

FIREFIGHTERS' PENSION COMMITTEE

BOARD OF MEDICAL REFEREES: NEW CONTRACT

Note by CLG

New Contract

1. At the 26th Meeting of the Committee on 24 April 2008, the Chairman gave an update on the arrangements for tendering the new contract for the Board of Medical Referees. He explained that, following the invitation to tender, no applications had been received. CLG expected to re-tender the contract once the outcome of current (e.g. *Marrion & others*) Judicial Review cases was known, and in meantime had extended the contract with BUPA to cover the interim period.
2. The tender process was re-started in June and five expressions of interest were received. Invitations to tender were issued in July 2009 and in response one tender was received. This was from Health Management Limited (HML).
3. HML have experience in managing and providing boards of medical referees and already have a contract with the Home Office for providing medical appeal boards for police pension purposes.
4. CLG have met with HML and are satisfied that the company can provide the necessary service and a contract has been signed. It will come into operation immediately.
5. The following are the fees which will be charged by HML:

Standard fee for appeal	£6,550.00
Additional Board Member	Actual cost
Additional medical tests required by Board	Actual cost
Additional copying/sorting of papers	Actual cost
Reduction in fee for failing to meet target date for arranging Board	£ 300.00
Reduction in fee for late reports (15 working day deadline)	see table

Received – working days from Hearing	Reduction in fee	Fee payable on standard case
1 – 15	No reduction	£6,550.00
16	£300.00	£6,250.00
17 – 22	£600.00	£5,950.00
23 – 28	£900.00	£5,650.00
29 – 34	£1,200.00	£5,350.00
And thereafter for	-£300.00	To nil

each 5 working days		
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6. Given that we require an appellant to be given two months notice of the hearing, we expect the first hearings managed by HML to be in the latter part of January 2010.

Amendment to the Firefighters' Pension Scheme, etc

7. We have considered whether any changes will be necessary to the rules of the FPS, NFPS and FCS to enable the new contract to operate successfully. None is required.
8. However, we have noted that at the present, there is no provision for a board to be able to reconsider its decision or correct any error in its report. As we have found in two recent cases, CLG, the board and the responding authority, can find themselves in the position of having to seek consent orders from the High Court for the quashing of an opinion and referral to a new board when the first board has made a mistake in, for example, a degree of disablement calculation, with the expense of a full rehearing.
9. We take the view that there would be a benefit in providing for a board to be able, with the agreement of the appellant and the responding fire and rescue authority, to reconsider its decision.
10. This will mitigate the risk of Judicial Review, and we are satisfied that it will not impact on the rights of the parties. The parties will have to be in agreement on referral back.
11. This would follow what we have already done in Part 8, rule 3 of the NFPS in relation to the opinion of the IQMP. That provision allows for the IQMP to be invited to review his opinion where new evidence becomes available. We are providing for a similar arrangement in the FPS as part of the current consolidation and intend to make similar provision in the FCS as the earliest opportunity.