



**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), the Firefighters' Compensation Scheme (NI) 2007 (FCS) and the Firefighters' Pension Scheme Regulations (NI) 2015 (CARE).

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, NFPS or CARE.
- A widow, widower, partner, co-habitee or surviving dependant of a deceased member of FPS, NFPS or CARE.
- A surviving non-dependant beneficiary of a deceased member of FPS, NFPS or CARE.
- 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, NFPS, CARE or 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.
- Article 162 of The Firefighters' Pension Scheme Regulations (NI) 2015.

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, a Panel will be appointed. The panel will be made up of two senior NIFRS staff.
3. The Panel 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).
4. 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.
5. Within 2 months the Panel 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 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.
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 a panel of two NIFRS Board members and signed off by the chair of the panel.
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 Appeal panel

1. The role of Appeal Panel 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 Appeal Panel can decide to uphold your appeal (in full or in part) or not uphold your appeal. In all cases the Panel will state in writing the reasons for the decision and any recommendations made.
2. The decision of the Appeal Panel is final and will conclude the Internal Dispute Resolution Process.