



**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):

Employer Representatives:	Scheme Member Representatives:
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,

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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.