

## **Report of the Head of Legal Services**

### **9. Pensions Appeals Panel**

#### **Purpose of report**

1. To recommend that the Committee establishes a Panel to consider and determine disputes in relation to Pensions Schemes.
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#### **Recommendation**

***It is recommended that the Committee establishes a Pensions Appeals Panel and approves the terms of reference for the Panel attached at Appendix 1.***

#### **Introduction and Background**

2. The Fire Authority as an employer is the 'manager' of the Firefighters' Pension Schemes 1992 and 2006 [and 2015]. As such, officers of the Authority make decisions under the pension scheme rules that may affect a member of the pension scheme, their dependents and/or beneficiaries.
3. The Fire Authority is required to have arrangements in place to resolve any disputes regarding pension scheme matters that may arise between the Authority and a person(s) with an interest in the pension scheme.

#### **Dispute Resolution**

4. The dispute process follows the Internal Disputes Resolution Procedure (IDRP) that is relevant to the particular pension scheme. Disputes regarding the Firefighters' Pension Schemes have two stages. The first stage involves the grievance being considered by the Chief Fire Officer or his nominee. Should the person with the grievance remain dissatisfied, he or she may enter the second stage of the appeal process, which involves a hearing by Fire Authority Members. Any appeals against decisions based on medical advice would, however be considered by a board of medical referees and would not involve Authority Members.
5. Although the Authority has an IDRP in place there is no formal mechanism for the involvement of Authority Members to consider second stage complaints regarding Pensions Scheme decisions. As this Committee has responsibility to review certain matters in relation to staff, it is recommended that a Panel of 3 Members drawn from this Committee is established to consider second stage complaints under the IDRP.

## Conclusion/Summary

6. As an employer, the Fire Authority is the 'manager' of the Firefighters' Pension Schemes 1992 and 2006 [and 2015]. The Fire Authority is required to have arrangements in place to resolve any disputes regarding pension scheme matters that may arise between the Authority and a person(s) with an interest in the pension scheme.
7. The dispute process follows the Internal Disputes Resolution Procedure (IDRP) that is relevant to the particular pension scheme. It is recommended that the Committee establishes a Panel to consider and determine disputes in relation to Pensions Schemes. This will provide a formal mechanism for the involvement of Authority Members to consider second stage complaints.

## Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	There may be a small additional cost in relation to Members travel expenses to meetings. Any additional cost would be met within current budgets.
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	No potential implications identified.
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores).	N/A
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	Consultation is not required as the proposal is necessary to fulfil requirements under the Pensions Act 1995 s.50
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	No. The proposal does not introduce a new policy.

**Supporting Information**

## Appendix 1 – Pensions Appeals Panel Terms of Reference

## Background Papers

- Pensions Act 1995
- The Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulation 2008
- Firefighters' Pension Scheme (England) Order 2006
- Firefighters' Pension Scheme Circular 1/2009

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