

# Public Document Pack



Monitoring Officer  
**Christopher Potter**

County Hall, Newport, Isle of Wight PO30 1UD  
Telephone (01983) 821000

## Agenda

Name of meeting	<b>ISLE OF WIGHT FIRE AUTHORITY FIRE FIGHTERS PENSION BOARD</b>
Date	<b>WEDNESDAY 10 MARCH 2021</b>
Time	<b>2.00 PM</b>
Venue	<b>VIRTUAL (MS TEAMS)</b>
Board Members	CLlrs R Barry and D Stewart, R Singleton (Chairman) and S Harrison  Democratic Services Officer: Megan Tuckwell democratic.services@iow.gov.uk

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1. **Minutes** (Pages 5 - 8)

To confirm the Minutes of the meeting held on 14 October 2020, and to authorise the Chairman to sign as a true record a copy of the Minutes from this meeting when they have been produced.

2. **Declarations of Interest**

To invite Members to declare any interest they might have in the matters on the agenda.

3. **The Pensions Regulator Scheme Returns 2019-2020**

To note the scheme returns, submitted on 11 December 2020:

- (a) Isle of Wight Firefighters Pension Scheme 1992 (Pages 9 - 18)
- (b) Isle of Wight Firefighters Pension Scheme 2006 (Pages 19 - 28)
- (c) Isle of Wight Firefighters Pension Scheme 2015 (Pages 29 - 38)

4. **The Pensions Regulator Governance and Administration Survey 2020**  
(Pages 39 - 56)

To note the submission of the Pension Regulator's annual governance and administration survey on 11 February 2021.

5. **Membership Update** (Pages 57 - 58)

To receive information on membership numbers as at 31 January 2021.

6. **LGA and Legislation Update** (Pages 59 - 130)

To receive a report on the latest developments from the LGA including the transitional protections age discrimination case.

7. **Breaches and Complaints**

To note that there have been no breaches or complaints since last reported to the Board.

8. **Combined Fire Authority Update** (Pages 131 - 144)

To receive an update on progress towards the Hampshire and Isle of Wight Combined Fire Authority, including the adoption of the terms of reference and membership of the new combined authority pension board.

9. **Other matters for the board's attention**

Members to raise any other matters.

CHRISTOPHER POTTER  
Monitoring Officer  
Tuesday, 2 March 2021

## Interests

If there is a matter on this agenda which may relate to an interest you or your partner or spouse has or one you have disclosed in your register of interests, you must declare your interest before the matter is discussed or when your interest becomes apparent. If the matter relates to an interest in your register of pecuniary interests then you must take no part in its consideration and you must leave the room for that item. Should you wish to participate as a member of the public to express your views where public speaking is allowed under the Council's normal procedures, then you will need to seek a dispensation to do so. Dispensations are considered by the Monitoring Officer following the submission of a written request. Dispensations may take up to 2 weeks to be granted.

Members are reminded that it is a requirement of the Code of Conduct that they should also keep their written Register of Interests up to date. Any changes to the interests recorded on that form should be made as soon as reasonably practicable, and within 28 days of the change. A change would be necessary if, for example, your employment changes, you move house or acquire any new property or land.

If you require more guidance on the Code of Conduct or are unsure whether you need to record an interest on the written register you should take advice from the Monitoring Officer – Christopher Potter on (01983) 821000, email [christopher.potter@iow.gov.uk](mailto:christopher.potter@iow.gov.uk), or Deputy Monitoring Officer - Justin Thorne on (01983) 821000, email [justin.thorne@iow.gov.uk](mailto:justin.thorne@iow.gov.uk).

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## Minutes

Name of meeting	<b>ISLE OF WIGHT FIRE AUTHORITY FIRE FIGHTERS PENSION BOARD</b>
Date and Time	<b>WEDNESDAY 14 OCTOBER 2020 COMMENCING AT 2.00 PM</b>
Venue	<b>VIRTUAL (MS TEAMS)</b>
Board Members	CLlrs R Singleton (Chairman), R Barry and S Harrison
Also Present	Matthew Collier, Jo Thistlewood, Megan Tuckwell

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### 1. **Changes to the operation of the board**

The Technical Finance Manager provided an overview of the changes in operation of Board meetings, in light of changes to the Council's constitution which was due to approved in November 2020. Dispensation has been received from the Monitoring Officer enabling the Board to operate in accordance with its revised terms of reference as the existing legal status of the Board remained unchanged. It was clarified that meetings would remain open to scheme members, and the change would allow for more flexibility in management of the agendas.

RESOLVED:

THAT the update be noted.

### 2. **Minutes**

RESOLVED:

THAT the Minutes of the meeting held on 5 December 2019 be confirmed.

### 3. **Declarations of Interest**

Sean Harrison declared an interest in Minute 7, as a postholder of temporary promotion.

### 4. **Administration Update**

The Technical Finance Manager provided an update on membership numbers as at 31 August 2020. It was confirmed that all Annual Benefits Statements had been issued prior to the deadline and all other statutory administration deadlines had been met. Concerns were raised regarding the Annual Benefits Statements and a

discrepancy for those with temporary positions being charged at a full amount rather than at their substantive rank. The Technical Finance Manager agreed to seek a response from the Pension Manager.

RESOLVED:

- i) THAT the update be noted.
- ii) THAT the Technical Finance Manager would seek a response from the Pension Manager regarding the discrepancy for those with temporary positions being charged at a full amount rather than at their substantive rank.

#### **5. Legislation and Local Government Association (LGA) update report**

The Technical Finance Manager presented the report on bulletins issued by the Local Government Association in respect of fire pension schemes since the last board meeting in December 2019. It was noted that the information contained in the report was presented to the Hampshire Fire and Rescue Authority (HFRA) Hampshire Firefighters' Pension Board at its meetings on 15 July 2020 and 8 October 2020. Attention was drawn to key points for noting, which included; changes to the threshold income used to calculate a tapered annual allowance, raising tax awareness through job adverts, the pensions dashboard, and the equalisation of male survivor benefits. The Board were offered a separate briefing on adjusted income limits, if required.

RESOLVED:

THAT the update be noted.

#### **6. McCloud/Sargeant case update**

The Technical Finance Manager presented the report which provided an overview of the latest developments in relation to the age discrimination court case that was brought against the transitional protections for the 2015 Fire Pension Scheme. It was advised that the consultation was underway, and that the remedy would ultimately be implemented by the Combined Fire Authority) CFA, from April 2021, as it was anticipated that it would not be resolved until 2022. The responsibility of the Isle of Wight Council at this stage was to ensure that any known information was communicated with scheme members, and that all data was up to date.

Discussion took place regarding communication with scheme members, and it was suggested that it would be beneficial for a frequently asked question (FAQ) document to be produced. Concern was raised regarding the impact of the complexities and uncertainties around this case, and the Board felt this should be added to the Council's risk register. The Technical Finance Manager agreed to flag this with CMT.

RESOLVED:

- i) THAT the update be noted.

- ii) THAT frequently asked questions be made available to scheme members.
- iii) THAT the matter be raised with the Corporate Management Team for inclusion in the Isle of Wight Council's risk register.

## 7. **Combined Fire Authority**

The Technical Finance Manager provided an update on progress towards the Hampshire and Isle of Wight CFA, including planning for post-1 April 2021, and the automatic reenrolment process. It was confirmed that data migration was underway, and communications would be prepared for scheme members close to retirement at 31 March 2021.

Discussion took place regarding temporary promotions, in light of the issue that the HFRA have made them pensionable whereas IWFRS have not. It was recommended that the CFA determine that from 1 April 2021, temporary promotions be pensionable for Fire Pension Scheme members of the CFA that are temporarily promoted whilst a member of the 1992 or 2006 Fire Pension Schemes; and the resulting additional pay be used to award an Additional Pension Benefit to the member.

Discussion took place regarding CFA Board membership. It was confirmed that Ross Singleton and Sean Harrison would become members of the CFA Board, one as an employer representative and the other as scheme member representative. The board sought assurance that the Island's geographical population would be represented on the CFA Board, and it was therefore recommended that the CFA terms of reference specify that two board members should be from the Isle of Wight.

The Board were asked to endorse the proposals for the consistent treatment of temporary promotions in the CFA and for the membership of the CFA Fire Pension Board.

RESOLVED:

- i) THAT the Board endorsed the recommendation that the CFA determine that from 1 April 2021, temporary promotions be pensionable for Fire Pension Scheme members of the CFA that are temporarily promoted whilst a member of the 1992 or 2006 Fire Pension Schemes; and the resulting additional pay be used to award an Additional Pension Benefit to the member; and that a report is taken to the Shadow Hampshire & Isle of Wight Fire and Rescue Authority recommending a formal decision to this effect.
- ii) THAT the Board endorsed the proposals around the membership of the Fire Pension Board under the CFA as set out in paragraphs 8-11 of the report, and that a report be taken to the Shadow Hampshire & Isle of Wight Fire and Rescue Authority to enable the necessary appointments to be made.
- iii) THAT the board recommends that the CFA terms of reference specify that two CFA board members should be from the Isle of Wight.

## 8. Other matters for the board's attention

The Pensions Manager joined the meeting and the following matters were discussed:

- The Technical Finance Manager drew the Board's attention to the O'Brien case which could impact retained firefighters and other part-time employees dating back to the 1970's. Questions were raised regarding the provisions being put in place by the Isle of Wight Council to prepare for any remedy that may be required. It was advised that this would likely take place post-April 2021, so preparations were mostly regarding Payroll data.
- The Pensions Manager provided an update on the progress with the transfer of membership data to Hampshire ahead of the CFA. It was advised that weekly discussions were taking place. It was confirmed that all data transfers would be carried out in a GDPR compliant through data extractions and transfers by each system provider.
- Discussion took place regarding pensions savings statements breaches, discrepancies regarding temporary promotions, and the risk register.
- Consideration was given to upcoming meetings of the board. It was agreed that next meeting should primarily focus on developments with the CFA and the McCloud/ O'Brien cases. It was agreed that the next meeting, scheduled for 2 December 2020, should be deferred to the beginning of January 2021 when more information would be available.

RESOLVED:

THAT the next meeting of the Board, scheduled for 2 December 2020, be deferred to the beginning of January 2021.

CHAIRMAN



Scheme return  
2019 - 2020

## The Pensions Regulator

Your scheme details:

**Firefighters Pension Scheme (Isle Of Wight)**

## 1. Introduction

The following are the details that were on the scheme return submitted on 11 December 2020 02:23 PM.

The scheme return details were confirmed by Mrs Jo Thistlewood.

## 2. Scheme details (includes membership details)

Basic details	
Scheme name	Firefighters Pension Scheme (Isle Of Wight)
PSR number	10271512
Scheme address	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Closed to new members since 31 March 2015
Scheme year-end (DD/MM)	31/03 since 01 April 1991
HMRC reference number (PSTR)	00616643RL

Number of members as at 31 March 2019 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2018 and 31 March 2019.	
Active members	15
Deferred members	7
Pensioner members	105
Total of members	127

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	14
Deferred members	6
Pensioner members	103
Total of members	123

## 3. Governance Details

PSR number: 10271512

<b>Manager of the scheme</b>	
Role or organisation name	Isle of Wight Fire & Rescue Authority
Address of manager of the scheme	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	pension.accounts@iow.gov.uk

<b>Pension board member</b>	
Name of pension board member	Mr Ross Singleton
Pension board member type	Member
Chair of pension board	Yes
Address of pension board member	H M Prison Albany 55 Parkhurst Road NEWPORT Isle of Wight PO30 5RS United Kingdom
Telephone number	01983 635545
Email address	ross.singleton@tiscali.co.uk

<b>Pension board member</b>	
Name of pension board member	Cllr Reg Barry
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	reg.barry@iow.gov.uk

PSR number: 10271512

<b>Pension board member</b>	
Name of pension board member	Mr Sean Harrison
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Isle of Wight Fire & Rescue Service Newport Fire Station South Street NEWPORT Isle of Wight PO30 1JQ United Kingdom
Telephone number	01983 821000
Email address	Sean.Harrison@hantsfire.gov.uk

<b>Pension board member</b>	
Name of pension board member	Cllr David Stewart
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	David.Stewart@iow.gov.uk

PSR number: 10271512

PSR number: 10271512

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Please note that this document cannot be used in place of a scheme return and will not be accepted as such by the Pensions Regulator. If you are required to complete a scheme return and are unable to do so online you should contact us by phone on 0345 600 5666 and select option 2 (Mon - Fri 9am - 5.30pm). Alternatively you can email us at [exchange@thepensionsregulator.gov.uk](mailto:exchange@thepensionsregulator.gov.uk)

**3. Record-keeping**

<b>Common data</b>	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	January 2020
What percentage of this data have you assessed to be present and accurate?	98%

<b>Scheme-specific ('conditional') data</b>	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	January 2020
What percentage of this data have you assessed to be present and accurate?	92%

PSR number: 10271512

## 5. Employer details

Employer	
Employer's name	Isle of Wight Council
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 01 April 1991
Employer email address	pensions@iow.gov.uk

Employer	
Employer's name	Isle Of Wight Fire & Rescue Authority
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 01 April 1991
Employer email address	fire.pensions@iow.gov.uk

PSR number: 10271512

## 6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

In-house administrator	
Main contact title	Mr
Main contact first name(s)	Matthew
Main contact surname	Collier
Address of in-house administrator	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Direct telephone number	01983821000x8854
Individual's email address	fire.pensions@iow.gov.uk

Third-party administrator	
There is currently no third-party administrator listed as involved with this scheme. Details required are organisation name and address, telephone number and email address.	

Auditor	
Organisation name	Ernst & Young LLP
Address of auditor	Ernst & Young Wessex House 19 Threefield Lane Southampton SO14 3QB United Kingdom
Telephone number	023 8038 2099
Email address	hthompson2@uk.ey.com

PSR number: 10271512



PSR number: 10271512

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**7. Contact details**

<b>Scheme contact details</b>	
Name of contact	Mrs Joanna Thistlewood
Job title	Technical Finance Manager
Address of contact	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983821000 ext 6371
Email address	jo.thistlewood@iow.gov.uk

<b>Pension Tracing Service contact details</b>
There is no pension tracing service contact associated with this scheme.

<b>Consent to electronic service details</b>	
Confirmed by contact name	Mrs Jo Thistlewood
Confirmed date	09/12/2020
Email address	jo.thistlewood@iow.gov.uk

PSR number: 10271512

Scheme return  
2019 - 2020

## The Pensions Regulator

Your scheme details:

**Isle of Wight New Fire Fighters Pension Scheme 2006**

## 1. Introduction

The following are the details that were on the scheme return submitted on 11 December 2020 02:26 PM.

The scheme return details were confirmed by Mrs Jo Thistlewood.

## 2. Scheme details (includes membership details)

Basic details	
Scheme name	Isle of Wight New Fire Fighters Pension Scheme 2006
PSR number	12013151
Scheme address	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Closed to new members since 31 March 2015
Scheme year-end (DD/MM)	31/03 since 06 April 2006
HMRC reference number (PSTR)	00680184RX

Number of members as at 31 March 2019 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2018 and 31 March 2019.	
Active members	19
Deferred members	68
Pensioner members	21
Total of members	108

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	18
Deferred members	70
Pensioner members	24
Total of members	112

## 3. Governance Details

PSR number: 12013151

<b>Manager of the scheme</b>	
Role or organisation name	Isle of Wight Fire and Rescue Authority
Address of manager of the scheme	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983821000
Email address	pension.accounts@iow.gov.uk

<b>Pension board member</b>	
Name of pension board member	Mr Ross Singleton
Pension board member type	Member
Chair of pension board	Yes
Address of pension board member	H M Prison Albany 55 Parkhurst Road NEWPORT Isle of Wight PO30 5RS United Kingdom
Telephone number	01983 635545
Email address	ross.singleton@tiscali.co.uk

<b>Pension board member</b>	
Name of pension board member	Cllr Reg Barry
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	reg.barry@iow.gov.uk

PSR number: 12013151

<b>Pension board member</b>	
Name of pension board member	Mr Sean Harrison
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Isle of Wight Fire & Rescue Service Newport Fire Station South Street NEWPORT Isle of Wight PO30 1JQ United Kingdom
Telephone number	01983 821000
Email address	Sean.Harrison@hantsfire.gov.uk

<b>Pension board member</b>	
Name of pension board member	Cllr David Stewart
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	David.Stewart@iow.gov.uk

PSR number: 12013151

PSR number: 12013151

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### 3. Record-keeping

<b>Common data</b>	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	January 2020
What percentage of this data have you assessed to be present and accurate?	98%

<b>Scheme-specific ('conditional') data</b>	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	January 2020
What percentage of this data have you assessed to be present and accurate?	92%

PSR number: 12013151



**5. Employer details**

<b>Employer</b>	
Employer's name	Isle of Wight Council
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 06 April 2006
Employer email address	pensions@iow.gov.uk

<b>Employer</b>	
Employer's name	Isle of Wight Fire & Rescue Authority
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 06 April 2006
Employer email address	fire.pensions@iow.gov.uk

PSR number: 12013151

## 6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

In-house administrator	
Main contact title	Mr
Main contact first name(s)	Matthew
Main contact surname	Collier
Address of in-house administrator	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Direct telephone number	01983 821000 ext8854
Individual's email address	fire.pensions@iow.gov.uk

Third-party administrator	
There is currently no third-party administrator listed as involved with this scheme. Details required are organisation name and address, telephone number and email address.	

Auditor	
Organisation name	Ernst & Young LLP
Address of auditor	Ernst & Young Wessex House 19 Threefield Lane Southampton SO14 3QB United Kingdom
Telephone number	023 8038 2099
Email address	hthompson2@uk.ey.com

PSR number: 12013151

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**7. Contact details**

<b>Scheme contact details</b>	
Name of contact	Mrs Joanna Thistlewood
Job title	Technical Finance Manager
Address of contact	County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000 x6371
Email address	jo.thistlewood@iow.gov.uk

<b>Pension Tracing Service contact details</b>
There is no pension tracing service contact associated with this scheme.

