

# Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

Date: Wednesday 15 February 2023

Time: 2.00 pm

Venue: Microsoft Teams

## Membership

Martin Reohorn (Chair)

Barnaby Briggs

Caroline Jones

Sian Marsh

Paul Morley

Tony Morgan

Councillor Brian Hammersley

Items on the agenda: -

## 1. General

### (1) Apologies

### (2) Board Members' Disclosures of Interest

(As stipulated by the Public Sector Pensions Act 2013 and set out in Annex A of the Agreed Board Terms of Reference).

### (3) Public Minutes of the Previous Meeting

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## 2. Risk Monitoring

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## 3. Governance and Policy Update

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## 4. Forward Plan

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## 5. Administration update for Firefighter Pension schemes

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## 6. Any Other Business

## 7. Future Meeting Dates

To note future meeting dates as follows:

5 June 2023

25 September 2023

6 November 2023

12 February 2024

All meetings to start at 2pm

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

To download papers for this meeting scan here with your camera



## Disclaimers

### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election of appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web  
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Observing the Meeting

Scheme members and scheme employers who wish to observe the meeting should contact Democratic Services by email ([democraticservices@warwickshire.gov.uk](mailto:democraticservices@warwickshire.gov.uk)) to request a joining link.

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# Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

Monday 7 November 2022

## Minutes

### Attendance

#### Committee Members

Martin Reohorn (Chair)  
Barnaby Briggs  
Caroline Jones  
Paul Morley  
Tony Morgan  
Councillor Brian Hammersley

#### Officers

Liz Firmstone, Service Manager (Transformation)  
Vicky Jenks, Pensions Admin Delivery Lead  
Jan Cumming, Senior Solicitor and Team Leader  
Andy Carswell, Democratic Services Officer  
Lisa Eglesfield, Team Lead Benefits  
Martin Griffiths, Technical Specialist Pensions Fund Policy and Governance

#### Others Present

Matt Mott, West Yorkshire Pension Fund  
Helen Scargill, West Yorkshire Pension Fund

### 1. General

#### (1) Apologies

Apologies were received from Sian Marsh.

#### (2) Board Members' Disclosures of Interest

Barnaby Briggs declared an interest in the event the Board discussed immediate detriment, as he was an immediate detriment case himself.

### **(3) Public Minutes of the Previous Meeting**

The minutes of the meeting held on 10 October 2022 were agreed as an accurate record, save for a small amendment to Item 6 to say “retirement pathway process” instead of recruitment.

## **2. Risk Monitoring**

The item was introduced by Vicky Jenks (Pensions Admin Delivery Lead). There had been no major changes to the risk monitoring report, although some small typos had been corrected. It was highlighted that risks relating to cyber security remained high because of the significance of any potential impact.

Responding to the Chair, Vicky Jenks said the risk register scores were reviewed by officers on a monthly basis and any changes would be highlighted at the following meeting. Helen Scargill suggested pension dashboards should be added to the register. This was agreed by members.

## **3. Pensions Administration Activity and Performance update**

Vicky Jenks said work was ongoing between the Warwickshire and West Yorkshire Funds to ensure the correct processes were in place and full understanding of roles and responsibilities had been confirmed. Work on the retirement pathway process was nearing completion after what had been a lengthy process out of necessity. It was hoped the results could be shared with members soon. Helen Scargill said the West Yorkshire Pension Fund (WYPF) would soon be sending out letters to members who were now in scope for remedy, following further clarification from LGA. Helen Scargill informed the Board that an update on the requirements for Pensions Dashboard was included in the latest monthly report sent by West Yorkshire. WYPF would be working on the connectivity to the Dashboard on behalf of the Fire Authorities they administer, but Authorities would need to ensure they were aware of what they would be responsible for.

Helen Scargill confirmed that she had attended the LGA annual conference held on 25 and 26 October. She also reminded members that a full disaster recovery had been undertaken by WYPF, and full notes on the lessons learned would be available soon.

Members’ attention was drawn to the most recent key performance indicator statistics.

Members were reminded of the possible industrial action to take place and advised how this could impact on pension contributions. Helen Scargill advised that if a scheme member were to strike for one hour on a particular day, then the whole day would not count towards their pension. It was felt it was important to communicate this fact to scheme members.

Members’ attention was also drawn to the explanation of how abatement, where members may have more than one firefighter pension in payment and are re-employed within a Fire Authority and may have more than one new employment, would be calculated, after WYPF had received information from the Local Government Association. Helen Scargill said that going forward the WYPF would implement the same policy as the LGA.

Paul Morley said he had received an enquiry from a member Union that had transferred in from a different service and was not able to see it on the member online portal. He asked if this was an issue that had been raised and if there was anything in place to resolve it. Helen Scargill said she was not aware of any global issue. Paul Morley said he would ask some of the individuals affected for more information so the matter could be investigated.

Regarding the potential strike action, Paul Morley asked for clarification regarding how lost pension/service could be made up following a period of strike action. Helen Scargill said they would be given the opportunity to pay pension contributions for the missing period. The payments would be based on the period of time the members had been on strike for, rather than a whole day's worth of contributions if they had only been on strike for one hour. The Chair clarified that if a member went on strike during a night shift, this would result in two lost days of pension payments. If a member decided not to pay contributions to cover lost pension/service they could work additional days in order to make sure they achieved maximum service for pension purposes.

The Chair stated the Council was able to use its discretion to not pay employer pension contributions, as the member could have to cover both employee and employer contributions, but it was unable to have a blanket policy not to pay.

Vicky Jenks said discussions had been taking place at monthly meetings with the WYPF regarding the reconciliation between the pensioner payroll and the administration systems.

Some communications had been made available to members via the LGA regarding Matthews (2<sup>nd</sup> modified retained exercise), and responses were starting to be received. Although this was taking place, clarification was still being sought on who would be responsible for the management of the project. Helen Scargill said WYPF would not get involved until a member chose to become a modified member and a new record was needed.

Following a suggestion made by the Chair, it was agreed that the Board would consider only the most recent monthly report at each Board meeting. It was agreed that if issues arose from previous month's reports then the matter could be revisited.

#### **4. Governance and Policy Update**

The item was introduced by Vicky Jenks. Members' attention was drawn to the fact that around 9,000 firefighters, who were claimants for age discrimination, were due to receive a compensatory payment due to uncertainty around proposed changes to their pensions, which had been found to be discriminatory. Some of these claimants were from Warwickshire.

Vicky Jenks reminded members the Pensions Dashboard was due to go live in September 2024, and that it had been agreed to add the topic to the risk register. Work on data quality and reconciliation with payroll was ongoing to ensure data made available to members via the Dashboard would be accurate. Additionally a project working group at WCC would be established in relation to Matthews project,

Helen Scargill said the required information in relation to deferred pensioners and beneficiary pensioners had been submitted to the National Fraud Initiative. This was to check nobody was receiving pension payments they weren't entitled to.

Responding to a question from the Chair, Vicky Jenks said there had been around 25 members who had taken up the option to purchase service as part of the first modified retained exercise. Information was now being gathered to identify members in scope for the second exercise and a letter and form would be sent out to those. Vicky Jenks said information would be sent to a member's last known address, but other ways of contacting people were being explored. These would need to comply with GDPR. Barnaby Briggs said there was a retired members association who might be able to assist with finding members. He said he would be happy to pass on information to those involved with the association if it would assist. Vicky Jenks said information that was sent out would be generic, as individuals' personal data could not be shared. She also said the Fund may need to rely on essential guidance on what to do where pay information was not held. Vicky Jenks confirmed WCC held information going back to 2006.

## **5. Forward Plan**

Vicky Jenks told members it had not been possible to bring an update on the abatement policy to the Board before now, but it would be discussed at December's Staff and Pensions Committee meeting. The Board would have the opportunity to discuss it at the next meeting in February. It was hoped an update on the discretions policy would also be available for February. The other items due to come to the next meeting were outlined. Vicky Jenks said training would need to be arranged for the Board's new member, Councillor Brian Hammersley, and this could be coordinated with other authorities if they also needed to take part in training.

Responding to a point raised by the Chair, Vicky Jenks said attempts were being made to consolidate codes of practice and good governance so there were fewer of them. Matt Mott told members that Code of Practice 14 was due to be withdrawn as part of the consolidation process. The new process was due to be announced in the spring. Matt Mott said a meeting or training session could be arranged on the new code and how it would benefit Fire and Rescue Services, pension scheme members and administrators.

## **6. Chair's annual report**

The Chair introduced the item and explained the key areas the Board had considered during the 2021/22 municipal year, including the transfer of administration and the memorandum of understanding for immediate detriment cases.

Jan Cumming (Senior Solicitor and Team Leader) noted that one sentence of the report contained the content of legally privileged advice that would need to be exempt under Schedule 12A, Part 1, para 5 of the Local Government Act 1972. The Chair understood that the sentence had been published in last year's report, but indicated that if it had not been published, he would remove it from the report so the report could remain in the public domain.

## **7. Any Other Business**

The Chair said he had attended the recent LGA Pensions Conference. He did not feel there were any new issues raised that had not been discussed previously in relation to pensions. However, he stated his belief that some Boards appeared to have exceeded their remit and turned themselves into decision making Boards. He did not believe this was an issue in Warwickshire.



Regarding the proposed industrial action, Barnaby Briggs said the Fire Brigades Union was currently balloting on whether or not to accept the pay offer. The results on this were likely to be known in a week's time. After this, the possibility of strike action would be discussed and contingency plans would be put in place. Barnaby Briggs said a meeting with pensions staff would be needed to clarify that information being sent out to scheme members in relation to strike action was correct.

Responding to the Chair, Vicky Jenks confirmed there were no new IDRPCs or breaches to report.

**8. Future Meeting Dates**

Members noted the future meeting dates.

The meeting rose at 2.54pm

.....  
Chair

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## Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

13 February 2023

### Risk Monitoring

#### Recommendation

That the Board note and comment on the report and the attached risk register.

#### 1. Executive Summary

- 1.1 The Pensions Administration Service (PAS) maintains a risk register in order to manage the risks facing the administration of the Firefighters Pension Schemes.
- 1.2 Risks are identified and responsibility is allocated to either Warwickshire County Council (WCC) as The Scheme Manager and West Yorkshire Pension Fund (WYPF) as the 3<sup>rd</sup> party administration provider.

#### 2. Financial Implications

None

#### 3. Environmental Implications

None

#### 4. Supporting Information

- 4.1 The risk register has been updated and additions and changes are indicated in red text:
  - Addition of Item 9 – Pensions Dashboard readiness. This relates to the requirement for WCC to ensure accurate data is supplied to WYPF in order for members to be able to trace their pension.
  - Item 8 – comments added regarding actions to ensure mandatory Scheme Policy documents are updated and reviewed. A schedule exists for the Policies, but the responsible Officer needs to be added to this.

## 5. Timescales associated with the decision and next steps

- 5.1 Policy schedule to be updated with responsible officer listed before next Board meeting.

### Appendices

Appendix 1 – Risk Register

### Background Papers

None

	<b>Name</b>	<b>Contact Information</b>
Report Author	Martin Griffiths, Victoria Jenks	martingriffiths@warwickshire.gov.uk, vickyjenks@warwickshire.gov.uk
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The report was circulated to the following members prior to publication:

Local Member(s): none

Other members: none

FIRE PENSIONS ADMINISTRATION - RISK SHARING PROPOSAL															
Dec-22															
Risk Identification						Inherent Risk Scoring			Existing Risk Controls		Residual Risk Scoring			Further Risk Controls	
Risk No.	Risk Description	Outsourcing Risk Allocation	Risk appetite	Risk Causes	Risk Consequences (Effect)	Likelihood	Impact	Risk Score	Control	Responsibility	Likelihood	Impact	Risk Score	Control	Responsibility
1	Pandemic (Administration and People Related)	Shared	Averse	pandemic (financial pressure on individuals and institutions, and more)	Members do not receive a high quality service	5	5	30	Office presence for processes that require it (e.g. physical post)	Both	3	3	12	Use of extraordinary committee or board meetings where necessary	WCC
				Further restrictive lockdowns	Business interruption				IT systems supporting remote and flexible working	Provider (Pensions system) WCC (Other feeder systems)				Continue to develop flexible and remote working practices	WCC
				Staffing capacity impacted by both short and long term health implications of infection	High costs in order to maintain service resilience				Flexible working policies for staff	WCC				Review electronic signatory processes	Both
					Staff health, wellbeing and productivity				Health and safety protocols for staff	Both					
					Impairment of the financial situation of employers				Policies that account for the scenario experienced	Both (e.g. business continuity)					
					Inability to make quick decisions in an emergency				Business continuity arrangements in place	Both					
					Non-payment of pensions				Ensure provider has satisfactory business continuity arrangements in place	WCC					
2	Inability to meet demand for activity	Provider	Averse	Taking on too many new customers / too quickly	Quality of services reduces	4	3	15	Medium term forecasting of demand and planning for the capacity and resources required	Provider	3	3	12		
				Growth in complexity	Governance failures				Investing in quality and productivity of staff through training and development	Provider					
				New and complex regulations (e.g. Sargeant (Age discrimination, Matthews retained Modified cases)					Investing in systems development	Provider					
				Erosion of staff capacity/resilience due to long term remote working	Key administration performance measures not met				Use of management information to monitor and manage performance	Provider					
				Inability to recruit / retain appropriately skilled staff					Succession planning arrangements are in place	Provider					
				Inability of the officers to keep up with demand (capacity or skills)					Data quality reviewed at least annually	Provider					
				Persistently increasing customer expectations											
				Unpopular government decisions impacting on Fire Pension Schemes											

3	Lack of capacity or competence to act as intelligent client and effective Scheme Manager	WCC	Averse	Outsourcing of delivery	• Quality of services reduces	5	3	18	Medium term forecasting of demand and planning for the capacity and resources required	provider	2	3	9	Collaboration with other Fire Authorities using same provider for continuous improvement	WCC
				Growth in complexity	• Governance failures				Investing in quality and productivity of staff through training and development	provider					
				New and complex regulations (e.g. Sargeant (Age discrimination, Miller retained Modified cases)	• Key administration performance measures not met				Use of management information to monitor and manage performance	both					
				Erosion of staff capacity/resilience due to long term remote working					Succession planning	both					
				Inability to recruit / retain appropriately skilled staff					Data quality reviewed at least annually	WCC					
				Inability of the officers to keep up with demand (capacity or skills)					Maintain strong working relations with provider and other key stakeholders	WCC					
				Persistently increasing customer expectations											
				Unpopular government decisions impacting on Fire Pension Schemes											
4	Business interruption	Both	Averse	Pandemic (financial pressure on individuals and institutions, and more transactions being made online)	Delays in decisions or their implementation	3	4	16	Building resilience requirements into service contracts	Both	2	3	9		
				Industrial action	Failure to meet performance targets				Digital record keeping	Both					
				Small specialist teams with single person risks	Reputational damage				Storing data back ups off site	Both					
				Significant changes in adviser and consultant personnel	Data quality deterioration				Maintaining close links with advisers, consultants, and external organisations	Both					
				Lack of systems maintenance	Significant restoration costs				Implementation of Cyber Security policy	Both					
				Systems failure					Review and update disaster recovery plan	Both					
				Disaster event - fire, flood, etc					Use of IT systems to work remotely	Both					
				Lack of remote working facilities											
5	Cyber security	Both	Averse	Systemic cybersecurity events (e.g. taking down financial trading institutions globally)	Loss of data and/or data disruption	4	5	25	Use of scheme administrator systems and system security	Both	3	4	16		
				Local cyber security events (e.g. targeting the Council)	Reputational damage				Staff training	Both					
				Personal cyber security events (e.g. phishing emails targeting staff)	Breaches of the law				Bespoke Scheme cyber security policy	Both					
				Inadequate system security	Fines				Implementation of Cyber security policy	Both					
				Inadequate staff training and staff vigilance	Costs of fixing issues				Review and update disaster recovery plan	Both					

					Business interruption											
6	Data Quality	Both (WCC as data controller and provider as data processor)	Averse	McCloud/Sargeant impact	Incorrect benefit payments to scheme members	3	3	12	Review data quality and agree action plan to address issues highlighted	Both	3	2	9	Audit of data quality management arrangements	WCC	
				Persistently increasing customer service expectations	Complaints and disputes from scheme members				SLA with Council payroll service	WCC						
				External events impacting on member health and wellbeing - increasing the adverse impact of any problems with pensions	Negative reputational impact				Maintenance of Scheme website and sign posting to the new LGA Fire Pension scheme members website	Both						
				Member benefits paid incorrectly	Breaches resulting in fines from tPR				Staff training	Both						
				Inadequate administration systems and processes					Performance monitoring of employer data quality	Both						
				Poor data provided by employer					Performance monitoring of administration team KPIs	Both						
				Data provided by previous administrator in consistent, with data on both administration and pensioner payroll not matching	over/underpayment of pensions loss of reputation with stakeholders				reconciliation of data to be done on a regular basis to ensure consistency	WY						
				Inadequate payroll services												
7	Fraud or corruption	Both	Averse	Poor application of controls by the Employer or Provider	Members lose benefits to fraudsters	4	3	15	Application of Authority code of conduct for officers, fraud strategy, and whistleblowing policy	Both	3	3	12	Fraud risk review in 2022/23	WCC	
				Increased financial pressure on individuals due to geo political activity and its impact on the economy and jobs	Reputational risk				Application of division of duties and signatory processes for financial transactions and administration	Both						
				The passing of time since any previous targeted review of Fraud and corruption risk	Time spent unpicking the fraud				Periodic independent internal audit reviews of administration controls and activity	Both						
				Fraud or corruption instigated by any Fund stakeholders	Fraudulent members gain benefits they are not entitled to				Annual external audit reviews	Both						
					Breaches resulting in fines from tPR											
				Lack of capacity to service governance requirements	Adverse impact on service reputation				Training needs analysis and plans for Committees and Board	WCC			Audit of governance arrangements	WCC		
				Lack of training	Breaches of the Law				Training needs analysis and plans for staff	Both			Look at best practice to create training plan	Both		
				Lack of continuity in staffing, advisers, or committee / board members	Exposure to unplanned risks				Quarterly committee and Board meeting cycles	WCC						

8	Governance Failure	Both	Averse	Inadequate checking/review of standards compared to requirements and best practice	Poor Decisions that are not appropriately authorised	3	4	16	Monthly meetings between Scheme Administrator and provider (moving to quarterly after 6 months)	Both	2	3	9		
				Complacency in light of recent governance improvements	customer dissatisfaction				All training provision to be made available to all committee and Board members	WCC					
				Out of date policies and contracts	Incorrect benefit payments to scheme members				Management of a policy schedule	WCC					
				Local government elections impact on committee and Board continuity					Use of digital technology - remote working and remote meetings	Both					
				Pandemic - impact on officer, adviser, and committee/board personnel health and availability					Responding to government consultations	Both					
				Uncertainty around overall governance structure and responsibility for decision making and actions					ensure mandatory scheme police documents are reviewed and updated on a regular basis or when regulatory changes are introduced	WCC				the schedule for policy documents needs to be shared with key personnel who are responsible for decision making with an indicator for who is responsible for the review and update of each document	WCC
				Unpopular government decisions impacting on Fire Pension Schemes											
9	Dashboard readiness	Both	Adverse	Poor Data Quality	Poor Data quality leading to low number of matches for members looking for lost pensions . The Fund will need to comply with standards published by the Money and Pensions Service (MaPS) and have regards to their guidance and that of the Pension Regulator. Failure to maintain records accurately may lead to fines being imposed.	3	4	16	Monthly data extract to be provided by WCC payroll sense checking and validation will take place before data can be uploaded to member records for active members, work on data quality issues for deferred members to be identified and work plan created to correct data	Both	2	3	9	West Yorkshire and WCC payroll to work together to ensure monthly extracts are accurate and sent by 19th of following month to ensure records are kept up to date for active members	both



## Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

13 February 2023

### Governance and Policy Update

#### Recommendations

1. That the Board note and comment on the updated Terms of Reference
2. That the Board note and comment on the updated Conflicts of Interest Policy
3. The Board note and comment on the updated Abatement Policy
4. The Board note and comment on the Regulatory updates affecting Firefighter Pension schemes.

#### 1. Policy Update

- 1.1 The Terms of Reference (ToR) policy has been reviewed and updated. The majority of changes are formatting, where a front cover and contents page have been added. The Conflict-of-Interest Policy has also been detached from the ToR and is now held as a separate document. There have been no fundamental changes made to this policy. (Appendix 1)
- 1.2 The Conflict-of-Interest Policy has also been reviewed and updated. (Appendix 2) The main change is that it is now held as a separate policy rather than as an appendix to the ToR. A review of the Conflict-of-Interest policy for the Local Government Pension Scheme has recently been undertaken and this now incorporates Officers as well as Board and Committee members. This will be taken into consideration and discussed with our legal team as to whether the Fire Local Pension Board document should also look to incorporate these changes.
- 1.3 The Abatement Policy has now been updated and ratified at Staff and Pensions Committee held in December 2022. (Appendix 3)

#### 2. Regulatory Update

##### ***Age Discrimination – Ill Health Retirement Re-assessment***

- 2.1 In the November Local Government Association (LGA) bulletin, a fact sheet relating to age discrimination – ill health retirement re-assessment was

released. The Public Service Pensions and Judicial Offices Act 2022 (PSPJOA 2022) which came into force on 1<sup>st</sup> April 2022, creates two distinct member choice groups:

- Immediate Choice (IC): These are pensioner members who retired during the remedy period, or beneficiaries of deceased members who died before the retrospective legislation is put in place. These members will be asked to make their choice within 18 months of the legislation coming into force on 1 October 2023.
- Deferred Choice (DC): These are active and deferred members who have not yet retired/ accessed their benefits and will be asked to make a choice between legacy and reformed benefits at retirement. If the member dies before retirement, their beneficiary will make the choice on the member's behalf.

2.2 This factsheet focuses on how IC members who have been ill-health retired will be dealt with.

2.3 Representatives from WCC HR, pensions and Fire service are working on identifying cases that will require review.

#### ***Autumn Statement 2022***

2.4 The Chancellor of the Exchequer delivered his Autumn statement on 17<sup>th</sup> November, and there were a number of policies relating to pensions:

- The State Pension triple lock was maintained and working age benefits will increase in line with inflation in April 2023. Next year's State Pension increase will be 10.1 per cent.
- The DWP review of the State Pension age will be published early in 2023. The review is currently underway to consider whether the existing timetable to increase the State Pension age remains appropriate. The Government must publish the review by 7 May 2023.
- No changes to the annual allowance, tapered annual allowance or Money Purchase Annual Allowance in 2023/24.
- No changes to the Lifetime Allowance which will remain at its current level of £1,073,100 until the end of the 2025/26 year.
- Current personal tax thresholds for income tax and national insurance (in England and Wales) will be frozen until April 2028.
- The additional rate threshold (in England and Wales) will reduce from £150,000 to £125,140 from April 2023. This is the threshold beyond which individuals pay income tax at 45 percent.

#### ***Retained Firefighter Employment Tribunal Pension Claims***

2.5 You may be aware that a Memorandum of Understanding (MoU), as featured in FPS Bulletin 55 - March 2022, was agreed on behalf of the legal parties to the "Matthews" claims on 9 March 2022 to provide a remedy to eligible retained firefighters by offering access to the FPS 2006 as special members, backdated to the start date of their employment.

- 2.6 The MoU set out the scope and mechanism for the remedy to be implemented by way of a second options exercise. However, a further issue arose during negotiation of the MoU around an inability to aggregate periods of pensionable service in the FPS as a retained firefighter with periods of service as a wholetime firefighter (“aggregation”).
- 2.7 This was addressed by affected retained firefighters (or their representatives) having the ability to give written notification of their identity and details of the factual and legal basis of any aggregation claims, with a view to discussions for six months from the MoU date leading to a resolution of those claims. The MoU stated that if agreed resolution of the aggregation issues was not reached by then that affected individuals could pursue Employment Tribunal (ET) claims to determine outstanding aggregation issues in relation to them.
- 2.8 The six-month period has elapsed, and we have recently been made aware that ET applications have been lodged by members of the Fire Brigades Union.

***Consultation: The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023***

- 2.9 On 25 November 2022, HMRC published a technical consultation on a draft statutory instrument, which ensures the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy. The consultation seeks views from pension scheme administrators on the draft regulations.
- 2.10 The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes as a result of the public service pensions remedy.
- 2.11 The regulations will make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.
- 2.12 This legislation is intended to take effect from 6 April 2023, but some provisions will have a retrospective effect.
- 2.13 The response to the consultation from both LGA and Scheme Advisory Board were issued to FRAs on 4<sup>th</sup> January and have been reviewed by the Pensions Administration Delivery Lead. There are no further issues that WFRS wish to raise separate to this.
- 2.14 The draft regulations provide reassurance that members should not be subject to additional tax charges due to being ‘rolled-back’ into their legacy schemes for the remedy period.
- 2.15 However, it is noted that the consultation for the FPS regulatory amendments that are due to be effective from 1<sup>st</sup> October 2023, is not expected until late

February 2023, with the Statutory Instrument being laid in September 2023. This does not allow much time for software developers or administrators.

***Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022***

- 2.16 On 14 December 2022, HM Treasury (HMT) made the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022, these came into force on 19 December 2022 and apply to all of the UK. The Directions set out how certain powers in the Public Service Pensions and Judicial Offices Act 2022 must be exercised. The Act gives relevant government departments powers to rectify Sargeant/ McCloud discrimination by making secondary legislation.
- 2.17 For the FPS, the Directions apply to the following powers in the Act:
- Powers to reduce or waive liabilities in relation to correction of benefits and tax relief on contributions adjustments – section 18. This includes the facility for FPS 2006 contributions to be retained by the scheme until a deferred choice election is made;
  - Powers to make provisions for: treatment of voluntary contributions paid in the FPS 2015 (Added Pension) – section 20, or transfers in to or out of the scheme – section 21, and of other specific circumstances – section 22.
  - A scheme manager’s power to pay compensation, setting out the scenarios in which compensation would apply – section 23 (direct compensation).
  - Powers to make regulations compensating members by adjustment to scheme pays debits – section 24 (indirect compensation).
  - Powers relating to tax relief on a contingent decision to buy Added Years – section 25.
  - The power to make regulations setting out how interest should be calculated and paid on amounts due to the remedy – section 26.
  - The Directions confirm the rates of interest that will apply to various payments, following consultation with the Government Actuary’s Department.
  - The power to make regulations setting out the process to follow for paying amounts due to the remedy, including where amounts may be netted off - section 26(1)(b).
  - Powers relating to Remediable Service Statements (RSS), including elements which must be provided – section 29.
- 2.18 The Directions confirm that the RSS must be combined with the Annual Benefit Statement, other than the first RSS which is issued.

**3. Financial Implications**

None

#### 4. Environmental Implications

None

#### Appendices

Appendix 1 – Terms of Reference policy

Appendix 2 – Conflicts of Interest policy

Appendix 3 – Abatement Policy

#### Background Papers

None

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## Terms of Reference

### Warwickshire Fire Local Pension Board



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**Terms of Reference  
Warwickshire Fire and Rescue Local Pension Board**

**1) Introduction**

- 1.1 The Public Services Pensions Act 2013 (the '2013 Act') requires the establishment of a Pension Board with responsibility for assisting the Scheme Manager in securing compliance with all relevant pensions' laws, regulations and directions and the Pension Regulator's Codes of Practice.
- 1.2 This document sets out the terms of reference for the Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme (Warwickshire) (the 'Pension Board').

**2) Role and Responsibilities of the Pension Board**

- 2.1 The role of the Pension Board as defined by The Firefighters' Pension Scheme (amendment) (Governance) Regulations 2015 (the 'Regulations') is to -
- 2.1.1 Assist the Scheme Manager -
- (a) to secure the effective and efficient governance and administration of the Firefighters' Pension Schemes ("FFPS") by effectively and efficiently complying with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator;
  - (b) to secure compliance with the Regulations and any other legislation relating to the governance and administration of the FFPS;
  - (c) to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator; and
  - (d) in such other matters as the Regulations may specify
- 2.1.2 Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest;
- 2.1.3 Produce an annual report to the Scheme Manager outlining the work of the Pension Board throughout the scheme year.
- 2.2 The Pension Board shall meet sufficiently regularly to discharge its duties and responsibilities effectively.
- 2.3 The Pension Board will not have decision making powers in relation to the FFPS

other than to refer issues to the Pension Regulator.

### **3) Membership**

- 3.1 The membership of the Pension Board shall consist of seven (7) members each to include -
  - a. Scheme Member Representatives x 3
  - b. Employer Representatives x 3
  - c. Independent Representative x 1
- 3.2 Scheme Member and Employer Representatives to remain equal at all times.
- 3.3 Scheme Member Representatives to ensure a broad representation of scheme membership - for example to include deferred and pension representation.
- 3.4 In compliance with section 4.B(3) of the Regulations, elected members or officers of Warwickshire County Council with delegated authority for discharging the scheme manager function may not serve as employer representatives.
- 3.5 Independent Representatives shall comprise one individual to be appointed by the Scheme Manager following a recruitment and selection process involving role specification, application form, shortlisting and interviews accordance with current Warwickshire County Council's policies and procedures.
- 3.6 The Chair of the Pension Board shall be the Independent Representative. It will be the role of the Chair to ensure that all members of the Pension Board show due respect for process, that all views are fully heard and considered and to determine when consensus has been met.
- 3.7 Attendance is expected of Board members at all meetings; due to the specialist nature of the work, no substitutions are allowed.
- 3.8 In the event of consistent non-attendance, or failure to achieve and maintain the required level of knowledge and skills by any Board member, then the tenure of that member should be reviewed by the Chair in liaison with the Scheme Manager. The Scheme Manager will have the final decision on whether to remove the Board member.
- 3.9 Other than by ceasing to be eligible as set out above, a Board member may only be removed from office during a term of appointment by the Scheme

Manager:

1. in consultation with the Board members
2. or in the case of an Elected Member of Warwickshire County Council acting as a Board Member, ceasing to hold office, as an Elected Member.
3. In the case of an officer of Warwickshire County Council acting as an Employer Representative, ceasing to hold that office.

3.10 The Scheme Administrator will be responsible for identifying and evaluating employer representatives and scheme members from the membership. The Scheme Administrator, after consulting with the Chair of the Board, may determine and undertake an evaluation process to ensure that potential new Board members understand and are able to undertake the role.

#### **4) Quorum**

- 4.1 Three (3) members of the Pension Board will represent a quorum for Pension Board meetings to go ahead.
- 4.2 In the absence of the Chair of the Board at a meeting, the meeting may be chaired by a senior officer of the Scheme Administration. Officers may not chair the meeting whilst presenting agenda items.

#### **5) Conflicts of Interest**

- 5.1 The 2013 Act requires that members of the Pension Board do not have conflicts of interests. As such all members of the Pension Board will be required to declare any interests and any potential conflicts of interests in line with legal requirements in the Act and the Pension Regulator's Code. These declarations are required as part of the appointment process, as well as at regular intervals throughout a member's tenure to the Scheme Manager's satisfaction.
- 5.2 A Conflicts of Interest policy with which members of the Pension Board must comply is included at Annex A to these Terms of Reference.

#### **6) Board Review Process**

- 6.1 The Pension Board will undertake each year a formal review process to assess how well it and the members are performing with a view to seeking

continuous improvement in the Board's performance.

## **7) Advisers to the Board**

7.1 The Pension Board may be supported in its role and responsibilities through the appointment of advisers and shall (subject to any applicable regulation and legislation from time to time in force) consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties including -

- a. the Fund's Administration Manager,
- b. the Fund's Legal Adviser,
- c. the Fund's Section 151 Officer; and
- d. other advisers so approved by the Scheme Manager.

7.2 This will be done on an 'as required' basis; any advisor attending a Board meeting is not a Board member and does not have a vote. If required, sub-groups may be established to assist the Board. The Terms of Reference for sub-groups will be set by the Board in consultation with the Scheme Manager.

7.3 The advisers shall support the Pension Board in delivering the Board's responsibilities by:

- e. providing advice as requested by the Board;
- f. having regard to the need effectively and efficiently comply with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator;
- g. having regard for the need to secure compliance with the FFPS regulations and any other legislation relating to the governance and administration of the FFPS
- h. notifying the Board of any matter which they decide the Board may need to know to carry out its responsibilities; and
- i. providing the Board with access to information as required.

## **8) Knowledge and Skills**

8.1 Members of the Pension Board must have full capacity to act and will be expected to have good sound knowledge of the FFPS rules and administration, pension law and regulations.

8.2 The performance of Board members will be assessed on a periodic basis by the Scheme Manager to ensure that all members are adequately meeting their duties. Poor performance will result in corrective action being taken, and in exceptional

circumstances the removal of the Board member.

- 8.3 Pension Board members must be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Board members are therefore required to maintain a written record of relevant training and development.
- 8.4 Pension Board members will comply with the Scheme Manager's training policies.
- 8.5 Board members will undertake a personal training needs analysis undertaken on behalf of the Scheme Manager and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.

## **9) Board Meetings**

- 9.1 The Pension Board will meet quarterly.
- 9.2 The Scheme Manager will undertake the committee secretariat functions for the Board and will ensure that:
  - a. facilities are available to hold meetings;
  - b. an annual schedule of meetings and forward plan of agenda items is organised and shared with members;
  - c. suitable arrangements are in place to hold additional meetings if required - ensuring adequate notice;
  - d. papers are distributed at least 5 clear working days before each meeting except for exceptional circumstances;
  - e. a formal record of Pension Board meetings is maintained; and
  - f. following the approval of the minutes by the Chair, they are circulated to all Board members.
- 9.3 Meetings will be open to the public and scheme members to observe subject to paragraph 9.5 below.
- 9.4 Board meetings may be held at the Scheme Manager offices in Warwick, or remotely, with the specific location or meeting method published with the agenda. Meetings will be held during normal office hours.
- 9.5 Agenda items will normally be public papers. However, an agenda item may meet the criteria to be exempt from publication and be heard in private session. Reports must meet the County Council's standards for being made exempt. Board members must maintain the confidentiality of exempt reports and discussions.

- 9.6 Additional special meetings of the Board may be convened at the request of the Scheme Manager or by the Board through a majority vote.

**10) Remit of the Board**

- 10.1 The key priority for the Board is to focus on the administrative performance of the Fund, including the roles and responsibilities outlined in section 2 of these Terms of Reference.

**11) Standards of Conduct**

- 11.1 The role of Pension Board members requires the highest standards of conduct and the “seven principles of public life” will be applied to all Pension Board members and embodied in their code of conduct. These are:

- a. Selflessness;
- b. Integrity;
- c. Objectivity;
- d. Accountability;
- e. Openness;
- f. Honesty; and
- g. Leadership.

- 11.2 Any elected Member scheme representative is also responsible for adhering to the County Council Member code of conduct.

**12) Decision Making**

- 12.1 The Pension Board is expected to operate on a consensus basis; however, each Scheme Member Representative and Employer Representative member will have individual voting rights. Independent Members shall have no voting rights. In the event that consensus cannot be reached, a vote will be taken. The Chair should report to the Scheme Manager when a decision is reached in this manner.

**13) Publication of Pension Board information**

- 13.1 Scheme members and other interested parties will want to know that the Fund is being efficiently and effectively managed. They will also want to be confident that the Pension Board is properly constituted, trained and competent in order to comply with Scheme regulations, the governance and administration of the Scheme and requirements of the Pension Regulator.

- 13.2 Up-to-date information will be posted on the Scheme administrator’s website

showing:

- a. The names of the Pension Board members;
- b. How the Scheme members are represented on the Pension Board;
- c. The responsibilities of the Pension Board as a whole;
- d. The full terms of reference and policies of the Pension Board and how they operate;
- e. The Pension Board appointment process;
- f. Who each individual Pension Board member represent; and
- g. Any specific roles and responsibilities of individual Pension Board members.

13.3 The Pension Board papers, agendas and minutes of meetings will be published on the Administrator's website. These may at the discretion of the Scheme Manager be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 2018.

13.4 The Scheme Manager will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

#### **14) Accountability**

14.1 The Pension Board will be collectively, and members individually, accountable to the Scheme Manager.

14.2 The expenses of the Board will be collectively, and members individually, accountable to the Scheme Manager.

#### **15) Remuneration**

15.1 Remuneration for Pension Board members will be limited to a refund of actual expenses incurred in attending Board meetings. The Chair remuneration will be agreed on appointment and reviewed every three (3) years.

15.2 The expenses of the Pension Board are to be regarded as part of administration costs.

- 15.3 Training and associated costs will be met by the Scheme Manager.
- 15.4 Any costs / expenses must be claimed within three months of being incurred.
- 15.5 The Scheme Manager will set a budget each year for the Board costs including expenses, remuneration, training, professional advice, and costs incidental to conducting the business of the Board.

**16) Tenure**

- 16.1 Tenure period for Board members will be for a three (3) year period on a rolling appointment basis - up to a maximum of nine (9) years.
- 16.2 The term of office for the Chair will also be for a three (3) year period at which point it will be the decision of the Scheme Manager to confirm reappointments.
- 16.3 Resignation of Board members will be documented in writing to the Chair. A suitable notice period must be given which is no less than one (1) month.

**17) Reporting Breaches**

- 17.1 Any breach brought to the attention of the Pension Board whether potential or actual shall be dealt with in accordance with the procedure set out in a separate policy document.
- 17.2 The Board may report concerns to the Scheme Administrator and may report concerns to decision making pension committees.
- 17.3 Breaches and concerns will be documented and made available with the published Board papers, except where a report is exempt.

**18) Review**

- 18.1 These Terms of Reference may be reviewed and amended at any time by the Scheme Manager in consultation with the Board, and any changes communicated to the Pension Board in advance of the next Board meeting.

**19) Definitions**

- 19.1 The following terms shall have the following meaning when used in this document:



<i>“Pension Board” or “Board”</i>	Means the local Warwickshire Fire and Rescue Pension Board for the administering authority for the Warwickshire Pension Fund as required under the Public Service Pensions Act 2013.
<i>”Scheme Manager”</i>	Means Warwickshire County Council
<i>“Chair”</i>	Reference to duties to be performed, or authorities exercised, by the Chair.
<i>“FFPS”</i>	Means the Fire fighters Pension Schemes as constituted by the Firefighters Pension Scheme (Amendment) (Governance) Regulations 2015.

## **20) Interpretation**

- 20.1 Any uncertainty or ambiguity or interpretation required relating to any matters contained in these Terms of Reference shall be resolved by reference to the Scheme Manager.

Version	Date	Author
v.1	March 2021	Neil Buxton
v.2	February 2023	Vicky Jenks

# Conflict of Interest Policy

## Warwickshire Fire Local Pension Board



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### Conflicts of Interest

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## Conflicts of Interest Policy

### Warwickshire Fire and Rescue Local Pension Board

#### Introduction

The Public Sector Pensions Act 2013 requires that members of the Local Pension Board (the Board) do not have conflicts of interests. As such all Board Members (Members) will be required to declare any interests and any potential conflicts of interests in line with legal requirements in the Act and the Pension Regulator's code. These declarations are required as part of the appointment process, as well as regular intervals throughout a Member's tenure to the Scheme Manager's satisfaction.

#### Conflict of Interests - General Principles

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. The basic principle in relation to conflicts of interest can be found in the High Court case of *Re Thompson's Settlement* [1986] where the Court held that:

'...a man must not put himself in a position where duty and [personal] interest conflict or where his duty to one conflict with his duty to another unless expressly authorised'

Conflicts of interest may arise for Members and their advisers. This simply reflects the fact that individual Members and their advisers will have a variety of other roles and responsibilities outside the Board.

Members and their advisers must be able to identify potential conflicts of interest and have procedures in place to manage them. This document outlines the procedure the Members have adopted to do this.

#### Procedure

For this procedure to work the Members have agreed that they must:

- declare any actual or potential conflict of interest they may have;
- be open with each other on any conflicts of interest they may have;
- provide information reasonably requested to assess whether there is any actual or potential conflict of interest;
- adopt practical solutions; and
- plan ahead and agree on how they will manage any conflicts of interest which arise.

With these objectives in mind the Members have adopted the following procedure:

1. Maintaining a register of Members' interests which could give rise to a conflict.
2. Maintaining a register of interests which could give rise to a conflict covering the Members' advisers.
3. Each Member and adviser will sign an annual return confirming that their

information contained in the register of interests is correct. The updated register will then be circulated to all Members and the Scheme Manager.

These two events will be added to the Members' calendar of events distributed with each set of Member meeting papers.

4. The Board's Administration Manager is to identify any potential or actual conflicts of interest and to advise the Chair. The Chair in conjunction with the Scheme Manager is to decide on the action required and to advise the Members of any actions taken.
5. Any Member who feels that they, another Member or adviser has a conflict of interest must seek early advice from the Administration Manager.
6. Any member or advisor must withdraw from a Board meeting if they have a conflict of interest. The conflict of interest and the action taken must be recorded in the minutes.
7. If a conflict is identified outside of a Board meeting the Chair shall consult with the other Members prior to making a decision. The conflict of interest and the action taken must be recorded.

## **Management of confidential information**

With regard to Members sharing confidential information received by them in their capacity as a Board Member with other parties, it is important to remember that each Member has a fundamental responsibility to act on behalf of the Board and this duty should not be compromised by acting on behalf of other groups.

## **Advisors**

There may be circumstances where advisors are asked to give advice to the Board, but this can only happen where there is no conflict of interest. All of the Board's advisors have a professional responsibility to advise the Members if any circumstances arise in which they feel they are conflicted. These responsibilities and guidelines for dealing with actual or potential conflicts of interest are covered by rules of their respective professional bodies.

Version	Date	Author
v.1	March 2021	Neil Buxton

v.2	February 2023	Vicky Jenks
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## Re-Employment Following Retirement Service Order

### Warwickshire Fire and Rescue Service Information Delivery System

**Summary:** This Service Order describes the policy and procedure adopted by Warwickshire Fire & Rescue Service (WFRS) on the re-employment of a Firefighter following retirement.

#### Contents

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<b>3.</b>	Supporting Information	3.1 Protected Pension Age – Implications for Re-employment of FPS Pensioners (1992 Scheme) 3.2 Firefighters Pension Scheme Examples 3.3 Informal Abatement Guidance 3.4 Virtual Fire Station Service Order (to be added) 3.5 Responsible Person

## Warwickshire Fire and Rescue Service Information Delivery System Re-employment Following Retirement Service Order

### Key Information

#### 1.1 Introduction

The aim of this policy is to provide information to Grey and Gold Book employees contemplating retirement or who have retired who wish to be re-employed by Warwickshire Fire and Rescue Service or the wider County Council.

Re-employment has a twofold benefit; WFRS retains the skills and experience of an employee and the employee can have access to their retirement benefits but re-engage in employment on a more flexible basis.

#### 1.2 Scope

This Policy and Procedure applies to all Members of the Firefighters Pension Schemes including:

- Firefighters Pension Scheme 1992
- Firefighters Pension Scheme 2006
- Firefighters Pension Scheme 2015
- Firefighters Compensation Scheme 2006

The term Firefighters is used to cover all roles up to and including Chief Fire Officer.

Further information on each of the schemes is available at <https://www.wypf.org.uk/firefighters/>

#### 1.3 Firefighters Pension Scheme – Pensionable Age

Employees should request information from West Yorkshire Pension Fund who are able to provide accurate information on individual retirement dates and pension figures.

##### Firefighter Pension Scheme (1992 Scheme)

In the FPS 1992 the normal pension age is 55 and the minimum 50, provided that the individual is able to reckon at least 25 years' pensionable service.

Firefighters may retire from the age of 50, having completed at least 30 years pensionable service, with the option to commute up to 25% of their annual pension in favour of a one-off lump sum.

Firefighters aged over 50 but under 55, with at least 25 years but less than 30 years pensionable service, may retire with the option to commute up to 2.25 x their annual pension into a lump sum.

### **New Firefighters Pension Scheme (2006 Scheme)**

In the NFPS the minimum pension age is 55 with a normal pension age of 60.

Firefighters may retire from the age of 60, with the option to take a 'commuted portion' which is limited to one quarter of the pension entitlement.

Firefighters aged over 55 may retire with the appropriate actuarial reduction; the reduction is currently 5% for each year up to 65 of the deferred pension age.

### **Firefighters Pension Scheme (2015 Scheme)**

Normal pension age is 60 but individuals remain an active Scheme member, and can continue to accrue pension (and would get an "age addition" to reflect the fact that they have postponed receipt of their pension).

Employees may request payment of their pension before age 60 provided that they have reached age 55.

It may be actuarially reduced, though, to reflect early retirement.

**Warwickshire Fire and Rescue Service  
Information Delivery System  
Re-Engagement Following Retirement Service Order**

**Primary Information**

## **2.1 Applying for re-employment**

The following sets out the criteria for re-employment. It should, however, be clearly understood that the granting of requests will be the exception rather than the rule and staff development and promotional opportunities should always be considered.

There are two ways to be re-employed:

1. Applying for an Advertised Role – WFRS/Warwickshire County Council recruit to a particular role and a current employee who is shortly due to retire or a previous employee applies in the usual manner to an advertised role. A full recruitment and selection process will be applicable.
2. Applying to the Virtual Fire Station – *See associated Service Order*

## **2.2 Application for Operational Roles**

WFRS, in considering requests for re-employment, will treat each case on its merit. The employee's on-going pension payments may be abated where applicable when they are re-employed on the principle that the annual rate of pay on re-employment, plus the annual rate of pension payable under the scheme should not exceed the annual rate of pay they received immediately prior to retirement (see Section 2.4 'Abatement' below).

## **2.3 Application for non-operational roles**

Where employees are re-employed following retirement into non-operational roles (i.e. green book roles) then the usual recruitment and selection policy and procedure apply as do the Green Book terms and conditions. The employee's on-going pension payments may be abated where applicable when they are re-employed on the principle that the annual rate of pay on re-employment, plus the annual rate of pension payable under the scheme should not exceed the annual rate of pay they received immediately prior to retirement (see Section 2.4 'Abatement' below).

## 2.4 Abatement

On 6 April 2006, the Government relaxed the rules on pension commutation (converting some pension to a lump sum payment) whilst continuing in employment. As a result, subject to any future changes either in the pension schemes or by the Government, WFRS has elected to exercise this discretion and will enable employees in any of the relevant Firefighters Pension Schemes to retire from the scheme, access their lump sum and pension and be re-employed, subject to the abatement rule.

Government policy, set by HM Treasury, requires public sector pensions to be abated in certain circumstances when a public servant is re-employed following retirement. The purpose of abatement is to protect public funds. It limits the remuneration payable at any one time in respect of a particular job preventing both the cost of pay and pension falling to the public purse; it ensures that those who receive early pensions have that taken into account should they seek re-employment within the public sector and it generally protects public funds from abuse.

Abatement of pension ('Abatement') is the withdrawal or reduction in pension where the pensioner is re-employed anywhere in local government. It can be applied if an employee's combined pension and new salary in their new post, exceeds their gross salary when they retired. The purpose of Abatement is to protect public funds.

Abatement can be applied to Firefighters who are re-employed following retirement. Where this occurs and the individual concerned is receiving annual remuneration plus annual pension which is in excess of the remuneration received immediately prior to retirement, WFRS will consider whether their pension in payment should be reduced proportionately so that the maximum level of previous salary (plus inflation) is not exceeded. Each case will be considered on its merits, and the individual concerned will be given an opportunity to make representations as to why their pension should not be abated, which will be considered as part of the decision-making process.

There is no age limit on Abatement, and where a decision is made to abate the pension this will continue for the full period of re-employment by a Fire and Rescue Authority or Local Authority in any capacity. The full pension will be reinstated when the relevant employment ends.

Abatement only applies to the Firefighters Pension Scheme 1992, Firefighters Pension Scheme 2006 and the Firefighters Compensation Scheme 2006. It does not apply to the Firefighters Pension Scheme 2015.

## 2.5 Individual responsibilities relating to Abatement

It is the individual's responsibility to take advice, and understand the implications of the Abatement rules.

Individuals who have previously retired from the Service and are subsequently re-employed by the Service or the wider County Council (or another Local Authority or Fire and Rescue Service) should be aware that Abatement may be relevant. They are advised to contact their Pension Service, seek independent financial advice and inform the Recruiting Manager of their new role.

Firefighters who are re-employed following retirement are also required to declare to the Council (or any other relevant employer) that they are in receipt of a Fire Service pension.

**Any overpayments of pension that result from a decision to abate the pension will be recovered, so it is in the pensioner's interests to declare their employment as soon as possible.**

## Supporting Information

### 3.1 Protected Pension Age – Implications for Re-employment of FPS Pensioners (1992 Scheme)

Under the Finance Act 2004, the Minimum Pension Age (MPA) rose to age 55. Members of the Firefighter's Pension Scheme 1992 have a right to retire from age 50 (provided they have 25 or more years of pensionable service). This right to retire at an age below 55 is protected and on retirement, members will receive a Protected Pension Age (PPA).

An individual who retires with a PPA and who subsequently takes up employment will lose that protection if they are employed by one of the following employers **and** one of the employment conditions listed below is not met.

- An employer who employed the individual in the six months before benefit entitlement arose, and who was also a sponsoring employer in the scheme under which benefit entitlement arose in that six month period.
- Any person connected with the employer described in the previous bullet point. Note that under this condition the person employing the individual does not need to be a sponsoring employer.
- Any sponsoring employer in the pension scheme under which benefit entitlement arose that is connected with the individual.

Therefore, an individual who has retired with a PPA and is subsequently re-employed by WFRS will lose their Protected Pension Age from the date they are re-employed and will incur additional tax charges on all pension benefits, including any commuted lump sum, paid to them unless one of the following re-employment conditions is met:

#### 1. A break in employment of at least six months

If the individual is not employed after taking their benefits by any of the employers mentioned above within the six months after becoming entitled to benefits, they do not lose their protected pension age regardless of any subsequent employment.

#### 2. A break in employment of at least one month and benefits may be abated.

An individual taking benefits from a public service pension scheme who, after one month following becoming entitled to benefits, becomes employed by any of the employers mentioned above will not lose their protected pension age if their scheme pension is liable to be reduced by abatement. The pension does not have to be actually reduced, just liable to abatement.

For example, Judy takes benefits from public service scheme X. After 1 month, Judy returns to work for Employer X but for reduced hours. Judy's pension and new pay level are considered by the scheme to see if her pension should be abated. Judy's pension does not need to be reduced,

but because it was considered for abatement and could have been reduced, Judy keeps her protected pension age for the benefits in payment.

### 3. A break in employment of at least one month and the re-employment is materially different

An individual taking benefits who, after one month following becoming entitled to benefits, becomes employed by any of the employers mentioned in the 3 bullet points above will not lose their protected pension age if the new employment is materially different in nature. A simple change in hours will not be a materially different employment. To be a materially different employment the duties and/or the level of responsibility in the new employment must be different from those in the old employment. This condition no longer needs to be met six months following the individual becoming entitled to benefits.

## 3.2 Firefighters Pension Scheme Examples

### Example 1

A Firefighter in the FPS aged 53 with 30 years' experience wishes to receive their pension but carry on in work. They have a good attendance and discipline record and they have a skill (e.g. USAR or EFAD) which is in short supply so WFRS would continue to benefit from their services. The Service agrees to allow them to retire and be re-engaged as a Firefighter. They receive their lump sum pension payment, and salary only as a Firefighter following re-engagement.

A decision is made that their ongoing pension payments will be abated whilst they continue in employment as a Firefighter, however, on retirement from their re-engaged post, they revert to full pension entitlement. They also choose to opt into the New Firefighters' Pension Scheme in respect of their re-engaged position.

### Example 2

A Crew Manager in the FPS aged 55 wishes to carry on working after 55, but with less responsibility and reduced working hours. WFRS has a vacancy for 50% of a Firefighter position at a Day Crewed station that cannot be immediately filled. The Crew Manager has a good attendance and discipline record, and a good level of skill and experience. WFRS agrees for the Crew Manager to retire from their current role, and re-engages him/her as a Firefighter based on 50% of a fulltime firefighter. The Crew Manager receives his/her pension lump sum, the salary payable for a Firefighter and their on-going pension payments.

### Example 3

A regular Firefighter aged 50 retires from the Service with 30 years' service and receives their pension from the FPS 1992 scheme. The firefighter re-engages in employment with the Service as an On Call Firefighter following a break of employment of 1 month. The firefighter receives their lump sum, the salary payable for an On Call Firefighter and their ongoing pension payments. When considered, the total of pension payments and On Call Firefighter salary does not exceed their previous pay and no abatement of pension is made.



#### Example 4

A regular Firefighter retired from the Service and received their pension from the FPS 1992 scheme. The individual applies for and is successful in obtaining a Green Book role within the Council after a break in service lasting longer than 1 month. The Green Book role is 'materially different in nature' to the individual's Grey Book role. Consideration of abatement will apply.

3.3 [Informal Abatement Guidance](#)

3.4 Virtual Fire Station Service Order (*Link to be added when this SO agreed*)

Responsible Person: Assistant Director Governance & Policy



## **Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme**

**13 February 2023**

### **Forward Plan**

#### **Recommendation**

The Board notes and comments on the forward plan.

#### **1. Executive Summary**

- 1.1 The report provides a plan for items that should be reviewed or discussed by the Board.
- 1.2 This is not a definitive list, and the intention is that it can be updated and amended at each meeting depending on latest developments.

#### **2. Financial Implications**

None

#### **3. Environmental Implications**

None

#### **4. Supporting Information**

- 4.1 The forward plan has been updated to include the dates for future meetings.
- 4.2 It is hoped that training for new members of the board will be delivered before the meeting in June. We are hoping to join a training session with another authority.
- 4.3 Training on the 2<sup>nd</sup> Modified exercise has been scheduled for September 2023, on the proviso that further information from the Home Office will be available in order to deliver the training.

## Appendices

Appendix 1 – Forward Plan

## Background Papers

None

	<b>Name</b>	<b>Contact Information</b>
Report Author	Martin Griffiths, Victoria Jenks	martingriffiths@warwickshire.gov.uk, vickyjenks@warwickshire.gov.uk
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Strategic Director	Strategic Director for Resources	robpowell@warwickshire.gov.uk
Portfolio Holder	Portfolio Holder for Finance and Property	peterbutlin@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): Cllr Jenns/Gifford

Other members:

## Forward Plan items

## Warwickshire Fire Local Pension Board

Q4 13 <sup>th</sup> February 2023	Q1 5 <sup>th</sup> June 2023 (TBC)	Q2 25 <sup>th</sup> September 2023	Q3 12 <sup>th</sup> February 2024
Monthly admin report from West Yorkshire	Monthly admin report from West Yorkshire	Monthly admin report from West Yorkshire	Monthly admin report from West Yorkshire
Governance and Regulatory update	Governance and Regulatory update	Governance and Regulatory update	Governance and Regulatory update
Risk monitoring	Risk monitoring	Risk monitoring	Risk monitoring
	Review of the 1 <sup>st</sup> Year post outsourcing of Administration		Chairs Report
Forward Plan	Forward Plan	Forward Plan	Forward Plan
Terms of Reference Conflict of interest Abatement Policy			Discretions Policy Terms of Reference Conflict of Interest
	New member training	2 <sup>nd</sup> Modified exercise training	

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## Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

13 February 2023

### Administration update for Firefighter Pension schemes

#### Recommendation

That the Board notes and comments on the administration reports provided by West Yorkshire Pension Fund (WYPF) for the work they have undertaken to administer the Firefighter Pension Schemes for Warwickshire Fire and Rescue Service (WFRS)

#### 1. Executive Summary

- 1.1 From 1<sup>st</sup> April 2022 WYPF have administered the Firefighter Pension Schemes for WFRS.
- 1.2 As part of this service a monthly report is provided by WYPF, which gives details of the work undertaken, key performance indicators and other relevant information regarding the membership of Firefighter pension schemes.

#### 2. Financial Implications

None

#### 3. Environmental Implications

None

#### 4. Supporting Information

- 4.1 The last report received from WYPF is for December 2022 (appendix 1).
- 4.2 The report has been shared with stakeholders at WCC and discussed with WYPF at a client meeting held on 10<sup>th</sup> January 2023.

- 4.3 KPIs that are not being delivered within target have been noted and raised at this meeting:
- Pension estimates 50% (2)
  - Death in retirement 50% (1)
  - Dependant pension Set up 50% (1)
- 4.4 Work is continuing with WCC payroll team who supply the monthly returns to WYPF for active members. There have been some issues with sending the returns via the WYPF portal. However, all returns have been sent across via secure email. WYPF and WCC payroll are liaising regarding the issue. This is noted on page 11 of the monthly report and we look forward to further training that is to be provided by WYPF that will assist with reducing any queries on data submitted and the submission process via the portal.
- 4.5 WYPF have commenced work on the checks for pensions in payment and establishing where there are discrepancies. One issue which is being reviewed is the taxation of ill health pensions paid to retained officers pre 2006. As retained officers were not allowed to join a pension scheme before 2006 these benefits are paid as compensation benefits and HMRC have confirmed the payments should be treated as non-taxable. In 2017 the Local Government Association sent information to Fire Authorities suggesting these payments should be reviewed and made non taxable, any tax deducted since 2006 should be refunded to the member. A total of 8 cases have been identified where a review of tax that has been deducted is under way.
- 4.6 A policy which will set out how under and over payments should be dealt with is being drawn up and will be ratified by Staff and Pensions Committee before being shared with the Board.

## **5. Timescales associated with the decision and next steps**

None

## **Appendices**

Appendix 1- December administration report from WYPF

## **Background Papers**

None

	<b>Name</b>	<b>Contact Information</b>
Report Author	Victoria Jenks	vickyjenks@warwickshire.gov.uk
Assistant Director	Andrew Felton	andyfelton@warwickshire.gov.uk
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Portfolio Holder	Portfolio Holder for Finance and Property	peterbutlin@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): none

Other members: none

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# Monthly Report

December 2022

Warwickshire Fire Authority



**West Yorkshire Pension Fund**

Prepared by:

**Matt Mott**

Governance and Business Development Manager

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Follow WYPF on Facebook [www.facebook.com/westyorkshirepensionfund](https://www.facebook.com/westyorkshirepensionfund)

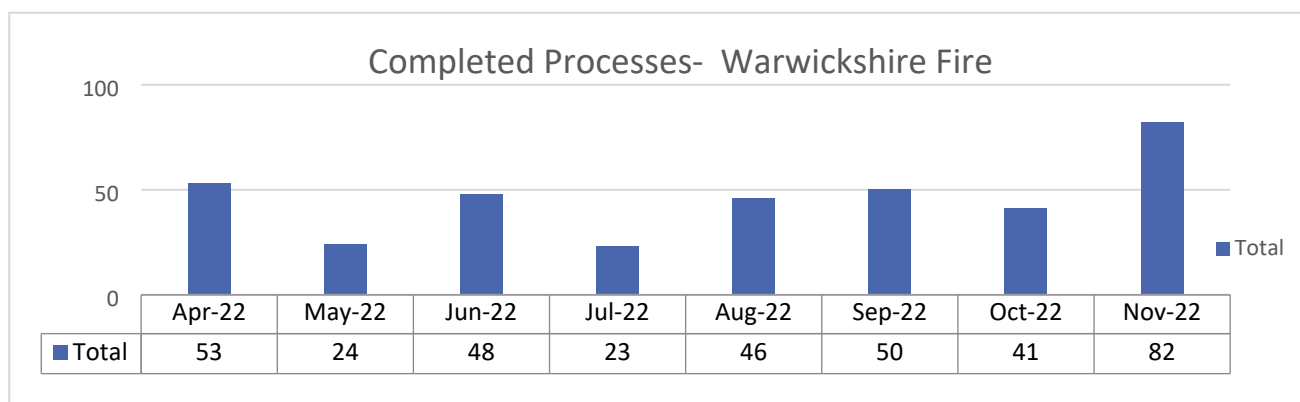


# Contents

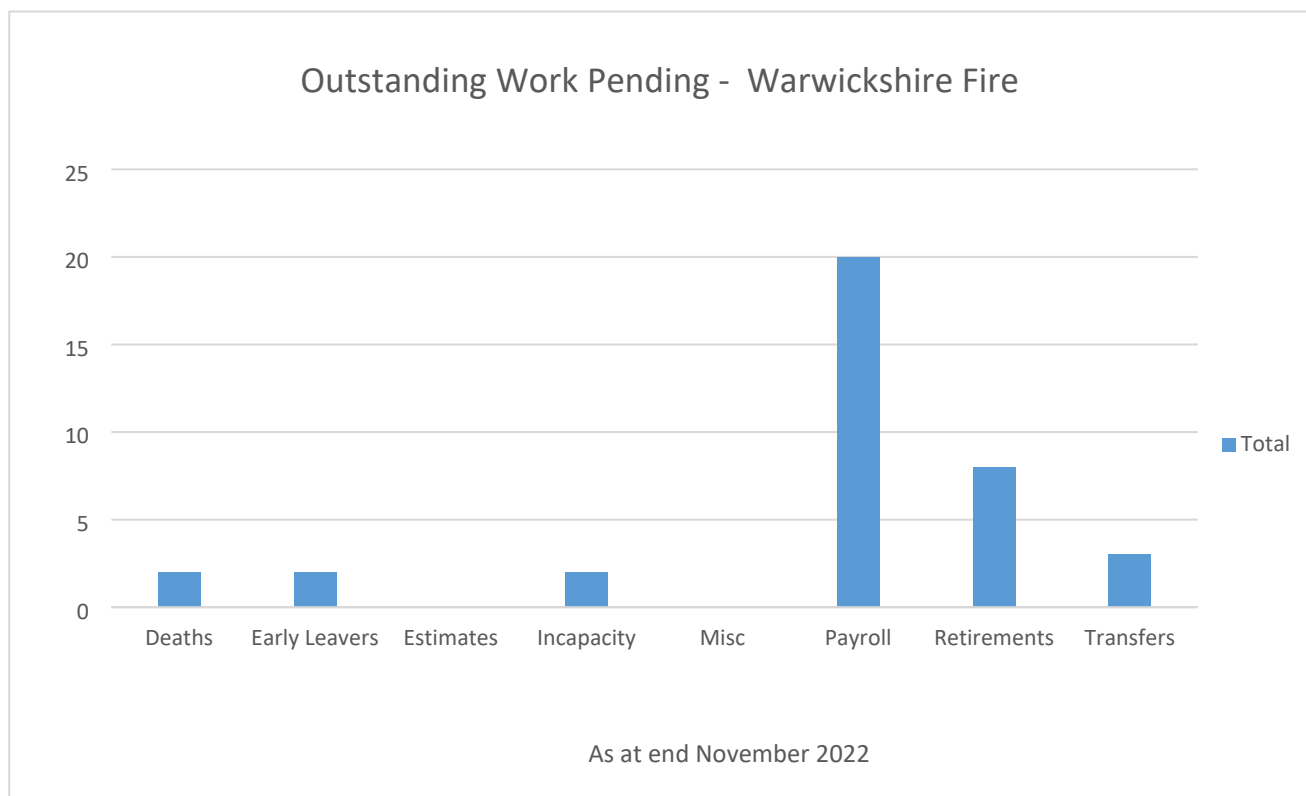
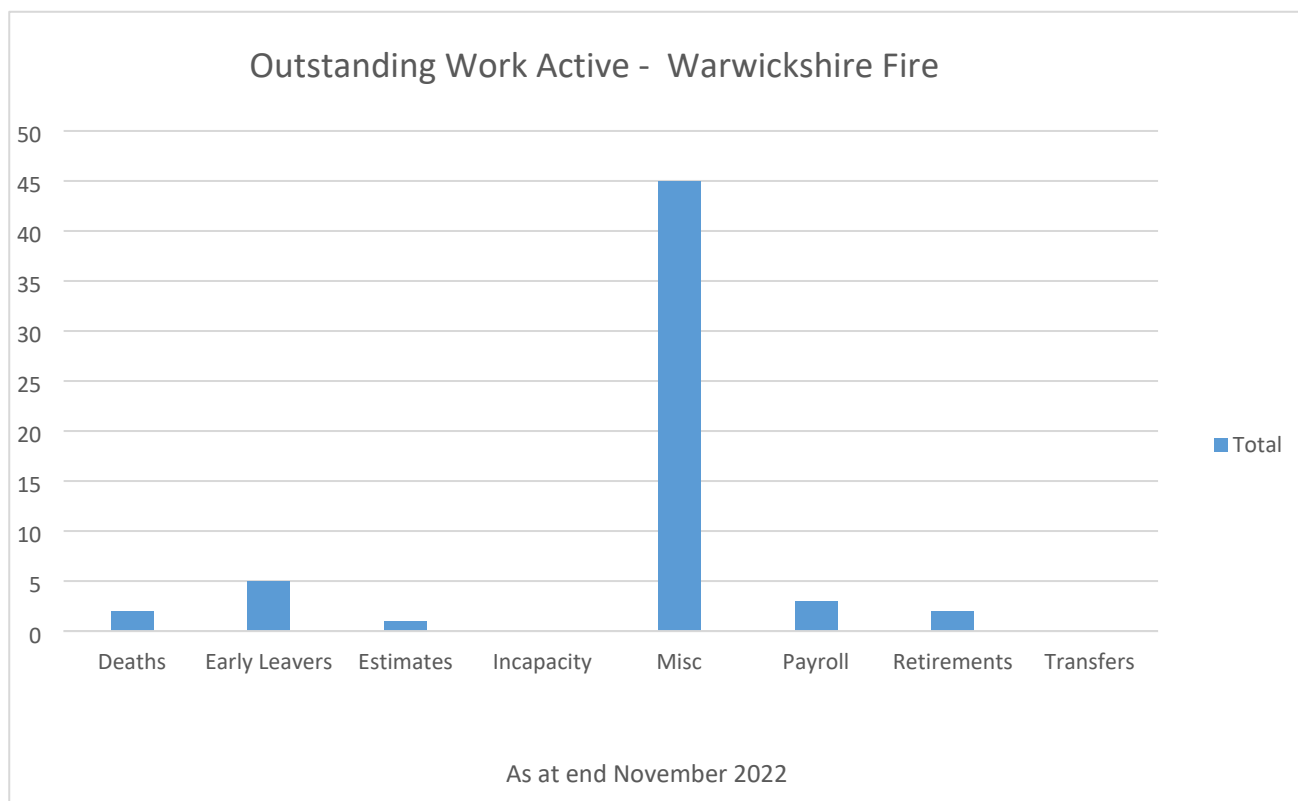
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## 1.Completed processes

1 to 30 November 2022						
Work Type	Total Cases	Target days for each case	Target met cases	Minimum Target Met	Target met percent	Average time taken
Divorce Settlement/Pension Sharing order Implemented	1	80	1	100	100	1
Deferred Benefits Set Up on Leaving	8	20	7	85	87.5	11.5
Pension Estimate	4	10	2	90	50	11
Pension Set Up/Payment of Lump Sum	2	3	2	85	100	3
Deferred Benefits Into Payment " Payment of Lump Sum	2	3	2	85	100	1
Retirement Actual	2	10	2	90	100	4
Set Up New Spouse Pension	2	5	2	85	100	4
Change of Address	2	20	2	85	100	1
Change of Bank Details	4	20	4	85	100	3.75
General Payroll Changes	7	20	7	85	100	1.57
Death in Retirement	2	10	1	85	50	13
Death on Deferred	1	10	1	85	100	5
Update Member Details	1	20	1	100	100	1
Dependant Pension To Set Up	2	10	1	100	50	7
Life Certificate	39	10	39	85	100	1.23
Initial letter Death in Retirement	2	10	2	85	100	2
Initial letter Death on Deferred	1	10	1	85	100	4
Monthly Pension	449	Pay date	449	100	100	



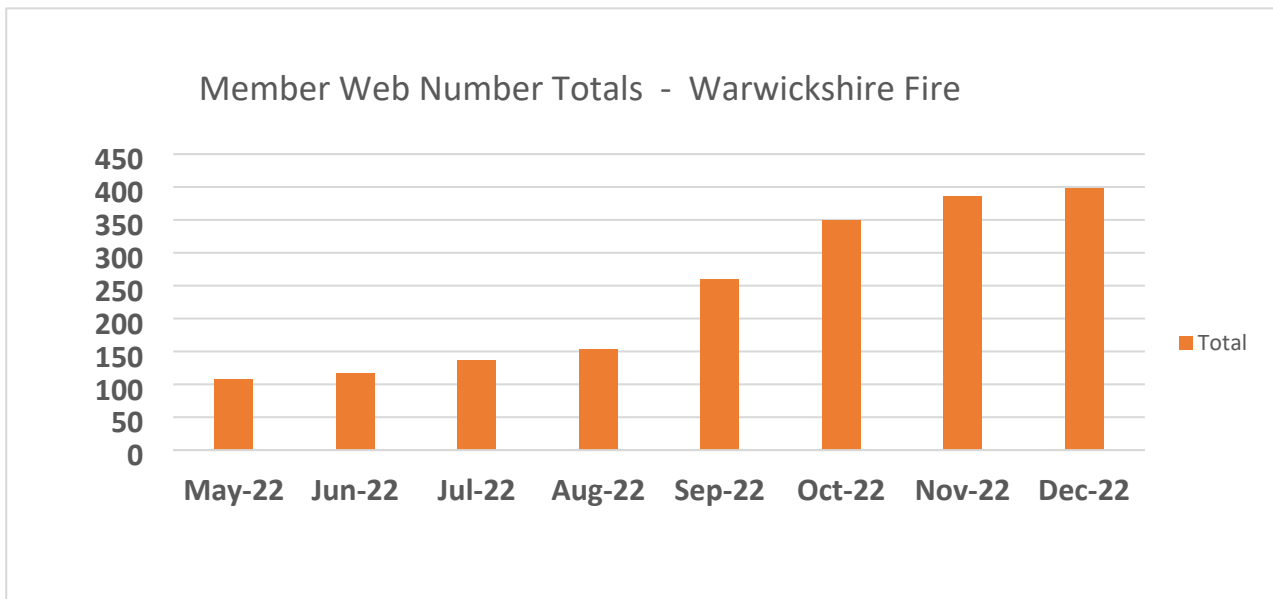
## 2. Work in Progress



### 3. Member Web Registrations

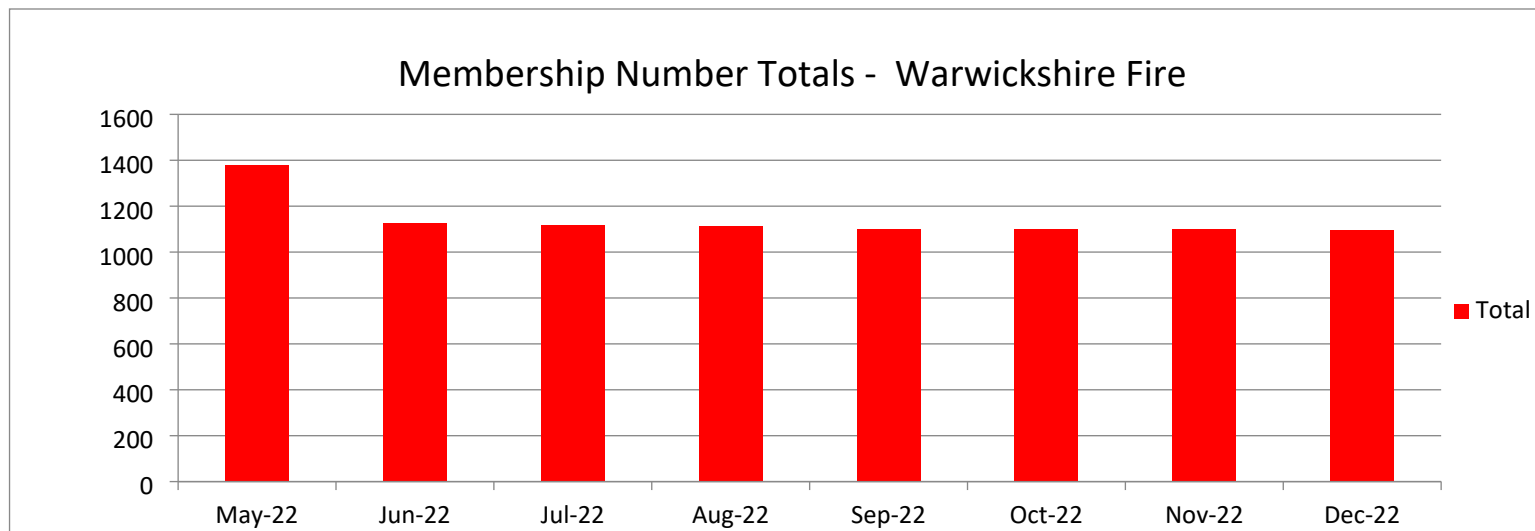
The number of members signed up to member web are:

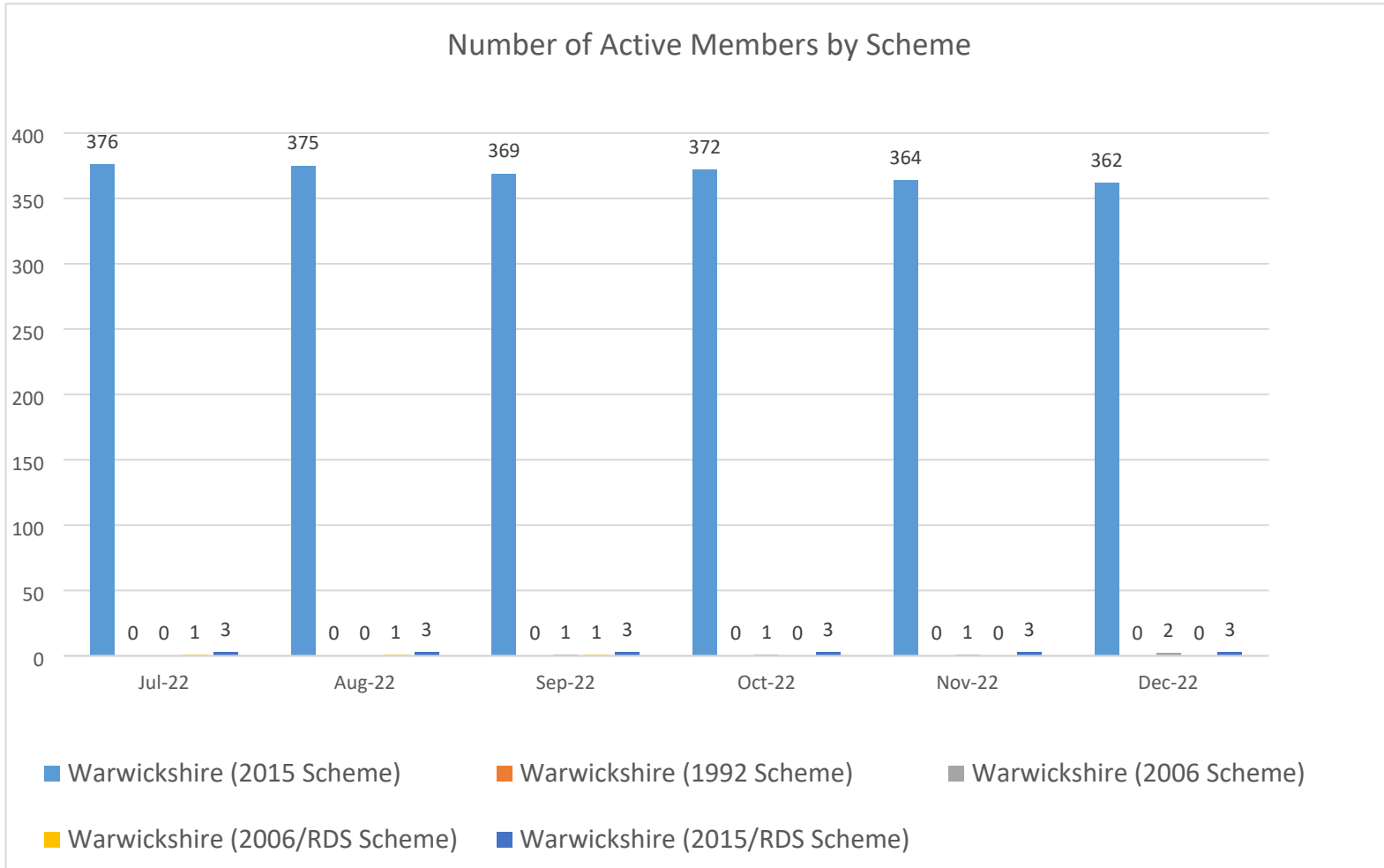
Status	Number
Active	144
Pensioner	185
Pensioner Ex-Spouse	0
Beneficiary Pensioner	10
Deferred Ex-Spouse	0
Deferred	59



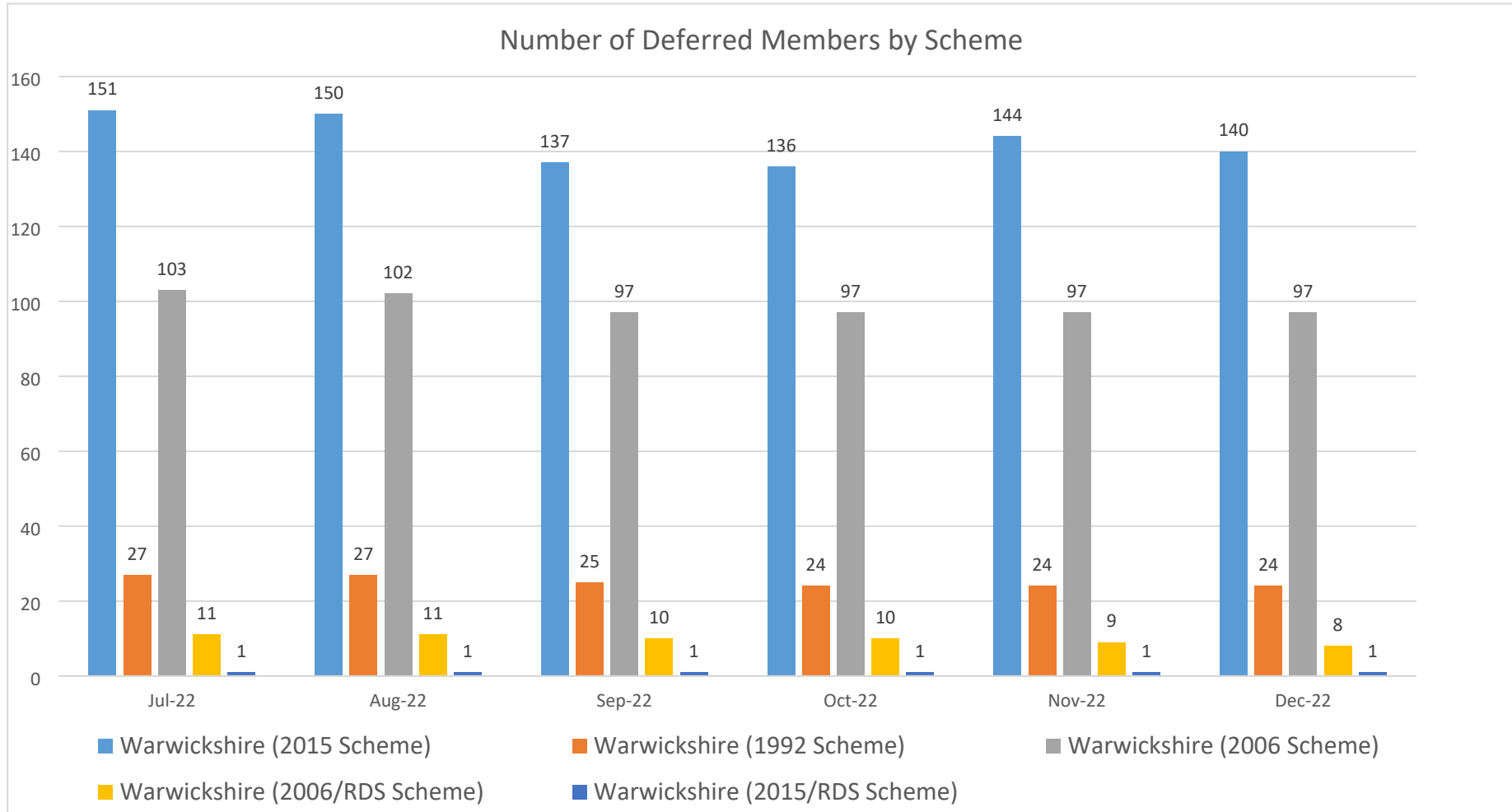
## 4.Membership Numbers

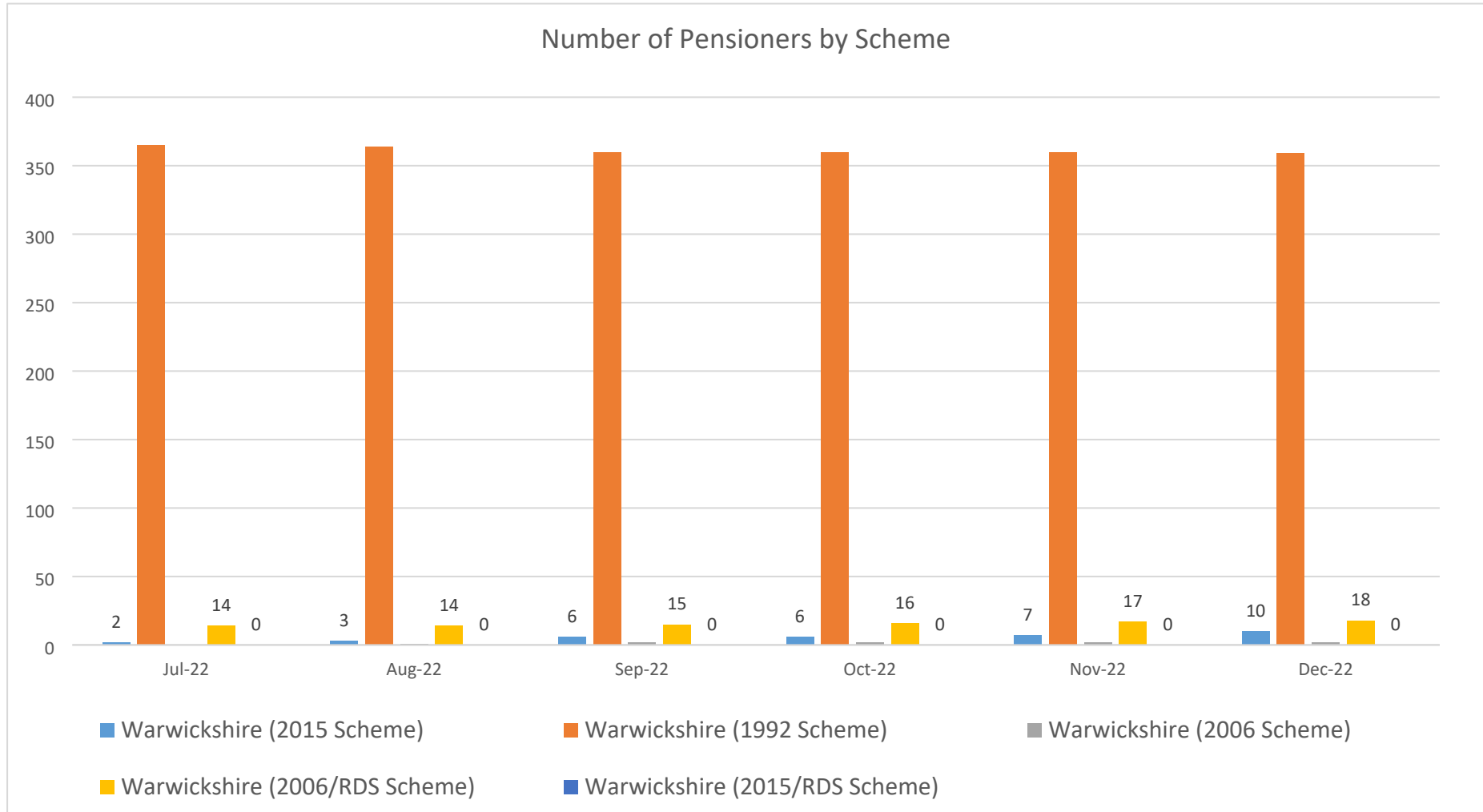
Scheme Name	Active Members	Deferred Members	Pensioners	Beneficiaries	Preserved Refund	Leavers Options Pending
Warwickshire (1992 Scheme)	0	24	359	59	0	0
Warwickshire (2006 Scheme)	2	97	2	1	2	0
Warwickshire (2006/RDS Scheme)	0	8	18	0	0	0
Warwickshire (2015 Scheme)	362	140	10	4	3	2
Warwickshire (2015/RDS Scheme)	3	1	0	0	0	0











## 5. Administration Update

Last month we mentioned the intended change to the monthly report to include Breaches/monthly postings information.

As we review and amend our processes we must be certain all FRAs understand and are compliant with the Disclosure Regulations. Our understanding, supported by the Fire Working Group (March 2018 meeting minutes), is that the responsibility to meet this legislation is that of the FRA and to do so they need to provide scheme information to new recruits within 2 months of the date of employment.

Disclosure of Information Requirements can be found at:

<https://www.fpsregs.org/images/admin/Disclosurev1.pdf>

Information can be provided in the form of a guide or factsheet and included with the contract of employment.

The factsheet, FPS 2015, can be found on the link below:

<https://www.fpsregs.org/index.php/administration-resources/factsheets>

Once all FRAs are compliant with disclosure regulations, WYPF can focus on creating new joiner records within our KPI target of 10 working days and sending the member a letter of confirmation. We will also develop a process for reporting any breaches to FRAs on a regular basis.

### Current Monthly Postings

Having worked well throughout to the summer to bring postings up to date, I have now been informed that some postings for the months of October and November may not have been processed.

There are 2 reasons for this:

- The Team has experienced staff shortage this autumn due to illness, whilst experienced staff are dividing their time and efforts between completing postings and training new members of staff.
- Across the 23 FRAs there has been a significant amount of incorrect and late data provided. This causes the team additional work as they check, communicate and chase for data. This means they have less time available to process the accurate data files already received. Furthermore, there are a small number of FRAs yet to submit data from April.

### Monthly Postings Data

Please find below helpful information for successful completion of the monthly postings spreadsheet. If you have any concerns about the data required each month please contact Helen, [helen.scargill@wypf.org.uk](mailto:helen.scargill@wypf.org.uk), to discuss further.



Copy of Post April  
2022 fire-scheme-pay

## TPR Returns

WYPF submitted all TPR returns by 18 November.

Below is a copy of your return.

<b>Scheme Name</b>	<b>TPR Score - Common</b>	<b>TPR Score - Conditional</b>
Warwickshire (1992 Scheme)	98.2	95.72
Warwickshire (2006 Scheme)	82.52	82.52
Warwickshire (2006/RDS Scheme)	100	65.38
Warwickshire (2015 Scheme)	94.9	87.52
Warwickshire (2015/RDS Scheme)	100	25

**Common data** – used to identify scheme members and includes name, address, national insurance number and date of birth.

**Conditional data** – essential to calculate benefit entitlement such as pensionable pay and service history. It also encompasses data relating to events that occur during an individual's membership, for example transfers etc.

## 6. Communication & Training

### Pre-Retirement seminars

Cambridgeshire – 14/11/2022  
 West Yorkshire – 17/11/2022  
 South Yorkshire – 21/11/2022

### Pension Boards attended

Norfolk – 01/11/2022  
 Warwickshire – 07/11/2022  
 Leicestershire – 10/11/2022  
 Dorset & Wiltshire – 16/11/2022  
 Cambridgeshire – 25/11/2022  
 Shropshire – 25/11/2022  
 Buckinghamshire – 30/11/2022

### Upcoming

Derbyshire – 05/12/2022  
 Lincolnshire – 13/12/2022

## **Regional Meeting**

NERFOG – 23/11/2022

## **National Meetings attended**

Home Office/LGA (RSS) – 08/11/2022

McCloud PDD/TWG meeting – 08/11/2022

SAB/HO Collaboration – 08/11/2022

LGA (Matthews & Remedy) – 18/11/2022

SAB/HO Collaboration – 21/11/2022

LGA Matthews TWG – 24/11/2022

Public Service Pensions – X Whitehall Project Management Group – 28/11/2022

XWH PMG Wraparound Session (HO) – 28/11/2022

SAB – cancelled

## **FRA training delivered by WYPF**

Cambridgeshire – Annual Allowance – 15/11/2022

Cambridgeshire – Remedy Benefits – 15/11/2022

Buckinghamshire – Abatement – 18/11/2022

## **Meetings with FRA to discuss completion of Remedy Data Collection Extracts**

Leicestershire – 01/11/2022

West Yorkshire – 10/11/2022

Northumberland – 22/11/2022

## **7. Member Update**

None

## **8. IT Update**

None

## 9. KPI Reporting

At the beginning of the year a new “dynamic” suite of KPI reports had been produced.

This was partly because our partners and clients felt the existing KPIs were not as accurate as they could be and partly because WYPF were aware the KPI measures had not been reviewed since they were introduced in 2015.

To ensure the new KPI reports are correct we entered into a process of checking the coding of the report, the work processes that could be measured, the days that could be measured and compared the data to the existing reports we had been using. Furthermore, we looked at the administration processes on UPM to ensure they aligned with the KPI measures.

Since we began this review in May we identified a significant number of areas where improvements could be made.

Below are some examples of the improvements made:

- Coding amended to measure against the correct days
- Test records removed from all measures
- Pended days removed. Days we cannot work the file, such as when a query is with an employer/FRA or member.
- Removed weekends and bank holidays from the measure
- Added pended steps into individual processes (so we don't count days we can't work a file).
- Aligned UPM and KPI time requirements to mirror each other
- Aligned target days and percentage measures in both LGPS and FPS KPIs for consistency of processing
- Added stages to processes so that estimates and actuals can be measured independently.
- Ensured all processes measure an end to end member experience, so from the day a piece of post, request for work, is added to a file to the day the last letter is sent or payment is made.
- Spoken to over 120 colleagues to explain KPIs and help them understand how they can affect the results.
- Encouraged all staff to ensure that if a file cannot be worked it is pended and/or notes are added to files to help with understanding should a KPI target not be met in any period.

The review was significantly more involved than first considered and involved a great deal of interaction between all areas of WYPF. We believe the new KPI measures are more accurate and transparent.

We will continue to review and in the event UPM processes are amended, or new ones introduced by our administration, we can add or amend a KPI to ensure a correct measure may be applied and reported.

The Resource Statement included in this month's report is an indication of our commitment and provides high level information about how we will manage the increasing challenges of pension administration for you.



KPI Resource  
Statement - FIRE Dece



Current KPI list -  
Fire.docx

## 10. Five Year Audit Plan 2019 – 2024

West Yorkshire Pension Fund Five Year Audit Plan 2019 - 2024	Frequency	Last Audit	Recommendations	Days	19/20	20/21	21/22	22/23	23/24	Total
Annual Accounts Verification	Annual	Jul 18	1	10	✓	✓	✓	✓	✓	
<b>Audits Per Year</b>					<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>5</b>
<b>Benefits</b>										
Local Government Scheme Contributions	2 Yearly	Nov 18	0	20			✓		✓	
New Pensions and Lump Sums - WYPF										
- Normal and Early Retirements	5 Yearly	Mar 15	0	25	✓					
- Death in Service, Post Retirement Widow and Dependent Benefits	5 Yearly	Mar 17	0	20			✓			
- Ill Health Pensions	5 Yearly	Oct 13	2	20					✓	
- Flexible Retirements	5 Yearly	Apr 16	1	20		✓				
- Deferred Pensions	5 Yearly	Mar 18	0	20				✓		
Transfers Out	3 Yearly	Nov 17	0	20		✓				
Transfers In	3 Yearly	Sep 16	2	20	✓		✓			
Reimbursement of Agency Payments	5 Yearly	Mar 18	2	15				✓		
Life Certificates	5 Yearly	Oct 15	0	15		✓				
AVC Arrangements	5 Yearly	Sep 17	0	15				✓		
Admission of New Bodies	5 Yearly	Jan 15	0	20	✓					
Pensioners Payroll	2.5 years	Mar 16	3	20		✓			✓	
Purchase of Additional Pension	5 Yearly	Mar 17	1	15			✓			
Annual Benefits Statements	2.5 years	Oct 16	0	20	✓			✓		
New Pensions and Lump Sums - Fire Service	3 Yearly	Jul 18	1	15		✓			✓	
<b>Audits Per Year</b>					<b>4</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>21</b>

## 11. Overriding Disclosure Time Limits

<b>Disclosure Requirement</b>	<b>Time Limit</b>	<b>Number of breaches in month</b>
Material alterations to basic scheme information	Within 3 months of the change taking effect	0
Transfer Credits (quote)	Within 2 months	0
Annual Benefit Statements	By 31 August each year	0
Annual Benefit Statement (upon request)	Within 2 months of request, if not already provided within previous 12 months	0
Deferred Benefit Statements	By 31 August each year	0
Deferred Benefit Statement (upon request)	Within 2 months of request, if not already provided within previous 12 months	0
Pension Savings Statements	By 6 October each year	0
Cash Equivalent Transfer Value Out	Within 3 months of request	0
Accessing Benefits before Normal Pension Age	2 month of benefits becoming payable	0
Accessing Benefits on or after Normal Pension Age	1 month of benefits becoming payable	0
Notification of Deferred Benefit entitlement	2 months of being notified of leaver	0



## Divorce Time limits

Type of request	Time limit	Number of breaches in month
Request for divorce information only.	3 months from receipt of the request.	0
Request for divorce information where you are notified that the information is required in connection with divorce proceedings that have already commenced.	6 weeks from receipt of the request.	0
Request for divorce information where a Court Order imposes a deadline.	Within the deadline specified by the Court.	0
Request for divorce information where you are notified that a Pension Sharing Order may be issued.	Within 21 days of receiving notification that a Pension Sharing Order may be issued or a date outside 21 days as specified by the Court.	0
Where the request is for information which does not include a Cash Equivalent Transfer Value	1 month from receipt of the request.	0
Pension Sharing Order received but some information* and/or charges are still outstanding.	A letter to both parties needs to be sent out within 21 days of receiving the Order to explain the Order cannot be implemented and request the missing information and/or charges.	0
Pension Sharing Order received including all relevant information* and charges.	A letter** must be sent to both parties within 21 days of the start of the implementation period notifying them of the deadline.	0
Pension Sharing Order Received including all relevant information and charges.	4 months to implement the Order of the date of receipt of the final information which allows calculation	0
PSO has been implemented.	A letter* must be sent to both parties within 21 days of implementing the PSO to notify both parties their entitlement.	0

## 12. Calendar of Events

January	February	March	April
Life Certificates HMRC Event Reporting Payment of Unauthorised Lump Sum and Scheme Sanction Charge to HMRC	Life Certificates Review of DWP benefits for Injury cases GAD Data Collection Spreadsheet	Life Certificates	Apply Pensions Increase Apply Care Revaluation Issue P60's Life Certificates Pensioner Newsletter
May	June	July	August
Life Certificates	Active Newsletter Life Certificates Issue Deferred Annual Benefits Statements	Life Certificates Issue Deferred Annual Benefits Statements Issue active Annual Benefits Statements	Issue active Annual Benefits Statements Life Certificates
September	October	November	December
Pension Estimates Assumption Exercise Life Certificates Pension Savings Statement	Life Certificates Participate in NFI tPR Scheme Returns	tPR Annual Survey Life Certificates	IAS19 Data capture exercise for Actuaries Life Certificates

## 13. Regulations/Fire Scheme Update

Please take a few minutes to read the Firefighters' Pension (England) Scheme Advisory Board Bulletin (Link to Bulletin below) and take any action required. [FPS Bulletin 63 - November 2022 \(fpsregs.org\)](#)

### FPS

#### Age discrimination remedy – Ill-health factsheet on reassessment of cases

The [coffee afternoon held on 8 November 2022](#) had a focus on what retrospective action is required for ill-health cases under the age discrimination remedy.

As a reminder, a re-assessment of ill-health entitlement will not be needed in every case. It is only where, under rollback, the individual would qualify for alternative ill health benefits and the assessment criteria under the regulations sets a lower qualifying bar.

To help FRAs determine which individuals require a reassessment we have put together a [factsheet to ill-health re-assessments](#) which sets out the final policy in more detail.

Additionally, the factsheet encourages scheme managers to take immediate steps to review the cohort of membership which will require a re-assessment. This is to ensure that, come 1 October 2023, these cases can be dealt with as soon as possible. Full details of what action is needed has been set out in the factsheet. Sample member communications will be provided later.

**ACTION: FRAs to review the ill-health re-assessment factsheet and ensure that appropriate action is taken where necessary.**

### FPS England SAB updates

#### SAB remedy engagement sessions

As reported in [FPS Bulletin 57 – May 2022](#), the Scheme Advisory Board (SAB) has been invited by the Home Office to take part in a series of joint engagement sessions with the Police SAB to consider scheme specific versions of the Provision Definition Documents (PDDs) which define the provisions of the [Public Service Pensions and Judicial Offices Act \(PSPJOA\) 2022](#) for each area of the 2015 Remedy.

One session is taking place per month between June and December 2022, with two topics discussed at each meeting. These discussions will help to inform the drafting of secondary legislation, ahead of formal consultation early in 2023.

The most recent sessions considered contingent decisions, divorce and CETVs. Material from some sessions has been added to a new page called ['age discrimination remedy – Provision Definition Documents'](#) in the member restricted area of the FPS Regulations and Guidance area for the benefit of practitioners.

Any actions arising from the feedback from the Fire and Police SABs will be taken forward and responded to by the Home Office.

## Other News and Updates

### PDP publishes updated standards

On 16 November 2022, the [Pension Dashboard Programme \(PDP\) published its revised standards](#) for connecting to the dashboards ecosystem. They cover the technical and operational detail that underpins dashboards legislation. The revised standards incorporate feedback from the consultation published in July 2022 – see [FPS bulletin 59](#) – July 2022 for more information.

Although the revised standards are pending final approval by the Secretary of State for Work and Pensions, they have been published to give schemes advance notice of the duties that they will need to comply with.

PDP also confirmed the process for updating the standards going forward, including the principles for decision-making and the notice period for industry.

A consultation on the draft design standards for qualifying pensions dashboards will take place in the winter.

### TPR consultation on dashboard enforcement

On 24 November 2022, the Pensions Regulator (TPR) launched a consultation on its dashboards compliance and enforcement policy.

The draft policy sets out TPR's expectations for scheme managers to achieve compliance with the Pensions Dashboards Regulations 2022 – 'the Regulations' and provides clarity on its approach to enforcement. Governing bodies of occupational pension schemes and third parties such as employers, administrators, and Integrated Service Providers (ISPs) are in the scope of the draft policy. TPR has the power to pursue these parties if it believes there has been a breach of the Regulations.

In monitoring compliance, TPR will focus on behaviours or breaches they consider pose the greatest risk to savers. Areas of particular interest are:

- connection: connecting by the scheme's statutory deadline, connecting all active, deferred and pension credit members, and remaining connected in line with relevant standards 9

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- matching and returning accurate data: connecting the right member with the right data, failure to find a saver (i.e. failing to return a match made or a possible match) and failure to provide data in line with legal requirements.

TPR expects schemes to:

- operate adequate internal controls including risk management processes and processes to identify breaches of the law
- keep clear audit trails of steps to achieve compliance and resolve issues
- record their matching policy and data improvement process

TPR will monitor compliance using multiple sources of evidence. It may request additional evidence from schemes when it has concerns or to identify best practice.

Any enforcement action will be balanced against the outcome it may achieve. Breaches of the law that are persistent, intentional or indicate dishonesty are likely to be of higher priority.

TPR may issue compliance notices to trustees, scheme managers or third parties when a breach occurs. The purpose of a compliance notice is to stop noncompliance and avoid a repeat of the breach.

It may issue penalty notices to those parties in response to a breach or when they fail to comply with a compliance notice. Each penalty can be up to £5,000 for an individual and up to £50,000 in other cases. TPR will work with partner agencies and regulators and, where appropriate and permitted by law, share information with them.

You can find a [link to the consultation on the TPR website](#). The consultation closes on 24 February 2023.

## HMRC

### Public service pensions remedy newsletter

On 25 November 2022, HMRC published [Public service pensions remedy newsletter](#). The newsletter summarises the draft regulations and guidance that they are currently consulting on and confirms that HMRC is not able to respond to member queries related to the remedy.

Consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) regulations 2023

On 25 November 2022, HMRC published a [technical consultation on a draft statutory instrument](#), which ensures the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.

The consultation seeks views from pension scheme administrators on the draft regulations. The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes as a result of the public service pensions remedy. The regulations will make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.

This legislation is intended to take effect from 6 April 2023, but some provisions will have a retrospective effect.

The consultation documents include an explanatory memorandum and guidance for administrators on the draft regulations. We will respond to the consultation and share our response before the consultation closes on 6 January 2023.

**ACTION: FRAs and administrators are encouraged to respond to the consultation.**

## Legislation

### Statutory Instruments

SI	Reference title
2022/1220	<a href="#">The Pensions Dashboards Regulations 2022</a>
2022/1229	<a href="#">The Occupational Pensions (Revaluation) Order 2022</a>
2022/1230	<a href="#">The Police, Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022</a>

### Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [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](#)