

Firefighters' Pension Scheme Stakeholders

7 Tweedside Park  
Tweedbank  
GALASHIELS  
TD1 3TE

[www.sppa.gov.uk](http://www.sppa.gov.uk)

Tel: 01896 893000  
Fax: 01896 893214  
Claire.McGow@gov.scot

Your ref:  
Our ref:

22 March 2018

---

Dear Colleagues

**Proposals for Amendments to the Firefighters' Pension Scheme (1992) and the New Firefighters' Pension Scheme (2006)**

Please find enclosed a consultation on the draft amendment orders which seeks views on a range of proposed changes to the Firefighters' Pension Scheme (1992) and New Firefighters' Pension Scheme (2006) due to be implemented with effect from September 2018. I would be grateful if you would distribute this letter and attachments as widely as possible.

The following documents are attached:

- Annex A: Background to the proposed changes
- Annex B: Proposals for Consultation
- Annex C: Consultation Response Form

You may complete the attached Consultation Response Form at Annex C which can be submitted electronically [Claire.McGow@gov.scot](mailto:Claire.McGow@gov.scot) or by post to the following address:

Firefighters' Consultation  
SPPA Policy  
7 Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

A printable Consultation Response Form is available via the following link:

<http://www.sppa.gov.uk/Documents/Firefighters/Firefighters%20Useful%20Resources/Consultations/2018/printable%20response%20form.pdf>

The consultation will close on 7 May 2018 and we ask that anyone wishing to respond does so by then.

A copy of the consultation documentation is also available on the Agency's website at:

[http://www.sppa.gov.uk/index.php?option=com\\_content&view=article&id=1197&Itemid=1817](http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=1197&Itemid=1817)

We intend to publish a summary of consultation responses in due course and would like to be able to include any response you make in that summary. However, if you ask us not to publish your response to this consultation, we will regard it as confidential, and we will treat it accordingly.

Respondents should also be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and will have to respond appropriately to any relevant request made to the SPPA under that Act for information concerning this consultation exercise.

Yours faithfully

Claire McGow  
Policy Manager

## **ANNEX A**

### **Background**

This paper sets out a number of policy proposals in respect of suggested changes to the Firefighters' Pension Scheme (1992) and the New Firefighters Pension Scheme (2006) and consults on the following provisions:

- A14: Compulsory retirement on grounds of efficiency – remove rule
- Rule A15: Compulsory retirement on grounds of disablement
- Rule B1: Remove fire authority permission for Chief Fire Officer's to retire before age 55
- Changes to indexation of additional pension benefits – to the Consumer Prices Index
- Medical appeals – power to review decisions
- Appeals on non-medical issues – appeal to Pensions Ombudsman
- Withdrawal of pension whilst employed by a fire and rescue authority (abatement)
- Pensions tax – alignment with tax legislation
- Other, technical amendments (including the updating of statutory references)

## **ANNEX B**

### **Proposals for Consultation**

#### **Firefighters' Pension Scheme (1992) Removal of Rule A14, Compulsory Retirement on the Grounds of Efficiency**

The intention of this proposal is to revoke Rule A14 so that going forward any decision to compulsorily remove a firefighter from employment would be dealt with in accordance with employment and equalities legislation rather than the pension scheme rules.

It should be noted that a member of the Firefighters' Pension Scheme 1992 who has attained age 50 and can reckon at least 25 years pensionable service already has a right to retire with immediate payment of their pension. To remove rule A14 does not change this position.

#### **Firefighters' Pension Scheme (1992) Removal of Rule A15 – Compulsory Retirement on the Grounds of Disablement**

The intention of this proposal is to revoke Rule A15 as the Scheme Rules already provide for ill-health retirement.

#### **Firefighters' Pension Scheme (1992) Rule B1 Ordinary Pension**

This rule currently includes a requirement for a Chief Fire Officer to have permission from the authority to retire before age 55. This is a matter for the contract of employment and not appropriate to a pension scheme. The intention of this proposal is to amend this rule so that this does not apply to new appointments.

#### **Firefighters' Pension Scheme (1992) Rule B5B: Additional Pension Benefit: Long Service and Rule B5C: Additional Pension Benefit: Continual Professional Development** **New Firefighters Pension Scheme (Scotland) Rule 7A (3) of Part 3: Additional Pension Benefit: Long Service and Rule 7B of Part 3: Additional Pension Benefit: Continual Professional Development**

Since April 2011, the main indexation mechanism applied across public service pensions has been the Consumer Price Index (CPI) which replaced indexation by the Retail Price Index (RPI). This has been applied directly through primary legislation for example, The Pensions Increase Act 1971 which sets the annual increase of pensions in payment.

There are some specific references to the original indexation method (RPI) which are now being considered for change to CPI to provide consistency across the scheme. It is proposed to amend references to RPI in the scheme rules so that the amounts are increased by “any increase under the Pensions (Increase) Act 1971”. It is proposed that the change would be applied to all indexation going forward so as APB’s are calculated, applied and where applicable indexed annually. This change would be applied from the next annual indexation.

