

Amended Internal Dispute Resolution

Report of the Chief Fire Officer

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1 Purpose of Report

The purpose of this paper is to recommend an amendment to Shropshire and Wrekin Fire Authority's Internal Dispute Resolution Procedures (IDRP), following the consolidation of the Appeals Committee into the Human Resources Committee in July 2011. This amendment remains in line with the requirements of the Pension Act 1995, and subsequent amendments, and in accordance with the recommendations contained within Fire Service Pensions Scheme Circular 1/2009.

2 Recommendations

That the Committee consider and agree the amended procedure at Stage 2, Internal Dispute Resolution.

3 Background

The IDRP in this context relates to pension matters. Shropshire and Wrekin Fire Authority last reviewed its IDRP in March 2003. Firefighters' Pension Scheme Circular (FPSC) 1/2009 notified us of the revised arrangements for IDRP to ensure that they meet the requirements of The Pensions Act 1995, as amended. It also clarified their applicability to the Firefighters' Compensation Scheme (FCS) 2006, which is designed for optants out of the Firefighters' Pension Scheme 1992 (FPS) and the New Firefighters' Pension Scheme 2006 (NFPS).

The amended arrangements have been agreed with the National Firefighters' Pension Committee.

The IDRP provides recourse for all matters, other than medical matters, raised under Rule H2 of the Firefighters' Pension Scheme (FPS), Part 8, Rule 4 of the New Firefighters' Pension Scheme (NFPS) or Part 6, Rule 2 of the Firefighters' Compensation Scheme (FCS) which are exempted under the 2008 regulations. Other exempted matters are those in respect of which proceedings have commenced in any court or tribunal, or where the Pension Ombudsman has commenced an investigation in respect of a dispute or complaint referred to him.

The circular FPSC 1/2009 and the terms of each scheme, details who is entitled to make a claim, under which circumstances and in what way.

It should be noted that separate defined arrangements apply to members of the Local Government Pension Scheme (LGPS)

4 Detail

The Circular provides non-statutory guidance but recommends that whilst the amended arrangements allow for a single stage; two-stage arrangements be maintained on the following basis:

1. that **stage one** matters be consider by the Chief Fire Officer or his nominated senior manager, who will give a decision; and,
2. that at **stage two** the decision should 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.

The current IDRP (as amended in 2009, following the publication of FPSC 1/2009) is a two stage process, whereby Stage 1 appeals are considered by the Chief Fire Officer or his designated senior manager. At Stage 2 the Appeals Committee was designated to deal with appeals but since it's consolidation into the HR Committee in July 2011, this arrangement needs to be formally amended to place this responsibility with the terms of reference of that committee.

The current procedure for Stage 1 and the proposed amended procedure for Stage 2 are set out at Appendix 1 and 2 respectively.

5 Financial Implications

There are no financial implications arising from this report.

6 Legal Comment

IDRP arrangements have been reviewed and changes introduced with the agreement of the Firefighters' Pension Committee to ensure that they continue to meet the requirements of The Pensions Act 1995, as amended.

The procedure recommended complies with both the legislation and the guidance.

7 Equality Impact Assessment

This report reflects the change in legislation and subsequent Department of Communities and Local Government (DCLG) guidance on the design of Internal Disputes Resolution Procedure. As the procedure recommended complies with both the legislation and the guidance an Equality Impact Assessment is not required.

8 Appendices

There are two appendices attached to this report.

Appendix 1 – Process map for IDRP Stage 1

Appendix 2 – Process map for proposed IDRP Stage 2

9 Background Papers

Firefighters' Pension Scheme Circular 1/2009 published by DCLG is available from <http://www.communities.gov.uk/publications/fire/fpsc12009>