

Decision Note – Firefighters’ Pensions (Injury Awards)



REQUEST FOR DECISION BY THE STAFFORDSHIRE COMMISSIONER

	Policing:	Crime:	Fire & Rescue:
This decision relates to:			X

APPROVAL (for completion by Staffordshire Commissioner only)

Rationale for approval: Approval granted as outline in section 1 of this report.

STAFFORDSHIRE COMMISSIONER

Signature

Date 30/4/2021

Date decision required by: 30 April 2021


If an urgent approval is required, please state reasons:

For completion by Staffordshire Commissioner's Office only:-

Decision Number: SCF/D/202122/001

Date Received: 30 April 2021

	Yes	No
Has the required decision been considered under the guidance of the Staffordshire Commissioner's Decision Making Policy?	X	
Has the required decision been deemed to be a Key Decision as defined within the Staffordshire Commissioner's Decision Making Policy?	X	
Who is empowered to make the required decision?		
The Staffordshire Commissioner who is the Scheme Manager for the Firefighters' Pension Scheme		

Title	Firefighters' Pension Scheme (Injury Awards)
Summary:	
<p>Following a review it has been found that a small number of overpayments of injury award pensions have been made to retired firefighters over a number of years. These have arisen as a result of administrative errors and are not the fault of the members involved. The Commissioner is asked therefore, to write-off this debt. Doing so has no impact on existing budgets.</p>	
Recommendation:	
<p>That historic overpayments made to four retired pension scheme members, who are in receipt of an injury award pensions, are not recovered by the Authority in this instance.</p>	
Chief Executive	
<p>I hereby approve the recommendation for consideration.</p>	
Signature	 Date 29/04/2021

REPORT AND ADVICE TO THE STAFFORDSHIRE COMMISSIONER

1. Introduction and background

The administration for Firefighters' Pension Schemes was transferred to West Yorkshire Pension Fund (WYPF) from 1 July 2018. Following the transfer WYPF have undertaken a full DWP pension review to ensure that all pension payments are correct and any other DWP benefits have been correctly treated.

The outcome of the review was reported to the Scheme Manager at the Strategic Governance Board on 2 October 2020 and detailed the historic under and over payments identified as part of this review undertaken by WYPF.

It should be noted that all underpayments have been actioned and a full refund of the underpayment has been made to the individuals. No payments of interest have been made, to compensate individuals for any loss of interest during the period of underpayment in line with agreement reached at the Strategic Governance Board and in line with pension scheme rules.

The Strategic Governance Board were consulted again on 30 November 2020 in order to agree a way forward with regard to the recovery of overpayments.

The recommendation approved by the Board was is to seek to recover all overpayments exceeding £1,000 incurred during the last 6 years, in line with the Limitation Act 1980. Four members are affected by the recommendations. The maximum recovery over the six year limitation period is £25,000.

Following further investigation with West Yorkshire Pension Fund it has been found that the overpayments were mainly due to historic administration mistakes made by previous administrators of the Firefighters' Pension Schemes, spanning over a number of years. It is not possible to attribute the errors to the individuals affected (e.g. not informing the administrators when circumstances have changed) and therefore, it would be in appropriate to ask them to repay the amounts outstanding.

2. Issues for consideration

That the Commissioner approves the writing off of overpayments to four retired members arising as a result of pension fund administration errors.

3. What other options have been considered?

Full recovery of the injury overpayments identified.

4. Consultation and Engagement undertaken

West Yorkshire Pension Fund, Strategic Governance Board for Fire, the Firefighters' Pension Board and the Scheme Manager.

Report Implications

Monitoring Officer comments:

As Scheme Manager, the Commissioner has the authority to write-off the recovery of pension overpayments and is choosing to exercise that in this case, because there is good reason to do so.

Signature




Date 29/04/2021

Section 151 Officer comments:

Given the circumstances around the overpayments I support not trying to recover the amounts from very elderly pensioners, as the evidence suggests that the overpayments were all historic administration errors and not fault of the individuals concerned. All Injury award pension payments have now been corrected.

This decision has no direct impact on the current year's budget.

Signature		Date 28/04/2021
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	Yes	No
Has legal advice (outside of that provided by the Monitoring Officer) been sought on the content of this report?		N/A

Legal Comments:
N/A

5. Equality Comments
Not applicable for this decision

6. Background/supporting paper
Detailed papers were considered by the Strategic Governance Board on 3 October 2020 and 30 November 2020.


7. Public access to information
The Strategic Governance Board minutes are not publically available.

8. Is the publication of this form to be deferred?
No

9. If the report is for publication, is redaction required?

	Yes	No
Of the Decision Note?		x
Of the Appendix?		

ORIGINATING OFFICER DECLARATION:

Author	David Greensmith
Signed	
Date	28 April 2021