

Internal dispute resolution procedures (IDRP)

New policy number: **952**
 Old instruction number:
 Issue date: **24 September 2019**
 Reviewed as current: **22 June 2023**
 Owner: **Assistant Director, People Services**
 Responsible work team: **Policy, Pay and Reward**

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Section 1 - Firefighters pension schemes

1 Background

- 1.1 An original or first instance decision will usually be made by the scheme employer.
- 1.2 All occupational pension schemes are required to have arrangements for Internal Dispute Resolution Procedures. The requirements are set out in Section 50, 50A and 50B of the Pensions Act 1995 and in the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous) Regulations 2008.
- 1.3 Internal Dispute Resolution Procedures (IDRP) are arrangements for the resolution of pension disputes. Such a dispute is one which is between:
 - (i) the trustees or managers of a scheme,
 - (ii) one or more persons with an interest in the scheme and is about matters relating to the scheme that is not an 'exempted dispute'.
- 1.4 The IDRP must provide a process enabling any of the parties to the dispute to apply for a decision on the matters in dispute and for the trustees or managers to take that decision.
- 1.5 The legislation requires that the trustees or managers must take the decision within a reasonable period of time and equally they must notify the applicant within a reasonable period of time.
- 1.6 Exempted disputes are ones which are or have been the subject of court or tribunal proceedings or of a Pensions Ombudsman investigation or if it is of a prescribed description. The 2008 Regulations prescribe as 'exempted disputes' those for which a notice of appeal has been issued by the applicant in accordance with rule H2 of Schedule 2 to the Firefighters Pension Scheme Order 1992 (appeal against opinion on a medical issue), rule 4 of Part 8 of the New Firefighters Pension Scheme 2006 (appeal against decision based on medical advice) or rule 2 of Part 6 of Schedule 1 to the Firefighters Compensation Scheme (England) Order 2006 (appeal to medical referee).
- 1.7 There is also a requirement under the 2008 Regulations for trustees or managers, as soon as reasonably practicable after receipt of an application, to make applicants aware that the Money and Pension Service is available to assist them and that the Pensions Ombudsman is available to investigate and determine any complaint or dispute providing the relevant details.

2 Those entitled to make a complaint under IDRP

- 2.1 The IDRP are available to the following:
 - (a) a member (active, deferred or pensioner) of the FPS or NFPS or FPS 2015;
 - (b) a widow, widower or surviving dependant of a deceased member of the FPS or NFPS or FPS 2015;
 - (c) a surviving non-dependant beneficiary of a deceased member of the FPS or NFPS or FPS 2015;
 - (d) a prospective member of the scheme;
 - (e) persons who are no longer within any of the categories of persons referred to in paragraphs (a) to (d);
 - (f) persons who claim to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether they are such a person, or

- (g) someone entitled to benefits under the FCS.

3 Application made by third parties

- 3.1 An application under the IDRPs may be made or continued on behalf of a person who is a party to the dispute:
 - (a) where the person dies, by their personal representative,
 - (b) where the person is a minor or is otherwise incapable of acting for themselves, by a member of their family or some other person suitable to represent them, and
 - (c) in any other case, by a representative nominated by them.

4 Informal stage

- 4.1 Applicants are and should be encouraged to seek to resolve their complaints informally with the London Fire Commissioner's representatives (or the pension administrators acting on its behalf) in the first instance. Where the circumstances are that there isn't a discretion to be exercised by the London Fire Commissioner and they or their representatives are simply applying statutory requirements, the representatives should explain this verbally and/or in writing to the applicant. If an applicant remains dissatisfied with a decision taken by or a discretion exercised or not exercised by the London Fire Commissioner or on their behalf, then they may elect to progress to stage one of the IDRPs.

5 Application of IDRPs to the FPS NFPS, FPS 2015 and FCS

- 5.1 The IDRPs provide recourse for a person who has a complaint relating to their pension, other than matters covered by the medical appeal arrangements in the FPS, NFPS and FCS. The amended arrangements, as referred to in Fire Pension Scheme Circular 1/2009, allow for a single stage, although pension schemes have a discretion to make provision for two stages.
- 5.2 The London Fire Commissioner has decided that two-stage arrangements should operate on the following basis:
 - The Assistant Director, Finance shall determine stage one appeals under the FPS, NFPS, FPS 2015 and the FCS.
 - The Director of Corporate Services shall determine stage two appeals under the FPS, NFPS, FPS 2015 and the FCS.

