

**BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY**  
**BUCKINGHAMSHIRE FIRE AND RESCUE SERVICE**

Director of Legal & Governance, Graham Britten  
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**Chief Fire Officer and Chief Executive**

Jason Thelwell

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To: Members of Buckinghamshire and Milton Keynes Fire Authority

26 May 2017

**MEMBERS OF THE PRESS**  
**AND PUBLIC**

**Please note the content of**  
**Page 2 of this Agenda Pack**

Dear Councillor

Your attendance is requested at a meeting of the **BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY** to be held in Meeting Room 1, Fire and Rescue Headquarters, Stocklake, Aylesbury on **WEDNESDAY 7 JUNE 2017 at 11.00 am** when the business set out overleaf will be transacted.

Yours faithfully

A handwritten signature in black ink that reads "Graham Britten".

Graham Britten  
Director of Legal and Governance

Councillors Brunning, Carroll, Exon, Glover, A Hussain, N Hussain, Irwin, Lambert, Marland, McCall, McDonald, Reed, Sullivan, Teesdale, Walters MBE, Watson and Wilson



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## **Recording of the Meeting**

The Authority supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public. Requests to take photographs or undertake audio or visual recordings either by members of the public or by the media should wherever possible be made to [enquiries@bucksfire.gov.uk](mailto:enquiries@bucksfire.gov.uk) at least two working days before the meeting.

The Authority also allows the use of social networking websites and blogging to communicate with people about what is happening, as it happens.

## **Adjournment and Rights to Speak – Public**

The Authority may, when members of the public are present, adjourn a Meeting to hear the views of the public on a particular agenda item. The proposal to adjourn must be moved by a Member, seconded and agreed by a majority of the Members present and voting.

Prior to inviting the public to speak, the Chairman should advise that they:

- (a) raise their hands to indicate their wish to speak at the invitation of the Chairman,
- (b) speak for no more than four minutes,
- (c) should only speak once unless the Chairman agrees otherwise.

The Chairman should resume the Meeting as soon as possible, with the agreement of the other Members present.

Adjournments do not form part of the Meeting and should be confined to times when the views of the public need to be heard.

## **Rights to Speak - Members**

A Member of the constituent Councils who is not a Member of the Authority may attend Meetings of the Authority or its Committees to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's division, with the prior consent of the Chairman of the Meeting which will not be unreasonably withheld. The Member's statement will not last longer than four minutes.

## **Petitions**

Any Member of the constituent Councils, a District Council, or Parish Council, falling within the Fire Authority area may Petition the Fire Authority.

The substance of a petition presented at a Meeting of the Authority shall be summarised, in not more than four minutes, by the Member of the Council who presents it. If the petition does not refer to a matter before the Authority it shall be referred without debate to the appropriate Committee.

## **Questions**

Members of the Authority, or its constituent councils, District, or Parish Councils may submit written questions prior to the Meeting to allow their full and proper consideration. Such questions shall be received by the Monitoring Officer to the Authority, *in writing or by fax*, at least two clear working days before the day of the Meeting of the Authority or the Committee.

## **COMBINED FIRE AUTHORITY - TERMS OF REFERENCE**

1. To appoint the Authority's Standing Committees and Lead Members.
2. To determine the following issues after considering recommendations from the Executive Committee, or in the case of 2(a) below, only, after considering recommendations from the Overview and Audit Committee:
  - (a) variations to Standing Orders and Financial Regulations;
  - (b) the medium-term financial plans including:
    - (i) the Revenue Budget;
    - (ii) the Capital Programme;
    - (iii) the level of borrowing under the Local Government Act 2003 in accordance with the Prudential Code produced by the Chartered Institute of Public Finance and Accountancy; and
  - (c) a Precept and all decisions legally required to set a balanced budget each financial year;
  - (d) the Prudential Indicators in accordance with the Prudential Code;
  - (e) the Treasury Strategy;
  - (f) the Scheme of Members' Allowances;
  - (g) the Integrated Risk Management Plan and Action Plan;
  - (h) the Annual Report.
3. To determine the Code of Conduct for Members on recommendation from the Overview and Audit Committee.
4. To determine all other matters reserved by law or otherwise, whether delegated to a committee or not.
5. To determine the terms of appointment or dismissal of the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent.
6. To approve the Authority's statutory pay policy statement.

## **AGENDA**

### **Item No:**

#### **1. Election of Chairman**

To elect a Chairman for 2017/18

#### **2. Appointment of Vice-Chairman**

To appoint a Vice-Chairman for 2017/18

#### **3. Apologies**

#### **4. Minutes**

To approve, and sign as a correct record the Minutes of the meeting of the Fire Authority held on 15 February 2017 (Item 4) **(Pages 11 - 20)**

#### **5. Disclosure of Interests**

Members to declare any disclosable pecuniary interests they may have in any matter being considered which are not entered onto the Authority's Register, and officers to disclose any interests they may have in any contract to be considered.

#### **6. Chairman's Announcements**

To receive the Chairman's announcements (if any).

#### **7. Petitions**

To receive petitions under Standing Order SOA6.

#### **8. Questions**

To receive questions in accordance with Standing Order SOA7.

#### **9. Membership of the Authority**

Under the Buckinghamshire Fire Services (Combination Scheme) Order 1996 Part III paragraph 12 – Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors on the other constituent authority's area.

The electorate for Buckinghamshire County Council is 391,236 as at 1 December 2016 (Office for National Statistics, 16 March 2017) 67.3% (375,790 as at 1 December 2015, Office for National Statistics). The electorate for Milton Keynes Council is 189,986 as at 1 December 2016 (Office for National Statistics, 16 March 2017) 32.7% (179,328 as at 1 December 2015, Office for National Statistics).

Total Number of Members:			17	
Buckinghamshire	391,236	(67.3%)	11	Members
Milton Keynes	189,986	(32.7%)	6	Members

This equates to Authority Membership for Buckinghamshire County Council 11 Members and Milton Keynes Council 6 Members.

To note that the Constituent Authorities have appointed the following Members to serve on the Fire Authority for 2017/18:

Buckinghamshire County Council (11)

Councillors Carroll, Glover, A Hussain, N Hussain, Irwin, Lambert, Reed, Sullivan, Teesdale, Walters MBE and Watson

Milton Keynes Council (6)

Councillors Brunning, Exon, Marland, McCall, McDonald and Wilson

**10. Committee Matters**

- (a) Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990.

The Authority is required by the above Regulations to review the basis of allocation of seats amongst the Political Groups either at its Annual Meeting, or as soon as practicable thereafter, or following a change in its Membership. In making its review, the Authority is required, so far as reasonably practicable, to comply with the following principles:

- (i) Not all seats on each Committee are to be allocated to the same Group.
- (ii) The majority of seats is to be allocated to a particular Group if the number of persons belonging to that Group is a majority on the Authority.
- (iii) Subject to the above paragraphs, the number of seats on the Committees allocated to each Group should bear the same proportion to the total of all the seats on the Committees as that borne by the number of Members of that Group to the Membership of the Authority.
- (iv) Subject to paragraphs (i) to (iii) above, that the number of the seats on the body which are allocated to different political groups bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

Subject to formal notification of the Membership of each Political Group, the allocation of seats on the Authority is as follows:

Conservative Group:	11 seats	(64.71%)
Liberal Democrat Group:	4 seats	(23.53%)
Labour Group:	2 seats	(11.76%)

The above Regulations, with the Authority's Scheme of Delegation, require a notice in writing to be delivered to the Authority's Monitoring signed by two or more Members of the Authority to establish a Political Group.

The Authority is asked to note the report.

Contact Officer: Katie Nellist (Democratic Services Officer) – 01296 744633

Background papers: None.

- (b) Committee Appointments  
To consider making appointments to the Authority's committees. The membership of the Executive and the Overview and Audit committees is required to be mutually exclusive.

### **Executive Committee**

The Authority is asked to make appointments to the Executive Committee in accordance with the wishes of the respective Political Groups (8 Members)

It is recommended that the seats should be allocated as follows:

Conservative - 5

Liberal Democrat – 2

Labour - 1

### **Overview and Audit Committee**

The Authority is asked to make appointments to the Overview and Audit Committee in accordance with the wishes of the respective Political Groups (9 Members).

It is recommended that the seats should be allocated as follows:

Conservative - 6

Liberal Democrat - 2

Labour – 1

Contact Officer: Katie Nellist (Democratic Services Officer) – 01296 744633

Background papers: None.

## **11. Calendar of Meetings**

### Fire Authority

Wednesday 18 October 2017 at 11.00am

Wednesday 13 December 2017 at 11.00am

Wednesday 14 February 2018 at 11.00am

Wednesday 13 June 2018 at 11.00am

### Executive Committee

Wednesday 12 July 2017 at 10.00am

Wednesday 20 September 2017 at 10.00am

Wednesday 22 November 2017 at 10.00am

Wednesday 7 February 2018 at 10.00am

Wednesday 14 March 2018 at 10.00am

Wednesday 9 May 2018 at 10.00am

### Overview & Audit Committee

Wednesday 26 July 2017 at 10.00am

Wednesday 15 November 2017 at 10.00am

Wednesday 7 March 2018 at 10.00am

## **12. Appointment of Representatives to Outside Bodies**

### (a) Local Government Association Annual Conference

To appoint 1 Member to attend as the Authority's representative at the Local Government Association's Annual Conference.

### (b) Local Government Association Fire Commission

To appoint 1 Member and Standing Deputy to represent the Authority at the Local Government Association's Fire Commission.

### (c) Local Government Association Annual Fire Conference

To appoint 1 Member to attend as the Authority's representative at the Local Government Association's Annual Fire Conference.

### (d) Combined Fire Authorities Conference

To appoint 1 Member to attend as the Authority's representative at the Combined Fire Authorities Conference.

### (e) Thames Valley Fire Control Service – Joint Committee

(i) To appoint 2 Representatives to the Thames Valley Fire Control Service – Joint Committee.

(ii) To nominate 2 substitute members to the Thames Valley Fire Control Service – Joint Committee (in the event the 2 representatives are unable to attend).

## **13. Lead Member Responsibilities**

To consider the amendment of Lead Member Responsibilities and the creation of a new Lead Member role; and to appoint Members to those roles.

The Lead Member Responsibilities for 16/17 were follows:

<b>Responsibility</b>
Community Protection
Human Resources and Equality and Diversity
Finance, IT, Procurement and Control
Health and Safety and Corporate Risk
Property and Resource Management

To change, for 17/18, to:

<b>Responsibility</b>
Community Protection (To lead on issues relating to prevention of, and protection from, harm to our communities).
<del>Human Resources</del> <b>People</b> and Equality and Diversity (To ensure that the right staffing solutions are in place to provide the best possible service to our communities).
<del>Finance, IT, and Procurement and Control</del> (To lead on treasury management, MTFP and the longer term aspects of our finances to ensure that we can continue to deliver a high level of service to our community).
Health and Safety and Corporate Risk (To ensure that measures and policies are in place to mitigate risks to the organisation and our staff).
Property and Resource Management (To lead on the creation of the Blue Light Hub in Milton Keynes and other property issues and to also ensure that innovative, efficient and workable staffing solutions can be implemented to deliver the best possible service to our communities).
<b>Collaboration and Transformation</b> (To lead on collaboration across the blue light services in line with the Policing and Crime Act 2017; and on transformation in partnership with the Royal Berkshire and Oxfordshire fire and rescue services).

It is recommended that:

1. the respective areas of responsibility for Lead Member Responsibilities be approved;
2. the role description of a Lead Member approved by the Authority at its meeting on 8 June 2007 [minute FA 13] (**Page 10**) be noted; and
3. appointments to each of the Lead Member roles be made.

Contact Officer: Katie Nellist (Democratic Services Officer) – 01296 744633

Background Papers: None

#### **14. USAR Canine Capability**

To consider Item 14 (**Pages 21 - 36**)

**15. Business Continuity during Industrial Action**

To consider Item 15 (**Pages 37 - 62**)

**16. Scheme Manager Discretion for the Firefighters' Pension Scheme 2015**

To consider Item 16 (**Pages 63 - 122**)

**17. The Authority's People Strategy 2016 to 2020 - annual update**

To consider Item 17 (**Pages 123 - 134**)

**18. Exclusion of Press and Public**

To consider excluding the public and press representatives from the meeting by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as Annex 2 contains information relating to the financial or business affairs of any particular person (including BMKFA); and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information:

**19. Blue Light Hub for Milton Keynes**

To consider Item 19 (**Pages 135 - 158**)

If you have any enquiries about this agenda please contact: Katie Nellist (Democratic Services Officer) – Tel: (01296) 744633 email: [knellist@bucksfire.gov.uk](mailto:knellist@bucksfire.gov.uk)



## **BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY**

### **ROLE DESCRIPTION**

#### **LEAD MEMBERS**

1. To take a lead role in providing support and constructive challenge to senior officers in the development of strategies and plans and contributing towards the strategic direction of the Authority, within the Authority's overall policy objectives.
2. To act as a 'sounding board' for senior officers on issues within the portfolio, and be supportive in dealing with any problems at a strategic level.
3. To review, in conjunction with senior officers, the service within the portfolio.
4. To keep abreast of related developments and policies at national, regional and local level.
5. To take the lead in reporting to the Authority, one of its committees, or panels on issues within the portfolio.
6. To attend the Overview and Audit Committee, at its request, in connection with any issues associated with the portfolio which is the subject of scrutiny.
7. To act as a spokesperson for the Authority on issues within the portfolio.
8. To represent the Authority on bodies, at events and at conferences related to the portfolio, as appointed by the Executive Committee and to feedback to the Authority any issues of relevance / importance.

(Approved 8 June 2007)

Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 15 FEBRUARY 2017 at 11.00 am

**Present:** Councillors Brunning, Busby (Chairman), Carroll, Clarke OBE, Exon, Glover, Gomm, Huxley, Lambert, Mallen (part), McDonald, Reed, Schofield (part), Watson and Wilson

**Officers:** M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), L Swift (Director of People and Organisational Development) M Hemming (Deputy Director of Finance and Assets), F Mansfield (HR Services and Development Manager), N Boustred (Head of Service Delivery), P Holland (Head of Service Transformation), J Parsons (Head of Service Development), M Stevens (Principal Accountant), S Gowanlock (Corporate Planning Manager), F Pearson (Communications and Consultation Manager), R Priest (Group Commander, Community and Business Safety), K Nellist (Democratic Services Officer)

**Apologies:** Councillors Marland and Teesdale

**FA35 MINUTES**

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 14 December 2016, be approved and signed by the Chairman as a correct record.

**FA36 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman's Announcements had been circulated in advance, but the Chairman wanted to bring to Members attention the news that the Chief Fire Officer had been awarded the Queen's Fire Service Medal in the New Year's Honours List, and was sure that Members joined him in agreeing it was a tremendous achievement.

One other event the Chairman wanted to elaborate on was the Reform Event which was the opportunity for the Minister of State for Policing and the Fire Service to outline how he saw the future of the fire and rescue service. In the speech it was reiterated that there would be a dedicated inspection regime for fire and rescue services but there was still no clear decision as to how it would be implemented. Also mentioned in the speech was the duty to cooperate from the Police and Crime Bill, and also the Police and Crime Commissioners (PCC) being able to produce a business case to take on responsibility for fire and rescue services and for fire and rescue services to cooperate and provide information, if the PCC asked for it. This Authority had a very good relationship with Thames Valley Police, however, if a business case came forward and there was not a consensus, there would be an evaluation panel who would decide if the PCC would take over or not and a recommendation would be made to the Minister. The Democratic Services Officer would provide a link to the speech if requested.

The Chairman asked the Head of Service Delivery to give Members a brief update on an incident (explosion and fire in a block of flats) that the Urban Search and Rescue Team had been assisting with in Oxfordshire.

