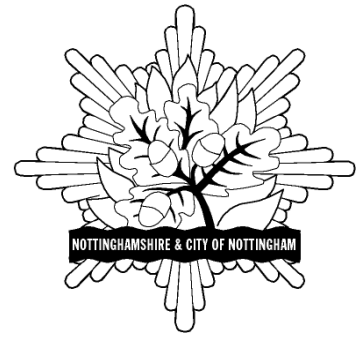


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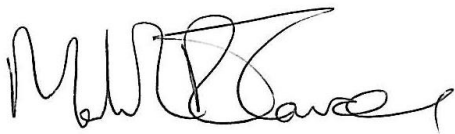


Nottinghamshire and City of Nottingham Fire and Rescue Authority - Policy and Strategy Committee

Date: Friday, 27 January 2023 **Time:** 10.00 am

Venue: Joint Fire / Police HQ, Sherwood Lodge, Arnold, Nottingham, NG5 8PP - Joint Fire / Police HQ, Sherwood Lodge, Arnold, Nottingham, NG5 8PP

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



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

<u>Agenda</u>	<u>Pages</u>
1 Apologies for Absence	
2 Declarations of Interest	
3 Minutes Of the meeting held on 11 November 2022, for confirmation.	3 - 6
4 Framework for Application of Firefighter Pension Scheme Abatement Policy Report of Chief Fire Officer	7 - 12
5 Manchester Arena Inquiry - Volume 2 Report of the Chief Fire Officer	13 - 18
6 His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, Areas for Improvement Report of the Chief Fire Officer	To Follow
7 Exclusion of the Public To consider excluding the public from the meeting during consideration	

of the remaining item in accordance with Section 100A of the Local Government Act 1972, under Schedule 12A, Part 1, 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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|----------|---|---------|
| 8 | Exempt Minutes
Of the meeting held on 11 November 2022, for confirmation. | 19 - 22 |
| 9 | Resilience Update
Report of Chief Fire Officer. | 23 - 30 |

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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Agenda, Reports And Minutes For All Public Meetings Can Be Viewed Online At:-
<https://committee.nottinghamcity.gov.uk/ieListMeetings.aspx?CId=219&Year=0>

If you would like British Sign Language interpretation at the meeting, please contact the service at least 2 weeks in advance to book this, either by emailing enquiries@notts-fire.gov.uk or by text on sms: 0115 824 0400



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 11 November 2022 from 10.01 am - 10.51 am**

Membership

Present

Councillor Michael Payne (Chair)
Councillor Patience Uloma Ifediora
Councillor Mike Quigley MBE
Councillor Jonathan Wheeler
Councillor Tom Hollis (substitute for Councillor Jason Zadrozny)

Absent

Councillor Sybil Fielding
Councillor Jason Zadrozny

Colleagues, partners and others in attendance:

Craig Parkin, Chief Fire Officer
Becky Smeathers, Head of Finance and Treasurer to the Authority,
Malcolm Townroe, Clark and Monitoring Officer
Mick Sharman, Assistant Chief Fire Officer
Leila Henry) Risk Assurance and Operational Training
Matt Reavill)
Catherine Ziane-Pryor, Governance Officer

8 Apologies for Absence

Councillor Sybil Fielding
Councillor Jason Zadrozny (Councillor Tom Hollis substituting)

9 Declarations of Interest

None.

10 Minutes

The minutes of the meeting held on 24 June 2022 were confirmed as a true record and signed by the Chair.

11 Local Firefighter Pension Annual Report 2021/22

In her role as Firefighter Pension Scheme Manager, Becky Smeathers, Head of Finance and Treasurer to the Authority, presented the report.

Highlighted points included the following:

