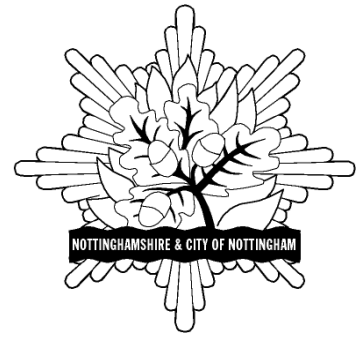


# Public Document Pack



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

**Date:** Friday, 13 November 2020      **Time:** 10.00 am

**Venue:** To be held remotely and streamed -  
<https://www.youtube.com/channel/UCt4VuYp8JJJvXCLRmSRJ1mw/featured>

**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**

<u>Agenda</u>	<u>Pages</u>
<b>1 APOLOGIES FOR ABSENCE</b>	
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<b>4 HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE AND RESCUE SERVICES UPDATE</b> Report of the Chief Fire Officer	15 - 28
<b>5 LOCAL FIREFIGHTER PENSION BOARD ANNUAL REPORT 2019/20</b> Report of the Chief Fire Officer	29 - 44
<b>6 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.	

**7 SALE OF THE FORMER FIRE STATION SITE AT HUCKNALL**  
Report of the Chief Fire Officer

To Follow

**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: Catherine Ziane-Pryor  
0115 8764298  
catherine.pryor@nottinghamcity.gov.uk

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<https://committee.nottinghamcity.gov.uk/ieListMeetings.aspx?CIId=219&Year=0>

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**Nottinghamshire and City of Nottingham Fire and Rescue Authority - Policy and Strategy**

**Minutes of the meeting held remotely on Zoom and livestreamed on <https://www.youtube.com/channel/UCt4VuYp8JJJvXCLRmSRJ1mw/featured> on 24 July 2020 from 10.00 am - 12.30 pm**

**Membership**

Present

Councillor Andrew Brown  
Councillor Michael Payne (Chair)  
Councillor Jonathan Wheeler  
Councillor Sybil Fielding  
Councillor John Clarke  
Councillor Toby Neal

Absent

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

Candida Brudenell	- Assistant Chief Fire Officer
John Buckley	- Chief Fire Officer
Gavin Harris	- Head of Digital Transformation
Craig Parkin	- Deputy Chief Fire Officer
Ian Pritchard	- Assistant Chief Fire Officer
Terry Scott	- Estates Manager
Becky Smeathers	- Head of Finance
Malcolm Townroe	- Clerk to the Authority
Jane Garrard	- Senior Governance Officer, Nottingham City Council

**31 Apologies for Absence**

None

**32 Declarations of Interests**

None

**33 Minutes**

Prior to the Committee's consideration of this item, the following question had been submitted by the Fire Brigade's Union (FBU) and was read to members by Malcolm Townroe, Clerk to the Authority:

**Item 29. Restructure of Procurement and Resources Department**

The FBU believe that decisions that affect our members and this case potential redundancies, should be made in a public forum. This agenda item was excluded to the public and FBU. The Fire Authority must be open to public scrutiny and challenge when making decisions of this nature. Will the Fire Authority make this report public and commit to making all future decisions of this nature open to public scrutiny?

The following response was provided by the Chair:

Thank you for the question. The Authority fully appreciates the value and necessity of transparency, however, due to the very small scale of changes being proposed within the report it would be possible to individually identify members of staff, and therefore the decision to exclude the public was appropriate under the relevant areas of legislation.

Notwithstanding this position, the affected employees and their nominated representatives were made aware of the contents of the report, and formal consultation will be undertaken in line with Service policy. I would also point out that the Service has an excellent track record in mitigating potential redundancies where possible, and I am assured by the Chief Fire Officer that all reasonable steps will be taken in these circumstances.

The minutes of the meeting held on 1 May 2020 were confirmed as an accurate record.

### **34 Membership**

The Committee noted that Councillor Stephen Garner had replaced Councillor Stuart Wallace as a member of the Fire and Rescue Authority as of 11 June 2020.

### **35 Chair's Announcements**

The Chair welcomed the opportunity to, on behalf of the Authority, sign the joint commitment to improve workforce diversity in conjunction with the Chief Fire Officer and all representative bodies. This was another step forward in making sure that the Service is relevant to, and reflective of the communities it serves. However, there is no complacency and the Chair is keen for the Service to go further where it can.

The Government has launched a consultation of fire safety and the Chief Fire Officer will be responding to ensure the observations of this Service are put forward. The Bill essentially takes forward Dame Judith Hackitt's review of building regulations and fire safety, and a draft has been published to allow for consultation before formal Parliamentary scrutiny.

Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services has indicated that it is seeking approval from the Home Secretary to undertake a thematic inspection of all Fire and Rescue Services specifically relating to the response to the Coronavirus pandemic. If approved, formal details will be communicated to the Service and members will be informed.

Along with the Deputy Chief Fire Officer, the Chair attended meetings hosted by the National Employers as part of national joint council to seek opinion on the pay rise for firefighters. We recognise that the pay for firefighters needs to be properly addressed, but any increases

above the 2% we have budgeted for would need to be supported by Government or it would have a direct impact on our ability to deliver services. Therefore we urge the Government to give serious consideration to funding above the 2%.

The Minister for Fire has announced a review of the Police and Crime Commissioner model this week with an element of focus on fire reform. The Chief Fire Officer will bring forward further information when it is available.

Subject to approval at this meeting, there will be a virtual members' seminar held at the rising of the Fire Authority meeting in September. A formal agenda and further information will be sent out to members nearer the time.

The Memorial Garden at Sherwood Lodge, supported by both Services and their workforce representative bodies, will be formally opened in the very near future. Members will be invited to attend and appropriate measures will be in place to ensure that those wishing to share the celebrations will be able to attend safely.

This is the last Fire Authority meeting that Ian Pritchard will attend before retiring in August. He has worked for the Service since 2009 in a variety of roles, bringing valuable experience from the private sector. Thank you to Ian for his public service.

### **36 Authority Governance**

Malcolm Townroe, Clerk to the Authority, presented the report updating members on the temporary changes to Authority governance and meeting arrangements following the previous meeting of Policy and Strategy Committee on 1 May 2020. He highlighted the following information:

- (a) The virtual meeting of Policy and Strategy Committee on 1 May 2020 was held successfully and there have been over 270 views of the meeting on YouTube.
- (b) The proposed governance arrangements set out a plan for ensuring transparent governance in line with the required legislation, in the context of the current coronavirus pandemic.
- (c) While the proposed Fire Authority meeting in September will take place on Zoom, arrangements for later meetings will be agreed nearer the time depending on the circumstances and may be held in person if appropriate.
- (d) At the rising of the proposed Fire Authority meeting in September there will be a members' seminar.
- (e) It is proposed to have a meeting of Fire Authority in November to consider the audited accounts.
- (f) The meeting of Policy and Strategy Committee provisionally scheduled for November will only be held if necessary.
- (g) It is intended to resume the full schedule of Fire Authority meetings from January 2021.

During the subsequent discussion the need to consider whether vulnerable members could be expected to attend physical meetings and therefore the possibility of holding hybrid meetings rather than fully face-to-face meetings was raised. The Clerk informed members that while there was provision to hold hybrid meetings it was technically more difficult and there was a preference for either fully virtual or fully face-to-face meetings. However, all options would be considered.

**Resolved to:**

- 1) agree to hold a virtual Zoom meeting of the full Authority on Friday 11 September 2020 to include only essential reports;**
- 2) note that at the rising of the full Authority meeting on 11 September 2020 there will be a virtual members' briefing session to enable an informal information exchange between all members of the Authority and the Chief Fire Officer and his team;**
- 3) agree to hold a further meeting of the full Authority (either by Zoom or in person, depending on the prevailing circumstances) on Friday 27 November 2020, in substitution for the meeting usually scheduled for December, to enable the Authority to formally sign off the audited accounts;**
- 4) agree that, subject to the coronavirus remaining under appropriate control, all meetings of the Authority and its committees recommence with effect from January 2021 (either by Zoom or in person, depending on the prevailing circumstances) and meetings be held on the following days:**

**Full Fire Authority**

- 11 September 2020 (virtual meeting via Zoom)
- 27 November 2020 (virtual or physical dependent on circumstances)
- 26 February 2021
- 28 May 2021 (AGM)

**Community Safety Committee**

- 8 January 2021
- 19 March 2021

**Finance and Resources Committee**

- 15 January 2021
- 26 March 2021

**Human Resources Committee**

- 22 January 2021
- 23 April 2021

**Policy and Strategy Committee**

- 13 November 2020 (virtual and only if required for urgent business)
- 29 January 2021
- 30 April 2021

- 5) arrange a meeting of the Strategic Inclusion Board (either by Zoom or in person depending on the prevailing circumstances) when considered appropriate by the Chief Fire Officer, following consultation with the Chair of the Authority.**

### **37 2019/20 Revenue and Capital Outturn**

Prior to the Committee's consideration of this item, the following written question had been submitted by the Fire Brigades Union (FBU) and was read to members by Malcolm Townroe, Clerk to the Authority:

The Service has underspent on wholetime wages and overtime by a considerable amount. However, the wholetime ridership continues to suffer due to large numbers of vacant posts. Many appliances continue to ride at minimum crewing levels due to budget restraints. Will the Fire Authority commit to spending all the wholetime budget and earmark enough overtime budget to ensure appliances are crewed at correct levels?

The following response was provided by the Chair:

In relation to the 2019/20 underspend referenced on page 14 of the agenda pack, it is recognised that this equated to just 0.34% of the allocated budget, with considerable funding redirected to support overtime. The Service routinely utilises overtime to support the crewing of appliances, but this must be balanced with the appropriate use of contracted hours already made available for the cover of sickness and other absences, an area where performance still needs to be improved and I would ask that the FBU support the Chief Fire Officer in this regard.

Within the current year, the FBU will be aware that officers are working hard to maintain the operational establishment through On-call migration, transferees from other services, and a wholetime firefighter recruitment campaign. Furthermore, short term measures are being utilised to offset the delay in recruitment caused by the pandemic, including; On-call staff working additional shifts, overtime to cover substantive deficiencies, and a continuous drive to improve sickness cover performance within the contracted hours already made available. Appliance availability and operational cover has remained strong over recent months, and I am assured by the Chief Fire Officer that these measures are appropriate to support the ridership going forward.

Becky Smeathers, Head of Finance, presented the report outlining the provisional financial performance of the Service in 2019/20. She highlighted the following information:

- (a) In February, the Fire Authority approved a 2019/20 revenue budget of £42.696m on the basis that a budget deficit of £1.240m would be supported by general reserves.
- (b) In-year savings were requested to reduce the requirement for reserves and total expenditure for 2019/20 was £42.096m, resulting in an underspend of £600,000 requiring £603,000 of funding from general reserves.
- (c) While the revenue underspend is a relatively small proportion of the overall budget it includes a few significant over and underspends, including expenditure relating to employees, transport and income.
- (d) The net movement in earmarked reserves relates to some unused Emergency Service Network grant and some unused Covid-19 grant.
- (e) Overall, reserves are in a healthy position.

- (f) Final capital expenditure was £1.843m, which is an underspend within the year of £4.755m against the revised budget of £6.599m.
- (g) £2.6m of the slippage relates to the replacement of Worksop Fire Station which is delayed due to issues with site availability. Other slippages include transport, protective equipment, property and IT and communications.
- (h) The date for publishing the draft accounts has been extended to 31 August 2020, but they are on course to be completed by the end of July. The accounts will be audited from 7 September prior to the deadline for final completion at the end of November.

The Committee noted the contents of the report.

**Resolved to:**

- 1) approve the slippage of £4,182,000 on the capital programme; and**
- 2) approve the carry forward of surplus funding relating to the Child Safety Equipment Pilot in an earmarked reserve.**

**38 Revenue, Capital and Prudential Code Monitoring Report to 31 May 2020**

Becky Smeathers, Head of Finance, presented the report about the financial performance of the Service during 2020/21. She highlighted the following information:

- (a) Expenditure has been more erratic than normal due to Covid-19 and its impact on services. Therefore it has been hard to predict the outturn position.
- (b) The revenue forecast outturn position is £43.914m with a £1.497m underspend against a revised budget of £45.411m. A significant proportion of the underspend relates to the Covid-19 grant, which was greater than expected and some of which has not yet been allocated.
- (c) One of the major variances relates to wholetime pay, caused by a higher than anticipated level of vacancies due to the wholetime training course being later than originally anticipated. The question from the Fire Brigades Union raised the issue of underspend on wholetime pay and holding vacancies. Options are being looked at and it is anticipated that the underspend will drop significantly.
- (d) The Service has received Government funding for Covid-19 but this can only be used for specific purposes and not to address potential shortfalls in the 2021/22 budget caused by reduced collection rates for Council Tax and Business Rates. The current best estimate is that the impact could be up to £1m which will impact on the Medium Term Financial Plan for the next 3 years.
- (e) There has been slippage in the capital programme which impacts on the Minimum Revenue Provision and it is proposed that the underspend is reallocated.
- (f) Reserves are in a healthy position and the expected level of reserves at 31 March 2020 is £10.9m.



- (g) It is proposed to add £30,000 to the Capital Programme for an ICT project funded by the Covid-19 grant and approve slippage relating to the Worksop replacement fire station. It is also proposed to add the Command Support Unit upgrade to be funded from earmarked reserves to the Capital Programme.
- (h) In May 2020, Fire Authority increased the limits for prudential indicators to deal with uncertainties related to Covid-19. This has not been required and borrowing is comfortably within the original indicators and limits set out in February 2020.

During subsequent discussion the anticipated lower collection rates for Council Tax and Business Rates was raised. It was clarified that the estimate of the impact of lower collection rates for Council Tax and Business Rates is based on data provided by local authorities to the Department for Communities and Local Government. It is difficult to estimate the impact and the figures are based on current best estimates. The Service's estimate mirrors national estimates so it is thought to be reasonable. The Government is being urged to address this issue in the forthcoming spending review.

The Committee noted the contents of the report.

**Resolved to:**

- 1) approve the virement of £62,000 from the MRP budget to operational equipment to fund the purchase of new fire hoods in response to the Grenfell enquiry outcomes (£37,000) and to correct an error in the medical equipment budget (£25,000);**
- 2) approve the addition of two new projects to the Capital Programme:**
  - i) £30,000 capital project for ICT equipment to enable the service to react to Covid-19; and**
  - ii) £70,000 Command Support upgrade to be funded from Earmarked Reserves**
- 3) approve the slippage of £2,557,000 to 2021/22 for the Worksop replacement fire station project.**

### **39 Service Delivery Performance Report**

Prior to the Committee's consideration of this item, the following written question had been submitted by the Fire Brigades Union (FBU) and was read to members by Malcolm Townroe, Clerk to the Authority:

The table in Appendix A shows On-call availability. Ashfield and Retford stations have not been included in this table, interestingly both stations have the worst on-call availability in the Service. Why has the Service decided not to include these stations in the report, as all other stations that have On-call at them are included?

The following response was provided by the Chair:

Contrary to the question posed, I refer the FBU to section 2.4 of the report where the performance of both Ashfield and Retford fire stations have been clearly articulated in the report. These stations are not included in the On-Call performance tables as they operate the unique Day Shift Crewing system recently implemented and are specifically drawn out, at

the request of members, so that more transparency and greater scrutiny can be applied to those locations.

As part of the implementation of Day Shift Crewing it was also agreed to undertake a review of the model and report it back to the Authority. This review is being progressed by the Chief Fire Officer and staff and their representatives will be fully engaged in this work.

Craig Parkin, Deputy Chief Fire Officer, introduced the report updating members on the performance of the Service Delivery Directorate, noting that this information is normally reported to the Community Safety Committee which is currently not meeting due to the coronavirus pandemic. He highlighted the following information:

- (a) Between April and June 2020 there was a decrease of 237 incidents compared with the same period in the previous year.
- (b) Between April and June 2020 the overall average attendance time for emergency incidents was 07:56 minutes which was an increase in performance of 5 seconds compared with the previous quarter and within the target set for the Service. Lots of work had taken place to deliver this improvement.
- (c) Between April and June 2020 the on-call availability was excellent and it is intended to learn lessons from this. However there are some concerns about the impact of furlough ending.
- (d) The Community Safety Committee had previously raised concerns about cover in Ashfield and Retford. A review is underway and staff, including the Fire Brigades Union will be engaged in the review.
- (e) During the coronavirus pandemic, the public should have experienced no difference in the delivery of services but the Service has been involved in additional activities to support partner organisations and communities e.g. delivering food parcels and making befriending telephone calls to high-risk residents. There are lots of lessons to be learnt from experiences during the pandemic and these will be reported to members in due course.
- (f) The coronavirus pandemic has restricted the ability to carry out preventative work but there is still a positive direction of travel.
- (g) The Protection Team has amended ways of working in line with national guidance and has had to focus on desktop audits as many buildings have not been accessible. However this is now starting to change.
- (h) In the City, work is taking place in relation to multiple occupancy buildings and is intended to present the findings of this work to City Councillors. It is intended to try and engage developers on this agenda so they are sighted on things that would not meet fire safety standards and might lead to enforcement.

During subsequent discussion the following points were raised:

- (i) The Service should be proud of the support it has provided to partners and communities during the Coronavirus outbreak.

- (j) Training is important to avoid losing people. It had been paused during the lockdown period, but it is now restarting with Covid-safe arrangements in place. In addition, with furlough arrangements in place on-call staff have been used more and this has reduced the longer-term impact on competencies and training.

On behalf of the Authority, the Chair thanked staff for their work with partners to support communities and particularly the most vulnerable people during the current Coronavirus outbreak.

The Committee noted the contents of the report.

**Resolved to send a thank you letter from the Fire Authority to all staff for their work to support communities during the current Coronavirus outbreak.**

#### **40 Update on the Service Response to Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services Inspection**

Ian Pritchard, Assistant Chief Fire Officer, presented the report updating members on the Service's response to the outcomes of inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services. He informed members that this report covered all 25 areas for improvement as reporting to specific committees is suspended due to the current coronavirus outbreak. He highlighted the following information:

- (a) In September 2019 the Fire Authority was presented with an action plan detailing 'areas for improvement' following an inspection of the Service by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.
- (b) There are eight areas for improvement that are now complete (numbers: 3, 7, 10, 12, 14, 16, 18, and 24).
- (c) The remaining seventeen areas for improvement are on schedule for completion and progress is reported regularly to the Chief Fire Officer.

In the subsequent discussion, members welcomed the positive direction of travel and the regular monitoring of progress.

**Resolved to**

- 1) note the progress made against the Areas for Improvement Action Plan; and**
- 2) close eight specific areas for improvement (AFIs 3, 7, 10, 12, 14, 16, 18 and 24).**

#### **41 Shaping Our Future Organisational Health Update 2020**

Craig Parkin, Deputy Chief Fire Officer, presented the report updating members on organisational development, equality, diversity and inclusion activities taking place across the organisation. He highlighted the following information:

- (a) Over the last 12 months the Service has made progress towards its organisational development aims and this is important in the context of issues raised in the 2019 inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.
- (b) A new performance and development review process has been introduced linking individual objectives to overall Service plans, and monitoring performance on this.
- (c) There has been a drive to embed the new Behavioural Framework, including through 1:1s and recruitment and selection processes.
- (d) As part of the organisation's commitment to improving workforce diversity, targets have been set and there has been lots of work on positive action to embed this on a day-to-day basis and not just think about it in terms of recruitment and selection.
- (e) The Black Lives Matter movement has generated challenge for the Service on how it reflects the communities it serves. All Black, Asian and Minority Ethnic (BAME) staff have been invited to a BAME forum to discuss these issues. A BAME action plan is being developed and the first review of the draft action plan will be undertaken by BAME staff. As part of addressing this challenge, it is important to create an environment in which staff are confident to talk about issues without fear of disciplinary action.
- (f) 360 degree feedback for middle and senior leaders has been really useful and continues to be rolled out.
- (g) So far 45% of staff have completed the staff survey. The findings of the survey will be used to inform future organisational development work.
- (h) Protection and Prevention Teams are working to consider how to engage all communities, particularly those under-represented in the Service.

During subsequent discussion the following points were raised:

- (i) Alongside recognising progress that has been made, the honesty about the challenges faced is commended.
- (j) There is potential to make more use of elected members as role models.
- (k) The Fire Authority could work more closely with partners on establishing LGBT+ role models to talk about their experiences, as has previously been done in relation to BAME communities.
- (l) It is really important to listen to people about their own experiences.
- (m) Work in relation to the BSL Charter, supporting the deaf community and those with hidden disabilities is appreciated.
- (n) The Nottingham Together Board is a community-focused group with a BAME sub-group working to mobilise civil society and engage with key public sector organisations on issues such as employment and skills. There could be opportunities for the Authority to engage with the Board and communicate key messages through its community networks.

## **Resolved**

- 1) to note the progress made in the organisational development and inclusion agenda;**
- 2) that the Chief Fire Officer and his Team explore opportunities to develop role models, particularly in relation to Black, Asian and Minority Ethnic and LGBT+ communities across the City and County;**
- 3) that following receipt of a formal invitation from the Nottingham Together Board, to engage with the work of that Board.**

## **42 Collaboration Update**

Ian Pritchard, Assistant Chief Fire Officer, presented the report updating members on collaboration activities. He highlighted the following information:

- (a) The Collaboration Strategy was approved in September 2018 and a large proportion of the work has now become business as usual for the Service, for example Police staff co-located at fire stations.
- (b) The contract for construction of the new building that will form part of the new Joint Police and Fire Headquarters at Sherwood Lodge has been awarded to Henry Brothers Midlands, and some work on site has already started.
- (c) Work to redevelop West Bridgford fire station has been delayed slightly by the coronavirus outbreak.
- (d) The Ambulance, Police and Fire Station in Hucknall has been operating for some time but the official opening was delayed by the coronavirus outbreak and will be rescheduled.
- (e) Prevention activities have been temporarily on-hold due to the coronavirus outbreak.
- (f) A business case is being put forward to the next meeting of the Collaboration Delivery Board for the CHARLIE referral training.
- (g) The joint drone was successfully used at the Langar Airfield incident.

The Committee noted the contents of the report.

## **43 Exclusion of the Public**

**Resolved to exclude the public from the meeting during consideration of the remaining agenda items 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 outweighed the public interest in disclosing the information.**

## **44 Exempt Minutes**

The exempt minutes of the meeting held on 1 May 2020 were confirmed as an accurate record.

**45 Joint Headquarters Collaboration Programme**

**Resolved to approve the recommendations as set out in the exempt report.**

**46 Worksop Fire Station Project**

**Resolved to approve the recommendations as set out in the exempt report.**

**47 Disposal of Hucknall Fire Station**

**Resolved to approve the recommendations as set out in the exempt report.**



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

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

# HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE AND RESCUE SERVICES UPDATE

## Report of the Chief Fire Officer

**Date:** 13 November 2020

### **Purpose of Report:**

To present Members with an update on the Service's response to the outcomes of the inspection by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, and to provide an update on the recent HMICFRS thematic inspection relating to Covid-19.

### **Recommendations:**

It is recommended that Members:

- Note the progress made against the AFI Improvement Plan.
- Agree the closure of six further Areas for Improvement as identified in Paragraph 2.5 of this report.
- Agree the extension of the deadline for AFI 4 as identified in Paragraph 2.8 of this report.
- Note initial feedback from the HMICFRS Covid inspection.

### **CONTACT OFFICER**

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Assistant Chief Fire Officer

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0115 967 0880 vicky.brown@notts-fire.gov.uk

## **1. BACKGROUND**

- 1.1 At the meeting of the Fire Authority in July 2019, Members were presented with the report from Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) following the inspection of Nottinghamshire Fire and Rescue Service (NFRS).
- 1.2 Furthermore, at the September 2019 Fire Authority meeting, Members were presented with an action plan detailing the 'areas for improvement' (AFI), which had been highlighted by HMICFRS, and capturing the actions to address these areas.
- 1.3 It was agreed that scrutiny would be conducted through the Fire Authority committee structure with regular progress reports being presented to Members. Of the 25 AFIs, 12 were aligned to the Community Safety Committee, eight were aligned to Human Rescues Committee, two were aligned to Finance and Resources Committee, and three were aligned to the Policy and Strategy Committee.
- 1.4 Due to the interim governance arrangements being in place because of Covid-19, the reporting of updates to the various committees was suspended, and this report provides Members with an update across all 25 AFIs.
- 1.5 Also, at the September Fire Authority meeting, Members were informed HMICFRS was conducting a thematic inspection to assess the Service's response during the Covid pandemic. This inspection has now concluded, and initial feedback has been received.

## **2. REPORT**

### **SERVICE IMPROVEMENT**

- 2.1 HMICFRS highlighted 25 AFIs for the Service to consider. Each improvement area has been allocated to a lead officer, with clear milestones and expected outcomes to deliver the improvement required.
- 2.2 Progress against each of the 25 AFIs is monitored each month at the Programme and Performance Board. This is chaired by the Chief Fire Officer. All AFIs are monitored, tracked and reviewed through an online 'action tracker'. This allows for ongoing updates and scrutiny. Appendix A provides a summary of progress against each of the 25 AFIs to date.
- 2.3 The timescales for delivering all the AFIs has ranged from a few months, to the last two actions being scheduled to be completed in April 2021.
- 2.4 A total of 11 AFIs have been completed and closed to date, with a further six being recommended for closure through this report. This is positive progress, particularly with the current constraints and demands on the Service during the pandemic.



- 2.5 The six AFIs that have been completed and are seeking approval for their formal closure are:
- AFI 1 – the Service should use its integrated risk management plan to ensure it keeps the public safe and secure from the risks identified;
  - AFI 2 – the Service should ensure its firefighters have access to relevant and up to date risk information;
  - AFI 8 – the Service should ensure it implements the process to monitor incident commanders and provide feedback following operational incidents;
  - AFI 11 – the Service should arrange a programme of over-the-border exercises, sharing the learning from these exercises;
  - AFI 17 – the Service should put appropriate mechanisms in place to enable closer monitoring of hours worked by staff;
  - AFI 23 – the Service should ensure individual performance targets clearly support objectives within the IRMP.
- 2.6 When closing an AFI the Principal Officer lead ensures final scrutiny and that all associated actions are complete. Following final review at the Programme and Performance Board it is then forwarded to the Fire Authority to seek formal closure.
- 2.7 The formal closure statements against these specific AFI can be referenced in Appendix A to this report.
- 2.8 AFI 4 which is – the Service should ensure it targets its prevention work at people most at risk – was due to be completed by 31 October 2020. An extension to this deadline until 31 January 2021 is requested.
- 2.9 Progress again this action is continuing. However, it has been delayed due to Covid ways of working, specifically engagement with partner agencies and organisations in relation to engagement and evaluation. The extension will allow the engagement with partners, evaluation of the CHARLIE profile and the social value of safe and well visits to be completed. This will lead to the completion of this AFI.

