



**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' 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 CARE.
- A widow, widower, partner, co-habitee or surviving dependant of a deceased member of CARE.
- A surviving non-dependant beneficiary of a deceased member of 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 CARE.

3 Matters exempt from this procedure

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

- 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

- Upon notification of a formal complaint, the pension section will issue the IDRPs Stage One application form to the applicant or their representative (Annex 1).
- When the application is received, the Accounting Officer will issue the IDRPs 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).
- 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 Accounting Officer has the discretion to accept an application made outside this period.
- Within 2 months the Accounting Officer must notify the applicant or their representative of his decision by issuing IDRPs Stage One Decision letter (Annex 3). However if a decision cannot be reached within the two months, the Accounting Officer must issue IDRPs Stage One Interim Letter explaining the reason for the delay and the expected date of the decision (Annex 4).

Stage Two

- If, following the Stage One process the complainant is still dissatisfied, he or she can apply not later than 6 months after the date they were notified of the Stage One decision, for the decision to be reconsidered by the Fire and Rescue Service Board. If such an application is made, the pension section will issue the IDRPs Stage Two application to the complainant or their representative (Annex 5).
- When the application is received the panel of the Board will acknowledge it by issuing the IDRPs Stage 2 Initial Letter (Annex 6).
- The panel of the Board must make their decision within 3 months of receipt of the application and this should be issued on the IDRPs Stage Two Decision letter (Annex 7). Note the notice of the decision must include a statement that the Pensions Ombudsman appointed under Section 145(2) of the Pensions (Northern Ireland) Order 1995 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.
- However, if a decision cannot be reached within the 3 months, the panel of the Board must issue the IDRPs Stage Two Interim Letter explaining the reason for the delay and the expected date of the decision (Annex 8).



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INTERNAL DISPUTE RESOLUTION PROCEDURE

STAGE ONE APPLICATION

- 1 I wish to apply for a decision to be made, under article 50 of 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, Article 162 of The Firefighters’ Pension Scheme Regulations (NI) 2015 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: _____



**Northern Ireland
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Headquarters

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enquiries@nifrs.org
www.nifrs.org

Chief Fire & Rescue Officer

Gary Thompson BSc (Hons) MSc CMgr FCMI MIFireE MIOd

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2015/FIREFIGHTERS' COMPENSATION SCHEME
(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, SECTION 50**

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

ACCOUNTING OFFICER



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Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2015/FIREFIGHTERS' COMPENSATION SCHEME
(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, ARTICLE 50**

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 Northern Ireland Fire & Rescue Service Board no later than 6 months from the date of this notice. The relevant form is attached to the IDRP 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

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Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2015/FIREFIGHTERS' COMPENSATION SCHEME
(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, ARTICLE 50**

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

ACCOUNTING OFFICER



**Northern Ireland
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INTERNAL DISPUTE RESOLUTION PROCEDURE

STAGE TWO APPLICATION

- 1 I am applying for reconsideration of the decision of the Accounting Officer made under Article 50 of the Pensions (Northern Ireland) Order 1995. I understand that the Fire and Rescue Service Board 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 162 of The Firefighters’ Pension Scheme Regulations (NI) 2015 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: _____



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Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2015/FIREFIGHTERS' COMPENSATION SCHEME
(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, ARTICLE 50**

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 the Accounting Officer was received on _____.

The Fire and Rescue Service Board or a select panel of its Members 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 3 months from the date your application was received.

If, for any reason, the Board or 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

NIFRS Chairperson



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Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME 2015/FIREFIGHTERS' COMPENSATION SCHEME
(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, ARTICLE 50**

Internal Dispute Resolution Procedures: Stage Two

The Fire and Rescue Service Board/select panel (delete as appropriate) have considered your application received on *(date)* _____ for reconsideration of the disagreement which was the subject of a decision made by the Accounting Officer under Article 50 of the Pensions (Northern Ireland) Order 1995, as indicated in the notice of decision dated *(date)* _____.

The decision of the panel, made under Article 50 of 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 Accounting Officer or the person specified by him/her.

Refer to any legislation, 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

NIFRS Chairperson



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(delete as appropriate):
PENSIONS (NORTHERN IRELAND) ORDER 1995, ARTICLE 50**

Internal Dispute Resolution Procedures: Stage Two

Further to my letter of _____, I regret *the Fire and Rescue Service Board/Panel (delete as appropriate)* 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

NIFRS Chairperson