

Staff and Pensions Committee

Firefighter Pension Schemes Internal Dispute Resolution Policy

13 September 2021

Recommendation(s)

1. That the Committee approves the updated version of the Internal Dispute Resolution Procedure (IDRP) policy document, which reflects that Stage 1 decisions are to be made by an officer nominated by the Chief Fire Officer and that Stage 2 disputes will be dealt with by the Chief Fire Officer, in relation to:
 - Firefighters' Pension Scheme 1992 (FPS 1992) Rule H3 (as amended by SI 2013/1392)
 - Firefighters' Pension Scheme 2006 (FPS 2006) Part 8 Rule 5
 - Firefighters' Pension Scheme 2015 (FPS 2015) Regulation 163
 - Firefighters' Compensation Scheme 2006 (FCS 2006) Part 6 Rule 3

1. Executive Summary

- 1.1 Warwickshire County Council ("the Council") as the scheme manager for Warwickshire Fire and Rescue Service has updated its IDRP for its members, former members and others that are entitled to use it.
- 1.2 This document reflects the agreement by Staff and Pension Committee in September 2016 that the Chief Fire Officer is authorised to determine disputes (on terms and conditions satisfactory to the Strategic Director of Resources) under the internal pension dispute resolution procedure, and to nominate appropriate persons to whom such disputes should be referred for a decision in the first instance.

2. Financial Implications

- 2.1 There are no financial implications associated with this report.
- 2.2 Members may be interested to note that the Pensions Ombudsman has discretion to award compensation for distress and inconvenience for maladministration even where no legal rights have been infringed (for instance in cases of excessive delay or misapplication of the IDRP). Such awards range between a nominal sum and £2,000 with exceptional cases exceeding that sum.

3. Environmental Implications

None

4. Supporting Information

4. When complex issues occasionally arise, which require careful interpretation of scheme rules and relevant case law and in order to ensure consistency and transparency in decision making on pension matters, it is important that it is clear:

(a) who shall be responsible for making the initial decisions about pension matters at Stage 1

(b) who shall be responsible for making decisions at Stage 2.

4.3 It is important that the level of seniority of decision makers is consistent and appropriate to the importance of pension matters. The existing arrangement, as approved by Staff and Pensions Committee is aligned with the dispute resolution arrangements in place for the LGPS, where the Chief Executive determines disputes on behalf of the administering authority (on terms and conditions satisfactory to the Strategic Director of Resources) and nominates others to make Stage 1 decisions.

4.4 It is also recognised that HR officers and the Pensions Administration Delivery Lead, should continue to support decision makers, in order to minimise any potential for conflicting decisions in pension matters and also to ensure that legal advice is sought at an early stage, where cases are complex.

4.5 The policy document has been updated and refreshed with a view to being user friendly and accessible to those who have an interest in the relevant schemes.

5. Timescales associated with the decision and next steps

5.1 The policy document can be implemented with immediate effect.

Appendices

1. Internal Dispute Resolution Procedure (Firefighters Pension Schemes)

Background Papers

None

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The report was circulated to the following members prior to publication:

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Other members: n/a