<b>Consent to electronic service details</b>	
Confirmed by contact name	Mrs Jo Thistlewood
Confirmed date	09/12/2020
Email address	jo.thistlewood@iow.gov.uk

PSR number: 12013151

Scheme return  
2019 - 2020

## The Pensions Regulator

Your scheme details:

**Firefighters' Pension Scheme 2015 – Isle of Wight Fire and Rescue Service**

Date produced: **11 December 2020**

PSR number: 10276753

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Please note that this document cannot be used in place of a scheme return and will not be accepted as such by the Pensions Regulator. If you are required to complete a scheme return and are unable to do so online you should contact us by phone on 0345 600 5666 and select option 2 (Mon - Fri 9am - 5.30pm). Alternatively you can email us at [exchange@thepensionsregulator.gov.uk](mailto:exchange@thepensionsregulator.gov.uk)

## 1. Introduction

The following are the details that were on the scheme return submitted on 11 December 2020 02:24 PM.

The scheme return details were confirmed by Mrs Jo Thistlewood.

## 2. Scheme details (includes membership details)

Basic details	
Scheme name	Firefighters' Pension Scheme 2015 – Isle of Wight Fire and Rescue Service
PSR number	10276753
Scheme address	County Hall Newport Isle of Wight PO30 1UD United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Open to new members since 01 April 2015
Scheme year-end (DD/MM)	31/03 since 01 April 2015
HMRC reference number (PSTR)	00823283RC

Number of members as at 31 March 2019 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2018 and 31 March 2019.	
Active members	83
Deferred members	25
Pensioner members	0
Total of members	108

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	87
Deferred members	38
Pensioner members	0
Total of members	125

## 3. Governance Details

Manager of the scheme	
Role or organisation name	Isle of Wight Council
Address of manager of the scheme	County Hall Newport Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	pension.accounts@iow.gov.uk

PSR number: 10276753

Pension board member	
Name of pension board member	Mr Ross Singleton
Pension board member type	Member
Chair of pension board	Yes
Address of pension board member	H M Prison Albany 55 Parkhurst Road NEWPORT Isle of Wight PO30 5RS United Kingdom
Telephone number	01983 635545
Email address	ross.singleton@tiscali.co.uk

Pension board member	
Name of pension board member	Cllr Reg Barry
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	reg.barry@iow.gov.uk

Pension board member	
Name of pension board member	Mr Sean Harrison
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Isle of Wight Fire & Rescue Service Newport Fire Station South Street NEWPORT Isle of Wight PO30 1JQ United Kingdom
Telephone number	01983 821000
Email address	Sean.Harrison@hantsfire.gov.uk

PSR number: 10276753

<b>Pension board member</b>	
Name of pension board member	Cllr David Stewart
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Isle of Wight Council County Hall High Street NEWPORT Isle of Wight PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	David.Stewart@iow.gov.uk

PSR number: 10276753



PSR number: 10276753

### 3. Record-keeping

Common data	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	January 2020
What percentage of this data have you assessed to be present and accurate?	98%

Scheme-specific ('conditional') data	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	January 2020
What percentage of this data have you assessed to be present and accurate?	92%

PSR number: 10276753

## 5. Employer details

Employer	
Employer's name	Isle of Wight Council
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	County Hall Newport Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 01 April 2015
Employer email address	pensions@iow.gov.uk

Employer	
Employer's name	Isle of Wight Fire & Rescue Authority
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	County Hall Newport Isle of Wight PO30 1UD United Kingdom
Employer status	Active since 01 April 2015
Employer email address	fire.pensions@iow.gov.uk

PSR number: 10276753

## 6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

In-house administrator	
Main contact title	Mr
Main contact first name(s)	Matthew
Main contact surname	Collier
Address of in-house administrator	County Hall Newport Isle of Wight In-House PO30 1UD United Kingdom
Direct telephone number	01983 821000
Individual's email address	fire.pensions@iow.gov.uk

Third-party administrator	
There is currently no third-party administrator listed as involved with this scheme. Details required are organisation name and address, telephone number and email address.	

Auditor	
Organisation name	Ernst & Young LLP
Address of auditor	WESSEX HOUSE 19 THREEFIELD LANE SOUTHAMPTON SO14 3QB United Kingdom
Telephone number	023 80382099
Email address	hthompson2@uk.ey.com

PSR number: 10276753

PSR number: 10276753

**7. Contact details**

<b>Scheme contact details</b>	
Name of contact	Mrs Joanna Thistlewood
Job title	Technical Finance Manager
Address of contact	County Hall Newport Isle of Wight Mrs PO30 1UD United Kingdom
Telephone number	01983 821000
Email address	jo.thistlewood@iow.gov.uk

<b>Pension Tracing Service contact details</b>
There is no pension tracing service contact associated with this scheme.

<b>Consent to electronic service details</b>	
Confirmed by contact name	Mrs Jo Thistlewood
Confirmed date	09/12/2020
Email address	jo.thistlewood@iow.gov.uk

PSR number: 10276753

# Agenda Item 4

## Public Service Governance and Administration Survey 2020



### Introduction

Thank you for taking the time to complete this survey.

Please answer the questions in relation to the following scheme:

#### FIREFIGHTERS PENSION SCHEME 2015 - ISLE OF WIGHT

Within the survey all references to 'the scheme' refer to the above. Where the scheme is locally administered, we mean the sub-scheme or fund administered by the local scheme manager.

Your responses will be kept anonymous unless you consent otherwise at the end of the survey. Linking your scheme name to your answers will help inform The Pensions Regulator's (TPR's) engagement with you in the future.

If you would like to print out a hard copy of this questionnaire to help you when collecting information from colleagues, please click [here](#)\*. Please note, however, that we need you to complete the questionnaire through this online survey and not by filling in a hard copy.

This survey should be completed by the scheme manager or by another party on behalf of the scheme manager. They should work with the pension board chair to complete it, and other parties (e.g. the administrator) where appropriate.

There is a space at the end of the survey to add comments about your answers where you feel this would be useful. There is also an option to print/save your responses before submitting them.

*\* In some internet browsers you may need to right click on the link and select 'open in new tab/window' to download the file*

**Please click the arrow below to continue to the questionnaire.**

### Section A - Governance

The first set of questions is about how your pension board works in practice.

A1 Focusing on the scheme's pension board meetings in the last 12 months, please tell us the following:

*Please include any board meetings that were held remotely (e.g. via teleconference or online meeting software)*

*Please write in the number for each of a-c in the boxes below*

a) Number of board meetings that were scheduled to take place (in the last 12 months)

b) Number of board meetings that actually took place (in the last 12 months)

c) Number of board meetings that were attended by the scheme manager or their representative (in the last 12 months)

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

A2 Thinking about the 2 pension board meetings that took place, was this more, the same or less than in the previous 12 month period?

- More
- Same
- Less
- Don't know

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**



- A3 Do the scheme manager and pension board have sufficient time and resources to run the scheme properly?
- Yes
  - No
  - Don't know
- A4 Do the scheme manager and pension board have access to all the knowledge, understanding and skills necessary to properly run the scheme?
- Yes
  - No
  - Don't know
- A5 How often does the scheme manager or pension board carry out an evaluation of the knowledge, understanding and skills of the board as a whole in relation to running the scheme?
- At least monthly
  - At least quarterly
  - At least every six months
  - At least annually
  - Less frequently
  - Never
  - Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- A6 On average, how many hours of training per year does each pension board member have in relation to their role on the pension board?

Please write in the number in the box below

hours per year

- A7 Does the pension board believe that in the last 12 months it has had access to all the information about the operation of the scheme it has needed to fulfil its functions?
- Yes
  - No
  - Don't know
- A8 Is the pension board able to obtain sufficient specialist advice on cyber security when it needs to?
- Yes
  - No
  - Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

A9 Focusing on the composition of your pension board, please tell us the following:

*Please write in the number for each of a-d in the boxes below*

a) Number of current board members

b) Number of vacant positions on the board

c) Number of members that have left the board in the last 12 months

d) Number of members that have been appointed to the board in the last 12 months

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

A10 Does the scheme have a succession plan in place for the members of the pension board?

- Yes
- No
- Don't know

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

### Section B - Managing Risks

The next set of questions is about managing risks.

B1 Does your scheme have any of the following?

*Please select one answer per row*

	Yes	No	Don't know
a) Its own documented procedures for assessing and managing risk <i>(please select 'No' if your scheme relies on your local authority's documented procedures for assessing and managing risk)</i>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) A documented policy to manage the pension board members' conflicts of interest	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) Processes to monitor records for all membership types on an ongoing basis to ensure they are accurate and complete	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) A process for monitoring the payment of contributions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) A process for resolving contribution payment issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Procedures to identify breaches of the law	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Procedures to assess breaches of the law and report these to TPR if required	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

B2 When were these last reviewed by the scheme manager or pension board?

*Please select one answer per row*

	In the last 12 months	More than 12 months ago but less than 3 years ago	More than 3 years ago	Never been reviewed	Don't know
a) The scheme's own documented procedures for assessing and managing risk	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) The processes to monitor records for all membership types on an ongoing basis to ensure they are accurate and complete	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The process for monitoring the payment of contributions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) The process for resolving contribution payment issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) The procedures to identify breaches of the law	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) The procedures to assess breaches of the law and report these to TPR if required	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

B3 Does your scheme have its own risk register?

*Please select 'No' if your scheme relies on your local authority's risk register.*

- Yes
- No
- Don't know

B4 In the last 12 months, how many of the 2 pension board meetings reviewed the scheme's exposure to new and existing risks?

*Please write in the number in the box below*

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

B5 To what do the top three governance and administration risks facing your scheme relate?

*Please select up to three options below*

- Funding or investment
- Record keeping (i.e. the receipt and management of correct data)
- Guaranteed Minimum Pension (GMP) reconciliation
- Securing compliance with changes in scheme regulations
- Production of annual benefit statements
- Receiving contributions from the employer(s)
- Lack of resources/time
- Recruitment and retention of staff or knowledge
- Lack of knowledge, effectiveness or leadership among key personnel
- Poor communications between key personnel (board, scheme manager, administrator, etc.)
- Failure of internal controls
- Systems failures (IT, payroll, administration systems, etc.)
- Cyber risk (i.e. the risk of loss, disruption or damage to a scheme or its members as a result of the failure of its IT systems and processes)
- Administrator issues (expense, performance, etc.)
- Remediation (i.e. the actions required to remedy the age discrimination in the 2015 schemes; also referred to as 'McCloud' or 'Sergeant')
- Other (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

B6 Which, if any, of the following actions have you taken in relation to the remediation proposals?

By 'remediation' we mean the actions required to remedy the age discrimination in the 2015 schemes. This is also often referred to as either 'McCloud' or 'Sergeant'.

*Please select all that apply*

- Assessed the possible administration impacts
- Assessed the data requirements
- Commenced a specific data cleansing or data gathering exercise
- Assessed any additional resources likely to be required
- Discussed system requirements with IT suppliers
- Provided specific information to members
- Taken other actions (please specify)
- None of these
- Don't know

*Please write in your 'Taken other actions' response in the box below*

liaison with neighbouring authority in advance of combination of fire authorities

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

**Section C - Administration and Record-Keeping Processes**

The next set of questions is about administration and record-keeping.

C1 Does the scheme have an administration strategy?

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C2 Thinking about the scheme's objectives in terms of administration, how important are the following?

*Please select one answer per row*

	Not at all important	Not particularly important	Neither important nor unimportant	Fairly important	Very important	Don't know
a) Addressing issues which impair your ability to run your scheme effectively	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Implementing legislative change	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Meeting TPR's expectations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Improving members' experience (e.g. by providing online access)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Increasing automation or administrator efficiency	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Moving to a new administration system or a new administrator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
g) Reducing costs	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C3 Which of the following best describes the scheme's administration services?

- Delivered in house
- Undertaken by another public body (e.g. a county council) under a shared service agreement or outsource contract
- Outsourced to a commercial third party
- Other
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C4 Are you likely to look to outsource any of your scheme administration in the next three years?

- Yes – to another public body (e.g. a county council) under a shared service agreement or outsource contract
- Yes – to a commercial third party
- Yes – but unsure who to
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C5 In the last 12 months, how many of the 2 pension board meetings had administration as a dedicated item on the agenda?

*Please write in the number in the box below*

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C6 Is your scheme single employer or multi-employer?

- Single employer scheme (i.e. used by just one employer)
- Multi-employer scheme (i.e. used by several different employers)

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

C7 In the last 12 months, has your participating employer...

	Yes	No	Don't know
a) Always provided you with accurate and complete data?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Always submitted the data required each month to you on time?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

C8 And in the last 12 months, has your participating employer submitted data to you electronically?

- Yes – all data
- Yes – some but not all data
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

## Section D - Cyber Security

The next set of questions is about your scheme's cyber security.

- D1 Which, if any, of the following controls does your scheme have in place to protect your data and assets from 'cyber risk'?

By 'cyber risk' we mean the risk of loss, disruption or damage to a scheme or its members as a result of the failure of its information technology systems and processes.

*Please select all that apply*

- Roles and responsibilities in respect of cyber resilience are clearly defined and documented
- Cyber risk is on the risk register and regularly reviewed
- Assessment of the vulnerability to a cyber incident of the key functions, systems, assets and parties involved in the running of the scheme
- Assessment of the likelihood of different types of breaches occurring in the scheme
- Access to specialist skills and expertise to understand and manage the risk
- System controls (e.g. firewalls, anti-virus and anti-malware products and regular updates of software)
- Controls restricting access to systems and data
- Critical systems and data are regularly backed up
- Policies on the acceptable use of devices, passwords and other authentication, and on home and mobile working
- Policies on data access, protection, use and transmission which are in line with data protection legislation and guidance
- An incident response plan to deal with any incidents which occur
- The scheme manager has assured themselves of third party providers' controls (including administrators)
- The scheme manager receives regular updates on cyber risks, incidents and controls
- The pension board receives regular updates on cyber risks, incidents and controls
- None of these
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- D2 Have any of the following happened to your scheme in the last 12 months?

*Please select all that apply*

- Computers becoming infected with ransomware
- Computers becoming infected with other viruses, spyware or malware
- Attacks that try to take down your website or online services
- Hacking or attempted hacking of online bank accounts
- People impersonating your scheme in emails or online
- Staff receiving fraudulent emails or being directed to fraudulent websites
- Unauthorised use of computers, networks or servers by staff, even if accidental
- Unauthorised use or hacking of computers, networks or servers by people outside your scheme
- Any other types of cyber security breaches or attacks
- None of these
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

**Section E - Annual Benefit Statements**

The next set of questions is about members’ annual benefit statements.

E1A In 2020, in which of the following ways were your active members sent their annual benefit statements?

*Please select all that apply*

- Via a digital online portal, with notification by email
- Via a digital online portal, with notification by letter
- Via a digital online portal, with no notification
- By post
- Other way(s) (please specify)
- Don't know

*Please write in your 'Other' response in the box below*

delivered to main fire station for distribution

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

E2 In 2020, what proportion of active members received their annual benefit statements by the statutory deadline?

*Please write in the percentage in the box below. If you don't know exactly, please give an approximate percentage.*

100 %

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

E5 What proportion of all the annual benefit statements the scheme sent out in 2020 contained all the data required by regulations?

*Please write in the percentage in the box below. If you don't know exactly, please give an approximate percentage.*

100 %

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

**Section F - Resolving Issues**

The next set of questions is about resolving issues or complaints the scheme has received.

F1 Does the scheme have a working definition of what constitutes a complaint?

- Yes
- No
- Don't know

F2 Focusing on the complaints you have received from members or beneficiaries in relation to their benefits and/or the running of the scheme, please tell us the following information.

a) Total number of complaints received in the last 12 months

1

b) Number of complaints that have entered the Internal Dispute Resolution (IDR) process in the last 12 months

0

c) Number of complaints that were upheld by the IDR process in the last 12 months

0

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.



**Section G - Reporting Breaches**

The next set of questions is about the scheme’s approach to dealing with any breaches of the law.

G1 Do you maintain documented records of any breaches of the law identified?

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

G2 Do these records include the decision taken on whether or not to report the breach of the law to TPR?

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

G3 Does the pension board receive reports on any breaches of the law identified?

- Always
- Sometimes
- Never
- Don't know

G4 In the last 12 months, have you identified any breaches of the law that were not related to annual benefit statements?

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

G5 What were the root causes of the breaches identified?

*Please select all that apply*

- Systems or process failure
- Failure to maintain records or rectify errors
- Management of transactions (e.g. errors or delays in payment of benefits)
- Failure of the employer(s) to provide timely, accurate or complete data
- Late or non-payment of contributions by the employer(s)
- Other employer related issues (please specify)
- Something else (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- G6 In the last 12 months, have you reported any breaches to TPR as you thought they were materially significant? Please do not include any breaches that related to annual benefit statements.
- Yes
  - No
  - Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

**Section H - Governance and Administration**

The next set of questions is about your progress in addressing governance and administration issues.

- H1 What do you believe are the top three factors behind any improvements made to the scheme's governance and administration in the last 12 months?

*Please select up to three options below*

- Improved understanding of underlying legislation and standards expected by TPR
- Improved engagement by TPR
- Improved understanding of the risks facing the scheme
- Resources increased or redeployed to address risks
- Administrator action (please specify)
- Scheme manager action (please specify)
- Pension board action (please specify)
- Other (please specify)
- No improvements made to governance/administration in the last 12 months
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- H2 What are the main three barriers to improving the governance and administration of your scheme over the next 12 months?

*Please select up to three options below*

- Lack of resources or time
- Complexity of the scheme
- The volume of changes that are required to comply with legislation
- Recruitment, training and retention of staff and knowledge
- Lack of knowledge, effectiveness or leadership among key personnel
- Poor communications between key personnel (board, scheme manager, administrator, etc.)
- Employer compliance
- Issues with systems (IT, payroll, administration systems, etc.)
- The remediation process (also referred to as 'McCloud' or 'Sergeant')
- Other (please specify)
- There are no barriers
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

**Section I - COVID-19 Pandemic**

The next set of questions is about the COVID-19 pandemic.

11 Since the COVID-19 lockdown started in March 2020, how would you rate the following?

*Please select one answer per row*

	Not at all effective	Not very effective	Neither effective nor ineffective	Fairly effective	Very effective	Don't know
a) Communication between the scheme manager and the administrator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Performance of the administrator	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
c) Relationship between the scheme manager and the pension board	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

12 Prior to the COVID-19 lockdown did your scheme have a business continuity plan (BCP) in place?

- Yes – its own BCP
- Yes – the local authority’s BCP
- No
- Don’t know

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

13 How would you rate the effectiveness of the BCP in helping your scheme respond to the COVID-19 pandemic?

- Very effective
- Fairly effective
- Neither effective nor ineffective
- Not very effective
- Not at all effective
- Don’t know

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

14 What barriers, if any, did you face in implementing the BCP?

*Please select a maximum of three*

- Key person risks
- Staff shortages
- Issues with administration processes
- Issues with employer(s)
- Suitability of IT infrastructure
- Suitability of IT hardware (i.e. equipment)
- Suitability of IT software
- Ability of staff to work from home
- Lack of leadership
- Other (please specify)
- There were no barriers
- Don’t know

**Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.**

**Section J - Pensions Dashboards**

The government has made a commitment to facilitate the pensions industry in the creation of a digital interface that will present all of a person’s pensions together in one place. It is most often referred to in the industry as the ‘pensions dashboards’ project.

- J1 Before this survey, had you heard about pensions dashboards?
  - Yes
  - No
  - Don't know
  
- J2 The Pension Schemes Bill currently going through Parliament contains provisions to require trustees and scheme managers to provide data to savers through pensions dashboards. Before today, were you aware of this proposed change to pensions law?
  - Yes
  - No
  - Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- J3 To what extent do you agree or disagree with the following statements?

Please select one answer per row

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
a) The introduction of pensions dashboards is, in principle, a good idea for savers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) The scheme will be able to deal with any administrative demands involved in delivering the pensions dashboards	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) It will be easy for the scheme to implement	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The scheme will leave it as late as possible before preparing for the pensions dashboards	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- J4 What, if any, challenges is the scheme likely to face in terms of preparing for the pensions dashboards?

Please select a maximum of three

- Knowing what is required
- Availability of data
- Accuracy of data
- Participating employer reticence
- Cost
- Software compatibility
- Capacity constraints
- Other (please specify)
- None – do not expect to face challenges
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

J5 From where do you expect to learn about the requirements for the pensions dashboards?

*Please select all that apply*

- The Pensions Dashboards Programme (PDP) (led by the Money and Pensions Service)
- TPR
- The Financial Conduct Authority (FCA)
- The Department for Work and Pensions (DWP)
- Your scheme advisory board
- Industry bodies e.g. PASA, PLSA
- Somewhere else (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

### Section L - Perceptions of TPR

The final set of questions is about your views of TPR.

L1 Thinking about your overall perception of TPR, to what extent do you agree or disagree with the following words as ways to describe TPR?

*Please select one answer per row*

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
a) Tough	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Efficient	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Visible	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Fair	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) Respected	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) Evidence-based	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Decisive	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
h) Clear	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) Approachable	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

L2 Thinking now about how TPR operates, how effective do you think it is at improving standards in scheme governance and administration in public service pension schemes?

- Very effective
- Fairly effective
- Neither effective nor ineffective
- Not very effective
- Not at all effective
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

L3 And to what extent do you agree or disagree with the following statements?

*Please select one answer per row*

	Strongly disagree	Disagree	Neither agree nor disagree	Agree	Strongly agree	Don't know
a) TPR is effective at bringing about the right changes in behaviour among its regulated audiences	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) TPR is proactive at reducing serious risks to member benefits	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) TPR clearly explains its expectations in respect of administration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

### Section M - Attribution

Thank you for completing this survey. Your responses will help TPR understand how schemes are progressing and any issues they may face, which will inform further policy and product developments. Before you submit your answers, there are just a few more questions about your survey responses.

M1 Which of the following best describes your role within the pension scheme?

- Scheme manager\*
- Representative of the scheme manager
- Pension board chair
- Pension board member
- Administrator
- Other (please specify)

*Please write in your 'Other' response in the box below*

Governance Officer

*\* In this survey 'Scheme manager' refers to the definition within the Public Service Pensions Act, e.g. the Local Authority, Fire and Rescue Authority, Police Pensions Authority, Secretary of State/Minister or Ministerial department*

M2 What other parties did you consult with to complete this survey?

*Please select all that apply*

- Scheme manager
- Representative of the scheme manager
- Pension board chair
- Pension board member
- Administrator
- Other
- Did not consult with any other parties

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- M3 To inform TPR's engagement going forward, they would like to build an individual profile of your scheme by linking your scheme name to your survey answers. This will only be used for internal purposes by TPR and your scheme name would not be revealed in any published report.

Are you happy for your responses to be linked to your scheme name and supplied to TPR for this purpose?

- Yes, I am happy for my responses to be linked to my scheme name and supplied to TPR for this purpose  
 No, I would like my responses to remain anonymous

- M4 And would you be happy for the responses you have given to be linked to your scheme name and shared with the relevant scheme advisory board? This is to help inform the advisory boards of areas for improvement and to further their engagement with pension boards.

- Yes, I am happy for my responses to be linked to my scheme name and shared with the relevant advisory board  
 No, I would like my responses to remain anonymous

- M5 TPR may conduct some follow up research on this topic to improve their advice and engagement with schemes such as yours. Would you be willing for us to pass on your name, contact details and relevant survey responses to them so that they, or a different research agency on their behalf, could invite you to take part?

You may not be contacted and, if you are, there is no obligation to take part. Your contact details will be stored for a maximum duration of 12 months, before being securely destroyed.

- Yes, I am happy to be contacted for follow-up research  
 No, I would prefer not to be contacted for follow-up research

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

- M6 Please record your name below. This is just for quality control purposes and will not be passed on to TPR (unless you have agreed that they can contact you for follow-up research).

Joanna Thistlewood

- M7 Finally, please use the box below if you have any other comments or would like to clarify/explain any of the answers you have given.

With effect from 1 April 2021, the Isle of Wight Fire Authority will cease to exist, and will be replaced by a NEW Combined Fire Authority for Hampshire and Isle of Wight. From the effective date, all membership records, payment of benefits and other administration and governance arrangements will transfer to the new Combined Fire Authority, to be carried out by Hampshire County Council. members of the existing local pension board have been offered and accepted roles on the new pension board for the combined authority.

If you would like to print and/or save a copy of your responses then please click the 'print' button below. This will open a new browser window (you may need to allow pop-ups from this site for it to open). You can then print this or choose to save it as a pdf document. Please do this before clicking the submit button.

IMPORTANT: Please click the 'tick' button below to submit your survey.

Once you have submitted your survey you will not be able to go back and change any of your answers or print/save a copy of your responses.

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Employer Data - Membership Totals  
FRS17 Data Requirements

PROG. PR3800 VERS. 6Q HAP

31/01/2021 20:30

-----  
SCHEME   ACTIVES   UNDECIDEDS   DEFERREDS   PENSIONERS   DEPENDANTSS   FROZENS  
-----

REPORT REQUEST

REQUESTED 31/01/21 20:30

```
!-----!  
!                                   DESIGNER REPORT WRITER                                   !  
!-----!  
!  
!           Report Name:        FIREMEMB                                   Submitted By:        ADRIAN                                   !  
!           Print File Name:    FIREMEM                                   Report Spacing:                                   !  
!           Chrysalis Processing: Y                                   Chrysalis Trace:    N                                   !  
!           Choice File Input:   N                                   Input Batch:                                   !  
!           Choice File Output:  N                                   Output Batch:                                   !  
!           Extract File Output: N                                   !  
!           IFCIN File Output:                                   IFCIN File Name:                                   !  
!           Index Number Used:    00                                   Sort Performed:    Y                                   !  
!           Limit on Number of Members Processed: 9999999                                   !  
!-----!
```

THE FOLLOWING VALUES WERE ENTERED AT RUN TIME:  
REQ-DATE01   Run Date                                   31/01/2021

Employer Data - Membership Totals  
FRS17 Data Requirements

PROG. PR3800 VERS. 6Q HAP

31/01/2021 20:30

-----  
SCHEME   ACTIVES   UNDECIDEDS   DEFERREDS   PENSIONERS   DEPENDANTSS   FROZENS  
-----

090	11	0	6	83	22	0
CRE	86	2	43	0	0	0
FIR	1	1	60	4	3	0
MOD	15	1	13	18	0	0

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Employer Data - Membership Totals  
FRS17 Data Requirements

PROG. PR3800 VERS. 6Q HAP

31/01/2021 20:30

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SCHEME   ACTIVES   UNDECIDEDS   DEFERREDS   PENSIONERS   DEPENDANTSS   FROZENS  
-----

GRAND TOTALS				TOTALS - MEMBERS PRINTED	369
	113	4	122	MEMBERS SUPPRESSED	0
				25	0

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END OF REPORT



Purpose: For Noting

## Committee report

Committee	<b>ISLE OF WIGHT FIRE AUTHORITY FIRE PENSION BOARD</b>
Date	<b>10 MARCH 2021</b>
Title	<b>LEGISLATION AND LOCAL GOVERNMENT ASSOCIATION (LGA) UPDATE REPORT</b>
Report of	<b>TECHNICAL FINANCE MANAGER</b>

---

### EXECUTIVE SUMMARY

1. Information contained in this report has been taken from the reports to the Hampshire Fire and Rescue Authority (HFRA) Hampshire Firefighters' Pension Board for their meeting on 27 January 2021, supplemented for subsequent bulletins.
2. LGA issue a bulletin at the end of each month; there have been five bulletins issued since the last Fire Pension Board report. The bulletins are emailed out to a variety of contacts but can also be accessed via the [www.fpsregs.org](http://www.fpsregs.org) website.
3. FPS Bulletins 37 to 42 can be found in APPENDICES 1 to 6. There is a lot of information contained within these bulletins; the key items are set out below.

### IMMEDIATE DETRIMENT INFORMATION REQUEST (BULLETIN 37)

4. The Scheme Advisory Board (SAB) wanted to understand what percentage of the FPS 2015 membership within the Immediate Detriment category are likely to be affected by complicating factors such as divorce or transfers, this is because there is no guidance and policy intention is not known for these areas.
5. The SAB sought information on the number of members who are likely to become eligible for Immediate Detriment between now and March 2022. This information was to be split between claimants and non-claimants.
6. It should be noted that the Isle of Wight Fire Authority has no immediate detriment members.

### INCREASE IN MINIMUM PENSION AGE (BULLETIN 37)

7. On 3 September 2020, in an answer to a Parliamentary question, the Government confirmed that it still plans to increase the minimum pension age from 55 to 57 in 2028 and will legislate in due course.

8. This change will apply to all schemes, aside from those in the public sector that do not link their normal pension age to State Pension Age, namely Firefighters, Police and Armed Forces.

#### SAB LEVY 2020-21 (BULLETIN 37- 40)

9. In 2014, FRAs entered a shared arrangement to fund a technical adviser post to support FRAs with their understanding and management of the Firefighters Pension Schemes. The employers' voluntary subscription is included in the final levy.
10. The total levy for the 2020-21 year will be £8.29 per firefighter, which is calculated at £6.20 for the SAB and £2.09 for employers.
11. This levy is important to ensure that we continue to receive support and information from the LGA which helps to achieve a national consistency.

#### PROTECTED PENSION AGE (BULLETIN 39)

12. Members retiring under the age of 55 with a pension from the 1992 Fire Pension Scheme have a Protected Pension Age (PPA), meaning that they need to have a one-month break before being re-employed to retain their PPA. The purpose of PPA and the gap is so that the member does not face tax charges of potentially up to 70% of their lump sum and annual pension.
13. Between 1 March 2020 and 1 November 2020, HMRC eased the tax rules around PPA where a re-employment was in relation to Covid-19. The easement meant that a firefighter fulfilling the criteria, would not need to have a one-month gap to retain their PPA. HMRC have confirmed that there are no plans to extend this easement beyond 1 November 2020.

#### COMPENSATION SCHEME – QUALIFYING INJURY (BULLETIN 39)

14. The Home Office were asked to provide clear assurances that any firefighter who dies of Covid-19 will be recognised as having died from a qualifying injury. The Home Office have confirmed the following statement:

*“The Home Office is unable to provide such assurances as this would interfere with the established legal process for determining an entitlement to awards payable under the Compensation Scheme and may set unhelpful future precedents. The responsibility for making such decisions rests with the employing FRAs, who are best placed to consider the relevant facts in each case.*

*FRAs should note that the IQMP guidance for the firefighters' pension schemes and compensation scheme clearly sets out the processes that employers should follow when making a decision on scheme members' ill- health / injury / death entitlements. Paragraph 3.27 of the guidance sets out that when a case is being referred to an IQMP the employing FRA should state whether or not they accept that the injury / death being considered should be treated as a qualifying injury. This process allows employing FRAs to provide their views on whether any firefighter's death should be treated as a qualifying injury. As explained above, employing FRAs are best placed to consider the detailed facts in each case in order to make these decisions.”*

#### AGE DISCRIMINATION (McCLOUD / SARGEANT) REMEDY (BULLETIN 42)

9. On 4 February HM Treasury (HMT) published its consultation response on changes to the transitional arrangements to the 2015 public service pension schemes. The response confirms that discrimination will be addressed in two parts.
10. To remove future discrimination from the schemes and ensure equal treatment, all remaining protected members who are not currently members of FPS 2015 will transfer into this scheme on 1 April 2022. This means that all future service for all members will build up in the reformed CARE scheme. Final salary benefits already built up are fully protected.
11. For benefits built up during the period of discrimination, 1 April 2015 to 31 March 2022, unprotected and taper members will be credited with final salary build-up in their original scheme. At retirement, all members will be able to keep their legacy final salary benefits or choose to receive the CARE benefits that they would have built up in the same period.
12. The Home Office will consult separately on changes needed to the Firefighters' Pension Scheme regulations to enact the remedy.
13. Scheme members do not need to take any action, as remedy will automatically be applied if they are eligible. All work in respect of the implementation of the remedy will be undertaken by the new Combined Fire Authority, based on data provided to the CFA by the Isle of Wight Fire Authority on transition.

#### FPS CONTRIBUTION RATES 2021-22 (BULLETIN 42)

14. Banded contribution rates were introduced to the Firefighters' Pension Scheme 1992 and the Firefighters' Pension Scheme (England) 2006 by Statutory Instruments 2012/953 and 2012/954 respectively. These rates have subsequently been amended each year by an amendment order to the schemes, the most recent of which listed the rates applicable from 2015-16 to 2018-19.
15. The Firefighters' Pension Scheme 2015 was introduced on 1 April 2015 by SI 2014/2848. Regulation 110 set out details rates applicable from 2015-2016 to 2018-2019.
16. For 2019-2020, FRAs were instructed that the 2018-2019 rates would continue to apply, due to the pause of the cost-cap mechanism. These rates will continue to apply for 2021-2022.

#### EXIT PAYMENTS CAP REVOKED (BULLETIN 42)

17. On 12 February 2021 the government issued the Exit Payment Cap Directions 2021 which disapplied parts of the Restriction of Public Sector Exit Payments Regulations 2020 in England with immediate effect. As the Directions disapply regulation 3, the exit cap no longer applies in England with effect from 12 February 2021.
18. As the exit cap had very limited application for the Fire Pension Schemes, it is highly unlikely that any relevant exits would have occurred before the cap was disapplied.

19. The Isle of Wight Fire Authority did not make any redundancies of members of the Local Government Pension Scheme (LGPS) during the period where the exit cap was applicable, between 4 November 2020 and 12 February 2021.

RECOMMENDATION

20. The Board is asked to note the contents of this report.

APPENDICES ATTACHED

21. APPENDIX 1 - FPS Bulletin 37 September 2020
22. APPENDIX 2 - FPS Bulletin 38 October 2020
23. APPENDIX 3 – FPS Bulletin 39 November 2020
24. APPENDIX 4 - FPS Bulletin 40 December 2020
25. APPENDIX 5 - FPS Bulletin 41 January 2021
26. APPENDIX 6 - FPS Bulletin 42 February 2021

BACKGROUND PAPERS

27. LGA Fire Pensions website  
<http://www.fpsregs.org/>
28. Hampshire HFRA Fire Pension Board meeting 27 January 2021  
<https://democracy.hants.gov.uk/ieListDocuments.aspx?CId=196&MId=6616&Ver=4>

Contact Point: Jo Thistlewood, Technical Finance Manager, ☎ 821000  
e-mail [jo.thistlewood@iow.gov.uk](mailto:jo.thistlewood@iow.gov.uk)

**STAY  
ALERT** 

**CONTROL  
THE VIRUS**

 **SAVE  
LIVES**



## FPS Bulletin 37 – September 2020

Welcome to issue 37 of the Firefighters' Pensions Schemes bulletin.

We hope that readers remain safe and well.

Although restrictions on travel and social distancing are gradually easing, face-to-face meetings and training remain suspended for the time being. However, the Bluelight team are available at home by mobile, email or video (MS Teams, Skype, or Zoom).

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## Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk)

Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 1 September 2020
South East regional FPOG	5 October 2020
Fire Finance Network conference	7-8 October 2020
Midlands regional FPOG - TBC	12 October 2020
Eastern regional FPOG	19 November 2020
SAB	10 December 2020

## FPS

### Home Office immediate detriment note update

We commented in [FPS Bulletin 36 – August 2020](#) on the [immediate detriment note](#) issued by the Home Office. We understand that the department will not be able to provide a response to the queries we have raised until October. However, in the meantime, we appreciate that FRAs are being encouraged to progress cases under the terms of the note.

We are working on providing further clarity to FRAs in three areas.

#### 1. Legal status of the note.

We are seeking legal advice on behalf of FRAs including application to claimants and non-claimants, any consequences arising from incorrect payment of benefits, and any resulting unintended discriminatory treatment.

We understand that the Home Office and HMT are relying on Section 61 of the Equality Act to provide legal underpinning to the note for non-claimants. That power is currently being contested in the FRA's appeal under Schedule 22 of the same act, in which they argue that they were required by law to follow the pension regulations and so had no choice but to implement the transitional protections for older firefighters.

## 2. A general information note on the key issues.

We have drafted a note to provide additional information to FRAs on the key considerations of implementing the Home Office informal guidance.

