

Meeting of the Board 4 October 2018

ITEM 11

Technical Group Referral

Introduction

1. Where a scheme member divorces, the court can award a pension credit to be awarded to their ex-spouse. This creates a new pension liability and a record is created for the pension credit member (the ex-spouse). The pension debit is deducted from the members pension at retirement.
2. Where the pension member is a member of the 2015 scheme with connected final salary benefits, the question arose under what scheme should the terms of the pension credit member arise. This has an effect on what day the pension can be payable from.
3. In [bulletin 3](#), the LGA bluelight team confirmed after informal discussion with the Home Office that a spouse of a scheme member does not receive the same protection from the pension reforms, and that the credit should be applied under the terms of the 2015 scheme.
4. The technical group discussed this position at length at their meeting on 10 April 2018, with a number of members disagreeing with this position. This was referred to the Public Sector Pensions Forum attended by Clair Alcock, however, the public sector pensions forum decided this should be decided on scheme by scheme basis and there was no agreed set of principles.
5. At their meeting on 17 September 2018, the technical group agreed for this to be escalated to the scheme advisory board to consider whether they wished to obtain legal advice on this matter, for which they would all abide by.

Action Required

6. For the board to consider what action they would like to take. The board may consider they are happy with the status quo and that this should be a decision taken by each administrator / Fire Authority, or they may consider it would be helpful to have a consistent opinion and obtain legal advice from the boards legal adviser.
7. For the board to confirm what action to take
 - a. Ask Weightmans to provide legal advice
 - b. For each administrator / Fire Authority to take their own legal advice where they feel it is necessary to do so.

Board Secretariat

1 October 2018