

The Chief Executives, Fife Council and Dumfries & Galloway
Council
Clerks to the Joint Boards
Chief Fire Officers

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Our ref: FIR/06/01/01

19 December 2008

Dear Colleague

SCOTTISH FIRE AND RESCUE SERVICE CIRCULAR No 20/2008

FIREFIGHTERS PENSIONS SCHEME (FPS)

Commutation Grievance

Following a campaign instigated by FBU, SPPA has received to date 227 grievances from retired firefighters raised under Internal Dispute Resolution Procedures (IDRP) against the decision to apply the revised commutation factors retrospectively to pensions that commenced on or after 1st October 2007. SPPA is now in the process of responding to each appellant and a copy of the letter is attached for your information.

Although IDRP is not the appropriate procedure for a grievance against the Scottish Ministers, SPPA will respond once the outcome of the Police Federation's action in respect of the Police Pension Scheme is known.

Yours sincerely

Dorothy Hamilton

Policy Officer



INVESTOR IN PEOPLE



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Our ref: FIR/04/03/00

19 December 2008

Dear

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 the Scottish Ministers or the Scottish Public Pension Agency on their behalf. Therefore, IDRP is not the appropriate procedure for dealing with this grievance.

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 SPPA 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

Jim Preston

