



# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	18 October 2017
<b>OFFICER</b>	Lynne Swift, Director of People and Organisational Development
<b>LEAD MEMBER</b>	Councillor Steven Lambert
<b>SUBJECT OF THE REPORT</b>	<b>Update on Buckinghamshire and Milton Keynes Fire Authority Apprenticeship Programme</b>
<b>EXECUTIVE SUMMARY</b>	<p>This report is presented to Members of Buckinghamshire and Milton Keynes Fire Authority (the Authority) as an update on the Authority's apprenticeship programme and relevant national developments.</p> <p>Delivering three million apprenticeships by 2020 is a key priority for the government reform agenda; as well as introducing a new style of apprenticeship that has been designed to meet the changing needs of employers, learners and providers.</p> <p>The introduction of the levy set at 0.5 per cent of an employer's pay bill above £3million and the 2.3 per cent public sector target for new apprenticeships starts annually, has allowed the Fire and Rescue Sector to focus on utilising apprenticeships to meet future skills requirements and address identified workforce diversity issues.</p> <p>The Authority approved its apprenticeship programme in July 2015, ahead of the levy and targets being introduced and therefore already had plans in place to embed apprenticeships within the workforce.</p> <p>By the end of 2017/18, the Authority will have 50+ apprentices working to a number of different apprenticeship standards, including:</p> <ul style="list-style-type: none"> <li>• Firefighter</li> <li>• Business &amp; Administration</li> <li>• Information Communication Technology</li> <li>• Management &amp; Leadership</li> </ul> <p>These apprentices will be a blend of new starts and upskilling existing members of staff.</p> <p>Appendix 1 provides a full update on the Authority's</p>

	<p>apprenticeship programme.</p> <p>Appendix 2 details the government’s reform agenda and its impact on the fire and rescue sector.</p>
<b>ACTION</b>	Noting.
<b>RECOMMENDATIONS</b>	That the content of the update be noted.
<b>RISK MANAGEMENT</b>	<p>The following risks have been mitigated as an outcome of the Authority’s apprenticeship programme:</p> <ul style="list-style-type: none"> <li>• Reputation – due to the Authority’s pro-active approach to implementing apprenticeships, it is well established with regards to utilising the levy payment and meeting the public sector targets.</li> <li>• Resourcing – increasing the number of firefighter apprentices recruited in 2016 and the subsequent 2017 intake has improved the Authority’s resilience, helping to maintain minimum crewing levels.</li> </ul>
<b>FINANCIAL IMPLICATIONS</b>	<p>All costs associated with the apprenticeship programme are budgeted for in the Medium Term Financial Plan (MTFP).</p> <p>Any financial impact of subsequent decisions taken or impacts on the Authority would be factored into the Medium Term Financial Planning process and would be scrutinised and challenged as appropriate prior to any implementation.</p>
<b>LEGAL IMPLICATIONS</b>	None arising from the recommendation.
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b>	<p>We continue to work with our Thames Valley, other fire and emergency service partners on workforce reform and support national and regional events, sharing best practice.</p> <p>A current priority relevant to this update is to determine a collaborative approach to firefighter and apprenticeship recruitment across the three Thames Valley Fire Services. This project is currently being scoped out and target date for implementation is Summer 2018.</p> <p>Royal Berkshire are named on our contract with the Apprenticeship Training Agency and therefore are able to call off of it should they wish to do so.</p> <p>The Authority is also working with other fire and rescue services and the Police to develop an Emergency Call handler apprenticeship standard and is part of the employer consortia to develop fire sector specific new apprenticeship trailblazer standards.</p>
<b>HEALTH AND SAFETY</b>	No Health and Safety implications have been

	<p>identified.</p> <p>The Health and Safety department have recruited a business and administration apprentice.</p>
<p><b>EQUALITY AND DIVERSITY</b></p>	<p>Integrated impact assessments have and will continue to be completed for any change programme which relates to the Authority’s apprenticeship programme.</p> <p>The apprenticeship programme provides an excellent opportunity to improve the diversity make-up of the Authority; with particular reference to age and gender. Targeted “have a go” days were organised for female and ethnic minority applicants, the recent intake has a significant increase in females being appointed, albeit as yet from a low base.</p>
<p><b>USE OF RESOURCES</b></p>	<p><b>The arrangements for setting, reviewing and implementing strategic and operational objectives; Performance monitoring, including budget monitoring; achievement of strategic objectives and best value performance indicators;</b></p> <p><b>Setting, reviewing and implementing strategic and operational objectives;</b></p> <p>The Authority’s apprenticeship scheme contributes to achieving it’s people strategic enabler set out in the Corporate Plan 2015 to 2020:-</p> <p>‘To optimise the contribution and well-being of our people.’</p> <p>By using the opportunity provided by apprenticeship schemes to ‘adapt and refresh the workforce to improve service delivery and resilience’. This is especially prevalent when considered in regard to the steadily increasing age of the operational workforce and the need to develop new skills in the Authority as services diversify.</p> <p><b>Communication with stakeholders;</b></p> <p>A range of methods are used to communicate on workforce reform across the Service. For example via employee engagement sessions, People and Organisational Development Director’s blogs, the leadership group to cascade and the I:drive. The success of the Authority’s apprenticeship programme is showcased internally and externally at visits from other services and national events. The Authority has had an increased presence at schools and career events promoting the apprenticeship programme to potential applicants.</p> <p><b>The system of internal control;</b></p> <p>All significant changes impacting on the Authority will follow an agreed process, including governance and approval.</p>

<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><b>Background:</b> Apprenticeship Scheme: Executive Committee – 29 July 2015 <a href="http://bucksfire.gov.uk/files/7114/5527/6772/EXECUTIVE_COMMITTEE_PACK_290715.compressed.pdf">http://bucksfire.gov.uk/files/7114/5527/6772/EXECUTIVE_COMMITTEE_PACK_290715.compressed.pdf</a></p>
<p><b>APPENDICES</b></p>	<p>Appendix 1: Update on Buckinghamshire and Milton Keynes Fire Authority Apprenticeship Programme. Appendix 2: Government reform agenda and its impact on the fire and rescue sector.</p>
<p><b>TIME REQUIRED</b></p>	<p>10 Minutes.</p>
<p><b>REPORT ORIGINATOR AND CONTACT</b></p>	<p>Anna Collett <a href="mailto:acollett@bucksfire.gov.uk">acollett@bucksfire.gov.uk</a> 01296 744468</p>

## **The Authority's Apprenticeship Programme:**

As announced in the summer 2015 budget, the Government introduced a UK wide apprenticeship levy from April 2017. This levy was to help fund the increase in the quantity and quality of apprenticeship training and give employers greater control of apprenticeships.

The levy rate is set at 0.5% of an employer's pay bill and is collected via PAYE and applies to both the public and private sectors. The levy is only paid on any pay bill in excess of £3 million. A growth bid of £60,000 was approved by Members on the 24 October 2016 to prepare for the introduction of the levy and details of how it will be utilised and re-invested back into the Authority are below.

Delivering three million apprenticeships by 2020 is a key priority for the Government. In order to meet the three million starts commitment, it was announced that the public sector needed to improve from its current position of delivering comparatively fewer apprenticeships than the private sector. A target was set that organisations must meet a minimum 2.3% new apprenticeship starts each year based on the headcount of employees working for a body in England.

The Authority's apprenticeship programme will deliver enough new apprenticeship starts to meet this target, this equates to 12 new apprenticeship starts per year (based on headcount at April 2016). Our current recruitment campaign for Support Services staff plus the planned uptake of management apprenticeships for existing staff will more than meet the target for 2017.

The Governments reform agenda has significant impacts on the fire and rescue sector, these are set out in Appendix 2.

The Authority's apprenticeship programme supports its strategic aims regarding resourcing, this includes:

- Effective profiling and forecasting
- Refreshing the workforce
- Flexible working
- Collaboration
- Supporting equality and diversity through engagement

### Trailblazer Standards Update:

Apprenticeships in England are in the process of undergoing a dramatic transformation. As a result of Government reforms, a new style of apprenticeships has been designed to meet the changing needs of employers, learners and providers.

Trailblazer Developments underway:

- Firefighter – led by Staffordshire FRS
- Business Fire Safety led by Greater Manchester
- Community Safety Advisor led by Greater Manchester
- Discussions are underway regarding Fire Safety/Fire Engineering Career Pathways led by London/NFCC Protection Lead

The Authority has been, and continues to be, involved with other fire and rescue authorities in developing these standards. Representation is given on the trailblazer development groups for Firefighter and Community Safety.

#### Apprenticeship Training Agency:

As part of the approval of the Authority's apprenticeship programme at the Executive Committee meeting held on the 29 July in 2015, Members opted to use the apprenticeship training agency (ATA) model for the recruitment of our apprentices.

The ATA is an employment agency for apprentices, it directly employs and manages individuals who undertake their apprenticeship whilst being placed into our workplace.

The flexibility of the ATA model, means the Authority has a continuous talent pipeline being developed and can decide at the end of the apprenticeship programme, if the establishment can offer full time, substantive positions to the apprentices.

Our ATA is Encompass Select and the contract commenced in April 2016 and lasts for four years plus an optional one year extension.

There was a steep learning curve for both ourselves and Encompass at the beginning of the contract, being the first fire and rescue service (FRS) to introduce the Firefighter programme using this model meant there was some learning to do along the way, however we are now in a position where the contract is working well for both parties.

As part of the development of the relationship with Encompass, it was identified some dedicated resource was required to undertake learner progress reviews, apprentice and line management support visits, the necessary checks to meet funding requirements and provide welfare to the apprentices on station and in their various departments. A member of staff from the Authority's learning and development team has been seconded to Encompass to undertake this role on an initial one year contract. This support function has proven invaluable in the progress being made by the apprentices.

#### Current Establishment:

The original apprenticeship paper which went to Executive Committee meeting on the 29 July 2015, set out a three year firefighter (FF) apprenticeship recruitment programme, recruiting 10 FFs per year. Based on workforce planning data, during the initial recruitment campaign it was identified that front loading in the first year would help meet resource requirements, therefore 22 firefighters were recruited during that first campaign.

In addition, a subsequent Growth Bid was approved for the recruitment of 3 Business Fire Safety and 3 Community Safety apprentices in 2016/17 and this is now deferred to 2018/19 due to the availability of apprenticeship frameworks to recruit against and the pending review of the relevant departments.

#### 2016/17 Recruitment:

Support Services staff:

- 1 x Information Communication Technology
- 1 x Health & Safety (Business & Administration)
- 1 x People & Organisational Development (Business & Administration)
- 1 x Fleet Services

Operational:

- 22 x Firefighters

Leavers:

Of the 22 apprentice firefighters that started their apprenticeships in August 2016, three have left before completing the full apprenticeship. As part of the first year evaluation, these reasons were looked at and some improvements were made to future recruitment intakes to reduce the risk of this happening again – further details are contained later in this report.

Current apprenticeship recruitment for 2017/18 includes:

Support Services staff:

- 1 x Operations Assurance (Business & Administration)
- 1 x Procurement (Business & Administration)
- 1 x Data Intelligence (Business & Administration)
- 1 x Central Admin (Business & Administration)

Operational:

- 12 x Firefighters

The positivity surrounding the firefighter and support services staff apprenticeships implemented in 2016 was evident across the organisation and presented an opportunity to use this momentum to carry us into 2017/18

The 12 Firefighter apprentices commence their training on the 25 September 2017 and their graduation date from the Fire Service College is confirmed as Thursday 7 December 2017.

Leadership & Management Apprenticeships:

From June – September 2017, the organisation piloted an Aspiring Leaders Pathway (ALP), a new personal development process which all staff were invited to apply for. This process assisted the organisation in identifying future leaders, replenished development pool for promotional purposes and produced personal development plans which will aid the individual's development, signposting opportunities including lateral moves and secondments.

In addition, one of the proposed outcomes from the ALP was that a number of staff members would be identified and offered the opportunity to pilot a Management Apprenticeship Programme, with the aim of having apprenticeships embedded across all levels within the organisation.

Management Apprenticeships blend leadership and management theory with on the job training to develop staff that have a real and immediate impact.

There are four levels of Management Apprenticeships standards:

Level	Standard
3	Team Leader/Supervisor
4	Associate Project Manager
5	Operations/Departmental Manager
6	Chartered Manager Degree Apprenticeship
7	Senior Leader Master's Degree Apprenticeship

The organisation is able to draw down funding from its levy (up to a cap which will depend upon the standard that is being trained against) to cover the costs of training, including English and Maths (if the individual doesn't already possess these), assessment and certification.

The current costs for the varying levels of Management Apprenticeships are:

Sector	Apprenticeship Standard	Level	Funding band maximum	Programme Length	Classroom sessions
Leadership & Management	<a href="#">Senior Leader</a>	7	TBC	TBC	TBC
Leadership & Management	<a href="#">Chartered Manager</a>	6	£27,000	48 months	TBC
Leadership & Management	<a href="#">Operations/Departmental Manager</a>	5	£9,000	24 months	12
Leadership & Management	<a href="#">Team Leader/Supervisor</a>	3	£4,500	12-18 months	10

The government has committed to top up an organisation's "levy pot" by funding any apprenticeships procured over and above their levy by 90%, meaning the Authority will only need to fund the other 10% if we spend more than the required levy. This government initiative is helpful to support the Authority's attraction and retention aspects of our people strategy.

The indicative costings to run a pilot Management Apprenticeship Programme, require a tender process to be commissioned. This is due to the value of the contract that would be awarded to the Training Provider delivering the apprenticeship programme. The tender document will be published in September, with a planned start from the programme in January 2018.

Notable ongoing improvements to the Authority's apprenticeship programmes:

Since the 2016/17 recruitment, evaluations have taken place and a number of changes made to the recruitment process and terms and conditions for Support Services staff apprentices. These changes have been implemented in an attempt to reduce the number of leavers, increase the number of applications and ensure fairness and consistency across the programmes we deliver.

Driving Licence & Postcode Restriction:

To encourage applications from the local community, during the recent firefighter recruitment, we applied a postcode restriction that applicants must live within 20 miles of the border of Buckinghamshire and Milton Keynes.

### Training Agreements:

We are reviewing the option of introducing a training agreement for future apprenticeship recruitment, which will allow the organisation to re-coup some of the funds invested in an individual, should they leave to join another fire and rescue service within a certain timescale. The training agreement is common practice across the Authority when investing in staff for other training costs, therefore it is proposed it is introduced for apprenticeship training as the Authority fund the full cost of initial firefighter training at the Fire Service College – circa £5k per person.

### Support Services Staff Pay scales:

Support Services staff apprentice pay scales were brought in line with the firefighter pay scales, with regards to performance related elements of pay. Both staff groups attract the national living wage, however the firefighters were programmed to receive pay increments every 6 months, based on satisfactory performance. This pay structure ended at the 2 year point where if appointed into employment with the Authority, the firefighters would move on to national pay scales/local terms and conditions. Support Services staff were not originally receiving the same timely increments, however a revised structure has been introduced which meant at the end of the apprenticeship they could move on to the Authority's administrator pay scales.

### The Authority's On-Call Apprenticeship:

As part of the paper approved by Members in July 2015, an initiative to pilot an apprenticeship programme for on-call firefighters, engaging with local employers, was agreed. After some initial contact with local employers, the initiative has been temporarily deferred whilst other resourcing areas (detailed above) have taken priority. This will be revisited in 2018/19 as part of the On-Call review.

### Collaboration Opportunities:

A current priority relevant to this update is to determine a collaborative approach to firefighter and apprenticeships recruitment across the three Thames Valley Fire Services.

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**Apprenticeships; National Developments Government Reform Agenda:**

The Governments reform agenda has significant impacts on the fire and rescue sector. These are:

- Apprenticeship levy equates to a cost of £5.5 million per annum total for 45 English FRSs.
- The 2.3 per cent public sector target equates to 1043\* new fire service apprenticeships starts annually.
- Over the four year period this aggregates to a total levy of up to £20 million and 4000 new apprenticeship starts.
- Public Sector services that meet the set criteria operate a Digital Apprenticeships Services Account to pay the levy monthly at 0.5 per cent of payroll and also to draw down the levy.
- The levy applies to the 23 Combined Fire Authorities (CFAs), 6 Metropolitan Authorities, London and 15 County FRSs.
- The 15 County FRSs will set up digital accounts as part of their Local Authority.
- Department of Education require annual progress reports from 30 September 2018 as set out in the attached link <https://www.gov.uk/government/publications/public-sector-apprenticeship-target>.
- Home Office and Cabinet office also require regular stats and progress updates, likely to be quarterly following initial meetings in August 2017.

\* 1043 estimated based on the most recent published Home Office FRS statistics (2016). This 2.3 per cent target number includes 512 for CFAs, 325 Mets and London and 206 for County FRSs.

