



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

<b>REPORT REFERENCE NO.</b>	DSFRA/10/9
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (EXTRAORDINARY MEETING)
<b>DATE OF MEETING</b>	25 MARCH 2010
<b>SUBJECT OF REPORT</b>	FIREFIGHTERS' PENSIONS SCHEME – INTERNAL DISPUTE RESOLUTION PROCEDURE
<b>LEAD OFFICER</b>	Director of Human Resources
<b>RECOMMENDATIONS</b>	<p>(a) <i>that the Terms of Reference of the Human Resources Management &amp; Development Committee be amended as follows:</i></p> <p style="padding-left: 40px;"><i>“To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters’ Pensions Scheme Internal Dispute Resolution Procedure”;</i></p> <p>(b) <i>that, given the associated timescales for addressing Stage 2 complaints and that there is currently has one complaint at Stage 2 outstanding:</i></p> <p style="padding-left: 40px;">(i) <i>on this occasion the Authority appoints from those Members of the Human Resources Management &amp; Development Committee present at the meeting a Panel of three Members to determine the outstanding case;</i></p> <p style="padding-left: 40px;">(ii) <i>that those Members so appointed agree a date for the Panel to meet; and</i></p> <p style="padding-left: 40px;">(iii) <i>the substantive Membership of the Panel be reviewed by the Human Resources Management &amp; Development Committee at its meeting on 14 April 2010.</i></p> <p>(c) <i>that, subject to (a) and (b) above, the report be noted.</i></p>

<b>EXECUTIVE SUMMARY</b>	<p>The Firefighters' Pension Scheme Internal Dispute Resolution Procedure (IDRP) enables complaints related to a pension to be considered by the Service and Authority under a two stage process. At this time there is no mechanism for Authority members to consider such complaints and therefore the necessary delegated authority is required for this to be dealt with by the HRMD committee.</p> <p>The recommendation from the national Pensions Division is that there is a two-stage dispute resolution process as follows:</p> <p><b>Stage One:</b> the matters should be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and</p> <p><b>Stage Two:</b> the decision should be confirmed or replaced by the decision of elected Members of the Fire and Rescue Authority which may in turn delegate this function to a smaller grouping.</p> <p>It should be noted that the Service procedures for grievances, discipline or dismissals now align with ACAS practice and guidance (which replaced the statutory discipline regulations) and do not provide for any ultimate recourse to the Authority. The Service has no intention to change this arrangement but, given the revised Internal Disputes Resolution Procedure are linked to statutory pensions schemes, it is necessary in the case of pensions complaints to provide an ultimate recourse to the Authority.</p>
<b>RESOURCE IMPLICATIONS</b>	Nil.
<b>EQUALITY IMPACT ASSESSMENT</b>	An initial assessment as revealed no equality issues in this matter sufficient to warrant a full equality impact assessment.
<b>APPENDICES</b>	Nil.
<b>LIST OF BACKGROUND PAPERS</b>	Firefighters' Pensions Scheme Circular 1/2009 – Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

## 1. **INTRODUCTION**

- 1.1 The Firefighters' Pension Scheme (FPS) Internal Dispute Resolution Procedure (IDRP) has been reviewed to ensure that it continues to meet the requirements of the relevant pensions legislation. The revised Procedure provides for complaints related to a pension to be considered by the Service and Authority under a two stage process.

## 2. **PENSION COMPLAINTS**

- 2.1 The IDRP is available to the following categories:

- (a). a member (active, deferred or pensioner) of the FPS or the New Firefighters' Pensions Scheme (NFPS);
- (b). a widow, widower or surviving dependant of a deceased member of the FPS or NFPS;
- (c). a surviving non-dependant beneficiary of a deceased member of the FPS or NFPS;
- (d). a prospective member of the scheme;
- (e). persons who have ceased to be within any of the categories of persons referred to in paragraphs (a) to (d); or
- (f). persons who claim to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether he/she is such a person.

- 2.2 The procedures apply also to disputes relating to the Firefighters' Compensation Scheme 2006.

## 3. **THE IDRP PROCESS**

- 3.1 The IDRP provides recourse for a person with a complaint relating to their pension. The recommendation from the national Pensions Division is that there is a two-stage arrangement as follows:

**Stage One:** the matters should be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and

**Stage Two:** the decision should be confirmed or replaced by the decision of elected Members of the Fire and Rescue Authority. The Authority may in turn delegate this function as appropriate.

- 3.2 The application for consideration of the dispute should be made in writing, giving details of the complaint. The Chief Fire Officer, or the person specified by him/her, will acknowledge receipt of the application.

- 3.3 A decision on the application must be notified to the complainant or his representative within two months of receipt of the application or a further letter must be sent explaining the reason for the delay and the expected date of the decision.

- 3.4 If the complainant is dissatisfied with the decision at Stage One, he or she can apply in writing, not later than six months after the date on which notified of the Stage One decision, for the decision to be reconsidered by the Fire and Rescue Authority. When an application is received, it should be acknowledged.

3.5 A decision must be taken within two months of receipt of the application or a further letter must be sent explaining the reasons for the delay and the expected date of the decision.

3.6 The notice of the decision must include a statement that the Pensions Ombudsman appointed under Section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law, in relation to the schemes, made or referred in accordance with that Act; and also include their contact details.

#### **4. AUTHORITY REQUIREMENTS**

4.1 Whilst arrangements are currently in place for dealing with Stage 1 of the process as outlined above, currently no mechanism exists for addressing Stage 2 of the process. Consequently, it is proposed that – to address this – the Terms of Reference of the Human Resources Management and Development Committee should be amended as follows:

*“To appoint from amongst its Members a Panel of three Members with delegated authority to consider and determine complaints made by individuals under Stage 2 of the Firefighters’ Pensions Scheme Internal Dispute Resolution Procedure”*

4.2 It should be noted that the Service procedures for grievances, discipline or dismissals now align with ACAS practice and guidance (which replaced the statutory discipline regulations) and do not provide for any ultimate recourse to the Authority. The Service has no intention to change this arrangement but, given the revised Internal Disputes Resolution Procedure are linked to statutory pensions schemes, it is necessary in the case of pensions complaints to provide an ultimate recourse to the Authority.

**JANE SHERLOCK**  
**Director of Human Resources**