

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

## **AUDIT AND RISK COMMITTEE**

### **DRAFT**

**23 MARCH 2020**

#### **1. REVIEW OF ILL HEALTH PENSIONS DECISION**

Report of the Chief Fire Officer.

RECOMMENDED that in their role as Scheme Manager for the Firefighters' Pension Schemes, the Committee agrees the approach the scheme should take to the review of Ill Health Pensions.

- 1.1 That the Scheme Manager agree to the recommendation outlined in section 4.2.
- 1.2 That the Scheme Manager consider section 3.4 and agrees, or otherwise, to the pensioners currently in receipt of an Ill Health Pension under the 1992 Scheme to be reviewed.

#### **2. PURPOSE OF REPORT**

This report is submitted to the Committee to inform them of their responsibility as required by the Firefighters' Pension Scheme regulations, to set the frequency of the review of future Ill Health Pensions. Additionally, the Committee should consider what action and, if necessary, frequency in respect of pensions currently in payment.

#### **3. BACKGROUND**

- 3.1 Under the rules of the 2006 and 2015 Firefighters' Pension Schemes, West Midlands Fire Service are required to review the payment of Ill Health pensions providing that the pensioner is under state pension age and has been in receipt of the benefit for less than 10 years.

The rules of the 1992 scheme allow for Ill Health Pensions to be reviewed but do not require a review to be undertaken. An Ill Health pension can be reviewed irrespective of the length of time that it has been in payment providing that the member has not reached the earliest date at which they could have retired if they had remained fit.

- 3.2 The rules of all three schemes allow the Authority to decide how frequently any review should take place.
- 3.3 A review has not been carried out within the last 5 years.
- 3.4 There are currently 3 Ill Health pensions in payment under the 2006 and 2015 schemes which the Service must now re-assess. There are a further 9 Ill Health Pensions in payment under the 1992 scheme which the service may re-assess.

#### 4. **PROPOSED APPROACH**

- 4.1 As there is a requirement to re-assess Ill Health Pensions payable under the 2006 or 2015 Scheme, it is proposed to treat all pensions in the same way.
- 4.2 For future reviews, it is proposed that the frequency of the review will be a matter for the Independent Qualified Medical Practitioner (IQMP) at the time they consider the Ill Health request. Should the application for Ill Health Retirement be supported by the IQMP, they will be asked to confirm a suitable review time.
- 4.3 A process to achieve the above will be agreed between Occupational Health, People Support Services, and the Pensions Team.

#### 5. **DECISIONS REQUIRED**

- 5.1 The Scheme Manager is asked to confirm that they agree with the approach proposed or to recommend an alternative to be used from the date of the decision forward.
- 5.2 The Scheme Manager is asked to confirm whether they wish the service to review the 9 Ill Health Pensions currently in payment under the rules of the 1992 Pension Scheme.

Ref. AU//2020/Feb/22702207

6. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

7. **LEGAL IMPLICATIONS**

The decision of the Scheme Manager in this case may be challenged by an employee in receipt of the allowance. The challenge would be made through the Firefighters' Pension Scheme Internal Dispute Resolution Procedure. If this process does not resolve the matter the issue can be taken to The Pension Regulator and finally to the Supreme Court.

8. **FINANCIAL IMPLICATIONS**

The value of the Ill Health Pensions currently in payment, which may be eligible for review, is £78,281.95 per year.

**BACKGROUND PAPERS**

The Firemen's Pension Scheme Order 1992  
The Firefighters' Pension Scheme (England) Order 2006  
The Firefighters' Pension Scheme (England) Regulations 2014

The contact name for this report is Assistant Chief Officer Gary Taylor (Strategic Enabler - Process) telephone number 0121 380 6914.

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