

## Internal Dispute Resolution Procedure

### Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260201 or Louise McKenzie, Assistant Chief Officer on 01743 260250

### 1 Purpose of Report

The purpose of this paper is to recommend that Shropshire and Wrekin Fire Authority update its Internal Dispute Resolution Procedures (IDRP) in relation to Pensions matters 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

It is proposed that:

- a) The IDRP process set out be adopted for the FPS, NFPS, FCS
- b) That the standard letters provided be adopted
- c) That Health Panel no longer hear appeals at IDRP Stage 1
- d) That the Appeals Committee hear appeals at IDRP Stage 2
- e) That the terms of Reference for the Appeals Committee be updated to include the consideration of an appeal at IDRP Stage 2

### 3 Background

The Internal Disputes Resolution Procedure in this context relates to pension matters and Shropshire and Wrekin Fire Authority last reviewed its Internal Disputes Resolution Procedure in March 2003. Firefighters' Pension Scheme Circular 1/2009 notified us of the revised arrangements for Internal Dispute Resolution Procedures (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 FPS and the 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 compliant 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:

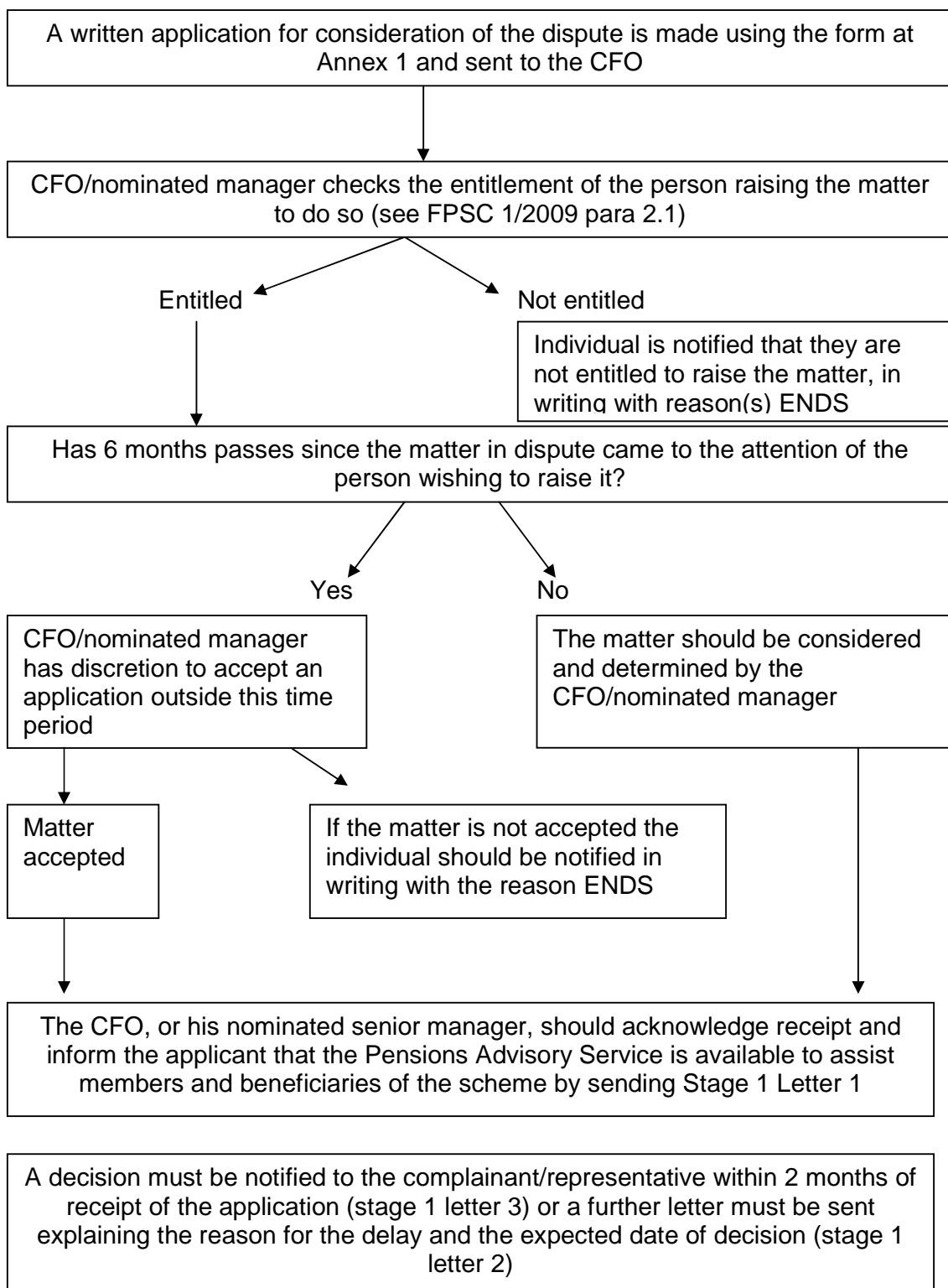
1. That **stage one** matters be considered by the CFO or his nominated senior manager, who will give a decision; and,
2. That at **stage two** the decision should be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by, or on their behalf by one or more of their number.

The current IDRP (adopted in 2003) is a two stage process whereby Stage 1 appeals are considered by the Health Panel and Stage 2 appeals are considered by the Appeals Committee. Updating the procedure as proposed will comply with the guidance provided in the circular (FPSC 1/2009) and will have the effect of removing the need for Health Panel involvement at Stage One, replacing it with a decision by the CFO or his delegated senior manager.