## **HMICFRS THEMATIC COVID INSPECTION**

- 2.10 The Service had a HMICFRS thematic inspection across the week commencing 12 October 2020. The inspection was undertaken virtually and focused on assessing the Service's response during the first six months of the Covid pandemic.
- 2.11 Initial, summative 'headline' feedback has been received. Although subject to further scrutiny and verification, it is believed that no areas of concern were

noted, and some positive areas would be reported. The Service will receive its formal feedback from this inspection, in December.

### **3. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

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

There are no human resources or learning and development implications arising from this report.

### **5. EQUALITIES IMPLICATIONS**

An equality impact assessment has not been undertaken because the information contained in this report does not relate to a change in policy or procedure.

### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder implications arising from this report.

### **7. LEGAL IMPLICATIONS**

- 7.1 The Fire and Rescue Services Act 2004 places a duty on NFRS in respect of the delivery of its services to communities.
- 7.2 The Local Government Act 1999 places a statutory duty on NFRS to '*secure continuous improvement in the way in which its functions are exercised*'. The reporting of Service Delivery's performance ensures that the Service is focusing on key objectives as set by the Fire Authority and continuous improvement. This ensures that Members can apply effective scrutiny to be satisfied that statutory obligations are being met.
- 7.3 The Police and Crime Act (2017) Chapter 4 Section 11 outlines that the English inspectors must inspect, and report on the efficiency and effectiveness of, fire and rescue authorities in England.

### **8. RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications arising from this report.

## **9. COLLABORATION IMPLICATIONS**

There are no collaboration implications arising from this report, however discussions with Nottinghamshire Police continue in relation to their experience of HMICFRS inspections and how NFRS can learn from that in preparation for future inspections.

## **10. RECOMMENDATIONS**

It is recommended that Members:

- 10.1 Note the progress made against the AFI Improvement Plan.
- 10.2 Agree the closure of six further Areas for Improvement as identified in Paragraph 2.5 of this report.
- 10.3 Agree the extension of the deadline for AFI 4 as identified in Paragraph 2.8 of this report.
- 10.4 Note initial feedback from the HMICFRS Covid inspection.

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

None.

John Buckley  
**CHIEF FIRE OFFICER**

## HMICFRS AREAS FOR IMPROVEMENT- OCTOBER 2020 UPDATE

AFI Reference	Reporting Committee	Completion Date	Comments
<b>AFIs Seeking approval for Closure</b>			
AFI 1	Policy and Strategy	30-Sep-20	<p><b>The Service should use its integrated risk management plan to ensure it keeps the public safe and secure from the risks identified</b></p> <p><b>Action Completed- Closure Summary</b>  <b>ACFO Closure statement</b></p> <p>I have reviewed the initial recommendation received from HMICFRS and the actions required to improve in this area. Having reviewed the commentary and checked the evidence I am happy that this action can be forwarded to the IRMP and programme Board with a recommendation for it to be closed (subject to final reporting to FA committee and FA scrutiny).</p>
AFI 2	Community Safety	30-Sept-20	<p><b>The Service should ensure its firefighters have access to relevant and up to date risk information</b></p> <p><b>Action Completed- Closure Summary</b></p> <p><b>DCFO Closure statement</b></p> <p>Given that a review and cleansing exercise has been completed of SSRI information, including the engagement of operational staff and that routine reporting is in place with the OLB, I am satisfied that the Service should now close this AFI. future improvements to CFRMIS will continue to develop processes and remain under review to provide longer term assurance.</p>

AFI 8	Community Safety	30-Sept-20	<p><b>The Service should ensure it implements the process to monitor incident commanders and provide feedback following operational incidents</b></p> <p><b>Action Completed- Closure Summary</b></p> <p><b>DCFO - Closure statement</b></p> <p>Following the September update by AM Sharman, I am satisfied that the procedural review and implementation process are now complete and that monitoring and assurance measures are routinely delivered. These are now intrinsic to performance reporting and structurally via the OLB and SDEAG meetings, furthermore, an OLB update report now forms part of the Service Health, Safety and Welfare committee to provide wider oversight and understanding, along with the agenda for command meetings including officer monitoring completion rates that are reported to the Operational Assurance Bulletin, communicated throughout the operational workforce. On this basis, I recommend the CFA support the closure of AFI8</p>
AFI 11	Community Safety	31-Oct-20	<p><b>The Service should arrange a programme of over-the-border exercises, sharing the learning from these exercises</b></p> <p><b>Action Completed- Closure Summary</b></p> <p><b>DCFO Closure Statement</b></p> <p>Following the Programme Board, it has been agreed that this AFI should be recommended for closure to the CFA. Whilst Exercises have not taken place in the numbers as planned, organisational measures are in place to make sure these take place in future, with KPIs and measures to share operational learning via the OLB embedded.</p>

AFI 17	Human Resources	30-Sept-20	<p><b>The Service should put appropriate mechanisms in place to enable closer monitoring of hours worked by staff</b></p> <p><b>Action Completed- Closure Summary</b></p> <p><b>DCFO Closure statement</b>  a mechanism is in place having been trialled and now needs to be embedded across Service Delivery. Monitoring takes place via the district management teams and will be reported to SLT annually to ensure that corporate risk can be considered and reviewed. As such, I recommend this for closure to the CFA</p>
AFI 23	Human Resources	30-Sep-20	<p><b>The Service should ensure individual performance targets clearly support objectives within the IRMP</b></p> <p><b>Action Completed- Closure Summary</b></p> <p><b>DCFO Closure statement</b>  Given the percentage of PDRs complete and underway, I am satisfied that this AFI can be reported to the CFA for formal closure. Work continues to analyse the quality of PDRs being completed and how these are not only supporting individuals, but address the concerns that objectives underpin the Services IRMP, this work will be subject to future reports to SLT and CFA, if appropriate to do so</p>

