



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

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

PENSIONS BOARD

Report of the Chief Fire Officer

Date: 17 April 2015

Purpose of Report:

To inform Members of the Authority's obligations under the Public Service Pensions Act 2013 to form a pensions board.

To seek the approval of Members to the interim arrangements for the operation of a pensions board.

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1. BACKGROUND

- 1.1 The Public Service Pensions Act 2013 sets out requirements for the governance and administration of public service pension schemes and provides for explicit regulatory oversight of these schemes. These schemes principally cover civil servants, the judiciary, local government workers, teachers, health service workers, fire and rescue workers, members of police forces and the armed forces.
- 1.2 Nottinghamshire Fire and Rescue Service offers pension schemes to two sets of employees, the first of which is the Local Government Pension Scheme which is managed and administered by Nottinghamshire County Council as the Pensions Authority.
- 1.3 The Fire Fighters Pension Schemes are national schemes, but are managed and administered locally by fire and rescue authorities.
- 1.4 Whilst the provisions of the Public Serviced Pensions Act (the Act) apply to both types of scheme, the obligations under the Act in respect of the local government scheme are discharged fully by the County Council in its capacity as scheme manager.

2. REPORT

- 2.1 Members will recall that at the February meeting of the Fire Authority the Chair, Vice Chair and opposition spokesperson were given the authority to enter into an agreement with Leicestershire and Derbyshire Fire Authorities to set up a joint Pensions Board for all three Services.
- 2.2 In order to do this it was important that guidance was issued by the Department of Communities and Local Government which would specifically allow joint boards to be created. This guidance was received quite late and, whilst it does allow for joint boards under certain circumstances, any applications for joint boards need to be approved by the Secretary of State before they can be constituted.
- 2.3 Therefore, whilst it remains the ambition for a three Service board to be created this cannot be achieved to the necessary timetable required to comply with the statute. It is proposed in this report that an interim local board should be created whilst approval is sought to a joint board being created.
- 2.4 A constitution has been drafted which will be the same for each of the three Fire Authorities, although there could be minor variations to this to suit individual authorities during this interim phase. The membership of the board, for example, could be altered for the interim board.

- 2.5 The membership of the interim board is recommended to be four people, with one elected Member and one Principal Officer representing the Authority and one Fire Brigades Union (FBU) representative and one Fire Officers Association (FOA) representative representing the employees. This will satisfy the legal requirement to have equal representation of employer and employees on the board.
- 2.6 As the board becomes shared it is likely that the recommendation will be for 12 members in total, consisting of three elected Members and three Principal Officers representing the employers, with two FBU nominees, one FOA nominee, one Retained Firefighters Union nominee and one Association of Principal Fire Officers nominee representing the employees.
- 2.7 The core voting members of the board will be supported by the Scheme Manager(s) from each Service and the Scheme Administrator will be in attendance to present reports and take questions from the board.
- 2.8 The first meeting of the board will be at a time agreed with the Clerk and after the representative bodies have made their nominations. It has been suggested that this might also involve the other two boards in a joint training event run by the Scheme Administrator.
- 2.9 The proposed constitution of the board is given in full as Appendix A to this report

3. FINANCIAL IMPLICATIONS

It is possible that there may be some financial implications arising from the creation of a Pensions Board but these would be expected to be minimal.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

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

5. EQUALITIES IMPLICATIONS

An equality impact assessment has not been undertaken as this does not impact upon a policy, service or function.

6. CRIME AND DISORDER IMPLICATIONS

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

7. LEGAL IMPLICATIONS

Legal implications arise from the requirement to comply with the Public Services Pensions Act 2013.

8. RISK MANAGEMENT IMPLICATIONS

The Pensions Board is not a decision making body but will fulfil a scrutiny role over the administration of the fire-fighters pension schemes. This will provide additional assurance both to the Fire Authority and the employee representatives that the policies and processes agreed by the Authorities are being properly applied.

9. RECOMMENDATIONS

That Members approve the creation of an interim local pension board with the constitution as set out at Appendix A.

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

None.

John Buckley
CHIEF FIRE OFFICER

**PENSION BOARD OF NOTTINGHAMSHIRE AND CITY OF
NOTTINGHAM FIRE AND RESCUE 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 Scheme 1992, 2006 and 2014 (Scheme). 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 Code of Conduct for Members.

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. 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.

8. Conflicts of Interest

- 8.1. 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.
- 8.2. 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.

9. Knowledge and understanding (including Training)

- 9.1. 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.
- 9.2. 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.
- 9.3. 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.

10. Term of Office

- 10.1. 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.
- 10.2. 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.
- 10.3. 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.

11. Meetings

- 11.1. The Board shall as a minimum meet 3 times per year.
- 11.2. 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. Quorum

A meeting is only quorate when at least 50% of both Scheme Member and Employer representatives are present.

13. Voting

13.1. 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.

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

14. Support to the Board

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

14.2. 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.

14.3. 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.