6 Stage one

- 6.1 The application for consideration of the dispute is required to be made in writing by the applicant, giving details of the complaint. From your work PC, please refer to path – [start | new office document | forms (departments) | human resources | IDRPs - Stage one application form – FPS] for the form on which the application is to be submitted.
- 6.2 When an application is received, the Assistant Director, People Services or their representative will acknowledge the application and inform the applicant that the Pensions Advisory Service (TPAS) is available to assist members and beneficiaries of the scheme in connection with any difficulty with the scheme, and give the applicant the contact details of TPAS.
- 6.3 The applicant will be further advised by the Assistant Director, People Services or their representative of the date when the application will be considered and that, whilst the issues raised within their application will be noted, they will be invited to provide any further evidence

or documentation that they may wish to be considered. The process is entirely by written submission and does not involve personal appearance by the parties.

- 6.4 Non-statutory guidance Circular 1/2009 (Fire Pension Scheme Circular) recommends that except in cases referred to in section 3(a) and (b) above, applications must be made by any person referred to in paragraph 2(a) to (d) above within six months beginning after the date on which the person could have reasonably known about the matter in dispute, or, in the case of a person in categories 2 (e) and (f), within six months beginning after the date on which the person ceased to be a member of the FPS or NFPS. There is discretion to accept an application made outside this period in exceptional circumstances.
- 6.5 The exceptions are any determinations made by an authority under Part 8, rule 2 of the NFPS, where rule 5 provides for written notice of any disagreement to be submitted within 28 days of receipt of the determination.
- 6.6 Stage one applications will be considered and determined by the Assistant Director, Finance supported by People Services and taking legal advice, as required, from representatives of the General Counsel to the Commissioner. The process is entirely by written submission and does not involve personal appearance by the parties.
- 6.7 Non-statutory guidance Circular 1/2009 recommends that a decision on the application is notified to the applicant or the person acting for them, 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. The London Fire Commissioner seeks to keep to this timescale.
- 6.8 The Pensions Regulator expectation is that a decision will be made on a dispute within four months of receiving the application and that applicants should be notified of the decision usually no later than 15 working days after the decision has been made.

7 Stage two

- 7.1 The applicant will be informed in the stage one decision letter that, if they wish to appeal under stage two of the IDRP, they can do this by submitting an appeal in writing together with any additional evidence to the Assistant Director, People Services. The appeal application is required to be submitted not later than six months after the date on which the applicant is notified of the stage one decision. From your work PC, please refer to path – [start | new office document | forms (departments) | human resources | IDRP - Stage two application form – FPS] for the form on which the application is to be submitted.
- 7.2 When the stage two application is received, it will be acknowledged by the Assistant Director, People Services or their representative, who will inform the applicant of the date on which the stage two appeal will be considered. The applicant will be further advised that, whilst the issues raised within their application have been noted, they are invited to provide any further evidence or documentation that they may wish to be considered. The process is entirely by written submission and does not involve personal appearance by the parties.
- 7.3 Stage two applications will be considered and determined by the Director of Corporate Services taking legal advice, as required, from representatives of the General Counsel to the Commissioner.
- 7.4 Non-statutory guidance Circular 1/2009 recommends that a decision on the Stage Two appeal application is made and notified to the applicant, or the person acting for them, 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. The London Fire Commissioner seeks to keep to this timescale. A further recommendation of Circular 1/2009 is that 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 contact details. The London Fire Commissioner provides this information.

Section 2 Local government pension schemes

1 Background

- 1.1 As previously stated, all occupational pension schemes are required to have arrangements for Internal Dispute Resolution Procedures. The requirements are set out in Section 50, 50A and 50B of the Pensions Act 1995 and in the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous) Regulations 2008.
- 1.2 Aside from the paragraph dealing with 'exempted disputes', the section headed 'Background' in the FPS part of this note applies equally to the LGPS.
- 1.3 Regulations 72 to 80 of the Local Government Pension Scheme Regulations 2013 ("the Regulations") set out the process to be followed in determining disputes relating to the LGPS.
- 1.4 Any question concerning the rights or liabilities under the LGPS of any person must be decided in the first instance by either the London Fire Commissioner as the scheme employer or by the London Pension Fund Authority (LPFA)/ Local Pensions Partnerships Ltd (LPP) as the administering authority.
- 1.5 Accordingly, the LPFA/LPP must decide any question concerning:
 - (a) a person's previous service or employment;
 - (b) the crediting of additional pension; and
 - (c) the amount of any benefit, or return of contributions, a person is or may become entitled to.
- 1.6 The London Fire Commissioner must decide any question concerning any other matter relating to the person's rights or liabilities under the LGPS.