This includes the legal considerations detailed above, the position of employer contributions, which we believe Home Office to be discussing with HMT, technical queries raised, and areas where we believe a policy steer would be helpful to enable more accurate payments to be made.

## 3. Support for practitioners, to include:

- 3.1. Supporting FRAs to evidence robust decision making on whether a case can proceed under the current guidance, and if not, why not;
- 3.2. Working with the [Fire Communications Working Group](#) to provide a consistent template on how a member may be provided with a choice and what this should include, using [documentation provided to support choice in 2006](#) as a guide;
- 3.3. Working with administrators to provide example calculations to assist with bringing benefits into payment where the guidance is not explicit.

The information note is currently being reviewed and will be issued as soon as possible.

## Website and resources update

We have added the following page to the member-restricted section of the Firefighters' Pension Schemes Regulations and Guidance website this month:

[HMRC CLM queries](#). The page has been created to hold technical queries submitted to HMRC regarding the application of tax to the Firefighters' Pension Scheme.

If you require log-in details for this area, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

## September query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

We have not added any new queries this month.

## FPS England SAB updates

### Template Pension Administration Strategy consultation response

The SAB secretariat published a consultation on 30 June 2020 seeking views on the introduction of a [template pension administration strategy](#). The consultation closed on 31 August.

The consultation received 15 responses in total: twelve from Fire and Rescue Authorities (FRAs) and three from scheme administrators.

The detailed consultation response can be read at [Appendix 1](#). One response was received late and is still to be incorporated into the document.

The strategy will be reviewed based on the responses to the consultation and any necessary amendments made. The organisations who responded to the consultation will be invited to comment on the revisions to ensure that their views have been suitably reflected.

### Immediate detriment request for information

The SAB note the immediate detriment guidance issued by the Home Office and wish to encourage the payment of pensions to eligible members.

The SAB also want to understand what percentage of the FPS 2015 membership within the immediate detriment category are likely to be affected by complicating factors, such as divorce or transfers.

The Board are seeking information similar to that requested in [FPS Bulletin 28 - January 2020](#) on the number of members who are likely to become eligible for immediate detriment between now and 31 March 2022. This should include:

- Any member refused ill-health retirement under the FPS 2015 as the lower ill-health criteria was not met.
- 1992 transition members of FPS 2015 who reach age 55 before 31 March 2022.
- 1992 transition members of FPS 2015 who reach 30 years' service before 31 March 2022.
- 1992 transition members of FPS 2015 who will have 25 years+ service and be over 50 by 31 March 2022.

The Board request that you complete the information sheet at [Appendix 2](#) by 31 October 2020. Please note that clicking the link downloads an Excel spreadsheet.

## Other News and Updates

### LGPS SAB draft McCloud response published

FRAAs will have employees who are members of the Local Government Pension Scheme (LGPS). As the LGPS is a funded scheme and members within 10 years of retirement at 2012 were protected in a different way, the Ministry of Housing, Communities & Local Government (MHCLG) are consulting separately on changes to address age discrimination. The consultation closes on 8 October 2020.

On 28 September 2020, the LGPS SAB published [a draft version of its response to the McCloud consultation](#).

You are welcome to use the content to help with your own responses. The LGA will not be submitting a separate response.

### Update on the single TPR Code of Practice

On 1 September 2020, the Pensions Regulator (TPR) confirmed that it now intends to launch the formal consultation on a single Code of Practice in late 2020 or early 2021.

TPR provides [15 codes of practice](#), covering topics such as early leavers, internal controls and governance and administration of public service pension schemes.

In July 2019, TPR confirmed, in a statement on its website, that it planned to review and combine the content of the 15 codes to form a single, shorter code. The statement originally set out plans to launch a consultation later in 2019.

### Government confirms intention to increase minimum pension age

In [an answer to a parliamentary question](#) on 3 September 2020, the Government confirmed that it still plans to increase the minimum pension age from 55 to 57 in 2028 and will legislate in due course.

The Government confirmed in 2014 in [its response to the consultation 'Freedom and choice in pensions'](#) that it intends to increase the minimum age from 55 to 57 in 2028 and that the change will apply to all schemes, aside from those in the public sector that do not link their normal pension age to State Pension age, namely Firefighters, Police and the Armed Forces.

## Events

### FPS AGM 22 and 23 September 2020 – event summary

We were delighted to offer our fire pensions annual conference in a virtual format this year. In long-standing tradition, the event was preceded by a meeting of the regional chairs, followed by the technical community.

Day 1 had a governance focus and following a brief introduction from the [new chair of the England Scheme Advisory Board](#), Joanne Livingstone, we were pleased to welcome Nick Gannon from TPR. Nick delivered an in-depth session on breaches of the law – considering the who, how, what, and when of recording and reporting. During the Q&A after the presentation, Nick highlighted the administrative challenges of implementing remedy and the importance of good data and communication.

[Please view the AGM 2020 day 1 presentations here.](#)

We were back online for the full technical/ administration AGM on day 2, with a full roster of guest speakers.

Joanne Livingstone welcomed approximately 100 delegates from across the FPS sector, with a more detailed introduction to herself and the role of the SAB. Joanne highlighted that the Board will seek to provide assurance rather than reassurance to stakeholders and continue to operate in a role of scrutiny and engagement on an evidence basis during her four-year term.



Senior pension adviser, Clair Alcock, then took to the “stage” to give an update from the Bluelight team at the LGA. In an event dedicated to remedy, Clair was not afraid to address the elephant in the room and provided a brief recap on the background to the age-discrimination case and the HM Treasury consultation proposals. The session concluded with a quick look at projects on the horizon.

Des Prichard, chair of the [SAB administration and benchmarking committee](#), led the last morning session with an update on the work of the committee. In particular, the session focused on the draft template administration strategy and the future of scheme administration and management. Des was keen to promote the importance of replying to SAB-issued consultations and surveys in order for the Board to deliver improvements to the sector.

[Click here to return to Contents](#)

After a brief pause for refreshment, we welcomed guest speakers from Eversheds Sutherland and the Government Actuary's Department, to provide our regular case law update and information about the FPS valuation and cost-cap, respectively.

Peter Spreadbury from the Home Office joined us to outline how the department intended to engage with stakeholders in dealing with remedy. Peter emphasised the importance of taking a professional, constructive, and forward-looking approach to working together and noted a commitment to working with stakeholders to reach a lasting resolution.

Delegates were then "zoomed" randomly into one of three breakout rooms to take part in an interactive workshop session. The workshops looked at themes underpinning the delivery of remedy, including [technical issues](#), [data](#), and [communications](#). After a 45-minute discussion, participants returned to the main room to hear feedback from each of the sessions.

[Please view the AGM 2020 day 2 presentations here.](#)

As always, we would like to thank all presenters and delegates for their participation and support. We have received some great feedback from the event and hope that we will be able to host next year's AGM live and in person in London.

### **FPS coffee mornings**

We are continuing to run our MS Teams coffee mornings every second Tuesday while social distancing measures remain in place. These informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 13 October 2020.

If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk) and we will add you to the invite list for the sessions.

## **HMRC**

### **HMRC newsletters/bulletins**

HMRC has published the following newsletter containing important updates and guidance on pension schemes:

#### [Pension schemes newsletter 124 – 29 September 2020](#)

- Temporary changes to pension processes as a result of coronavirus (COVID-19)
- Relief at source
- Managing Pension Schemes service

[Click here to return to Contents](#)

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khuf Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPS member site](#)

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[Click here to return to Contents](#)

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## FPS Bulletin 38 – October 2020

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Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 3 November 2020
Eastern regional FPOG	19 November 2020
SAB	10 December 2020
North East regional group	17 February 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

## Actions arising

Readers are asked to note the following actions arising from the bulletin:

[Immediate detriment request for information](#): FRAs in England to submit numbers of members who qualify for immediate detriment.

## FPS

### Age discrimination consultation responses

Between 16 July and 11 October 2020, HM Treasury (HMT) consulted on changes to the transitional arrangements of the unfunded public service pension schemes introduced in 2015.

On 9 October, responses were submitted by the LGA and Scheme Advisory Board (SAB). These responses can be found on our dedicated [age discrimination remedy webpage](#), along with the submissions from the Wales and Scotland SABs.

### **[Immediate detriment information note](#)**

We advised in [FPS Bulletin 37 – September 2020](#) that we had drafted a note to provide additional information to FRAs on the key considerations on implementing the Home Office informal guidance on immediate detriment.

The [LGA immediate detriment information note](#) and accompanying [template matrix](#) have now been published and can be found on the [Age Discrimination Remedy \(Sargeant\) page](#).

Please note that each FRA's nominated contact for the Sargeant litigation will have further information in order to inform your authority's approach to immediate detriment cases. This is for reasons of legal privilege. Please ensure that you liaise with the nominated contact for your FRA before taking any action.

### **[Special Members of FPS 2006 - Second options exercise](#)**

We understand stakeholders are keen to receive updates on the expected second special members options exercise, sometimes referred to as Matthews or O'Brien. While at this stage we cannot provide more definitive information, we have published a new [special members factsheet](#) which provides a brief background on the introduction of special members and comments on the expectations of a second exercise.

Special members were introduced to the Firefighters' Pension Scheme 2006 (FPS 2006) in 2014, following [Matthews v Kent and Medway Towns Fire Authority \[2006\] UKHL 8](#) which allowed retained firefighters employed between 1 July 2000 and 5 April 2006 to join the FPS 2006 with retrospective effect to 1 July 2000.

Following the [European Court of Justice's decision in O'Brien v Ministry of Justice](#) which is a case concerning [fee paid judges in the Judicial Pension Scheme](#), the UK Government have recognised the right for retained firefighters employed before 1 July 2000 to elect to become a special member from the start date of their employment.

This will necessitate a second options exercise, for which legal discussions have commenced between central government, the LGA on behalf of FRAs and trade union legal representatives to consider who is in scope and the details of the settlement exercise.

Regulations for England will be drafted and consulted on following the conclusion of the legal discussions. It is expected further regulations and consultations for the devolved governments will follow later. Unfortunately, no timescales are known at this stage.

There is no further action needed at this time by FRAs or their administrators.

## Scheme sanction charge

From time to time we have been asked to clarify who pays the [scheme sanction charge](#) on an unauthorised payment. We can confirm that this is the responsibility of the Fire and Rescue Authority as [sub scheme administrator](#). Further we can confirm that:

- There is no provision to deduct the scheme sanction charge from the member, unless the scheme rules provide for it which the FPS does not, and
- The scheme sanction charge is payable from the operating account and is **not** chargeable to the notional pension fund.

More information on frequently asked questions for scheme sanction charge can be found under *Unauthorised payments* in the technical queries log published monthly on the [technical queries page](#).

## Medical retirement IQMP certificates

We have been receiving an increased level of enquiries related to medical retirement certificates for use by IQMPs.

Medical retirement is leaving employment from the FRA under either ill-health retirement or injury. Ill-health retirement can and often does occur on its own. Injury retirement occurs due to a direct result of the firefighter's work and will always also trigger ill-health retirement.

An injury pension is paid under the regulations of the [Firefighters' Compensation Scheme 2006](#) (FCS 2006). The amount of benefit payable does not depend on what pension scheme the member may be in, however, it will be calculated in reference to the service attributable to the employment in which the injury is received.

Ill-health retirement occurs under the pension scheme rules, and benefits may be different depending on the pension scheme the member is in:

- Firefighters' Pension Scheme 1992 (FPS 1992)
- Firefighters' Pension Scheme 2006 - Standard and Special members (FPS 2006)
- Firefighters' Pension Scheme 2015 (FPS 2015)

Which ill-health form to use is not laid down in legislation, subsequently it is for FRAs to satisfy themselves that the forms meet the requirements of the legislation and that the IQMP has answered the relevant questions.

In 2009, following meetings of an [ill-health review group](#), a form was developed that brought together the requirement to consider redeployment as a result of the [Marrion case](#), and the different rules and eligibility for FPS 1992, FPS 2006 and FCS 2006.

In 2015, following feedback that the forms were unwieldy to use and had led to errors of interpretation the forms were simplified and separated across the schemes. The new forms considered the questions for IQMPs only and did not try to give guidance on employment considerations.

[Click here to return to Contents](#)

Those forms are held on the password-protected [ill-health and injury webpage](#) and **must** be downloaded each time to ensure the most recent version of the form is being used.

Each approach to the forms has pros and cons and the SAB are considering a programme of work to ensure that more resources and information about medical retirement are readily available to FRAs and members. More detail can be found in the [minutes of the SAB meeting of 13 June 2019](#).

This work may take some time and may be impacted by the Court findings in the age discrimination case known as Sargeant and the resulting [HMT consultation on age discrimination](#) in public service schemes.

In the short term we are drafting a short summary factsheet on medical retirement issues and will be making some changes to the forms. We will advise a timescale for this work in the next bulletin.

### **Fire and Rescue workforce and pensions statistics published**

The Home Office published [workforce and pensions statistics](#) for Fire and Rescue Services (England) on 22 October 2020. The pension scheme statistics, covering April 2019 to March 2020, reflect data returns on income, expenditure and membership submitted by all 45 FRAs in England.

Some key results:

- Firefighters' Pension Scheme expenditure in 2019-20 was around £908 million.
- In 2019-20, 80 per cent of expenditure was "recurring outgoing payments" and 19 per cent was "commutation payments". "Transfers" and "miscellaneous expenditure" totaled less than 1 per cent
- Firefighters' Pension Scheme income in 2019-20 was around £387.5 million.
- Employer contributions nearly doubled from £135 million in 2018-19 to £260 million in 2019-20 as a result of changes to the discount rate set by HM Treasury from April 2019.
- In 2019-20, 67 per cent of income was "employer contributions", 30 per cent was "employee contributions" and the remaining 3 per cent comprised transfers, miscellaneous income and ill-health charges.
- The Firefighters' Pension Scheme deficit in 2019-20 was around £520 million.
- As at 31 March 2020, the total number of pensioner members was 46,228. Of these, 94 per cent were members of FPS 1992.

### **Website and resources update**

We have added the following page to the Firefighters' Pension Schemes Regulations and Guidance website this month:

[Consultations](#). This page has been created to hold consultations on the FPS and wider public service pension schemes.

[Click here to return to Contents](#)

The following factsheets for members have been updated for the current financial year by the LGA Bluelight team in collaboration with the Fire Communications Working Group (FCWG) and are available from the website:

[Annual Allowance](#)

[Topping up your State Pension](#)

### October query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

Queries from earlier months have been grey shaded to differentiate from new items. New queries have been added under the following categories: compensation scheme, ill-health retirement, Protected Pension Age, and salary sacrifice (updated).

## FPS England SAB updates

### Immediate detriment request for information - reminder

In [FPS Bulletin 37 – September 2020](#), the SAB asked for information on the number of members who are likely to become eligible for payment of benefits under the terms of the [Home Office immediate detriment note](#). This includes:

- Any member refused ill-health retirement under the FPS 2015 as the lower ill-health criteria was not met.
- 1992 transition members of FPS 2015 who reach age 55 before 31 March 2022.
- 1992 transition members of FPS 2015 who reach 30 years' service before 31 March 2022.
- 1992 transition members of FPS 2015 who will have 25 years+ service and be over 50 by 31 March 2022.

The SAB also want to understand what percentage of the FPS 2015 membership within the immediate detriment (ID) category are likely to be affected by complicating factors, such as divorce or transfers.

To date we have only received responses from eight FRAs.

The SAB kindly request that FRAs complete the [ID information sheet](#) by 30 November 2020. Please note that clicking the link downloads an Excel spreadsheet. Completed returns should be submitted to [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

### SAB levy 2020-21 update

We informed readers in [FPS Bulletin 35 – July 2020](#) that collection of the SAB levy would begin in August/ September.

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The budget remains with the minister's office, so we have not yet been able to request purchase order numbers from FRAs. We are continuing to chase this up with the Home Office.

## Other News and Updates

### Restriction of exit payments in the public sector

[The Restriction of Public Sector Exit Payments Regulations 2020](#) come into force on 4 November 2020.

As expected, the regulations have limited application for the FPS, as exemptions apply to two of the exit payments which would otherwise fall within the scope of the £95,000 cap: [enhanced commutation](#) (FPS 1992) and [Authority Initiated Early Retirement \(AIER\)](#) (FPS 2006 and FPS 2015) on fitness grounds.

In some limited circumstances of AIER the cap would still apply and we understand that the Home Office is working with the Government Actuary's Department (GAD) to establish how the assessment against the cap can be undertaken for the fire scheme. This will be achieved either through regulatory change or statutory GAD guidance.

### Public Service Pensions GMP indexation consultation

On 6 April 2016, the government introduced the new State Pension which removed the mechanism that enabled public servants in "contracted-out" employment between 1978 and 1997 to have their Guaranteed Minimum Pension (GMP) fully price protected. The interim solution of full indexation was brought in, which was later consulted on and extended until 5 April 2021. This ensured that public service pensioners had the GMPs they had earned in public service fully indexed by their public service pension scheme.

On 7 October the government published a consultation on [Public Service Pensions: GMP indexation](#). The consultation sets out how the government proposes to ensure it continues to meet its past commitments to public service employees regarding the full indexation of public service pensions, including for any GMP element.

The consultation will last for 12 weeks and closes on 30 December 2020.

The consultation and supporting [written ministerial statement](#) can be found on the new [consultations page](#) of the Regulations and Guidance website.

The LGA will be responding in due course.

### Update on TPR scheme return 2019-20

We reported in [FPS Bulletin 36 – August 2020](#) that the Pension Regulator's (TPR's) statutory scheme return was scheduled to be released in Autumn in line with the usual timescales.

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TPR has advised us that the scheme return campaign for public service schemes has been slightly delayed and notices are now due to be sent out during week commencing 2 November 2020.

### **TPO factsheet: Complaining to TPO on behalf of a deceased's estate**

On 19 October the Pensions Ombudsman (TPO) published a factsheet for survivors who may want to bring or continue a complaint on behalf of the deceased's estate.

Factsheet: [Complaining to TPO on behalf of a deceased's estate](#).

### **Pensions Dashboard Programme update**

On 28 October 2020 the Pensions Dashboard Programme (PDP) published its [second progress update report](#). The report summarises the work the PDP has undertaken since April 2020 and sets out a timeline for the development of the project.

