

# Public Document Pack



## Nottinghamshire and City of Nottingham Fire and Rescue Authority Policy and Strategy Committee

**Date:** Friday, 17 November 2023    **Time:** 10.00 am

**Venue:** Dunkirk and Beeston Suites - Highfields Fire Station, Hassocks Lane, Beeston, Nottingham. NG9 2GQ

**Members are requested to attend the above meeting to be held at the time, place and date mentioned to transact the following business**

A handwritten signature in black ink, appearing to read 'M. J. Taylor'.

**Clerk to the Nottinghamshire and City of Nottingham Fire and Rescue Authority**

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<b>5 Exclusion of the Public</b> To consider excluding the public from the meeting during consideration of the remaining items in accordance with Section 100A of the Local Government Act 1972, under Schedule 12A, Part 1, Paragraph 3, on the basis that, having regard to all the circumstances, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.	
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**Any councillor who is unable to attend the meeting and wishes to submit apologies should do so via the personal assistant to the Chief Fire Officer at Fire Services Headquarters on 0115 967 0880**

**If you need any advice on declaring an interest in any item above, please contact the Governance Officer shown on this agenda, if possible before the day of the meeting.**

Governance Officer: Cath Ziane-Pryor  
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## **Nottinghamshire and City of Nottingham Fire and Rescue Authority Policy and Strategy Committee**

**Minutes of the meeting held at Joint Fire / Police HQ, Sherwood Lodge, Arnold,  
Nottingham, NG5 8PP on 28 April 2023 from 10.02 am - 10.49 am**

### **Membership**

#### Present

Councillor Michael Payne (Chair)  
Councillor Sybil Fielding  
Councillor Tom Hollis  
Councillor Patience Uloma Ifediora  
Councillor Nigel Turner

#### Absent

Councillor Mike Quigley MBE  
Councillor Jason Zadrozny  
Councillor Jonathan Wheeler

### **Colleagues, partners and others in attendance:**

Craig Parkin – Chief Fire Officer  
Becky Smeathers – Head of Finance and Treasurer to the Authority  
Damien West – Assistant Chief Fire Officer  
Mick Sharman - Strategic Manager for Collaboration  
Malcolm Townroe – Clerk and Monitoring Officer  
Catherine Ziane-Pryor – Governance Officer

### **25 Apologies for Absence**

Councillor Jonathan Wheeler (Councillor Nigel Turner substituting)  
Councillor Mick Quigley MBE  
Councillor Jason Zadrozny (Councillor Tom Hollis substituting)

### **26 Declarations of Interest**

None.

### **27 Minutes**

The minutes of the meeting held on 27 January 2023, were confirmed as a true record and signed by the Chair.

### **28 Annual Delivery Plan - Year Two**

Damien West, Assistant Chief Fire Officer, presented the report which provides an overview of the Service's Annual Delivery Plan for Year Two of the Community Risk Management Plan (CRMP) 2022-25.

The following points were highlighted and members' questions responded to:

- a) The Authority is about to enter year two of the three-year CRMP, which has the following six strategic goals (greater detail is provided in the appendix to the report):
- Strategic Goal 1: We will help people stay safe from fires and other emergencies.
- Strategic Goal 2: We will improve fire safety in the buildings people live and work in.
- Strategic Goal 3: We will respond immediately and effectively to emergency incidents.
- Strategic Goal 4: We will continue to support and develop our workforce and promote an inclusive Service.
- Strategic Goal 5: We will continue our improvement journey to deliver an outstanding Service.
- Strategic Goal 6: We will manage and invest in our Service to ensure it is fit for the future.
- b) The focus areas for the 2023/24 Annual Delivery Plan (ADP) are set out in the report and are summarised as follows:
- i. deliver 14,000 Safe and Well Visits;
  - ii. complete 15,000 Safety Audits;
  - iii. review resourcing to risk;
  - iv. embed the Core Code of Ethics into the Service Values and behaviours;
  - v. phase two of our Futures25 programme;
  - vi. develop a strategy and roadmap for Service decarbonisation;
  - vii. deliver services within the budget set for 2023/24;
- c) If the proposed ADP is approved, it will be published to the service's website in plain text to ensure that is accessible to all, including translation and accessibility tools, with printed paper copies available on request;
- d) The Service has set a realistically achievable target of 2032 to achieve a rating of 'Outstanding', noting that it is a journey, and not just a destination. His Majesty's Inspectorate for Constabulary and Fire and Rescue Services (HMICFRS) is relevant but the main driver for the Services is the community it serves. The next CRMP is likely to retain the stated strategic goals and for the longer term;
- e) The Service engages and communicates with the community and partners at all levels on a daily basis, and agrees that communication and engagement is key.

Comments from members of the committee included:

- f) This is an excellent piece work which clearly sets out the action plan, the objectives, aims and aspirations of the Service to meet the needs and the citizens it serves;
- g) The emphasis on the Service's core behavioural and cultural code is welcomed as evidence that the Service and Authority is not complacent in this area.