**FA37**

## **RECOMMENDATIONS FROM COMMITTEES:**

### **Executive Committee – 8 February 2017**

The Authority considered the recommendations of the Executive Committee held on 8 February 2017 relating to:

- Size of the Authority and its Code of Conduct Complaints Procedure
- The Prudential Code, Prudential Indicators and the Minimum Revenue Provision
- Medium Term Financial Plan 2017/18 to 2019/20

#### **(a) Size of the Authority and its Code of Conduct Complaints Procedure**

The Director of Legal and Governance advised Members that there had been a very good debate on this at the Executive Committee meeting. To ensure there was no inaccuracy with the data, he felt it was prudent to bring to Members' attention the updated indicative figures of the electorates across the constituent authorities.

RESOLVED –

1. that the Authority remains a size of 17 Members;
2. that the Procedure for the handling of allegations under the Code of Conduct for Councillors and Co-opted Members (Annex C) be adopted;
3. that it be noted that the Policing and Crime Bill will require the Authority at a future meeting:
  - (a) If a request is received from the Thames Valley Police and Crime Commissioner to attend, speak and vote at Authority meetings as if a Member of the Authority, to:
    - i. consider the request, and
    - ii. give reasons for their decision to agree to or refuse the request.
  - (b) To revise its Code of Conduct Complaints Procedure if the Thames Valley Police and Crime Commissioner were to become a Member of the Authority.

#### **(b) The Prudential Code, Prudential Indicators and Minimum Revenue Provision**

The Deputy Director of Finance advised Members that the Prudential Code was established to ensure that capital

investment plans were affordable, prudent and sustainable. The Authority had no plans for further borrowing and was in a slightly over-borrowed position at present. Due to prohibitive penalties the early repayment of borrowing was not an option at this time, but this would be kept under review.

RESOLVED –

That the Prudential Indicators and the Minimum Revenue Provision Policy Statement be approved.

**(c) Medium Term Financial Plan 2017/18 to 2019/20**

The Lead Member for Finance, IT, Procurement and Control introduced the report and advised Members there were three aspects to this report. The first was to note and have due regard to the report and statement of the Chief Finance Officer, the second was to approve a 1.98% increase in the Council Tax Precept and the third was to approve the capital programme.

The Principal Accountant advised Members that the Government was continuing its change in policy. There was no more council tax freeze grant; there was a continuing fall in the revenue support grant and there was an expectation for council tax to increase. This assumption was built into the Authority's four year settlement plan which was approved last October 2016.

The revised Appendix 1 had been updated following confirmation from the billing authorities of the amounts receivable from council tax and business rates. The substantive changes of note were business rates income for 2017/18 had been revised upwards from £4.949m to £5.123m (an increase of £174k). Future years' figures had also been revised upwards in line with this increase. The pay adjustment figure had been increased by £13k, following receipt of the local government pension scheme valuation report, to allow for the slightly higher than expected increase in employer contributions. Also, the use of reserves figure had been reduced by £100k as a lower amount was now required to balance the budget.

The Principal Accountant also advised Members that if the Authority continued with a 1.98% increase in Council Tax Precept in future years, there would be a minor £19k deficit in 18/19 and an accumulated £253k deficit in 19/20. These were deficits that could be addressed through the savings process that was part of the MTFP. Also, even with the 1.98% increase, there were still risks, the main one being the questions over continuation of the Authority's USAR funding.

RESOLVED –

That the Authority:

1. note and have due regard to the report and Statement of the Chief Finance Officer (Section 8 of Annex A).
2. approve a Council Tax precept of £60.88 for a band D equivalent property (a 1.98% increase from 2016/17 – equal

to 2.3p per week) and the revenue budget as set out in Appendix 1.

3. approve the capital programme as set out in Appendix 2.

Details of the recorded vote were set out below:

	For	Against	Abstained
Brunning	✓		
Busby	✓		
Carroll	✓		
Clarke OBE	✓		
Exon	✓		
Glover	✓		
Gomm	✓		
Huxley	✓		
Lambert	✓		
Mallen	✓		
McDonald	✓		
Reed	✓		
Schofield	✓		
Watson	✓		
Wilson	✓		

**FA38 TREASURY MANAGEMENT STRATEGY 2017/18**

The Lead Member for Finance, IT, Procurement and Control introduced the report and the Deputy Director of Finance advised Members that this was the same strategy as last year, which had performed very effectively. Since the Authority brought Treasury Management in house four years ago it had raised £560k which was approximately £140k per year. Following the Brexit vote the Authority had seen interest rates fall fairly significantly, so there was a bit of a downside risk to the forecast.

At the next Overview and Audit Committee meeting, the Authority’s treasury management advisors, Capita, would give a presentation and look at different investment options with Members. Once this debate had taken place, a mid-year review of the strategy would take place if necessary.

A Member asked if it would be possible for the Authority to consider investing with the Churches, Charities and Local Authorities (CCLA) and was advised that the Authority did hold a money market fund account with them.

RESOLVED –

That the Treasury Management Policy Statement, Treasury Management Strategy Statement and the Annual Investment Strategy for 2017/18 be approved.

**FA39**

**PAY POLICY PRINCIPLES AND STATEMENT 2017/18**

The Lead Member for Human Resources and Equality and Diversity introduced the report and advised Members that the pay policy was required to be updated each financial year and was therefore being presented today as the 2017/18 Pay Policy for the Authority.

The Director of People and Organisational Development advised Members that the emphasis of the 2017/18 Pay Policy had not changed. The focus was on could the Authority be even more transparent. The policy was also looked at to ensure statements were clear and easy for staff to understand.

The Director of People and Organisational Development advised Members that this year as part of the Authority's duty to collaborate and also as part of the Memorandum of Understanding (MOU) that was signed between the three Thames Valley fire and rescue back in June 2015, the Authority had actively looked to collaborate on some of its pay policy options. This would continue going forward, if it was in the interest of the Authority to do so.

The HR Services and Development Manager advised Members that this pay policy was based on the current 2016/17 pay policy and had been updated and minor amendments made where appropriate. The emphasis of the document had not changed. The pay multiples had gone up very slightly due to the pay increases that took place for both Gold and Grey book staff and the highest salary having the larger increase causing the ratio to increase slightly. Also highlighted in the report was the opportunity the Authority had taken over the past year with staff voluntarily adopting terms and conditions outside the grey book, further increasing the Authority's resilience and enhanced and flexible workforce.

The HR Services and Development Manager asked Members to note the introduction of the public sector exit cap of £95,000 that

would apply to the Authority later in the year. Also, the introduction of 'claw back' termination payments for departing employees earning £80,000 or more who return to any public sector body within twelve months of receipt of an exit payment. It should also be noted at the Executive Committee meeting last week, it was agreed to remove the Private Medical Insurance scheme within the Authority. The contract would not be renewed in April 2017.

RESOLVED -

1. that the Pay Policy Principles and Statement at Appendix 1 be approved as the Statutory Pay Policy Statement for 2017/18;
2. that the requirement for an in-year review of the Pay Policy Principles and Statement with the introduction of the cap on public sector exit payments be noted.

**FA40**

**DISTRICT COUNCILS' COMBINED ALTERNATIVE SUBMISSION OF A 2 UNITARY MODEL**

The Corporate Planning Manager advised Members that this report was a follow up to the one that was presented to the Authority in October 2016, which outlined the potential implications for the Authority arising from the adoption of a single unitary council model for the areas currently administered by Buckinghamshire County Council (BCC) and the four District Councils, as proposed in the case prepared by BCC and submitted to the Secretary of State in September 2016 for his consideration.

At that time the Authority was aware that the District Councils had commissioned Deloitte to help them prepare an alternative case, full details of which were published on 10 January 2017 and approved for submission to the Secretary of State at special meetings held in parallel by all four District Councils on 16 January 2017. The District Council's case proposed the adoption of a two unitary model informed by the economic geography of the county as an alternative to the single unitary model proposed by BCC.

The Corporate Planning Manager advised Members that the Authority had therefore carried out a preliminary assessment of the potential implications if a two unitary model was adopted, using the same approach agreed for the BCC proposal. The new evaluation was shown at Appendix 1 and also included for reference purposes, at Appendix 2, was the evaluation of the BCC proposal that was presented to the Authority in October 2016.

Members would have seen from the evaluations that the Authority had not sought to express a view as to which of the proposals was likely to be most beneficial in terms of overall outcomes for the public, council tax payers etc., though obviously the Authority had an interest in this alongside other public service stakeholders. The Authority had confined the scope of the evaluation to identifying potential areas of opportunity and risk for the Authority relative to the existing two tier structure albeit that some comparisons were drawn to illustrate the comparative effect on the Authority's operations to the extent that they can be determined from the materials presented.

As with the BCC proposal, the evaluation of the risks and benefits were somewhat speculative and the extent to which they may manifest themselves would depend on the detail and manner in which any changes were implemented.

It was also noted that the proposed re-organisation of itself would not be sufficient either to meet the strategic challenges identified or to put local government finances in Buckinghamshire as a whole onto a sustainable basis for the future and achieving this would also depend on the success of other measures to transform service delivery and stimulate the local economy.

The Corporate Planning Manager advised Members that as with the BCC proposal the Authority's view was that the greatest risks to the Service operationally arises during the transition from the current state to the new two unitary structure, and on balance, a move to a two unitary council structure was likely to be a more complex and therefore risky enterprise from the point of view of maintaining service continuity, than would be the case with a move to a single unitary arrangement, based on the existing BCC organisation and infrastructure.

A Member asked if both reports could be sent to the leaders of all the councils involved (Buckinghamshire County Council, Aylesbury Vale District Council, South Bucks District Council, Wycombe District Council and Chiltern District Council) and this was agreed.

RESOLVED –

1. that the officers' initial assessment of the potential opportunities and risk to the Authority arising from the District Councils' proposal (appendix 1) be noted;
2. that the potential benefits of the proposal compared with the current two-tier structure of County and District councils be acknowledged and recognised.

## **FA41**

### **BLUE LIGHT HUB UPDATE**

The Lead Member for Property and Resource Management introduced the report and advised Members that the Hub was a great asset for Milton Keynes.

The Head of Service Transformation advised Members that as they would see at Annex A, the Chief Fire Officer had made a submission to the Milton Keynes Council (MKC) Development Control Committee requesting that it reconsider the section 106 commitment and the letter sets out the reasons why the Authority would like them to do so. The Authority's officers were endeavouring to reduce the commitment to the section 106 as much as it possibly could. The commitment was around £160k for the public art and carbon neutrality contribution.

The planning permission was subject to the section 106 agreement being in place before the permission would be granted, the greatest risk for the Authority was that no decision notice would be issued and the development could not take place.

Members all agreed that the Chief Fire Officer be requested, in consultation with the Chairman, to try and secure the removal or reduction of the planning obligation contributions.

RESOLVED –

1. that the transfer of a sum of up to a maximum of £170,000 from the 16/17 revenue contingency budget to Capital in support of the Blue Light Hub project be approved.
2. that authority be delegated to the Director of Legal and Governance to enter any necessary deeds of agreement to enable the Blue Light Hub development to proceed.

Having been moved by Councillor Reed; and seconded by Councillor Clarke OBE, it was resolved that:

3. the Chief Fire Officer be requested to use his best endeavours in consultation with the Chairman to secure the removal or reduction of the planning obligation contributions.

Councillor Mallen left the meeting.

## **FA42**

### **UPDATE ON SPRINKLERS**

The Head of Service Delivery reminded Members that at the recent workshop held on 16 November 2016 entitled 'Prevention, Protection and the Evolving Role of the Firefighter' there was a discussion around how the Service supports sprinkler installations and how the different types of suppression systems operate. It was agreed to capture this in a report and also to show some of the footage from a live demonstration that was carried out in 2014 at Chalfont St Peter.

Group Commander Richard Priest showed Members footage of the live demonstration that took place in four bungalows in Chalfont St Peter that were due for demolition. Different suppression systems were utilised to show how they performed against the same scenarios. These were a sprinkler system, a portable mist system, a fixed mist system and one with no suppression system.

Members had agreed in October 2015 that up to £250,000 could be used from Authority reserves to support and promote the installation of sprinklers into the most at risk premises in Buckinghamshire and Milton Keynes. To date, the money had not yet been spent, but there were three potential cases, one was a premises where they had some very vulnerable people in Milton Keynes, another was a care home within Aylesbury for a retrospective fit and the third was a brand new sheltered housing development in the south of Buckinghamshire.

RESOLVED –

That the contents of the report be noted.

Councillor Schofield left the meeting.

#### **FA43**

#### **DATE OF NEXT MEETING**

The Authority noted that the next meeting of the Fire Authority was to be held on Wednesday 7 June 2017 at 11.00am.

Before closing the meeting the Chairman advised Members that it was his and Councillor Schofield's last Fire Authority meeting as neither were standing in the May elections, although there were an Executive Committee on 14 March 2017. The Chairman thanked everyone for their support over the eight years he had been a Member of the Fire Authority.

The Deputy Chief Fire Officer responded.

THE CHAIRMAN CLOSED THE MEETING AT 12.32PM

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# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	7 June 2017
<b>OFFICER</b>	Neil Boustred, Head of Service Delivery
<b>LEAD MEMBER</b>	Community Protection
<b>SUBJECT OF THE REPORT</b>	<b>USAR Canine Capability</b>
<b>EXECUTIVE SUMMARY</b>	<p>The New Dimension programme identified and delivered national assets which enhanced the fire and rescue service (FRS) response to a range of catastrophic incidents, including natural and deliberate events, and specifically including response to large-scale structural collapse and serious transport incidents. The Urban Search and Rescue (USAR) capability was one of a number of national capabilities developed and delivered in a phased approach throughout 2006-07, and subsequently reviewed in 2014. With the introduction of the (USAR) 'Concept of Operations' (ConOps) in 2015, the 20 government funded USAR teams from across the UK were grouped in to four zones, each comprising of five teams. Buckinghamshire have been placed in to Zone 2 with Norfolk, Essex, West Midlands and Leicestershire.</p> <p>Some modifications to the staffing and response from Buckinghamshire Fire and Rescue Services (BFRS) USAR capability have been required. The major change to the capability provision is that each USAR team must have their own search dog capability, provided from within the host Service.</p> <p>Our current capability is delivered through a Memorandum of Understanding (MOU) with Hampshire Fire and Rescue Service, this is due to end 1 February 2019.</p> <p>There are two options available:</p> <ol style="list-style-type: none"> <li>1. To remain as we are, and not replace our current canine team once the existing MOU ceases;</li> <li>2. To establish an in Service USAR canine search capability.</li> </ol> <p>If we proceed with option 2, we will enhance our current USAR capability, our local search and rescue ability and fully meet all of the Key Performance Indicators (KPIs) set under the ConOps.</p>

	<p>This report explains our current position, the expectations placed on USAR hosting Services and the costs associated with progressing Option 2.</p>
<p><b>ACTION</b></p>	<p>Decision.</p>
<p><b>RECOMMENDATIONS</b></p>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. The move to an In-Service USAR Canine capability be implemented to become effective no later than 1 February 2019.</li> <li>2. The current MOU be terminated once the In-Service USAR capability is effective.</li> <li>3. That an internal recruitment process for a suitable dog handler be undertaken.</li> <li>4. A suitable dog be procured.</li> <li>5. A suitable converted vehicle be procured.</li> <li>6. The Authority approve Capital funding of £36,500 to procure the canine, vehicle, kennels and equipment as set out in the report.</li> </ol>
<p><b>RISK MANAGEMENT</b></p>	<p>There is a potential risk that if the Service is not able to demonstrate a continued compliance with the USAR Concept of Operations, then BFRS may see the central USAR funding reduced or removed. If an In-Service capability is established before February 2019, Hampshire FRS are willing to withdraw early from the current arrangements.</p> <p>By selecting a handler from the existing operational establishment and carrying out a dual role, the funded establishment model will not need to be changed.</p>
<p><b>FINANCIAL IMPLICATIONS</b></p>	<p>Vehicle, Kennels and Equipment, initial set up costs.  <math>£30,000 + £4,000 + £1,500 = £35,500</math>                      Initial canine purchase/Donation:                      Up to £1,000 = £1,000                      Total £36,500 Capital.</p> <p>Food, Vet costs, Holiday kennelling:  <math>£300 + £400 + £400 = £1,100</math> (Per Annum)                      Existing FF as dog handler:                      Annual handler Costs Retainer, Training days  <math>£1,656 + £5,736 = £7,392</math>                      Total proposed £8,500 Revenue.</p> <p>Costs have been averaged out to give indicative</p>

