

- If you are –**
- f) a widow, widower, child, or other dependent of a person who fell within a), b) or c) above at the time he died,
  - g) a person who feels he ought to be within f)
  - h) a person who fell within f) or g) within the last 6 months

then you should give your full name, address, date of birth, relationship to the deceased, the deceased's full name, address, date of birth and national insurance number.

If the application is made by a representative acting on your behalf, he must supply the information mentioned above together with his own name and address and the appropriate address for correspondence. He must also send evidence that you have authorised him to act on your behalf.

**7. WHAT CAN YOU DO IF THE MATTER IS NOT RESOLVED TO YOUR SATISFACTION**

If you are not happy with the decision made by the Firemaster, you (or your representative) can make an application to have the decision of the Firemaster reconsidered by the Appeals Sub-Committee of the Highland and Island Fire Board. The application should be addressed to The Clerk, Highland & Island Fire Board, Glenurquhart Road, Inverness, IV3 5NX

You will need to supply the Appeals Sub-Committee with the same information you supplied to the Firemaster and you must explain why you are dissatisfied with the Firemaster's decision. A copy of that decision should be enclosed with your application.

If the application is made by a representative acting on your behalf, he must give the same

information as you would have to give together with his own name and address and appropriate address for correspondence. He must also send evidence that you have authorised him to act on your behalf.

**8. WHAT YOU CAN DO IF YOU ARE UNHAPPY WITH THE DECISION OF THE APPEALS SUB-COMMITTEE**

When you are informed of the decision of the Appeals Sub-Committee, you should be advised of the services of the The Pension Advisory Service (TPAS) and the Pensions Ombudsman.

**TPAS**

The Pension Advisory Service offer a service to all members of pension schemes who have problems with their pensions. They have local advisers who can help to explain and obtain more information about your pension for you. You can normally contact a TPAS adviser through your local Citizens Advice Bureau or by contacting them directly at 11 Belgrave Road, London, SW1V 1RB, telephone 0845 601 2923.

If you would like the Pensions Ombudsman to consider a complaint you have, you should normally contact TPAS first. If TPAS cannot sort out your problem themselves and they believe that there has been some maladministration or that a decision made by the Appeals Sub-Committee is wrong, they will recommend that you make a formal complaint to the Pensions Ombudsman.

You can ask for help at any time if you are having difficulties sorting out your complaint under the dispute procedures.

**PENSIONS OMBUDSMAN**

The Pensions Ombudsman can investigate complaints of maladministration or disputes of fact or law about decisions that have been made about your pension but you must go through the disputes procedure first. This means that you must first take your complaint to the Firemaster and then to the Appeals Sub-Committee before the Pensions Ombudsman will investigate it.

The Pensions Ombudsman can also investigate complaints or disputes about the handling of a case either by the Firemaster or the Appeals Sub-Committee at any time. You do not need to wait until the dispute has been completed if you have a complaint of this nature.

The Pension's Ombudsman's address is 11 Belgrave Road, London, SW1V 1RB.

**Note: References throughout this leaflet to "he", "his" or "him", should be taken as meaning "he or she", "his or her", and "him or her" respectively.**



# New Firefighters Pension Scheme 2006

A guide to the procedures for resolving disagreements



## 1. INTRODUCTION

**Under the provisions of the Pensions Act 1995, all occupational pension schemes (other than very small schemes) are required to introduce formal internal dispute resolution procedures for dealing with complaints from individuals who are unhappy about a matter relating to their pension rights and entitlements.**

**This leaflet has been prepared to explain the procedures which have been introduced in respect of the New Firefighters Pension Scheme administered by the Highlands and Islands Fire Board.**

## 2. WHAT IS THE PROCEDURE

Except in the circumstances mentioned in 3 below, an individual who is unhappy about a matter relating to his pension rights and entitlements can make an application to the Firemaster to have his grievance considered and decided upon.

If the individual is dissatisfied with the Firemaster's decision then he can apply to the Appeals Sub-Committee of the Highlands and Islands Fire Board to have the decision of the Firemaster reconsidered.

An application to the Firemaster or the Appeals Sub-Committee can be made by a representative acting on behalf of the individual.

## 3. EXCEPTIONS TO THE PROCEDURE

The procedure does not apply if, in respect of the grievance,-

- a) a notice of appeal has been issued under Rule H2 of Firemen's Pension Scheme (appeal against a medical opinion), or
- b) Proceedings have begun in any court or tribunal, or
- c) the Pension Ombudsman has commenced an investigation.

## 4. TIME LIMITS

### 4.1 Applications to the Firemaster

An application to the Firemaster can be made at any time.

### 4.2 Decisions of the Firemaster

The Firemaster must normally notify the individual (or his representative) of his decision within 2 months of receiving the application. There may, however, be circumstances which prevent the Firemaster from reaching his decision within that time, in which case the individual (or his representative) must be advised at the end of the 2 months that there will be a delay and must be given an expected date for the notification of the decision.

### 4.3 Applications to the Appeals Sub-Committee

An application to the Appeals Sub-Committee to reconsider the decision of the Firemaster must be made within 6 months of the date the Firemaster notifies the individual (or his representative) of his decision.

An application can also be made to the Appeals Sub-Committee if the Pension Manager has failed to issue a written decision within 3 months of the date of a receipt of the original application, or has failed to issue a written decision within one month of the expected date given in the interim reply.

### 4.4 Decision of the Appeals Sub-Committee

The decision of the Appeals Sub-Committee must normally be notified to the individual (or his representative) within 2 months of receipt of the application. There may, however, be circumstances which prevent the Appeals Sub-Committee from making a decision within that time in which case the individual (or his representative) must be advised that there will be a delay and must be given an expected date for notification of the decision.

## 5. WHO CAN MAKE USE OF THIS PROCEDURE

The procedure is available to –

- a) a current member of the scheme
- b) a former member of the scheme who has preserved benefit entitlement,
- c) a former member of the scheme who is receiving a pension,
- d) a prospective member (i.e. a person who is, or will, become eligible for scheme membership),
- e) a widow, widower, child, or other dependent of a person who fell into one of the above categories at the time he died,
- f) a person who thinks he might or ought to fall into one of the above categories, and
- g) a person who does not now fall into one of the above categories but did so at some time within the last 6 months

## 6. WHAT SHOULD YOU DO IF YOU ARE UNHAPPY ABOUT A MATTER RELATING TO YOUR PENSION RIGHTS AND ENTITLEMENTS

In the first instance, contact the Pension Section at The Highland Council to see if the matter causing you concern can be fully resolved without you having to make a formal application to the Firemaster. You can either telephone 01463 702441 or write to the Pension Manager, Finance Service, The Highland Council, Glenurquhart Road, Inverness, IV3 5NX.

If the matter cannot be resolved to your satisfaction, then you (or your representative) should make an application to the Firemaster to have your case considered and decided upon. The application must be in writing and should explain as fully as possible why you feel aggrieved.

Additional information will be required as follows:-

**If you are –**

- a) a current scheme member
- b) a former member with preserved benefits or a pension,
- c) a prospective member
- d) a person who feels he ought to be within a), b) or c) or
- e) a person who fell within a), b), c) or d) within the last 6 months

then you should give your full name, address, date of birth and national insurance number.