



**Northern Ireland
Fire & Rescue Service**

THE FIREFIGHTERS' PENSION AND COMPENSATION SCHEMES' INTERNAL DISPUTE AND RESOLUTION PROCEDURE

1 Purpose

This Internal Dispute Resolution Procedure is the formal complaints procedure and provides recourse for a person who has a complaint relating to their pension, other than matters covered by the medical appeal arrangements in the Firefighters' Pension Scheme (NI) 2007 (FPS), the New Firefighters' Pension Scheme (NI) 2007 (NFPS) and the Firefighters' Compensation Scheme (NI) 2007 (FCS).

2 Who can make a complaint under this procedure?

The Internal Dispute Resolution Procedure is available to the following:

- A member (active, deferred or pensioner) of FPS or NFPS
- A widow, widower, partner, co-habitee or surviving dependant of a deceased member of FPS or NFPS.
- A surviving non-dependant beneficiary of a deceased member of FPS or NFPS.
- A prospective member of the scheme.
- Persons who have ceased to be within any of the categories of persons listed in 1–4 above.
- Persons who claim to be such a person listed in 1–5 above and the dispute relates to whether he/she is such a person.

As the procedures also apply to disputes relating to FCS, they will be available to those who are entitled to benefits under the Scheme, ie, optants out of FPS or NFPS, retained firefighters employed before 6 April 2006 with protected rights.

3 Matters exempt from this procedure

Any appeals of a medical nature, namely appeals made under the following:

- Article 66 of The Firefighters' Pension Scheme Order (NI) 2007.
- Article 47 of The New Firefighters' Pension Scheme Order (NI) 2007.
- Rule 2 of Part 6 of The Firefighters' Compensation Scheme Order (NI) 2007.

Also exempt are any matters in which proceedings have been commenced in any court or tribunal, or where the Pensions Ombudsman has already started to investigate.

If, after an application for the resolution of a pension dispute has been made the dispute becomes an exempted dispute, the resolution of the dispute under the procedure ceases.

4 **Representation**

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

- Where the person dies, by his/her personal representative.
- Where the person is a minor or is otherwise incapable of acting for him/herself, by a member of his/her family or some other person suitable to represent him/her.
- In any other case, by a representative nominated by him/her.

5 **The Internal Dispute Resolution Procedure**

The procedure will be a two stage process.

Stage One

1. Upon notification of a formal complaint, the pension section will issue the IDRP Stage One application form to the applicant or their representative (Annex 1).
2. When the application is received, the panel of the NIFRS's Board will issue the IDRP Stage One Initial letter which acknowledges the application and informs the applicant that The Pensions Ombudsman (TPO) is available to assist members and beneficiaries of the scheme(s) in connection with any difficulties with the scheme (Annex 2).
3. Note applications from members, widows, widowers, dependants or prospective members must be made within 6 months beginning after the date on which they could have reasonably known about the matter in dispute. The panel of the NIFRS's Board has the discretion to accept an application made outside this period.
4. Within 2 months the panel of the NIFRS's Board must notify the applicant or their representative of his decision by issuing IDRP Stage One Decision letter (Annex 3). However if a decision cannot be reached within the two months, the panel of the NIFRS's Board must issue IDRP Stage One Interim Letter explaining the reason for the delay and the expected date of the decision (Annex 4).

Stage Two

1. If you wish to appeal a decision, your appeal must be submitted in writing, setting out the grounds on which you are appealing **within 2 months from the date of the letter advising of that decision** (Annex 5). You should also provide copies of any supporting documentation at that time. Out of time appeals will not be accepted by the Department.
2. The appeal meeting should take place no more than **20 working days after receipt of the appeal**. This can be extended in exceptional circumstances.
3. Your appeal will be reviewed by two Departmental officials and signed off by the Head of Directorate.
4. A decision will be issued **within 28 working days of the appeal notification date** (Annex 7). If this is not possible you will be given an explanation for the delay and told when you can expect a response (Annex 8).

Role of the Department Officials

1. The role of the Department officials is to consider the grounds set out in your appeal and to review the evidence relied upon by the original decision making officer in making the decision and to decide if the relevant policy and procedures have been followed and applied fairly and reasonably.

The Decision

1. In concluding their deliberations, the Departmental officials can decide to uphold your appeal (in full or in part) or not uphold your appeal. In all cases the Department will state in writing the reasons for the decision and any recommendations made.
2. The decision of the Department is final and will conclude the Internal Dispute Resolution Process.



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INTERNAL DISPUTE RESOLUTION PROCEDURE

STAGE ONE APPLICATION

- 1 I wish to apply for a decision to be made, under the Pensions (Northern Ireland) Order 1995, in respect of the disagreement set out in this application.

- 2 I understand that an application may not be made where, in respect of a disagreement:
 - A notice of appeal has been issued under Article 66 of the Firefighters’ Pension Scheme Order (NI) 2007, Article 47 of the New Firefighters’ Pension Scheme (NI) 2007, or Part 6, rule 2 of the Firefighters’ Compensation Scheme (NI) 2007 (appeal to a board of medical referees against a decision on an issue of a medical nature); or
 - Proceedings in respect of this dispute have begun in any court or tribunal; or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.

- 3 The nature of the disagreement is set out in the attached page(s).

Complete in all cases (using Block capitals)

Full Name of Scheme Member: _____

Role and Service No or Pension Reference: _____

Address of Scheme Member: _____

Member’s Date of Birth: _____

Member’s National Insurance No: _____

Complete if Complainant is not a Scheme Member (using Block Capitals)

Full Name of Complainant: _____

Address for Correspondence: _____

Relationship of Complainant to Scheme Member (if relevant):

Signature of Complainant (or representative):

_____ Date: _____

Nature of disagreement

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of Complainant (or representative):

_____ Date: _____



**Northern Ireland
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Headquarters

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www.nifrs.org

Chief Fire & Rescue Officer (Interim)
Michael Graham

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage One

Your application under Article 50 of the Pensions (Northern Ireland) Order 1995 for a decision in respect of a disagreement was received on *(date)* _____.

