westsussex.gov.uk

# West Sussex Fire & Rescue Service Pension Scheme

# Complaints Procedure

## Including Internal Dispute Resolution Procedure (IDRP)

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# BACKGROUND

## Listening and responding to feedback

**The West Sussex Fire Authority are committed to providing a quality service and working in an open and accountable way that builds trust and respect. One of the ways in which it can continue to improve the service provided is by listening and responding to the views of members, by responding positively to complaints, and by putting mistakes right.**

The West Sussex Fire & Rescue Service is the Administering Authority responsible for maintaining and managing the West Sussex Firefighters Pension Schemes on behalf of its members.

In fulfilling its role, West Sussex Fire & Rescue Service decides the arrangements for the day-to-day administration of member records.

- From time-to-time individuals may not be satisfied with the service provided or with a mandatory or discretionary decision made by the West Sussex Fire & Rescue Service. Mandatory decisions are those the Authority must apply exactly as set out in the pension regulations, such as calculating pension benefits or determining pensionable pay.
- Discretionary decisions allow the Authority a degree of judgement within the limits of the regulations, taking into account relevant factors and being applied consistently and reasonably. These are documented in the Fire Authority's Discretions policy.

Both types of decisions can be reviewed under the formal complaints process and Internal Dispute Resolution Procedure (IDRP).

Concerns may be raised informally and dealt with quickly by the administration team.

However, an individual also has the right to ask for an issue to be formally investigated or looked at again. This may be under the formal complaint procedure or the Internal Dispute Resolution Procedure.

Any complaint made is treated seriously and considered thoroughly and fairly.

No charge is made at any stage for investigating a complaint.

Complaints can be raised by an individual, a personal representative, a family member/other suitable person where individual is incapable or a nominated representative.

## Medical Appeals

Whilst this formal complaint procedure and Internal Dispute Resolution Procedure can be used where an individual believes they are entitled to an ill-health award, or if the dispute is that the correct processes have not been followed it cannot be used for medical appeals (Medical disputes, including challenges to Independent Qualified Medical Practitioners (IQMP) opinions or permanent disablement decisions). Medical appeals must follow the statutory medical appeal route.

# INFORMAL COMPLAINT

## Early resolution

**The West Sussex Fire & Rescue Service's preference is to resolve concerns quickly as soon as they are known about.**

Individuals are encouraged to contact the team if they have an issue or a concern with the service provided or a decision which has been taken.

Where resolution is achieved by the end of the next working day, the matter will not be recorded as a complaint.

The team can be contacted using the details below:

pensions@hants.gov.uk

https://mypensionportal.hants.gov.uk/

01962 845588

Hampshire Pension Services,
The Castle,
Winchester, SO23 8UB

# FORMAL COMPLAINT

## For actions of decisions as part of the administration of the Scheme(s)

If you want to make a formal complaint about the service that you or another individual has received in relation to your pension scheme benefits or about actions or decisions of its officers as part of the administration of the scheme(s) you should write to the team and set out the complaint and what outcome is sought.

The process is set out below.

- **Contact:** If you want to make a formal complaint, please contact the team via email (pensions@hants.gov.uk) or post (Hampshire Pension Services, The Castle, Winchester, SO23 8UB). Supporting documentation can be provided as part of your complaint.
- **Acknowledge:** The team will acknowledge the complaint within five working days.
- **Respond:** The complaint will be investigated by a senior manager and a full reply will normally be provided within 20 working days. However sometimes, due to the complexity of the complaint, the team will not be able to meet this timescale. If this happens, the individual will be contacted and kept fully informed of the progress being made.

The Fire & Rescue Service will not consider complaints relating to matters which are more than one year old, unless the complaint concern delays by the Fire & Rescue Service, or where there is insufficient opportunity to bring the complaint earlier.