**Resolved to:**

- 1) **note the report;**
- 2) **approve the Year Two Annual Delivery Plan for publication.**

**29 Tri-Service and Replacement Mobilising System Update**

Damien West, Assistant Chief Fire Officer, presented the report which informs the committee of the current position regarding Tri-Service mobilising.

Following points were highlighted and members' questions responded to:

- a) Since 2019 Nottinghamshire and Derbyshire Fire and Rescue Services have operated a Joint Fire Control Project. In 2021, a tri-service arrangement was agreed with Leicestershire to operate two control rooms for the three services, with the collaborative approach proposed of jointly commissioning a bespoke mobilising system to be operated by the three services;
- b) in a letter dated 20 March 2023, in a letter to the Chief Fire Officer, Leicestershire Fire and Rescue Service stated its decision to withdraw from the tri-service arrangement for the joint procurement of the tri-service mobilising system, and only remain part of the joint control arrangement until 31 October 2024 when the current mobilising system contract expires. It was stated that Leicestershire Service will remain receptive to future potential collaboration opportunities;
- c) Although tendering has commenced, no formal commitments have been made, but instead of a three-way cost share, the costs of a new system and associated risk, will now be shared between only the Nottinghamshire and Derbyshire Services;
- d) The broader implications are yet to be fully understood, but will inevitably result in a greater financial contribution from remaining partners. As a result, £300,000 from and earmarked reserves has been allocated by Nottinghamshire Fire and Rescue Service to address the additional internal demands, including required capacity to support the delivery of this statutory function;
- e) To support the programme, a temporary Strategic Manager post has been established to support collaborative tendering and associated work streams for both Services. Under the authority delegated to the Chief Fire Officer, several candidates from both Services were interviewed but Nottinghamshire's Mick Sharman has been appointed to this post which is jointly funded with the Derbyshire Fire and Rescue Service. A detailed report of the current commissioning position, including collaboration, will be provided to a future meeting.
- f) Becky Smeathers, Head of Finance and Treasurer to the Authority is taking the financial lead on the project. Current tenders to supply mobilising systems range between £3 and £8 million, dependant on the functions and adaptations required;
- g) It is not specifically known why Leicestershire Fire and Rescue Service has withdrawn from the arrangement, but Leicestershire Fire and Rescue Service has determined

that there are some elements of a new mobilising system which will require additional elements bespoke to response needs of that Service, and not necessarily all three Services, a decision was made to ensure that independent control, including risk management, is retained by Leicestershire Fire and Rescue Service:

- h) The introduction of the Emergency Services Network continues to be postponed by Central Government, and is now anticipated for 2026 when this was initially proposed as 2018;
- i) There are future collaboration opportunities with Services further afield, such as South Yorkshire, which currently also operates the Systell system, but at this point in time, although a good relationship is maintained, there is no intention to seek a further partner.

**Resolved to:**

- 1) note the intention of Leicestershire Fire and Rescue Service to withdraw from the Tri-Service arrangements for Fire Control;**
- 2) note the update on progress against the replacement mobilisation system project;**
- 3) note and endorse the appointment of a temporary, additional Strategic Manager to oversee related work streams.**

### **30 Manchester Arena Inquiry - Volume Two**

Craig Parkin, Chief Fire Officer, presented the report which provides an update of the Service's response to volume 2 of the Manchester Arena Inquiry and areas for learning.

The following points were highlighted and members' questions responded to:

- a) Following the bombing of the Manchester Arena in 2017 which killed 22 people and injured more than 1,000, a public inquiry was held which examined the preparations for the event, how the attack was handled, and the emergency response;
- b) Volume 1 of the inquiry focused on the security arrangements for the event and venue, and the interoperable working between the Police and EMAS colleagues and across National Inter-agency Liaison Officers (NILOs);
- c) Volume 2 examined the emergency response to the attack and the impact of any inadequacies in the planning and preparation by the emergency services, and in the emergency response;
- d) The inquiry has provided 139 recommendations, of which 62 are relevant to the fire service and a further 51 specifically relevant to the Local Resilience Forum;
- e) The report summarises points of key learning required, including:
  - i. Joint Emergency Services Interoperability Principles (JESIP);
  - ii. Failures in communication;

- iii. Inadequate training within Fire Control and for national interoperability, including with Liaison Officers (NIOs) in managing an incident of this nature;
  - iv. Poor decision-making;
  - v. Failures in interoperability relating to operational approaches and available systems;
  - vi. A lack of understanding by partner agencies of the capabilities, training, and equipment available to and of the FRS;
  - vii. Failures of incident command;
  - viii. Lack of understanding of 'Operation Plato' which is the agreed national identifier for the response to a no-notice marauding terrorist attack (MTA);
- f) On the release of Volume 1, although Fire and Rescue Response was not specifically found to be at fault, NFRS identified potential areas of learning where the Service response could be improved, and applied changes;
- g) Progress in addressing the areas of concern identified in Volume 2 has progressed well and is under constant review. The Service's CRMP Assurance Board meets monthly and tracks progress and scrutinises progress against the recommendations.