## **Events**

### **Local Pension Board virtual training**

We are attending an increasing number of virtual pension board meetings to provide an update on current issues affecting the FPS and how to use the [six key areas of governance](#) as measured by TPR to support the scheme manager through various complexities, such as Sargeant / Matthews, pensionable pay, and ill-health decisions.

If you would like to arrange a session for your board, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

### **FPS coffee mornings**

We are continuing to run our MS Teams coffee mornings every second Tuesday while social distancing measures remain in place. These informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 3 November 2020.

If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk) and we will add you to the invite list for the sessions.

## **HMRC**

### **HMRC newsletters/bulletins**

On 6 October HMRC updated [pension schemes newsletter 124](#) to confirm that the protected pension age easement in relation to COVID-19 will not be extended and will expire on 1 November 2020.

[Click here to return to Contents](#)

HMT has previously confirmed that anyone re-employed between 1 March and the deadline would be deemed as having satisfied the re-employment conditions, regardless of how long the employment lasted. Therefore, we understand that the PPA easement ceases to apply for any new appointments from 1 November 2020.

## Legislation

### SI number    Reference title

2020/122    [The Restriction of Public Sector Exit Payments Regulations 2020](#)

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPS member site](#)

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While every attempt is made to ensure the accuracy of the bulletin, it would be helpful if readers could bring any perceived errors or omissions to the attention of the Bluelight team by emailing [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

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## FPS Bulletin 39 – November 2020

Welcome to issue 39 of the Firefighters' Pensions Schemes bulletin.

We hope that readers remain safe and well.

Face-to-face meetings and training remain suspended for the time being due to restrictions on travel and social distancing. However, the Bluelight team are available at home by mobile, email or video (MS Teams, Skype, or Zoom).

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin or suggested items for future issues, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk).

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## Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk)

Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 1 December 2020
Fire Communications Working Group	7 December 2020
SAB	10 December 2020
CIPFA remedy engagement webinar	15 December 2020
North East regional group	17 February 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

## Actions arising

Readers are asked to note the following actions arising from the bulletin:

[2020-2021 statutory levy](#): FRAs to provide a valid purchase order number for invoicing of the annual levy, based on the number of employees eligible to join one of the Firefighters' Pension Schemes at 1 April 2020.

## FPS

### Medical Appeal Boards service update

Readers may have been aware that Duradiamond, the current contracted provider of Medical Appeal Boards, suspended appeal hearings for three months from the end of March due to COVID-19.

In July, hearings recommenced on a limited basis in London.

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Duradiamond provided the following service update by email on 13 November 2020:

"We are writing to advise that following a meeting with the Home Office this week, we are beginning to open up regional venues in response to appeal demand.

- We will initially open up Manchester and Leeds and pending cases which have these locations as their venue of choice will be booked accordingly.
- Edinburgh, Birmingham and Bristol are in the process of being confirmed and opened and we will be in touch as soon as the allocated venues have confirmed that they remain open to take bookings whilst Lockdown 2 is in effect.
- Regional venues are being reviewed monthly whilst any lockdown and/or COVID-19 tier structure is in place and an update will be provided to all stakeholders on a monthly basis.

We would also like to update you with regard to remote appeals. At present remote attendance is not able to be accommodated, whether that be remote attendance by any party or a full remote board. Following submission of a proposal regarding the provision of remote hearings (in any format) to the Home Office earlier in the year, the Home Office agreed at our meeting yesterday to support Duradiamond in exploring this undertaking. Duradiamond is setting up a project team to assess the feasibility and practicality of delivering any form of remote service in a secure and confidential manner. Duradiamond is aware that the HMCTS (HM Courts and Tribunals Service) is already trialling audio and video technology capability. We will keep you updated on a monthly basis as the project progresses."

### **Protected Pension Age – HMT easement ended**

You may recall that earlier in the year the tax rules for [protected pension age](#) were relaxed. That meant that for any FRA re-employing a retired firefighter under age 55 and in receipt of a pension from the FPS 1992, they didn't need a month's gap in employment to keep their protected pension age or face tax charges of potentially up to 70 per cent of their lump sum and pension. This was only where re-employment was in relation to COVID-19.

On 6 October HMRC updated [pension schemes newsletter 124 - September 2020](#) to confirm that the protected pension age easement will not be extended and would expire on 1 November 2020.

HMT have confirmed that the expiration of the exemption remains unchanged and that there are currently no plans to change this approach. Those who have returned to support the government's response to COVID-19 before 1 November will however not lose their protected pension age if they continue working after that date. This pension age is protected irrespective of whether they move jobs or employers.

More information can be found on our [COVID-19 and the FPS webpage](#).



## Compensation Scheme – Qualifying Injury COVID-19

Readers will recall that questions have been previously asked as to whether a firefighter being identified with a positive case of COVID-19 would be treated as a qualifying injury for the purposes of eligibility to benefits under the compensation scheme, and the Home Office were asked to provide clear assurances that any firefighter who dies from COVID-19 will be recognised as having died from a qualifying injury.

The Home Office have confirmed the following statement:

“The Home Office is unable to provide such assurances as this this would interfere with the established legal process for determining an entitlement to awards payable under the FCS and may set unhelpful future precedents. The responsibility for making such decisions rests with employing FRAs, who are best placed to consider the relevant facts in each case.

FRAs should note that the [IQMP guidance](#) for the firefighters’ pension schemes and compensation scheme clearly sets out the processes that employers should follow when making a decision on scheme members’ ill-health/injury/death entitlements. Paragraph 3.27 of the guidance sets out that when a case is being referred to an IQMP the employing FRA should state whether or not they accept that the injury/death being considered should be treated as a qualifying injury. This process allows employing FRAs to provide their views on whether any firefighter’s death should be treated as a qualifying injury. As explained above, employing FRAs are best placed to consider the detailed facts in each case in order to make these decisions”

In order to make a decision with regards to whether COVID-19, which is widely present in the general population, has been contracted specifically due to conditions in the workplace, the FRA will need to consider each case on a case by case basis in light of the full facts and a blanket approach would not be appropriate.

In considering whether COVID-19 was contracted ‘in the exercise of duties as a firefighter’ FRAs would need to take several matters into account including but not limited to:

- Whether the incident has been taken into account for sick pay purposes.
- The work (and/or leave) pattern for the individual, being mindful of incubation times.
- Known COVID situations in any incident/location attended.
- Colleagues within the same Crew/Watch known to have been infected in the same timeframe.
- Known results whether positive or negative tested at any point over the relevant timeframe for the case in hand
- Any instruction by the FRS not to attend work within the relevant timeframe because of contact with a colleague who had come into work at a point when they would have been infectious
- FRA risk control measures, such as PPE, Distancing, Hygiene, Work Bubbles etc

- Medical reports

The [HSE advice in RIDDOR](#) (the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) includes information about making a judgement and reasonable evidence for their purposes.

### **FPS England actuarial factors and guidance notes**

HM Treasury reduced the SCAPE discount rate from 2.8% to 2.4%pa above CPI from 29 October 2018. As a result of the change, the Government Actuary's Department (GAD) undertook a [factor review](#) for the Firefighters' Pension Schemes.

Over the following 12 to 18 months, new factors and guidance notes were issued to FRAs. It has recently come to our attention that the guidance notes for transfers-in and pension sharing on divorce in respect of FPS 2015 were not distributed at that time. We are pleased to now include them below.

- [FPS 2015 Individual Cash Equivalent Transfers – factors and guidance](#)
- [FPS 2015 Pension Sharing on Divorce – factor and guidance](#)

In addition, the following updated factors and guidance have been provided in November:

- [FPS 1992 and FPS 2006 CPD Additional Pension Benefit – factors and guidance](#)
- [FPS 1992 and FPS 2006 CPD Pension Factors](#) (Excel spreadsheet download)

CPD factors (Table X-801) have been extended to begin at age 20 in advance of remedy implementation.

- [FPS 2015 Early payment reductions – factors and guidance](#)
- [FPS 2015 Early Retirement Factors – Deferred members](#) (Excel spreadsheet download)

Early retirement factors for deferred members of FPS 2015 (Table x-403) have been extended to 13 years to allow for members with a State Pension age of 68.

The [consolidated factor workbook](#) has been updated to take account of the changes. All factor tables and guidance notes can be found on our dedicated [GAD guidance webpage](#).

### **FPS 2006 special member tax relief requests**

In [FPS Bulletins 10 - July 2018](#) and [11 - August 2018](#) we advised FRAs of a request from HMRC for information to be provided directly to them with regards to tax relief claims for special members of the FPS 2006. HMRC have now completed their investigations directly with the Home Office and there is no further action for FRAs to take.

[Click here to return to Contents](#)

Members should not be directly contacted by HMRC with regards to any tax relief claims made due to becoming a special member. If you are aware of any member receiving a request for payment please refer this to us via [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

### **November query log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

Queries from earlier months have been grey shaded to differentiate from new items. New queries have been added under the following categories: contribution banding.

## **FPS England SAB updates**

### **SAB levy 2020-21 – Request for Purchase Order numbers**

Following our update in [FPS Bulletin 38 – October 2020](#), we are pleased to confirm that the SAB budget for 2020-21 has received ministerial approval and we can now start the invoicing process.

In 2014, FRAs entered a shared arrangement to fund a technical adviser post to support FRAs with their understanding and management of the Firefighters' Pension Schemes. The employers' voluntary subscription is included in the final levy.

The total levy for the 2020-21 year will be £8.29 per firefighter, which is calculated at £6.20 for the SAB and £2.09 for employers. A letter has been sent out to Chief Fire Officers advising them of this.

Devolved FRAs have also been sent levy requests with regards to the employer advice service provided to them by the LGA.

The first stage of the process is for FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes at 1 April 2020. The form at [Appendix 1](#) should be used to provide this information.

### **TPR 2019 Governance and Administration Survey**

As you may be aware, the results of the [2019 Governance and Administration survey](#) have now been published by The Pensions Regulator (TPR).

The performance of the Firefighters' Schemes is commented on throughout and the Scheme Advisory Board will consider any further actions they may take.

The TPR [six key processes factsheet](#) will be updated to reflect the latest performance and give further guidance to FRAs in order to achieve a higher rate of understanding and compliance ahead of the 2020 survey.

At their meeting on 17 September 2020 the Board considered a report summarising the [results of the COVID-19 governance survey](#) designed to measure the impact of the coronavirus pandemic on pension scheme governance.

## Other News and Updates

### Restriction of exit payments in the public sector

We confirmed last month that [The Restriction of Public Sector Exit Payments Regulations 2020](#) came into force on 4 November 2020.

Following the enactment of the Exit Payment Regulations, HM Treasury (HMT) published the following documents:

- [Guidance on the 2020 Regulations](#)
- [Directions](#)
- [Equalities Impact Assessment](#)

Although the regulations have limited application for the FPS, FRAs will also have employees who are members of the Local Government Pension Scheme (LGPS).

The Local Government Pensions Committee (LGPC) has provided detailed information about the changes for LGPS and any actions for scheme employers in [LGPC Bulletin 203 – November 2020](#).

### TPR pledge to combat pension scams campaign

On 10 November 2020, TPR launched the [pledge to combat pension scams](#) campaign. The initiative asks administrators and employers to commit to the six pledge principles to show their intent to protect scheme members from losing their benefits in transfer scams.

The pledge is supported by the Pension Scams Industry Group (PSIG) and follows the principles of the [PSIG Code of Good Practice](#).

### ICO issue new statutory code of practice on DSARs

At the end of October 2020, the Information Commissioner's Office (ICO) issued its new statutory code of practice on data subject access requests (DSARs). It is aimed at data protection officers (DPOs) and those with specific data protection responsibilities in larger organisations. Along with providing additional guidance and clarity, the new code of practice is particularly relevant for administrators dealing with increased data requests from members, IFAs and claims management companies in respect of past transfers.

To find out more visit the [Right of access page](#) on the ICO website.

## **DB schemes must equalise past GMP transfers**

On 20 November 2020, the High Court ruled that trustees who do not equalise a member's guaranteed minimum pension (GMP) benefits at the time of calculating a cash equivalent transfer value (CETV) have committed a breach of duty. Defined benefit (DB) schemes providing GMPs should revisit historic CETVs made in the past 30 years and top them up where necessary. The judgment does not force organisations to actively correct all pensions transfers, however, employers may look to do so to avoid legal proceedings from members affected.

This [latest judgment on GMP equalisation](#) follows the initial judgment made in October 2018 involving Lloyds banking group.

We are discussing implications for the FPS with the Home Office.

## **Events**

### **Joint Fire and Police CIPFA webinar – Sargeant/ McCloud stakeholder management**

CIPFA is running a joint Fire and Police webinar on Tuesday 15 December at 10am:

“Stakeholder management will be a key component of your plan to deliver the McCloud remedy. In this seminar, we will cover the changes faced by a variety of stakeholders in the Police and Fire Network. The focus will be on member engagement, the member journey and the opportunity that presents, whilst managing the risks.”

As registration is not yet open for this event, we will circulate details by email to the bulletin distribution list as they become available.

### **FPS coffee mornings**

We are continuing to run our MS Teams coffee mornings every second Tuesday while social distancing measures remain in place. These informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 1 December 2020.

If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk) and we will add you to the invite list for the sessions.

## **HMRC**

### **HMRC newsletters/bulletins**

HMRC has published the following newsletter containing important updates and guidance on pension schemes:

[Pension schemes newsletter 125 – 30 October 2020](#)

[Click here to return to Contents](#)

- Temporary changes to pension processes as a result of coronavirus
- Managing Pension Schemes service – financial information
- Relief at source declaration – APSS590
- Pension flexibility statistics
- Signing in to online services
- Registration statistics

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPS member site](#)

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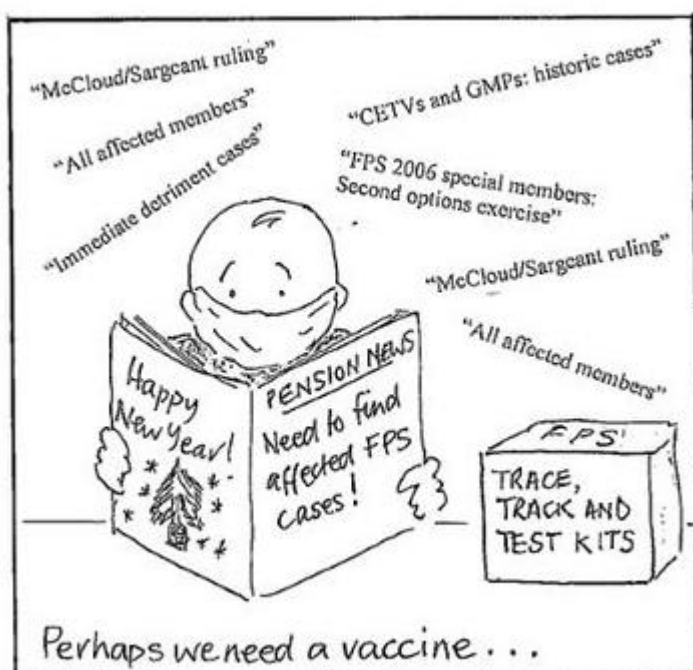




## FPS Bulletin 40 – December 2020

Welcome to issue 40 of the Firefighters' Pensions Schemes bulletin.

We hope that readers remain safe and well. May we take this opportunity to wish you all a happy festive period. Many thanks for your help and support during a challenging year – perfectly captured in this illustration by Eunice Heaney.



Face-to-face meetings and training remain suspended into 2021 due to restrictions on travel and social distancing. However, the Bluelight team are available at home by mobile, email or video.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin or suggested items for future issues, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk).

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## Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk)

Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 12 January 2021
North East regional group	17 February 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

## Actions arising

Readers are asked to note the following actions arising from the bulletin:

[2020-21 statutory levy](#): FRAs to provide a valid purchase order number for invoicing of the annual levy, based on the number of employees eligible to join one of the Firefighters' Pension Schemes at 1 April 2020.

## FPS

### Joint statement on age discrimination remedy

Please see below a joint statement issued on 4 December 2020 by the Home Office and LGA Bluelight team regarding public service pensions age discrimination remedy:

“As you are aware the Treasury’s public consultation on the Public Sector Pension remedy closed on the 11 October. This note is intended to outline next steps for delivery of the remedy.

The Treasury are currently considering consultation responses and expect to publish their response to the consultation in the new year. This will outline the policy intent of the remedy, including whether immediate or deferred choice will be adopted.

[Click here to return to Contents](#)

Changes to both primary and secondary legislation will be required to remove the discrimination. The Home Office will need to work with the Treasury to understand the policy and proposed legislation and to draft regulations to make the changes required for the Fire schemes.

In order to deliver the remedy to the timeline set out by the Treasury, the Home Office and the LGA Bluelight pensions team are committed to ensuring that you are fully up to speed with all policy and regulation developments so that work can progress at pace. It will be essential that Fire and Rescue Authorities start the process of considering what technology/administration processes will be required to implement the remedy, including what data should be retained, at the earliest opportunity and we will be engaging with you further to understand your dependencies and any challenges you will face.”

### **Standard wording for inclusion with CETVs in divorce cases (and others)**

On 14 December 2020, we emailed pension managers and administrators with the following standard wording provided by HM Treasury (HMT). The text should be included with Cash Equivalent Transfer Values (CETVs) issued prior to remedy to alert the member – and others “using” the CETV – to the fact that it may well not be a final figure:

“The Government is currently in the process of consulting on, and finalising, proposals to address discrimination identified by the Courts in respect of certain members that may affect the cash-equivalent transfer value (CETV) set out in this communication. For more information please [see the consultation documents available here](#). It is expected that, in due course, eligible members with relevant service between 1 April 2015 and 31 March 2022 may be entitled to different pension benefits in relation to that period.

It is important for the recipient of this CETV to note that the value given may change in future.”

HMT has confirmed that the wording should be used for CETVs in divorce and transfer cases, but not for Club transfers.

When using the wording, please make sure the hyperlink to the consultation is not lost if you copy and paste the text to another electronic document. If you send a hard copy of the communication rather than sending electronically, the full link text must be included.

### **December query log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

No new queries have been added this month.