Complaints relating to information provided in response to a Freedom of Information request will be reviewed by a senior manager or the Fire & Rescue Service’s legal advisers. If the individual remains dissatisfied with the response to the complaint, they will be referred to the Information Commissioner.

Complaints about Data Breaches will be investigated by the Data Protection Team. The Council’s final response will be issued within 20 days. If the individual remains dissatisfied, they will be referred to the Information Commissioner.

# INTERNAL DISPUTE RESOLUTION PROCEDURE

## For decisions affecting you or another individual, or the absence of a decision

A complaint can be made under the Internal Dispute Resolution Procedure (IDRP) when the complaint relates to a decision affecting you, or another individual, in relation to the Firefighters Pension Scheme(s) or if a decision should have been made but it hasn't been.

This IDRP is a two-stage process in which the decision which has been made may be reviewed by person independent of the original decision-maker.

## IDRP Stage 1

The purpose of Stage 1 of the IDRP is to carry out a formal review of the initial decision by the Fire & Rescue Service. It presents an opportunity to reconsider the decision and, where appropriate, to alter the decision if it was not a reasonable one to reach based on the relevant procedures, legislation and evidence.

### The right to ask for a matter to be reviewed.

Stage 1 can be used if an individual's dispute relates to a decision made by West Sussex Fire & Rescue Service. The procedure relates to:

- **Prospective member** who is thinking of joining the Pension Scheme
- **Active member** who is currently contributing to the Pension Scheme
- **Deferred member** who has left the scheme, but whose benefits remain in the Pension Scheme
- **Pension Member** who is in receipt of a pension benefit from the Pension Scheme
- **A dependent** for example, the husband, wife, or child of a member who has benefits in the Pension Scheme
- A **surviving non-dependent beneficiary**
- People who **claim to be one of the eligible categories** (but whose status is disputed)
- A **person who has ceased to be within any of the above categories**

### How to apply for a dispute to be resolved.

The application should normally be made within six months of the day of the decision which is being reviewed and in writing via email (pensionsIDRP@westsussex.gov.uk) or post (Chief Fire Officer, West Sussex Fire & Rescue Service, County Hall, Chichester, PO19 1RG).

### What must be included in an application?

The Stage 1 [Application under the WSF&RS Internal Dispute Resolution Procedure ]may be used. Whilst this is not compulsory, all relevant information which is specified on the form is still required and must be provided when the application is submitted.

### How decisions will be reached

The application will be acknowledged as soon as reasonably possible and the Authority will inform the applicant that the Money and Pensions Service (MaPS) is available to assist members and beneficiaries of the scheme in connection with any difficulty with the scheme, providing the relevant contact details for MaPS.

The case will be considered by a person nominated by the Chief Fire Officer (the "Adjudicator").

The Adjudicator will check that the application has been submitted within six months of the relevant date and send an acknowledgement to the applicant.

The Adjudicator will then consider all facts, reports, background information before reaching a determination. Further evidence may be requested.

### How the applicant will be notified of the decision

A written reply will be provided within two months of receiving the application, and within 15 working days after the decision has been made.

## IDRP Stage 2

Stage 2 of the IDRP can be used when an applicant is unhappy with the Adjudicator's decision under Stage 1 of the IDRP.

Stage 2 can also be used if an application has been made at Stage 1 and no reply has been provided within two months or no decision has been made within a month of when it should have been received.

Appeals at Stage 2 will be determined by a nominated panel of representatives of the FRA, taking relevant advice on technical or legal issues. The panel may include elected members of the authority or any other suitable representatives. The panel may provide for decisions to be taken by or on their behalf by one or more of their number.

The appeal must be considered in a fair and impartial manner. No person who was involved in the making the original decision or the Stage One Adjudicator's decision can be involved in a decision on reconsideration.

## The right to ask for a matter to be reviewed.

If an individual is unhappy with a Stage 1 decision, they have six months to appeal to a Stage 2 Adjudicator.

