

# KENT AND MEDWAY FIRE AND RESCUE AUTHORITY

## HEARINGS PANEL

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MINUTES of a meeting of a Hearings Panel of the Kent and Medway Fire and Rescue Authority held virtually on Microsoft Teams on Wednesday 27, April 2022.

PRESENT:- Mr N Chard, Mr P Harman and Mr V Maple

APOLOGIES:- Mr D Daley

OFFICERS:- Director Finance and Corporate Services, Ms A Kilpatrick; Assistant Director, People and Learning, Mrs K Irvine and Clerk to the Authority, Mrs M Curry.

### UNRESTRICTED ITEMS

#### 1. Election of Chair of the Panel

- (1) Mr Maple proposed Mr Chard, Mr Harman seconded.
- (2) RESOLVED that, Mr Chard be elected Chair of the Panel for this Hearing.

#### 2. Declarations of Interest

- (1) Mr Harman declared that he was an ex-London Firefighter and ex-Kent Retained Firefighter so was in receipt of Fire Service Pensions.

#### 3. Signing of Minutes

- (1) RESOLVED that the Chairman be authorised to sign the agreed Minutes of the Hearing.

#### 4. Exclusion of Press and Public

- (1) RESOLVED that, under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act.

### EXEMPT ITEM (Open Access to Minutes)

#### 5. Pension Dispute – Stage 2 of the Internal Dispute Resolution Procedures (IDRP) (Item 5 - Report by Director Finance and Corporate Services)

- (1) The Panel considered information relating to an appeal against the decision taken at the Stage 1 of the IDR process. The appeal is with regards to a complaint made on the grounds that the correct due diligence was not followed by the Authority when it actioned a request from the complainant for the transfer of their pension fund into an alternative pension scheme.

- (2) In her response to the Stage 1 of the IDRPs complaint, the Assistant Director People and Learning outlined the process that was undertaken by which the decision was made to not uphold the appeal at this stage.
- (3) The Panel carefully examined all the written information presented to it, including correspondence received from the complainant registering an appeal under Stage 2 of the IDRPs, the reasons for their appeal as well as additional evidence submitted by them.
- (4) The Panel, in conjunction with reviewing the written evidence, also considered the timeline of events which has led up to now. This included when the signed discharge forms were submitted by the complainant for the transfer of their pension fund to when the subsequent campaign was introduced by The Pensions Regulator raising awareness of the potential of fraudulent schemes.
- (5) The Panel also noted that if the new guidance, issued by The Pensions Regulator, was in place at the time the transfer request was made then the additional relevant checks would have been undertaken. However, at the time there was no suggestion that there were any issues with the alternative pension scheme.
- (6) RESOLVED that:-
  - (a) Having very carefully considered all the written evidence submitted to it and whilst empathy was expressed by the Panel for the situation that has occurred, the Panel collectively agreed that they could not uphold the appeal at Stage 2 of the IDRPs process;
  - (b) The Clerk to the Authority will write to the complainant to explain the outcome of the Panel's decision.

**6. Pension Dispute – Stage 2 of the Internal Dispute Resolution Procedures (IDRP) Follow up**

- (1) On 18 February 2022, the Hearings Panel considered evidence for an appeal against a decision taken at Stage 1 of the IDRPs process in relation to Immediate Detriment payments made under the McCloud/Sargeant ruling.
- (2) At the time, the Panel were made aware that new Finance legislation was due to be released in April 2022 which was hoped to provide some clarity with regards to the tax liability surrounding additional payments under the ruling. On this basis, the Panel agreed to review the case again once more detail was known.
- (3) Although the Finance Act 2022 does provide HM Treasury with the power to make regulations to address tax implications as a result of the McCloud remedy, any measures would require secondary legislation to be introduced and implemented before any payments can be applied. It is understood that it will be October 2023 before any payments can be made in relation to the remedy period.
- (4) RESOLVED that:-

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- (a) in light of the additional information presented to it, the Panel's decision made at the Hearing on 18 February 2022 remains to not uphold the appeal;
- (b) the Pensions Manager will write to the complainant to explain the circumstances surrounding the outcome of this decision.

Signed:

Date: