a member and 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 Service
- e) A person who has ceased to be within any of the above categories (a) to (d)
- f) A person who claims to be such a person as is mentioned in points (a) to a. (e) and the dispute relates to whether they are such a person

As this document also applies to disputes relating to the FCS 2006, they are available to employees, prospective employees and former employees who may be entitled to benefits under that scheme, i.e. optants-out of the main FPS schemes and retained firefighters employed before 6 April 2006 with protected rights.

4.0 Dealing fairly with complaints

What action is reasonable or justified will depend on all the circumstances of the individual case. The Service will deal with all issues fairly and consistently, and both the Service and individual need to ensure that:

- Issues are raised and dealt with promptly and there should be no unreasonable delay with meetings, decisions or confirmation of those decisions
- The Service and individual should act consistently
- An investigation will be carried out to establish the facts of the case promptly and without unnecessary delay. Every effort will be made to complete the investigation within a reasonable timeframe. The timescales may be extended if the situation makes it necessary

5.0 Representation

An application can be made or continued on behalf of an individual who is a party to the dispute in the following circumstances:

- Where the individual dies, by their personal representative
- Where the individual 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
- In any other case, by a representative they have nominated

6.0 Informal action

The formal complaints procedure has two stages; however the individual is encouraged to try and resolve the matter in an informal way. The informal approach is worth pursuing as misunderstanding and errors can sometimes be amicably resolved without recourse to formal complaint. If an individual would like to discuss the opportunity to resolve the matter informally, they should contact Human Resources in the first instances.

7.0 Stage one

If an individual would like to make a formal complaint, they should notify Human Resources of this intention. A complaint should be made within six months of the date on which they were notified of the decision on which they are making the complaint. If the complaint is about a lack of decision, then it should be made within six months of the date the decision should have been made.

To make a stage one IDRPs application, the applicant is required to complete the IDRPs application form and return this to Human Resources. The stage one process will commence once the fully completed IDRPs form is received by Human Resources and an Investigating Officer appointed, not the date the form is completed by the applicant.

Once the completed application is received by Human Resources, an acknowledgement letter will be sent to the applicant or nominated representative detailing:

- Who the Investigating Officer is
- Confirmation of a decision being made normally within two months from the date the Investigating Officer received the application
- Notification that if a decision cannot be made within this timeframe the applicant will be advised of the expected delay
- That the Money and Pensions Service is available to assist members and beneficiaries of the pension scheme in connection with any difficulty with the pension scheme
- Contact details of the Money and Pensions Service

The purpose of stage one is for the initial decision to be re-examined in an impartial and fair manner.

The Investigating Officer will be someone who has a good understanding of the issue related to the decision and will not have had involvement in the initial decision. Their role is to:

- Examine the facts of the case
- Investigating the initial decision
- Determine any relevant background information
- Request additional information where necessary
- Ensuring the procedures were followed according to the pension regulations

Stage one decision letter: On completion of the investigation, the applicant will be written to and provided with the following:

- Statement of the decision
- Full explanation of how the decision was determined, including specific reference to evidence, regulations or other government legislation used in the decision
- Statement informing the applicant of their right to progress the IDRPs appeal to stage two, an explanation of what happens at stage two, how to do this and the timescales involved
- Contact details of the Money and Pensions Service and The Pensions Ombudsman

Outcomes of stage one: A decision made at stage one will replace the initial decision. This decision will be final and the only way the decision will be amended is if the applicant progresses to stage two and the determination made at this stage is different. There are three possible outcomes:

- Upheld – the applicant’s stage one IDRPs application is valid, and the initial decision should be amended. The necessary steps to action this will be taken
- Partially upheld – part of the applicant’s stage one IDRPs application is valid, and this changes some aspects of the initial decision. The necessary steps to action this will be taken
- Not upheld – the applicant’s stage one IDRPs application is not valid, and the original decision stands. No further action is necessary

Timescales associated with stage one: If the two-month timescale cannot be met, the applicant will be written to and advised of the reason why the decision has not been reached within the timescale, and an estimate of when the applicant can expect the stage one decision letter.

If the applicant does not receive a stage one decision letter within one month after the expected notification date, they have the right to proceed to stage two of the process.

8.0 Stage two

If following completion of stage one of the IDRPs process, the applicant is still dissatisfied with the outcome; they can apply for the decision to be reconsidered under stage two. For a decision to be reconsidered, the applicant must apply no later than six months after the date on which they were notified of the stage one decision. A complaint will be investigated in the following circumstances:

- The individual is not satisfied with the decision taken at stage one
- The individual has not received a decision or an interim letter
- It is one month after the date on which the individual was advised that they would be given a decision, however they have not received information on the decision

The purpose of stage two is to review the initial decision again, as well as how the stage one application was dealt with.

The stage two process will be undertaken by an alternative Investigating Officer, and if possible, someone who was not previously involved with the original determination. During stage two, the Investigating Officer will:

- Reconsider the stage one decision, taking full account of the facts and evidence used
- Check the stage one Investigating Officer has applied the regulations correctly, and that all relevant administrative procedures have been followed correctly
- Ensure the procedures were followed at stage one and appropriate checks were undertaken in relation to the initial decision
- Check the stage one decision was reasonable

To make a stage two IDR application, the applicant is required to complete the IDR application form and return this to Human Resources. The stage two process will commence once the fully completed IDR form is received by Human Resources and an Investigating Officer appointed, not the date the form is completed by the applicant.

Once the completed application is received by Human Resources, an acknowledgement letter will be sent to the applicant or nominated representative.

Stage two decision letter: On completion of the investigation, the applicant will be written to and provided with the following:

- Statement of the decision
- Full explanation of the case review, including a review of the stage one decision, outlining how the decision was determined, including specific reference to evidence, regulations or other government legislation used in the decision
- Statement informing the applicant of their right to progress to The Pensions Ombudsman, how to do this and the timescales involved
- Contact details of the Money and Pensions Service and The Pensions Ombudsman

Outcomes of stage two: The outcomes of stage two are similar to stage one. The application can be upheld, partially upheld or not upheld. In cases where the decision is upheld or partially upheld, the stage two decision will replace any previous decision made.

Unless advised otherwise, within two months of receipt of the completed application form, the applicant will be notified of the decision under stage two of this process.

Stage two is the final stage in the IDR process and there is no right to raise the matter under the Service's Grievance procedure if the applicant is dissatisfied with the outcome of the process.

Timescales associated with stage two: The stage two IDR process is subject to the same time limits of the stage one process, except where a reply or an interim letter is received late.

If the individual remains unhappy with the decision taken at Stage Two, they can take their case to the Pensions Ombudsman, provided they do so within three years from the original decision, or lack of a decision, about which the individual is complaining.

9. After stage two

Once an applicant receives their stage two IDRPs decision letter, the matter is considered closed and the decision final. If the applicant is unhappy with the outcome, there are some additional options available:

The Pension 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). 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 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 Pension Ombudsman decision is final and binding unless the applicant takes their appeal to The High Court.

The Pension Ombudsman can be contacted:

Phone: 0800 917 4487

Email: enquiries@pensions-ombudsman.org.uk

The Money and Pensions Service:

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 his/her dispute at least informally with the pension scheme administrators.

The Money and Pensions Service can be contacted at:

<https://Moneyandpensionsservice.org.uk>

Phone: 01159 659570

Email: contact@maps.org.uk