

The Police Pension Schemes

The Police Pension Scheme

INTERNAL DISPUTE RESOLUTION PROCEDURES

Background

1. The Police Pension Regulations provide a formal procedure for appeals to a board of medical referees regarding decisions about permanent disablement and injury on duty (Regulation H2) and provision also exists for appeals to the Crown Court on these and forfeiture decisions (Regulation H5). However, disputes relating to any other aspect of police pensions have been dealt with on an informal basis, either solely by the MPS or in conjunction with the Home Office.

2. Section 50 of the Pensions Schemes Act 1995 requires all occupational pension schemes (other than very small schemes) to introduce formal internal dispute resolution (IDR) procedures for dealing with complaints from scheme members. The detailed procedures to be followed are set out in the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 - SI 1996 No.1270 (the IDR Regulations).

3. The IDR procedures come into effect from 6 April 1997 and have direct application to police pensions. We are required to follow the procedures laid down in the IDR Regulations in all disputes other than medical appeals under Regulation H2 of the Police Pensions Regulations 1987. Medical appeals under Regulation H2 of the Police Pensions Regulations are specifically excluded from the new IDR procedures by Regulation 9(c) of the IDR Regulations. Also excluded are any disagreements in which proceedings have already begun in any court or tribunal, or in which the Pensions Ombudsman has already commenced an investigation into a complaint or dispute referred to him or her.

What are the IDR procedures?

4. If you have a complaint about the Police Pension Scheme (PPS), other than a decision on medical retirement taken under Regulation H1, and you fall into one of the categories of people listed in Paragraph 5 below, the IDR Regulations give you the right to have your complaint considered and decided upon, and to receive a written explanation of the decision. There will be two levels for dealing with complaints:

- Stage one is an application to an “appointed person” for a decision. The person appointed to deal with complaints at this level for the PPS is the scheme administrator - for this purpose this is the Head of Payroll and Reward, Shared Services Connected Ltd (SSCL).
- Stage two is the right of appeal to a “scheme manager” against the stage one decision. Unless the appeal needs to be directed to the Home Office in respect of the small minority of functions for which the Secretary of State has responsibility, it should be directed to the Head of HR Policy and Reward as the scheme manager who has been appointed to take stage two decisions for the PPS.

Who can make an application under the arrangements?

5. The IDR procedures are available to you if you are:

- an active, deferred or pensioner member of the PPS;
- a widow, widower or surviving dependant of a deceased member of the PPS;
- a prospective member of the scheme, e.g. someone who is eligible for membership of the PPS;
- a person who ceased to be within any of the categories above within six months immediately preceding the date of an application under these procedures; and
- a person claiming to come within one of the categories above.

Can someone else make an application for me?

6. Yes, an application may be made or continued on your behalf by a representative nominated by you - e.g. a staff association or 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.

What can the application be about?

7. You may make an application under the IDR procedures about any claimed action or omission by the Metropolitan Police Service or the Secretary of State within the scope of the PPS except the following:

- a determination of the Metropolitan Police Service on a question referred to a selected medical practitioner under Regulation H1, where a notice of appeal has been issued under Regulation H2 of the Police Pensions Regulations 1987; and
- a matter which is the subject of proceedings begun in any court or tribunal, (for instance, under Regulations H5 and H6 respectively), or an investigation by the Pensions Ombudsman.

8. You cannot make an application under the IDR procedures about a matter which is outside the scope of the pension scheme: 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.

How do I make an application for a decision?

9. Under the IDR procedures you must make an application for a stage one decision in writing; you must set out the facts of the matter in dispute and the reason why you are aggrieved; and your application must contain enough details to enable the PPS administrator to identify the complainant. The application must be made to:

Equiniti Plc
PO Box 1307
Crawley
RH10 0PA

10. In addition to the above you should bear the following in mind:

- if you are an officer or former officer making a complaint you should provide your full name, address, date of birth, warrant number and National Insurance number;
- if you are being represented by a relative he or she must, in addition to the details about you, provide his or her full name, address and relationship to you;
- if you are being represented by someone else, your representative must give his or her full name, address and profession or other authority to represent you;
- the application should make clear the address to which the scheme administrator should send their reply; and
- the application should be signed by or on behalf of the complainant.