- a) Following the findings of the McCloud case, in April 2022 the Policy and Strategy Committee agreed for members of the firefighter's pension scheme to be treated in line with a previously agreed Framework for handling immediate detriment cases, despite the Framework now being withdrawn. In October 2023 legislation is expected to determine the final procedure, following which, adjustments will need to be made. The majority of older cases have been addressed with the exception of a small minority were circumstances such as divorce, which are not covered by the memorandum of understanding, and as such will have to wait for the legislation to be passed before being progressed;
- b) The Matthews and O'Brien case finding, regarding the modified scheme, enabled On-Call firefighters to retrospectively join the 2006 pension scheme back to original start of employment dates. Finding information to evidence employment has been difficult due to data protection legislation requirements, which prevents the retention of personal information, along with changes in pension providers. There is still a lot of work outstanding regarding this area. Links with the FBU are being used to support previous members to come forward and place claims. Again, legislation is expected in October 2023;
- c) Due to the additional workload, authority was provided to recruit additional expertise but no applications were received;
- d) The proposal to establish a joint Pension Board with Leicestershire, Derbyshire and Nottinghamshire is now progressing since the new administrators are embedded and West Yorkshire are willing to support the transition. Such an arrangement will help prevent expertise and knowledge gaps emerging as is the current situation;
- e) Scheme valuations and the cost cap mechanism, in 2012 there was a significant shortfall in the scheme and there then followed a significant increased employer contribution for which central government grant funding of £2.3m was provided as a one-off payment. There has since been a cap applied but the Service now funds £0.5m annually;
- f) The 2016 valuation was suspended until the finding of the McCloud case, and the implications on valuation were clear. However, there is now a judicial review to be taken to court in January querying whether the cost of the McCloud finding should be included in the valuation cap. This will also have implications on employer contributions.
- g) Partly dependant on the findings, over the next year employer costs are likely to significantly increase and it is unclear if the Service will receive any 'new burdens' funding to cover this cost. This is a significant risk to the Service;

- h) Approval is being sought to amend the Service's pension abatement policy regarding the amount of pension/wages that retired employees can be paid if returning to work for the Service. The LGA has now advised that there should not be a blanket policy regarding abatement and cases should be considered individually to identify if there is a clear exceptional benefit to the Service in doing so.

Members' questions were responded to as follows:

- i) It is difficult to specify what 'benefit to the service' may involve, in general terms, until individual circumstances are known. The decision would be finance based, or if the Service was not able to provide statutory service without the engagement of the individual(s). Providing a different blanket within a rigid framework would not necessarily allow the required flexibility;
- j) The Service needs as many tools as possible to ensure that the required skills can be accessed if required, or accept the operational risk to the Authority and public safety;
- k) All discretionary payments are reported to the Pensions Board, but there is also the option for a Discretions Panel similar to that for the Local Government Pensions Scheme, consisting of the Pension Manager, a member of Human Resources and a PO;
- l) The reality is that more people are leaving than joining the Service and there have been incidents in other occupations whereby senior officers leave and then are re-engaged and receive not only their pension but also a wage, which combined is a significant sum. How grievances and challenges will be managed needs further discussion and consideration;
- m) People returning to this Fire Service once left is quite common but pension abatement would really only be applied to the more specialist roles such as Fire Protection Building Inspection which require long-term specialist training, and not necessarily firefighters where new applications are more forthcoming;
- n) An issue has also been raised with regard to those who leave are not then paying into the pension scheme, whereby new employees are;
- o) During Covid some ex-full time firefighters were providing additional hours which then tipped over the abatement level whilst providing a good service to the community, but all returners are warned that this can happen, so should be aware;
- p) The perception of setting a precedent will be considered but potentially there is always the risk of challenge to the Service.

Member's comments included:

- q) It is requested that a framework by which benefit to the service can be determined, otherwise decisions will be open to interpretation and leaves the manager of the scheme open to challenge. It would not be effective for the Policy and Strategy Committee to have to approve individual applications so it is suggested that Becky Smeathers, as Pension Scheme Manager and Craig Parkin as Chief Fire Officer, set out a framework with a clear rationale, to be submitted to the Policy Strategy

Committee for approval so it can be clearly seen on what basis the exceptional decisions are made when reported on an annual basis;

- r) There is no value on the policy having a serious detriment of the quality of life of those returning to the employment of the Service, so the provision of a framework/rationale is required.

Resolved

- 1) **to note of the activity of the Pension Board and Pension Scheme Manager along with the update on current pension issues;**
- 2) **to approve a change in the Abatement Policy to allow discretion around abatement to be considered in exceptional in exceptional circumstances where there is a clear benefit to the Service in doing so;**
- 3) **for the Pension Scheme Manager to submit to a future meeting of the Policy and Strategy Committee, a framework/rationale by which discretionary abatements will be guided.**

12 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.

13 Exempt Minutes

The exempt minutes of the meeting held on 24 June 2022 were confirmed as a true record and signed by the Chair.

14 Resilience Update

Matt Reavill, Risk, Assurance and Operational Training, presented the report.

Resolved to agree the recommendations as set out in the report and added to in the meeting.



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

FRAMEWORK FOR APPLICATION OF FIREFIGHTER PENSION SCHEME ABATEMENT POLICY

Report of the Chief Fire Officer

Date: 27 January 2023

Purpose of Report:

To provide a framework for the application of the Abatement Policy for the Firefighters' Pension Scheme by which discretionary abatements will be guided.

Recommendations:

It is recommended that Members approve:

- The following rationale for making the abatement decisions relating to the firefighters' pension scheme:
 - There is an overall financial benefit in doing so (for example avoiding the need to employ alternative staff at higher cost)
 - Re-employment is required to enable the Service to deliver a statutory or key function or project.
- The creation of an Abatement Discretions Panel consisting of an Assistant Chief Fire Officer, Head of People and Organisational Development (or representative) and Head of Finance (acting as delegated Scheme Manager).

CONTACT OFFICER

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0115 967 0880 corporatecomms@notts-fire.gov.uk

1. BACKGROUND

- 1.1 At its meeting on 11 November 2022, Policy and Strategy Committee received the Local firefighter Pension Annual Report for 2021/22.
- 1.2 One of the recommendations of the report was to approve a change in the Abatement Policy to allow discretion around abatement to be considered in exceptional circumstances where there is a clear benefit to the Service in doing so.
- 1.3 Members approved the recommendation but requested that the delegated Pension Scheme Manager submit to a future meeting of the Policy and Strategy Committee a framework/rationale by which discretionary abatements will be guided.

2. REPORT

- 2.1 Scheme regulations provide fire authorities the discretion to abate a pension paid to a member who is re-employed by the Authority. They also require the employer to pay into the pension fund the amount of paid pension that could have been subject to abatement.
- 2.2 The Authority has previously had a blanket policy whereby if a member of the Firefighters' Pension Scheme retires and returns to work, their pension will be abated such that the combination of their new salary and their pension cannot exceed the value of their salary prior to retirement. If this happens then their pension would be "abated" or reduced.
- 2.3 In straightforward terms, if a firefighter was earning £30,000 before retirement and after retirement has an annual pension of £16,000, they would not be able to return to work to a role paying more than £14,000 without their pension being reduced.
- 2.4 If the Authority did not abate the pension, then it would be responsible for making a payment into the Pension Fund to the value of the pension that should have been abated. In the example set out above, if the employee returned to work for the Authority for a role paying £24,000, the cost of not abating the pension would be £10,000 per year, thus raising the cost of employment for the role to £34,000 per year which is clearly unsustainable.
- 2.5 The Local Government Association (LGA) issued some updated abatement guidance in May 2022 which recommended that Authorities should not operate a blanket approach to abatement and that the discretion should be considered on an individual basis.
- 2.6 Given the additional costs, it is considered unlikely that the Authority would not abate. However, in recognition of the revised LGA guidance, the Policy

was revised to allow some discretion in exceptional circumstances where there is a clear benefit to the service in doing so.

- 2.7 The recommended rationale for making the decision not to abate is that:
- There is an overall financial benefit in doing so (for example avoiding the need to employ alternative staff at higher cost)
 - Re-employment is required to enable the Service to deliver a statutory or key function or project.
- 2.8 It should be noted that this does not reflect a change in re-engagement practices and the Service continues to be cognisant of any tax implications in re-appointment of staff.
- 2.9 It is recommended that a discretions panel is created to consider each individual abatement discretion consisting of an Assistant Chief Fire Officer, Head of People and Organisational Development (or representative) and Head of Finance (acting as delegated Scheme Manager).
- 2.10 All abatement discretionary decisions will be reported back through the Pension Board at the next scheduled meeting.

3. FINANCIAL IMPLICATIONS

The additional costs of any abatement discretion decisions will form a key part of the decision-making process and form part of the decision-making rationale.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

The change to the abatement policy provides additional an additional discretion to the Firefighters pension scheme.

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken on this report because because it relates to the rationale behind delivering a policy rather than the policy itself.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

The legal implications are set out within the report above.

8. RISK MANAGEMENT IMPLICATIONS

There are no significant risks to the organisation associated with the adoption of this framework.

9. COLLABORATION IMPLICATIONS

There are no collaboration implications arising from this report.

10. RECOMMENDATIONS

It is recommended that Members approve:

10.1 The following rationale for making the abatement decisions relating to the firefighters' pension scheme:

- There is an overall financial benefit in doing so (for example avoiding the need to employ alternative staff at higher cost)
- Re-employment is required to enable the Service to deliver a statutory or key function or project.

10.2 The creation of an Abatement Discretions panel consisting of an Assistant Chief Fire Officer, Head of People and Organisational Development (or representative) and Head of Finance (acting as delegated Scheme Manager).

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

None.

Craig Parkin
CHIEF FIRE OFFICER

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Fire and Rescue Authority
Policy and Strategy Committee

MANCHESTER ARENA INQUIRY – VOLUME 2

Report of the Chief Fire Officer

Date: 27 January 2023

Purpose of Report:

To inform Members of actions being taken following the publication of the Manchester Arena Inquiry – Volume 2.

Recommendations:

It is recommended that Members:

- Note the contents of this report and endorse the actions being taken by the Service in response to the Manchester Arena Inquiry.
- Agree to receive further reports to enable monitoring and scrutiny on the implementation of learning.

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1. BACKGROUND

- 1.1 On 22 May 2017, an Islamist extremist detonated a homemade device in the foyer of the Manchester Arena following an Ariana Grande concert, 22 people were killed and 1,017 were injured. Many of them children, several hundred more suffered psychological trauma.
- 1.2 The Honourable Sir John Saunders was appointed as Chair of the public inquiry to examine the circumstances leading up to and surrounding the terror attack at Manchester Arena.
- 1.3 Volume 1 of the Inquiry was published in June 2021 and focused on the security arrangements at the Ariana Grande concert and identified the missed opportunities for detecting and preventing the attack and reducing the harm caused.
- 1.4 Although Volume 1 did not directly indicate any recommendations for fire and rescue services, Nottinghamshire Fire and Rescue Service (NFRS) reviewed known findings and implemented learning to improve preparedness within Nottinghamshire. This mainly focussed on interoperable working with Police and EMAS colleagues across National Inter-agency Liaison Officers (NILOs).
- 1.5 Volume 2 of the Inquiry was published on 3 November 2022. The inquiry focussed on the impact of any inadequacies in the planning and preparation by the emergency services and in the emergency response. This includes whether any inadequacies undermined the ability of the response to save life or contributed to the extent of the loss of life.
- 1.6 Volume 3 of the Inquiry is expected to be published in Spring 2023. This will consider whether Security Service and Counter Terrorism Police could and should have prevented the attack. It will examine whether, and if so, how the attacker became radicalised. It will set out the steps which led to him being outside the concert with an improvised explosive device and what opportunities there may have been to disrupt, deter or divert him.

2. REPORT

SUMMARY OF FINDINGS

- 2.1 Volume 2 recognises that the circumstances on that evening were incredibly challenging to all involved, and, many people displayed courage and distinction in their actions. However, the victims of the attack lie at the heart of the report. It rightly recognises that lessons are learned and, where necessary, practices are improved in order that the mistakes made before and during the incident do not occur again.
- 2.2 The inquiry's terms of reference were to assess the impact of any inadequacies in the planning and preparation by the emergency services, and in the emergency response. It found that '*the performance of the*

emergency services was far below the standard it should have been'. It also states that the ineffectiveness of the response to this incident could have led to the loss of life. A statement which was heavily reported by national media when the report was released.

2.3 The report outlines several areas of learning and improvement for authorities involved. These include:

- Joint Emergency Services Interoperability Principles (JESIP) is the doctrine which outlines the standards and policy which apply to emergency responders and their interoperability (including communication and co-location) at an incident. All Category 1 responders in attendance that night made mistakes in adhering to and completing tasks outlined by JESIP;
- Significant and multiple failures in communication occurred resulting in a lack of common understanding within the FRS, the Fire Control room, and with other partner agencies;
- Inadequate training within Fire Control and for NIOs in managing an incident of this nature compounded their ability to identify and/or overcome breakdowns in communication;
- Poor decision-making took place due to;
 - Voids of information due to poor or breakdowns in communication, both internally and with other partner agencies;
 - Risk aversion;
 - Lack of 'muscle memory' in managing an incident of this nature due to insufficient training and ;
 - Having procedures which did not provide the clear guidance required for decision-making under intense pressure.
- Failures in interoperability existed both relating to operational approaches and available systems;
- There was a lack of understanding by partner agencies of the capabilities, training, and equipment available to and of the FRS;
- Failures of incident command both procedurally and because of the above;
- Lack of understanding of Operation Plato which is the agreed national identifier for the response to a no-notice marauding terrorist attack (MTA).