	<p>funding requirements.</p> <p>£30,000 capital reallocation of underspend, from collaborative procurement of new vehicles will cover vehicle and conversion costs, plus the purchase of majority of the kennels and initial equipment inventory.</p> <p>Reallocation of USAR budget lines, where there have been consistent underspends identified will cover additional costs. This includes handler retainer and training days.</p> <p>Once the overlapping MOU is terminated, the funding of £6, 600 can be utilised as revenue, which will cover running costs for the working life of the capability.</p> <p>If recommendations are approved, the costs would be:          £36,500 Capital to set up with canine, vehicle and equipment.          £8,500 annual running costs which can be met within existing resources.</p>
<p><b>LEGAL IMPLICATIONS</b></p>	<p>The existing MOU may be terminated by BFRS on 28 day’s written notice with any under or over payments made under the MOU being reconciled accordingly.</p> <p>The terms and conditions of a prospective appointment to the position of dog handler will be amended where necessary on acceptance of role.</p>
<p><b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b></p>	<p>The other Thames Valley Fire Services do not have a Canine Search capability, and have no requirement to establish one as non USAR hosting Services.</p> <p>The fire services within Thames Valley are however covered by Hampshire and Thames Valley Police, and either would be able to call on this BFRS resource should it be required.</p> <p>The capability could be developed to allow for multi-agency work with Police Search Teams (POLSA) to search for high risk missing persons such as dementia sufferers, vulnerable adults and children.</p>
<p><b>HEALTH AND SAFETY</b></p>	<p>By utilising a canine search team in the early stages of any search operations, exposure to associated risks and hazards to human crews are vastly reduced. National Risk Assessments are in place, along with long standing guidance and procedures, which are owned by the National Resilience Assurance Team.</p>
<p><b>EQUALITY AND DIVERSITY</b></p>	<p>An open and transparent selection process would be carried out.</p>
<p><b>USE OF RESOURCES</b></p>	<p><b>Communication with stakeholders;</b>          A number of staff, USAR hosting fire and rescue</p>

	<p>services, both within Zone 2 and wider, Hampshire and Thames Valley Police and non-Government organisations have been consulted. Discussions have been held with local FBU representatives.</p> <p><b>The system of internal control;</b> Once approved, the overall project will be led by USAR lead, Aylesbury Station Commander, monitored by Group Commander Service Delivery South, reporting to Head of Service Delivery. Individual elements of the project will be monitored by the finance team, procurement team, workshop manager, employee services.</p> <p><b>The medium term financial strategy;</b> There will be associated year on year costs such as replacement of damaged or unserviceable equipment, canine training aids and welfare equipment. These will be covered through identified revenue underspends from within existing USAR budget.</p> <p>Once the overlapping MOU is terminated, this funding will be utilised to cover running costs.</p> <p><b>The management of the asset base;</b> If approved a single vehicle will be procured that will be for the whole life cycle of the Canine search team (up to 8 years).</p> <p>All equipment will be managed through current asset management system (Red Kite).</p> <p><b>Environmental;</b> Procured vehicle will comply with Service CO2 policy. Any asset or equipment disposal will be impact assessed at time of action.</p>
<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><b>Background</b> USAR Concept of Operations Master Document V2.0 USAR Search Dog Guidance Final Document USAR Canine agreement</p>
<p><b>APPENDICES</b></p>	<p>Report into Providing a USAR Canine Capability Within BFRS</p>
<p><b>TIME REQUIRED</b></p>	<p>15 minutes.</p>
<p><b>REPORT ORIGINATOR AND CONTACT</b></p>	<p>Station Commander Phill Mould <a href="mailto:pmould@bucksfire.gov.uk">pmould@bucksfire.gov.uk</a> 07786 747712</p>

# Report into Providing Urban Search & Rescue (USAR) Canine Capability Within Buckinghamshire Fire & Rescue Service (BFRS)



Buckinghamshire Fire & Rescue Service

Station Commander Phill Mould

# January 2017

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## 1. Executive Summary

- 1.1 The New Dimension programme identified and delivered national assets which enhanced the fire and rescue service (FRS) response to a range of catastrophic incidents, including natural and deliberate events, and specifically including response to large-scale structural collapse and serious transport incidents. The USAR capability was one of a number of national capabilities developed and delivered in a phased approach throughout 2006-07, and subsequently reviewed in 2014.
- 1.2 With the introduction of the USAR 'Concept of Operations' (ConOps) in 2015, the 20 government funded USAR teams from across the UK were grouped in to four zones, each comprising of five teams. Buckinghamshire have been placed in to zone 2 with; Norfolk, Essex, West Midlands & Leicestershire. Some modifications to the staffing and response from BFRS USAR capability have been required, the major change to the capability provision is that each USAR team must have their own search dog capability, provided from within the host Service. Within each Zone, two canine teams must be available for immediate deployment at any time.
- 1.3 There are two options available:
  1. Do nothing and continue with our current Memorandum of Understanding (MOU) with Hampshire Fire and Rescue Service who provide our existing canine capability until it expires.
  2. To establish an in Service canine search team.
- 1.4 If we proceed with option 2, we will enhance our current USAR capability, our local search & rescue capability and fully meet all of the National Resilience Key Performance Indicators set under the ConOps.
- 1.5 This report explains our current position, the expectations placed on USAR hosting Services and the costs associated with establishing the proposed capability.

## 2. Introduction

- 2.1 BFRS's current search dog capability is provided by Hampshire Fire & Rescue Service, through an MOU. With the introduction of the ConOps, any Services who

have contracted out this capability have been allowed to carry on until those current arrangements cease, at which point new arrangements must be in place to take over. This is a KPI within the ConOps.

- 2.2 For BFRS this ties in with our current arrangements, in that our MOU with Hampshire FRS is due to come to an end 1 February 2019, and regardless of the introduction of the ConOps, Hampshire FRS would not be willing to enter in to similar arrangements in the future.

### **3. Background**

- 3.1 The right dog can be trained to use its sensitive nose to identify and locate any number of scents; drugs, fuel and accelerants, scent pool from live as well as dead persons. These are known as air scenting dogs.
- 3.2 Air Scenting Search Dogs, search routes, paths and areas looking for human scent particles. They do not discriminate scent e.g. they do not look for specific people but will look for anyone that is in the area. Once the dog locates a missing person or an area of interest they will return to their handler, indicating with a bark or by jumping up at them. The dog will then take their handler back to the missing person or area of interest with a 'show me' command. On finding the missing person the handler rewards the dog with their favourite toy and/or food whilst heaping lots of praise on them. It is this 'game' through years of training that drives the dog to search for and find the missing person.
- 3.3 In a USAR environment, the dog is trained to search for the scent pool generated from a live person, over a large area to locate missing or trapped persons. Working on or around collapsed structures and debris piles, in confined spaces, accessing areas from height.
- 3.4 These skills can be further developed to search open areas and even water courses to locate live missing persons.
- 3.5 Developing these areas will allow for work with Police Search Teams (POLSA) to develop, searching for high risk missing persons such as dementia sufferers, vulnerable adults and children. This is an area that the Police currently utilise

voluntary organisations for, as their own General Purpose dogs, although competent to carry out the task, have a tendency to bite on finding someone.

- 3.6 The core components of a (USAR) Canine team are; the handler, the dog and the vehicle and equipment. Coupled with specialist training in USAR operations and USAR canine competency to deliver an asset that works alongside human and mechanical search operations, with the ability to carry out the search of a large area in a fraction of the time that it would take using visual or acoustic/seismic equipment and techniques. Reducing the risk to both operational personnel and those that are missing and trapped, in what can be a hostile environment.

## 4. Options

### 4.1 Option 1

- 4.2 Continue with current MOU arrangement until 1 February 2019, put nothing in place to replace it.

- 4.3 **Risks** - BFRS fall short of Home Office expectations, by way of not meeting all KPIs set out in ConOps.

- 4.4 **Cost** - To remain as we are has the least financial impact, current costs £6,600 per year. These will not increase under this option.

- 4.5 **Benefits** - Remaining as we are has no additional impact or benefits on BFRS.

### 4.6 Option 2

- 4.7 Develop an in Service Canine Search and Rescue Team, to replace current arrangements provided through MOU with Hampshire FRS.

- 4.8 **Risks** - Further reductions in USAR funding following the next Home Office comprehensive spending review, could leave BFRS having to find additional funding to maintain this canine capability.

- 4.9 **Cost** - The costs associated with the introduction and maintenance of this in Service capability, will be greater than the costs associated with those currently

contracted out. And will depend significantly on the handler model chosen to run within the capability.

**Benefits** - Enhancing the Authority's current Technical Rescue/USAR capability to support our attendance at incidents requiring the locating of missing or trapped persons, covering areas much faster than humans on foot, accessing areas not visible to a drone. Meets the Canine KPI under the ConOps.

4.10 The vehicle, dog and associated equipment & training costs will remain largely the same, regardless of the costs of the chosen handler model.

4.11 Vehicle, Kennels and Equipment, initial set up costs.

4.12 £30,000 + £4,000 + £1,500 = £35,500

4.13 Initial canine purchase:

4.14 Up to £1,000 = £1,000

4.15 Food, Vet costs, Holiday kennelling:

4.16 £300 + £400 + £400 = £1,100

4.17 Annual handler Costs, Retainer, Training days, Salary  
(If recruited as additional FTE):

4.18 £1,656 + £5,736 + £33,186 = £40,578

4.19 Annual handler Costs Retainer, Training days (If existing member of staff):

4.20 £1,656 + £5,736 = £7,392

4.21 Costs have been averaged out to give indicative funding requirements.

4.22 £30,000 capital reallocation from new vehicle underspend, will cover vehicle and conversion costs, plus the purchase of majority of the kennels and initial equipment inventory.

4.23 Reallocation of USAR budget lines, where there have been consistent underspends identified will cover additional costs. This includes handler retainer and training

days, a growth bid would need to be submitted if an additional FTE were to be recruited.

4.24 **Benefits** - Achieving all of the KPIs as detailed under the ConOps, and fully delivering a local and national USAR capability.

4.25 Developing these areas will allow for multi-agency work with Police Search Teams (POLSA) to develop, searching for high risk missing persons such as dementia sufferers, vulnerable adults and children. This is an area that the Police currently utilise voluntary organisations for, as their own General Purpose dogs, although competent to carry out the task, have a tendency to bite on finding someone.

#### 4.26 **Team Components**

4.27 To introduce a canine search team in to BFRS, will take upward of eighteen months:

4.28 A handler will need to be recruited, establishing a shift/working pattern that will be of the least financial cost to the Service, offering the greatest value for money and being able to support the National Resilience (NR) availability rota as specified under the ConOps. Depending where the handler is recruited from, an amount of training will be required to enable them to fully undertake all aspects of this role.

4.29 A vehicle will need to be sourced and modified to meet the needs of the canine team & ConOps, which complies with any regulations/recommendations, such as from the Animal Welfare Act and the RSPCA. And also fulfil any other roles that the handler/team may be required to carry out, such as Flexi Duty Officer.

4.30 Equipment will need to be purchased to support the team; Kennels, canine PPE, animal welfare equipment, training aids, etc.

4.31 An appropriate dog from a breed known to demonstrate the necessary traits required to carry out the role of a search dog in the USAR environment will need to be identified and then assessed for an initial level of competence. Once sourced, the chosen dog will then need to be trained to meet all competence requirements and grading's as detailed by NR. This aspect of the process can take

upwards of eighteen months, depending on the handler and the trainability of the chosen dog.

4.32 The costs associated with the introduction and maintenance of this in Service capability, will be greater than the costs associated with those currently contracted out. And will depend significantly on the shift pattern chosen to run within the capability.

4.33 The vehicle, dog and associated equipment and training costs will remain largely the same, regardless of the costs of the chosen handler model.

#### 4.34 Vehicle

4.35 Any vehicle would have to support the working life of the canine team, in the region of eight years. Once embedded, if a decision was taken to continue with the capability for a period longer than this the vehicle may need to be refreshed.

4.36 A large van type vehicle, Transporter/Transit, capable of carrying two dogs and all associated Personal Protective Equipment (PPE) and supplies to support a deployment of up to 30 days.

## 5. Lease Option

5.1 £3500 to £4500 annual full maintenance lease over four years, 100,000 miles. Would require full conversion; kennelling, storage, ancillary's, Blues & Twos, airwave radio: Costs associated with this approximately £10,000. Lease option would also require reverting vehicle back to pre-conversion state, on end of lease/vehicle hand back.

## 6. Purchase Option

6.1 Up to £30,000 would be required, initial quote received for fully converted vehicle £26,700. Small amount of additional maintenance costs throughout the life of the vehicle, which if leased would not be Services liability.

## 7. Recommend Purchase option:

7.1 Procure vehicle, supplied fully converted, with guarantees and warranties on work. Removable kennels make for a more versatile vehicle, no mileage penalties or

large reconversion costs, residual resale value of vehicle at end of working life.

7.2 Purchase would be through capital underspend, current new appliance underspend would support this.

### 7.3 Equipment & PPE

7.4 An assortment of leads, harnesses, jackets and boots. Welfare equipment, bowls, water containers, food storage, blankets and bedding. Other ancillary's; first aid kit, torches etc. £1,500

7.5 Two kennels, one for home and one for place of work. £4,000

### 7.6 Canine

7.7 Purchase price/donation: £300 to £1000

7.8 Vets fees and vaccinations: £300 a year

7.9 Holiday Kennelling: Maximum of £400 a year

7.10 Food: £400 a year

7.11 Insurance covered by Services current Insurance policy

7.12 Training, continual training, no specific courses. Programme of regular validation and training exercises planned, approximately quarterly basis.

### 7.13 Dog Handler

7.14 Each USAR hosting Service has got its own canine team response model. Some are similar to BFRS, in that they currently buy in the capability from another Service. Others have operational members of staff that carry out the dual role, another has a member of support staff that dual roles.

7.15 Whoever the selected individual is, they will have to undertake and maintain USAR technician training, including safe work at height and Line Access & Casualty Extrication (LACE). Be familiar with working for a semi-disciplined Service, within

a structured Incident Command system. Funded from existing USAR training budget.

7.16 They will be committed to maintain availability complying with the ConOps framework, through the NR availability system. And whilst showing available, undertake any deployment request through the National Resilience Call Centre (FRNCC) which may be of an extended duration of up to 30 days, in support of national incidents, within and outside of Zone 2.

## **8. Broad Options:**

8.1 Full time operational member of existing USAR team. Who would take on the dog handler role alongside their current role. Paid an additional allowance for the role, recall to duty and training commitment.

8.2 Full time operational member of firefighting staff. Who would take on dog handler role alongside their current role. Paid an additional allowance for the role, recall to duty and training commitment, and could be based at any BFRS location.

8.3 Part time role, recruited from inside/outside of organisation, similar to On-Call firefighter role. Could be a member of support staff.

8.4 Flexi Duty Officer, who would take on the dog handler role. Paid an additional allowance for role, recall to duty and training commitment.

8.5 Work with Non-Government Organisation, for example Bucks Search Dogs. Agree a Payment structure/donation for availability and training with BFRS.

8.6 By integrating this new role with an existing operational member of staff, the Service will optimise its resources whilst achieving the best value for money option, with training time and costs vastly reduced.

8.7 [Recommendation](#)

8.8 Taking into account the current funding position and expectations placed on all USAR hosting services, BFRS should implement an in Service USAR Canine

capability. The preference from a financial and experience perspective would be to ideally recruit from the existing USAR trained personnel.

