

Firefighters' Pension Scheme Circular

Circular Number:	FPSC 10/2008	Date Issued:	17/12/2008
Action:	For Information		
Title:	<i>Firefighters' Pension Scheme 1992 – Commutation Grievance</i>		
Issued by:	Martin Hill Local Government and Firefighters' Pensions Division		

Summary:	This circular provides FRAs with an update on the grievances that have been submitted by firefighters following the decision to apply the revised commutation factors in the FPS 1992 retrospectively to 1 st October 2007
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Addressed to:	Please Forward to:
The Clerk to the Fire and Rescue Authority The Chief Fire Officer	Pension and human resources managers

Enquiries:

Pensions Team Leader:

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1. Commutation Grievance

- 1.1 Following a campaign instigated by FBU, CLG has received approximately 2500 grievances from retired firefighters raised under Internal Dispute Resolution Procedures (IDRP) against CLG's decision to apply the revised commutation factors retrospectively to pensions that commenced on or after 1st October 2007. CLG is now in the process of responding to each appellant and a copy of the letter is attached for your information.
- 1.2 Although IDRP is not the appropriate procedure for a grievance against the Secretary of State, CLG will respond once the outcome of the Police Federation's action in respect of the Police Pension Scheme is known.

Martin Hill

17 December 2008

Dear XXXXX

IDRP 1 – Firefighter’s application for a decision at Stage One of IDRP

I refer to your application concerning the implementation of new tables used to calculate the sum paid for commutation of the portion of your pension under the Firefighters’ Pension Scheme 1992 (FPS).

The FPS is managed by the fire and rescue authority with whom you were last employed and not by Communities and Local Government. Therefore, IDRP is not the appropriate procedure for dealing with this grievance against the Secretary of State

In any event, you may be aware that the Police Federation and two other claimants have issued proceedings for judicial review of the decision to implement new actuarial tables for the Police Pension Scheme with effect from 1 October 2007. This raises a point of law very similar to that raised in your application in relation to the FPS. The claim has been listed for substantive hearing in the Administrative Court on 17 December 2008.

It is, therefore, not appropriate for your complaint to be considered by the Ombudsman while a similar point is considered by the courts. We therefore take the view that, even if CLG were “a person responsible for the management of the scheme” within the meaning of s. 146 of the Pension Schemes Act 1993, it could not respond to your complaint whilst this case is ongoing so, although the timeframe for dealing with Stage One complaints would normally be two months from the date of complaint, it would not be appropriate to determine the matter before the final resolution of those proceedings. Although a judgment may be expected from the Administrative Court within the next few months, it is possible that the losing party may appeal to the Court of Appeal. The proceedings may not, therefore, be finally resolved until all appeal rights are exhausted.

Further correspondence on this matter will be addressed to the FBU in accordance with the authorisation given in paragraph 28 of your grievance.

The FBU, Chief Fire Officers and Fire and Rescue Authorities have been informed of the contents of this letter.

Yours sincerely

A handwritten signature in blue ink that reads "Martin Hill". The signature is written in a cursive style and is positioned above a horizontal blue line.

Martin Hill