11. A form is attached at Annex A to help you in making a stage one application.

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

12. Under the IDR procedures there is no formal time limit for making your initial application relating to the act or omission you want to complain about. However, it is in your interest, wherever possible, to raise any matter of dispute within six months of it coming to light so that the issue can be dealt with promptly while records are readily available and recollections of events are still fresh in the mind.

Stage one decision

13. The reply from the person appointed to consider your application is called a “notice of decision”. It should provide an explanation of the decision taken in response to your complaint, and should be issued within two months of the date of receipt of your application. In the absence of a full reply in that time you should receive an interim reply explaining why there is a delay and when you can expect a full reply. The notice of decision must include the following:

- a statement of the decision;
- a reference to any legislation relied upon;
- a reference to those parts of the Police Pensions Regulations relied upon, including a reference to any Regulations conferring discretion on the Metropolitan Police service where that has been exercised;
- a reference to any documentation on which the decision is based;
- an explanation of your right to have the disagreement referred for consideration by the scheme manager within six months of the date of the notice of decision.

What if my complaint is about a matter for which the Home Office has direct responsibility?

14. There are only two types of action or decision specifically for the Secretary of State to take under the Police Pensions Regulations: the appointment of the board of medical referees under Regulation H2(2) and the issuing of certificates in forfeiture cases under Regulation K5(4). Where your complaint is about one of these matters the scheme administrator will consult the Home Office before issuing you with a notice of decision.

What if my complaint is made later than six months after the problem arose?

15. Where the scheme administrator considers that there has been an unreasonable delay in your presenting a complaint and that this has impeded his/her ability to provide a full answer, this will be stated in the reply.

What if I disagree with the stage one decision?

16. Under the IDR procedures you have the right to make an appeal to have your case reconsidered by the scheme manager if you are not satisfied with the stage one decision - this is referred to as a stage two application. You or your representative must submit the stage two application within six months of the date of the notice of the stage one decision.

What if I do not receive a stage one decision?

17. You can also make a stage two application if the scheme administrator has failed to send you a written notice of decision or an interim reply within two months from the date on which particulars of the disagreement were received, or where he/she has sent you an interim reply, but has failed to send you a written notice of decision within one month from the date he/she stated that you could expect a decision.

How do I make a stage two application?

18. You should give the details set out at Paragraphs 9 and 10 above, together with a statement that you want the scheme manager to reconsider the matter put to the scheme administrator and why you are dissatisfied with the stage one decision. A form is attached at Annex B for use in making a stage two application.

19. You should submit your stage two application to the scheme manager through the scheme administrator. It will be referred to the scheme manager within five working days of receipt, together with all relevant documentation.

Who will decide my stage two application?

20. In all cases the stage two application will be referred to the scheme manager, unless the matter relates to the appointment of medical referees under Regulation H2(2) or the issuing of certificates in forfeiture cases under Regulation K5(4). In either of those cases the scheme administrator will pass your application on to the Home Office.

Stage two decision

21. The scheme manager or the Home Office should issue a notice of their decision within two months of the date of receipt of your stage two application or, where this is not possible, an interim reply explaining why there is a delay and when a full reply can be expected. The full reply should include:

- a statement of the decision and an explanation whether, and if so to what extent, the original decision by the scheme administrator has been replaced;

- a reference to any legislation relied upon;
- a reference to those parts of the Police Pensions Regulations relied upon, including a reference to any Regulations conferring discretion on the scheme manager where that has been exercised;
- a reference to any documentation on which the decision is based;
- a statement that The Money and Pensions Service is available to assist you in connection with any difficulties you have failed to resolve with the scheme manager, and the address at which The Money and Pensions Service can be contacted; and
- a statement that the Pensions Ombudsman appointed under Section 145(2) of the Pensions Schemes Act 1993 may investigate and determine any complaint alleging injustice in consequence of maladministration in connection with any act or omission on the part of the administrator of the scheme, and the address at which he or she may be contacted.