8.9 By purchasing a suitable vehicle, and selecting a dog handler from existing operational staff.

8.10 Capital expenditure funded through new appliance underspend

8.11 Revenue expenditure funded through identified underspends, within current USAR budgets, reallocated to canine cost centre and current MOU budget, once this ceases.

If recommended option, 8.10 and 8.11 is approved, the costs would be:

£35,000 to £36,500 to set up with vehicle & equipment

£8,500 annual running costs

## **9. References**

USAR Concept of Operations Master Document V2.0

USAR Search Dog Guidance Final Document

USAR Canine agreement

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# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	7 June 2017
<b>OFFICER</b>	Neil Boustred, Head of Service Delivery
<b>LEAD MEMBER</b>	Lead Member for Community Protection
<b>SUBJECT OF THE REPORT</b>	<b>Business Continuity during Industrial Action</b>
<b>EXECUTIVE SUMMARY</b>	During the last period of Industrial Action (IA) in 2013-14 documents were created to cover a number of elements, however no formal guidance was written specifically relating to maintaining Business Continuity (BC). This document has been created and updated to reflect changes implemented by the Trade Union Act 2016.
<b>ACTION</b>	Decision.
<b>RECOMMENDATIONS</b>	It is recommended that: <ol style="list-style-type: none"> <li>1. Business Continuity during Industrial Action Guidance Document be approved; and</li> <li>2. It be noted that in approving the Guidance Document the Authority endorses that it shall always require a union to provide no less than 14 days' notice of intended industrial action.</li> </ol>
<b>RISK MANAGEMENT</b>	Failure to have adequate plans in place in preparation for IA may put the community at risk. This document provides guidance towards providing some resilience for resourcing and contingency plans that would enable the Authority to have the ability to discharge its day to day activity and legislative responsibilities.  A period of no less than 14 days' notice of intended industrial action would be required to enable the Service to optimise and collate the resources required to satisfy those demands.
<b>FINANCIAL IMPLICATIONS</b>	There is no direct cost within this paper.
<b>LEGAL IMPLICATIONS</b>	The Authority is required under section 21(7) of the Fire and Rescue Services Act 2004 to have regard to any Fire and Rescue National Framework prepared and brought into effect by the Secretary of State. The current version provides as follows:  "Fire and rescue authorities must have effective

	<p>business continuity arrangements in place in accordance with their duties under the Civil Contingencies Act 2004 and to meet the full range of service delivery risks. Business continuity plans should not be developed on the basis of Armed Forces assistance being available” (paragraph 1.14)</p> <p>Section 2 of the Civil Contingencies Act 2004 includes a duty on the Authority to make contingency arrangements in the event of industrial action especially where the occurrence of industrial action could endanger human life.</p>
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b>	<p>This is an internal document; therefore no direct opportunities for collaboration present themselves. There may be future consideration of the benefits of this Guidance Document being shared with neighbouring FRS, for enhanced resilience.</p>
<b>HEALTH AND SAFETY</b>	<p>There are no health and safety implications.</p>
<b>EQUALITY AND DIVERSITY</b>	<p>An Integrated Impact Assessment has not been completed.</p>
<b>USE OF RESOURCE</b>	<p>The document will be reviewed by authorised personnel within the designated timeframes and amended as required.</p>
<b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b>	<p><b>Background</b></p> <p>Reports to the meeting of the Buckinghamshire and Milton Keynes Fire Authority held on 18 December 2013 Agenda and reports: Item 8: IA Costs and Considerations.</p>
<b>APPENDICES</b>	<p>Appendix 1: Guidance Document – Business Continuity during Industrial Action</p>
<b>TIME REQUIRED</b>	<p>15 minutes.</p>
<b>REPORT ORIGINATOR AND CONTACT</b>	<p>Station Commander Suzanne Connolly  <a href="mailto:sconnolly@bucksfire.gov.uk">sconnolly@bucksfire.gov.uk</a></p>

	<b>Information Asset Owner:</b>	Chief Operating Officer
	<b>Protective Marking:</b>	OFFICIAL-SENSITIVE
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<b>Guidance Note:</b>	<b>Business Continuity during Industrial Action</b>	

<b>To:</b>	<b>Document Type:</b>	<input type="checkbox"/>	<b>Document Summary:</b>
All Managers	Policy	<input type="checkbox"/>	This document has been written to provide guidance to Managers for Maintaining Business Continuity during any period of Industrial Action (IA)
	Assessment	<input type="checkbox"/>	
	Procedure	<input type="checkbox"/>	
	Guidance Note	<input checked="" type="checkbox"/>	
	Technical Note	<input type="checkbox"/>	
	Information	<input type="checkbox"/>	
	<b>Safety Critical</b>	<input type="checkbox"/>	

**Keyword:** Industrial Action, IA, Business Continuity

**Please note that as Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.**

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<b>Version:</b>	1.0	<b>Status of document:</b>	Final
<b>Author:</b>	SC Suzanne Connolly	<b>Approved By:</b>	
<b>Issue Date:</b>		<b>Review Date:</b>	January 2019
<b>File Name</b>	BFRSD Business Continuity during Industrial Action		



<b>Information Asset Owner:</b>	Chief Operating Officer
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**Guidance Note: Business Continuity during Industrial Action**

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<b>Version:</b>	1.0	<b>Status of document:</b>	Final
<b>Author:</b>	SC Suzanne Connolly	<b>Approved By:</b>	
<b>Issue Date:</b>		<b>Review Date:</b>	January 2019
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<b>Information Asset Owner:</b>	Chief Operating Officer
<b>Protective Marking:</b>	OFFICIAL-SENSITIVE
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Guidance Note: **Business Continuity during Industrial Action**

## 1. Introduction

- 1.1 This document has been written to allow Buckinghamshire Fire & Rescue Service (BFRS) to conform to its responsibilities under the Civil Contingencies Act 2004 (CCA) and the Fire and Rescue Service Act 2004.
- 1.2 To mitigate risk to the organisation it is essential to have robust plans in place for Industrial Action (IA) and that these are reviewed and updated on a regular basis.
- 1.3 The Trade Union Act 2016 ensures that IA can only go ahead when there has been a ballot turnout of at least 50%. For Fire & Rescue Services an additional threshold of 40% of support to take IA from all eligible trade union members must be met for action to be deemed legal.
- 1.4 Trade Unions have to give 14 days' notice of any IA<sup>1</sup> to BFRS. A ballot's support for protected IA expires after six months or up to nine months if both sides agree.<sup>2</sup>
- 1.5 The document aims to provide guidance to Senior Managers in relation to maintaining Business Continuity during periods of IA.
- 1.6 This document relates to all trade unions currently recognised by Buckinghamshire & Milton Keynes Fire Authority (the Authority).
- 1.7 All documentation relating to IA can be found on Resilience Direct.

## 2. Strategy

- 2.1 A clearly defined strategy, including objectives, must be agreed by the Senior Management Team (SMT). This will include steps to be taken well in advance of any ballot and may include contacting employees to try to discourage them from voting for IA; and, in the event of a ballot in favour of IA, trying to persuade employees not to take part. These communications may include reminding employees of the financial impacts upon them especially where these are reflected in specific entitlements of their contractual pay; reputational damage; and public safety.
- 2.2 The strategy must be cascaded down to those who are responsible for planning and managing any form of IA affecting the Service. This is likely to

<sup>1</sup> Under no circumstances will the Authority/Chief Fire Officer agree to accept the lesser option of 7 days' notice.

<sup>2</sup> It is unlikely that any extension from 6 months' protection would be agreed by the Authority/Chief Fire Officer. Refer to Appendix B

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include changing procedures for booking annual leave and arrangements for reporting sickness with a requirement that any period of absence during IA must be supported by a doctors' certificate.

- 2.3 Any agreed changes to either the strategy or objectives must be recorded with the rationale in a decision log prior to dissemination.
- 2.4 Any changes made to the strategy or objectives which is not recorded will lead to confusion, disengagement and risk.
- 2.5 During any period of IA consideration must be given to the Significant Event Procedure and the behaviours expected under the Service Code of Conduct.

### **3. Employee Representative Bodies**

- 3.1 The engagement of Representative Bodies and staff representatives is paramount to maintaining clarity of the message and will help to improve working relationships.
- 3.2 Successful engagement may lead to arrangements that can be brokered on a local basis including an agreement for recall of staff in the event of a Major Incident being declared.
- 3.3 A definition of what constitutes a Major Incident must be included in the agreement and signed by all parties.
- 3.4 All affected staff groups must be informed by letter with a copy of the signed agreement enclosed.
- 3.5 A Code of Conduct that relates specifically to expected behaviours during IA and aligned to current service procedure, must also be agreed and signed between the Service and the Representative Bodies.
- 3.6 All staff will receive a copy via their home address. Stations will be required to display a copy on their notice boards. The Code of Conduct will also be available via the I:Drive

### **4. Picketing**

- 4.1 Unlawful picketing may expose the union (and the pickets themselves) to civil liability (and in certain circumstances criminal liability).
- 4.2 Pickets must not obstruct staff that choose not to participate in IA.
- 4.3 Reference should be made to the [Code of Practice: Picketing, March 2017](#) for further guidance

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## 5. Risk Assessments

- 5.1 Prior to any period of IA, risk assessments will be completed for all activities carried out and for any Holding Points if these are used during the periods of IA.
- 5.2 Copies of the all risk assessment will be forwarded to the Health and Safety department where they will be held securely.

## 6. Resource Modelling

- 6.1 When notification is received by the service of the potential for IA to take place, the resource modelling data must be refreshed to ensure it is current. The use of resource modelling to determine strategic points for locating resources is paramount to providing the best response to our communities during any period of IA.
- 6.2 To allow the results to be verified and to be presented in the event of a challenge to the Authority the internal service software will be utilised in the first instance and the same data then passed to an external provider i.e. ORH for comparison. Any data passed to an external provider must remain confidential.
- 6.3 Once confirmation of the results have been approved the locations of the Holding Points can be confirmed.

## 7. Staff

- 7.1 On notification of any IA, engagement with all staff will be carried out to determine if they are prepared to work during the action. It should be noted that any personnel that agrees in principle to work normally can retract the agreement at any time.
- 7.2 Rosters should be prepared at the earliest opportunity and circulated to those who are prepared to work normally.
- 7.3 Reassurance should be given to staff that wherever possible their identities will be protected.

## 8. Secondary Employment

- 8.1 During any period of IA, permission for secondary employment will be withdrawn for those members of staff taking part.

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- 8.2 Where permission has been withdrawn, after each period of IA, employees who have taken part in IA will have to reapply via normal procedures, for permission to resume secondary employment.
- 8.3 Senior managers may waive this requirement if the individual's secondary employment is within the Service.

### **9. Partial Performance**

- 9.1 Non acceptance of partial performance means: where strike action is undertaken, even for a few hours, the Authority may accept breach of contract and deduct pay for the entire shift, including any allowances.
- 9.2 In cases where the IA is Action Short of Strike (ASoS), participation may be a breach of contract. As an entitlement to pay only arises if the employee is willing and ready to perform all contractual duties non acceptance of partial performance will result in the deduction of pay, including allowances, for the whole shift.
- 9.3 The Chief Fire Officer may choose to implement non acceptance of partial performance at any time during periods of IA in which case employees will be warned in advance of the beginning of their scheduled contracted hours that partial performance will not be accepted.

### **10. Category 1 Partners**

- 10.1 Prior to any confirmed period of IA, arrangements will be shared with our other Category 1 (CAT1) partners as defined under the CCA 2004.
- 10.2 Sharing of information may allow our other partners to stand up additional resources that may be of assistance to us if required.
- 10.3 Close liaison with our neighbouring FRS's will ensure any 13/16 agreements are maintained under the FRS Act 2004.
- 10.4 Sharing of contact details for Principal Officer's between agencies is beneficial in the event of problems occurring or further assistance is required from either side.
- 10.5 Teleconference facilities will be available for Strategic Commanders.
- 10.6 Consideration should be given to a closed response page being set up via RD to allow sharing of information across relevant CAT1 responders.

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### **11. Station Security**

- 11.1 During any period of IA all Stations must remain secure.
- 11.2 A number of stations have been fitted with CCTV as an additional measure. The CCTV can be monitored remotely at Headquarters and allows an overview of the security of the Stations and appliances.
- 11.3 The Chief Fire Officer will make a decision as to whether those staff members taking part in IA will have access to the stations.

### **12. Finance**

- 12.1 A cost centre budget will be set up to monitor expenditure relating to IA.
- 12.2 SMB and the FA will be updated regularly on the cost to the Authority of periods of IA
- 12.3 Where equipment and/or appliances are loaned out from the service to aid National arrangements costs will be recorded and invoices raised to recover the amount.

### **13. HR and Payroll**

- 13.1 Staff within the HR and payroll departments are key during any period of IA.
- 13.2 Any deductions from salaries will be calculated with payroll following each period of IA.
- 13.3 All deductions from salaries and savings on payments to the Authority i.e. Pensions, NI and any allowances will be set against the expenditure.
- 13.4 Staff may wish to challenge the amount of deductions from their salaries. This should be done at the earliest opportunity to prevent further delays and/or complaints.
- 13.5 Staff should be reminded that they have 12 months from the end of the event to buy back pension rights lost to IA.

### **14. Communication**

- 14.1 It is essential that staff are kept well informed of the potential for IA as it develops, in a manner that is open and honest.
- 14.2 Accurate information relating to the background to any proposed action must be made available to all staff to allow them to make informed decisions. Information will be made available via the I:Drive.

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- 14.3 Consideration will be given to the use of corporate backdrops relating to IA on Authority owned electronic devices, including laptops and desktop PC's.
- 14.4 Officers at all levels will be nominated to deliver briefings to staff. Briefings should be scheduled and held for all staff to enable them to ask questions.
- 14.5 All staff will be briefed regarding any period of IA.
- 14.6 Non-operational staff will be encouraged to volunteer to undertake a number of operational support roles that would allow the service to manage available resources more effectively.
- 14.7 To ensure that all staff are given the same information, briefing letters will be sent to home addresses.
- 14.8 A set of frequently asked questions (FAQ's) shall be agreed by SMB and will be provided in different formats i.e. I:Drive, Social Media, Letters.
- 14.9 Where possible a platform for staff to ask supplementary questions will be provided.
- 14.10 Before responding to questions ensure all facts are checked to ensure a unified response is given.
- 14.11 To help allay the fears of the public leading up to and during any period of IA, accurate, clear and unbiased information will be released to the media. The same information will be posted on Social Media and the Service external website.
- 14.12 Throughout the period of IA, BFRS will continue to provide safety advice and standard public messages to our communities.

## 15. Operational Support Room (OSR)

- 15.1 On immediate notification of IA the OSR should be stood up. In addition the use of Room 2 at headquarters may be utilised for planning and briefing purposes.
- 15.2 The OSR will be resourced on a 24 hour basis subject to operational requirements.
- 15.3 A staffing rota will be produced based on twelve hour shifts and should take into account a hand over time.
- 15.4 Shift changes will not happen at the same time as operational shift changes or during transition periods from business as usual to IA or when reverting back to business as usual.
- 15.5 Throughout the period of IA the OSR will provide a single point of contact for

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operational staff who wish to make themselves available for work.

15.6 Twice daily briefings will be held to ensure all tasks have been carried out and to inform the planners of resource availability.

15.7 Two hours prior to the start of IA the following Personnel should be present:

- Tactical Commander
- Staff Officer
- Admin Assistant
- Loggist

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- 15.8 The Tactical Commander will have a direct radio link with the Strategic Commander who may be located in Thames Valley Fire Control Service Control Room.
- 15.9 The Tactical Commander will liaise with the Strategic Commander in decision making.
- 15.10 The Tactical Commander will submit all required reports.
- 15.11 The Staff Officer will carry out all instructions and communicate decisions to the Holding Points via dedicated telephones or a dedicated Airwave Radio talk group.
- 15.12 The Admin assistant will answer telephone calls, and carry out any other admin functions deemed required by the Tactical Commander.
- 15.13 The Loggist will be required to log all decisions, rationale and subsequent actions made by the Tactical Commander.
- 15.14 Personnel who do not have a requirement to be in the OSR should refrain from entering the room unless there is an urgent requirement to do so.