**Firefighters’ Pension Scheme (1992) Rule H1A: Review of Medical Opinion (Medical Appeals)**  
**New Firefighters Pension Scheme (Scotland) Annex 2 of 2006 Scheme: Appeals to the Medical Board of Referees**

Under the existing arrangements of Part H (Determination of Questions and Appeals), if an Independent Qualified Medical Practitioner has provided the authority with an opinion in an ill-health case, they are unable to review that case should further evidence be identified. Where the member wishes to appeal the original decision, the full process of determination must be undertaken again, with a second, impartial Independent Qualified Medical Practitioner. Similarly, there is no mechanism for a Board of Medical Referees to reconsider its opinion in light of new medical evidence.

The intention of the proposal is to improve the efficiency of the medical appeals process by:

- Allowing Independent Qualified Medical Practitioners to review their opinion if further medical evidence is provided by the scheme member so as to avoid unnecessary referrals to a Board of Medical Referees
- To provide for a member of the Board of Medical Referees to review medical papers when an appeal is received to ensure that there is a sufficiency of evidence to enable an appeal to be heard;

- To allow the Board of Medical Referees to review its opinion if the appellant and the authority are satisfied that the board has made an error of fact that materially affects its decision

As the proposals seek to provide a more cost effective alternative to Judicial review or appeal to the Board of Medical Referees, particularly where parties agree that the decision should be reconsidered, there is no expected total increase in costs to the authority.

The proposal would introduce the option for a review of the medical opinion by an Independent Qualified Medical Practitioner but would still allow the member to appeal to a Board of Medical referees. As such, if the member remains dissatisfied with the result of their appeal, they may still appeal to a Board of Medical Referees. This could generate additional costs to the authority. However, the proposal is designed to facilitate review only in instances where additional evidence has come to light or where parties agree there is a case for review.

### **Firefighters' Pension Scheme (1992) Rule H3: Appeals on other issues (non-medical)**

The intention of this proposal is to ensure that the appeal for a non-medical issue is undertaken through internal dispute arrangements which are required to be set up under the Pensions Act 1995 and a subsequent process of appeal to the Pensions Ombudsman.

Information about raising an Internal Dispute Resolution Procedure (IDRP) is available on the SPPA website [www.sppa.gov.uk](http://www.sppa.gov.uk)

### **Firefighters' Pension Scheme (1992) Rule K4: Withdrawal of Pension whilst employed by a Fire and Rescue Authority**

This proposal will extend the authorities discretion to enable the abatement of a pension paid to a member of the scheme who is employed in any role by any Fire and Rescue Authority. This will provide a consistent approach with the 2006 NFPS which provides abatement of a pension where a pensioner is employed by an authority in any capacity. Abatement is not applied in the 2015 CARE scheme.

### **Pensions Tax**

The intentions of the proposal is to amend scheme terminology to be consistent with HM Revenue and Custom's rules and definitions as set out in the Finance Act 2004.

This proposal will simplify the scheme legislation and ensure consistency with HM Revenue and Customs' rules and definitions.

## ANNEX C

### CONSULTATION RESPONSE FORM - FIREFIGHTERS' PENSION SCHEME 1992 AND NEW FIREFIGHTERS PENSION SCHEME (SCOTLAND) 2006. CONSULTATION ON DRAFT REGULATIONS –

#### 1. Name/Organisation

Organisation Name

Title

Surname

Forename

#### 2. Postal Address

Postcode

Phone

Email

**3. Permissions - I am responding as...** (please complete either sections (a), (b) and (d) **or** sections (c) and (d):

**Individual**

**or**

**Group/Organisation**

**(a)** Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please state yes or no: \_\_\_\_\_*

**(b)** Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please state yes to one of the following:*

Yes, make my response, name and address all available .....

*or*

Yes, make my response available, but not my name and address .....

*or*

Yes, make my response and name available, but not my address .....

**(c)** The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please state yes or no: .....*

**(d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please state yes or no: .....*

## ABOUT YOU

I am responding ...

- as a member of the 1992 scheme
- as a member of the 2006 scheme
- as a member of the modified 2006 scheme
- as a member of the 2015 scheme (CARE scheme)
- on behalf of an Employer Organisation
- on behalf of a Trade Union/Staff Association
- other (please specify)

-----

What is your gender?

- I am female
- I am male

I am employed as...

- a firefighter
- a retained firefighter
- a volunteer firefighter
- a crew manager
- a watch manager
- a station manager
- a group manager
- an area manager
- I'm retired
- other (please specify)

-----

What is your working pattern?

I work part-time

I work full- time

Not applicable

**Please use this space to provide any comments.**

Comments:

Please e-mail your response to [Claire.McGow@gov.scot](mailto:Claire.McGow@gov.scot)

or

Please post your response to:

Firefighters' Consultation  
Policy Branch  
SPPA  
7 Tweedside Park  
Tweedbank  
Galashiels  
TD1 3TE

The closing date for this consultation is 7 May 2018.