23. Where the Home Office issues the stage two decision a copy will be sent to the scheme administrator.

The Money and Pensions Service

24. The Money and Pensions Service are an arm's length body, sponsored by the Department for Work and Pensions, with a joint commitment to ensuring that people throughout the UK have guidance and access to the information they need to make effective financial decisions over their lifetime. The Money and Pensions service can be contacted at:

Money and Pensions Service
 Borough Hall
 Caldwell Street
 Bedford
 MK42 9AP
 Tel: 0800 011 3797

E-mail: contact@maps.org.uk
 Web site: www.maps.org.uk/en

Are there any penalties for non-compliance with the IDRPs Regulations?

25. Yes. Penalties of up to £1,000 and £10,000 for individuals and "others" respectively may be imposed by The Pensions Regulator in cases of non-compliance.

Where can I obtain further information about the IDR procedures?

26. If you require further copies of the attached forms, or further information, this can be obtained in writing from:

Equiniti Plc
 PO Box 1307
 Crawley
 RH10 0PA

The Police Pension Scheme

THE PENSIONS ACT 1995: Section 50
Internal Dispute Resolution Procedures: Stage One Application

This application may be submitted by a person who is an "active" member of the Police Pension Scheme; a deferred or pensioner member; a widow, widower or dependant of a deceased member; a person claiming a right under any of these categories - hereafter called the complainant; or by his or her representative.

To the Scheme Administrator, Head of Payroll and Reward (SSCL):

- 1. I wish to apply for a decision to be made, under Section 50(2)(a) of the Pensions Act 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 Regulation H2 of the Police Pensions Regulations 1987 (appeal to a board of independent medical referees against a medical opinion considered by the police authority in the determination of an award),or
- proceedings have begun in any court or tribunal, or
- the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him.
3. The nature of the disagreement is set out overleaf.

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 Number

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

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

Full name of representative
Profession or other authority to act as representative
Address of representative for correspondence

Signature of complainant (or representative)

Date

Stage one decision

NATURE OF THE DISAGREEMENT

Give a statement of the nature of the disagreement with sufficient details to show why there is dissatisfaction. If necessary, continue onto another page and attach this to the application form together with any supporting documents.

Signature of complainant (or representative)

Date

Stage one decision

The Police Pension Scheme

**THE PENSIONS ACT 1995: Section 50
Internal Dispute Resolution Procedures: Stage Two Application**

This application may be submitted by a person who is an "active" member of the Police Pension Scheme; a deferred or pensioner member; a widow, widower or dependant of a deceased member; a person claiming a right under any of these categories - hereafter called the complainant; or by his or her representative.

**To the Scheme Manager, Head of HR Policy and Reward:
To be submitted through the Scheme Administrator, Head of Payroll and Reward (SSCL)**

1. I am applying for reconsideration of a decision made under Section 50(2)(a) of the Pensions Act 1995 by the Scheme Administrator in respect of a disagreement. I understand that this means that you will either confirm that decision or give a new decision in its place.
2. I understand that an application may not be made where, in respect of a disagreement -
 - a notice of appeal has been issued under Regulation H2 of the Police Pensions Regulations 1987 (appeal to a board of independent medical referees against a medical opinion considered by the police authority in the determination of an award),or
 - proceedings have begun in any court or tribunal, or
 - the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him.
3. I attach a copy of the notice of decision made by the Scheme Administrator under Section 50(2)(a) of the Pensions Act 1995 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 Number

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

.....

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

Full name of representative

Profession or other authority to act as representative

Address of representative for correspondence

.....

Signature of complainant (or representative)

Date

Stage two decision

NATURE OF THE DISAGREEMENT

Give a statement of the reason for dissatisfaction with the decision made by the Scheme Administrator under Section 50(2)(a) of the Pensions Act 1995. If necessary, continue on to another page and attach this to the application form together with any supporting documents.

Signature of complainant (or representative)

Date

Stage two decision