## **16. Catering**

- 16.1 All staff will be catered for if they are providing cover during IA.
- 16.2 Centrally ordered food can be problematic due to dietary requirements.
- 16.3 Wherever possible a member of staff who has been issued a procurement card will be posted to Holding Points to make local purchases.
- 16.4 Food should not be ordered to arrive during handover or transition periods.
- 16.5 All receipts for supplies should be collated by the card holder and the budget code obtained from the OSR.
- 16.6 A Welfare box will be supplied to all holding points.

## **17. Decision Logs**

- 17.1 A decision log (FB17-08) will be started from the time information is received by the service of the potential for IA.
- 17.2 Any decisions made within a SMT meeting may be recorded in formal minutes.
- 17.3 A decision loggist must be appointed at the earliest opportunity to support those individuals responsible for planning or who are acting as Strategic and Tactical Commanders to ensure all decisions and the rationale are captured.
- 17.4 When the Strategic and Tactical Commanders finish their period of Command,

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the decision log must be signed and struck through.

17.5 A new decision log will be started for every new Commander taking over and for every period of IA.

17.6 All decision logs should be indexed and stored securely for future reference.

17.7 There may be times when issues arise during periods of IA. An Issues log must be started where they can be recorded and signed off by the Tactical Commander when completed.

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### **18. Holding Points**

18.1 Holding Points are areas that have been identified by use of the resource modelling software.

18.2 They are located in areas which aim to provide the best response to the public.

18.3 Holding Points can be a mixture of On Call standalone stations, Commercial Premises, and or Territorial Army Centres.

18.4 Each holding point will be allocated a Holding Point Manager who will be responsible for the location, mobilising of crew and welfare.

### **19. PPE**

19.1 It may be necessary to move PPE for staff that choose not to participate in IA.

19.2 Any request for the movement of PPE must be made via the OSR.

19.3 After consultation with individuals consideration must be given to replacing PPE at their 'Home' station with 'fake' PPE as a means of protecting identities.

### **20. Gartan**

20.1 The use of Gartan will be suspended for the periods of IA. This is to help in protecting the identities of those operational personnel who choose not to participate in IA.

20.2 Screen shots should be taken prior to the start of any period of IA to enable leave and sickness absence to be reviewed.

### **21. Appliance Availability**

21.1 To enable monitoring of appliance and Officer availability, the use of an electronic dashboard will be used.

21.2 The dashboard will be updated by the OSR as pumps are relocated to Holding Points.

21.3 On notification from Control that an appliance and or Officer has been mobilised to an incident the OSR will update the dashboard.

### **22. Thames Valley Control**

22.1 Control staff will be briefed regarding resource availability prior to each period

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of IA.

22.2 All mobilising decisions will be made by the Strategic Commander.

22.3 A loggist will be assigned to the Strategic Commander and they will record all mobilising decisions made within the Control Room in a decision log.

22.4 Mobilising protocols will be agreed during the planning stage of IA and amended call challenge documentation may be issued.

## 23. Reports

23.1 The Home Office (HO) may require briefing reports following the start of a period of IA, or after each subsequent change of shift. Confirmation of requirements will be circulated prior to any period of IA.

23.2 The submission of these reports will be via the FRS reporting tool.

23.3 Authority Members must be kept informed of any serious incidents that occur during IA.

## 24. Planning for IA

24.1 In order for any plan to be effective the strategy and principles to be used must be agreed

24.2 A checklist of tasks has been created to assist in the planning (see Appendix A).

## 25. Exercising the plan

25.1 Prior to any exercise, objectives must be agreed to enable the plan to effective.

25.2 The purpose of exercising the plan is to test the management of our resources prior to any period of IA.

25.3 The plan should be tested robustly with staff being taken out of their comfort zones and encouraged to make challenging decisions.

25.4 An exercise will enable any learning to be fed back and the plan amended as necessary.

25.5 Below are a number of Service objectives that should form the basis of any plan:

- Maintain an effective emergency response to meet the needs of the public
- To maintain safe systems of work for all staff

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- Provide and promote effective safety and prevention information to local communities

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- Maintain effective responses to our neighbours under 13/16 agreements
- Maintain effective communications with external agencies including other CAT1 responders and government
- Ensure compliance with all relevant legislation
- Uphold the values of the Authority
- Operate in a manner that will support return to normal working

## 26. Outcomes

26.1 Following a period of IA or exercise a full debrief should take place with those involved to capture any learning. The learning will be fed back into the plan and amended accordingly.

26.2 Plans should be reviewed on an annual basis and version controlled to reflect any changes made.

## 27. Document Control

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## 28. Appendix A

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<b>Days 14 to 8</b>			
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<b>Legal</b> – At first indication of IA check legality at each stage (see Appendix B).			
<b>Personnel</b> – Determine which staff will be involved in the planning process and allocate roles.			
<b>Set up OSR</b> – Start decision log. Establish On-Call and payroll logging board.			
<b>Meetings</b> – IA planning team to meet twice a day			
<b>Briefing</b> – All staff to be advised via email Book Room 1 for briefing meeting Send meeting request to all Ops managers			
<b>Contact</b> – Make contact with non FRS locations to ascertain availability and to check contact details.			
<b>Leave</b> – Communicate BFRS position on leave to Ops personnel. Place on I:Drive			
<b>Room 2</b> – Book room to ensure it is available throughout period for planning purposes			
<b>Catering</b> – Determine catering requirements			
<b>Transport</b> – Determine requirements and establish availability			
<b>Policy &amp; Procedure</b> – Review and update accordingly			
<b>Training School</b> – determine training staff commitments and planned courses			
<b>Briefing</b> – Station Commanders to speak with affected/ duty watches and On Call. Remind them to declare intention.			
<b>Logistics</b> – Construct transport and appliance movement plan.			
<b>Workshops</b> – Liaise with workshops manager to determine appliance and personnel availability.			

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<b>GARTAN</b> – Text alerts to On Call reminding them to update Gartan for next fourteen days			
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and availability. Draft Comms plan			
<b>TVFCS</b> – Confirm staffing arrangements for TVFCS.			
<b>Media</b> – Confirm messages are planned and submitted			
<b>Protection</b> – Write to Primary sites to advise them of IA and dates			
<b>Holding Points</b> – Determine holding points locations and prepare boxes for delivery			
<b>Rota</b> – Compile rota for OSR working			
<b>Resource Modelling</b> – Refresh modelling data to determine holding points.			
<b>CAT1</b> - Liaise with other CAT1 responders to ensure they are aware of arrangements.			

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<b>Days 7 to 3</b>
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<b>Tasks</b> – Ensure all tasks for days 14–8 have been completed.			
<b>Catering</b> – Arrange catering for OSR and Holding Points.			
<b>Personnel</b> – Confirm availability of FDO’s, Ops staff (including On Call and 42 hr) and Support staff. Consider recall to duty for both Operational and Support Staff.			
<b>Vehicles</b> – Order vehicles (minibuses) if required			
<b>OSR</b> – Confirm number of additional telephones lines and phones required.			
<b>Stationery</b> – Ensure adequate supply of pens, paper, folders, notepads etc.			
<b>Gartan</b> – Take ‘as is’ screen shots			
<b>Risk Assessments</b> – Ensure risk assessments have been completed for all activities and holding points			

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<b>Days 2 to 1</b>			
<b>Tasks</b> – Ensure all tasks for days 7-3 have been completed			
<b>Vehicles</b> – Collect / deliver vehicles (non-blue light). Liaise with workshops			
<b>Briefing</b> – Arrange pre strike briefing for operational managers. Draft daily briefing sheet Brief OSR duty teams			
<b>Personnel</b> – Contact personnel to confirm the locations they will be working from			
<b>Gartan</b> – Remove permissions. Take 'as is' screen shots Text alerts to On Call Finalise use of Gartan			
<b>Holding Points</b> – Arrange collection, transportation and delivery of boxes to holding points. Arrange for delivery of PPE as required			
<b>Rota</b> – Confirm rota with OSR			

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<b>STRIKE Day</b>			
<b>Tasks</b> – Ensure all tasks for days 14 – 1 have been completed			
<b>Vehicles</b> – Ensure vehicles are in correct locations			
<b>Briefing</b> – Ensure TVFCS are fully briefed. Issue daily briefing sheet			
<b>Gartan</b> – Ensure Gartan is blocked 15 minutes prior to end of action – CODE 0 is to be used.			
<b>Catering</b> – Ensure all holding points and OSR are catered for.			
<b>Personnel</b> – Ensure all personnel are in correct location and 'fake PPE' has been stored at home stations if required.			

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<b>File Name</b>	BFRSD Business Continuity during Industrial Action		



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<b>Industrial Action Planning</b> These tasks will assist the service in planning for IA (Note: the list is not in order of priority)	<b>Assigned to</b>	<b>Actioned by</b>	<b>Date completed</b>
<b>Post-IA</b>			
<b>Gartan</b> – Clear Gartan and return to normal use.			
<b>Vehicles</b> – Return vehicles to correct locations			
<b>Holding Points</b> – Ensure all holding points are closed down and boxes are returned to OSR and replenished			
<b>Payroll</b> – Ensure all claims submitted to payroll have correct budget code.			
<b>Paperwork</b> – Ensure all paper work including decision logs are collected and collated and placed in the safe.			
<b>Debrief</b> – Collate all FB17.3's and arrange debrief. Any learning to be fed back into plan.			
<b>Report</b> – Submit required reports to Home Office. Compile report for Fire Authority.			

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## **Business Continuity during Industrial Action**

### **29. Appendix B**

A trade union organising a strike or other IA will potentially commit the tort of inducing employees to breach their contracts of employment. The following conditions must all be met for the union to qualify for immunity:

- **Valid trade dispute.** The IA must be taken "in contemplation or furtherance of a trade dispute".
- **Prohibited IA.** The IA must not be taken for a prohibited purpose, such as to protest against the dismissal of any employee taking unofficial IA. Neither can it amount to secondary action or unlawful picketing.
- **Ballot.** It must have the support of a properly-organised ballot of union members. The union must ballot (and only ballot) all members who it is reasonable for it to believe will be induced to take part.
- **Notification.** The union must comply with the notification requirements. In particular, it must send the employer:
  - notice of intention to ballot, at least seven days before the ballot;
  - a copy of the ballot paper, at least three days before the ballot;
  - notification of the result of the ballot as soon as reasonably practicable; and
  - notice of IA, at least 14 days before it is due to start (or seven days if the employer and union agree. *NB: in no circumstances will the Chief Fire Officer accept the lesser option of seven days' notice*).

#### **Checklist**

The following points **must** be verified by a member of SMT at each stage of the process.

**As encouraging, or participating in, unprotected IA can have severe consequences (including the dismissal of employees) it is imperative that any noncompliance with the requirements of any of the stages is brought to the attention of the relevant union and communicated to the relevant BFRS employees at the earliest opportunity.**

#### **Valid trade dispute**

- Trade Dispute. Check that there is a "trade dispute", and that it is clear that the proposed IA concerns only that dispute. See: [section 244 Trade Union](#)

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[and Labour Relations \(Consolidation\) Act 1992](#) Note: s244(2) regarding Authority employees in dispute with Government

**Prohibited IA**

- Prohibited purpose. Is the IA being taken for a prohibited purpose such as to protest at the dismissal of any employee taking unofficial IA?
- Secondary action. Would the IA amount to secondary action (that is, is the trade dispute with another employer)?

**Receiving the notice of ballot**

Check that the notice complies with the legal requirements:

- Purpose. Does it clearly state that the union intends to hold a ballot?
- Timing. Does it clearly state the opening date of the ballot, and has it been provided at least seven days before this date?
- Numbers and categories. The Authority does not provide a “check off”/DOCAS facility for trade unions. Therefore check that the notice includes:
  - the correct total number of employees to be balloted;
  - the correct categories to which they belong and the numbers in each category;
  - the correct workplaces at which they work and the number of them at each workplace; and
  - an explanation as to how the figures have been reached.

**Receiving the sample ballot paper**

The union must provide a sample ballot paper not later than the third day before the opening day of the ballot. Check that this has been received, and that the wording on it exactly reflects the legal requirements:

- Scrutineer. Does it state the name of the independent scrutineer, and the address to which it must be returned?
- Independence. Is there any reason to believe that the independent scrutineer will not carry out their functions without interference from the union?

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- Ballot information. Does it:
  - Provide a summary of the matters in issue to which the proposed IA relates?
  - Where IA other than a strike is proposed, set out (either in the question to be voted on (see below) or elsewhere on the ballot paper) the type of action that is envisaged?
  - Provide the period(s) within which the action or, as the case may be, each type of action is expected to take place?
  - Ballot question. Does it include a "yes/no" question as to whether the employee is prepared to take part in a strike, or (as the case may be) IA short of a strike?
  - Authority. Does it specify who is authorised to call on members to take part in IA?
  - Warning. Does it include the required warning (see: section 229(4) of TULRCA [section 229\(4\) of TULCRA](#) ) that participation in the strike may be a breach of the employee's employment contract?
- Denial of vote. Have any employees complained that they have not received ballot papers when they should have done?
- Extra votes. Is there any evidence that some individuals (such as ex-employees) have received ballot papers when they should not have done?
- Interference. Is there evidence of the union exerting undue influence on employees to vote in favour of the strike?

### Receiving the result of the ballot

- Timing. Check that the union has provided you and its members with the result of the strike ballot as soon as reasonably practicable after it closes. The reasons for any delay should be investigated.

### Receiving the notice of IA

On receipt of the notice of IA, check that the union has complied with the relevant legal requirements. For example:

- Result. Is there evidence that the union has complied with the obligation to inform its own members of the number of workers entitled to vote in the ballot and whether at least **50% of them voted**, the number of votes

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cast, the number of "yes", "no" and spoiled ballots and, whether **at least 40% voted in favour** of the IA? See: [Important Public Services Regulations 2017 – guidance on the regulations](#) BIS non-statutory Guidance relating to the [Important Public Services \(Fire\) Regulations 2017](#)

- Timing. Has the notice been provided at least fourteen days<sup>3</sup> before the start of the IA?
- Dates. Does the notice state whether the action will be continuous or discontinuous, and give a start date (or, in the case of discontinuous action, all intended dates)?
- Check whether the period of IA is within 6 months of the date of ballot.
- The Authority does not provide a "check off"/DOCAS facility for trade unions. Therefore check that the notice includes:
  - the correct total number of affected employees;
  - the correct categories to which they belong and the numbers in each category;
  - the correct workplaces at which they work and the number of them at each workplace; and
  - an explanation as to how the figures have been reached.
- Check whether the numbers are the same as those contained in the notice of ballot, and any other discrepancies between the notice of ballot and notice of IA.
- Correct group of employees. Is the union planning to call upon the correct group of employees, or a larger group? If a larger group, are there employees they should have balloted but omitted?

(See for further reference: [Code of Practice: Industrial action ballots and notice to employers, March 2017](#) )

<sup>3</sup> In no circumstances will the Chief Fire Officer accept the option of seven days' notice

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## Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	7 June 2017
<b>OFFICER</b>	Lynne Swift, Director of People and Organisational Development
<b>LEAD MEMBER</b>	Human Resources and Equality and Diversity
<b>SUBJECT OF THE REPORT</b>	<b>Scheme Manager Discretion 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. Appendix one provides a position on all discretions applicable under the 2015 Firefighters' Pension Scheme and Appendix two 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</p>

	Scheme (England) Regulations 2014.
<b>ACTION</b>	Decision.
<b>RECOMMENDATIONS</b>	<p>It is recommended that the Fire Authority:</p> <ol style="list-style-type: none"> <li>1. Approves the forty-nine Scheme Manager Pension Discretions applicable to the 2015 Firefighters' Pension Scheme and these are adopted by the Authority with immediate effect.</li> </ol>
<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. A number of the pension discretions can carry significant cost implications and therefore agreeing a position on where and how to exercise discretion will be essential to managing any future risk.</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.

