

Draft Terms of Reference

Oxfordshire County Council Firefighters' Pension Scheme Appeals Committee Internal Disputes Resolution Procedure (IDRP)

Terms of Reference

Function and Responsibilities

1. The Firefighters' Pension Scheme Appeals Committee ("the Appeals Committee") is a sub-committee of the Pension Fund Committee. It will exercise the following functions and responsibilities:
 - a. To consider and determine any Stage 2 appeal against a decision that has already been taken by the Chief Fire Officer or a person specified by the Chief Fire Officer at Stage 1 of the Internal Disputes Resolution Procedure ("IDRP") relating to powers exercised under the Firefighters' Pension Scheme, and related legislation in respect of ill-health retirements. Any decision made at Stage 1 IDRP may be considered and reviewed by the Appeals Committee at Stage 2 (apart from where exceptions apply, as detailed below at paragraph 4).
 - b. To consider and determine appeals at Internal Dispute Resolution Procedures Stage 2 with regard to the Firefighters' Pension Scheme and other associated Fire pension schemes.

Meeting Dates

2. There are no scheduled meeting dates for the Appeals Committee, which meets on an "ad hoc" basis as and when there is a case or cases to consider.
3. Consideration of the case will be in private and will usually take the form of a review, not a complete rehearing of the case.

Exceptions

4. The Appeals Committee will not usually consider cases where:
 - i proceedings in respect of the dispute have been commenced in any court or tribunal;
 - ii the Pensions Ombudsman has commenced an investigation into a complaint made or dispute referred to him;
 - iii a notice of appeal has been issued by the complainant in accordance with
 - a. Rule H2 of Schedule 2 to the Firemen's Pension Scheme Order 1992 (appeal against opinion on a medical issue);
 - b. Rule 4 of Part 8 of Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006 (appeals against decisions based on medical advice);
 - c. Regulation 154 of the Firefighters' Pension Scheme (England) Regulations 2014 (appeals against determinations based on medical evidence), or

- d. Rule 2 of Part 6 of Schedule 1 to the Firefighters' Compensation Scheme (England) Order 2006 (appeal to medical referee).
5. The appeals listed in paragraph 4 iii above relate to a determination made by the Fire and Rescue Authority (FRA) in relation to an ill-health or injury award. The Scheme contains special provisions for medical opinions to be considered by the Board of Medical Referees (BMR).
6. However, the person may still be eligible to make an appeal on a medically-related issue other than the outcome of a medical opinion. For example, if a firefighter believes they are entitled to an ill-health award, but the FRA make a determination of an ordinary award, without seeking a medical opinion, or if the dispute is that the correct processes have not been followed.
7. In addition, the Appeals Committee may at its absolute discretion decide to review a case, even if paragraphs 4 i or ii apply, however this would be reviewed on a case by case basis.

Firefighters' Pension Scheme Appeals Committee Members

8. The Appeals Committee will be formed by the Chair and Vice-Chair of Pensions Committee to consider and decide upon the Stage 2 outcome.
9. However, should either one of the above be unable to attend, another member of Pensions Committee will act as a substitute nominated by either the Chair or Vice-Chair of the Pensions Committee.
10. Should the Chair and Vice-Chair of Pensions Committee both be unavailable Fund Officers (Head of Pension Fund or Pensions Administration Manager or Governance and Communications Manager or Investments and Finance Manager) can appoint 2 Pension Committee members for the purpose of hearing the Stage 2 appeal.
11. The Appeal Committee will seek specialist advice when making a decision this would usually include but not limited to a Legal Officer and Fund Officer and any other advisers as the Appeal Committee may see as appropriate.

Outcome

12. The Appeals Committee will consider the case and arrive at their decision. This will be set out in a letter, giving details 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 Chief Fire Officer. As with the Stage 1 decision, the Stage 2 decision will include a reference to any legislation, including the Firefighters' Pension Scheme Orders, relied upon for the decision. If a discretion allowed by the Scheme has been exercised there will be a reference to this and to the provisions of the Scheme which allow the discretion.
13. This then completes Stage 2 of the IDRP process.