Members welcomed the comprehensive report and the hugely important piece of work.

**Resolved to:**

- 1) note the contents of this report and support the approach being taken by the Service in response to the Manchester Arena Inquiry;**
- 2) agree to receive further reports to enable monitoring and scrutiny on the implementation of learning.**

### **31 Bereaved Families Charter**

The Chair introduced the item, noting that the Charter has been written by the former Bishop of Liverpool, the Right Reverend James Jones, to ensure the pain and suffering of families affected by the Hillsborough tragedy is not repeated in future tragedies, emphasising that public bodies and authorities have a responsibility to look after the communities and citizens they support.

The Chief Fire Officer presented the report and responded to members' questions as follows:

- a) It was believed that the Service had adopted the Charter when it was released 3 years ago, but this was not the case, and so an apology is issued for the delay;
- b) The Charter is set out in the appendix to the report and asks that the Service has a commitment to learn from disasters and their aftermath, and the longer term impact beyond the initial response;
- c) In adopting the Charter, the Service commits to the 6 points set out in the appendix, which refers to the need for honesty, openness, mutual respect, and support and protection for the vulnerable and bereaved during and following difficult circumstances.

Members wholeheartedly endorsed the adoption of the Charter, acknowledging that the impact on individuals and whole communities of tragedies such as Hillsborough, are deep and long lasting and must not be underestimated.

**Resolved to endorse the adoption of the Bereaved Families Charter.**

### **32 Exclusion of the Public**

**RESOLVED to exclude the public from the meeting during consideration of the remaining item in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.**

### **33 Exempt Minutes**

The exempt minutes of the meeting held on 27 January 2023 were confirmed as a true record and signed by the Chair.



**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority  
Policy and Strategy Committee

# **LOCAL FIREFIGHTER PENSION ANNUAL REPORT 2022/23**

Report of the Chief Fire Officer

**Date:** 17 November 2023

**Purpose of Report:**

To report to Members on the activities of the Local Firefighter Pension Board and Scheme Manager up to 31 October 2023.

**Recommendations:**

That Members take note of the activity of the Pension Board and Pension Scheme Manager along with the update of current pension issues.

## **CONTACT OFFICER**

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## **1. BACKGROUND**

- 1.1 The Public Service Pensions Act 2013 introduced a framework for the governance and administration of public service pension schemes, including those pension schemes for fire and rescue workers. The governance arrangements in place for this Authority's firefighters' pension scheme are attached at Appendix A. The Act included the requirement for a Local Pension Board to be established by each responsible Authority.
- 1.2 In April 2015, this Committee approved the creation of a Local Pension Board in respect of the firefighter pension schemes, in accordance with the requirements of the Public Services Pensions Act 2013 (the Act). This Board is known as the Local Firefighter Pension Board and has been operating ever since.
- 1.3 The Fire Authority is the Scheme Manager for the firefighter pension schemes, which is a role defined by the Act. The role of Scheme Manager is delegated to the Head of Finance post and this report therefore serves to communicate to the Fire Authority about the activities of the Head of Finance, as delegated Scheme Manager, and of the Local Firefighter Pension Board to date.

## **2. REPORT**

### **CONSTITUTION**

- 2.1 A constitution for the Local Firefighter Pension Board was initially approved by the Policy and Strategy Committee at the time that the Board was created in 2015. It has since been updated to make necessary changes to improve the running of the Board. The current constitution can be found at Appendix B.

### **FORMAT OF MEETINGS**

- 2.2 Three meetings have been held during the year, in March, June and October 2023.
- 2.3 Board members are required to declare any potential conflicts of interest to the Scheme Manager prior to each meeting, in line with the Local Firefighter Pension Board's Conflicts of Interest Policy.

### **BOARD MEMBERSHIP**

- 2.4 As set out in the constitution, there is an equal number of employer and employee representatives on the Board and there is also one substitute member for each side. Substitute members are encouraged to attend meetings as observers, and they are able to act as Board members in the absence of one of the full members. Substitute members are also invited to

attend training sessions as this helps to improve knowledge and understanding of pensions issues.

- 2.5 The Chair of the Local Firefighter Pension Board is currently a representative from the employer side. The requirement to rotate the appointment of Chair is set out in the constitution (Appendix B).
- 2.6 There has been two changes in membership during since the last report in November 2022 and there are currently no vacancies on the Board.

## **TRAINING**

- 2.7 The Pensions Regulator has published a Code of Practice for the governance and administration of public service pension schemes and this code sets out the requirement for Board members to achieve and maintain knowledge and understanding sufficient to enable them to carry out the role of Board member.
- 2.8 The Board was invited to attend the Firefighters' Pensions Annual Conference in October 2023. Internal training has been held for members of the Board. There is online training available on the Pension Regulator website which members of the Board are encouraged to complete.

## **BOARD ACTIVITY**

- 2.9 Since the Local Firefighter Pension Board was set up in 2015, the work of the Board has been shaped by the Board members and by Officers supporting the Board.
- 2.10 Some regular reports to the Board have been developed. These include:
- Updates on current pension issues
  - The Pension Fund Risk Register
  - A report from the Pension Administration Team
  - Annual updates on the financial position of the Pension Fund (Appendix C).

## **CURRENT PENSION ISSUES**

- 2.11 There are currently two major areas of work which are kept under review by the delegated Scheme Manager and Pension Board. Further information on these is detailed below.

### **Transitional Protection for FFPS 2015 Claims - McCloud**

- 2.12 Members will recall from previous reports that following an employment tribunal and subsequent appeals, the transitional protections related to the 2015 Firefighters' Pension Scheme were found to be age discriminatory.
- 2.13 Following the ruling, the Fire Brigades Union (FBU) commenced legal proceedings in the High Court for three test cases against FRAs. Two of

these cases were against NFRS as they related to former NFRS employees. A settlement agreement on these cases was reached on 8 October 2021.

- 2.14 Alongside the settlement agreement, the Local Government Association (LGA) and Fire Brigades Union (FBU) negotiated a Memorandum of Understanding (MoU) and a Framework agreement for handling Immediate Detriment cases. This was made available in early October 2021 and adopted by NFRS on 12 November 2021. Several cases for remedy were progressed under this MoU.
- 2.15 However, in late November 2021, the Home Office guidance underpinning the MoU was withdrawn following intervention by Her Majesty's Treasury (HMT), due to apparently fresh concerns about the level of risk and uncertainties relating to tax and associated matters. This unexpected development added to the complexities facing FRAs.
- 2.16 In the light of this, a report was considered by Policy and Strategy Committee on 1 April 22 where approval was gained to continue with both Cat 1 (those coming up to retirement) and Cat 2 (those affected members who have already retired) payments. Since then, payments have continued for all Cat 1 cases. Work has also commenced on Cat 2 cases.
- 2.17 Following a consultation exercise, revised tax regulations came into effect from April 2023. Whilst some provisions have retrospective effect to April 2022 it is not yet clear how Immediate Detriment cases that have been implemented prior to this date will be dealt with.
- 2.18 Between 23 May and 19 June 23, HMRC published consultation on further draft tax legislation which will supplement the initial legislation changes and address some ongoing issues. An Age Discrimination Remedy Tax and contribution calculator has been released by the Government Actuaries Department (GAD) to assist Authorities with their calculations.
- 2.19 The finalised Firefighters' Pensions (Remedial Service) Regulations 2023 were laid before Parliament on 19 July and came into force from 1 October 2023. The Service has until March 25 to implement the legislation. In the consultation response it was recognised that further provisions may be needed, beyond those in the published draft regulations that accompanied the consultation.
- 2.20 The Service is working alongside WYPF and the LGA to ensure that the legislation is implemented in the required timescale. The Corporate Risk Register has been amended to reflect the reduction in risk now that the revised legislation is in place and there is now certainty regarding the direction of travel. However, risks remain high due to the amount of work involved in its implementation and the national lack of skilled resources.
- 2.21 The Service has created an administrative post in the People and Organisational Development Team and a part time Deputy Payroll and

Pensions Manager to assist with the smooth implementation of the legislation.

2.22 Following extensive legal negotiation, the Government Legal Department have now made an offer to settle injury to feelings claims relating to the McCloud remedy. The offer is:

- £7,250 to claimants with additional reasons for being aggrieved.
- £3,750 for everybody else.

2.23 It is not yet known how many claimants there are from Nottinghamshire Fire and Rescue Service or the mechanism for payment. The cost of compensation will be fully met by the Government.

### **Matthews & O'Brien case – Modified Scheme**

2.24 Special members were introduced to the 2006 Firefighters' Pension Scheme in 2014 following Matthews court case which ruled that on-call firefighters employed between 1 July 2000 and 4 April 2006 should be allowed to retrospectively join the 2006 scheme.

2.25 Following a further European Court of Justice case (O'Brien) the UK Government have recognised the right for on-call firefighters employed before 1 July 2000 to elect to become a special member from the start of their employment.

2.26 On 9 March 22, after an extended period of negotiations, a Memorandum of Understanding (MoU) was agreed between the government, the FBU, the Fire and Rescue Services Association and FRA employers.

2.27 It was confirmed that remedy for retained firefighters affected by the O'Brien judgment will be provided by way of a second options exercise allowing in-scope individuals the opportunity to purchase pension entitlement as a special member of the FPS 2006. The LGA have now set out eligibility criteria for individuals who are considered eligible. It is proposed that all those determined as out of scope in the original exercise should now be re-visited as best practice.