<p><b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b></p>	<p>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.</p>
<p><b>HEALTH AND SAFETY</b></p>	<p>There are no health and safety implications arising from this report.</p>
<p><b>EQUALITY AND DIVERSITY</b></p>	<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>
<p><b>USE OF RESOURCES</b></p>	<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.</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</p>

	residents and businesses of the communities we serve' as it contributes to managing workforce size to achieve a balanced budget.
<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/Executive_Committee_181115.compressed.pdf">http://bucksfire.gov.uk/files/4514/5529/0139/Executive_Committee_181115.compressed.pdf</a></p> <p>10 June 2015 Fire Authority; Report on Scheme Manager Discretions for the Firefighters' Pension Scheme 2015:  <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:  <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:  <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  <a href="mailto:fmansfield@bucksfire.gov.uk">fmansfield@bucksfire.gov.uk</a>  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 and 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	There is no rationale behind the Authority undertaking this discretion and this is recommended with advice from the pension administrator.
<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 members on unpaid authorised absence are able to count this period as active membership subject to the member paying the appropriate contributions. On a case by case basis it will be determined whether the individual or the employer pay the employer contributions.</p> <p>For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the</p>

Regulation	Recommendation	Comments
		<p>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 deficient 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> <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</p>	To note	The pension administrator has confirmed this would be carried out as part of normal practice.

Regulation	Recommendation	Comments
(3), (4) and (5)]		
<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	The pension administrator has confirmed this would be carried out as part of normal practice.
<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 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>	Decision	It is recommended this discretion is not applied due to the potential substantial cost to the Authority of allowing early retirements without early payment reductions. This would be in line with LGPS discretions, where the Authority does not waive any actuarial reductions for those retiring after age 55.

Regulation	Recommendation	Comments
<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 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>	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> <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>Think 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>

Regulation	Recommendation	Comments
<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-employment. [Regulation 69 (3)]</p>	Decision	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 person retired on grounds of ill health on a case by case basis, depending on the current vacancy and resourcing position of the Authority.
<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	The discretion in these cases is the date on which the pension payments commence and will be agreed on a case by case basis where there are grounds to justify it.

Regulation	Recommendation	Comments
<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 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)]</p>	Decision	The discretion in these cases is to identify, at the time, if it is necessary to withhold consent. The Authority will determine this 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 to view cases on personal circumstances, taking into account any exceptional circumstances.

Regulation	Recommendation	Comments
<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.
<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.

Regulation	Recommendation	Comments
<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 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>	Decision	<p>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.</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>

Regulation	Recommendation	Comments
<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 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>	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 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>	No action required	<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</p>

Regulation	Recommendation	Comments
		<p>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 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</p>

Regulation	Recommendation	Comments
		entitlement for pension benefit purposes.
<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 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>	Decision	Where contributions are due the employer will calculate and agree an individual payment plan on a case by case basis.
<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</p>	Decision	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

Regulation	Recommendation	Comments
<p>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>		<p>Authority's behalf.</p>
<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>	<p>Decision</p>	<p>It is recommended 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</p>	<p>To note</p>	<p>No decision required - statement for note.</p>

Regulation	Recommendation	Comments
<p>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>		
<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 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>	To note	No decision required - statement for note.
<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.

Regulation	Recommendation	Comments
<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> <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>	Decision	<p>This determination is currently in place for 1992 and 2006 Schemes.</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>	Decision	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.

Regulation	Recommendation	Comments
Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.		
<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 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>	Decision	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><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,</p>	To note	This is a statement of requirements and actions will be specific to each case as necessary.

Regulation	Recommendation	Comments
<p>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)]</p>		
<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>	<p>To note</p>	<p>This is a statement of requirements and actions will be specific to each case as necessary.</p>
<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>Decision</p>	<p>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.</p>

Regulation	Recommendation	Comments
<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 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</p>	<p>To note</p>	<p>The Scheme Manager will follow the Internal Disputes Resolution Procedure.</p>

Regulation	Recommendation	Comments
Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]		
<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 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>	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 maintaining a small annual pension.
<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>	Decision	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.

Regulation	Recommendation	Comments
<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 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>	Decision	It is recommended this discretion is not applied and evidence is provided to ensure that all payments are correctly paid.
<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</p>	Decision	It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.

Regulation	Recommendation	Comments
<p>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>		
<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 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>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><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 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>	Decision	<p>It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.</p> <p>It is recommended this discretion is not applied as to withhold all pension benefits after a conviction is quashed on appeal would prevent an individual who successfully appeal against a conviction from receiving their entitlement.</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.</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>

Regulation	Recommendation	Comments
<p>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>		
<p><b>45.0 Set-off (Regulation 175)</b></p> <p>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]</p>	Decision	It is recommended this discretion is applied on a case by case basis, thus enabling the possible set-off of funds where they meet the requirements of the Regulation.
<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	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

Regulation	Recommendation	Comments
		<p>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 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>Decision</p>	<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><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 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)]</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 administration of any alternative payment methods would result in increased administration burden for the Authority with no added benefit.

Regulation	Recommendation	Comments
<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	<p>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>
<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 Paragraph 3 (3); Schedule 2 Part 2 Paragraph 9 (5); and Schedule 2 Part 3 Paragraph 21]</p>	Decision	<p>It is recommended this discretion is made at the time a member returns to pensionable service, subject to paragraph 9(5) or 21 applying.</p>

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<b>To:</b>	<b>Document Type:</b>	<input checked="" type="checkbox"/>	<b>Document Summary:</b>
All members of the 2015 Firefighters' Pension Scheme.	Policy	<input checked="" type="checkbox"/>	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	<input type="checkbox"/>	
	Procedure	<input type="checkbox"/>	
	Guidance Note	<input type="checkbox"/>	
	Technical Note	<input type="checkbox"/>	
	Information	<input type="checkbox"/>	
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<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		
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## **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.

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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.

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

### **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.

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

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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.

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

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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.

## 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

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

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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.

### **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: 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)]

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### 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 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.

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

#### 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.

### 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)

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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.

## **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 (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.

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

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### 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

#### 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

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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 it 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. [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

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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: 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.

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### 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)]

#### **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.

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### 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)

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

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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)

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.

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[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)

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.

## Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2:

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## Scheme Manager Pension Discretions (FPS 2015)

### 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 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)]

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## Scheme Manager Pension Discretions (FPS 2015)

### 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 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

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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)

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

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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)

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

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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)**

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**

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### 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)]

#### 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)

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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 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]

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## Scheme Manager Pension Discretions (FPS 2015)

### 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 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.

### 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.

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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.

### **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)]

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## Scheme Manager Pension Discretions (FPS 2015)

### 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

#### 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, if practicable e.g. if on an authorised absence.

### 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

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## Scheme Manager Pension Discretions (FPS 2015)

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 unless payments exceeds £200 and on a case by case basis.

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

#### **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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# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	7 June 2017
<b>OFFICER</b>	Lynne Swift, Director of People and Organisational Development
<b>LEAD MEMBER</b>	Human Resources and Equality and Diversity
<b>SUBJECT OF THE REPORT</b>	<b>The Authority's People Strategy 2016 to 2020 - Annual Update</b>
<b>EXECUTIVE SUMMARY</b>	<p>This report provides an update on the development and achievements to date of the Authority's People Strategy 2016 to 2020, which was approved by members at the 3 February 2016 Executive Committee.</p> <p>The Strategy provides a clear and simple framework to 'Optimise the Contribution and Well-being of our people'. It demonstrates how Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is creating the environment for enhancing the engagement, commitment and professionalism of all of its people to achieve the Authority's Vision, Priorities and Objectives.</p> <p>The strategic framework highlights four key areas: Resourcing, Well-being, Talent Management and Employee Relations.</p> <p>Annex A of this report details the People Strategy's main developments and examples of achievements to date, within these four areas, building on the initial concept and developing it into a prospectus for potential employees.</p> <p>Annex B of this report gives a brief summary of the employee engagement outcomes, including the themes and topics where the highest number of feedback comments were made.</p> <p>This report will be supplemented by subject specific strategic reports throughout the financial year. Examples include; Equality, Diversity and Inclusion and Employee Culture Survey Outcomes.</p> <p>The strategy continues to be developed with an innovative approach using an interactive format. This</p>

	<p>is designed to encourage stakeholder engagement and contribution to delivering the strategy. The strategy aligns with the Authority's Public Safety and Corporate Plans.</p> <p>The Strategy provides an ongoing opportunity for employee development through the use of 'task and finish' groups.</p> <p>Having a web-based interactive portal to showcase the strategy means that it can be easily accessed by our employees, partners and all key stakeholders; all of whom can see how our strategic aims are translated into delivering day-to-day services, highlighting the importance of every person's contribution to achieving the Authority's vision.</p> <p>This pioneering approach towards transparency for the Strategy also allows us to actively share the Authority's strategic direction.</p> <p>The People Strategy can be accessed via the following link:</p> <p><a href="https://people.bucksfire.gov.uk/">https://people.bucksfire.gov.uk/</a></p>
<b>ACTION</b>	Noting.
<b>RECOMMENDATIONS</b>	That the Service's People Strategy 2016 to 2020 main developments and achievements to date, set out in Annex A and the employee engagement outcomes in Annex B are noted.
<b>RISK MANAGEMENT</b>	<p><b>Inclusion</b></p> <p>The strategy compliments our Equality Diversity and Inclusion objectives, and 'a day in the life of a firefighter' video is being produced in this area. Employees are able to capture and highlight the great work that they are doing, which meet the strategic aims and outcomes. Arrangements are in place to ensure that language and content are inclusive.</p> <p><b>Lack of employee/stakeholder engagement</b></p> <p>Employee involvement and ownership is already underway, following introduction sessions to employees and identification of People Strategy champions to regularly interact with and provide updates on progress in delivering the strategy.</p> <p><b>Adaptability to meet pace of change</b></p> <p>The strategy is both flexible and dynamic; allowing the Authority to keep its content current and fit for</p>

	<p>purpose.</p> <p><b>Assurance</b></p> <p>Whilst individuals are free to contribute to the strategy suggesting improvements and providing evidence, quality assurance arrangements are in place which ensures that the Authority can govern its content and how it is used. For example this will allow for opportunities to further develop the strategy, such as through collaborative working.</p>
<b>FINANCIAL IMPLICATIONS</b>	<p>Whilst there are no direct financial implications from this report, the strategy contributes to achieving savings that have been identified in the Public Safety, Corporate and Medium Term Financial Plans.</p> <p>Cost and benefits implications for each initiative outlined in the strategy will be considered as part of the supporting individual business cases.</p>
<b>LEGAL IMPLICATIONS</b>	<p>There are no legal implications arising from the recommendation.</p>
<b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b>	<p>All primary activities consider opportunities for collaboration. Current collaborative work with our partners is shared and showcased in the strategy.</p>
<b>HEALTH AND SAFETY</b>	<p>A key feature of this strategy is to optimise employee well-being, which is one of the four main strands of the strategy. Examples of how employee's well-being is being optimised are given in Annex A.</p>
<b>EQUALITY AND DIVERSITY</b>	<p>The strategy fully aligns to our Equality and Diversity Policy.</p> <p>As part of the ongoing development and implementation of the strategy, the resourcing section will host tools which help meet the Equality Diversity and Inclusion objectives.</p> <p>Work is underway on a dedicated Equality, Diversity and Inclusion section to showcase our work.</p> <p>An integrated impact assessment has been completed which is subject to ongoing review as the initiatives develops.</p>
<b>USE OF RESOURCES</b>	<p><b>Contribution to the achievement of strategic objectives;</b></p> <p>The People Strategy provides a mechanism to align the strategic enabler (to optimise the contribution and</p>

	<p>well-being of our people) to individual performance outcomes, measured by critical success factors.</p> <p><b>Communication with stakeholders;</b> Key stakeholder communication is maintained via normal channels during the strategy's development and implementation programme, including updates as a standing item on the Joint Consultation Forum agenda. Key stakeholders are encouraged to contribute to the strategy via a series of innovative engagement methods.</p> <p><b>The system of internal control;</b> The effectiveness of the People Strategy will be measured by critical success factors to be fully developed during 2017, linked with a stakeholder culture survey scheduled for Quarter two of the financial year. These factors will then become a standing item on the bi-monthly People and Organisational Development Directorate (POD) Management meeting agenda. Progress reports to Business Transformation Board (BTB), Strategic Management Board (SMB) and appropriate member committees will be scheduled as appropriate.</p> <p><b>The medium term financial strategy;</b> The People Strategy further enables and contributes to achieving savings identified in the Public Safety, Corporate and Medium Term Financial Plans.</p> <p><b>The balance between spending and resources;</b> Funding for the hosting of the strategy, as it is hosted on the world wide web is accommodated within budget. A 'Task and Finish' Group has been set up to develop and communicate the interactive elements of the strategy. Each strategic initiative has a nominated lead officer.</p>
<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><a href="#">The Authority's People Strategy 2016</a> <a href="#">Equality, Diversity and Inclusion</a> <a href="#">Public Safety Plan</a> <a href="#">Corporate Plan</a> <a href="#">Fire and Rescue People Strategy 2017</a></p>
<p><b>APPENDICES</b></p>	<p>Annex A - People Strategy 2016–2020 Development, Achievements and Next Steps</p> <p>Annex B - People Strategy: Employee engagement outcomes</p>

<b>TIME REQUIRED</b>	20 Minutes.
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## **Annex A – People Strategy 2016–2020 Development, Achievements and Next Steps**

### **Purpose and summary of report**

The purpose of this report is to outline the People Strategy's main achievements to date, building on the initial concept and developing it into a prospectus for potential employees.

### **How we approached implementation**

The development opportunity to engage in task and finish work to develop and market an interactive People Strategy was open to all employees. Those who were selected received a briefing from the original author of the strategy setting out the scope of the work. The initial recommendations were to publish and promote via a web-based portal. The domain name 'people.bucksfire.gov.uk' was sourced, which allows for a seamless transition between the main BMKFA website to the People Strategy and back again, giving the impression that they are on the same site. The web-based interactive strategy was created to meet the original brief, initially hosting the four key areas (Resourcing, Talent Management, Well-being and Employee Relations).

During the development and implementation phases, the People Strategy was held as a standing item on the agenda for all Joint Consultation Forum meetings for challenge and buy-in from the represented groups; these are attended by employer representatives, trade unions and employee representatives. The strategy was initially launched internally. Whilst it can be accessed externally, promoting to external stakeholders is planned for the future. Representatives from the task and finish group visited stations and departments to promote the People Strategy and encourage their interaction by contributing to articles on it. People Strategy 'Champions' have been identified, targeting employees that are responsible for their respective station and department social media accounts.

### **Examples of achievements within the four identified areas are:**

#### **Resourcing**

#### **Succession planning**

A report was prepared for management planning two to three years ahead for senior and critical roles to ensure we have in place robust and resilient succession planning options. The resulting training needs analysis is currently being actioned to meet the skills gaps identified. At all levels we know from our workforce planning data what knowledge, skills and experience we are likely to require in the future. The plans also consider short and medium term arrangements which may be required to ensure effective operational assurance and sound business continuity needs. The valuable data gathered allows us to prepare for the future and develop our people for new roles and responsibilities in the medium to longer term.

### **Flexi-Firefighter pilot**

Piloting new ways of working, including the introduction of the flexi-firefighter concept; new staff taken on in fulltime positions as flexible firefighters on local terms and conditions. These firefighters work on their own agreed specific shift pattern providing cover where needed, as coordinated by the Resource Management Team.

### **Talent Management**

#### **The Training, Learning and Development Framework**

The Training, Learning and Development framework, and governance arrangements within it, seek to ensure that there are no critical skill gaps and also ensure that we maintain optimal resilience across the service. The Strategy is based upon the principles of the [Fire Professional Framework](#) (FPF) [Competence Framework for the Fire Service], the Fire & Rescue Service National Framework and the National Occupational Standards. Our training record is modelled after the Fire Professional Framework, and we are continuing to align our competencies to the FPF model through a blended training record that includes both eLearning and practical skills assessment. Other learning projects include collaborative course development with other services as well as a drive to share training materials to speed up development of learning.

