

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

PENSION BOARD

11 January 2024

IDRP UPDATE

1. BACKGROUND

- 1.1. If a scheme member, prospective member, dependant, or other person with an interest in the firefighter pension scheme, is dissatisfied with a decision made by the Scheme Manager, or the failure to make a decision, they have the right to appeal through the Internal Dispute Resolution Procedure (IDRP).

2. ACTIVE IDRPs

- 2.1. There are currently no active IDRPs being considered by the Scheme Manager at Stage 1 or by the Fire Authority Appeals Committee at Stage 2.

3. IDRP STAGE ONE PROCESS

At the meeting of the Pension Board on 2 November 2023, the Board requested more detail on the IDRP Stage One decision process:

- 3.1. Any eligible person may make a complaint through the IDRP as a means of formally raising, and hopefully resolving, grievances about the way in which their pension rights have been managed specifically. Complaints about other matters – such as concerns about wider service policy or medical matters, may be better handled through another process. There are a range of exemptions where IDRP cannot be used, including where the matter is already being considered by the Ombudsman or in court, or it is handled under other complaints processes.
- 3.2. Amendments made in 2008 allowed for a single stage procedure, although WMFRA maintains a two-stage process, in line with recommendations from the Scheme

Advisory Board (SAB).

- 3.3. The scheme rules do not prescribe what the dispute resolution arrangements should look like or the process to be followed, other than that applications should be made within 28 days of receipt of the determination which gives rise to the dispute, although TPR guidance recommends a period of six months with discretion applied.
- 3.4. An IDRP Stage One application form is provided on the WMFS website and must be submitted to the Scheme Manager. In line with SAB guidance this will be considered by the Chief Fire Officer as Scheme Manager or a senior officer that he delegates the matter to. The IDRP should be acknowledged as soon as practicably possible – WMFS aims to respond within one working week. The decision should then be made within two months, unless there is a case to delay in which case, they must write within two months to explain the delay and give a revised timeline for response.
- 3.5. In reaching their decision, the officer needs to undertake such investigation as is necessary to determine the facts of the grievance, then determine whether there has been a breach of either pension regulations or service policy, as well as taking account of the specific circumstances of the case.
- 3.6. In their written response to the complainant, the officer should give their decision and refer 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.
- 3.7. The complainant will also be informed that if they are not satisfied with the decision, they can apply for reconsideration at Stage 2 in writing to the address. Again, a timeline of six months for doing so is given by guidance, but discretion may be exercised.
- 3.8. Stage 2 complaints are heard by the Fire Authority Appeals Committee, which will be convened for the

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purpose, and the same timeline for acknowledgement and response as Stage 1.

- 3.9. As with Stage 1, in providing their response to the complainant, the Authority must give an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made by the Chief Fire Officer/person specified by them. It will refer to any legislation 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.
- 3.10. If a complainant is still not satisfied, their next recourse is through the Pension Ombudsman. At all stages, the Scheme Manager/Authority must provide a complainant with information on external sources of information or recourse, including the Money and Pensions Service (MaPS) at Stage 1 and the Ombudsman at Stage 2.

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