2.28 Some fire services have identified individuals who worked as far back as the 1960's who may be affected. This clearly pre-dates automated systems and manual records are likely to have been disposed of, partially due to the requirements to delete obsolete data under data protection legislation. This service has no records pre-dating the year 2000. Where the required data is no longer available, nationally agreed methods of estimation have been agreed.

2.29 The regulations to implement the second options exercise were consulted on between 31 March 23 and 9 June 23. Revised legislation has been laid before Parliament and came into force on 1 October 23.

- 2.30 Prior to the legislation coming into force the LGA has been working alongside FRAs to help ensure that they have identified those retained firefighters who may be affected and start collecting the relevant data. Roadshows are being planned along with nationally agreed letters to try to ensure than all those who are entitled to be considered can be identified.
- 2.31 The Service is working closely with WYPF and the LGA has started work on the implementation of the legislation. However, the issues outlined in 2.17 along with a lack of skilled resources make this a challenging project. Whilst the Corporate Risk Register has been amended to reflect the reduction in risk now that the revised legislation is in place, it remains in the high risk category due to the amount of work involved in its implementation and the national lack of experienced resources.
- 2.32 The two posts identified in section 2.10 will be contributing to the delivery of this project.

### **SCHEME MANAGER ACTIVITY**

- 2.33 The role of the Scheme Manager is set out in the Governance Arrangements (Section 3, Appendix A). Much of the role of the Scheme Manager relates to ensuring that proper administrative and governance arrangements are in place.
- 2.34 Some of the Scheme Manger activity is undertaken by the Scheme Administrators (West Yorkshire Pension Fund (WYPF)). The Internal Audit function for WYPF is provided by Bradford City Council who have a 5-year audit plan in place. All audit reports are made available to NFRS. WYPF also provide a monthly activity report which is shared with Pension Board.
- 2.35 The Scheme Manager has responded to statutory and not statutory requests for information, including national surveys of the firefighters' pension scheme by The Pension Regulator, Treasury and the Local Government Association. The results of these surveys are reviewed and provide the basis for making any necessary improvements.
- 2.36 Both the Scheme Manager and Human Resources advisor to the pension board have attended several local and national events to ensure that their knowledge and understanding remain up to date.
- 2.37 The Local Firefighter Pension Board is now well established and has made good progress in improving the knowledge and understanding of the Board about the current pension issues, and in ensuring that governance and administration of pensions is carried out effectively. Work has also been undertaken to communicate with pension scheme members about pension issues (particularly the McCloud remedy) and to raise the profile of this important subject. The Board will continue to ensure that good practice is maintained, and ongoing improvements are made in line with advice from the Scheme Advisory Board and The Pension Regulator.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The costs associated with the McCloud and Matthews remedies are expected to be directly funded from the Government. There may be some cost elements of implementing the McCloud remedy in advance of the legislation being laid that may fall to the Authority but these are not expected to be significant. The Authority holds a £200k earmarked reserve to cover any such costs.
- 3.2 The Authority has received grant totalling £125k from the Home Office to help with the additional costs related to McCloud and Matthews. This was expected to be largely required to cover the national costs of updating pension administration software systems, but this is now going to be delivered through other sources. This released the funding which has been used to fund a temporary administrative post (see section 2.10).
- 3.3 The Authority continues to pay a levy to the Scheme Advisory Board (SAB), and this will cover the cost of the national fire pensions technical advisor post and support the work of the SAB. The aim of the SAB in setting this levy is to help fire authorities to achieve cost savings by producing guidance and communications centrally for authorities to share. The cost for 2022/23 was £3,705.57 and this has been provided for within the revenue budget. This is a reduced figure from 2021/22, largely due to staff vacancies within the SAB.
- 3.4 The results of the 2020 valuation of the Firefighters' Pension Scheme have been delayed allowing McCloud remedy costs to be included in the valuation. Any change in employer costs will be effective from 2024. These could be substantial, the 2016 valuation resulted in increased costs of £2.5m which attracted £2.3m new burdens funding from the Home Office. It is expected that any increases will be offset by additional government grant until 2026. There remains uncertainty regarding funding after this date.

### **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

- 4.1 There are significant implications to the workforce relating to the Firefighter's Pension Schemes, these are covered in the body of the report.
- 4.2 The members of the Board are required to achieve and maintain knowledge and understanding of pensions and this requirement is being managed and monitored by the Scheme Manager.

### **5. EQUALITIES AND ETHICAL IMPLICATIONS**

An equality impact assessment has not been undertaken because this report is not associated with a policy, function or service.

## **6. ENVIRONMENTAL AND SUSTAINABILITY IMPLICATIONS**

There are no environmental or sustainability implications arising from this report.

