

REPORT

Meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY	
Date	11 JUNE 2004	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

LOCAL GOVERNMENT PENSION SCHEME (AMENDMENT) REGULATIONS 2004

1. PURPOSE OF THE REPORT

To seek the approval of the Fire Authority to appropriate arrangements for dealing with complaints in respect of pension decisions made by the Fire Authority as an employer.

2. BACKGROUND

- 2.1 The existing complaints procedures, known as the Internal Dispute Resolution Procedure, within the Local Government Pension Scheme, gives members of the scheme who are dissatisfied about a decision, the right of appeal under a two stage appeals process. The provisions within the Local Government Pension Scheme are consistent with the requirements of the Pensions Act 1995.
- 2.2 The first stage of the appeal process is currently to an "Appointed Person" and it is the responsibility of the Pensions Committee, acting as the Administering Authority for the Pension Scheme in Nottinghamshire, to make appropriate arrangements for the consideration of Stage 1 appeals by one or other of a panel of "Appointed Persons". At the present time the "Appointed Persons" are as follows:-
- Mr Alan Sumby, Assistant Director of Resources
Mr Peter Hurford, Assistant Treasurer
Mr Jeff Nash, Assistant Treasurer
Mr John Briscoe, External Consultant and former Pensions Manager at Norfolk County Council
- 2.3 Complaints must be dealt with in accordance with a process and timescale laid down in the Pensions Regulations.
- 2.4 Where a complainant or their employer remains dissatisfied with the decision of the Appointed Person, there is a second stage of appeal to the Secretary of State at the Office of the Deputy Prime Minister.

3. REVISED ARRANGEMENTS

- 3.1 Under the Local Government Pension Scheme (Amendment) Regulations 2004, which come into force on 1 June 2004, the Secretary of State has been removed from the dispute resolution process and under the new regime it will be a matter for the employer (i.e. the Fire Authority) to review the decision at Stage 1 and the second stage appeal will be dealt with by the Pensions Administering Authority (Nottinghamshire County Council).
- 3.2 It is therefore necessary for the Fire Authority to make appropriate arrangements for the consideration of Stage 1 appeals acting on behalf of the Authority as “the employer”. The arrangements for the discharge of the Administering Authority’s responsibilities at Stage 2 will be determined by the Pensions Committee of the County Council.
- 3.3 The Employing Authority is required under the new Regulations to nominate a “Specified Person” who will deal with complaints. By way of information there are very few such complaints within the Fire Service, as the majority of staff are not in the Local Government Pension Scheme.
- 3.4 It is proposed that the “Specified Persons” to act on behalf of the Fire Authority as employer should be designated as the Treasurer and “Head of Finance and Resources”. These officers are proposed in order to deal with cases fairly and impartially, being a member of the Strategic Management Team and also a member of the LGPS. It is also unlikely that these officers would become involved in any issue which may result in a subsequent appeal. In the event that such a situation should occur it is proposed that the Fire Authority should approach an external party such as Mr John Briscoe to provide the necessary impartiality and independence.

4 FINANCIAL IMPLICATIONS

There are no specific financial implications arising from this report.

5. PERSONNEL IMPLICATIONS

Staff will clearly need to be informed of the change to procedures relation to appeals, as will the representative bodies.

6. EQUAL OPPORTUNITIES IMPLICATIONS

There are no equal opportunities implications arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

There are no specific risks which arise from this change of process other than that of failing to comply with the legislation which this report seeks to address.

8. RECOMMENDATIONS

- 8.1 That Members approve the appointment of the Treasure and the Head of Finance and Resources as the “specified persons” under the Local Government Pension Scheme (Amendment) Regulations 2004.
- 8.2 That Members approve an approach being made to Mr John Briscoe, or such other external party as the County Council may recommend, in areas where a conflict of interest may occur.

9. BACKGROUND PAPERS AVAILABLE FOR INSPECTION

Local Government Pension Scheme (Amendment) Regulations 2004 (SI No 2004/573).

Paul Woods
CHIEF FIRE OFFICER