## FPS England SAB updates

### Year-end message from the Chair

Following a whirlwind four months and in keeping with tradition, we are pleased to bring you this year-end message from Joanne Livingstone, chair of the FPS England Scheme Advisory Board:

“Dear Friends & colleagues,

Although it has become a cliché to say so, it has certainly been a year that none of us will forget. For me, the process of being appointed as the Chair of the Scheme Advisory Board (SAB) for England and then getting up to speed on the Fire Pensions front was a welcome distraction from the international emergencies. And there has certainly been a lot going on for Fire Pensions.

The year was dominated by the HMT consultation on remedy for the age discrimination detriment created by the transitional arrangements for the introduction of the 2015 Scheme...”

Read [Joanne's year-end festive message](#) in full on the [Board updates page](#).

### SAB levy 2020-21 – Request for Purchase Order numbers reminder

As detailed in [FPS Bulletin 39 – November 2020](#), we have now started the collection process of the SAB and technical support levy for 2020-21.

FRAs were asked to provide a valid purchase order number by 31 December 2020, stating the number of employees eligible to join one of the Firefighters’ Pension Schemes at 1 April 2020.

Thank you to the organisations who have completed the [statutory levy form](#). We will send a direct reminder in January to those who do not respond by the deadline.

## Other News and Updates

### Cost-cap review stakeholder meeting

On 23 October 2020, the Government Actuary’s Department (GAD) held a stakeholder meeting to discuss the operation of the cost-control mechanism across public service pension schemes.

A paper setting out a [summary of the key discussion points](#) was released following the meeting.

You can find this and other documents relating to the valuation and cost-cap on our [scheme valuations](#) webpage.

## Pension Dashboards Programme – key data standards published

The Pension Dashboards Programme (PDP) published several updates relating to [dashboard data standards](#) on 15 December 2020. These include an introduction to data standards video and a guide containing detailed information on the data that will be needed for initial dashboards.

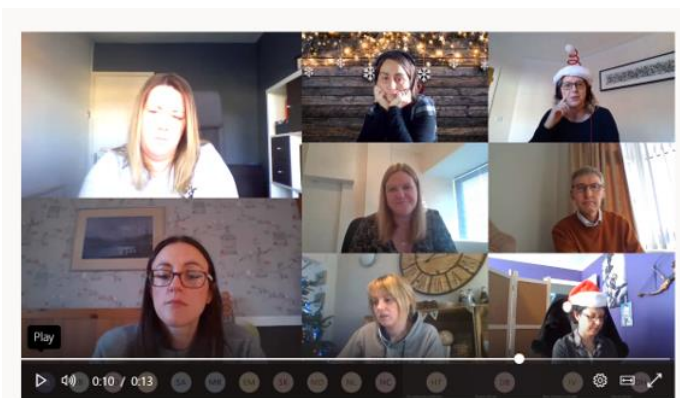
## Events

### FPS coffee mornings

We will restart our MS Teams coffee mornings every second Tuesday after the Christmas break. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 12 January 2021.

The sessions have been increasingly popular since we began hosting them in May. We had a record attendance of 34 at our final session on 15 December, where attendees were invited to get into the Christmas spirit early.



If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

### Training and events – 2020 facts and figures

Even though 2020 has looked very different, it has become tradition to provide a roundup of events attended and facilitated by the team. We have become very adept at using Teams and Zoom and will happily provide training sessions virtually upon request.

This year's meetings have numbered 12 regional Fire Pension Officer Group meetings, 12 local or regional training sessions for Local Pension Boards (LPBs) and scheme managers, 6 meetings of the SAB including two special meetings to discuss the HMT consultation, 12 technical discussions with stakeholders on remedy, 3 communications group, and 2 technical group meetings.

[Click here to return to Contents](#)

In addition to our business as usual engagements, we managed to continue to hold our two popular annual events: Local Pension Board 'wrap up' training and the two-day AGM. Information about our national events can be found on our [Events page](#).

Finally, we have been regular virtual visitors to the devolved SAB meetings to provide an overview of issues arising in England and continue to represent FPS interests at sector specific forums including HMT led meetings.

## HMRC

### HMRC newsletters/bulletins

On 3 December HMRC published [Pension schemes newsletter 126](#) containing important updates and guidance for schemes. Articles include:

- Managing Pension Schemes
- Relief at source
- Pension scheme returns for 2019 to 2020
- Signing in to online services
- In-specie contributions
- Annual allowance charge - members declaring their annual allowance charge on their Self-Assessment tax return

## Legislation

### SI number    Reference title

2020/1332	<a href="#">The Occupational Pensions (Revaluation) Order 2020</a>
2020/1391	<a href="#">The State Pension Debits and Credits (Revaluation) (No. 2) Order 2020</a>
2020/1392	<a href="#">The State Pension Revaluation for Transitional Pensions (No. 2) Order 2020</a>
2020/1511	<a href="#">The Firefighters' Pension Schemes and Compensation Scheme (Wales) (Amendment) Regulations 2020</a>

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khuf Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)

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- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPC Bulletins](#)
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## FPS Bulletin 41 – January 2021

Welcome to issue 41 of the Firefighters' Pensions Schemes bulletin and a belated Happy New Year to all. We hope that readers remain safe and well.

Face-to-face meetings and training remain suspended due to restrictions on travel and social distancing. However, the Bluelight team are available at home by mobile, email or video.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin or suggested items for future issues, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk).

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## Calendar of events

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Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 9 February 2021
Midlands regional group	9 February 2021
North East regional group	17 February 2021
Eastern regional group	18 February 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

## Actions arising

Readers are asked to note the following actions arising from the bulletin:

[TPR six key processes](#): scheme managers and LPBs to consider the six key processes factsheet, assess which they have in place and take action to address any gaps.

## FPS

### Age discrimination remedy consultation update

We expect that HM Treasury (HMT) will publish their response to the [consultation on changes to the transitional arrangements](#) to the 2015 public service pension schemes in early February.

In preparation, we have created a new section on the FPS regulations and guidance website for [age discrimination remedy](#), which splits out the existing content from the earlier page under Legal Landscape. We will update the new section as more information becomes available.

[Click here to return to Contents](#)

### Factors extended for FPS 2006 special member transfer service credits

Following an administrator request, GAD has provided the following table (Table A) to extend the conversion factors for [transferred-in service credits](#) (standard to special membership) from age 59 to age 60.

Age last birthday at relevant date	Male Conversion Factors	Female Conversion Factors
55 and under	0.700	0.710
56	0.706	0.713
57	0.716	0.721
58	0.728	0.731
59	0.740	0.740
60	0.750	0.750

The factor at age 60 should be applied in the same way as for factors at other ages. Note that the factors for ages 59 and below in the above table are unchanged from the current published table.

GAD is not aware of any exclusions which prohibit the conversion of transferred-in service credits at age 60 and this position was confirmed by the Home Office.

All factor tables and guidance notes can be found on our dedicated [GAD guidance webpage](#).

### Firefighters' Compensation Scheme

In [FPS Bulletin 39 - November 2020](#) we commented on identifying a qualifying injury. We have received further requests regarding the FRA's position on the compensation scheme, and we offer the following points that may assist when making determinations under the compensation scheme:

- The compensation scheme is the responsibility of the employing FRA, payments from the scheme are paid from the Fire and Rescue operating account, not the notional pension account topped up by Government as per paragraphs 3.23 to 3.29 of the [finance guidance](#).
- There have only been minor amendments to the [compensation scheme rules](#) since 2006.
- The entitlement to an injury award under the compensation scheme occurs if the infirmity is occasioned by a 'qualifying injury' [[Part 2, Rule 1, sub para 1](#)]
- 'Qualifying Injury' is defined in [Part 1, Rule 7](#). There has only been a minor amendment to this rule by [SI 2014/447](#) which substituted 'regular firefighter' for 'regular or retained firefighter' "references in this Scheme to a qualifying injury are references to an injury received by a person, without his own default, **in the exercise of his duties as a regular or retained firefighter.**"

- Regular firefighter is defined in the [interpretations](#) as “regular firefighter” means—
  - (a) a person who is employed—
    - (i) by a fire and rescue authority as a firefighter (whether whole-time or part-time), other than as a retained or volunteer firefighter; and
    - (ii) on terms under which he is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting) and whose employment is not temporary;
  - (b) a person who holds office as the London Fire Commissioner where the terms and conditions of appointment to that office include—
    - (i) resolving operational incidents, or
    - (ii) leading and supporting others in the resolution of operational incidents;”
- Retained firefighter is defined by the [interpretations](#) as “retained firefighter” and “retained or volunteer firefighter” mean a person employed by an authority—
  - (a) as a firefighter, but not as a regular firefighter,
  - (b) on terms under which he is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting),
  - (c) otherwise than in a temporary capacity, and
  - (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that he receives;”
- It is for the FRA to consider whether the qualifying injury occurred **‘in the exercise of duties’ as a ‘regular or retained firefighter’**.
- It would not be appropriate for anyone other than the employer to determine what is the exercise of duties as a firefighter; the regulatory definitions of a regular or retained firefighter do not refer to the role map, rather to their **employment** as a regular or retained firefighter.
- FRAs should take into account what the contractual arrangements for additional duties are and whether these are in the context of the existing contract as a firefighter, or whether these are contracted for separately with no reference to being employed as a firefighter. You may be aware of the employers circular FAQs Q12 regarding volunteering for additional duties *“What is the position in respect of my pension”* to which the answer is:
 

*“You are volunteering to assist your service’s response to the pandemic, thereby agreeing to undertake a variation to your normal duties following a reasonable request by your employer. You are therefore undertaking authorised duty within the context of your existing contract and the pension scheme rules.”*

## January query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated monthly in line with the bulletin release dates.

Queries from earlier months have been grey shaded to differentiate from new items. New queries have been added under the following categories: abatement and death benefits.

## FPS England SAB updates

### IQMP assessments

At their meeting on 10 December 2020, the Scheme Advisory Board (SAB) discussed a [paper updating Board members on medical retirements](#) from the FPS.

The Board agreed that the paper should form a factsheet update to stakeholders on ill-health and injury retirements and that it would proceed with forming a review group for guidance.

In consideration of the question on the ability of an Independent Qualified Medical Practitioner (IQMP) to make an assessment under both the legacy and reformed schemes [paragraphs 30 to 33], the Board agreed for the secretariat to draft a statement on behalf of SAB to confirm that IQMPs may assess the same member against the criteria of multiple schemes for recognised purposes including injury awards under the compensation schemes, transitional deferred benefits, and age discrimination remedy/ immediate detriment.

This statement is included below:

“In cases of immediate detriment, some IQMPs have felt unable to make assessments under two schemes, due to wording in the scheme regulations that state the IQMP should not previously have been involved in a case for which his/her opinion has been requested, and they feel that whether the IQMP can express an opinion on both schemes simultaneously is unclear.

While the Board recognise that neither they, the LGA or the Home Office can provide a definitive interpretation of the regulations as only a court can provide a definitive interpretation of legislation, they are satisfied that the regulation wording should not prevent IQMPs from giving an opinion on both schemes, citing the example that this is currently the position for injury and ill-health retirements or deferred pension ill-health retirements, where the IQMP assesses the member under both the compensation scheme and pension scheme, or from both pension schemes for a deferred members retirement.

In consideration of the question on the ability of the IQMP to make an assessment under both the legacy and reformed schemes, the Board confirm that IQMPs may assess the same member against the criteria of multiple schemes for recognised purposes including injury awards under the compensation schemes, transitional deferred benefits, and age discrimination remedy.”

[Click here to return to Contents](#)

## TPR six key processes factsheet 2021

We advised readers in [FPS Bulletin 39 – November 2020](#) that the results of the [2019 Governance and Administration survey](#) had been published by the Pensions Regulator (TPR).

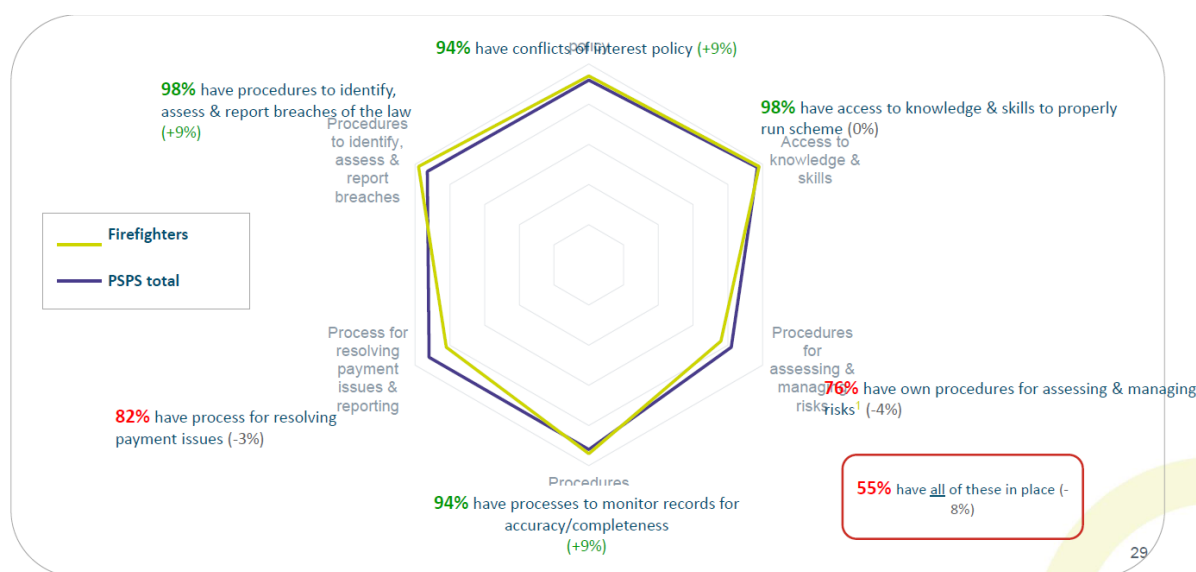
As part of the annual survey, TPR measures six processes as key indicators of public service pension scheme performance.

The six processes are:

1. Documented policy to manage board members conflicts of interest
2. Access to knowledge, understanding and skills needed to properly run the scheme
3. Documented procedures for assessing and managing risks
4. Process to monitor records for accuracy / completeness
5. Process for resolving contribution payment issues
6. Procedures to identify, assess and report breaches of the law

In 2019, 55 per cent of Firefighters' schemes across the UK reported having all six processes in place. This had reduced from 63 per cent in 2018.

Figure 1: Spider graph showing schemes' performance against the six key indicators



Source: [Local Pension Board Wrap Up Training 2020](#) [slide 29]

We have refreshed our [six key processes factsheet](#) to reflect the most recent results and give guidance to FRAs and their Local Pension Boards (LPBs) to improve understanding and compliance in the next survey.

### **SAB LPB effectiveness committee vacancy**

We have a vacancy on the [LPB effectiveness committee](#) for a practitioner representative. The LPB effectiveness committee considers how local pension boards and scheme managers can be supported centrally and has been particularly active in board surveys and developing draft guidance for joint LPB applications.

This position would ideally suit an individual with an administration background who understands scheme governance and has experience of attending LPB meetings.

The required commitment is usually three to four meetings per year, although no committee meetings have taken place during the pandemic. We expect that meetings will resume as we progress through remedy and that most future meetings will be held virtually.

If you are interested in sitting on the committee or would like more information, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

## **Other News and Updates**

### **Public Service Pension Indexation and Revaluation 2021**

On 12 January 2021, HMT issued [written statement HLWS699](#) confirming the Public Service Pension Indexation and Revaluation for 2021.

Public service pensions will be increased in line with the annual increase in the Consumer Prices Index up to September 2020. The increase from 12 April 2021 is 0.5%.

HMT has published the [2021 pensions increase multiplier tables](#) and [covering note](#) to the GOV.UK website in advance of the Pensions Increase (Review) Order being laid.

FPS 2015 will use the figure of 2.4% as set out in the statement for the earnings element of revaluation for active members to be applied at one second after midnight on 31 March 2021.

### **Restriction of exit payments update**

We confirmed in [FPS Bulletin 39 – November 2020](#) that HMT had published Directions and guidance on the [Exit Payments Regulations](#).

Just before Christmas, amended versions of these documents were published. The documents set out the obligations on individuals and employers and the waiver process for exit payments over £95,000. The new versions can be accessed below:

- [Guidance on the 2020 Regulations](#)
- [HM Treasury Directions](#)



On 21 December 2020, Lord Agnew of Oulton, Minister of State (HM Treasury), confirmed in response to a [written parliamentary question on redundancy pay](#) that employer's national insurance contributions (NICs) are not an exit payment and therefore not included when determining if the £95,000 cap has been breached.

For the latest information on exit payments in respect of FRA employees who are members of the Local Government Pension Scheme (LGPS), please see [LGPC Bulletin 205 – January 2021](#).

### **The Pensions Ombudsman (TPO) stakeholder newsletter**

TPO has published the latest issue of its stakeholder newsletter: [Issue 10 – December 2020](#). The newsletter includes details of recent appointments, updates on stakeholder and customer surveys, and further enhancements to the TPO website.

Earlier communications from TPO and a full history of determinations in relation to the FPS are held on our [TPO webpage](#).

### **Pensions Dashboards Programme – welcome to 2021**

The Pensions Dashboards Programme (PDP) published a blog on 12 January 2021 entitled '[welcome to 2021 and brighter days ahead](#)'. The blog outlines progress made by the PDP in 2020 and sets out milestones for the year ahead.

A significant step for the PDP will be the [Pensions Schemes Bill 2019-21](#) passing into law. The Bill will set out high-level legislative requirements that schemes and providers must comply with. In addition, the PDP expects to start a program of procurement for the digital infrastructure needed to support dashboards.

### **Automatic enrolment (AE) earnings trigger annual review**

The Department for Work and Pensions (DWP) published its [annual review of the AE earnings trigger](#) on 20 January 2021. The review proposes that the existing trigger of £10,000 should remain unchanged for 2021/22.

### **FCA publishes DB transfer advice tool**

The [Pension Schemes Act 2015 \(Transitional Provisions and Appropriate Independent Advice\) Regulations 2015](#) introduced the requirement for members to take independent advice where the value of their transfer value exceeds £30,000.