## **7. LEGAL IMPLICATIONS**

The Local Firefighter Pension Board was created to fulfil the requirements of the Public Service Pensions Act 2013.

## **8. RISK MANAGEMENT IMPLICATIONS**

The risks associated with pension governance and administration are set out in the Board's risk register, which is actively managed by the Scheme Manager and monitored by the Board.

## **9. COLLABORATION IMPLICATIONS**

Nottinghamshire, Leicestershire and Derbyshire Fire Authorities all share the same pension administrator, and this has allowed for a number of collaborative activities associated with pensions. There have been several regional meetings and information events to help keep up to date with pension issues and to share good practice. Derbyshire Fire and Rescue Service employs a pensions advisor on behalf of all three authorities to provide more pension specialist knowledge.

## **10. RECOMMENDATIONS**

That Members take note of the activity of the Pension Board and Pension Scheme Manager along with the update on current pension issues.

## **11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

None.

Craig Parkin  
**CHIEF FIRE OFFICER**

## NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY

### Governance Arrangements for Firefighter Pensions

#### Introduction

- 1.1 The purpose of this document is to set out the governance arrangements relating to all aspects of firefighter pensions. This document forms part of the overall corporate governance framework for the Authority.
- 1.2 The various firefighter pension schemes fall within the remit of the Public Service Pensions Act 2013. The Pensions Regulator has produced a code of practice for the governance and administration of public service pension schemes and this document is based upon the recommendations in this code of practice.

#### Overview of Roles and Definitions

- 2.1 The Public Service Pensions Act 2013 identifies a number of roles in relation to public service pension schemes. These are explained below and interpreted in the context of the Nottinghamshire and City of Nottingham Fire and Rescue Authority:
  - 2.1.1 **Responsible Authority.** The responsible authority has the power to make pension scheme regulations. The Act identifies Secretaries of State as responsible authorities, so for the firefighter schemes this would be the Secretary of State for Communities and Local Government.
  - 2.1.2 **Scheme Manager.** For locally administered schemes such as the firefighter schemes the scheme manager may be the local administering authority or a person representing an Authority. The Combined Fire Authority is therefore deemed to be the Scheme Manager, with the day to day responsibilities of the Scheme Manager delegated to the Head of Finance.
  - 2.1.3 **Pension Board.** The Local Pension Board is responsible for assisting the Scheme Manager to comply with the scheme regulations and other legislation relating to the governance and administration of the firefighter schemes. Scheme regulations and the Scheme Manager will determine what the Pension Board's role and responsibilities will be and for this Authority these are set out in the Constitution of the Local Pension Board.
  - 2.1.4 **Scheme Advisory Board.** Each defined benefit public service pension scheme set up under section 1 of the 2013 Act has a Scheme Advisory Board with responsibility for providing advice to the Responsible Authority on the desirability of changes to the scheme when requested to do so. The Department for Housing Communities and Local Government has set up a Scheme Advisory Board for the Firefighter Pension Scheme 2015.

2.2 Other roles which are not necessarily defined by the Act, but which are relevant to firefighter pension schemes are:

2.2.1 **Employer.** The employer is the Combined Fire Authority, with day to day employer responsibilities delegated to the Chief Fire Officer.

2.2.2 **Scheme Administrator.** This role deals with day to day pension administration of firefighter pensions including the keeping of pension records and the calculation of pension benefits. This function is outsourced, currently to Leicestershire County Council.

2.2.3 **Scheme Advisers.** Advisers and service providers can help those governing and administering schemes to make informed decisions. In practice a range of people and bodies act as Scheme Advisers including the Scheme Administrator, the Chief Fire Officer and other Officers within the Service, the Local Government Association, the Scheme Advisory Board and the Department for Communities and Local Government.

## **Roles and Responsibilities**

### Scheme Manager:

- 3.1 The Scheme Manager is responsible for providing certain information, including:
- Annual benefits information to scheme members
  - Certain information to scheme members (and others in certain circumstances) on request including basic scheme information, significant changes to schemes, information about future benefits
- 3.2 The Scheme Manager is responsible for publishing information about the Local Pension Board, including who the board members are, representation on the board, matters for which the board is responsible, terms of reference, the appointment process, the employment and job title and any other relevant position held by board members, any specific responsibilities of board members. Consideration should be given to publishing Local Pension Board agendas, papers and minutes.
- 3.3 The Scheme Manager is responsible for publishing any other specific information as directed by the Responsible Authority or other Government department.
- 3.4 The Scheme Manager is responsible for keeping records of member and beneficiary information and transactions. The Scheme Manager is responsible for ensuring that record keeping processes are effective, that member data is regularly reviewed and evaluated, and that data is held for an appropriate length of time. In practice certain records are held by the Service and others are held by the Scheme Administrator.
- 3.5 The Scheme Manager is responsible for arranging Local Pension Board meetings in accordance with the constitution for the Local Pension Board.

