

SHQ - Warren, Bob


From: SHQ - Hamilton, Brendan
Sent: 22 July 2009 11:04
To: SHQ - Warren, Bob
Cc: SHQ - Hutchinson, Jayne
Subject: FW: Injury pension and state benefits

Importance: High

Attachments: Rule B4 - commentary.pdf



Rule B4 -
mmentary.pdf (121

Unfortunately not helpful in this case as 1992 legislation was not revised but commentary on rules supports deduction
BH 

From: Anthony Mooney [mailto:Anthony.Mooney@communities.gsi.gov.uk]
Sent: 22 July 2009 10:13
To: SHQ - Hamilton, Brendan
Cc: Martin Hill; Andy Boorman
Subject: Injury pension and state benefits
Importance: High

Thanks Brendan - I have discussed your email with my colleagues and would like to make the following comments:

(i) Previously, the State benefits that were deductible from a firefighter's injury award were those paid under the Social Security Act 1975 (SSA) and Social Security Pensions Act 1975 (SSPA). This legislation has been repealed and the corresponding benefits are now payable under the Social Security Contributions and Benefits Act 1992 (SSCBA). Section 2 of the Social Security (Consequential Provisions) Act 1992 permits for benefits payable under the SSCBA **which replace** those earlier benefits paid under the SSA and SPA to be deducted from a firefighter's injury award in the same manner.

Some information regarding this issue was given in the Commentary on Rule B4 of the FPS (see attachment); on page 10 (B4-Chart 2) of the commentary Industrial Injuries Benefit was included as one of the State benefits that could be deducted from a member's injury award.

(ii) In Mr Lafayette's response letter dated 23rd May 1997, he advised CFO Russell that when calculating an Injury pension account must be taken of the State benefits that the member is entitled to receive in relation to his/her industrial injury and that a failure to deduct them from the member's injury pension would effectively mean that the member would receive duplicate compensation from public funds for his industrial injury. Again, this advice is consistent with our view in that the Industrial Injury Benefit should be deducted from the member's injury award.

(iii) DWP benefits are subject to change and, therefore, there is always a risk that we do not keep our list up to date. We have therefore taken the view for the present that we should not try to do so and leave it to administering authorities. You may wish to seek your own legal advice regarding this.

Kind Regards

Anthony

From: SHQ - Hamilton, Brendan [mailto:BrendanHamilton@lancsfirerescue.org.uk]
Sent: Friday, July 17, 2009 8:47 AM
To: Anthony Mooney
Subject: RE: injury pension

Anthony

As discussed on the telephone as part of our injury pension review we have come across an unusual case.

In 1996 an injury pensioner queried the deduction of his injury pension as he was in receipt of IIDB as he felt it was not cover by the Industrial Injuries Benefit Act 1992

The matter was put to the home office who prevaricated for many months acknowledging the difficulty and advising legislation needed to be amended but advising that deductions should occur in principle. The pensioner was given the opportunity to have the deduction or await the outcome of legislative change but the matter drifted. The home office did not advice of any legislative development and after pursuing them for a further year the matter drifted here.

My question is when was legislation changed in this or other Acts to make the benefit deductible

Brendan

PS I will fax you the relevant correspondence

From: Anthony Mooney [mailto:Anthony.Mooney@communities.gsi.gov.uk]
Sent: 17 July 2009 07:30
To: SHQ - Hamilton, Brendan
Subject: RE: injury pension

Thanks Brendan - I'm in today so if you want to give me a call sometime this morning when convenient.

Regards

Anthony
02079448087

From: SHQ - Hamilton, Brendan [mailto:BrendanHamilton@lancsfirerescue.org.uk]