

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

AUDIT AND RISK COMMITTEE

26 OCTOBER 2020

1. **REQUEST FROM DEPENDANT FOR THE REINSTATEMENT OF A WIDOW'S PENSION**

Report of the Chief Fire Officer.

2. **PURPOSE OF REPORT**

This report is submitted to request that the Committee in their role as Scheme Manager make a decision as required by the rules of the Firefighters' Pension Scheme (1992).

3. **BACKGROUND**

- 3.1 Under Part C, Regulation 10 of the Firefighters' Pension Scheme 1992, an Authority has discretion to reinstate all or part of a widow's pension that has previously been stopped as a result of remarriage, if the new spouse dies.
- 3.2 A widow's pension was put into payment on 24th March 1985 following the death on duty of a Scheme member.
- 3.3 The pension was stopped on 23rd December 1990 when the recipient remarried.
- 3.4 The widow's second husband passed away on 28th January 2020.
- 3.5 The matter was considered by the Committee at the meeting of 23rd March and further information was requested. The member was contacted and she has provided the following additional information.

"I am writing to inform yourself and the Scheme Manager that I receive a small pension from my late (second) husband. It

amounts to £179.16 a month. I do not receive any other private pension other than this one”.

- 3.6 In line with the Scheme regulations and having regard to the above information, the Scheme Manager may wish to consider several alternative courses of action, including though not restricted to those outlined below.

4. Options Available

- i) Reject the application. There will be no cost to this decision.
- ii) Reinstate the pension in full. This will cost the pension fund £4,437 per year.
- iii) Reinstate the pension to the value that it exceeds the amount receivable in respect of the income the member has declared that they are receiving in respect of their second husband. This will cost the pension fund £2,287 per year.
- iv) Reinstate the pension to any other value as is felt appropriate but not exceeding £4,437 per year.

4. DECISION REQUIRED

The Committee are asked to decide whether the Widow's Pension should be reinstated and if so to what value.

5. EQUALITY IMPACT ASSESSMENT

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

6. LEGAL IMPLICATIONS

The decision of the Scheme Manager in this case may be challenged by the member requesting the decision. 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.

7. **FINANCIAL IMPLICATIONS**

Reinstating the widow's pension will cost the Pension Fund a maximum of £4,437 per annum.

BACKGROUND PAPERS

The Firefighters' Pension Scheme (England) Order 1992

The contact name for this report is Gary Taylor, Assistant Chief Fire Officer, telephone number 0121 380 6006.

PHIL LOACH
CHIEF FIRE OFFICER