On 15 January 2021, the Financial Conduct Authority (FCA) published the [Defined Benefit Advice Assessment Tool](#).

The purpose of the tool is to allow the industry to understand how the FCA assesses advice suitability given before October 2020. The FCA will publish an updated tool reflecting changes made to pension transfer permissions in October 2020 during the coming months.

### **Government updates Brexit pension guidance**

The Government has updated the [Brexit pension guidance](#) to reflect that the State Pension will continue to be increased while the person is resident in the EU and that the transition period has ended.

[Click here to return to Contents](#)

The guidance explains the rights of UK nationals in the EU, the European Economic Area or Switzerland to benefits and pensions now that the UK has left the EU.

## Events

### FPS coffee mornings

Our MS Teams coffee mornings are continuing every second Tuesday. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 9 February 2021. If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPC Bulletins](#)
- [LGPS member site](#)

## Contact details

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## FPS Bulletin 42 – February 2021

Welcome to issue 42 of the Firefighters' Pensions Schemes bulletin. We hope that readers remain safe and well.

Face-to-face meetings and training remain suspended due to restrictions on travel and social distancing. However, the Bluelight team are available at home by mobile, email or video.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin or suggested items for future issues, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk).

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## Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk)

Table 1: Calendar of events

Event	Date
<a href="#">LGA virtual annual fire conference</a>	1 – 4 March 2021
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 9 March 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

## Actions arising

Readers are asked to note the following actions arising from the bulletin:

[Remedy data collection](#): FRAs should read the draft data collection guidance and consider any processes or additional resources that need to be put in place to identify the data required, in advance of the standard template being provided.

## FPS

### Age discrimination remedy consultation response published

On 4 February HM Treasury (HMT) published its [consultation response on changes to the transitional arrangements to the 2015 public service pension schemes](#).

The response confirms that discrimination will be addressed in two parts.

To remove future discrimination from the schemes and ensure equal treatment, all remaining protected members who are not currently members of FPS 2015 will transfer into this scheme on 1 April 2022. This means that all future service for all members will build up in the reformed CARE scheme. Final salary benefits already built up are fully protected.

For benefits built up during the period of discrimination, 1 April 2015 to 31 March 2022, unprotected and taper members will be credited with final salary build-up in their original scheme. At retirement, all members will be able to keep their legacy final salary benefits or choose to receive the CARE benefits that they would have built up in the same period.

While we expect that transferring remaining members into FPS 2015 at 1 April 2022 will be relatively straightforward, the conversion of CARE benefits into final salary will involve complex administrative processes with adjustments of pay, contributions, tax relief, and pensions tax liabilities.

The consultation response addresses some of these issues, however, further policy decisions are needed in some areas. The Home Office will consult separately on changes needed to the Firefighters' Pension Scheme regulations to enact the remedy.

More information can be found on our [age discrimination remedy implementation](#) page.

We understand that members will have many questions about what these changes mean. At present, employers and administrators can only provide the general information that can be found in the consultation response. Until the necessary changes are made to the pension administration software systems, it will not be possible to provide estimates of benefits for members. This is likely to take some time.

Members do not need to take any action, as remedy will automatically be applied if they are eligible. The Home Office has published a [list of frequently asked questions](#) with information about scope and the decisions that the government have made.

We are working closely and at pace across the whole of the FPS sector and with government departments to support FRAs through the remedy implementation process.

## **Valuation**

At the same time as publishing the response setting out the government's approach to removing discrimination, HMT also announced the position on both the paused 2016 cost cap valuation and the 2020 valuation, in [written statement HCWS757](#).

### **2016 valuation**

The pause on the 2016 cost cap valuation will now be lifted, and the Government Actuary's Department (GAD) will now proceed with finalising the valuations based on the DCU approach to removing discrimination.



The cost cap for the FPS was set as 16.8 per cent<sup>1</sup> as at 1 April 2015. The provisional result of the 2016 valuation before the pause was effected was a cost cap cost of 11.6 per cent<sup>2</sup>, which was 5.2 per cent lower than the cost cap floor set in April 2015.

The current process sets out that any breach to the floor of the cost cap would see improvements to scheme benefits to bring the cost cap back within range and, conversely, any ceiling breaches would see reductions to scheme benefits. Floor breaches refer to a change in value by more than 2 per cent below the established cost cap, i.e. less than 14.8 per cent, and a ceiling breach is a change in value by more than 2 per cent above this figure, i.e. more than 18.8 per cent.

Employers are continuing to pay increased employer contributions based on improving scheme benefits because of the floor breach in the paused 2016 cost cap valuation.

The government confirmed that early estimates of the cost cap taking into account the increased value of public service schemes to members as a result of the McCloud remedy mean that on review some schemes would now breach the ceiling. For the FPS this would mean the cost cap cost once calculated would have to be above 18.8 per cent.

If normal statutory procedure were followed, any ceiling breaches would lead to a reduction in member benefits to bring costs back to target. However, the government have announced that it would be inappropriate to reduce member benefits at this time and the effect of any ceiling breaches on the 2016 valuation would be waived.

## **2020 valuation**

In July 2020 the government announced a [review to the mechanism to control the cost of public service pensions](#) for future valuations. While this review will not affect the process of the 2016 cost cap valuation which will continue on the current mechanism, the 2020 valuation will be subject to any recommendations as a result of this review.

The Government announced in [written statement HCWS757](#) that due to interactions with wider pension policies, in particular the implementation of the McCloud remedy reforms, completion of the 2016 valuation process and the review of the cost control mechanism, any changes to employer contribution rates resulting from the 2020 valuations will be delayed from April 2023 to April 2024.

That has the effect that employer contributions will remain at the same rate as set in the 2016 valuation until 2024. Further updates on any changes to that position will be made when information becomes available.

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<sup>1</sup> <https://www.legislation.gov.uk/ukxi/2015/465/regulation/5/made>

<sup>2</sup> <https://www.fpsregs.org/images/Valuation/Valuation2016FV.pdf> [Table 3.6 ]

### **Transitional protections pensions claims: Schedule 22 appeal judgment**

On 12 February, the Employment Appeal Tribunal (EAT) gave its judgment on the FRAs' appeal based on Schedule 22 of the Equality Act 2010. This appeal was based on the argument that the FRAs did not make the legislation which was found by the Court of Appeal to be discriminatory on grounds of age but were bound to follow it because it was the law. The EAT held that the FRAs cannot rely on the Schedule 22 defence.

Further information has been provided to the person nominated by each FRA to receive communications in respect of this, and related, legal cases.

The Steering Committee and legal representatives are considering whether it is appropriate to appeal the judgment.

### **Immediate Detriment**

Following the decision of the EAT on the FRAs' schedule 22 appeal detailed above and its effect on Section 61 of the Equality Act 2010, FRAs will now want to consider their decision in relation to payments under the [immediate detriment guidance](#), which was issued by the Home Office at the request of the Fire Brigades Union on 21 August 2020.

FRAs now need to determine whether they have the necessary information available to them to make decisions and understand the risk to their organisation. To do this they may want to consider:

1. Is the six-page note provided by the Home Office and in-house scheme knowledge sufficient to enable accurate calculations for members?

The note from the Home Office is labelled as informal guidance only. There has been no update from HMT or the Home Office on this note since it was published in August 2020, albeit a more cautionary note was included under [question 10 of the Home Office FAQs](#) that the legislation that allows schemes to do this is limited in effect (we believe that is a reference to Section 61 of the Equality Act), which does not allow for all consequential matters to be dealt with satisfactorily in all cases. For example, in cases where there are interactions with the tax system, perhaps where members have incurred or will incur tax charges or where contributions differ between the schemes.

The LGA published an [immediate detriment information note for FRAs](#) in October which gave further clarification of the technical issues yet to be commented on by the Home Office or HMT and the issues that would need to be decided by FRAs in their decision making on making any immediate detriment payments.

2. What does the local cohort of membership look like with regards to members whose calculation of benefits would be subject to policy decisions yet to be made, such as CETVs received after 1 April 2015, added pension payments, or pensions tax?

The Scheme Advisory Board (SAB) requested data from FRAs on these cohorts but only received 33 of 45 replies<sup>3</sup>.

3. What risk is there to the member on accepting payments without key policy decisions in place, and how will the member be told of this risk?

In considering this risk FRAs and members may wish to consider that final policy decisions have not yet been made on issues such as, how to claim tax relief on pension contributions owed, how to apply interest to contributions due, how pension tax might be calculated and paid, and what legislation is in place to deal with these issues before the pension scheme regulations are changed bearing in mind the note of caution in question 10 of the FAQs.

4. What governance might FRAs put in place to assure themselves that:
  - a. The correct benefits will be paid to members
  - b. Members have been satisfactorily made aware of expectations such as future payments owed due to interest being applied to contributions arrears.
  - c. Necessary processes will be in place to calculate and record the payments due bearing in mind that no automated processes or systems are available for the calculations until the significant software development needed has been completed.
5. How might they record their decision making so it is clear and transparent?

Having considered the above points, FRAs will wish to ensure they document their decision making for clarity and transparency. An [assessment matrix](#) was included with the October note to help FRAs identify whether they have all the information necessary to make a payment.

### **Draft remedy data collection guidance**

In order to credit members with their original legacy scheme membership for the remedy period, administrators will need additional data from FRAs to rebuild the final salary record. For example, an unprotected member who transitioned to FPS 2015 from FPS 1992 on 1 April 2015 and remains in employment will need a final salary record creating for the full seven years from 1 April 2015 to 31 March 2022.

To assist administrators and FRAs with the process of collecting data and ensure consistency where possible, we intend to provide a template of data items that will be required. We are currently working with the software companies to agree the required data fields and formats. In the meantime, we have written a supporting document in conjunction with the Fire Communications Working Group (FCWG) to allow parties to identify where additional data will be required and what processes might need to be put in place to collate it.

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<sup>3</sup> [SAB 10 December 2020 - Paper 6 - Immediate detriment data](#)

## [Age discrimination remedy data collection - Guidance for administrators and FRAs](#)

FRAs should now work with their administrators to identify all eligible members and consider any processes or additional resources that need to be put in place to identify the data required, in advance of the standard template being provided.

### **FPS contribution rates 2021-22**

Banded contribution rates were introduced to the Firefighters' Pension Scheme 1992 and the Firefighters' Pension Scheme (England) 2006 by Statutory Instruments [2012/953](#) and [2012/954](#) respectively.

These rates have subsequently been amended each year by an amendment order to the schemes. The most recent amendments<sup>4</sup>, which came into force on 1 April 2015, listed the rates applicable from 2015-2016 to 2018-2019, including contribution rates for Special Members of the Firefighters' Pension Scheme (England) 2006.

The Firefighters' Pension Scheme 2015 was introduced on 1 April 2015 by SI 2014/2848. [Regulation 110](#) set out details rates applicable from 2015-2016 to 2018-2019.

For 2019-2020, FRAs were instructed that the 2018-2019 rates would continue to apply, due to the pause of the cost-cap mechanism. These rates will continue to apply for 2021-2022. The [contribution rate factsheet](#) reminds FRAs of the contribution rates set out in the above Regulations and Orders which will apply from 1 April 2021.

### **Lifetime allowance factsheet updated**

The [Lifetime Allowance factsheet](#) for members has been updated in collaboration with the FCWG and is available from our website under [guides and sample documents](#).

### **February query log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated monthly in line with the bulletin release dates.

Queries from earlier months have been grey shaded to differentiate from new items. New queries have been added under the following categories: compensation scheme.

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<sup>4</sup> [SI 2015/579](#), [SI 2015/590](#)

## FPS England SAB updates

### SAB LPB effectiveness committee vacancy

We still have a vacancy on the [LPB effectiveness committee](#) for a practitioner representative. The LPB effectiveness committee considers how local pension boards and scheme managers can be supported centrally and has been particularly active in board surveys and developing draft guidance for joint LPB applications.

This position would ideally suit an individual with an administration background who understands scheme governance and has experience of attending LPB meetings.

The required commitment is usually three to four meetings per year, although no committee meetings have taken place during the pandemic. We expect that meetings will resume as we progress through remedy and that most future meetings will be held virtually.

If you are interested in sitting on the committee or would like more information, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

## Other News and Updates

### Exit payments cap revoked

On 12 February 2021 the government issued the [Exit Payment Cap Directions 2021](#) which disapplied parts of the [Restriction of Public Sector Exit Payments Regulations 2020](#) in England with immediate effect.

As the Directions disapply regulation 3, the exit cap no longer applies in England with effect from 12 February 2021.

HMT issued [guidance on the Directions](#) setting out the expectation that employers should pay the additional sums that would have been paid had the cap not applied for employees who left between 4 November 2020 and 12 February 2021.

On 25 February 2021 [The Restriction of Public Sector Exit Payments \(Revocation\) Regulations 2021](#) were made and laid before parliament and will come into force on 19 March 2021. These regulations confirm the effect of the disapplication Directions made on the 12 February 2021 but are not retrospective.

The regulations contain an obligation for employers to make payments of the difference between what was paid and the exit payments that would have been payable had regulation 3 of the 2020 Regulations not been in force, to affected employees who left during the period between the original regulations coming into force (4 November 2020) and the date of the revocation regulations coming into force. As the cap was disapplied from 12 February 2021, no restricted payments should have been made after this date.

Payments made under the revocation regulations should include interest calculated in accordance with the [Judgment Debts \(Rate of Interest\) Order 1993](#)

As the exit cap had very limited application for the FPS, we do not believe that any relevant exits would have occurred before the cap was disapplied.

For the latest information on exit payments in respect of FRA employees who are members of the Local Government Pension Scheme (LGPS), please visit the LGPS Scheme Advisory Board [public sector exit payments](#) webpage.

### **HMT consult on implementation of increased normal minimum pension age**

The normal minimum pension age (NMPA) is the minimum age at which most pension savers can access their pensions without incurring an unauthorised payments tax charge (unless they are taking their pension due to ill-health). It is currently age 55.

On 11 February 2021 HMT published a [consultation on implementing an increase to NMPA](#) from age 55 to age 57 on 6 April 2028. The consultation confirms that the increase will not apply to those who are members of the Firefighters' Pension Schemes [paragraph 1.12].

The consultation closes on 22 April 2021.

### **Pension Schemes Bill becomes law**

The Pension Schemes Bill 2019/2021 was granted Royal Assent on 11 February 2021 and is now the [Pension Schemes Act 2021](#).

The Act enhances the powers available to the Pension Regulator (TPR) to protect pension savers. On 16 February, David Fairs, Executive Director of Regulatory Policy, Analysis and Advice at TPR, published a [blog examining the new provisions](#).

The Act also drives forward the pensions dashboards agenda, by creating a legislative framework for dashboards and paving the way for the secondary legislation that will make it mandatory for pension providers and schemes to connect to them.

Read more about the [passing of the Pensions Schemes Bill and the impact on pensions dashboards](#) on the Pensions Dashboards Programme website.

### **PASA publishes GMP equalisation guidance on tax issues**

On 15 February 2021, the Pensions Administration Standards Association (PASA) issued [GMP equalisation guidance on tax issues](#). The guidance highlights issues which pension schemes may encounter in adjusting benefits to correct for the inequalities of GMPs and identifies possible approaches for dealing with those issues.



## Events

### FPS coffee mornings

Our MS Teams coffee mornings are continuing every second Tuesday. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next event is scheduled to take place on 9 March 2021. If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

### LGA Annual Fire Conference March 2021

The LGA Fire Conference provides an opportunity to consider key strategic and practical developments that can be expected to impact the fire and rescue sector over the next year.

This year, the conference will be run virtually across four days from **Monday 1 March – Thursday 4 March** with four Zoom webinars and two interactive meeting sessions.

The session dates, timings and links to the booking webpages are below:

[Fire Minister \(Zoom webinar\)](#) Monday 1 March 11.00 – 12.30pm

This session will be an opportunity to hear from Lord Stephen Greenhalgh, Minister of State for Building Safety, Fire and Communities, to discuss the Government's Fire Reform Programme.

[Inspection \(Zoom meeting\)](#) Monday 1 March 2021, 2.00pm – 4.00pm

During this session, Sir Tom Winsor will outline his assessment of the Fire and Rescue Service, following the COVID-19 Inspections and previous State of Fire Report. We will then hear from Roy Wilsher, Chair of the NFCC and Dr Fiona Twycross, Deputy Mayor for Fire and Resilience (London), with their reflections on the future of the service.

[Neurodiversity in the fire and rescue service \(Zoom webinar\)](#) Tuesday 2 March 2021, 11.00am – 12.30pm

This session webinar will focus on neurodiversity in the fire and rescue service, showcasing the work that is already underway and discussing how we can build on best practice. During this session, Dr Nancy Doyle, CEO of Genius Within, will discuss what it means to be neurodiverse, and Dawn Whittaker, CFO, and Tom Glandfield, Firefighter, at East Sussex FRS, will highlight the ways in which we can improve our workplaces and ways of engaging the community to be more inclusive of people who are neurodiverse.

[Building safety – Legislation \(Zoom webinar\)](#) Wednesday 3 March 2021, 11.00am – 12.30pm

[Click here to return to Contents](#)

[Building safety - Enforcement \(Zoom meeting\)](#) Wednesday 3 March 2021, 2.00pm – 4.00pm

With building safety remaining the largest and most urgent challenge facing the sector, the current work regarding the Building Safety Bill and related enforcement will be explored in this session. There will also be an opportunity to attend an interactive meeting on Building Safety in the afternoon from 2.00pm- 4.00pm and you will need to book on separately for the webinar and the meeting.

[Building community resilience \(Zoom webinar\)](#) Thursday 4 March 2021, 11.00am – 12.30pm

COVID-19 has shaped our lives for the last year, including how our communities think and feel. This session will explore how our communities have been impacted by the pandemic, and the issues that are of key importance to them as we look at recovery, in particular climate change. Many have identified climate change as a particular concern but are unsure of their role in tackling it. This session will explore engaging with our communities on climate change and then look more specifically at the fire and rescue service role.

All of these are stand-alone sessions and therefore you will need to book a place on each session that you wish to attend. The sessions are free to attend for all councils and fire and rescue services who are in LGA membership.

If you have any questions, please contact **Catriona Coyle**, Events Manager, Phone: 020 7664 3385 / 07867 857514 Email: [catriona.coyle@local.gov.uk](mailto:catriona.coyle@local.gov.uk)

## HMRC

### HMRC newsletters/bulletins

On 3 February HMRC published [Pension schemes newsletter 127](#) containing important updates and guidance for schemes. Articles include:

- Managing Pension Scheme service – practitioner registration and authorisation features
- Relief at source – notification of residency status reports for 2021 to 2022
- Gibraltar qualifying recognised overseas pension schemes (QROPS) – new regulations
- Pension flexibility statistics – for period 1 October 2020 to 31 December 2020

## Legislation

Act	Title
2021 c.1	<a href="#">Pension Schemes Act 2021</a>

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SI	Reference title
2021/89	<a href="#">The Pension Schemes (Qualifying Recognised Overseas Pension Schemes) (Gibraltar) (Exclusion of Overseas Transfer Charge) Regulations 2021</a>
2021/93	<a href="#">The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order 2021</a>
2021/157	<a href="#">The Social Security (Contributions) (Rates, Limits and Thresholds Amendments and National Insurance Funds Payments) Regulations 2021</a>
2021/197	<a href="#">The Restriction of Public Sector Exit Payments (Revocation) Regulations 2021</a>

## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khuf Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
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Purpose: For Noting



## Committee report

Committee	<b>ISLE OF WIGHT FIRE AUTHORITY FIREFIGHTERS' PENSION BOARD</b>
Date	<b>10 MARCH 2021</b>
Title	<b>COMBINED FIRE AUTHORITY: TERMS OF REFERENCE FOR HIWFRA FIREFIGHTERS' PENSION BOARD AND MEMBERSHIP OF THE BOARD</b>
Report of	<b>TECHNICAL FINANCE MANAGER</b>

---

### EXECUTIVE SUMMARY

1. For the Isle of Wight Fire Authority Firefighters' Pension Board to receive the report (attached at Appendix 1) which was adopted by the Shadow Authority at their meeting on 10 February 2021, including the Terms of Reference for Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) Firefighters' Pension Board.
2. The new Combined Fire Authority of Hampshire and the Isle of Wight (HIWFRA) will come into effect from the 1 April 2021. Under combination there is the requirement to have one Pension Board for the new combined authority from 1 April 2021 and there is a requirement that the Pension Board has a Terms of Reference. The Terms of Reference, and membership of the Board was adopted by the Shadow Authority on the 10 February 2021.
3. It has been agreed that the combined pension board will have eight members, four employer representatives and four scheme member representatives. The two current scheme member preventatives from the Isle of Wight Fire Authority Firefighters' Pension Board are included within that membership structure, one being classed as an employer representative and the other remaining as scheme member representative.
4. All board members are appointed for an initial term of four years with effect from 1 April 2021.
5. Permission has been granted from the Shadow Authority for their report to be reproduced as an appendix to this report.

## RECOMMENDATION

6. That the pension board note the decisions of the Shadow Authority, as set out in the attached report.

## APPENDICES ATTACHED

7. Appendix 1: Hampshire and Isle of Wight Shadow Fire Authority report: Terms of Reference for HIWFRA Firefighters' Pension Board and Membership of the Board

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**Hampshire  
& Isle of Wight**  
FIRE & RESCUE AUTHORITY

## **SHADOW AUTHORITY**

Purpose: Approval

Date: 10 February 2021

Title: **TERMS OF REFERENCE FOR HIWFRA FIREFIGHTERS' PENSION BOARD AND MEMBERSHIP OF THE BOARD**

Report of Clerk of the Authority

## SUMMARY

1. This report seeks approval for the Terms of Reference of the Firefighters' Pension Board for the new Combined Fire Authority of Hampshire and the Isle of Wight (HIWFRA) which will come into effect from the 1 April 2021.
2. This report also seeks approval of the membership of the HIWFRA Firefighters' Pension Board from the 1 April 2021 and for appropriate appointments to be made.
3. The HFRA Firefighters' Pension Board received this report and the proposed Terms of Reference on the 27 January 2021 to note, and the Pension Board supported the recommendations as set out at paragraphs 11-12.

## BACKGROUND

4. Firefighters' Pensions Boards became mandatory from April 2015, and as such both Hampshire Fire and Rescue Authority and Isle of Wight Fire and Rescue Authority took steps to establish a local Pension Board in respect of the Firefighters Pension Scheme. Under combination there is the requirement to have one Pension Board for the new combined authority from 1 April 2021.

5. There is a requirement that the HIWFRA Firefighters' Pension Board has a Terms of Reference, and the proposed Terms of Reference for the HIWFRA Firefighters' Pension Board are attached at Appendix A. Approval is sought from the Shadow Authority for these proposed Terms of Reference.
  
6. In relation to membership of the HIWFRA Firefighters' Pension Board, a number of different options were reviewed and brought to the 8 October 2020 HFRA Firefighters' Pension Board for consideration with a view to incorporating Isle of Wight representation in the HIWFRA Firefighters' Pension Board. HFRA currently has six Pension Board Members, three Employer Representatives, and three Scheme Member Representatives. (There is a requirement in the legislation to have an equal number of employer and scheme member representatives).
  
7. The Isle of Wight Fire and Rescue Authority currently has four Board Members, the two Employer Representatives are Elected Members, and the two Scheme Member Representatives are serving firefighters. It was felt that the best way forward would be to contact both of the Scheme Member Representatives to see if one of them would be willing to become an Employer Representative as both wished to continue serving on the Pension Board. This approach was endorsed by the HFRA Firefighters' Pension Board and approval is sought from the Shadow Authority to enable the necessary appointments to be made as follows for a four-year term and in accordance with the proposed Terms of Reference (Appendix A):

<b>Employer Representatives:</b>	<b>Scheme Member Representatives:</b>
Stew Adamson*	Richard North*
Cllr Roger Price*	Richard Scarth*
Dan Tasker*	Mark Hilton*
Sean Harrison**	Ross Singleton**

\* *current Hampshire Fire and Rescue Authority Firefighters' Pension Board Member*

\*\* *current Isle of Wight Fire and Rescue Authority Firefighters' Pension Board Member*

#### LEGAL IMPLICATIONS

8. It is a requirement to have a local Pension Board of the HIWFRA.

## PEOPLE IMPACT ASSESSMENT

9. The proposals in this report are considered compatible with the provisions of equality and human rights legislation.

## OPTIONS

10. The Shadow Authority is asked to approve the proposed Terms of Reference and make the appointments for the reasons outlined in the report above.

## RECOMMENDATIONS

11. That the Shadow Authority approve the proposed Terms of Reference for the HIWFRA Firefighters' Pension Board as set out at Appendix A.
12. That the Shadow Authority approve the membership of the HIWFRA Firefighters' Pension Board as set out in paragraphs 6 - 7 of the report, and appoint the representatives set out in paragraph 7 above for 4-year terms, to take effect from the 1 April 2021 in accordance with the HIWFRA Firefighters' Pension Board Terms of Reference as set out at Appendix A.

## APPENDICES ATTACHED

13. **Appendix A – proposed Terms of Reference**

Contact:

Paul Hodgson, on behalf of the Clerk to the Authority,

paul.hodgson@hants.gov.uk

# Terms of Reference for the Pension Board of the Hampshire and Isle of Wight Firefighter's Pension Scheme

## 1 Introduction

- 1.1. Hampshire and Isle of Wight Fire and Rescue Authority (HIWFRA) has established a Pension Board in accordance with the requirements of the Public Service Pension Act 2013.

## 2 Role and Powers of the Hampshire and Isle of Wight Firefighter's Pension Board

- 2.1. The role of the Board is to:
- Assist HIWFRA as the administering authority of the Hampshire and Isle of Wight Firefighter's Pension Scheme (HIWFFPS):
    - to secure compliance with the Firefighter's Pension Scheme (FFPS) Regulations and any other legislation relating to the governance and administration of the FFPS.
    - to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator.
  - To ensure the effective and efficient governance and administration of the HIWFFPS by the Authority.
  - To consider how discretionary and other pension related issues are being addressed from an operational viewpoint.
  - To present an annual report to the Authority on the exercise of its functions.
- 2.2. The Board shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.

## 3 Members of the Hampshire and Isle of Wight Firefighter's Pension Board

- 3.1. The Board shall initially consist of 8 members and be constituted as follows:
- 4 employer representatives;
  - 4 scheme member representatives;
- 3.2. The Chairman of the Board will be elected by the Board, from amongst its number at the first meeting of the Board following the Annual General Meeting (AGM) of the HIWFRA in each year. Should the Board meet prior to the AGM in 2021, the Chairman will be elected by the Board, from amongst its number at its inaugural meeting, until the first meeting of the Board after the AGM in 2021.



- 3.3. With regard to 3.4, the Vice Chairman of the Board will be elected by the Board from amongst its number at the first meeting of the Board following the Annual General Meeting (AGM) of the HIWFRA in each year. Should the Board meet prior to the AGM in 2021, the Vice-Chairman will be elected by the Board, from amongst its number at its inaugural meeting, until the first meeting of the Board after the AGM in 2021.
- 3.4. If the Chairman is a scheme member representative then the Vice Chairman will be an employer representative and vice versa.
- 3.5. The employer representatives will be appointed by the Authority at any time during the year.
- 3.6. Scheme member representatives will be appointed by the Authority, at any time during the year, in accordance with the recruitment policy agreed by the relevant Committee with responsibility for Scheme Management. They must be active, deferred or pensioner members of the FFPS. Where possible, and subject to suitable applications being received, scheme members will be appointed from both the Hampshire and Isle of Wight geographical areas.
- 3.7. The term of office of the Chairman and Vice Chairman will be one year, but either can be re-elected by the Board up to a maximum of four years.
- 3.8. Each employer representative and scheme member representative so appointed shall serve for a fixed four-year period which can be extended for a further period of four years.
- 3.9. Employer representatives and scheme member representatives will remain as members of the Board during their appointed term of office unless they become incapable of acting, cease to represent their constituency, resign by giving written notice to the Chairman of the HIWFRA or are removed from the Board pursuant to Paragraph 4 of the Board's Code of Conduct.
- 3.10. Employer representatives and scheme member representatives may also be removed from office during their term of appointment by a majority decision of a quorate meeting of the HIWFFPS Board if they do not comply with the requirements of paragraph 3.9. The removal of any Board member also requires the agreement of the HIWFRA.
- 3.11. Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least half of the meetings held in each year.

#### **4 Quorum**

- 4.1. Half of the members of the Board will represent a quorum for Board Meetings.
- 4.2. In the absence of both the Chairman and the Vice-Chairman the members of the Board shall appoint a Chairman for that meeting who shall while presiding have any power or duty of the Chairman in relation to the conduct of the meeting.

#### **5 Advisers to the Board**

- 5.1. The Board will be supported in its role and responsibilities by officers of the HIWFRA and it will consult with such officers to help better perform its duties.

In the event that specialist professional advice is not available from the officers of the HIWFRA then the Board may ask the Chief of Staff to seek independent professional advice through the appointment of advisers on their behalf, subject to financial and legal considerations.

## **6 Knowledge and Skills**

- 6.1. A member of the Board must be conversant with:
- The legislation and associated guidance of the FFPS.
  - Any document recording policy about the administration of the FFPS which is for the time being adopted by the HIWFRA.
- 6.2. A member of the Board must have knowledge and understanding of:
- The law relating to pensions, and
  - Any other matters which are prescribed in regulations.
- 6.3. A member of the Board representing employers or scheme members must have the relevant experience and capacity to represent employer and scheme members respectively on the Board.
- 6.4. Notwithstanding the requirements set out above, it is anticipated that training will be given to Board Members to help them fulfil their role and to keep them updated on changes in the FFPS.

## **7 Board Meetings**

- 7.1. Meetings of the Board will be conducted in accordance with the Standing Orders of the HIWFRA and for all purpose including but not limited to notice of meetings, publication of agendas and reports, recording and publication of minutes of meetings and consideration of urgent items meetings of the Board shall be treated as if they were a meeting of a Committee of the HIWFRA.
- 7.2. There will be a minimum of two Board meetings a year and the Chairman of the Board, with the consent of the Board 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 or video conferencing and e-mails.

## **8 Voting**

- 8.1. Each member of the Board will have an individual vote and items will be decided by a simple majority of members attending the meeting but it is expected the Board will as far as possible reach a consensus. The Chairman shall determine when consensus has been reached.
- 8.2. Where consensus is not achieved, this should be recorded by the Chairman who shall then have a casting vote.
- 8.3. In support of its core functions, the Board may make a request for information from the Scheme Manager, with regard to any aspect of the scheme manager's function. Any such request should be reasonable complied with in both scope and timing.

- 8.4. In support of its core functions the Board may make recommendations to the Scheme Manager which should be considered and a response made to the Board on the outcome within a reasonable period of time.

## **9 Standards of Conduct**

- 9.1. The role of Board members requires the highest standards of conduct and therefore the 'seven principles of public life' apply to all Board members, these are:

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

- 9.2. The Code of Conduct for Board Members set out in Annex A shall apply to all members of the Board. Members of the Board who are also a member of other authorities also remain bound by the Member's Code of Conduct of their own authority.

## **10 Publication of Pension Board Information**

- 10.1. Up to date information will be posted on the Authority's website showing:

- The names and information of the Board members.
- How the scheme members are represented on the Board.
- The responsibilities of the Board as a whole.
- The full terms of reference and policies of the Board and how they operate.
- The Board appointment process.
- Who each individual Board member represents.
- Any specific roles and responsibilities of individual Board members.

## **11 Accountability**

- 11.1. The Board will be collectively and individually accountable to the relevant Committee with responsibility for Scheme Management and the Authority.

## **12 Reporting Breaches**

- 12.1. Any potential or actual Breach that comes to the attention of the Board shall be dealt with in accordance with the Protocol for Reporting Breaches agreed from time to time between the Board and the Authority.

## **13 Expense Reimbursement**

- 13.1. No basic allowance is payable to Board members although employer and scheme member representatives shall be entitled to claim Travelling

Allowances on the terms set out in the then current Member's Allowance scheme, or HFRS employees scheme as appropriate.

## 14 Definitions

14.1. The undernoted terms shall have the following meaning when used in this document:

<i>Breach</i>	Means non-compliance with a duty relevant to the administration of the FFPS which is likely to be of material significance to the Pensions Regulator in the exercise of any of its functions
<i>'Hampshire and Isle of Wight Firefighter's Pension Board', 'Fire Pension Board', 'Pension Board' or 'Board'</i>	Means the Pension Board of Hampshire and Isle of Wight Fire and Rescue Authority for the Hampshire and Isle of Wight Firefighter's Pension Scheme as required under the Public Service Pensions Act 2013.
<i>'HIWFFPS', 'FFPS' or Regulations</i>	The Firefighter's Pension Scheme as constituted by the Firefighter's pension scheme 1992, as amended, the Firefighter's Pension Scheme 2006, as amended and the Firefighter's Pension Scheme Regulations 2014 as amended.

<i>'Scheme'</i>	Means the Firefighter's Pension Scheme as defined under 'HIWFFPS' above.
<i>'Scheme Member'</i>	Means active, deferred or pensioner members of the Firefighter's Pension Scheme

## **15 Interpretation**

- 15.1. Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Authority's Monitoring Officer.

## **Annex A**

# **Code of Conduct for Members of the Hampshire and Isle of Wight Firefighter's Pension Board Members**

### **1. Introduction**

This Code of Conduct for the Hampshire and Isle of Wight Firefighter's Pension Board has been adopted by the HIWFRA pursuant to its statutory duty to appoint a Pension Board for the HIWFFPS.

This Code applies to members of the Hampshire and Isle of Wight Firefighter's Pension Board when acting in their capacity as members of the Board. For the avoidance of doubt, members of the Board who are also members of other authorities also remain bound by the Member's Code of Conduct of their own authority.

This Code is based on and is consistent with the principles of;

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty and
- Leadership

### **2. Obligations of Members of the Board**

As a Member of Hampshire and Isle of Wight Firefighter's Pension Board, your conduct will address the principles of the Code of Conduct by:

- a. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of the HIWFFPS, or the good governance of the HIWFFPS in a proper manner.
- b. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- c. Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the HIWFRA (or those acting on their behalf), taking all relevant information into consideration, remaining objective and making decisions on merit.

- d. Being accountable for your decisions and co-operating when scrutinised internally and externally.
- e. Contributing to making the Board's decision-making processes as open and transparent as possible.
- f. Restricting access to information when the wider public interest, the Board's Terms of Reference or the law requires it.
- g. Valuing your colleagues and Officers of the HIWFRA and engaging with them in an appropriate manner.
- h. Always treating all people with respect and propriety.

### **3. Conflicts of Interest**

- a. No member of the Board may participate in any business of the Board if they have a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board (this does not include a financial or other interest arising merely by virtue of membership of the Scheme or any connected Scheme) ('Conflict of Interest').
- b. All Board members must before becoming a member of the Board declare any potential Conflict of Interest to the Monitoring Officer of the HIWFRA.
- c. After appointment all Board members must within 14 days of becoming aware of any new potential Conflict of Interest declare that potential Conflict of Interest to the Monitoring Officer of the HIWFRA.
- d. A member of the Board must at any time provide the Monitoring Officer of the HIWFRA with such information as he or she requires for the purpose of establishing whether or not the Board member has a Conflict of Interest.
- e. A Board member should disclose any Conflict of Interest in any business of the Board either at the commencement of the meeting, the commencement of the consideration of the item or when the Conflict of Interest becomes apparent.
- f. If a Board member has a Conflict of Interest in any business of the Board then that Member may not participate in any discussion of, vote on or discharge any function in relation to the matter. In addition, the Board member should withdraw from the room where the meeting is being held.

#### **4. Non-Compliance with the Code of Conduct**

Any alleged non-compliance with this Code of Conduct shall be referred to the relevant Committee with responsibility for Scheme Management for consideration. In the event that the Committee find that a member of the Board has failed to comply with the provisions of this Code then the Committee may determine that the Member is to immediately cease to be a member of the Board or take such other action as the Committee regard as appropriate. This can include but is not limited to requiring the member to apologise or requiring the member to undertake such training as they feel is appropriate.