The proposed procedure as set out in the circular (for Stage 1) and as amended for Shropshire and Wrekin Fire Authority (Stage 2) and proposed to Members are set out on pages 3 and 4 respectively.

## Proposed IDRP Stage One

The procedure below sets out the procedure as recommended in FSPC 01/2009. Annexes referred to are attached to the Circular for Officers reference but are not appended to this report.

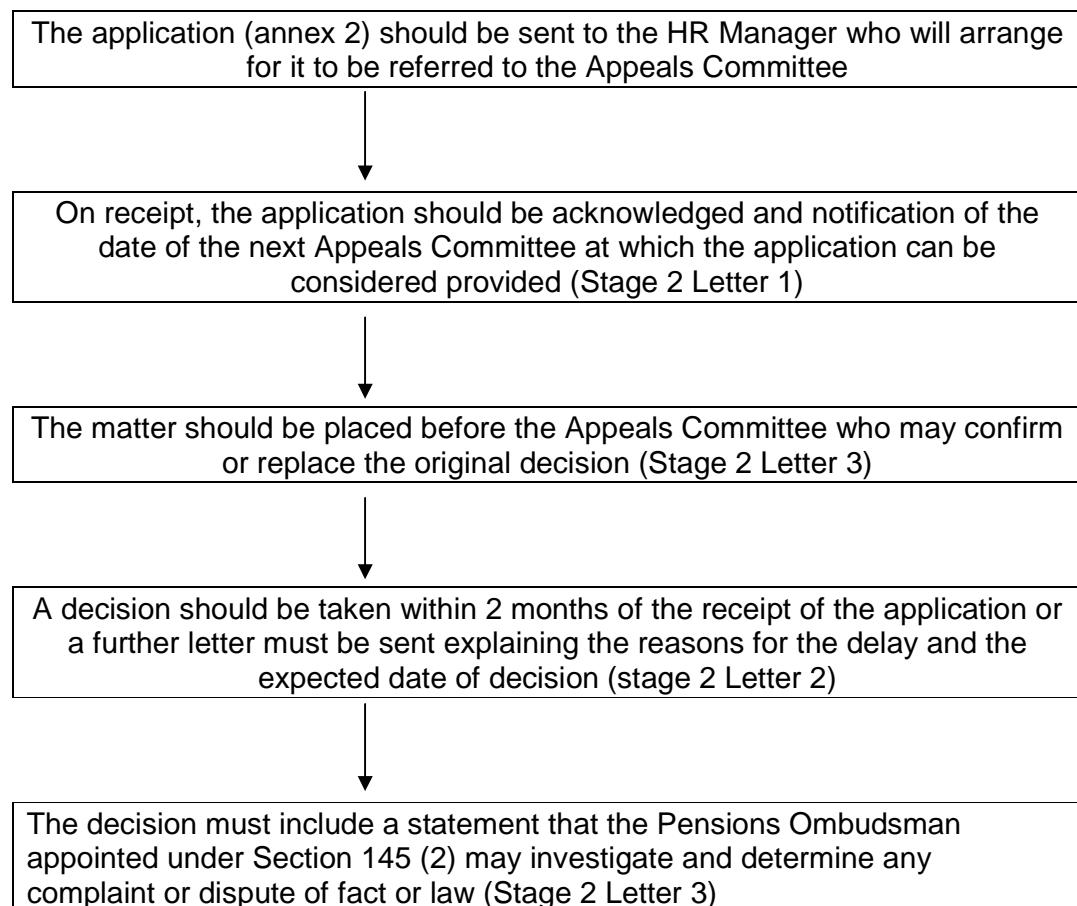


## Proposed IDRP Stage 2

The diagram below sets out the procedure as recommended in FSPC01/2009, amended to reflect Shropshire and Wrekin Fire Authority proposed means of dealing with such matters i.e. through Appeals Committee.

Annexes referred to are attached to the Circular for Officers reference but not appended to this report.

*If the complainant is dissatisfied with the decision at Stage 1 he/she can apply in writing no later than 6 months after the date on which notified of the stage 1 decision using Annex 2*



## **5 Financial Implications**

There are no direct financial implications arising from this report.

## **6 Legal Comment**

The recommendation of the report comply with the changes made to section 50 of the Pensions Act 1995 by section 273 of the Pensions Act 2004, as amended by section 16 of the Pensions Act 2007, and the Occupational Pension Schemes (Internal Dispute resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008 (SI 2008/649).

The recommendations on the procedure for dealing with complaints under the Firefighters' Pension Scheme 1992 (FPS), the New Firefighters' Pension Scheme 2006 (NFPS) and the Firefighters' Compensation Scheme 2006 (FCS) should be followed in all cases where there is a dispute other than appeals lodged under Rule H2 of the FPS, Part 8, rule 4 of the NFPS or Part 6, rule 2 of the FCS, which are exempted under the 2008 Regulations.

## **7 Equality Impact Assessment**

This report reflects the change in legislation and subsequent CLG 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 no appendices attached to this report.

## **9 Background Papers**

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

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card	Integrated Risk Management Planning	
Business Continuity Planning	Legal	*
Capacity	Member Involvement	*
Civil Contingencies Act	National Framework	
Comprehensive Performance Assessment	Operational Assurance	
Efficiency Savings	Retained	
Environmental	Risk and Insurance	
Financial	Staff	*
Fire Control/Fire Link	Strategic Planning	
Information Communications and Technology	West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information	Equality Impact Assessment	*