SERVICE RESPONSE

- 2.4 NFRS is well practiced in reviewing and enacting national learning reports. For example, Members will recognise similarities in the approach being reported to those used to review and adopt the learning following the Grenfell Tower Inquiry.
- 2.5 The Service's Risk and Assurance Team (RaAT) has been appointed to lead on the review of the report and will also produce and oversee the Service's action plan.
- 2.6 The Service will review current operational policy and procedures relating to Marauding Terrorist Attacks.
- 2.7 The National Fire Chiefs Council (NFCC) is yet to respond to the report, however the NFCC Operations Committee has established a strategic board to ensure consistency in responses across all UK Fire and Rescue Services
- 2.8 To ensure a level of consistency across all fire services a national action plan is being developed that will be shared across the sector.
- 2.9 Internal scrutiny of the Service action plan will be reported to the Service's Community Risk Management Plan Assurance Board. This is chaired directly by the Chief Fire Officer.
- 2.10 The report highlights the need for multi-agency working and the Service is actively working with colleagues within the Nottinghamshire Local Resilience Forum to implement the learning via a newly formed sub-group that will be led by NFRS.
- 2.11 Progress reports will be presented to Members, at key milestones.
- 2.12 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is expected to audit progress against the recommendations of the Volume 2 report during the next tranche of inspections.

3. FINANCIAL IMPLICATIONS

- 3.1 Any costs associated with completing the recommendations within the Volume 2 report will be identified through the action plan. This will then be reviewed by the Strategic Leadership Team as part of the budget setting and business planning process.
- 3.2 Specific MTA funding from government has been reduced, from £56,000 a year to £19,500 a year, commencing in April 2023.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are a range of recommendations with the Volume 2 report that will have training implications for Firefighters, Officers, Fire Control, Specialist Responders, NILOs and Incident Commanders. These will be defined further on completion of the action plan and overseen by the Service's Training and Assurance Board.

5. EQUALITIES IMPLICATIONS

An equality impact assessment (EIA) has not been undertaken because this report is designed to provide an overview of work to date. Where recommendations require a change to product, service or policy an EIA will be completed if required.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

- 7.1 The Service has a duty under the Health and Safety at Work Act to ensure the safety of employees and others affected by its activities. Implementing the recommendations will ensure the Service complies with these requirements.
- 7.2 The Fire Services Act requires the Service to resource to community risks including those associated with MTA and that adequate arrangements are in place to provide an effective operational response.
- 7.3 The Civil Contingencies Act requires that the Service has necessary plans in place to respond to a major incident which may include an MTA.
- 7.4 The Local Government Act 1999 places a statutory duty on the Service to 'secure continuous improvement in the way in which its functions are exercised'. The reporting of progress against these matters ensures that the Service is focusing on key objectives, as set by the Fire and Rescue Authority, and continuous improvement. This ensures that Members can apply effective scrutiny to be satisfied that statutory obligations are being met.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 Effectively implementing the Volume 2 recommendations will ensure that the Service is well placed to ensure an effective operational response to MTA incidents. It will also serve to develop further assurance in the effective operational response to any type of multi-agency major incident.

- 8.3 The recommendations are likely to be a focus for HMICFRS during the next tranche of inspections. Effective organisational response to the Inquiry will mitigate the risk of a negative inspection result and the subsequent reputational risks that this poses to the Service.
- 8.5 Close media scrutiny of the Inquiry poses a reputational risk for the organisation were such an event to occur in Nottinghamshire.
- 8.6 Routine reporting of progress against the recommendations will be required to Home Office and NFCC. The Service needs to be in a position to respond in an assured and constructive manner to these consultations.

9. COLLABORATION IMPLICATIONS

- 9.1 There are significant collaboration implications related to implementing the learning within the Volume 2 report. This includes working with Tri-Service fire partners, partners across Nottinghamshire LRF, and national Fire working groups.
- 9.2 Operational policy and guidance relating to MTA have been developed regionally through the NILO network. A collaborative approach to implementation is required since any large-scale incident is likely to result in cross-border support being requested from neighbouring fire and rescue services. A common understanding of ways of working is required to ensure this response is effective.
- 9.3 Greater alignment and sharing of intelligence and risk information is critical to achieve with Nottinghamshire Police. Work is already ongoing to progress this with the focus created by the inquiry supporting such work.

10. RECOMMENDATIONS

It is recommended that Members:

- 10.1 Note the contents of this report and endorse the actions being taken by the Service in response to the Manchester Arena Inquiry recommendations.
- 10.2 Agree to receive further reports to enable monitoring and scrutiny on the implementation of learning.

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

None.

Craig Parkin
CHIEF FIRE OFFICER

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