2 Informal stage

- 2.1 Applicants are and should be encouraged to seek to resolve their complaints informally with the London Fire Commissioner's representatives (or the pension administrators acting on its behalf) in the first instance. Where the circumstances are that there isn't a discretion to be exercised by the London Fire Commissioner and they or their representatives are simply applying statutory requirements, the representatives should explain this verbally and/or in writing to the applicant. If an applicant remains dissatisfied with a decision taken by or a discretion exercised or not exercised by the London Fire Commissioner or on their behalf, then they may elect to progress to Stage one of the IDRP.

3 Application by third parties

- 3.1 An application under the IDRP may be made or continued on behalf of a person who is a party to the dispute:
 - (a) where the person dies, by their personal representative,
 - (b) where the person is a minor or is otherwise incapable of acting for themselves, by a member of their family or some other person suitable to represent them, and

(c) in any other case, by a representative nominated by them.

4 First instance decisions

- 4.1 The legislation requires that a first instance decision must be made as soon as is reasonably practicable and communicated to the applicant as soon as is reasonably practicable after the decision is made. It must contain a conspicuous statement giving the address from which further information about the decision may be obtained.
- 4.2 A notification of a first instance decision about the amount of a benefit must contain a statement showing how it is calculated.
- 4.3 Every notification must also:
- (a) specify the rights to make applications under stage one and stage two of the IDRPs,
 - (b) specify the time limits within which the right may be exercised; and
 - (c) confirm to the person to whom an application under stage one may be made, giving their address.

5 Application of IDRPs to the LGPS

- 5.1 The adjudication of stage one applications will be made on behalf of the London Fire Commissioner or LPFA/LPP as follows, dependent upon the division of responsibility previously outlined. The adjudicator will be:
- London Fire Commissioner (scheme employer) decisions: Assistant Director, Finance
 - LPFA/LPP (Administering Authority) decisions: Head of Business Development and Improvement

6 Stage one

- 6.1 The application for consideration of the dispute is required to be made in writing by the applicant, giving details of the complaint. From your work PC, please refer to path – [start | new office document | forms (departments) | human resources | IDRPs - Stage one application form – LGPS] for the form on which the application is to be submitted.
- 6.2 When an application is received, the Assistant Director, People Services or their representative will acknowledge the application and inform the applicant that the Pensions Advisory Service (TPAS) is available to assist members and beneficiaries of the scheme in connection with any difficulty with the scheme, and give the applicant the contact details of TPAS.
- 6.3 If Annex 3 is not used, the application form will need to contain the following information:
- (a) set out the applicant's name, address and date of birth
 - (b) if the applicant is not a member of the LGPS, set out the applicant's relationship to any relevant member of the LGPS and give that member's full name, address, date of birth, national insurance number and the name of the London Fire Commissioner as the member's scheme employer;
 - (c) include a statement giving details of the nature of the disagreement and the reasons why the applicant is aggrieved;
 - (d) be accompanied by a copy of any notification of a first instance decision; and
 - (e) be signed by or on behalf of the applicant.

- 6.4 An application for a stage one decision may be made within six months from the date of notification of a first instance decision or within six months of the date of the act or omission (or, if there is more than one, the last of them) affecting the rights or liabilities of the applicant. The adjudicator may extend this time.
- 6.5 The adjudicator must determine the application and give written notice of the decision to:
- (a) the applicant;
 - (b) the London Fire Commissioner as Scheme employer; and
 - (c) LPFA/LPP as the Administering Authority.
- within two months from the date on which the application was received.
- 6.6 If the adjudicator is unable to determine the application within that timescale, the time may be extended to an expected date for giving the decision, provided an interim reply is sent to the applicant explaining the reasons for the delay and setting out the expected decision date.

