

REPORT OF THE
Pension Fund Panel
PART I

3. CONSTITUTIONAL CHANGES ARISING OUT OF THE REVIEW OF THE LOCAL GOVERNMENT PENSION SCHEME – INTERNAL DISPUTE RESOLUTION PROCEDURE

1. Local Government Pension Scheme ('LGPS') regulations require that administering authorities have a two stage Internal Dispute Resolution Procedure ('IDRP') for determining questions and disputes relating to the LGPS.

2. Stage 1 appeals against the County Council as an employer are considered by either the Head of Employment Practice, or for school based staff, the Head of Education Personnel Services. Stage 1 appeals against the County Council as the administering authority are considered by the Director of Corporate Resources, or her nominated deputy.

3. Stage 2 appeals are an internal review process to ensure that the dispute was considered in an in-depth and formal way. A stage 2 review is not a re-hearing of a Stage 1 appeal. Rather the purpose of a Stage 2 appeal is to ensure having account of the facts of the case and evidence received, that the LGPS regulations were applied correctly and a decision reached which will stand up to external scrutiny. As such a skill in interpreting detailed regulations and associated administrative procedure is required. A Stage 2 appeal is not a wholly independent judgement, which is available from the Pensions Ombudsman should an appellant wish to pursue a dispute further. Stage 2 appeals are currently considered by a sub-committee of Members drawn from the Regulatory Committee.

4. A review of the Stage 1 process was undertaken in November 2012 and approved by the Director of Corporate Resources. The practice for Stage 2 decisions was not however reviewed at that time.

5. A review of the practice for Stage 2 appeals was considered by the Pension Fund Panel of the County Council at its meeting on 7 June 2013. A copy of the Report considered by the Pension Fund Panel, including the recommendations of the Panel is attached as an Annex to this report. The recommendation of the Panel was that in future the County Council's Monitoring Officer (or Deputy) determine future Stage 2 appeals on behalf of the County Council as administering authority.

6. The purpose of this report is to present the report of the Pension Fund Panel to the County Council, and to seek the approval of the County Council to the recommendations of the Pension Fund Panel set out in the report, and consequential changes to the Constitution.

RECOMMENDATIONS

That the County Council:

- (a) Approves the use of the County Council's Monitoring Officer (or Deputy) to hear future Stage 2 appeals on behalf of the County Council as Administering Authority.
- (b) That authority be given to the Head of Governance to make suitable amendments to the Constitution to give effect to this recommendation.