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## Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	18 October 2017
<b>OFFICER</b>	Lynne Swift, Director of People and Organisational Development
<b>LEAD MEMBER</b>	Councillor Steven Lambert
<b>SUBJECT OF THE REPORT</b>	<b>Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress</b>
<b>EXECUTIVE SUMMARY</b>	<p>Against a back drop of the Fire Reform Agenda set out by the then Home Secretary Theresa May MP in May 2016 and continued by the then Minister for Policing and the Fire Service Brandon Lewis MP; the Authority determined a new focus on Equality, Diversity and Inclusion (EDI) and refreshed the EDI objectives in June 2016.</p> <p>The Authority recognises that having a diverse flexible workforce which better reflects the community it serves can enhance performance and understanding of these diverse communities as well as improve our services to those communities.</p> <p>The Authority's philosophy is to embed Equality and Diversity into everything we do internally and externally.</p> <p>Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is subject to the specific duties as laid out in the Equality Act (Specific Duties) Regulations 2011. This is in addition to the general equality duty as laid out in the Equality Act 2010. These duties together are commonly known as the Public Sector Equality Duty (PSED), the aim of which is to ensure that fairness is at the heart of public bodies' work and that public services meet the needs of different groups.</p> <p>The purpose of this paper is to update on the progress made in year 1 of our four year plan (<b>Annex A</b>) and to provide an update on workforce diversity in the form of charts in comparison to the census data for the population of Buckinghamshire and Milton Keynes (<b>Annex B</b>).</p> <p>This report contains updates on the key achievements in our internal year one priority performance areas including:</p> <p>Workforce Strategy, Workforce Monitoring, Equality Impact assessment, Employee Engagement, Promoting an Inclusive Working Environment, Equal</p>

	<p>Pay, Anti- Harassment and Bullying, Appraisal and Training Learning and Development.</p> <p>The report also contains an update on the key external performance areas;</p> <p>Working with our Communities as follows: Knowing Communities, Involving Communities and Responsive Services and Customer Care.</p>
<b>ACTION</b>	Noting.
<b>RECOMMENDATIONS</b>	That the contents of the report <b>Annex A</b> and <b>Annex B</b> be noted.
<b>RISK MANAGEMENT</b>	<p>A significant identified risk is the Authority’s ability to deliver a more diverse workforce within the funding and recruitment constraints against a background of changing demographics. This report and the objectives contained within the appendices and proposed monitoring aim to mitigate these risks.</p> <p>Discrimination in the workplace may give rise to a claim through the employment tribunal. In general, failure to comply with the statutory duties may give rise to a claim for compensation for injury to feelings and costs may be awarded on such a claim if it is successful. There is also a risk to reputational damage.</p> <p>The Authority’s People Strategy and well developed policies and procedures aim to mitigate these risks wherever possible.</p>
<b>FINANCIAL IMPLICATIONS</b>	The Equality and Diversity action plan for 2016/20 will be delivered from within existing budgets and will help to move the provision of equality and diversity to a more integrated provision within public safety work.
<b>LEGAL IMPLICATIONS</b>	<p>The Fire Authority is subject to the general and specific duties set out in the Equality Act 2010. The general duty requires the Authority when carrying out its functions, to have due regard to the need to: 1) eliminating unlawful discrimination, harassment and victimisation; and 2) the advancement of equality of opportunity between different groups and foster good relations between different groups.</p> <p>Specific duties are set out in regulations made under Equality Act 2010 bringing together existing race, disability and gender duties and also covering sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment. The specific duties are intended to help public bodies to meet the requirements of the general duty.</p> <p>The Equality Act 2010 (Specific Duties) Regulations 2011 (SI 2011/2260) requires, since 31 January 2012, the Authority to: 1) publish information to</p>

	<p>demonstrate compliance with the general duty (above); and to prepare and publish one or more equality objectives that should achieve one or more of the aims set out in the general duty. Guidance on how and what to publish is provided in the "Equality information and the equality duty: A guide for public authorities" (ECHR, Revised (second) edition, 19 December 2011).</p>
<p><b>CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION</b></p>	<p>As part of the Thames Valley Memorandum of Understanding (MOU), each collaboration programme is assessed to determine if there are any EDI matters that can be implemented through collaboration. The three Thames Valley Fire Services are scoping a common approach to Apprentice recruitment aiming to maximise the diversity of this group.</p> <p>The Employee Relations and Engagement Manager takes the role of Buckinghamshire FRS Equality Lead at the National Fire Chiefs Council Equality and Diversity Professionals Group meetings on behalf of the Thames Valley Fire Services.</p> <p>The service has fully participated in the National Joint Council Inclusive Fire Service Initiative which recommended Improvement Strategies for Fire and Rescue Services to use.</p>
<p><b>HEALTH AND SAFETY</b></p>	<p>There are no implications with regards to health and safety.</p>
<p><b>EQUALITY AND DIVERSITY</b></p>	<p>The service has a statutory obligation under equality legislation to eliminate unlawful discrimination. The Authority's people strategy, policies and procedures aim to support us in meeting our requirements. If our policies and practices are fair and consistent then our service users will approach us and have greater levels of satisfaction. If we have greater representation of our diverse communities then we will be able to find solutions to barriers in relation to employment and accessing services.</p> <p>The relevant workforce equality data is included in Annex B.</p>
<p><b>USE OF RESOURCES</b></p>	<p><b>Communication with stakeholders;</b>  A comprehensive communication and consultation programme has been initiated both internally and with external partners to ensure the Authority is best placed to move this agenda forward in a positive and co-ordinated way. EDI is updated and discussed regularly at the Joint Consultation Forum.</p> <p>We have set up an EDI Advisory Group chaired by the Director of People and Organisational Development and attended by Councillor Steven Lambert, Lead Member for People and Equality and Diversity. The group's terms of reference include supporting the</p>

	<p>Authority to strive for future improvements in EDI and developing networks to enable the sharing of best practice.</p> <p>The relevant workforce equality data at Annex B is to be published on the external website in line with the PSED.</p> <p><b>The system of internal control;</b></p> <p>Monitoring arrangements will include a six monthly update to the Performance Management Board and annually to the Strategic Management Board and Fire Authority.</p> <p><b>The medium term financial strategy;</b></p> <p>It is intended that the achievement of the objectives for 2016/20 can be met within the existing budget.</p> <p><b>The balance between spending and resources;</b></p> <p>There are no cost implications of this report. The Authority’s philosophy is to embed EDI in everything we do internally and externally and to work in partnership to ensure a consistent approach to delivering equality and diversity, where possible reducing and sharing the cost of activities. Much of the work described in this update involves other public service providers, the voluntary and community sector and the communities themselves.</p> <p><b>The arrangements to promote and ensure probity and propriety;</b></p> <p>This report promotes Equality and Diversity and is intended to comply with the Public Sector Equality Duty.</p> <p>This report fulfils the Authority’s legislative requirements under the Equality Act (Specific Duties) Regulations 2011 and complements the Authority’s strategic objectives.</p>
<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><b>Background</b></p> <p>Paper to Fire Authority 8 June 2016 - Equality and Diversity Objectives 2016-20, Public Sector Equality Duty and Review of 2012-16 Objectives:  <a href="http://bucksfire.gov.uk/files/3614/9563/2194/small_FIRE_AUTHORITY_AGENDA_AND_REPORTS_7_JUNE_2017.pdf">http://bucksfire.gov.uk/files/3614/9563/2194/small_FIRE_AUTHORITY_AGENDA_AND_REPORTS_7_JUNE_2017.pdf</a></p> <p>Paper to Executive Committee 3 February 2016 - The Authority’s People Strategy 2016 to 2020. Optimising the contribution and well-being of our people:  <a href="http://bucksfire.gov.uk/files/3614/5528/0478/ITEM_8_People_Strategy_Executive_paper_final_Appendices.compressed.pdf">http://bucksfire.gov.uk/files/3614/5528/0478/ITEM_8_People_Strategy_Executive_paper_final_Appendices.compressed.pdf</a></p> <p>The Equality Act 2010</p> <p>“Equality information and the equality duty: A guide for public authorities”(ECHR, Revised (second)</p>

	<p>edition, 19 December 2011):  <a href="http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf">http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf</a></p> <p>Fire and Rescue Service Equality Framework:  <a href="https://www.local.gov.uk/sites/default/files/documents/fire-and-rescue-services--50b.pdf">https://www.local.gov.uk/sites/default/files/documents/fire-and-rescue-services--50b.pdf</a></p> <p>Equality and Human Rights Commission Guidance; Equality information and the equality duty: A guide for public authorities:  <a href="http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf">http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf</a></p> <p>Office of national statistics Integrated Household Survey:  <a href="http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2012/stb-integrated-household-survey-january-to-december-2012.html#tab-Sexual-identity">http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2012/stb-integrated-household-survey-january-to-december-2012.html#tab-Sexual-identity</a></p> <p>Gender Identity Research and Education Society:  <a href="http://www.gires.org.uk/prevalence.php">http://www.gires.org.uk/prevalence.php</a></p>
<b>APPENDICES</b>	<p><b>Annex A</b> – Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress.  <b>Annex B</b> - Equality monitoring data – charts.</p>
<b>TIME REQUIRED</b>	10 Minutes.
<b>REPORT ORIGINATOR AND CONTACT</b>	<p>Mark Ridder, Employee Relations and Engagement Manager  <a href="mailto:mridders@bucksfire.gov.uk">mridders@bucksfire.gov.uk</a>  01296 744634</p>

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## **Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress**

### **Introduction**

Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is fully committed to Equality and Diversity. The Authority recognises that we must make fairness and inclusion fundamental to everything we do in order to achieve our vision of making Buckinghamshire and Milton Keynes the safest areas in England in which to live work and travel.

The Authority believes that a workforce which better reflects the diversity of the local working population will create a stronger, more enriched and well informed organisation, able to meet the expectations for a modern Fire and Rescue Service. This is a key aspect of our People Strategy. The Authority's philosophy is to embed Equality and Diversity in everything we do internally and externally.

The Authority recognises that having a diverse flexible workforce which better reflects the community it serves can enhance performance and understanding of these diverse communities and improve our services to those communities.

Under the Equality Act 2010, Public Sector organisations are expected to use this understanding to demonstrate 'due regard' to the Public Sector Equality Duty (PSED) to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by, or under, the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The aim of the PSED is to embed equality considerations into the day to day work of public authorities so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality duty covers the following protected characteristics: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief, Sex and Sexual orientation.

The duty applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Fire and Rescue Service Equality Framework (FRSEF) provides a structured approach to best practice EDI nationally and we are benchmarking ourselves against this framework.

## **Executive Summary**

The Authority is subject to the specific duties as laid out in the Equality Act (Specific Duties) Regulations 2011. This is in addition to the general equality duty as laid out in the Equality Act 2010. These duties together are commonly known as the Public Sector Equality Duty (PSED), the aim of which is to ensure that fairness is at the heart of public bodies' work and that public services meet the needs of different groups.

The PSED requires public bodies to publish, at least annually, data on equality in the workforce and to set objectives to further one or more of the aims set out in the general equality duty. This paper aims to comply with this duty by publishing the data and to update on the progress of our Equality, Diversity and Inclusion (EDI) objectives set in 2016.

The Authority approved the four yearly objectives at the Fire Authority Meeting of 8 June 2016. The main aim of year one has been to improve our data and planning and to put in place the infrastructure to support and embed EDI in to all management practices. Progress against the objectives is reported via the normal internal governance boards. In January 2017 the way forward was determined; the main decisions taken were:

The Performance Management Board (PMB) are monitoring the progress of the Authority's EDI Objectives and progress towards achieving 'Excellent' status in the Fire and Rescue Services Equality Framework (FRSEF) six monthly and onwards annually to the Strategic Management Board (SMB) and Fire Authority (CFA). A key aspect of this is that our performance management tool 'Viper' is in the final stages of development to capture evidence towards meeting the various organisation wide elements of the FRSEF. This evidence will then be used for audit and future inspection purposes.

To ensure that there is stakeholder scrutiny an EDI Advisory Group has been set up and convened. This group has direct access to Strategic Management Board (SMB) members and therefore have real voice and influence in EDI for the organisation.

The Advisory Group is made up of people with particular interest and understanding and supports and promotes inclusion and employee engagement within Buckinghamshire Fire and Rescue Service. The group and its members are liaising with all colleagues to develop a working environment where individual diversity is valued, creating an inclusive workplace free from discrimination. The group and its members support delivery of the Authority's agreed objectives in Equality and Diversity and Inclusion (EDI).

EDI remains on the agenda for every meeting of the Joint Consultation Forum attended by all representative bodies and continue to be a key aspect of all Authority reports.

**Annex B** displays the workforce diversity in the form of charts and tables in comparison to the 2011 census data for the population of Buckinghamshire and Milton Keynes.

This report contains an update on the key internal performance areas as follows: Workforce Strategy, Workforce Monitoring, Equality Analysis/Impact assessment, Employee Engagement, Promoting an Inclusive Working Environment, Equal Pay, Anti- Harassment and Bullying, Appraisal and Training Learning and Development.

The report also contains an update on the key external performance areas working with our Communities as follows:

Knowing Communities, Involving Communities, Responsive Services and Customer Care.

For the purpose of consistency this paper follows the same structure and headings as the paper submitted to the Fire Authority on 8 June 2016 entitled **Equality and Diversity (E&D) Objectives 2016-20, Public Sector Equality Duty and Review of 2012 -16 Objectives** and this paper should be read for background.

### **Workforce Diversity**

In order to comply with the PSED, following the Fire Authority meeting, the intention is to publish the information contained in **Annex B**.

The latest public data available is from the Buckinghamshire County Council and Milton Keynes Council Census Profiles from 2011. The charts in **Annex B** provide a comparison of the diversity within Buckinghamshire and Milton Keynes Fire Authority (BMKFA) in August 2017 to the census data of the communities it serves within Buckinghamshire and Milton Keynes. The key aspects in the comparison are highlighted below:

### **Ethnicity census data compared to BMKFA employees (Annex B, Charts 1 & 5)**

Proportionally Black and Minority Ethnic (BME) employees remain under-represented within BMKFA compared to the population ethnicity of both Milton Keynes and Buckinghamshire.

Black and ethnic minority community employees are under-represented within Support employees, On Call and Whole-time employees.

There is no significant change in the number of BME's employed. More work is being undertaken to tackle this with a new recruitment plan, the EDI Advisory Group BME action sub group and the work of the National Joint Council for Fire and Rescue Services Inclusive Fire Services Group planned national diversity marketing campaign are aimed to reach out to help with improving this.

### **Age census data compared to BMKFA employees (Annex B, Charts 2 & 6)**

86 per cent of BMKFA employees are between 30 and 59 years of age in comparison to 43 per cent of the Milton Keynes population and less for Buckinghamshire.

Under 30 year olds are under-represented within Support employees, On Call and Whole-time employees.

The recruitment of 22 new Apprentices are all under 29 years, this bodes well for changes in the age profile of Buckinghamshire Fire and Rescue Service (BFRS) when they begin filling any vacancies that arise in future.

### **Religion and belief (Annex B, Chart 3 & 7)**

The predominant religion in both Buckinghamshire (60 per cent) and Milton Keynes (52 per cent) is Christian.

'Other religions' Muslim: Milton Keynes (4.8 per cent) and Buckinghamshire (5.1 percent). Hindu: Milton Keynes (2.8 per cent) and Buckinghamshire (1.2 per cent).

The number of unknowns and no religion (58 per cent) within the workforce data makes objective setting problematic in this area. Again, as part of phase 2 of the implementation of the new HR Information system efforts will be made to encourage those that have not declared to do so.

### **Gender census data compared to BMKFA employees (Annex B, Chart 4 & 8)**

Our workforce now has 2 per cent more females than a year ago (17 per cent in 2016; 15 per cent in 2016) compared with 49 and 51 per cent of Milton Keynes and Buckinghamshire respectively.

Females account for 56 per cent of Support employees, remaining the same as 2016.

Females are still under represented within On Call employees (6.8 per cent) and Whole-time employees (3.4 per cent). However, there has been a .5 per cent increase in female Whole time staff and a 4 per cent increase in female On Call staff.

### **Sexual orientation and gender reassignment**

Data around sexual orientation (heterosexual, lesbian, gay, bisexual) and gender reassignment was not collected as part of the Census 2011. However, there are a number of national pieces of research which can help understand potential population statistics:

The Integrated Household Survey data collected from January 2012 – December 2012 indicated that 1.1 per cent of those that were surveyed identified themselves as Gay or Lesbian with 0.4 per cent as Bisexual.

GIRES (the Gender Identity Research and Education Society) puts the number of people living with some form of 'gender variance' in the UK as approximately 13 per cent.

Many employees at BMKFA have not provided equality information which has resulted in a high percentage of unknowns. However as part of phase 2 of the implementation of the new HR Information system efforts will be made to encourage those that have not declared to do so confidentially.

### **People Strategy**

Our aim is to maintain a skilled and committed workforce and to have a diversity of employees to more closely reflect the diverse communities we serve.

Our overall strategic objective is to employ the best people. We will do this by:

- Recruiting, engaging and retaining the most high-performing, highly motivated people regardless of race, age, sex, gender, disability, sexual orientation, gender reassignment, pregnancy/maternity and marriage/civil partnership.
- Aiming, over time, to employ a workforce that is more representative of the County's working-age population.

We recognise much more is needed to attract women and Black and Minority Ethnic (BME) employees into our service so station based employees have commenced a pilot project in Milton Keynes to engage these communities to promote the service as an employer of choice. The learns from this project will be fed back through our engagement forums with an aim of spreading good practice throughout Milton Keynes and Buckinghamshire Fire and Rescue Service.

In support of our workforce strategy we are developing a Recruitment Plan with a particular priority to attract and retain a diverse workforce by encouraging and actively promoting employment applications from all groups in the community. As part of this plan our aims are as follows;

- Review recruitment and selection practices to attract and appoint from a diverse applicant pool, ensuring we reach candidates regardless of gender, ethnicity, sexual orientation, disability or socioeconomic background.

- Concentrate on improving community engagement, offering role models to positively market careers in the Fire service.
- Implement a modern recruitment process to allow easier access to information about the service, the roles available and a modern candidate experience, which reduces time and is efficient and cost effective.
- Improve our diversity data (declarations) across all parts of the existing workforce.

The responsibility for this work falls across the whole organisation, not with any single directorate. We will need to work together to achieve successful outcomes, and undertake new initiatives to achieve different results.

Achieving diversity at senior levels is generally more challenging than sourcing diverse candidates for less senior positions. This highlights the importance of creating a talent pipeline which is inclusive.

Our local strategy is supported by national initiatives which we are fully engaged with. Example initiatives such as the National Fire and Rescue Service People Strategy is being finalised with the full input of our People and Organisational Development Director and the National Joint Council for Fire and Rescue Services. Inclusive fire service initiative has been supported and contributed to fully with the local Fire Bridges Union and our Equality Lead participation.

### **Workforce Monitoring**

A data cleansing exercise is part of the introduction of Phase 2 of the HR System in 2017 and this will happen in conjunction with an employee census. It is expected to result in a number of changes to equality self-declarations.

We understand that we have a duty under the Equality Act and PSED to monitor our workforce. To do this effectively we plan to develop and improve monitoring systems for race, gender (including sex, marital status and gender reassignment), age, disability, sexuality and religion or belief.

In order to meet our legislative requirements and ensure that no group is disadvantaged in applying and undertaking employment, we currently monitor:

- Recruitment and selection
- Numbers of employees in post
- Training
- Promotions
- Harassment and discrimination complaints and other grievances
- Disciplinary proceedings
- Starters and leavers
- Performance management

Our new Human Resources information System will enhance our reporting capabilities in this area in 2018.