AFI Reference	Reporting Committee	Completion Date	Comments
<b>Actions seeking extension to deadline</b>			
AFI 4	Community Safety	31-Dec-20	<p><b>The Service should ensure it targets its prevention work at people most at risk</b></p> <p><b>Request to extend deadline until 31<sup>st</sup> January 2021</b></p> <p>The SWV review is continuing, however it has been delayed due to engagement with Partner agencies and organisations in relation to engagement and evaluation. It is proposed that the work will be delayed by three months and therefore a new completion date of 31 January 2021 is proposed for this AFI.</p> <p>This extension will allow the engagement with partners, evaluation of the CHARLIE profile and the social value of SWVs to be completed and close the actions of this AFI.</p>

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AFI Reference	Reporting Committee	Completion Date	Comments
<b>ONGOING AFIs</b>			
AFI 20	Human Resources	31-Dec-20	<p><b>The Service should develop a training plan that clearly aligns and supports its workforce plan</b></p> <p>Action 80% complete</p> <p>Action progressing and on track for completion by deadline.</p>

AFI 15	Finance and Resources	31-Mar-21	<p><b>The Service needs to accelerate its plans to improve ICT so that it makes best use of available technology to support operational effectiveness and efficiency</b></p> <p>Action 54% complete</p> <p>Action progressing and on track for completion by deadline</p>
AFI 9	Community Safety	31-Mar-21	<p><b>The Service should ensure that, when responding to a 999 call, mobile data terminals are reliable to allow staff to access risk information</b></p> <p>Action 70% complete</p> <p>Action progressing and on track for completion by deadline</p>
AFI 13	Policy and Strategy	30-Apr-21	<p><b>The Service should implement a clear performance management framework that directly supports the objectives identified in the IRMP</b></p> <p>Action 50% complete</p> <p>Action progressing and on track for completion by deadline</p>
AFI 25	Human Resources	30-Apr-21	<p><b>The Service should put in place an open and fair process to identify, develop and support high-potential staff and aspiring leaders</b></p> <p>Action 60% complete</p> <p>Action progressing and on track for completion by deadline</p>



AFI Reference	Reporting Committee	Completion Date	Comments
<b>AFIs Completed and Closed</b>			
AFI 12	Community Safety	31-Mar-20	<p><b>The Service should ensure all incident commanders have a thorough understanding of JESIP (Joint Emergency Services Interoperability Principles)</b></p> <p>Action completed and closed</p>
AFI 10	Community Safety	31-Mar-20	<p><b>The Service should ensure operational staff have good access to cross-border risk information</b></p> <p>Action completed and closed</p>
AFI 16	Finance and Resources	31-Mar-20	<p><b>The Service should ensure it has sufficiently robust plans in place which fully consider the medium-term financial challenges beyond 2020 so it can prepare to secure the right level of savings</b></p> <p>Action completed and closed</p>
AFI 3	Community Safety	30-Apr-20	<p><b>The Service should review and update its prevention strategy to take account of risks</b></p> <p>Action completed and closed</p>

AFI 24	Human Resources	31-May-20	<b>The Service should improve staff awareness and understanding of promotion and selection process</b>  Action completed and closed
AFI 14	Policy and Strategy	30-Jun-20	<b>The Service needs to prioritise implementing business continuity plans and test them as soon as possible.</b>  Action completed and closed
AFI 18	Human Resources	31-Dec-20	<b>The Service should develop a wellbeing strategy and a system to improve understanding of health, safety and wellbeing trends</b>  Action completed and closed
AFI 6	Community Safety	31-Jul-20	<b>The Service should ensure it makes better use of its specialist resources in implementing its risk-based inspection programme. It should ensure it allocates and quality-assures these inspections appropriately</b>  Action complete and closed
AFI 19	Human Resources	31-Jul-20	<b>The Service should ensure its values and behaviours are understood and demonstrated at all levels of the organisation</b>  Action complete and closed

AFI 21	Community Safety	30-Sep-20	<p><b>The Service should ensure staff are appropriately trained in safety-critical skills, such as incident command</b></p> <p>Action complete and closed</p>
AFI 22	Human Resources	31-Mar-20	<p><b>The Service should improve communication around positive action through all levels of the organisation</b></p> <p>Action complete and closed</p>

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

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

# **LOCAL FIREFIGHTER PENSION BOARD ANNUAL REPORT 2019/20**

Report of the Chief Fire Officer

**Date:** 13 November 2020

**Purpose of Report:**

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

**Recommendation:**

That Members take note of the activity of the Pension Board and Pension Scheme Manager during 2019/20.

## **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 firefighter's 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 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 Normally a minimum of three meetings are held per year. However, the meeting on 16 March 2020 was cancelled at late notice due to it being the start of the Covid-19 pandemic. This was the day that government guidance was updated to recommend that all workers who could work from home should do so. Papers had already been circulated to Pension Board members and the Scheme Manager was available to answer any queries regarding the reports.
- 2.3 The meeting held in June 2019 was not quorate. The meeting still went ahead and the notes of this meeting were formally approved at the October meeting. Clearly the meetings during the 2019/20 financial year did not follow normal protocol, but this is felt to be circumstantial rather than a cause for concern. The situation will be monitored during 2020/21.

- 2.4 Meetings are held publicly and advertised on the Authority's website. There have been no members of the public attending meetings to date. The meeting agenda and papers, together with the minutes of the previous meeting, are published on the Authority's website one week prior to the meeting date.
- 2.5 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.
- 2.6 At the end of each meeting there is usually a training session for board members on an aspect of pensions.

## **BOARD MEMBERSHIP**

- 2.7 As set out in the constitution, there is an equal number of employer and employee representatives on the board and there is now 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 pension issues.
- 2.8 The Chair of the Local Firefighter Pension Board is currently a representative from the employee side. The requirement to rotate the appointment of Chair is set out in the constitution (Appendix B).
- 2.9 There are currently no vacancies on the board.

## **TRAINING**

- 2.10 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 sufficient knowledge and understanding to enable them to carry out the role of board member.
- 2.11 There have been several training opportunities for the board, including: the opportunity to attend the annual Local Governance Association (LGA) Fire Pensions Conference; one to one training with the Scheme Manager; training presented by the Authority's Pension Administrator and training at board meetings. There is online training available on the Pension Regulator website which members of the board are encouraged to complete.
- 2.12 Each board member has completed a training need analysis and the board has a Training Policy. A record of all training is maintained by the Scheme Manager.

## BOARD ACTIVITY

- 2.13 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.
- 2.14 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.

## CURRENT ISSUES

- 2.15 **McCloud -Transitional Protection / Treatment of Immediate Detriment Cases.** Following an employment tribunal and subsequent appeals, the transitional protections related to the 2015 Firefighters' Pension Scheme have been found to be age discriminatory.
- 2.16 Formal consultation on the changes to the transitional arrangements to the 2015 schemes was released at the end of July 2020. It affects those members who were in service on or before 31 March 2012. The consultation proposes giving this group the option to choose between receiving legacy or the reformed (2015) scheme benefits in respect of their service during the period between 1 April 2015 and 31 March 2022. This would enable the members to choose which option would suit them best.
- 2.17 The consultation seeks views on the proposal and in particular, on which of two possible approaches should be taken to making this choice:
- An immediate choice;
  - A deferred choice at the point at which a member retires.
- 2.18 Both approaches would give members the same choice, but they differ in the point in time at which the decision is made by the member.
- 2.19 It is likely that further legislation will need to go through Parliament to implement any changes. Until the remedy has been determined, current legislation remains in place.
- 2.20 The Home Office issued a note direct to Fire and Rescue Services on 21 August 2020 regarding the treatment of immediate detriment cases in the age discrimination proceedings. However, at present this remains informal guidance. It does not constitute detailed guidance that administrators and Fire and Rescue Authorities (FRAs) would need in order to act upon, and FRAs would still need to make their own interpretation. On 26 October 2020 the Local Government Association issued an 'information note' to support FRAs in this work.



- 2.21 **Pension Scheme Administration.** The contract with Leicestershire County Council (LCC) to provide the pension administration function for Nottinghamshire, Leicestershire and Derbyshire Fire Authorities is being terminated with effect from the 31 December 2020.
- 2.22 A full Official Journal of the European Union (OJEU) procurement exercise has been undertaken and the contract has now been awarded to West Yorkshire Pension Fund who have a proven track record of providing this service to numerous other Fire Authorities. The implementation process is now well under way and progressing in line with the timetable. West Yorkshire Pension Fund will take over the contract in December 2020. The new contract will deliver savings in the region of £15k per year.
- 2.23 The Joint Pension Board application to the Secretary of State has been put on hold pending the appointment of the new administrators.

### **SCHEME MANAGER ACTIVITY**

- 2.24 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. The effectiveness of current procedures was demonstrated by the governance audit and the pension audit undertaken in May 2017, both of which were judged to provide substantial assurance.
- 2.25 Some of the Scheme Manager activity is undertaken by the Scheme Administrators. In May 2018, the Leicestershire County Council internal audit team undertook an audit on behalf of the three Fire Services it administers. The audit considered the validity and accuracy of payments and calculations. Again, the audit gave substantial assurance that correct procedures were in place. Further audits will take place following the transfer of the administration function to West Yorkshire Pension Fund.
- 2.26 The Scheme Manager has responded to statutory and not statutory requests for information, including national surveys of the firefighter's pension scheme by both The Pension Regulator and the Local Government Association. The results of these surveys are reviewed and provide the basis for making any necessary improvements.
- 2.27 Both the Scheme Manager and Human Resources Advisor to the pension board have attended a number of local and national events to ensure that their knowledge and understanding remain up to date.
- 2.28 The Local Firefighter Pension Board is now well established and has made good progress in improving the knowledge and understanding of the board about 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 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 (SAB) and The Pension Regulator.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The training of board members is largely carried out in house at no direct cost, and national events such as the LGA conference have been free of charge so far. Where board members are required to travel to attend training events this cost is contained within existing budgets.
- 3.2 The Authority continues to pay a levy to the 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 in 2019/20 will be in the region of £5,100 and this has been provided for within the revenue budget.

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

There are no human resources or learning and development implications arising directly from this report. 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 IMPLICATIONS**

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

### **6. CRIME AND DISORDER IMPLICATIONS**

There are no crime and disorder 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**

- 9.1 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 training events for Local Pension Boards and information events for firefighters. More are planned for the coming year. In addition, officers from the Finance and Human Resources Departments attend quarterly regional pension administration meetings to keep up to date with pension issues and to share good practice.
- 9.2 The three Services' are also exploring the opportunity to increase capacity through the creation of a shared resource to support the implementation of the McCloud judgement. More information on this work will be presented to Members in due course.

## **10. RECOMMENDATIONS**

That Members take note of the activity of the Pension Board and Pension Scheme Manager during 2019/20.

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

None.

John Buckley  
**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.