#### **Leadership development centres for support services staff**

Learning & development, temporary moves, promotions and career development opportunities were priority topics raised by staff as part of the employee engagement programme. In response to the feedback from Staff, and the drive to achieve more, it was agreed that we will pilot an 'Aspiring Leaders Pathway' programme. The aim of this new Aspiring Leaders Pathway (ALP) is to identify existing and potential leaders within the organisation and provide personal plans which will aid the individual's development, signposting opportunities including potential lateral moves and secondments. This initiative will also support us with future succession planning and resilience. The pathway will be open to all staff across the organisation.

### **Well-being**

#### **Global Corporate Challenge**

The Global Corporate Challenge was an excellent initiative run during the summer of 2015 and 2016 to promote our commitment to improve the health and well-being for all our employees. With a place for everyone in the competition, funded by the Service, the aim was to improve health and fitness across every department, create some competition and of course to have a lot of fun doing it.

#### **Blue light programme**

Working with the charity MIND, the blue light programme was run at service headquarters for our own employees as well as staff from our emergency service partners South Central Ambulance Service and Thames Valley Police. We know that by learning some simple ways to cope better with the stresses and strains of

everyday life, you're more likely to deal with difficult situations at work or at home without becoming unwell.

## **Employee Relations**

### **The Milton Keynes Project consultation**

Prior to the launch of the public consultation into the proposal to merge Bletchley and Great Holm Fire Stations in Milton Keynes and create a blue-light hub station, the consultation document was published to enable staff and other interested parties to read all of the background material before the consultation went live.

### **Consultation Forum**

To facilitate effective information and consultation, employees will be represented on various consultation groups such as the Joint Consultation Forum and Equality, Diversity and Inclusion Champions Forum, bringing together management, employees and their representatives for consultative purposes.

### **Recent innovative developments**

The task and finish group identified areas that they felt contributed towards developing the strategy further. The additional areas created by the team to showcase 'Station Activity' and 'Talent Wall'.

### **Station Activity**

This is a live page that receives social media news from all of our stations and puts them into one place. The page automatically updates itself, with the newest posts being at the top, and only displays original content sent by the station.

### **Talent wall**

This area was created to celebrate the collection of both internal and external awards that our people have received since 2015. The awards include SAFE, Long Service and Charity Awards and in addition to Organisational and Employee Awards. The SAFE Awards were introduced by the Authority in 2015, allowing members of the community and colleagues the chance to recognise members of staff for exceptional service and excellence. Examples of these awards include 'Staff Member of the Year' and 'Commitment to Equality and Diversity'.

### **The next six months**

The National Fire Chiefs Council (NFCC) Workforce Committee have developed a national Fire and Rescue People Strategy 2017 to 2022 which was approved by the NFCC on 27 April 2017. This strategy is a framework which gives directional guidance for fire and rescue services and also sets out the national agenda for workforce matters. Initial comparison with the BMKFA People Strategy indicate the Authority, through its forward thinking and strategic approach, is well placed on workforce reform matters. A future report on workforce reform will include progress against the 'Conditions of service for fire and rescue staff: independent review' by Adrian Thomas on behalf of the Home Office, and identify the national workforce matters which are relevant to Buckinghamshire and Milton Keynes Fire Authority.

Plans and regular reviews with stakeholders are already in place to further develop the People Strategy, these include:

Critical success factors - These factors are to be determined in 2017 as part of the initial brief for the task and finish group.

Employee Engagement (Employee Relations) - Ongoing implementation of the action plans from the engagement process set out in Annex B.

Cultural survey (Employee Relations) - Scheduled to take place in quarter 2 of 2017/18.

Apprentices phase two (Resourcing) - Recruitment is underway for the second phase of apprentice firefighters.

Aspiring Leadership Programme outcomes – management apprenticeships (Talent Management) - The results and identified outcomes from the ALP to identify those selected for the management apprenticeships.

Equality, Diversity and Inclusion (new section) - An additional section on the People Strategy dedicated to the ongoing work.

Resourcing strategy (Resourcing) - This strategy will ensure that we can flexibly support organisational needs, and future risk and demand models, including meeting challenges of an ageing workforce and future retirement profiles.

eRecruitment (Resourcing) - This strategy will act as a prospectus, supporting our new eRecruitment portal which is already in development.

eLearning packages (Talent Management) - Heat is currently growing its scope to provide training resources to all Staff. Specific to our operational Core Training Record, a blended resource approach to delivering training material is being taken. All new eLearning courses are being developed with supporting PowerPoints and instructor notes to allow training delivery of eLearning to be given to groups. This initiative increases engagement through a classroom environment for crews, while still allowing the opportunity for staff to take the courses individually through eLearning.

Nationally, the OD team have scoped, developed, and deployed a national eLearning Catalogue with CFOA and NFCC backing. This Catalogue was developed to allow rapid sharing of training materials across all UK Fire and Rescue Services. Services are able to download training resources from other services and adapt them to their local training needs. The site will also feature Learning & Development engagement areas focusing on FRS training best practice and include an area where staff can discuss current training or planned training agendas and initiatives.

## **Annex B – People Strategy: Employee engagement outcomes**

Following on from the Chief Fire Officer's 3-year vision roadshow, facilitated employee engagement sessions took place between December 2015 and February 2016.

In excess of 1800 comments were collected by the 10 facilitators in over 30 engagement sessions across the organisation. These comments were categorised into 12 themes, which were:

Leadership; My Company; Personal Growth; My Manager; My Team; Giving Something Back; Fair Deal; Wellbeing; Communications; Equipment; Training; and New Initiatives.

Within each of the 12 themes, comments were grouped into topics; some topics appeared in more than one theme e.g. Communications.

Below are the topics (and their respective themes) that have been identified as priority areas based on the number of cumulative comments that were made across the 12 themes:

- Communications (Communications)
- Promotions (Fair Deal)
- Operational Training (Training)
- Development of staff (Personal Growth)

There are a mixture of comments made about these topics, some positive and some highlighting areas for improvement.

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# Buckinghamshire & Milton Keynes Fire Authority

<b>MEETING</b>	Fire Authority
<b>DATE OF MEETING</b>	7 June 2017
<b>OFFICER</b>	Paul Holland, Head of Projects and Transformation David Sutherland, Director of Finance and Assets
<b>LEAD MEMBER</b>	Lead Member for Property and Resource Management
<b>SUBJECT OF THE REPORT</b>	<b>Blue Light Hub for Milton Keynes</b>
<b>EXECUTIVE SUMMARY</b>	<p>This report sets out the outcome of the recent tender exercise held in respect of the construction contract for the Blue Light Hub in Milton Keynes.</p> <p><u>Background</u></p> <p>At its meeting of 10 February 2016 the Fire Authority resolved under minute FA 43:</p> <p>'That the resources from Great Holm and Bletchley are relocated and merged into the new 'blue light hub' facility with Thames Valley Police at West Ashland and the existing station premises vacated.</p> <p>The Service will continue to ensure that current response standards are met via its dynamic mobilising system, utilising the fire crews that are out in the community delivering vital life-saving community safety work, or when appropriate utilising standby points strategically located across Milton Keynes, ensuring our communities will always benefit from the quickest possible attendance in an emergency.'</p> <p>At its meeting of the 19 October 2016 the Fire Authority resolved under minute FA21:</p> <p>'That the construction of a complex comprising Ground, 1st and 2<sup>nd</sup> Floor at the West Ashland site, housing all 3 blue light services in line with the estimated costs and funding set out in Annex 2 (exempt from publication) be approved on the proviso of an irrevocable commitment from SCAS to its capital contribution prior to 2 December 2016.'</p> <p>The SCAS Trust Board approved a business case which supported their involvement in the scheme on 30 November 2016.</p> <p>This option included a 3 floor facility (ground, first and</p>

	<p>second floors) with a view to the second floor becoming an additional space allowing flexibility not only for the 3 blue light services, but for other public sector bodies seeking affordable growth space within Milton Keynes, or for community use. There has been significant interest in the community use element of this scheme since the last report.</p> <p>The full detail is set out in Annex 1 of this report.</p>
<p><b>ACTION</b></p>	<p>Decision.</p>
<p><b>RECOMMENDATIONS</b></p>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>1. a new proposal for a 'Develop and Construct' procurement process be approved;</li> <li>2. the additional funding as set out in Annex 2 be approved; and</li> <li>3. delegation be given to the Executive Committee to amend as appropriate the capital budget for the Blue Light Hub project should the tendered 'target price' exceed the approved capital budget.</li> </ol>
<p><b>RISK MANAGEMENT</b></p>	<p>There are several inherent risks with a project of this type and size, however, all due diligence has been undertaken as far as is possible to mitigate such risks.</p> <p>The following are identified as the main risk areas with a note of the how that risk has either been managed, or is intended to be managed.</p> <p><b>Finance</b> – The proposal set out in the body of this report is designed to ensure that the project remains affordable to the Authority and will allow other vital investment to continue e.g. vehicles and equipment.</p> <p>Current estimates are based upon best professional advice and the build project will continue to be subject to a formal Official Journal of the European Union (OJEU) tender procedure to ensure the best value for money outcome.</p> <p>The project budget will be managed through a combination of our professional Quantity Surveyor (QS) advisors, Property Manager and Principal Accountant. The professional fee and build invoices will be certified as appropriate only through the QS and/or Property Manager. The budget will be monitored as part of regular monthly progress meetings to include any update and advice from the Principal Accountant on overall budget progress.</p> <p>The estimated build costs set out in Annex 2 of this report include an allowance for inflation as well as</p>

development risk. Further independent QS analysis has been undertaken and assurance provided that the project can be contained within the figures set out in Annex 2.

The Authority and our professional advisors will also work with the successful contractor to seek out added value solutions that may be suggested i.e. solutions that provide the same outcomes and quality at lower cost. Any benefit would be shared with the contractor.

**Partners** – There has been extensive consultation with both Thames Valley Police (TVP) and South Central Ambulance (SCAS) to ensure both viability and affordability of the proposal. Whilst there is good reason to be optimistic on the outcome, nevertheless both parties have their own governance procedures to adhere to and there is a risk that one or both may yet determine this is not a scheme they wish to commit to. In the case of TVP this is a very low risk as they are joint signatories to the transformation funding bid.

A verbal update on the respective formal positions of both parties will be provided to Members at the Authority meeting.

**Planning** – Following some S106 demands within the original planning consent of 5 Jan 2017, at the request of the Fire Authority the Senior Planning Officer dealing with the application took a report back to Milton Keynes Development Control Committee on 9 March 2017. The Committee agreed to a reduced S 106 relating only to a necessary traffic regulation order. At the time of writing virtually all pre planning conditions have been met, including a S106 agreement which is close to completion. On that basis a Decision Notice can be expected soon and Members will receive a verbal update at the meeting.

### **Project Management**

A tiered Project Management structure has been established and incorporates the input from the HUB team together with the internal management structure. 'The HUB' are the Authority professional services partner for the proposed project.

The Project Manager, manages the Project Build control, weekly site meetings and the monthly contract meeting.

A Project Board meeting has been established, chaired by the Head of Projects & Transformation, which meets at four weekly intervals and includes representatives from the internal project team, members of the HUB delivery team, TVP and SCAS estates teams.

A project highlight report, incorporating relevant information from the HUB highlight report, is prepared by the Transformation Programme Manager, which is presented to the Project Board meeting for review and then subsequently presented to the next available Business Transformation Board meeting. The high level project plan and risk register are also reviewed at these meetings.

### **Land issues**

All due diligence has been carried out through the Authority's professional advisors to ensure that as far as is possible, there are no environmental, wildlife or other restrictive factors that will impinge upon the intended use of the land at West Ashland. An environmental report has been furnished as part of the planning application.

Should MKDP choose not to exercise its option to purchase the Bletchley site then approval will be sought for the land to be sold on the open market.

### **Contractor failure**

The essential work to minimise the possibility of contractor failure is through the Pre-Qualification Questionnaire (PQQ) process that all potential contractors must take part in. This process allows the Authority to set its key requirements of potential tenderers and will include the following essential criteria:

- Latest Audited Accounts
- At least 3 examples of similar works with other Fire or Local Authorities
- Examples of works of similar size and value
- Must be relatively recent examples
- Resilience – this must be part of a wider portfolio of similar ongoing current works

If a company is successful at PQQ stage and subsequently tenders for the work, then a further more intensive financial check will be carried out using a professional advisor such as Dun & Bradstreet, prior to any award.

### **BIM**

BIM is an acronym for Building Information Modelling and its use is intended for this project. It describes the means by which everyone can understand a building through the use of a digital model, enabling those who interact with the building to optimise their actions, resulting in a greater whole life value for the asset.

BIM brings together all of the information about every component of a building, in one place. It makes it

	<p>possible for anyone to access that information for any purpose, e.g. to integrate different aspects of the design more effectively. In this way, the risk of mistakes or discrepancies is reduced, and abortive costs minimised.</p> <p>BIM data can be used to illustrate the entire building life-cycle, from inception and design to demolition and materials reuse. Spaces, systems, products and sequences can be shown in relative scale to each other and, in turn, relative to the entire project. And by signaling conflict detection BIM prevents errors creeping in at the various stages of development/ construction.</p> <p>Annex 1 of this report sets out a way forward for the project that retains the BIM approach.</p> <p><b>CDM Co-coordinator (Construction, Design and Management)</b></p> <p>The Authority will appoint a CDM Co-ordinator to assist in fulfilling its obligations under the Construction (Design and Management) Regulations 2015. This is a protection for the Authority and assures functionality and safety, including safe construction and working practices.</p> <p><b>Clerk of Works</b></p> <p>A clerk of works will also be appointed. This role inspects the workmanship, quality and safety of work on a construction site and reports their findings to the client.</p> <p>This role is the Authority’s ‘eyes and ears’ on the ground on a daily basis, ensuring the contractor carries out all work as specified.</p>
<p><b>FINANCIAL IMPLICATIONS</b></p>	<p>The financial implications are an integral part of the information set out in both Annex 1 and exempt Annex 2 and are, therefore, detailed in those sections of the report.</p> <p>The delegation to the Executive Committee is included in the recommendations in the event that the proposed contract award ‘target price’ may be more than 10% over the approved budget, (per paragraph 4.19 of the Authority’s <a href="#">Financial Instructions</a> ) or, if within 10%, the Director of Finance and Assets is of the view that Members should have the final say on the budget allocation.</p>
<p><b>LEGAL IMPLICATIONS</b></p>	<p>A contract for sale has been agreed between the Fire Authority and Milton Keynes Development Partnership (MKDP) for the purchase of the land formally known as West Ashland (North Site B) Thornbury, Milton Keynes.</p> <p>The agreed purchase price is £1.5m and is secured on a 5% deposit which was paid to MKDP upon exchange</p>

	<p>of contracts on 27 July 2016.</p> <p>A condition of the above contract is that the planning application for the site must be submitted within 4 months of the exchange date. The Authority has already complied with this condition.</p> <p>Completion will take place of 20 working days after a build contract is entered into for the construction of the development in accordance with the approved planning permission. Given that (subject to agreement) the Fire Authority may determine to pursue the recommended 'Develop and Construct' procurement path, clarification will be sought to ensure the wording in the land purchase agreement remains valid on that point, or if any amendment is required.</p> <p>As part of the agreement to purchase the land at West Ashland, the Authority has also entered into an option agreement with MKDP for the land and premises at Bletchley Fire Station.</p> <p>Procurement of the build project has and will continue to be carried out in accordance with the Authority's standing orders.</p>
<p><b>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</b></p>	<p>This proposal supports the MOU with Thames Valley Police to share facilities where it is mutually beneficial to do so. TVP were also an integral part of the original funding bid to DCLG. In addition all the blue light services in Thames Valley have signed up to closer working in order to collaborate to improve efficiency, effectiveness and public safety and it is pleasing to be able to include South Central Ambulance Service as a significant partner in the proposed blue light hub for Milton Keynes.</p>
<p><b>HEALTH AND SAFETY</b></p>	<p>The successful build contractor will be obliged to follow all proper and lawful practices in relation to Health and Safety.</p> <p>The Authority will seek to meet its obligations through the appointment of both a CDM Co-ordinator and Clerk of Works (see under Risk Management above), both of whom will have specific responsibilities to oversee and ensure proper practice and application of Health &amp; Safety obligations on site for the duration of the contract.</p>
<p><b>EQUALITY AND DIVERSITY</b></p>	<p>The primary impacts upon equality and diversity issues were considered as part of the station merger proposals previously agreed by the Authority.</p> <p>For the build project under consideration, Equality and Diversity will form part of the terms and conditions of the contract and supplier's policies will be evaluated along with details of their Social Value Act activities within the community.</p>