This will include preparing agendas and ensuring that reports are provided to board meetings as required.

- 3.6 The Scheme Manager is responsible for keeping records of pension board meetings and decisions. This must include the date, time and place of the meeting; the names of all pension board members invited to the meeting; the name of any person attending and in what capacity; the minutes of the meeting and any decisions made at the meeting.
- 3.7 The Scheme Manager is responsible for ensuring that pension board members do not have conflicts of interest and for managing any potential conflicts of interest.
- 3.8 The Scheme Manager is responsible for establishing and operating adequate internal controls to manage risks relating to the schemes. This will include having a process to identify, evaluate and manage risks as well as monitor controls.
- 3.9 The Scheme Manager is responsible for ensuring that pension contributions are paid into schemes on time and in full. This will include having a process to monitor payments and identify and resolve contribution payment failures. The Scheme manager must report significant contribution payment failures to the Pensions Regulator within 10 working days.
- 3.10 The Scheme Manager is responsible for making and implementing arrangements which comply with legal requirements for resolving internal disputes with members and others, and for regularly checking that the arrangements work effectively. This responsibility is delegated to the Head of HR Services.
- 3.11 Some of the responsibilities of the Scheme Manager are carried out by the Scheme Administrator on the Scheme Manager's behalf.

#### Local Pension Board:

- 3.12 The Local Pension Board is responsible for assisting the Scheme Manager in securing compliance with scheme regulations, governance and administration legislation and any requirements of the Pensions Regulator.
- 3.13 The Local Pension Board is responsible for establishing and maintaining a training and development policy and framework to address the legal requirement for board members to have sufficient knowledge and understanding to carry out their role.
- 3.14 Members of the Local Pension Board are responsible for the appointment of a Chair to the board in accordance with the constitution of the Local Pension Board.
- 3.15 Members of the Local Pension Board are responsible for declaring any potential conflict of interest arising as a result of their position on the board to the Chief Fire Officer.

3.16 Members of the Local Pension Board are responsible for participating in training and development as required to achieve sufficient knowledge and understanding to carry out their role.

#### Employer

3.17 The Employer is responsible for paying contributions into pension schemes and keeping and providing data to the Scheme Manager and / or the Scheme Administrator. This responsibility is delegated to the Head of Finance.

3.18 The Employer is responsible for dealing with disputes. This responsibility is delegated to the Head of HR Services.

3.19 The Employer is responsible for the administration of firefighter pensions. This activity is outsourced and responsibility for managing the contract is delegated to the Head of Finance.

#### All Roles

3.20 The Scheme Manager, members of the Local Pension Board, the Scheme Administrator and any Scheme Adviser are all responsible for reporting breaches of the law to the Pensions Regulator where that breach is likely to be of material significance.

Reviewed May 2019  
Becky Smeathers  
Scheme Manager

**LOCAL FIREFIGHTER PENSION BOARD OF NOTTINGHAMSHIRE AND CITY  
OF  
NOTTINGHAM FIRE AUTHORITY**

**CONSTITUTION**

**1. Statement of Purpose**

The purpose of the Board is to assist Nottinghamshire and City of Nottingham Fire and Rescue Authority (The Fire Authority) in its role as the Scheme Manager of the Fire Fighters Pension Schemes (1992, 2006, 2015 and Retained Modified). Such assistance is to:

- a) secure compliance with the Scheme's regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.
- b) ensure the effective and efficient governance and administration of the Scheme.

**2. Duties of the Board**

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board Members:

- a) should act always in the interests of the Scheme and not seek to promote the interests of any stakeholder group above another.
- b) should be subject to and abide by Fire Authority's Codes of Conduct for Members and Employees.

**3. Membership**

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

**4. Scheme Member Representatives**

- 4.1. 2 Scheme Member representatives shall be appointed to the Board by the 2 largest trades unions recognised by the Fire Authority who represent Scheme Members (i.e., FBU and FOA) but in default of any such appointments being made the Fire Authority shall invite expressions of interest from Scheme Members and appoint such Scheme Member representatives who it regards as best suited to the role of Board Member.
- 4.2. Scheme Member representatives shall be current Scheme Members.

- 4.3. Scheme Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

## **5. Employer Representatives**

- 5.1. 2 Employer representatives shall be appointed to the Board by the Fire Authority.
- 5.2. Employer representatives shall be 1 Fire Authority Member and 1 Principal Officer provided that neither Officer nor Members exercise delegated responsibility for discharging the Scheme Manager function of the Fire Authority.
- 5.3. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 5.4. Employer representatives shall be appointed by the Fire Authority in a manner which it considers best promotes the purpose of the Board.

## **6. Appointment of Chair**

- 6.1. The Board shall appoint its own chair for a period of 12 months rotating the appointment between scheme member representatives and employer representatives.
- 6.2. The duties of the Chair should be in accordance with the duties of a committee chair under the Fire Authority's Constitution.

