

FIRE FIGHTERS PENSION BOARD - MINUTES
7 January 2021, 10am, Dial in Meeting

Present: Glynn Luznyj, Employer Representative (**Chairman**) **GL**
Glynn Dixon, Employer Representative **GD**
David Greensmith, Director of Finance, SFARS **DG**
Helen Scargill, West Yorkshire Pension Fund (WYPF) **HS**
Irina Volkova-Heath, Pension Co-ordinator **IVH**
Robert Moss, Fire Pension Scheme Member (Employee Representative) **RMs**
Richard Mortimer, Fire Pension Scheme Member (Employee Representative) **RMr**

Minutes: Cathy Reid, Business Support, SCO

Documents referred to in these notes are not appended but will be attached to the signed copy of the minutes. Copies, or specific information in them, may be available on request.

1. Attendance, Apologies and Conflicts of Interest

GL welcomed the group to the call, there were no declarations or conflict of interest noted.

GL invited DG to provide a brief update on Injury Pension Review which has been provided to Scheme Manager and at Strategic Governance Board.

DG in terms of corrective and under payments, all have now been paid and effected parties in receipt of back payments. There were 4 significant cases of overpayment considered under the Limitations Act to attempt to recover, letters will be issued imminently to start the process. However any payments under 1k will be written off. Regarding Pensionable Pay there are 2 elements of consideration, the Training School (TS) Allowance and Resilience Team (RT). RT matters have been before the Ombudsman and are now resolved. TS will be address via Limitations Act, between the period of 26 March 2020 (backdated) to 2014. There are 23 effected members one of whom is retired and one has left the scheme but all others are eligible for Split Pensions. It has been agreed that anyone effected outside of the limitation period will be dealt with on an individual case by case basis. These will not be proactive sought out but will dealt with if approached. DG is due to meet with Jane Marshal to get an update on the pensionability of casual contracts, this will be discussed in more details under AOB.

GL recognised and noted thanks for the work taken to address the above matters.

RM queried where the individual cases should be referred if any arise which GD confirmed could be directed to him.

2. Minutes and Actions Arising

In terms of accuracy, the previous minutes of 6th October 2020 were approved. Action updates are as follows, previously closed actions have been removed:

Action 25: Position remains unchanged. Awaiting election of new Commissioner, GD noted the indication is that the elections will be going ahead unless there are extreme changes of events - ONGOING

Action 30: Not concluded as yet but outcome should be available by next meeting - ONGOING

Action 32: GL item covered on the agenda but in summary, work is now concluded and is confident the mitigations reported to Pension regulator are satisfactory - CLOSED

Action 39: assurance has been given the wording regarding potential implications for tax, annual allowance or promotion will be included in future recruitment letters - CLOSED

Action 40: HS currently provides KPI's in monthly format, if the Board wish to examine these in a different way it would require internal resource to provide the information accordingly. HS noted for statutory purposes there should be an agenda item for the last 3 KPI reports to be examined by the Board and either agree or note matters arising. GL will collate thoughts from the Board re KPI reporting and put on the agenda at the next meeting.

As an aside to the actions RMs noted there will shortly be a new FBU Chair and organiser, as such could additional guests attend the meeting to gain experience of matters covered.

AGREED – additional members of the FBU can attend but in an observational capacity not for casting decisions which will remain with Board members.

3. Split Pensions

IVH all cases involving retired members effected have been completed. All active members have been examined of which 116 are entitled to split recoding on systems in readiness for retirement, this processing is on schedule for completion next week. Focus will then turn to the reduction of subsistence pay since 2015.

GL and RMs recognised and noted thanks for the work taken to address these matters. GL suggested leaving the item on the agenda for the next meeting until matters are entirely complete.

4. Immediate deterrent

GL noted this issue is a concern for all Fire and Rescue members who are part of the effected scheme and disappointment that the Government have not yet shared the outcome of the Consultation. The indication is this will be released 2nd / 3rd week in January 2021.

DG recognised the challenges around this matter and the importance of taking an approach which works first time. The Home Office document and LGA have been circulated to the Board and Remedy Groups are being set up for both Police and Fire in consultation with HR Shared Services. DG will attend both groups to ensure continuity. The effects on the Fire scheme may prove more complex but will ensure the right people are round the table at the groups to progress matters. DG and IVH will work together examining pay since 2015 but will need clear guidance on how to best proceed which will hopefully be provided following the outcome of the Consultation.

RMs noted that the FBU will be issuing legal action regarding Immediate deterrent and takes a clear position that any compensation should be from Government funds not Fire Brigade budget as the service should not have to pay for the Governments errors.

The Board discussed establishing a regional response as this will not be a localised issue, there are also concerns in the immediacy with members due to retire in April 2021 and the escalating effect if a way forward is not agreed quickly. Regarding first steps GD suggested establishing the ToR of the Remedy Groups and for the Board to agree a strategy and approach. DG noted that the ToR have been prepared and will circulate to members. (NB for purpose of record this was completed as minutes were being drafted). Any comments can be forwarded to DG.

RMr enquired if queries should be directed to west Yorkshire. HS noted that the board should be mindful of being open to any discrimination issues once a process is agreed on which cases do or do not go under immediate detriment. West Yorkshire are both an employer and an administrator and whilst their approach will be consulted the direction of all other FRA's should be considered.

In terms of guidance to current employees due to retire RMr asked what advice should be given at this stage. It was considered that the exact position as yet is unclear but possible scenarios would be to

either retire under current position in the anticipation of a swift remedy or to continue service during the remedy period up to 20 March 2022.

5. Update from Administrator

HS there is no significant update since last time, the determination guidance is being looked at closely but there is no further information as yet. Validation's need to be submitted by the 31st December 2020 deadline which has been done. It is hoped all the data will be accepted but there may be some exclusions.

6. Any Other Business

DG regarding eligibility information a document has been released by the NFCC regarding temporary contracts of employment. The decision to no longer allow on call members of staff providing temporary cover for 3 to 6 month periods to receive this as pensionable pay has come as a shock. The exact position needs to be understood and Legal advice sought. HS is aware this matter has been raised at the Scheme Advisory Board and the subject of legal advice was discussed and raised as an action.

ACTION 41 – DG to share information received by NFCC and establish advice from Scheme Advisory Board and Weighmans as to the Legal position. HS to circulate the extract of the Action from the SAB. (NB for purpose of record DG has circulated NFCC letter as minutes were being drafted – which notes the SAB intends to provide further information to FRA's on the legal advice received.)

RMr flagged that due to current scheduling and shift patterns, some members of the board have to attend the meeting on days off and enquired if to if remuneration could be offered in terms of either pay or time off in lieu. GL agreed to discuss the matter outside the meeting to establish a suitable arrangement.

Date of next meeting

7 April 2021