## How to apply for a dispute to be reviewed.

The Stage 2 appeal must be in writing via email (pensionsIDRP@westsussex.gov.uk) or post (The Executive Director of Law, Assurance and Insight County Hall, Chichester, PO19 1RG).

## What must be included in an application?

The Stage 2 Application under the WSF&RS Internal Dispute Resolution Procedure may be used, but this is not compulsory. Whilst this is not compulsory, all relevant information which is specified on the form is still required and must be provided when the application is submitted. You should also attach the Stage 1 decision.

## How decisions will be reached

This review will be undertaken by a person not involved in the first stage decision and will be considered carefully by a person nominated by The Executive Director of Law, Assurance and Insight (the "Adjudicator").

The Adjudicator will reconsider the Stage 1 decision, taking full account of the facts of the case and any evidence submitted, or relied on, by either party in the determination at Stage 1, check that the Regulations were applied correctly and check that sound, impartial procedures were used to reach the decision.

## How the applicant will be notified of the decision

The Adjudicator will give their decision in writing within two months of receiving the application, and within 15 working days after the decision has been made.

## Outcome of the decision

If the Adjudicator's decision differs from the original decision the matter will be dealt with in accordance with the Adjudicator's decision. The Adjudicator may decide that the exercise of a discretion should be reconsidered.

If an individual is unhappy following this second stage decision, they can take the case to The Pensions Ombudsman.

# THE PENSIONS OMBUDSMAN

## The right for a matter to be reviewed

The Pensions Ombudsman can investigate and determine any complaint or dispute involving maladministration or matters of fact or law. However, the Ombudsman cannot investigate matters where legal proceedings have already started, where a notice of appeal has been issued or if the appeal is against decisions based on medical advice.

### The right to ask for a matter to be reviewed.

The Pensions Ombudsman (TPO) will take a fresh look at a complaint in line with the situations set out below. A complaint to The Pensions Ombudsman should be made after consulting with the Ombudsman's pensions advisory service and after exhausting the Fire & Rescue Service's complaints or IDRP processes.

If the complaint was considered as a formal complaint, a decision was received, but the individual remains unhappy, or a decision has not been provided then the matter can be considered by the Pensions Ombudsman. A complaint should be made within three years from the date of the original decision about which the individual is complaining.

There is discretion for the time limits to be extended.

### How to apply for a dispute to be reviewed, what must be included in an application, how a decision will be reached and how the applicant will be notified of the decision.

The complaint should be made in writing to The Office of the Pensions Ombudsman via email (enquiries@pensions-ombudsman.org.uk). Information on the approach by the Pensions Ombudsman can be found on their website (www.pensions-ombudsman.org.uk/making-complaint).

### Outcome of the decision

The Adjudicators view might be that nothing has gone wrong in which case they will explain their reasons for saying so. If TPO's view is that something has gone wrong, they will explain their thinking and say what action, if any, should be taken.

TPO's decision is final and binding on all the parties, subject to any appeal made to the court on a point of law or any separate legal process.

# ADDITIONAL HELP

**MoneyHelper** provides information and guidance to help make you make informed decisions about your pensions and retirement plans. They will try to help you get the answers you need or identify the people you need to speak to.

MoneyHelper will not provide any information or guidance that could be construed as regulated financial advice and any opinions expressed by MoneyHelper should not be regarded as grounds for legal action.

Free and impartial help with money, backed by the government | MoneyHelper

0800 011 3797

MoneyHelper,
120 Holborn,
London, EC1N 2TD

**Pensions Ombudsman** can provide free advice and information to explain your rights and responsibilities and operate an Early Resolution Service which aims to - wherever possible - resolve complaints informally at an early stage. Where appropriate, this can be before IDRP has been completed.

The Pensions Ombudsman

enquiries@pensions-ombudsman.org.uk

0800 917 4487

The Office of the Pensions Ombudsman,
10 South Colonnade,
London, E14 4PU