## **7. Substitute Board Members**

- 7.1. The Board may appoint one substitute Scheme Member Representative and one substitute Employer Representative. Substitute representatives can take part in Board meetings only in the place of an appointed representative of the same group who cannot attend a meeting.
- 7.2. A substitute representative may attend, and participate in, any training events for Board members.
- 7.3. A substitute representative may attend a Board meeting as an observer, if all representatives of the same group are attending that meeting. In this situation, the substitute representative must not participate in the business of the meeting.

## **8. Notification of Appointments**

On appointment to the Board the Fire Authority shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

## **9. Conflicts of Interest**

- 9.1. All members of the Board must declare to the Chief Fire Officer on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
- 9.2. On appointment to the Board and following any subsequent declaration of potential conflict the Chief Fire Officer shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Fire Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.

## **10. Knowledge and understanding (including Training)**

- 10.1. Knowledge and understanding must be considered in light of the role of the Board to assist the Fire Authority in line with the requirements outlined in paragraph 2 above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board Members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
- 10.2. Board Members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- 10.3. Board Members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

## **11. Term of Office**

- 11.1. The term of office for Board Members shall be 2 Municipal Years and there shall be no restriction on reappointment at the expiry of a Board Member's term.
- 11.2. Board membership shall be terminated prior to the end of the term of office due to:
  - a) A Scheme Member representative ceases to be a Scheme Member.
  - b) An Employer representative ceases to be a Fire Authority Member.
- 11.3. Board membership may be terminated prior to the end of the term of office by a resolution of the Fire Authority where the Board Member is no longer able to

demonstrate their capacity to attend and prepare for meetings or to participate in required training.

## **12. Meetings**

12.1. The Board shall as a minimum meet 3 times per year.

12.2. The Chair, with the consent of the other Board Members, may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

12.3. Meetings shall be open to the public and shall be conducted in accordance with the Fire Authority's constitution as regards to the attendance of the public at meetings. Meetings will be advertised on the Service website at least one week prior to the date of the meeting with a link to the agenda, papers and minutes of the previous meeting.

12.4. If there are any reports or papers containing confidential matters these will not be published. In this case the Board meeting will consist of part one for all non-confidential items, open to the public, and part two for all confidential items, closed to the public. Matters will be deemed confidential by reference to the personal data provisions of the Data Protection Act.

## **13. Quorum**

A meeting is only quorate when 4 members are present, 2 scheme member representatives and 2 employer representatives.

## **14. Voting**

14.1. The Board shall as far as possible make any decisions by consensus but where this proves not to be possible the Board may vote upon an issue.

14.2. Each Board Member shall have 1 vote and in the event of an equality of votes the Chair shall have a casting vote.

## **15. Support to the Board**

15.1. The Chief Fire Officer shall provide such support to the Board as it requires to discharge its functions.

15.2. The Board may request information from the Chief Fire Officer with regard to any aspect of the Scheme Manager function. Any such a request should be reasonably complied with in both scope and timing.

15.3. The Board may make recommendations to the Chief Fire Officer which should be considered, and a response made to the Board on the outcome within a reasonable period of time.

## **16. Relationship with Firefighters Pension Scheme Advisory Board**

16.1. The national Scheme Advisory Board has been established in accordance with the Public Service Pensions Act 2013 and its objectives include the provision of advice to Local Pension Boards in relation to the effective and efficient administration of the pension scheme. Communications from the Scheme Advisory Board are likely to be made via the Chair of the Local Pension Board who must ensure that the Fire Authority, as Scheme Manager, is kept informed of any new requirements.

<b>PENSION FUND ACCOUNT YEAR ENDING 31 MARCH 2023</b>
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<u>2021/22</u> <u>£000</u>		<u>2022/23</u> <u>£000</u>
	<b>Contributions Receivable</b>	
	Fire Authority:	
	Contributions in relation to pensionable pay	
(5,348)		(5,214)
(210)	Other (Ill Health Retirements)	(301)
<u>(2,453)</u>	Firefighters' contributions	<u>(2,419)</u>
<b>(8,011)</b>	<b>Total Contributions Receivable</b>	<b>(7,934)</b>
	<b>Transfers in from other authorities</b>	
(73)	Transfers in from other schemes	(35)
	<b>Benefits Payable</b>	
14,459	Pensions	15,135
2,924	Commutations and lump sum retirement benefits	2,552
0	Lump sum death benefits	0
59	Other	175
<u>17,442</u>	<b>Total Benefits Payable</b>	<u>17,862</u>
<b>9,358</b>	<b>Net Amount payable for the year before top-up grant from Central Government</b>	<b>9,893</b>
(6,174)	Top-up grant received from Central Government	(7,430)
<u>(3,184)</u>	<b>Balance of top-up grant for the year (receivable from)/payable to Central Government</b>	<u>(2,463)</u>

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