I intend to make a decision on the matters raised by your application within 2 months from the date the application was received.

If, for any reason, I am unable to issue you with a decision within this timescale you/and your representative *(complete as appropriate)* will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

TPO (The Pensions Ombudsman) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with the scheme. TPO can be contacted at: 10 South Colonnade, Canary Wharf, E14 4PU (telephone: 0800 9174487).

Yours sincerely

Panel of Board



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Michael Graham

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage One

I have considered your application received on *(date)* _____ for a decision to be made under Section 50 of the Pensions (Northern Ireland) Order 1995 in respect of your disagreement referred to in the application.

My decision is as follows:

Give a statement of the decision and make reference to any legislation (including the relevant pension or compensation scheme orders) relied upon for the decision and also including, if a discretion has been exercised under the scheme, a reference to the provisions of the scheme under which the discretion is conferred.

If you are not content with this decision, you have a right to apply for it to be reconsidered by the Department of Health's Panel no later than 2 months from the date of this letter. The relevant form is attached to the IDRП which is available on NIFRS web site within the Pensions Information Section.

TPO (The Pensions Ombudsman) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. TPO can be contacted at: 10 South Colonnade, Canary Wharf, E14 4PU (telephone: 0800 9174487).

Yours sincerely

Panel of Board



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Chief Fire & Rescue Officer (Interim)
Michael Graham

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage One

Further to my letter of *(date of issue of IDRPs Stage One: Letter 1)* _____, I regret I am not yet in a position to issue you with a decision.

The reasons for the delay are *(reasons)* _____.

I expect to be able to issue you with a decision on *(date)* _____.

Yours sincerely

Panel of Board



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INTERNAL DISPUTE RESOLUTION PROCEDURE

STAGE TWO APPLICATION

- 1 I am applying for reconsideration of the decision of the panel of NIFRS's Board made under the Pensions (Northern Ireland) Order 1995. I understand that the Department of Health will either uphold the decision or replace it.
- 2 I understand that an application may not be made where, in respect of a disagreement:
 - A notice of appeal has been issued under Article 66 of the Firefighters' Pension Scheme Order (NI) 2007, Article 47 of the New Firefighters' Pension Scheme (NI) 2007, or Part 6, rule 2 of the Firefighters' Compensation Scheme (NI) 2007 (appeal to a board of medical referees against a decision on an issue of a medical nature); or
 - Proceedings in respect of this dispute have begun in any court or tribunal; or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
- 3 I attach a copy of the notice of the decision referred to in paragraph one and a statement of the reason(s) for dissatisfaction with that decision.

Complete in all cases (using Block capitals)

Full Name of Scheme Member: _____

Role and Service No or Pension Reference: _____

Address of Scheme Member: _____

Member's Date of Birth: _____

Member's National Insurance No: _____

Complete if Complainant is not a Scheme Member (using Block Capitals)

Full Name of Complainant: _____

Address for Correspondence: _____

Relationship of Complainant to Scheme Member (if relevant):

Signature of Complainant (or representative):

_____ Date: _____

Nature of disagreement

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of Complainant (or representative):

_____ Date: _____

Letter from Department of Health

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage Two

Your application for a reconsideration of a decision dated _____ made under Article 50 of the Pensions (Northern Ireland) Order 1995 by panel of NIFRS's Board was received on _____.

The Department of Health's Panel will consider the matters raised by your application and will confirm or replace that decision under Article 50 of the Pensions (Northern Ireland) Order 1995 within 28 days from the date your application was received.

If, for any reason, the panel are unable to issue you with a decision within this timescale you/and your representative (complete as appropriate) will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

TPO (The Pensions Ombudsman) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. TPO can be contacted at: 10 South Colonnade, Canary Wharf, E14 4PU (telephone: 0800 9174487).

Yours sincerely

Annex 7

From Department of Health

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage Two

The Department of Health's select panel have considered your application received on *(date)* _____ for reconsideration of the disagreement which was the subject of a decision made by the panel of the NIFRS's Board under the Pensions (Northern Ireland) Order 1995, as indicated in the notice of decision dated *(date)* _____.

The decision of the panel, made under the Pensions (Northern Ireland) Order 1995, is as follows:

Give a statement of the decision and an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made by the panel of the NIFRS's Board or the person specified by him/her.

Refer to any legislation, including FPS, NFPS or FCS relied upon for the decision and also including, if discretion has been exercised under the Scheme, a reference to the provisions of the Scheme under which the discretion is conferred.

If you remain dissatisfied:

- The Pensions Ombudsman is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. The Pensions Ombudsman appointed under Section 145(2) of the Pensions (Northern Ireland) Order 1995, may also investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act. TPO can be contacted at: 10 South Colonnade, Canary Wharf, E14 4PU (telephone: 0800 9174487).

Yours sincerely

Letter from the Department of Health

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2007/NEW FIREFIGHTERS' PENSION SCHEME 2007/
FIREFIGHTERS' COMPENSATION SCHEME (delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995**

Internal Dispute Resolution Procedures: Stage Two

Further to my letter of _____, I regret that *the Department of Health's Panel* are not yet in a position to issue you with a decision.

The reasons for the delay are *(reasons)* _____ .

The panel expect to be able to issue you with a decision on *(date)* _____ .

Yours sincerely