### **Equality Analysis/Impact assessment**

People Impact Assessment (PIA) are an essential criteria (i.e. added to meeting paper template) for all papers submitted to management board meetings.

A PIA is a systemic way of finding out whether any of the Authority's policy, procedure or activities, or proposed policy, procedure or activities affects different groups of people in different ways.

PIAs look at both service delivery and workforce matters and will be undertaken for:

- Services we provide
- Policy we implement
- Strategy we write
- Procedure we follow

The aim of the PIA process is to ensure that any negative consequences for a particular group or sector of the community are identified early and eliminated, minimised or counterbalanced by other measures.

Impact assessments can also be used to establish good practices as a result of positive consequences and can be the starting point for establishing equality objectives and measures.

Our target is to achieve 100 per cent PIA compliance for change programmes, management board papers and procedural implementation or amendment. We have updated the PIA procedure as required to reflect up to date best practice and this will be held under review. We are currently setting up monitoring procedures and to review this area and action as required.

### **Employee Engagement**

We carry out on going communication and consultation with employee groups and Trade Union representatives. We will use the views and experiences of employees and respond sensitively to employees needs and to inform policy development.

We actively oppose all forms of discrimination in the workplace and seek to promote best practice initiatives wherever possible.

Engagement with the trade unions occurs on a regular basis via informal meetings and discussions and more formal meetings including the Joint Consultation Forum. EDI is a standing item at the Joint Consultation Forum and

Trade unions and Employee Representatives are regularly consulted on new and updated policies and projects and engaged in equality analysis.

We are undertaking an Employee Engagement and culture Survey in September 2017, the results of which will be examined and initiatives developed based on the findings.

### **Promoting an Inclusive Working Environment**

Our Code of Conduct clearly sets out Buckinghamshire & Milton Keynes Fire Authority's required standards as a publicly accountable body which manages Buckinghamshire & Milton Keynes Fire and Rescue Service on behalf of the communities it serves.

The Authority aims to;

- Ensure that all employees are aware of the vision, values and behaviours expected within the workplace;
- Improve the Authority's performance through building the skills of a diverse workforce that reflect the community;
- Ensure employees have an understanding of how the Service operates, in order to be as effective as possible within their role.

We aim to provide a safe and accessible working environment that values and respects the identity and culture of each person. We insist on a culture and working environment that is free from discrimination, harassment and violence.

We challenge behaviours that are not consistent with the Authority's values and take appropriate action in line with internal procedures, such as the Anti-Bullying and Harassment Procedure when inappropriate behaviours are identified. Analysis of Grievance and Discipline cases that arise are reported to the Performance Management Board routinely.

We are promoting EDI by recognising exceptional contribution to positive values as a category award for employees in the annual SAFE Awards process.

We have set up an EDI Advisory Group chaired by Lynne Swift, Director of People and Organisational Development and attended by Councillor Steven Lambert, Lead Member for People and Equality and Diversity. The EDI Group is made up of a balance inclusivity with members who have an active interest in EDI. The group's terms of reference include challenging the Authority to strive for future improvements in EDI and developing networks to enable the sharing of best practice.

It is early days for the EDI Group, having three meetings so far however a number of priorities have been identified for the group:

- Cultural survey – communication, implementation and outcomes.

- Improve Networks to increase awareness of the diversity needs of the communities we serve.
- Recruitment and induction – Increasing the number of Females and BME's employed and ensuring an inclusive culture.

Positive outcomes arising from the EDI Group include improvements in LGBT Networking and events and consensus on Service priorities and BME promotional activities mentioned earlier in the paper.

The EDI Lead for BFRS also represents all three of the Thames Valley Fire and Rescue Services at the National Fire Chiefs Council EDI Professionals Group where best practice EDI is discussed and initiatives undertaken. These learns and the associated support is available to the BFRS EDI Advisory Group such as the networks of other Fire and Rescue Services and best practice support materials that have been developed by the group of EDI professionals.

### **Ageing Workforce**

Our new physical fitness testing procedure has become embedded throughout the service and this provides support to maintain fitness in all workers along with new gym equipment and physical training time. Supporting injured employees with arranged Physiotherapy is proving helpful in maintaining the operational availability of firefighters.

Through more developed stress audits, risk assessments and wellness action plans this year we have focussed on psychological wellbeing. A key focus has been to mitigate the impact of our employee's exposure to traumatic events through Critical Incident Stress Debriefing and support with funded specialist counselling through our Employee Assistance Programme. A key aspect of our new Occupational Health contract contains mental wellbeing initiatives being implemented during 2017.

We have set up a focus group to examine and implement support through the menopause, particularly for operational employees.

Our policies and procedures support employees with responsibilities for both children and elderly parents with increased flexible working arrangements.

We will consider the outcomes of ageing workforce research which will shape the content of future policies and procedures.

### **Developing and engaging younger employees.**

Having an ageing operational workforce is an emerging concept for us, as traditionally firefighters and officers have been financially tied to leave the Service after 30 years. The introduction of an Authority wide Apprenticeship Scheme has led to the recruitment of 22 Apprentices. The age profile of these are all below 30 years. This bodes well for the talent pipeline as vacancies arise in the future.

## **Equal Pay**

An Equal Pay Audit of support employees was completed in 2013. The outcome was not a risk to the Authority. We will publish the gender pay gap reporting requirements within BMKFA in line with the outcome of the Government Equality Office, Consultation on Mandatory Gender Pay Gap Reporting for the public sector. It is planned to carry out a pilot on the new legislation and prepare a draft report in December 2017, so that any issues can be identified in advance of the requirement to publish from April 2018.

The support staff pay and grading system is also currently under review, in line with best practice as it has been three years since its introduction. This will include examination to ensure that it is equality compliant.

## **Harassment and Bullying**

We have embedded Anti-Bullying and Harassment, Whistleblowing and Code of Conduct procedures which set out how to deal with grievances and discipline cases that may arise from time to time.

We monitor cases relating to the Discipline, Dignity at Work and Grievance procedures to ensure that the full abilities and attributes of all employees are recognised based on their competence, not who they are and to ensure that we tackle discrimination and inequality. The Authority's policies and procedures make it clear that discrimination is totally unacceptable and must be eliminated.

## **Appraisal**

To develop and support employees, recognise achievement and as part of the process, encourage them to become role models across the organisation, all employees are required to undergo an annual appraisal where their commitment to E&D is an essential element. The appraisal process contains an evaluation to ensure employees are delivering an improvement on equality and diversity, based on individual annual performance reviews. Individual and specific EDI objectives are now a requirement for all employees and we expect to see positive results when end of year reviews take place in Quarter 4 2017/18.

## **Training Learning and Development**

Our approach is to mainstream equality and diversity issues into all training programmes, including management development activities. For employees undertaking reviews and impact assessments of policies, specific training and support will be offered.

Current training programmes include:

- A range of self-managed E learning resources such as workbook and computer-based learning resources and the testing of knowledge following the use of such resources.

- Unconscious bias workshops for the leadership group delivered by Adrian Thomas who is the author of The Independent Review of Conditions of Service for Fire and Rescue staff, published in November 2016.
- Interview training for HR staff including unconscious bias awareness.

We strive to eliminate all forms of discrimination taking place during any development opportunity and:

- Ensure that any alternative access needs are identified before the individual arrives for training.
- Ensure that training material does not contain any biased assumptions.
- Ensure that language used is not racist, sexist, homophobic, or offensive to anybody.
- Take responsibility to positively promote equal opportunities in all situations.
- Provide alternative language training materials if appropriate.
- Challenge discriminatory language or behaviour during training events.
- Implement any reasonable adjustments required through the identification and assessment of disability.

All training courses are evaluated using feedback from attendees, and this is used to inform future training and development programmes.

The start and finish times of courses are selected to enable the fullest amount of training to take place in the time available. We appreciate the course programme times can sometimes cause problems for participants, particularly those with care responsibilities. We will however provide advance notice of course arrangements to allow employees to make alternative plans for the duration of the course.

We ensure all line managers complete performance management training in appropriate procedures and best practice in; Discipline, Anti Bullying and Harassment, Grievance and Capability.

## **Working with our Communities**

### **Knowing communities**

We are increasing our understanding of our communities and use this knowledge to inform our decision making, strategy and procedures.

We are building the necessary infrastructure to help us identify where we can best deliver services to improve inequalities and mitigate risk from fire. On a routine basis we are increasingly sharing data with partners to improve general and specific knowledge gaps across the communities. All of this is aimed at supporting local delivery of appropriate services to the most vulnerable people.

The tragic Grenfell Tower incident has forced us to question how well we know our communities and how well we balance the enforcement of fire safety legislation whilst supporting businesses which want our support and guidance.

'Knowing your communities' includes three elements within the framework. These are:

- *Collecting information*  
We have been collecting data from Home Fire Risk Checks, operational incidents and other initiatives which helps understand our communities and their needs. We are developing a new database which will enable the Service to store all relevant information in one place so trend analysis will be much more straight-forward.  
To improve our support for businesses we have purchased a commercial database which gives us far greater data on all commercial premises within Buckinghamshire and Milton Keynes. This allows us to create a more informed risk assessed approach on how best to support businesses; whether that might be delivering advice and guidance or targeting where best to ensure compliance through enforcement processes.
- *Analysing and using information*  
The information we have gathered is used to target our resources most in need of our support. The Home Fire Risk Check approach has enabled the Service to improve the fire safety of thousands of households but now we need to access those people who would not actively request our help. We appreciate that we can help beyond delivering fire safety advice; to support those at risks and our partners we have developed a Safe & Well visit which will identify those at risk from falls, those with unhealthy living choices and also those carers who may need support. Although these areas are not traditionally core fire service work areas, we appreciate that these factors can increase an individual's risk from fire, whilst supporting partners in achieving wider community safety objectives. As we progress we will be able to analyse more data to inform and develop our processes.
- *Sharing information between partners*  
We know that vulnerability to fire comprises a number of complex and inter-connected factors e.g. social isolation, smoking, use of alcohol and drugs, mobility, etc. and whilst we hold a great deal of information, we need to share information with partners to gain as full a picture as possible. This is a reciprocal process where the information we share with others helps ameliorate wider health inequalities. The Safe & Well visits will enable us to share information with partners. As this process grows and our crews become more skilled in its delivery, we will look to expand into other causes of health inequality, where there is a demonstrable link back to increased risk from fire. We are working closely with partners to ensure we are not setting unrealistic expectations for the communities,

our staff or partner organisations. Working with partners to prevent people falling in their homes has led to further discussions around how the fire service might best support other areas e.g. consideration for the fire service to conduct home visits so patients can be discharged from hospital earlier than might otherwise be the case.

### **Involving communities**

We appreciate that in the past we delivered services to the communities without always asking for their views or their feedback. We are developing processes and links to ensure that the views of our communities are considered throughout our service delivery. Service users are represented on the Bucks Safeguarding Adults Board and we host their meetings on fire service premises. This allows our teams to interact with service users and establish how best we can play our part in supporting them.

We have positioned ourselves to work with partners and involve the public to help us understand community needs and the best methods for service delivery. The Fire Service is a trusted 'brand' and this allows us privileged access to our communities and we accept that we have to maximize these opportunities, to mitigate fire risk as well as support our partners in the wider public sector.

'Community engagement and satisfaction' comprises three main elements within the framework:

- *Engagement structures*  
We are developing appropriate methods to capture the views of the public. Whilst we have always gained feedback through surveys and 'after the fire' questionnaires, we have never established ongoing discussions with the public. We are creating a framework to support this approach in Milton Keynes, working with MK Community Action and the Open University. We want to be able to demonstrably evaluate levels of community engagement currently and measure progress over time. The 'Blue Light Hub' presents an excellent opportunity to measure community engagement and allows us to consider how best we can engage in an ongoing basis. We have recognised this and are starting to capture data and information now to create a 'base level'.
- *Effective engagement*  
We ensure communities are actively participating in and influencing decision making. We have worked with Bucks Community Impact to deliver a 'Handy Helper' scheme, supporting people to live well in their own homes. We will use this as a trial to see if the scheme could prosper elsewhere and use the opportunity to engage with communities on how the fire service can best support them. We have hosted meetings for the young people who act as representatives on the MK Safeguarding Children's Board and listened to their views.

- *Participation in public life*  
We are starting to ensure people feel they have been listened to. We are delivering programmes with people and not merely delivering them to people. This area is a priority for the Prevention team and we are creating a structure and processes to gather the feedback from the various projects we are involved with across Buckinghamshire and Milton Keynes.

### **Responsive services and customer care**

We appreciate that communities and their needs are dynamic and we know that we need to have a flexible approach mixing short, medium and long-term objectives. The tragic fire at Grenfell Tower has brought this issue into sharp focus; we need to better understand how to best support our varied communities.

We feel we always treat our communities with dignity and respect and we are establishing methods to ensure this is actually the case. Our station based employees are key in building positive and pro-active relationships with our communities and our partners so that lessons learned can be fed back into the organisation. It is for this reason that station open days now involve our partners. These are opportunities for us to engage differently with our communities.

'Responsive services and customer care' within the framework comprises the following main elements:

- *Equality analysis/impact assessment*  
In delivering the Safe & Well visits we will gather information on the people we visit to ensure we support all communities equally, dependent on their level of risk. The targeting approach takes account of actual fire data so we can match our interventions to those people most at risk. We are developing a database which will capture ethnicity data for the first time.
- *Integration into business planning and delivery*  
The use of integrated impact assessments will ensure that our planning and delivery have considered and evaluated equality issues before we start a programme. This is a cultural change for an organisation which traditionally focused more on delivery rather than evaluating demonstrable outcomes.
- *Accessible services*  
In the past we have delivered services to the public, whereas in the future we will listen so that communities can better access our services in ways that better suit their needs. Our youth intervention programmes mean that by working with schools and colleges, young people who would never

have previously attended fire service courses will do so. The intention is that this will lead to those people accessing further programmes with us or appropriate programmes led by partner organisations.

- *Human rights*  
We work closely with our Information Manager to ensure we hold and share data appropriately and lawfully. We will only gather data that supports our approach and helps make communities safer.

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# Annex B - Equality and Diversity Data

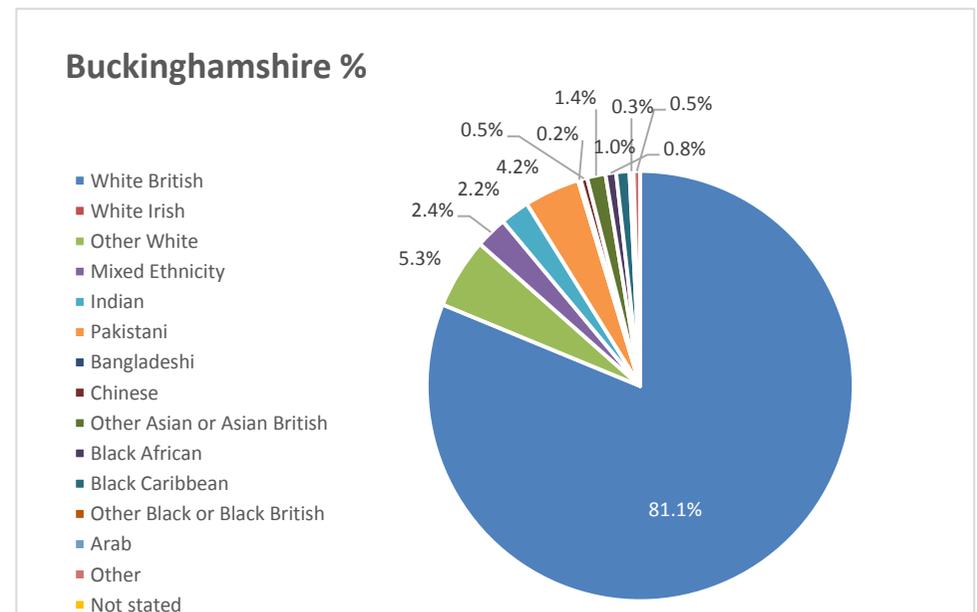
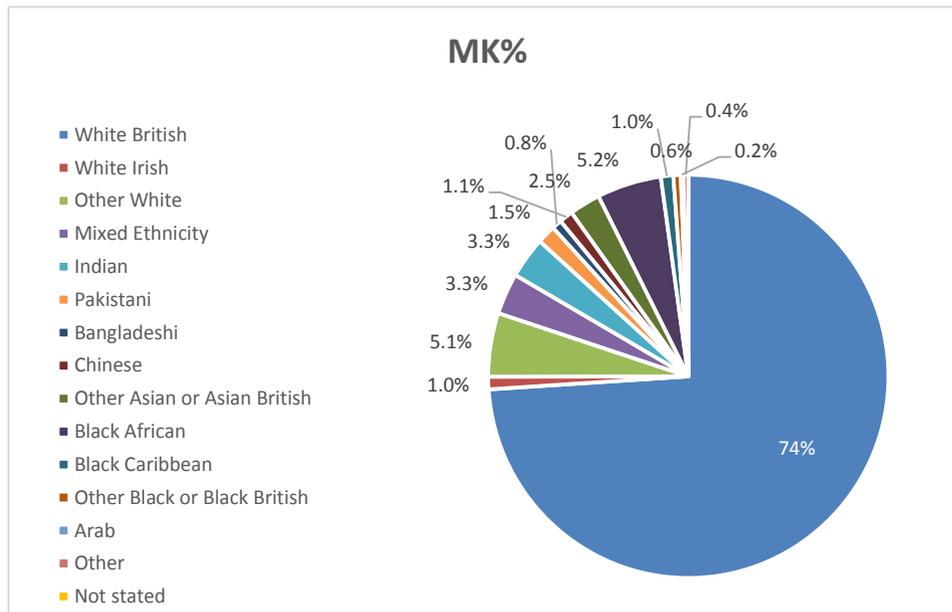
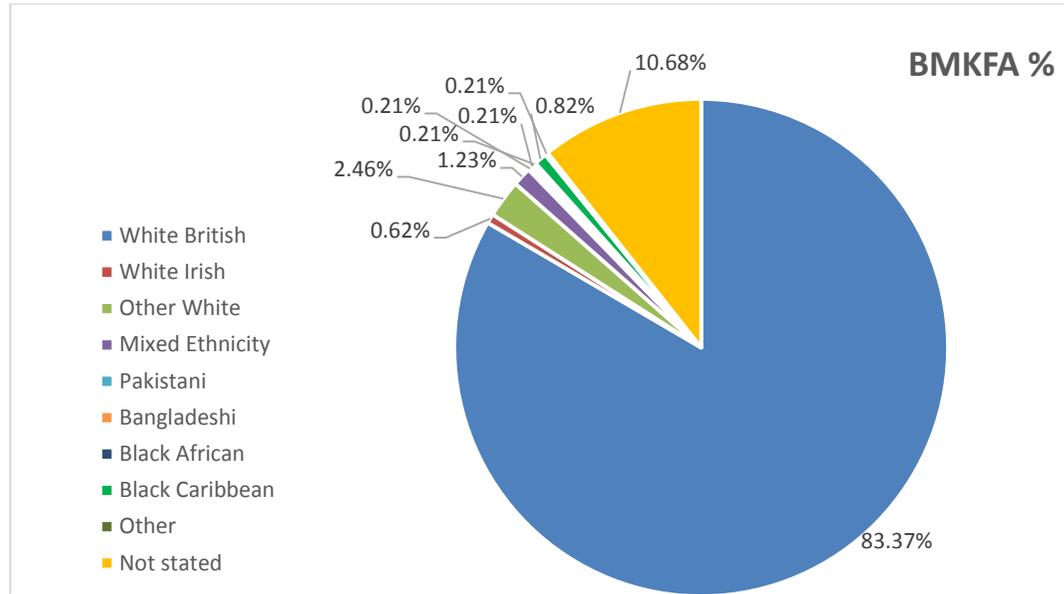


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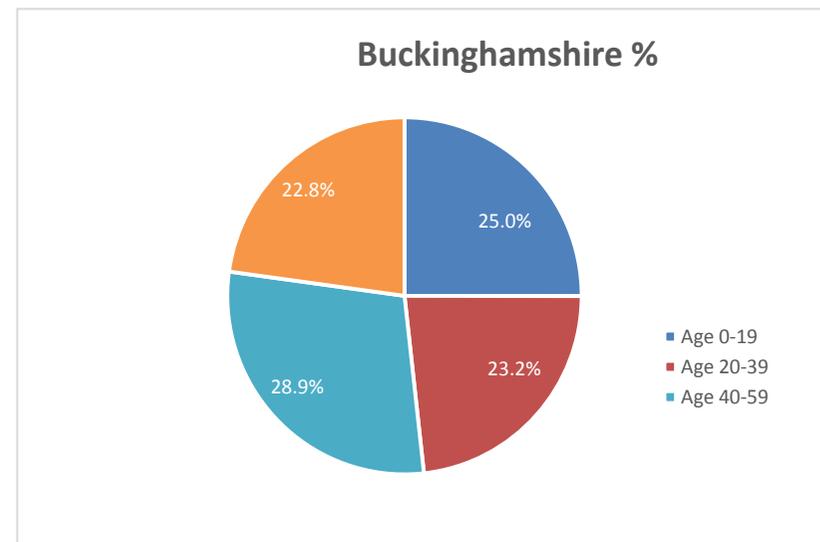
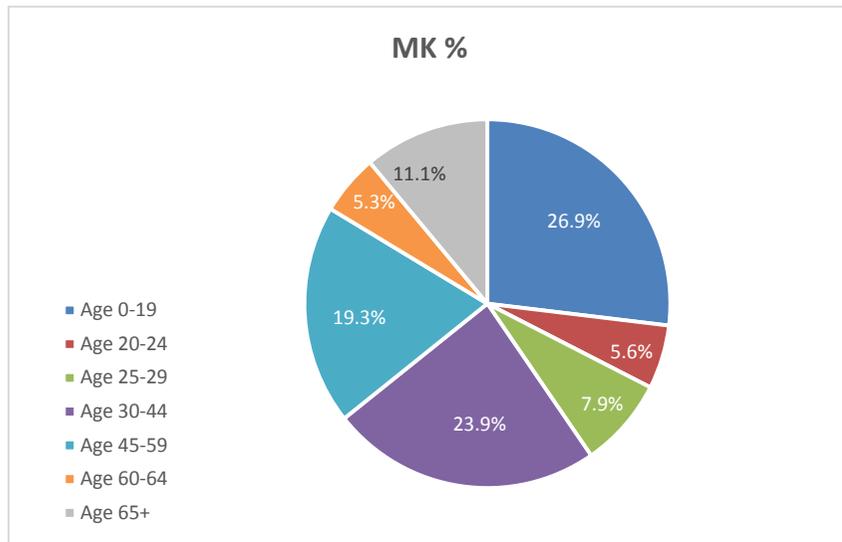
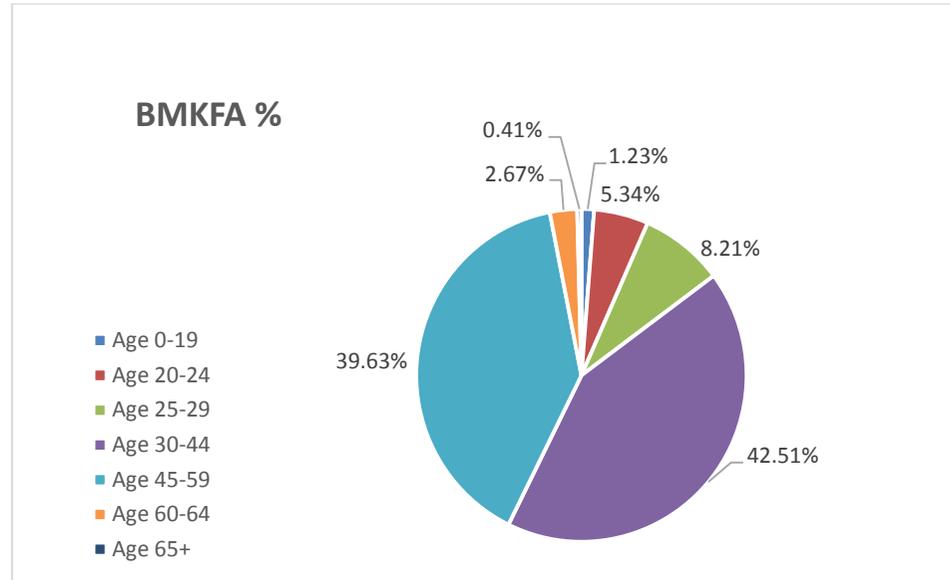
## **Buckinghamshire Fire and Rescue Service**

The Authority currently employs 496 people. Although we have experienced staff turnover mainly from planned retirements, since 2009 there has been a Wholtime Firefighter recruitment freeze, and a decline in the overall numbers of operational staff employed. The workforce has therefore been relatively static, and consequently it has been historically difficult to change the composition of the workforce in terms of diversity in order to reflect the communities serviced. The advent of Apprentices and more active recruitment across Wholtime and On Call now presents us with opportunities to begin to change the diverse make up of our workforce.

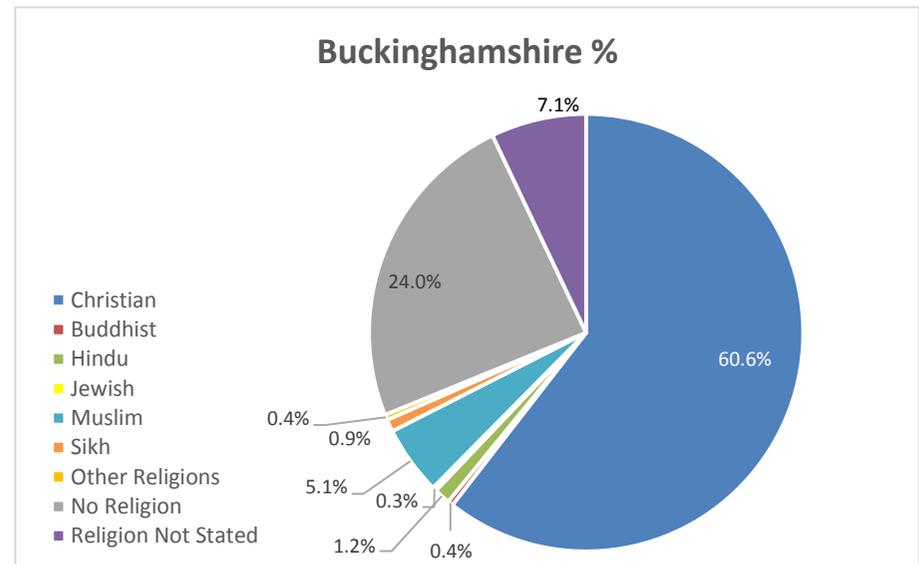
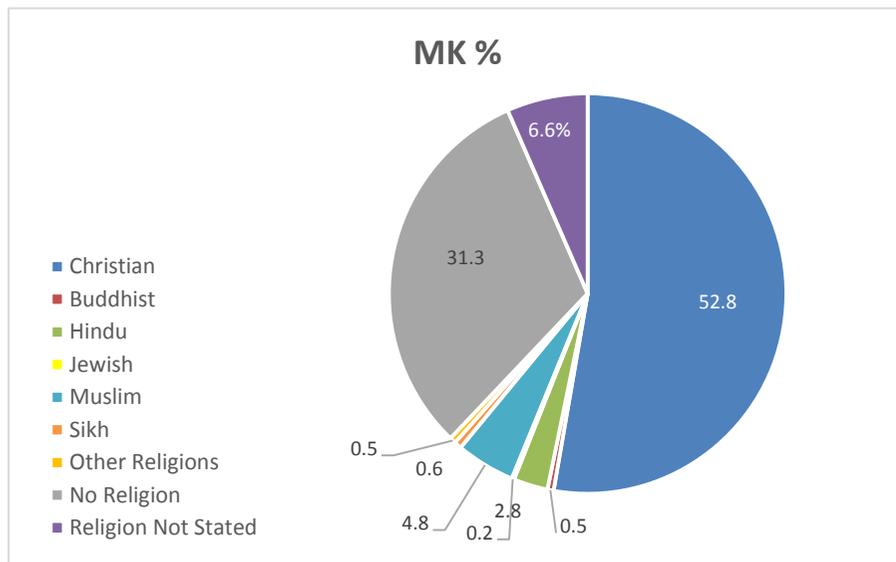
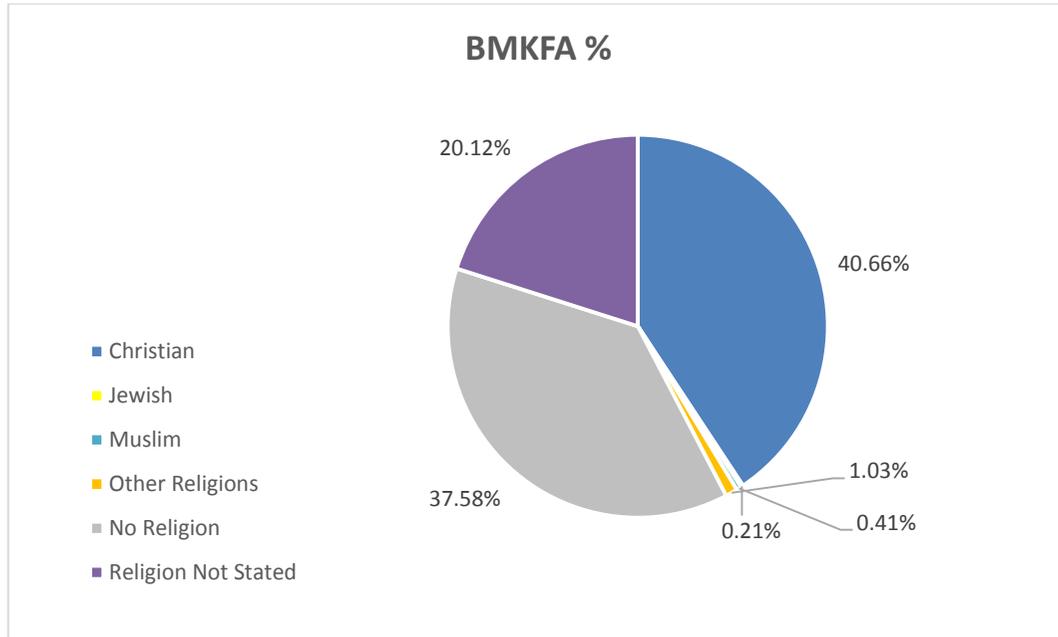
**Chart 1: Ethnicity compared to County**



**Chart 2: Age ranges compared to County**

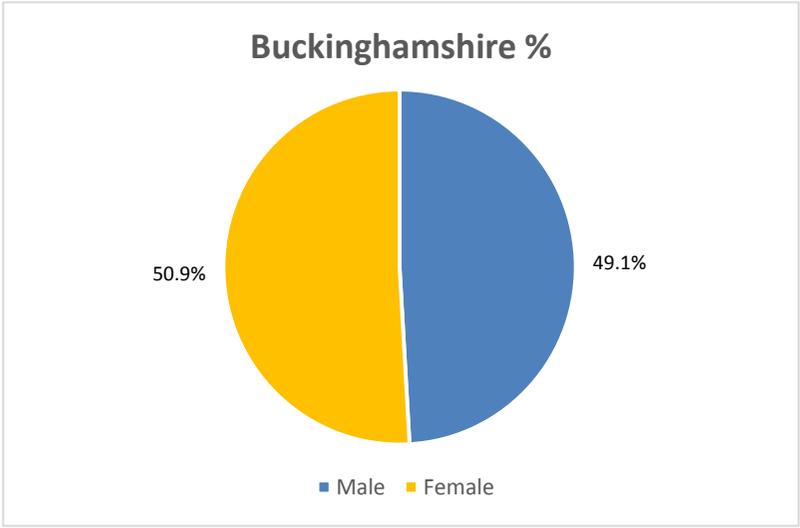
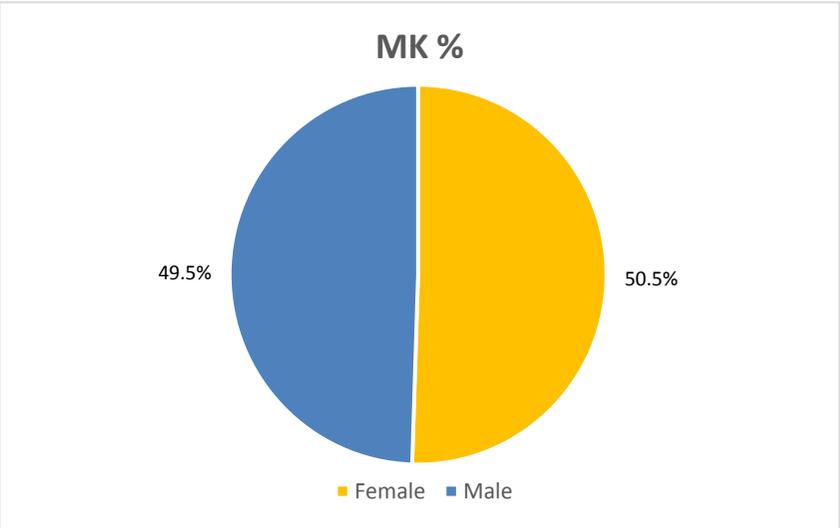
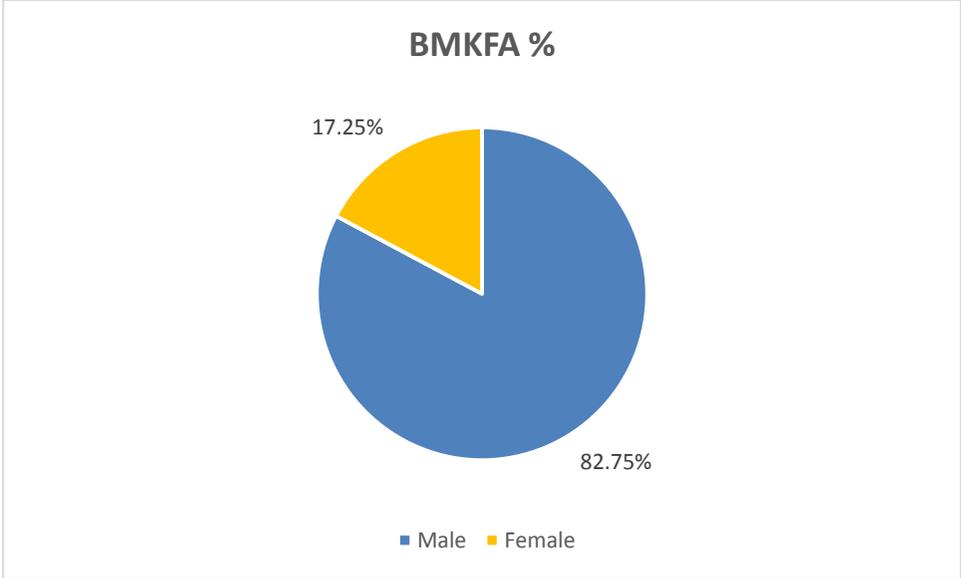


**Chart 3: Religious Denomination compared to County**



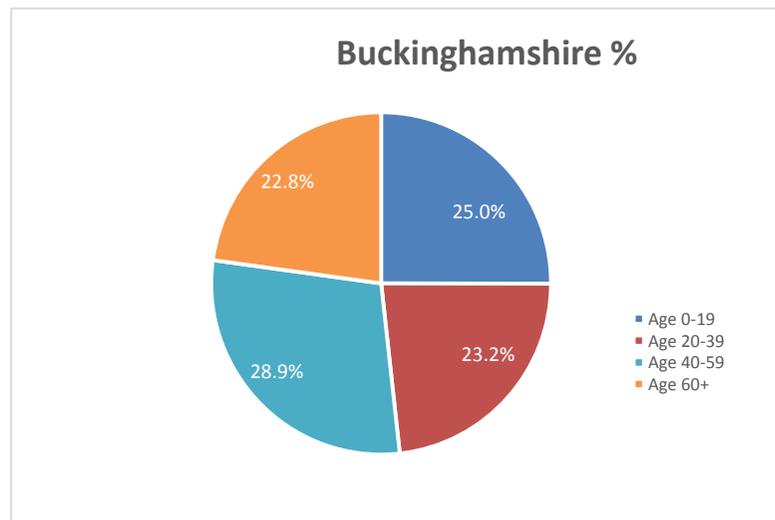
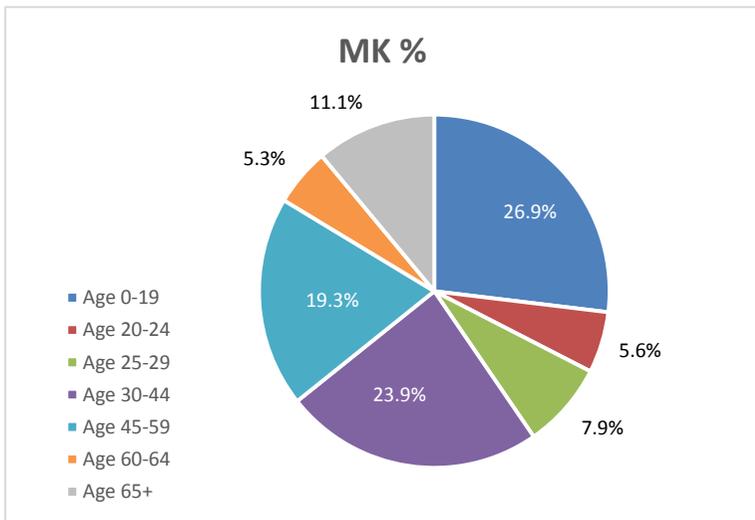
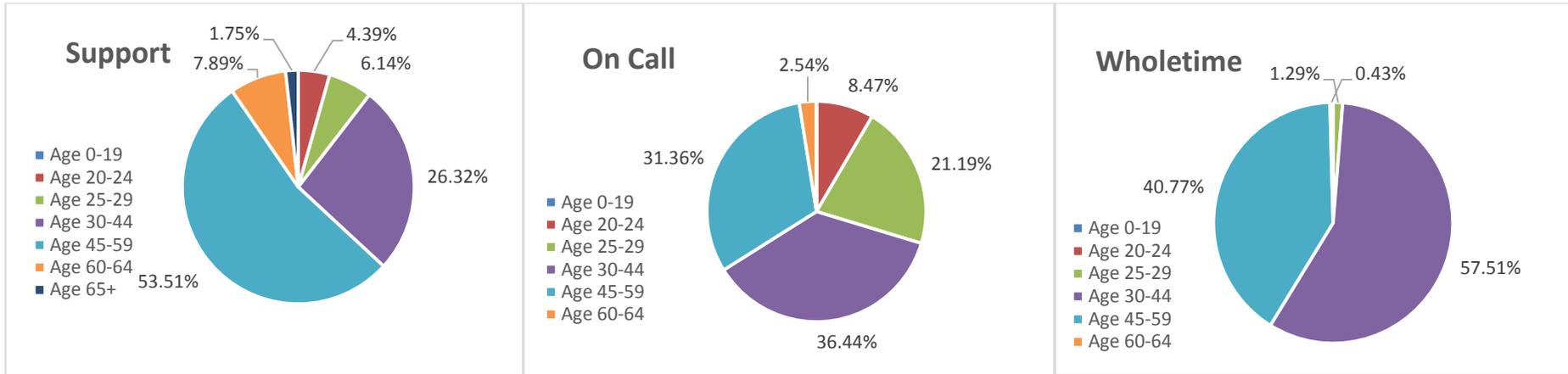
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**Chart 4: Gender compared to County**

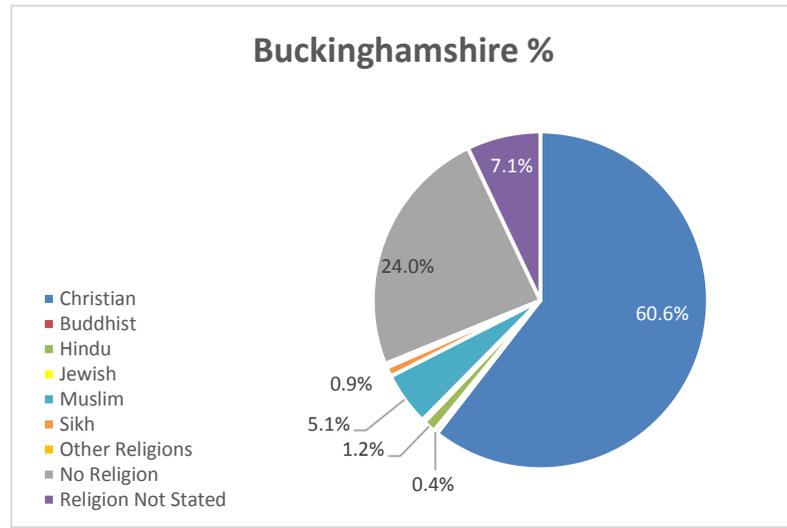
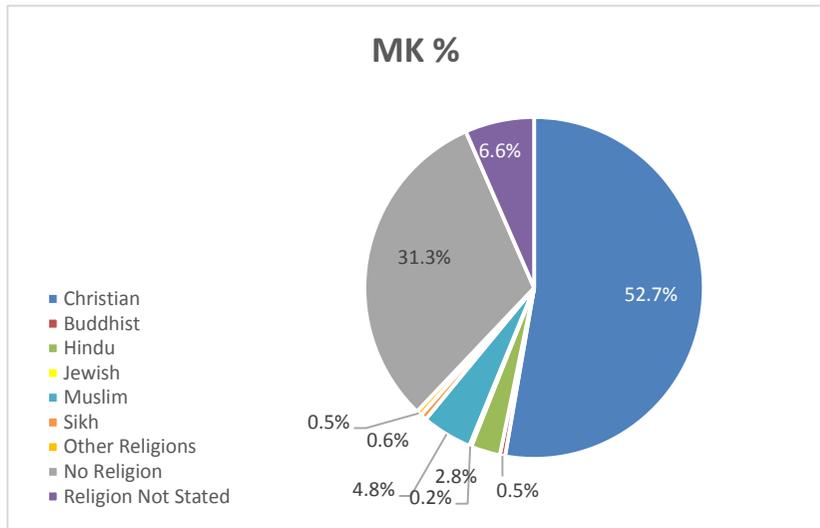
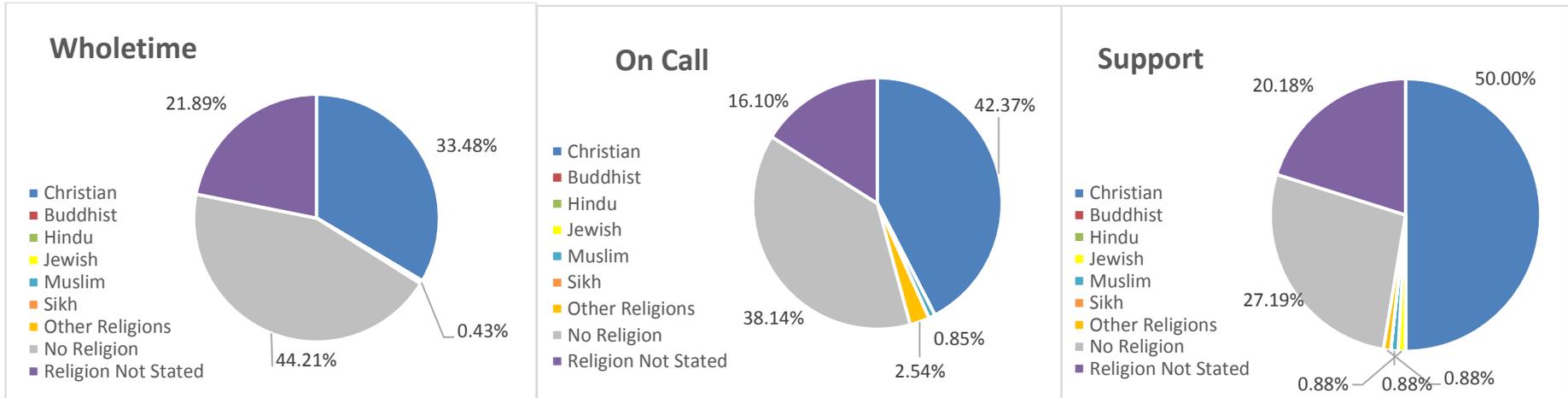




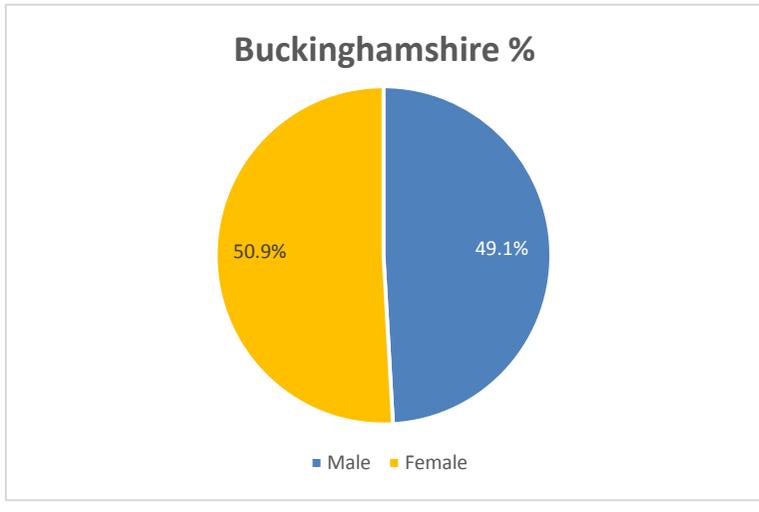
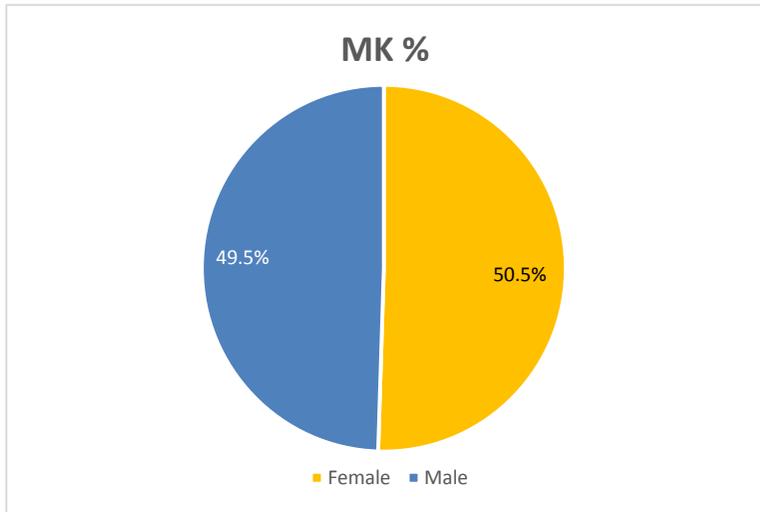
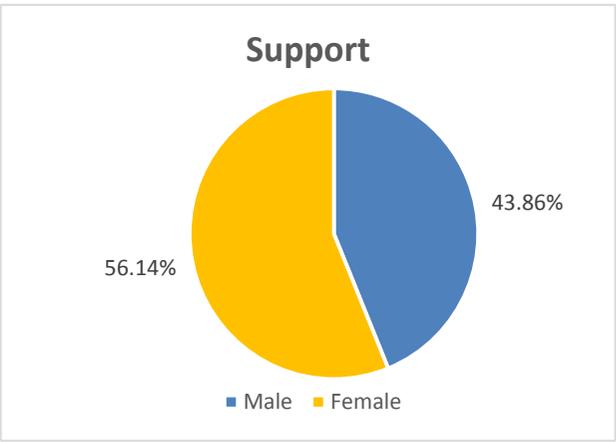
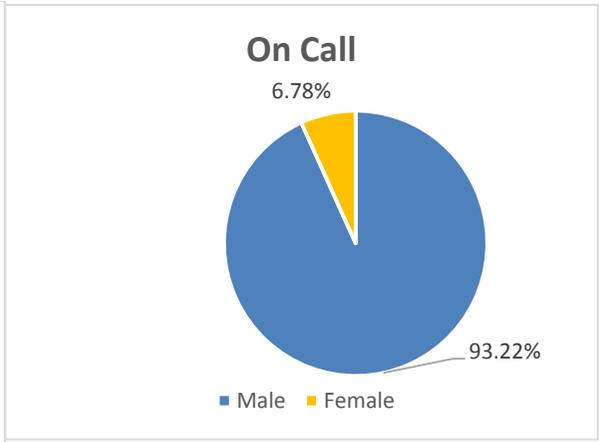
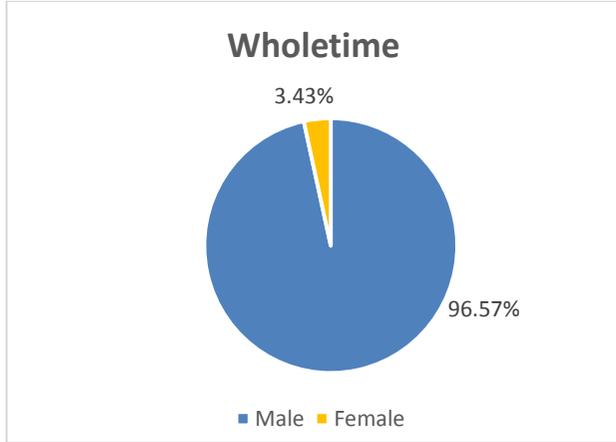
**Chart 6: Age ranges compared to County**



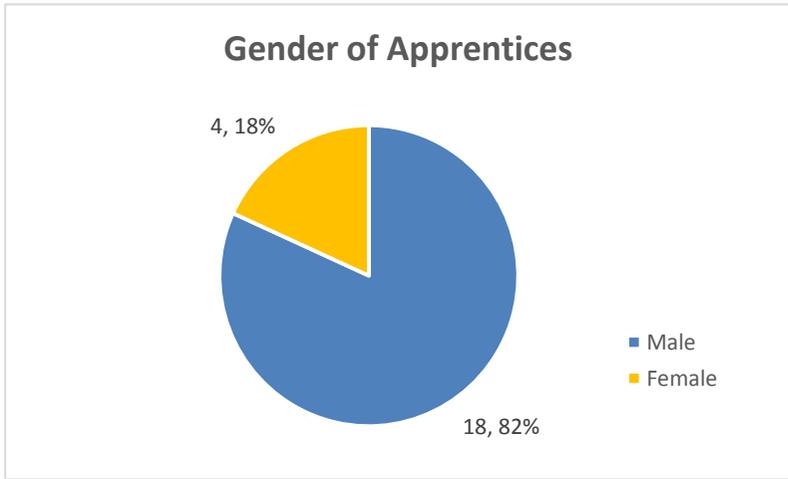
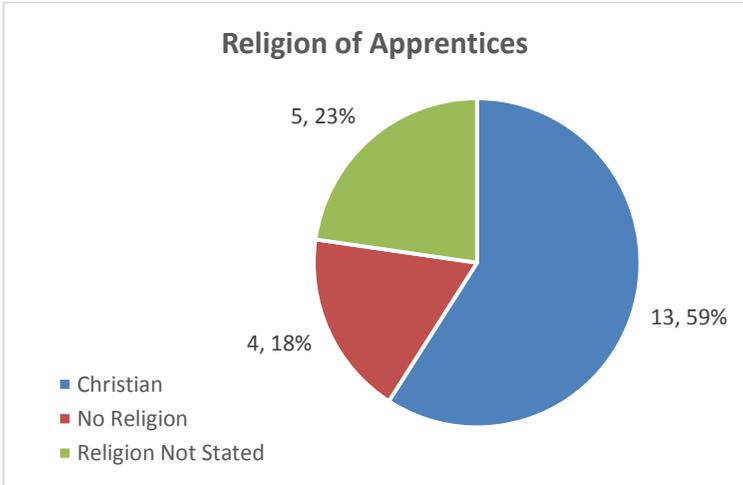
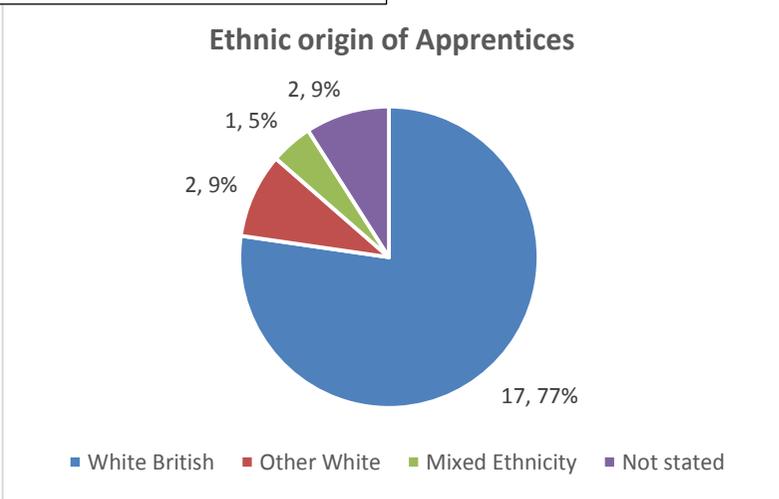
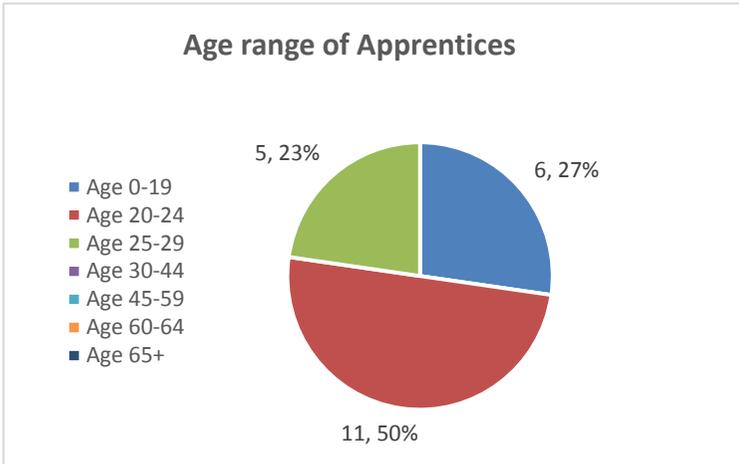
**Chart 7: Religious Denomination compared to County**



**Chart 8: Gender compared to County**



**Chart 9: Characteristics of Apprentices**



<b>Breakdown of BMKFA data</b>
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\* Less than 10

<b>Age</b>	<b>Wholetime</b>	<b>% of Wholetime</b>	<b>On Call</b>	<b>% of On Call</b>	<b>Support</b>	<b>% of Support</b>	<b>ALL BMKFA</b>	<b>%</b>
Age 0-19		0.0%		0.0%		0.0%		
Age 20-24		0.0%	12	9.3%	*	6.3%	19	3.8%
Age 25-29	*	3.5%	23	17.8%	*	5.4%	38	7.6%
Age 30-44	149	58.2%	53	41.1%	31	27.7%	233	46.9%
Age 45-59	97	37.9%	39	30.2%	59	52.7%	195	39.2%
Age 60-64	*	0.4%	*	1.6%	*	7.1%	11	2.2%
Age 65+		0.0%		0.0%	*	0.9%	*	0.2%

\* Less than 10

<b>Ethnic Origin</b>	<b>Wholetime</b>	<b>% of Wholetime</b>	<b>On Call</b>	<b>% of On call</b>	<b>Support</b>	<b>% of Support</b>	<b>ALL BMKFA</b>	<b>%</b>
White British	214	83.6%	108	83.7%	92	82.1%	414	83.3%
White Irish	*	1.2%	*	0.8%	*	0.9%	*	1.0%
Other White	*	0.8%	*	3.1%	*	3.6%	10	2.0%
Mixed Ethnicity	*	1.2%	*	0.8%	*	0.9%	*	1.0%
Indian		0.0%	*	0.8%		0.0%	*	0.2%
Pakistani		0.0%		0.0%	*	0.9%	*	0.2%
Bangladeshi		0.0%		0.0%		0.0%		0.0%
Chinese		0.0%		0.0%		0.0%		0.0%
Other Asian or Asian British		0.0%		0.0%		0.0%		0.0%
Black African		0.0%		0.0%	*	1.8%	*	0.4%

Annex B

<b>Ethnic Origin</b>	<b>Wholetime</b>	<b>% of Wholetime</b>	<b>On Call</b>	<b>% of On call</b>	<b>Support</b>	<b>% of Support</b>	<b>ALL BMKFA</b>	<b>%</b>
Other Black or Black British		0.0%		0.0%		0.0%		0.0%
Arab		0.0%		0.0%		0.0%		0.0%
Other		0.0%		0.0%	*	0.9%	*	0.2%
Not stated	32	12.5%	14	10.9%	*	8.0%	55	11.1%

\* Less than 10

<b>Religion</b>	<b>Wholetime</b>	<b>% of Wholetime</b>	<b>On Call</b>	<b>% of On Call</b>	<b>Support</b>	<b>% of Support</b>	<b>ALL BMKFA</b>	<b>%</b>
Christian	87	34.0%	58	45.0%	55	49.1%	200	40.2%
Buddhist		0.0%		0.0%		0.0%		0.0%
Hindu		0.0%		0.0%		0.0%		0.0%
Jewish		0.0%		0.0%		0.0%		0.0%
Muslim		0.0%		0.0%	*	0.9%	*	0.2%
Sikh		0.0%		0.0%		0.0%		0.0%
Other Religions	*	0.8%	*	1.6%		0.0%	*	0.8%
No Religion	107	41.8%	46	35.7%	32	28.6%	185	37.2%
Religion Not Stated	60	23.4%	23	17.8%	24	21.4%	107	21.5%

\* Less than 10

<b>Gender</b>	<b>Wholetime</b>	<b>% of Wholetime</b>	<b>On Call</b>	<b>% of On Call</b>	<b>Support</b>	<b>% of Support</b>	<b>ALL BMKFA</b>	<b>%</b>
Male	247	96.5%	125	96.9%	50	44.6%	422	84.9%
Female	*	3.5%	*	3.1%	62	55.4%	75	15.1%



## Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	18 October 2017
<b>OFFICER</b>	Lynne Swift, Director of People and Organisational Development
<b>LEAD MEMBER</b>	Councillor Steven Lambert
<b>SUBJECT OF THE REPORT</b>	<b>Scheme Manager Discretions for the Firefighters' Pension Scheme 2015</b>
<b>EXECUTIVE SUMMARY</b>	<p>The Authority runs five different pension arrangements; 1992 Firefighters' Pension Scheme, 2006 Firefighters' Pension Scheme, 2006 Modified Firefighters' Pension Scheme, 2015 Firefighters' Pension Scheme and the Local Government Pension Scheme. As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes (1992, 2006, 2006 Modified and 2015).</p> <p>The main Regulations (Statutory Instrument 2014 No.2848 Public Service Pensions) introduced a new Firefighters' Pension Scheme, effective from 1 April 2015 and laid before Parliament on 28 October 2014.</p> <p>The Firefighters' Pension Scheme Regulations 2014 set out fifty-two pension discretions available to the Authority to consider. <b>Appendix one</b> provides a position on all discretions applicable under the 2015 Firefighters' Pension Scheme and <b>Appendix two</b> details a proposed Scheme Manager Pension Discretions (FPS 2015) document based on the recommendations made in Appendix one.</p> <p>An immediate position was required on three pension discretions within the Firefighters' Pension Scheme (England) Regulations 2014 (Regulations 5, 17 and 111) and a report was presented at the Fire Authority on 10 June 2015. The agreed position on these discretions has not been amended. The remaining forty-nine pension discretions have been added to the Scheme Manager Pension Discretions document, therefore bringing together all the discretionary elements as contained within the Firefighters' Pension Scheme (England) Regulations 2014.</p>
<b>ACTION</b>	Decision.
<b>RECOMMENDATIONS</b>	That the forty-nine Scheme Manager Pension Discretions applicable to the 2015 Firefighters' Pension Scheme be approved and adopted with immediate

	effect.
<b>RISK MANAGEMENT</b>	<p><b>Regulations:</b> The Authority is required to have a position on the fifty-two pension discretions. By adopting a position on all discretions it will support future decision making.</p> <p>Agreeing a position on where and how to exercise discretion will be essential to managing any future risk.</p> <p>The majority of the pension discretions will be dealt with on a case by case basis and any financial implications will be addressed at the time by appropriate Committee prior to any approval.</p> <p><b>Administration:</b> The Scheme Manager Pension Discretions (FPS 2015) has been formulated using advice provided by the Authority's pension administrator and subject matter experts; West Yorkshire Pension Fund.</p> <p>Having a position on the fifty-two pension discretions is essential for sound administrative purposes and ensures a consistent approach on pension related matters.</p> <p><b>Consistency:</b> Where appropriate, consideration has been given to the pension discretions under the 1992 and 2006 Firefighters' Pension Schemes and the Local Government Pension Scheme. This is to ensure a consistent approach where appropriate.</p>
<b>FINANCIAL IMPLICATIONS</b>	There are no immediate financial implications to the Authority adopting the remaining forty-nine pension discretions applicable to the 2015 Firefighters' Pension Scheme. However, as cases arise in the future there may be financial implications which will be dealt with at the time and on a case by case basis.
<b>LEGAL IMPLICATIONS</b>	The Authority is required to have a position on the fifty-two pension discretions applicable to the 2015 Firefighters' Pension Scheme and will continue to comply with Scheme Regulations and other legislation relating to governance and administration of the Scheme along with The Pension Regulator's requirements.
<b>CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION</b>	The Authority collaborated with Royal Berkshire Fire Authority on the provision of a new pension administration service for the Firefighter Pension Schemes, effective April 2016. The Authority continues to collaborate with Royal Berkshire Fire Authority on pension related matters and recommendations within this report have been made in collaboration, and are in the main, the same as those pension discretions agreed by Royal Berkshire Fire Authority at its

	meeting on 18 April 2017.
<b>HEALTH AND SAFETY</b>	There are no health and safety implications arising from this report.
<b>EQUALITY AND DIVERSITY</b>	<p>The Authority is exercising their discretionary powers available under the Regulations and has acted with due prudence and propriety and considered the equality and diversity implications of applying the discretions.</p> <p>No direct equality implications arise from this report, however it should be noted that the application of rules within each pension Scheme may vary. For recommended discretions where 'case by case' applications apply an impact assessment will be completed as appropriate.</p>
<b>USE OF RESOURCES</b>	<p><b>Communication with stakeholders:</b> Stakeholder communication will remain a significant element of the successful implementation of the Firefighters' Pension Scheme 2015. Communication will be via the normal process.</p> <p><b>The system of internal control:</b> Regular reports will be provided to the Strategic Management Board, Executive Committee and Fire Authority as necessary. In addition, the Local Pension Board have a statutory responsibility to oversee the governance of the Firefighters' Pension Schemes.</p> <p>The Scheme Manager Discretion (FPS 2015) document will be monitored by Human Resources and will normally be reviewed every three years unless there is a need to review earlier due to Legislation or Pension Regulation changes. In addition an annual review will be undertaken to ascertain any impact on the Authority. Any issues will be raised with the appropriate Committee.</p> <p><b>The balance between spending and resources:</b> Adoption of the pension discretions will contribute to the Authority achieving its strategic aim to 'manage all our resources to provide the best value for the residents and businesses of the communities we serve' as it contributes to managing workforce size to achieve a balanced budget.</p>
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	<p><b>Background</b></p> <p>21 September 2016 Executive Committee paper; Pensions update:  <a href="http://bucksfire.gov.uk/files/1414/7879/2916/EXECUTIVE_COMMITTEE_AGENDA_231116_compressed.pdf">http://bucksfire.gov.uk/files/1414/7879/2916/EXECUTIVE_COMMITTEE_AGENDA_231116_compressed.pdf</a></p> <p>18 November 2015 Executive Committee paper; Pensions update:  <a href="http://bucksfire.gov.uk/files/4514/5529/0139/Executi">http://bucksfire.gov.uk/files/4514/5529/0139/Executi</a></p>

	<p><a href="#">ve Committee 181115.compressed.pdf</a></p> <p>10 June 2015 Fire Authority; Report on Scheme Manager Discretions for the Firefighters’ Pension Scheme 2015:</p> <p><a href="http://bucksfire.gov.uk/files/8314/5529/1579/Fire_Authority_AGM_10_June_2015.compressed.pdf">http://bucksfire.gov.uk/files/8314/5529/1579/Fire_Authority_AGM_10_June_2015.compressed.pdf</a></p> <p>The Firefighters’ Pension Scheme (England) Regulations 2014:</p> <p><a href="http://www.legislation.gov.uk/uksi/2014/2848/contents/made">http://www.legislation.gov.uk/uksi/2014/2848/contents/made</a></p> <p>Scheme Manager Discretions; The Firefighters’ Pension Scheme (England) Regulations 2014 SI 2014/2848:</p> <p><a href="https://www.ddfire.gov.uk/sites/default/files/attachments/Item%208%20Appendix%20A.pdf">https://www.ddfire.gov.uk/sites/default/files/attachments/Item%208%20Appendix%20A.pdf</a></p>
<b>APPENDICES</b>	<p><b>Appendix one:</b> Table of recommendations and additional comments</p> <p><b>Appendix two:</b> Proposed Scheme Manager Pension Discretions (FPS 2015)</p>
<b>TIME REQUIRED</b>	10 minutes.
<b>REPORT ORIGINATOR AND CONTACT</b>	<p>Faye Mansfield, HR Services &amp; Development Manager</p> <p><a href="mailto:fmansfield@bucksfire.gov.uk">fmansfield@bucksfire.gov.uk</a></p> <p>01296 744623</p>

Regulation	Recommendation	Comments
<p><b>1.0 Delegation (Regulation 5)</b></p> <p>The Scheme Manager must ensure that delegated powers are appropriate and current. [Regulation 5 (2)]</p>	No action required	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>Under the Scheme of Delegation to Officers (June 2013) the Chief Fire Officer has discretion from the Authority “within the approved budgets and policies, [to] exercise all matters of day-to-day administration and operational management of the services and functions”. This discretion was applied to all Firefighters’ Pension Schemes unless expressly reserved to the Executive Committee or the Authority under existing or future adopted policy discretions.</p>
<p><b>2.0 Opting into this scheme (Regulation 12)</b></p> <p>An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the Scheme Manager to vary the date on which the person becomes an active member, to such other time as the Scheme Manager considers appropriate. [Regulation 12 (5)]</p>	Decision	<p>There is no rationale behind the Authority undertaking this discretion.</p> <p>An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised.</p> <p>This is recommended with advice from the pension administrator.</p>

Regulation	Recommendation	Comments
<p><b>3.0 Opting out after the first three months (Regulation 16)</b></p> <p>An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the Scheme Manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the Scheme Manager does consider appropriate. [Regulation 16(2) (b)]</p>	Decision	<p>There is no rationale behind the Authority undertaking this discretion.</p> <p>An optant-out will cease to be an active member of the Scheme with effect from the first day of the first pay period following the date on which the option is exercised.</p> <p>This is recommended with advice from the pension administrator.</p>
<p><b>4.0 Pensionable Pay (Regulation 17)</b></p> <p>The Scheme Manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17 (1) (d)]</p>	No action required	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>Continuing professional development (CPD) is treated as pensionable pay.</p>
<p><b>5.0 Active membership (Regulation 19)</b></p> <p>A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period (this Regulation links to Regulation 111(4) and subject to the member paying the appropriate contributions). [Regulation 19 (c)]</p>	Decision	<p>It is recommended this discretion is applied and during a period of unpaid authorised absence the Scheme Manager will determine on a case by case basis if the member is to be treated as active in the Scheme during that period. If this is permitted this will be subject to the member paying the appropriate contributions in order to be considered active in the Scheme.</p>

Regulation	Recommendation	Comments
		<p>On a case by case basis the Scheme Manager will determine whether the individual or the employer pays the employer contributions.</p> <p>For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).</p> <p>Any period where nil pay applies and an individual does not make good a deficit will be treated as a break for pension purpose and thus reduces a member's entitlement for pension benefit purposes.</p>
<p><b>6.0 Establishment of pension accounts: general (Regulation 28)</b></p> <p>The Scheme Manager must establish and maintain pension accounts for Scheme members, but they may be kept in such form as the Scheme Manager considers appropriate. [Regulation 28 (2)]</p>	To note	The Fire Authority should note that pension accounts for Scheme members will continue to be kept in accordance with Pension Regulations.
<p><b>7.0 Closure and re-establishment of active member's account (Regulation 37)</b></p>	To note	The pension administrator has confirmed this would be carried out as part of normal practice.

Regulation	Recommendation	Comments
<p>If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the Scheme Manager has discretion to choose. [Regulation 37 (3), (4) and (5)]</p>		
<p><b>8.0 Closure of deferred member's account after gap in pensionable service not exceeding five years (Regulation 49)</b></p> <p>If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the Scheme Manager must make the choice for them. [Regulation 49 (3) and (4)]</p>	To note	<p>The pension administrator has confirmed this would be carried out as part of normal practice.</p>
<p><b>9.0 Employer initiated retirement (Regulation 62)</b></p> <p>An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may</p>	Decision	<p>The Scheme Manager will not normally allow for immediate payment of retirement pension without the early payment reduction unless there are exceptional circumstance and on a case by case basis. This would be after a full</p>

Regulation	Recommendation	Comments
<p>only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62 (1) and (2)]</p>		<p>consideration of the business case stating a clear financial and organisational advantage to be gained by the Authority. This approach allows for consideration of this exit route in order for the organisation to have flexible exit strategies to support efficiencies in exceptional circumstances and where necessary.</p> <p>It is recommended that the Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis. Final approval will be via the Executive Committee based on the recommendations of the Chief Fire Officer/Chief Executive.</p>
<p><b>10.0 Exercise of partial retirement (Regulation 63)</b></p> <p>An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable</p>	Decision	<p>It is recommended that a partial retirement date most suitable for the Authority is agreed and appropriate notice periods applied, taking account of business requirements and on a case by case basis.</p>

Regulation	Recommendation	Comments
<p>service. The person concerned must give appropriate notice to the Scheme Manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63 (5)]</p>		<p>This will be part of the standard pension administration practice when a case of this nature arises.</p> <p>For information, The 2015 Firefighters' Pension Scheme Regulations does not provide for abatement and therefore anyone retiring solely under the 2015 Scheme will not be subject to abatement.</p>
<p><b>11.0 Review of ill health award or early payment of retirement pension (Regulation 68)</b></p> <p>The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68 (1) and (2)]</p>	To note	<p>In an Independent Qualified Medical Practitioner (IQMP) assessment report a date will be specified when the case should be reviewed. Ill-health pension benefits will be subject to a review until such time as the pension has been in payment for a period of 10 years or the Scheme member reaches State Pension Age.</p>
<p><b>12.0 Consequences of review (Regulation 69)</b></p> <p>If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; the employer must consider whether or not to make an offer of re-</p>	Decision	<p>To provide for the maximum opportunity to reduce financial burden on the pension scheme it is recommended an offer of re-employment is made in circumstances where the individual is capable of undertaking the role from which the</p>

Regulation	Recommendation	Comments
employment. [Regulation 69 (3)]		<p>person retired on grounds of ill health.</p> <p>This will be determined on a case by case basis, depending on the current vacancy and resourcing position of the Authority, and as advised by the Director of Finance and Assets and Director of People and Organisational Development.</p>
<p><b>13.0 Commencement of pensions (Regulations 70)</b></p> <p>If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the Scheme Manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70 (7)]</p> <p>If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made. [Regulation 70 (8)]</p>	Decision	<p>The discretion in these cases is the date on which the pension payments commence. This will be agreed on a case by case basis where there are grounds to justify it and will be part of the standard pension administration practice.</p>
<p><b>14.0 Allocation election (Regulation 72)</b></p> <p>The Scheme Manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil</p>	Decision	<p>The discretion in these cases is to identify, at the time, if it is necessary to withhold consent. The Authority will determine this</p>

Regulation	Recommendation	Comments
partner or cohabiting partner of an active or deferred member (consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member). [Regulation 72 (3) (b) and (4)]		on a case by case basis and will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member.
<p><b>15.0 Adjustment of allocation benefit (Regulation 75)</b></p> <p>If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's Scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75 (1) and (2)]</p>	To note	The discretion in these cases is to review the allocation of the amount of allocated pension qualified as a dependant's scheme pension and this must be actioned on a case by case basis.
<p><b>16.0 Meaning of "surviving partner" (Regulation 76)</b></p> <p>A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76 (1) (b) (v) and (2)]</p>	Decision	It is recommended this discretion is agreed on a case by case basis, therefore providing flexibility for the Scheme Manager to view cases on personal circumstances, taking into account any exceptional circumstances.
<p><b>17.0 Person to whom lump sum death benefit payable (Regulation 95)</b></p> <p>The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]</p>	Decision	It is recommended this discretion is applied on a case by case basis and taken on payment of the death benefit.

Regulation	Recommendation	Comments
<p><b>18.0 Payment of pensions under Part 6 "Death Benefits" (Regulation 100)</b></p> <p>If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100 (2)]</p>	Decision	It is recommended this discretion is applied on a case by case basis and taken on payment of the death benefit.
<p><b>19.0 Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)</b></p> <p>A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). [Regulation 101 (2) and (3)]</p>	Decision	It is recommended this discretion is applied on a case by case basis and recovery of any payment made in respect of a pension where false declarations or deliberately suppressed facts have been identified in relation to payment of an award to surviving partners or eligible children.
<p><b>20.0 Provisional awards of eligible child's pensions: later adjustments (Regulation 102)</b></p> <p>If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no</p>	Decision	This discretion provides for adjustments when there are eligibility issues which are later determined after payment has been put in place for eligible children. This discretion will be applied on a case by case basis with full details of the circumstances required.

Regulation	Recommendation	Comments
<p>payment has been made, or that a child born after the member's death is an eligible child, the Scheme Manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). Regulation 102 (2) and (3)]</p>		
<p><b>21.0 Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)</b></p> <p>If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's Scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Scheme Manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. Regulation 104 (1) (a) and (2)]</p>	Decision	<p>This discretion is how the benefit is adjusted, so it must be completed on a case by case basis. Failure to do so would result in a breach of the Finance Act 2004.</p>
<p><b>22.0 Member contributions (Regulation 110)</b></p> <p>Where there is a change in Scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the Scheme Manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it</p>	To note	<p>This has been standard practice and contribution rates will be determined in line with Regulations and based on individual pensionable pay at the time of change. Contribution rates and any subsequent changes will be brought to the attention of Scheme members.</p> <p>This is in line with the agreed discretion in</p>

Regulation	Recommendation	Comments
<p>is to be applied. [Regulation 110 (5)]</p> <p>When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110 (7) (h)]</p>		<p>the Local Government Pension Scheme (LGPS).</p>
<p><b>23.0 Contributions during absence from work due to illness, trade dispute or authorised absence (Regulation 111)</b></p> <p>Where an active member is absent from Scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the Scheme employer may require that they should also pay employer contributions. [Regulation 111(2) (3) and (4)]</p>	<p>No action required</p>	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>For illness and injury and authorised unpaid absence the Authority agreed to delegate the authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.</p> <p>For trade disputes the Authority's policy applicable to the 1992 and 2006 Firefighters' Pension Schemes was applied to the 2015 Scheme. Members are required to pay the employers contributions in accordance with</p>

Regulation	Recommendation	Comments
		<p>Regulation 117(3) in all cases of active member pension buy back involving trade dispute(s).</p> <p>For all cases where regulations 111 paragraphs 2,3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).</p> <p>In addition to the agreed discretion, it is recommended an additional point of clarification is made in that any period where nil pay applies and an individual does not make good a deficient will be treated as a break for pension purpose and thus reduces a member's entitlement for pension benefit purposes.</p>
<p><b>24.0 Deduction and payment of contributions (Regulation 114)</b></p> <p>Member contributions due under Regulation 110 may be deducted by the Scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the Scheme Manager and</p>	Decision	<p>Where contributions are due the employer will calculate and agree an individual payment plan on a case by case basis.</p>

Regulation	Recommendation	Comments
<p>the member. [Regulation 114 (1)]</p> <p>Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulation 114 (2)]</p> <p>Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the Scheme Manager. [Regulation 114 (3)]</p>		
<p><b>25.0 Statement of entitlement (Regulation 135)</b></p> <p>The Scheme Manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement.</p> <p>The Scheme Manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the Scheme Manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135 (4)]</p>	Decision	<p>It is recommended this discretion is agreed on a case by case basis and only extended to within six months of the date of the member's application. This is an area the pension administrator will deal with on the Authority's behalf.</p>

Regulation	Recommendation	Comments
<p><b>26.0 Request for acceptance of a transfer payment (Regulation 141)</b></p> <p>There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The Scheme Manager has the discretion to extend this period. [Regulation 141 (3)]</p>	Decision	<p>It is recommended this discretion is not adopted and there is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension.</p> <p>The agreed discretion in the Local Government Pension Scheme is to extend the twelve months when exceptional circumstances apply, where employer consent would be required. The basis for allowing this in the LGPS would be different due to it being a funded Scheme.</p>
<p><b>27.0 Transfer statement (Regulation 142)</b></p> <p>The Scheme Manager can require an active member to ask the Scheme Manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142 (2)]</p>	To note	No decision required - statement for note.
<p><b>28.0 Club transfer value statement (Regulation 144)</b></p> <p>The Scheme Manager can require an active member to ask the Scheme Manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the</p>	To note	No decision required - statement for note.

Regulation	Recommendation	Comments
<p>member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144 (2)]</p>		
<p><b>29.0 Appeal concerning entries on the certificate (Regulation 148)</b></p> <p>If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146* they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148 (1)]</p> <p><i>*Regulation 146 identifies the requirements to be undertaken when calculating the amount of a transfer value or club transfer value</i></p>	To note	The Scheme Manager will follow the Internal Disputes Resolution Procedure.
<p><b>30.0 Determinations by the Scheme Manager (Regulation 151)</b></p> <p>It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]</p>	Decision	The determination for this Regulation requires the consideration to be on a case by case basis.
<p><b>31.0 Role of IQMP in determinations by the scheme manager (Regulation 152)</b></p>	Decision	This determination is currently in place for 1992 and 2006 Schemes.

Regulation	Recommendation	Comments
<p>The Scheme Manager must select an IQMP to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152 (1)]</p> <p>If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152 (7)]</p>		<p>The Scheme Manager will consider all medical evidence available to make a determination should a member wilfully or negligently fail to engage with the IQMP process.</p>
<p><b>32.0 Review of medical opinion (Regulation 153)</b></p> <p>Where a member requests a review of an IQMP's opinion in the light of new evidence received by the Scheme Manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion.</p> <p>Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.</p>	Decision	<p>It is recommended a determination is made on a case by case basis, in order to ensure all evidence is considered and to reduce the likelihood of a formal appeal where evidence is provided in line with the time frames in Regulation 153.</p>
<p><b>33.0 Notice of appeal (Regulation 155)</b></p> <p>If a member wishes to appeal against a determination made by the Scheme Manager and their grievance lies in the medical opinion upon which the determination was based, they can</p>	Decision	<p>It is recommended a determination is made on a case by case basis to minimise the necessity for appeal and with consideration that it may not be a member's fault.</p>

Regulation	Recommendation	Comments
<p>appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the Scheme Manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the Scheme Manager has a discretion to extend the time limit for such period as the Scheme Manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155 (2)]</p>		
<p><b>34.0 Reference of appeal to the board (Regulation 156 - See also Regulation 161)</b></p> <p>Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the Scheme Manager who must, in turn, send a copy of it to the Scheme member advising that if their appeal is unsuccessful, the member may be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or</p>	To note	<p>This is a statement of requirements and actions will be specific to each case as necessary.</p>

Regulation	Recommendation	Comments
withdraw, the appeal. [Regulation 156 (8) to (12)]		
<p><b>35.0 Procedure where appeal to be pursued (Regulation 157)</b></p> <p>The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157 (6) to (9)]</p>	To note	This is a statement of requirements and actions will be specific to each case as necessary.
<p><b>36.0 Expenses of each party (Regulation 161)</b></p> <p>If the medical appeal board determines in favour of the Scheme Manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the Scheme Manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (2)]</p> <p>If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers</p>	Decision	It is recommended this discretion is applied on a case by case basis. To not pursue some payment where a member has been unsuccessful at appeal could result in a high proportion of frivolous cases being submitted, resulting in increased costs to the Authority.

Regulation	Recommendation	Comments
<p>appropriate. [Regulation 161 (3) (a)]</p> <p>If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (b)]</p>		
<p><b>37.0 Appeals on other issues (Regulation 163)</b></p> <p>If a member disagrees with a Scheme Manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the Scheme Manager to deal with the disagreement under requirements which the Scheme Manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]</p>	To note	The Scheme Manager will follow the Internal Disputes Resolution Procedure.
<p><b>38.0 Commutation of small pensions (Regulation 167)</b></p> <p>If the pension entitlement of a member of the Scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the Scheme</p>	Decision	It is recommended this discretion is applied on a case by case basis. Having the ability to pay a one off lump sum offers the opportunity to reduce the ongoing pension administration costs of

Regulation	Recommendation	Comments
<p>Manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167 (3)]</p>		<p>maintaining a small annual pension.</p>
<p><b>39.0 Payments for persons incapable of managing their affairs (Regulation 168)</b></p> <p>If it appears to the Scheme Manager that a person other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the Scheme Manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the Scheme Manager may determine, to be applied for the benefit of the person entitled. If the Scheme Manager does not pay the benefits in this way, the Scheme Manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]</p>	<p>Decision</p>	<p>It is recommended this discretion is taken on payment of Scheme benefits on a case by case basis when a person, other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs.</p>
<p><b>40.0 Payments due in respect of deceased persons (Regulation 169)</b></p> <p>If, when a person dies, the total amount due to that person's personal representatives under the Scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the Scheme Manager can pay the whole or part of the amount due to the personal representatives or any person or persons</p>	<p>Decision</p>	<p>It is recommended this discretion is not applied and evidence is provided to ensure that all payments are correctly paid.</p>

Regulation	Recommendation	Comments
<p>appearing to the Scheme Manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]</p>		
<p><b>41.0 Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)</b></p> <p>If a member, surviving partner or eligible child is convicted of a relevant offence, the Scheme Manager can withhold pensions payable under the Scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171 (1) (2) (3) and (5)]</p> <p>Where a pension is withheld, the Scheme Manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171 (4)]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.</p>
<p><b>42.0 Forfeiture of pensions: offences committed by other persons (Regulation 172)</b></p> <p>If a surviving partner or eligible child is convicted of the murder</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis with full</p>

Regulation	Recommendation	Comments
<p>of a Scheme member from whose benefits their pension would be derived the Scheme Manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the Scheme Manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172 (1) to (5)]</p>		<p>details of the circumstances required.</p>
<p><b>43.0 Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)</b></p> <p>If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the Scheme Manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the Scheme Manager may, to such extent and for such duration as it thinks fit, restore to the</p>	<p>Decision</p>	<p>It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.</p>

Regulation	Recommendation	Comments
<p>person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]</p>		
<p><b>44.0 Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)</b></p> <p>If a member has a relevant monetary obligation or has caused a relevant monetary loss, the Scheme Manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Scheme Manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis, thus enabling the recovery of funds where they meet the requirements of the Regulation.</p>
<p><b>45.0 Set-off (Regulation 175)</b></p> <p>A Scheme Manager has a discretion to set off a "relevant</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis, thus</p>

Regulation	Recommendation	Comments
<p>monetary obligation" against a member's entitlement to benefits under the Scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]</p>		<p>enabling the possible set-off of funds where they meet the requirements of the Regulation.</p>
<p><b>46.0 Payment on behalf of members of lifetime allowance charge (Regulation 178)</b></p> <p>At a Scheme member's request, the Scheme Manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Scheme Manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis at the Scheme member's request. In this circumstance the Authority may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Authority will only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the Scheme at the same time as the event occurs.</p>
<p><b>47.0 Evidence of entitlement (Regulation 184)</b></p> <p>The Scheme Manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the Scheme to provide such supporting evidence as the Scheme Manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to</p>	Decision	<p>It is recommended this discretion is applied therefore providing the Scheme Manager with a course of action should a member fail to comply with a reasonable request.</p>

Regulation	Recommendation	Comments
<p>the payment of any amount under the Scheme.</p> <p>If a person fails to comply with the Scheme Manager's requirements in this respect, the Scheme Manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.</p>		
<p><b>48.0 Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)</b></p> <p>The total amount of accrued added pension must not exceed a certain limit. If it appears to the Scheme Manager that a member who has elected to make periodical contributions will exceed the limit the Scheme Manager may cancel the election (by written notice to the member). [Schedule 1 Part 1 Paragraph 4]</p>	Decision	It is recommended the Scheme Manager is permitted to assert its discretion to cancel member elections for periodic contributions. It is a requirement to ensure extra pension limits are not exceeded and this provides a mechanism to prevent that.
<p><b>49.0 Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)</b></p> <p>If a Scheme member wishes to make periodical payments for added pension, the Scheme Manager can set a minimum amount which must be paid. [Schedule 1 Part 1 Paragraph 7 (3)]</p>	Decision	It is recommended that if a member wishes to make a periodic payment for added pension a minimum payment of £50 per month is set. To set this amount any lower would cost too much to administer.
<p><b>50.0 Periodical payments (Schedule 1 Part 2, Paragraph 8)</b></p> <p>If a Scheme member wants to make periodical payments for</p>	Decision	It is recommended that if a member wishes to make periodic payment for added pension this payment must be deducted from pensionable pay. The

Regulation	Recommendation	Comments
added pension, but does not want them to be deducted from pensionable pay, the Scheme Manager may agree another method of payment. [Schedule 1 Part 2 Paragraph 8 (3)]		administration of any alternative payment methods would result in increased administration burden for the Authority with no added benefit.
<p><b>51.0 Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)</b></p> <p>After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the Scheme Manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The Scheme Manager can extend this period of six months. [Schedule 1 Part 2 Paragraph 10 (4)]</p>	Decision	It is recommended that this discretion is not applied. A clear end date for members to make payments is necessary and ensures a more streamlined administration process. However, in exceptional circumstance and where the payments would exceed £200 per month this six month period may be extended up to a maximum of twelve months.
<p><b>52.0 Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)</b></p> <p>The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the Scheme Manager. [Schedule 2 Part 1</p>	Decision	It is recommended this discretion is made at the time a member returns to pensionable service, subject to paragraph 9(5) or 21 applying.

Regulation	Recommendation	Comments
Paragraph 3 (3); Schedule 2 Part 2 Paragraph 9 (5); and Schedule 2 Part 3 Paragraph 21]		

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Policy Statement:

## Scheme Manager Pension Discretions (FPS 2015)

To:	Document Type:	✓	Document Summary:
All members of the 2015 Firefighters' Pension Scheme.	Policy	✓	This policy statement outlines the fifty-two Scheme Manager Discretions for the Firefighters Pension Scheme (England) Regulations 2014 SI 2014/2848, effective from 1 April 2015.
	Assessment		
	Procedure		
	Guidance Note		
	Technical Note		
	Information		
	<b>Safety Critical</b>		
<b>Keyword:</b> Firefighters' Pension Discretion, Firefighters' Pension Scheme 2015, FPS 2015, Regulations 2014, illness and injury, trade dispute, authorised unpaid leave, CPD, pensionable pay			
<b>Please note that as Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.</b>			

### Document history:

- V1.0** First issued June 2015 following approval at the Fire Authority on 10 June 2015
- V2.0** Document reissued with a position made on all fifty-two discretions

<b>Version:</b>	2.0	<b>Status of document:</b>	Draft
<b>Author:</b>	Human Resources		
<b>Issue Date:</b>	TBC	<b>Review Date:</b>	TBC
<b>File Name</b>	Scheme Manager Pension Discretions (FPS 2015)		



## Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

The main Regulations (Statutory Instrument 2014 No.2848 Public Service Pensions) introduced a new Firefighters' Pension Scheme, effective from 1 April 2015 and was laid before Parliament on 28 October 2014.

This document lists the Scheme Manager pension discretions as contained in the Firefighters' Pension Scheme (England) Regulations 2014;  
<http://www.legislation.gov.uk/ukSI/2014/2848/contents/made>

The Firefighters' Pension Scheme Regulations 2014 set out fifty-two pension discretions available to the Authority to consider and within this document a position is made on all discretions applicable under the 2015 Firefighters' Pension Scheme. The three pension discretions within the Firefighters' Pension Scheme (England) Regulations 2014 which the Authority required an immediate position on where:

1. Delegation (Regulation 5)
2. Pensionable pay (Regulation 17)
3. Contributions during absence from work (Regulation 111)

The agreed position made in June 2015 has not been amended and the remaining discretions have been added to the pension discretions as applicable to the 2015 Firefighters' Pension Scheme.

## Scope

This document is applicable to all members of the 2015 Firefighters' Pension Scheme.

## Review

This document will be monitored by Human Resources; it will normally be reviewed every three years unless there is a need to review it earlier due to Legislation or Pension Regulation changes.

It is important that the reader refers to the most recent version of this document and does not print and store a copy for reference, which may be out of date.

<b>Version:</b>	2.0	<b>Status of document:</b>	Draft
<b>Author:</b>	Human Resources		
<b>Issue Date:</b>	TBC	<b>Review Date:</b>	TBC
<b>File Name</b>	Scheme Manager Pension Discretions (FPS 2015)		



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**Scheme Manager Pension Discretions  
(FPS 2015)**

**The Firefighters’ Pension Scheme (England) Regulations 2014 Part 2: Power to Delegate**

**1.0 Delegation (Regulation 5)**

The Scheme Manager must ensure that delegated powers are appropriate and current. [Regulation 5 (2)]

**POLICY DECISION** (*agreed June 2015*)

Under the current Scheme of Delegation to Officers (June 2013) the Chief Fire Officer has discretion from the Authority “within the approved budgets and policies, [to] exercise all matters of day-to-day administration and operational management of the services and functions”.

It is intended that discretions of that nature shall continue in relation to the 2015 Scheme as under the 1992 and 2006 Schemes unless expressly reserved to the Executive Committee or the Authority under existing or future adopted policy discretions.

**The Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 2: Pensionable Service**

**2.0 Opting into this Scheme (Regulation 12)**

An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the Scheme Manager to vary the date on which the person becomes an active member, to such other time as the Scheme Manager considers appropriate. [Regulation 12 (5)]

**POLICY DECISION**

The Scheme Manager has resolved that an optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised.

<b>Version:</b>	2.0	<b>Status of document:</b>	Draft
<b>Author:</b>	Human Resources		
<b>Issue Date:</b>	TBC	<b>Review Date:</b>	TBC
<b>File Name</b>	Scheme Manager Pension Discretions (FPS 2015)		



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## **Scheme Manager Pension Discretions (FPS 2015)**

### **The Firefighters' Pension Scheme (England) Regulations 2014 Part 3 Chapter 2: Pensionable Service**

#### **3.0 Opting out after the first three months (Regulation 16)**

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the Scheme Manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the Scheme Manager does consider appropriate. [Regulation 16(2) (b)]

#### **POLICY DECISION**

The Scheme Manager has resolved that an optant-out will cease to be an active member of the Scheme with effect from the first day of the first pay period following the date on which the option is exercised.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 3 Chapter 3: Pensionable Pay**

#### **4.0 Pensionable Pay (Regulation 17)**

The Scheme Manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17 (1) (d)]

#### **POLICY DECISION** *(agreed June 2015)*

Continuing professional development (CPD) will be treated as pensionable pay.

Eligibility for CPD payments, administration arrangements, application processes, assessment criteria and review at appraisal are outlined in the Authority's Continuing Professional Development (CPD) Procedure.

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**Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 4:  
Membership**

**5.0 Active membership (Regulation 19)**

A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period (this Regulation links to Regulation 111(4) and subject to the member paying the appropriate contributions). [Regulation 19 (c)]

**POLICY DECISION**

During a period of unpaid authorised absence the Scheme Manager will determine on a case by case basis if the member is to be treated as active in the Scheme during that period, if this is permitted this will be subject to the member paying the appropriate contributions in order to be considered active in the Scheme.

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 4 Chapter 4:  
Pension Accounts: General**

**6.0 Establishment of pension accounts: general (Regulation 28)**

The Scheme Manager must establish and maintain pension accounts for Scheme members, but they may be kept in such form as the Scheme Manager considers appropriate. [Regulation 28 (2)]

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**POLICY DECISION**

The Scheme Manager has resolved to ensure that pension accounts for Scheme members are kept in accordance with Pension Regulations.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 4 Chapter 5**

**7.0 Closure and re-establishment of active member’s account (Regulation 37)**

If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the Scheme Manager has discretion to choose. [Regulation 37 (3), (4) and (5)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 4 Chapter 7**

**8.0 Closure of deferred member’s account after gap in pensionable service not exceeding five years (Regulation 49)**

If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the Scheme Manager must make the choice for them. [Regulation 49 (3) and (4)]

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### **POLICY DECISION**

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 2: Retirement Benefits**

#### **9.0 Employer initiated retirement (Regulation 62)**

An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62 (1) and (2)]

### **POLICY DECISION**

The Scheme Manager has resolved to not normally allow for immediate payment of retirement pension without the early payment reduction unless there are exceptional circumstance and on a case by case basis.

This would be after a full consideration of the business case stating a clear financial and organisational advantage to be gained by the Authority. This approach allows for consideration of this exit route in order for the organisation to have flexible exit strategies to support efficiencies in exceptional circumstances and where necessary.

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis. Final approval will be via the Executive Committee based on the recommendations of the Chief Fire Officer/Chief Executive.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 3:**

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**Partial retirement benefits**

**10.0 Exercise of partial retirement option (Regulation 63)**

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the Scheme Manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63 (5)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice and the employer will agree a partial retirement date most suitable for the Authority, taking account of business requirements and on a case by case basis in line with Regulation 63.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 4  
III: Health benefits**

**11.0 Review of ill health award or early payment of retirement pension  
(Regulation 68)**

The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68 (1) and (2)]

**POLICY DECISION**

The Scheme Manager has resolved to determine, in line with Regulation 68, ill-health awards are reviewed as detailed within the Independent Qualified Medical Practitioner (IQMP) ill-health report for the member.

Ill-health pension benefits will be subject to a review until such time as the pension has been in payment for a period of 10 years or the Scheme member reaches State Pension

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Age.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 5 Chapter 4:  
Ill–Health benefits**

**12.0 Consequences of review (Regulation 69)**

If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; the employer must consider whether or not to make an offer of re-employment. [Regulation 69 (3)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion subject to the individual being capable of undertaking the role, on a case by case basis and as advised by the Director of Finance and Assets and Director of People and Organisational Development.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 5 Chapter 5:  
Payment of retirement benefits**

**13.0 Commencement of pensions (Regulations 70)**

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the Scheme Manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70 (7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made. [Regulation 70 (8)]

**POLICY DECISION**

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The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice and delegates the action to the employer to agree the date of payment on a case by case basis in line with Regulation 70.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 6:  
Allocation of part of pension**

**14.0 Allocation election (Regulation 72)**

The Scheme Manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member (consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member). [Regulation 72 (3) (b) and (4)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis and will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 6:  
Allocation of part of pension**

**15.0 Adjustment of allocation benefit (Regulation 75)**

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's Scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75 (1) and (2)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 1:**

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**Interpretation**

**16.0 Meaning of "surviving partner" (Regulation 76)**

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76 (1) (b) (v) and (2)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis therefore providing flexibility for the Scheme Manager to view cases on personal circumstances, taking into account any exceptional circumstances.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 4:  
Lump sum death benefits**

**17.0 Person to whom lump sum death benefit payable (Regulation 95)**

The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis and taken on payment of the death benefit.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5:  
Payment of death benefits**

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### **18.0 Payment of pensions under Part 6 "Death Benefits" (Regulation 100)**

If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100 (2)]

#### **POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis and taken on payment of the death benefit.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5: Payment of death benefits**

#### **19.0 Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)**

A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). [Regulation 101 (2) and (3)]

#### **POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis and recovery of any payment made in respect of a pension where false declarations or deliberately suppressed facts have been identified in relation to payment of an award to surviving partners or eligible children.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5: Payment of death benefits**

#### **20.0 Provisional awards of eligible child's pensions: later adjustments**

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**(Regulation 102)**

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the Scheme Manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). Regulation 102 (2) and (3)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5:  
Payment of death benefits**

**21.0 Adjustment of benefits to comply with FA 2004 where members die over  
75 (Regulation 104)**

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's Scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Scheme Manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. Regulation 104 (1) (a) and (2)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1:  
Member Contributions**

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### **22.0 Member contributions (Regulation 110)**

Where there is a change in Scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the Scheme Manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110 (5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110 (7) (h)]

### **POLICY DECISION**

The Scheme Manager has resolved to re-determine contribution rates during the course of the year, taking account of changes in Scheme employment or material changes that affect pensionable pay.

Contribution rates and any subsequent changes will be brought to the attention of all members and will be published on the Authority's intranet. Pay slips will also show the individual contribution rate in payment at each pay period.

The Scheme Manager has resolved to determine any additional circumstances where a reduction in pensionable pay will be disregarded and this will be dealt with on a case by case basis in line with Regulation 110.

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1: Member Contributions**

#### **23.0 Contributions during absence from work due to illness, trade dispute or authorised absence (Regulation 111)**

Where an active member is absent from Scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the Scheme employer may require that they should also pay employer contributions.

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[Regulation 111(2) (3) and (4)]

### **POLICY DECISION** (agreed June 2015)

#### **Illness and injury (Regulation 111(2))**

For periods of absence due to illness and injury where the active Scheme member is not entitled to receive pensionable pay, the employee may pay member contributions in accordance with regulation 111(2).

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

#### **Trade dispute (Regulation 111(3))**

For periods of absence from Scheme employment by an active Scheme member on a trade dispute, the member may elect to pay member contributions in accordance with Regulation 111(3).

The Authority's current policy applicable to the existing 1992 and 2006 Firefighters' pension Schemes will also be applied to the 2015 Scheme. Members will be required to pay the employers contributions in accordance with Regulation 117(3) in all cases of active member pension buy back involving trade dispute(s).

#### **Authorised unpaid absence (Regulation 111(4))**

For periods of authorised unpaid absence where the active Scheme member is not entitled to receive pensionable pay, the employee may pay member contributions in accordance with Regulation 111(4).

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).

### **Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1:**

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**Member Contributions**

**24.0 Deduction and payment of contributions (Regulation 114)**

Member contributions due under Regulation 110 may be deducted by the Scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the Scheme Manager and the member. [Regulation 114 (1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulation 114 (2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the Scheme Manager. [Regulation 114 (3)]

**POLICY DECISION**

The Scheme Manager has resolved to arrange for payment of pension contributions under Regulations 110,111,113 on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 10 Chapter 2:  
Transfers out**

**25.0 Statement of entitlement (Regulation 135)**

The Scheme Manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement.

The Scheme Manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the Scheme Manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135 (4)]

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### **POLICY DECISION**

The Scheme Manager asserts the discretion to extend the “guarantee date” to within six months of the member’s application, on a case by cases basis.

### **Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3: Transfers in**

#### **26.0 Request for acceptance of a transfer payment (Regulation 141)**

There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The Scheme Manager has the discretion to extend this period. [Regulation 141 (3)]

### **POLICY DECISION**

The Scheme Manager has resolved not to extend the twelve month deadline.

### **27.0 Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3: Transfers in**

#### **27.0 Transfer statement (Regulation 142)**

The Scheme Manager can require an active member to ask the Scheme Manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142 (2)]

### **POLICY DECISION**

The Scheme Manager notes this discretion.

### **28.0 Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3: Transfers in**

#### **Club transfer value statement (Regulation 144)**

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The Scheme Manager can require an active member to ask the Scheme Manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144 (2)]

**POLICY DECISION**

The Scheme Manager notes this discretion.

**Firefighters’ Pension Scheme (England) Regulations 2014, Part 10, Chapter 4:  
Transfer of pension account entries to another Scheme Manager**

**29.0 Appeal concerning entries on the certificate (Regulation 148)**

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146\* they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148 (1)]

*\*Regulation 146 identifies the requirements to be undertaken when calculating the amount of a transfer value or club transfer value*

**POLICY DECISION**

The Scheme Manager has resolved to follow the Internal Disputes Resolution Procedure.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 1:  
Independent Qualified Medical Practitioner (IQMP)**

**30.0 Determinations by the Scheme Manager (Regulation 151)**

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It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]

**POLICY DECISION**

The Scheme Manager has resolved to consider each entitlement on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 1:  
Independent Qualified Medical Practitioner (IQMP)**

**31.0 Role of IQMP in determinations by the Scheme Manager (Regulation 152)**

The Scheme Manager must select an IQMP to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152 (1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152 (7)]

**POLICY DECISION**

The Scheme Manager has resolved to appoint an IQMP to provide a written opinion in line with Regulation 152

The Scheme Manager has resolved to consider all medical evidence available to make a determination, if a person wilfully or negligently fails to submit to a medical examination by the selected IQMP and the IQMP is unable to provide an opinion, based on the medical evidence available.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 1:  
Independent Qualified Medical Practitioner (IQMP)**

**32.0 Review of medical opinion (Regulation 153)**

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Where a member requests a review of an IQMP's opinion in the light of new evidence received by the Scheme Manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion.

Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.

### **POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis, in order to ensure all evidence is considered and to reduce the likelihood of a formal appeal where evidence is provided in line with the time frames in Regulation 153.

## **Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2: Appeals to Board of Medical Referees**

### **33.0 Notice of appeal (Regulation 155)**

If a member wishes to appeal against a determination made by the Scheme Manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the Scheme Manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the Scheme Manager has a discretion to extend the time limit for such period as the Scheme Manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155 (2)]

### **POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis, taking consideration of the failure to give notice within the required period not being

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due to the person's own fault

**Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2: Appeals to Board of Medical Referees**

**34.0 Reference of appeal to the board (Regulation 156 - See also Regulation 161)**

Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the Scheme Manager who must, in turn, send a copy of it to the Scheme member advising that if their appeal is unsuccessful, the member may be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156 (8) to (12)]

**POLICY DECISION**

The Scheme Manager notes their responsibilities under this Regulation.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2: Appeals to Board of Medical Referees**

**35.0 Procedure where appeal to be pursued (Regulation 157)**

The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157 (6) to (9)]

**POLICY DECISION**

The Scheme Manager notes their responsibilities under this Regulation and will determine which persons attend the interview and the nature of any written evidence or

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statement on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 2:  
Appeals to Board of Medical Referees**

**36.0 Expenses of each party (Regulation 161)**

If the medical appeal board determines in favour of the Scheme Manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the Scheme Manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (2)]

If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (b)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 3:  
Appeals on other issues**

**37.0 Appeals on other issues (Regulation 163)**

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If a member disagrees with a Scheme Manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the Scheme Manager to deal with the disagreement under requirements which the Scheme Manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]

**POLICY DECISION**

The Scheme Manager has resolved to follow the Internal Disputes Resolution Procedure.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:  
Payment of pensions**

**38.0 Commutation of small pensions (Regulation 167)**

If the pension entitlement of a member of the Scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the Scheme Manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167 (3)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:  
Payment of pensions**

**39.0 Payments for persons incapable of managing their affairs (Regulation 168)**

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If it appears to the Scheme Manager that a person other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the Scheme Manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the Scheme Manager may determine, to be applied for the benefit of the person entitled. If the Scheme Manager does not pay the benefits in this way, the Scheme Manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:  
Payment of pensions**

**40.0 Payments due in respect of deceased persons (Regulation 169)**

If, when a person dies, the total amount due to that person's personal representatives under the Scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the Scheme Manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the Scheme Manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

**POLICY DECISION**

The Scheme Manager has resolved not to assert this discretion and requires the production of grant of probate or letters of administration in order to pay monies due.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:  
Forfeiture**

**41.0 Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)**

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If a member, surviving partner or eligible child is convicted of a relevant offence, the Scheme Manager can withhold pensions payable under the Scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171 (1) (2) (3) and (5)]

Where a pension is withheld, the Scheme Manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171 (4)]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2: Forfeiture**

**42.0 Forfeiture of pensions: offences committed by other persons (Regulation 172)**

If a surviving partner or eligible child is convicted of the murder of a Scheme member from whose benefits their pension would be derived the Scheme Manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the Scheme Manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172 (1) to (5)]

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**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:  
Forfeiture**

**43.0 Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)**

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the Scheme Manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the Scheme Manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

**POLICY DECISION)**

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part13 Chapter 2:  
Forfeiture**

**44.0 Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)**

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the Scheme Manager may, to such extent and for such duration as it considers

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appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Scheme Manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:  
Forfeiture**

**45.0 Set-off (Regulation 175)**

A Scheme Manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the Scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 3:  
Payment and deduction of tax**

**46.0 Payment on behalf of members of lifetime allowance charge (Regulation 178)**

At a Scheme member's request, the Scheme Manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214

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of the Finance Act 2004. The Scheme Manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.  
[Regulation 178]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion on a case by case basis at the Scheme member's request. In this circumstance the Authority may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Authority will only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the Scheme at the same time as the event occurs.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 4:  
General**

**47.0 Evidence of entitlement (Regulation 184)**

The Scheme Manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the Scheme to provide such supporting evidence as the Scheme Manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the Scheme.

If a person fails to comply with the Scheme Manager's requirements in this respect, the Scheme Manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion and will withhold the whole or part of any amount that it otherwise considers to be payable under the Scheme should a member fail to comply with a reasonable request.

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**Firefighters’ Pension Scheme (England) Regulations 2014, SCHEDULE 1  
Payments for added pension, PART 1 Interpretation**

**48.0 Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)**

The total amount of accrued added pension must not exceed a certain limit. If it appears to the Scheme Manager that a member who has elected to make periodical contributions will exceed the limit the Scheme Manager may cancel the election (by written notice to the member). [Schedule 1 Part 1 Paragraph 4]

**POLICY DECISION**

The Scheme Manager has resolved to assert its discretion to cancel member elections for periodical contributions should they exceed the overall limit of extra pension.

**Firefighters’ Pension Scheme (England) Regulations 2014 SCHEDULE 1  
Payments for added pension, PART 2, Chapter 1, Exercising the added pension election**

**49.0 Member’s election to make periodical contributions for added pension (Schedule 1 Part 2, Chapter 1 Paragraph 7)**

If a Scheme member wishes to make periodical payments for added pension, the Scheme Manager can set a minimum amount which must be paid. [Schedule 1 Part 1 Paragraph 7 (3)]

**POLICY DECISION**

The Scheme Manager has resolved that if a Scheme member wishes to make a periodical payment for added pension the minimum amount which must be paid is £50 per month.

**Firefighters’ Pension Scheme (England) Regulations 2014, SCHEDULE 1  
payments for added pension, PART 2, Chapter 2, Periodical payments for added pension**

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### **50.0 Periodical payments (Schedule 1 Part 2, Paragraph 8)**

If a Scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the Scheme Manager may agree another method of payment. [Schedule 1 Part 2 Paragraph 8 (3)]

#### **POLICY DECISION**

The Scheme Manager has resolved that if a Scheme member wishes to make a periodical payment for added pension the payment must be deducted from pensionable pay.

### **Firefighters' Pension Scheme (England) Regulations 2014, SCHEDULE 1 Payments for added pension, PART 2, Chapter 2, Periodical payments for added pension**

#### **51.0 Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)**

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the Scheme Manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The Scheme Manager can extend this period of six months. [Schedule 1 Part 2 Paragraph 10 (4)]

#### **POLICY DECISION**

The Scheme Manager has resolved not to assert this discretion, however in exceptional circumstances and where payments would exceeds £200 per month, the six month period may be extended up to a maximum of twelve months.

### **Firefighters' Pension Scheme (England) Regulations 2014 SCHEDULE 2 Transitional provisions, PART 1, General**

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**52.0 Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)**

The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the Scheme Manager. [Schedule 2 Part 1 Paragraph 3 (3); Schedule 2 Part 2 Paragraph 9 (5); and Schedule 2 Part 3 Paragraph 21]

**POLICY DECISION**

The Scheme Manager has resolved to assert this discretion and will determine the taper protection date for FPS 2006 members returning to pensionable service, subject to paragraph 9(5) or 21 applying.

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