7 Stage one decision notice

- 7.1 The decision notice must include:
- (a) a statement of the decision;
 - (b) a reference to any legislation on which the adjudicator relied;
 - (c) in a case where the disagreement relates to the exercise of a discretion, a reference to the provisions of the Regulations conferring the discretion;
 - (d) a reference to the right of the applicant to refer the disagreement for a stage two determination and to the time within which the applicant may do so; and
 - (e) a statement that TPAS is available to give assistance in connection with any difficulty with the LGPS that remains unresolved including the address at which it may be contacted.
- 7.2 The decision takes effect as a decision of the London Fire Commissioner as Scheme employer or the LPFA/LPP as Administering Authority, as the case may be, except where the matter concerns the exercise of a discretion, in which case, if the adjudicator does not uphold the original decision, the matter must be referred back to the body which made the decision under adjudication for reconsideration.

8 Stage two

- 8.1 The determination of stage two applications will be made by, the LPFA/LPP, whether they relate to scheme employer or Administering Authority decisions.
- 8.2 From your work PC, please refer to path – [start | new office document | forms (departments) | human resources | IDRP - Stage two application form – LGPS] for the form on which the application is to be submitted. If Stage two application form is not used, the application form will need to contain the following information:
- (a) set out the applicant's full name, address and date of birth;
 - (b) if the applicant is not a member of the LGPS, set out the applicant's relationship to any relevant member of the LGPS and give that member's full name, address, date of birth, national insurance number and the name of and the name of the London Fire Commissioner as the member's Scheme employer;

- (c) include a statement that the applicant wishes the decision to be reconsidered;
 - (d) set out the details of the grounds on which the applicant relies;
 - (e) be accompanied by a copy of any notification of a first instance decision and stage one decision; and
 - (f) be signed by or on behalf of the applicant.
- 8.3 An application for a stage two decision may be made within six months from the date the stage one decision notice is received, or, within seven months from the expected decision date, in a case where an interim reply has been sent but no decision notice has been given, or, nine months from the date on which the application was made, in a case where no decision notice has been given and no interim reply sent.
- 8.4 It is for the LPFA/LPP to determine the stage two procedure, but it must ensure that no-one who was involved in the making of the first-instance decision or the stage one decision is involved in the stage two decision.
- 8.5 The LPFA/LPP must determine the stage two application and give written notice of the decision to:
- (a) the applicant; and
 - (b) the London Fire Commissioner as scheme employer;
- within two months from the date on which the application was received.
- 8.6 If the LPFA/LPP decision maker is unable to determine the application within that timescale, the time may be extended to an expected date for giving the decision, provided an interim reply is sent to the applicant and the London Fire Commissioner as scheme employer explaining the reasons for the delay and setting out the expected decision date.

9 Stage two decision notice

- 9.1 The stage two decision notice must contain:
- (a) a statement of the decision;
 - (b) a reference to any legislation on which the LPFA/LPP relied;
 - (c) in a case where the disagreement relates to the exercise of a discretion, a reference to the provisions of the Regulations conferring the discretion;
 - (d) a statement that TPAS is available to give assistance in connection with any difficulty with the LGPS that remains unresolved;
 - (e) a statement that the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to the LGPS made or referred in accordance with the Pension Schemes Act 1993;
 - (f) the addresses at which TPAS and the Pensions Ombudsman may be contacted; and
 - (g) The decision takes effect as a decision of the LPFA/LPFA as Administering Authority, except where the matter concerns the exercise of a discretion, in which case, if the decision maker does not uphold the decision, the matter must be referred back to the body which made the decision under adjudication for reconsideration.

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	19/04/24	SDIA	L - 16/05/23	HSWIA	25/05/23	RA	
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 9	HSWIA date added.	25/09/2019
Throughout	Language changed to gender-neutral terms.	27/08/2020
Page 2, para 2.1 (f)	'he/she is' replaced with 'they are'.	12/05/2021
Throughout	Reviewed as current with minor updates throughout.	15/05/2023
Page 9	SDIA and HSWIA updated.	01/06/2023
Page 2, para 1.7	Updated to include Money and Pension Service.	22/06/2023
Page 1	Responsible work team updated.	05/07/2024

Subject list

You can find this policy under the following subjects.

Grievance	

Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification