

 West Mercia POLICE		POLICY
Security Classification	OFFICIAL	
Disclosable under Freedom of Information Act 2000	Yes	

POLICY TITLE	Police Pension – Internal Dispute Resolution
REFERENCE NUMBER	WMP189
Version	1.0

POLICY OWNERSHIP	
DIRECTORATE	COMMERCIAL SERVICES
BUSINESS AREA	FINANCE

INITIAL IMPLEMENTATION DATE	March 2022
NEXT REVIEW DATE:	March 2025
RISK RATING	LOW
EQUALITY ANALYSIS	LOW

West Mercia Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy.
Please e-mail policiesandprocedures@westmercia.police.uk

1.0 PROCEDURE OUTLINE

Section 50 of the Pensions Act 1995 requires all occupational pension schemes (other than very small schemes) to introduce formal internal dispute resolution procedures (IDRP) for dealing with complaints from scheme members and beneficiaries. The detailed procedures to be followed are set out in the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008 (the IDRP Regulations).

2.0 PURPOSE OF PROCEDURE

2.1 The IDRP Regulations came into force on 6 April 2008 and have direct application to police pensions. Police authorities are required to follow the IDRP in all pensions' disputes other than:

- appeals to board of medical referees under:
 - Regulation H2 of the Police Pensions Regulations 1987
 - Regulation 31 of the Police (Injury Benefit) Regulations 2006; or
 - Regulation 72 of the Police Pensions Regulations 2006.
- disputes where proceedings have already begun in a court or tribunal;
- disputes already being dealt with by the Pensions Ombudsman.

In addition, the IDRP do not apply to disputes between members and their employer

3.0 PROCEDURE

If you have a complaint about a Police Pension Scheme i.e. the 1987 Police Pension Scheme, 2006 New Police Pension Scheme or 2015 (Career Average Revalued Earnings) CARE scheme, hereafter referred to respectively as Police Pension Scheme, other than a complaint about a decision on medical retirement and are a person who comes within the categories of people listed in the next paragraph, the IDRP Regulations give you the right to have your complaint considered and decided. Under this IDRP there will be two levels for dealing with complaints:

- Stage One - a first stage decision shall be made by the Director of Commercial Services who is the "specified person" for this purpose; and
- Stage Two - there is the right of appeal against the first stage decision, to the trustees or managers of the relevant Police Pension Scheme. The Chief Constable is the Scheme Manager.

Forms are attached for your use in relation to each of the above stages (See Annex A and B)

3.1 Who can make an application under the arrangements?

The IDRP are available to you if you are:

- a member of a Police Pension Scheme;
- a widow, widower, surviving civil partner or surviving dependant of a deceased member of a Police Pension Scheme;
- a surviving non-dependant beneficiary of a deceased member of a Police Pension Scheme;
- a prospective member of a Police Pension Scheme;
- a person who ceased to have an interest in a Police Pension Scheme within six months immediately preceding the date of an application under these procedures (or longer where exceptional circumstances apply); or
- a person claiming to come within one of the categories above and this is disputed.

3.2 Can someone else make an application for me?

Yes, an application may be made or continued on your behalf by a representative nominated by you (e.g. staff association, solicitor). An application may also be made or continued on your behalf if you die, are a minor, or are otherwise incapable of acting for yourself:

- in the case of death, by your personal representatives; and
- in any other case, by a member of your family or some other person or body suitable to represent you.

3.3 What can the application be about?

You may make an application under the IDRP about any alleged action or omission within the scope of the relevant Police Pension Scheme by the scheme trustees or managers, ***except for the matters set out at paragraph 2 above.***

You cannot make an application under the IDRP about a matter which is outside the scope of the Police Pension Scheme. Thus, for example, an application cannot be made about a decision not to pay a pension to a common-law spouse if the fact that he or she is not married to you is not disputed.

3.4 How do I make an application for a decision? - Stage One

Under this IDRP the applicant must make an application for a stage-one decision in writing, setting out the facts of the matter in dispute and the reason why he/she is aggrieved. The application must contain enough detail to enable identification of the applicant.

The application must be made to:

Director of Commercial Services,
West Mercia Police,
Hindlip Hall,
Hindlip,
Worcester, WR3 8SP.

In addition to the above the following should be borne in mind:

- if the applicant is an officer or former officer he/she should provide their full name, address, date of birth, collar number and National Insurance Number;
- if the applicant is being represented by a relative he or she must, in addition to the details about the applicant, provide his or her full name, address and relationship to the applicant together with their authority to represent the applicant (such as an authority letter or power of attorney);
- if the applicant is being represented by someone else, that representative must give his or her full name, address, profession and authority to represent the applicant (such as an authority letter or power of attorney);
- the application should make clear the address the Director of Commercial Services should use to send their reply; and
- the application should be signed by or on behalf of the applicant.

A form is attached at Annex A to help the applicant in making a stage-one application.

When an application is received, the applicant must be informed that the Money and Pensions Service (MAPS) is available to assist members and beneficiaries of the scheme, and be given MAPS' contact details. The MAPS contact details can be found at:

[Contact us | The Money and Pensions Service](#)

3.5 Is there a time limit on when I can make a complaint?

Applications must be made within 6 months of the applicant becoming aware of the dispute unless exceptional circumstances apply.

In cases where the applicant has ceased (or is claiming to have ceased) to have an interest in the Police Pension Scheme, complaints must be made within 6 months of the interest having ceased. Late applications shall only be considered where the applicant could not reasonably have been aware of the matter in dispute any earlier or in other exceptional circumstances.

3.6 Stage-one decision

The Director of Commercial Services will usually make a stage-one decision within four months of receiving the application. The applicant should be notified of the decision within 15 working days of the decision being reached. Every effort will be made to adhere to these time limits, however, in some circumstances this may not be possible (e.g. where the dispute involves unusually complex and labour intensive calculations or research, or delays occur that are outside the control of the Director of Commercial Services, for example because they need to obtain medical evidence).

The written response will usually set out:

- a statement of the decision and reasons for the decision;
- a reference to any legislation relied upon;

- a reference to any parts of the Police Pension Scheme rules relied upon and, if any discretion has been exercised, a reference to the appropriate rule conferring that discretion;
- a reference to any documentation on which the decision is based;
- an explanation of your right to appeal to the trustees or manager of the Police Pension Scheme, under Stage Two of this IDRP.

3.7 What if I disagree with the stage-one decision?

Under this IDRP the applicant may appeal to the trustees or managers of the Police Pension Scheme if they are not satisfied with the stage-one decision. The applicant or their representative must submit the stage-two appeal within six months of the date of the written stage-one decision.

3.8 How do I make a stage-two application?

Under this IDRP the applicant must make an application for a stage-two decision in writing, including the same information as in stage-one (see paragraphs 8 and 9 above) together with a statement that he/she wishes the trustees or managers of the relevant Police Pension Scheme to reconsider the stage-one decision of the Director of Commercial Services and why he/she is dissatisfied with the stage-one decision. A form is attached at Annex B at the bottom of this document for the applicant's use.

The applicant should submit your stage-two application to the Deputy Chief Constable on behalf of the trustees or managers of the relevant Police Pension Scheme who will make a decision.

3.9 Stage-two decision

The Deputy Chief Constable will usually make a decision within four months of receiving the stage-two application. The applicant should be notified of the stage-two decision within 15 working days of the decision being reached. Every effort will be made to adhere to these time limits, however, in some circumstances this may not be possible (e.g. where the dispute involves unusually complex and labour intensive calculations or research, or delays occur that are outside the control of the Deputy Chief Constable, for example because they need to obtain medical evidence).

The written response will usually set out:

- a statement of the decision and an explanation whether, and if so to what extent, the stage-one decision by the Director of Commercial Services has been replaced;
- a reference to any legislation relied upon;
- a reference to any parts of the Police Pension Scheme rules relied upon and, if any discretion has been exercised, a reference to the appropriate rule conferring that discretion;
- a reference to any documentation on which the decision is based;

- the contact details of the Pensions Ombudsman and an explanation that he/she may investigate and determine any complaint or dispute of fact of law in relation to a scheme, made or referred in accordance with the Pension Schemes Act 1993.

3.10 Where can obtain further information about the IDRP?

You can ask for further information and obtain further forms from:

Director of Commercial Services,
West Mercia Police,
Hindlip Hall,
Hindlip,
Worcester, WR3 8SP.

These details can also be found on the West Mercia Police website.

4.0 CONSULTATION

<i>Business Lead Consulted</i>	<i>Date Consulted</i>
Mike Kaine	March 2022

5.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
		Previously approved at JNCC meeting	JNCC 18/05/2016
March 2022	Jamie Barker	Policy updated in line with legislation and removing any reference to Warwickshire Police	March 2022

6.0 ASSESSMENT AND ANALYSIS

The Equality Analysis (EA), Health & Safety Assessment (HAS) and Risk Assessment (RA) associated with this document are available on request.

7.0 DATA PROTECTION IMPACT ASSESSMENT

- Is a DPIA required? – No, agreed by Audit, Risk and Compliance on 2nd March 2022

8.0 MONITORING / EVALUATION

The Monitoring and review of this policy is the responsibility of the policy owner.

Annex A - Stage One Application Form

West Mercia Police Pension Scheme

This application may be submitted by a person who is: a member of a Police Pension Scheme; a widow, widower, surviving civil partner or surviving dependant of a deceased member of a Police Pension Scheme; a surviving non-dependant beneficiary of a deceased member of a Police Pension Scheme; a prospective member of a Police Pension Scheme; a person who ceased to have an interest in a Police Pension Scheme within six months immediately preceding the date of an application under these procedures (or longer where exceptional circumstances apply); or a person claiming to come within one of the categories above and this is disputed.

To the Director of Commercial Services, West Mercia Police Pension Scheme:

1. I wish to apply for a decision to be made under the IDRP in respect of the dispute set out in this application.

2. I understand that an application may not be made where, in respect of this dispute where:

- it relates to an appeal for medical retirement; or
- proceedings have begun in any court or tribunal; or
- the Pensions Ombudsman has commenced an investigation.

3. The nature of the disagreement is set out on the attached page(s).

Complete in all cases (in Block Capitals)

Full name of police officer

.....

Rank and warrant number

.....

Officer's date of birth.....

Officer's National Insurance No.....

Complete if complainant is not the Officer but a relative (in Block Capitals)

Full name of complainant

.....

Relationship to Officer.....

Complainant's date of birth.....

Complete in all cases (in Block Capitals)

Address of complainant for correspondence

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.....

Complete if application is being made by representative of complainant (in Block Capitals)

Full name of representative

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Profession or other authority to act as representative

.....

Address of representative for correspondence

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Signature of complainant (or representative)

.....Date.....

NATURE OF DISAGREEMENT

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach to the application form together with supporting documents.

[illegible]

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[illegible]

Signature of complainant (or representative)

.....Date.....

Annex B - Stage Two Application Form

West Mercia Police Pension Scheme

This application may be submitted by a person who is: a member of a Police Pension Scheme; a widow, widower, surviving civil partner or surviving dependant of a deceased member of a Police Pension Scheme; a surviving non-dependant beneficiary of a deceased member of a Police Pension Scheme; a prospective member of a Police Pension Scheme; a person who ceased to have an interest in a Police Pension Scheme within six months immediately preceding the date of an application under these procedures (or longer where exceptional circumstances apply); or a person claiming to come within one of the categories above and this is disputed.

To the Deputy Chief Constable of West Mercia Police

1. I am applying for reconsideration of a stage-one decision which has been made by the Director of Commercial Services under the IDRP.
2. I understand that an application may not be made in respect of this dispute where:
 - it relates to an appeal for medical retirement, or
 - proceedings have begun in any court or tribunal, or
 - the Pensions Ombudsman has commenced an investigation.
3. I attach a copy of the stage-one decision and a statement of the reason(s) for dissatisfaction with that decision.

Complete in all cases (in Block Capitals)

Full name of police officer

.....

Rank and warrant number

.....

Officer's date of birth.....

Officer's National Insurance No.....

Complete if complainant is not the Officer but a relative (in Block Capitals)

Full name of complainant

.....

Relationship to Officer.....

Complainant's date of birth.....

Complete in all cases (in Block Capitals)

Address of complainant for correspondence

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Complete if application is being made by representative of complainant (in Block Capitals)

Full name of representative

.....

Profession or other authority to act as representative

.....

Address of representative for correspondence

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.....

Signature of complainant (or representative)

.....Date.....

NATURE OF DISAGREEMENT

Give a statement to show why you are dissatisfied with the stage-one decision. If necessary, continue details on to another page and attach to the application form together with supporting documents.

[illegible]

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[illegible]

Signature of complainant (or representative)

.....Date.....