<p><b>USE OF RESOURCES</b></p>	<p><b>Communication with stakeholders;</b></p> <p>A full stakeholder analysis has been completed and a communications strategy has been developed to enable regular and effective communications with key stakeholders to this project.</p> <p><b>MKDP</b></p> <p>The HUB lead on the communications with the Milton Keynes Development Partnership, this is in the form of regular meetings and written correspondence.</p> <p><b>Firefighters Bletchley/Gt. Holm</b></p> <p>A Milton Keynes staff engagement forum has been meeting since July 2015. The plans have been shared with this forum and this has included the opportunity to provide feedback on the design. The latest engagement session took place at Bletchley Fire station on the 30 January 2017. This was well attended by on duty and off duty personnel. They were introduced to the final approved design and the BIM model.</p> <p><b>Thames Valley Police (TVP)</b></p> <p>Representatives from the TVP estates team attend the monthly project board meetings. In addition to this the Director of Finance and Assets meets with the TVP Estates Strategic Manager to discuss the financial arrangements to support their involvement.</p> <p><b>South Central Ambulance Service (SCAS)</b></p> <p>The SCAS Estates team send a representative to the monthly project board meetings. The design for the facility includes input from the estates department at SCAS and the feedback from the local SCAS personnel facilitated through their local Area Commander.</p> <p><b>Representative Bodies</b></p> <p>All representative bodies receive project progress updates at the regular Joint Consultation Forum meetings.</p> <p><b>Businesses located on the West Ashland estate</b></p> <p>Regular meetings have been held with the neighbouring business at the West Ashland site. These meetings have enabled BMKFA to keep them informed of progress through informal engagement regarding the design, access and use of the new blue light hub facility.</p> <p>In February 2016 K&amp;K Haulage Services were successful in an application for planning to build a haulage facility on the plot adjacent to the blue light hub on the southern border. The Hub have been working closely with K&amp;K Haulage Services to create a joint drainage and landscaping plan for the two sites, however, due to K&amp;K changing professional services</p>
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	<p>providers they have currently chosen to pursue their own scheme and disappointingly have pulled out of a joint one.</p> <p><b>The system of internal control;</b></p> <p>A monthly briefing will be produced by the Project Manager for consideration by the project sponsors including the lead Member for Property. This will then be routed through both the Business Transformation Board and the Strategic Management Board who will determine whether any matters need to be referred back to any committee of the Authority. The capital budget for the project will be monitored at regular intervals and reported to the Executive in line with the current arrangements. Matters pertaining to all other aspects of control are set out under Risk Management above.</p> <p><b>The medium term financial strategy;</b></p> <p>The revenue savings that were set out in the transformation funding bid for this scheme have been fully captured within the existing medium term financial strategy. The capital planning implications are set out in Annex 2. No income assumptions have been factored in as these remain speculative at this stage.</p> <p><b>Management of the asset base:</b></p> <p>Formal land valuations were undertaken in January 2016 by an externally appointed chartered surveyor on behalf of the Fire Authority. Those valuations have informed the funding expectations set out in Annex 2 which are at the lower end of expectations as a matter of financial prudence.</p> <p>As part of the negotiations to purchase the site at West Ashland, Milton Keynes Development Partnership have first option on the Bletchley Fire Station site. This option must be taken up within 80 working days of the Authority occupying the completed blue light hub. The value of the site will be determined by an independent chartered surveyor.</p> <p><b>Environmental;</b></p> <p>As part of the build concept the Authority has developed a scheme to achieve a BREEAM (Building Research Establishment Environmental Assessment Method) excellent standard. BREEAM is the world's leading sustainability assessment method for master planning projects, infrastructure and buildings. It addresses a number of lifecycle stages such as new construction, refurbishment and in-use. A section 106 agreement with Milton Keynes Council for circa £130k to support the facility achieving a BREEAM excellent standard is being finalised by our solicitors.</p>
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<p><b>PROVENANCE SECTION &amp; BACKGROUND PAPERS</b></p>	<p><b>Background</b></p> <p>Successful application to DCLG for Fire and Rescue Authority Transformation Funding 2015/16</p> <p>Min EX08: Property Strategy 2015-2018 – Executive 29/7/15</p> <p>Min FA43: Station merger consultation – feedback and recommendation – Fire Authority 10/2/2016 (See also Executive Summary)</p> <p>Min FA21: Blue Light Hub For Milton Keynes – Fire Authority 19 October 2017 (see also Executive Summary)</p>
<p><b>APPENDICES</b></p>	<p>Annex 1 – Blue Light Hub Progress Report</p> <p>Appendix 1 – Capital Programme Summary</p> <p>Appendix 2 – Revised procurement timetable, contract structure and build programme</p> <p>Annex 2 – Costs and Funding (<b>Exempt from publication</b>)</p>
<p><b>TIME REQUIRED</b></p>	<p>30 minutes.</p>
<p><b>REPORT ORIGINATOR AND CONTACT</b></p>	<p>David Sutherland, Director of Finance &amp; Assets</p> <p><a href="mailto:dsutherland@bucksfire.gov.uk">dsutherland@bucksfire.gov.uk</a></p> <p>01296 744662 / 07961 062954</p>

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## **Blue Light Hub for Milton Keynes - Progress to Date**

### **1. Background**

Following the decision of Members regarding Station Merger Consultation at the Full Authority meeting of 10 February 2016, arrangements were made to continue with the services of the Authority's professional advisors with a view to producing a fully costed scheme offering different options dependent upon factors such as affordability, scheme design, and the requirements of our blue light partners.

Since the original concept in collaboration with Thames Valley Police, the proposed options now include a design capable of providing a major facility for South Central Ambulance Service within Milton Keynes, allowing them to vacate their sites at both MK Hospital and Bletchley and relocate into one all-purpose site including Patient Transport Services at West Ashland. The SCAS Trust Board approved a business case which supported their involvement in the scheme on 30 November 2016.

At its meeting of the 19 October 2016 the Fire Authority approved an option to build a 3 floor facility (ground, first and second floors) with a view to the second floor becoming an additional space allowing flexibility not only for the 3 blue light services, but for other public sector bodies seeking affordable growth space within Milton Keynes, or for community use. There has been significant interest in the community use element of this scheme since the last report, details of this are covered later in this report.

### **2. Land Purchase Position**

The site chosen for the scheme is at West Ashland in Milton Keynes. The plot is triangular in shape, measures 3.12 acres and is bounded on 3 sides by Thornbury, Groveway and the Redmoor Roundabout/A5. (Postcode: MK6 4BB).

The site is being sold to the Authority by Milton Keynes Development Partnership (MKDP) and the agreed purchase price for the plot is £1,500,000. Exchange of contracts took place on 29 July 2016 with the Authority placing a 5% deposit (£75,000) and the balance falling due within 20 days of determination of a successful build contract for the construction of the development being awarded.

All due diligence in respect of the plot has been carried out and there are no known impediments or longer term issues that could prevent proper use of the land for the purpose intended.

### **3. Scheme Options**

The site purchased is bigger than that which was originally envisaged when the joint transformation funding bid with Thames Valley Police was made back in May 2014. At that time no plot had been identified that suited both parties, though a number were under close scrutiny.

In the event only the site at West Ashland fitted all the criteria that both this Authority and TVP were looking for.

Given the size and excellent location of the site, this has enabled South Central Ambulance Service to also work in a collaborative partnership to create a blue light hub.

The costed option approved by this Authority in October 2017 did not, however, include the following items, the reasons for which are set out below:

**Emergency Access Road** – This was part of the original drawing, however, advice from MKC was to include this as a planning amendment later in the construction phase due to the number of potential complex agreements that would need to be sought to achieve access rights over the land and onto the highway. This was subsequently overcome much quicker than originally anticipated due to considerable support and involvement from MKC and MK Parks Trust, enabling the access road to be added to the scheme during the original planning submission.

**Training facility** – The design of the training rig has grown to include an Urban Search and Rescue facility as part of the building. The Authority received funding for this when the USAR team was originally established and the USAR national resilience assurance team raised the lack of a training facility as an outstanding issue within their audit report.

The Authority originally received £60k from central government for the USAR training facility, although several schemes have been looked at over the years this is the first time the Authority has had the opportunity to include it as part of another construction scheme on land it owns. The Authority has committed to replace the training facilities that currently exist at the Bletchley and Great Holm fire stations within the new site at West Ashland. This scheme has now been fully costed following engagement with companies that specialise in the design and build of these facilities, however, given the new specification the cost has increased above that originally allocated for it within the project envelope.

It should be borne in mind that the existing training facilities at both locations are ageing and would in any event have required significant investment to ensure they remain safe and fit for use for the foreseeable future. The Blue Light Hub project merely brings forward the investment as it makes sense to carry out the work all at the same time, rather than as an 'add on' in the near future, which would also cause some site disruption to an operational facility.

These facilities are required to enable On Call firefighter training and initial Apprentice firefighter training to take place locally. However, we are working with the Fire Service College, who we have a Professional Training partnership with us, to identify opportunities for local and regional training at this facility which would be offset against our partnership costs or directly recharged to them to enable the facility to be utilised as a cost effective asset to the Authority. The facility also enables the personnel from the three blue light

services to train together on the new site supporting the principles of the Government's Joint Emergency Service Interoperability Programme (JESIP).

**Sprinklers** – The original scheme included sprinklers within the high risk areas of the facility, however, with the Authority promoting the fitting of sprinklers throughout facilities of a similar size and use across the county, it is recommended to allow for the fitting of sprinklers throughout this facility. This has the advantage of providing a working example to interested businesses within the community that the Authority would encourage to invest in such systems in the future.

#### Revised Cost plan

The current capital programme funding summary is shown on Appendix 1 of this annex. The revised cost and funding plan for the revised build project is set out in Annex 2.

#### Planning Approval

Following some S106 demands required from the Milton Keynes Development Control Committee when it first considered the application on 5 Jan 2017, at the request of the Fire Authority the Senior Planning Officer dealing with the application took a report back to Milton Keynes Development Control Committee on 9 March 2017. The Committee agreed to a reduced S 106 contribution relating only to a necessary traffic regulation order. At the time of writing virtually all pre planning conditions have been met, including a S106 agreement which is close to completion. On that basis a Decision Notice can be expected soon and Members will receive a verbal update at the meeting.

#### Land sales

Proposals are being worked on to enhance the opportunities for development of the two fire station sites to increase the value of the land. Further details on this will be brought to a future Authority meeting.

#### Building Information Modelling (BIM)

The Government set out a requirement as part of its 'Construction Strategy 2011-16, for all new publicly funded projects from April 2016 to be fully BIM compliant. Given that the project is partly funded by central government grant, the Authority has fully complied with this requirement.

BIM describes the means by which everyone can understand a building through the use of a digital model, enabling those who interact with the building to optimise their actions, resulting in a greater whole life value for the asset.

BIM brings together all of the information about every component of a building, in one place. It makes it possible for anyone to access that information for any purpose, e.g. to integrate different aspects of the design more effectively. In this

way, the risk of mistakes or discrepancies is reduced, and abortive costs minimised.

BIM data can be used to illustrate the entire building life-cycle, from inception and design to demolition and materials reuse. Spaces, systems, products and sequences can be shown in relative scale to each other and, in turn, relative to the entire project. And by signaling conflict detection BIM prevents errors creeping in at the various stages of development/ construction.

The longer term benefits of BIM enable significant improvements to building management. When elements of the structure require repair or maintenance the property team can easily interrogate the BIM model to identify the make and model of the element that requires repair or replacement and in a number of elements this can be automated to enable the 'Smart' building to inform the property team of a defect even before it has been identified as an issue. This reduces the time spent investigating defects and resolving them by our property team and our approved contractors.

Although a change of strategy in respect of the procurement process is recommended within this report, the BIM methodology is intended to remain in place to continue to drive the procurement process.

#### OJEU Procurement Process

The fully compliant OJEU procurement process commenced in November 2016 and concluded in April 2017. Bids were received, however, none were compliant with the Authority's requirements and this resulted in no contract being awarded. An evaluation of the procurement process has been completed and one of the key findings has been that the construction industry, particularly the supply chain of the main contractors, is not fully BIM ready.

This saw a considerable number of the bidders that completed the pre-qualifying questionnaire stage of the process pulling out before the final invitation to tender stage was completed. It is worth noting that BIM reduces the risk to the client and increases the risk for the contractor since the nature of the model requires bids to be more exact than they would be under the more traditional creation of CAD plan drawings to create a bill of quantities model. That process tends to require variation orders during the build phase if quantities have proven to be inaccurate.

Planning for a second OJEU procurement process has begun and the lessons from the initial process have been a key factor in considering this. The benefits of the investment in a BIM approach remain clear and will continue.

Members should note that investigations have been made into using a more traditional CAD drawing and bill of quantities approach to the build, however, this would add a significant cost and further time delay into the project of £160k and 3 months respectively.

In continuing with the BIM approach the plan now is to mitigate the BIM element for the construction companies by using a 'Develop and Construct' process. This involves the construction companies submitting bids for the preliminaries, overheads and profit element of the project only with the build cost set and

managed by the Authority separately. The construction will be separated into packages with the BIM building drawings/specification provided from within the BIM model by our professional services provider, 'the HUB'. The packages will be individually taken to market by the appointed contractor, with an evaluation panel made up of the appointed contractor, BMKFA Property Manager in consultation with the Lead Member for Property and Resources, Principal Accountant and our professional services provider who will as a group decide on the best option for each package.

The revised timeline for this procurement process is set out at Appendix 2.

The impact on the build programme is also shown in Appendix 2 with a new completion date for the project of early summer 2019.

#### **4. Costs**

See Annex 2

#### **5. Funding**

See Annex 2

#### **6. Savings**

There are revenue savings for all 3 blue light services from the proposed project. As part of the original transformation bid, a 'high level' estimate of around £150k per annum of revenue savings was estimated for TVP. There is no reason to believe this will not be achieved.

For the Fire Authority, the original bid set out staff savings of £520k p.a. from a re-configuration of the crewing rota for all stations in MK, together with an estimated saving of £85k p.a. from running costs and annual repair and maintenance at both Great Holm and Bletchley stations, a total of £605k annual savings. As part of the preparation toward occupation of the new site, a pilot has been successfully run to reconfigure the MK crewing model to deliver the staff savings set out in the original business case. The Authority is already benefitting from the revenue savings this project provides through the early adoption of the new resourcing model for West MK, this is in line with the period set out in the Authority's medium term financial plan.

There has also been considerable capital investment at both Bletchley and Great Holm over the past 3 years, with a total of almost £130k having been expended, mainly on essential mechanical and electrical upgrades. Following the last full condition survey in 2013, Bletchley would be due to have an estimated spend of £186k in 2017 and 2018 for essential works and for Great Holm a sum of £52k in the same period. Such spend will obviously be minimised to only absolutely essential works, nevertheless this total of £238k is immediately saved by the proposed new build plus any new priorities that will arise from the next full

condition survey due in 2018. For Great Holm alone that is expected to be a considerable sum as the building is really due a full refurbishment, something in the order of £200k would not be an unreasonable assessment at this stage. Therefore a total of circa £438k spend is avoided by the new site.

### Net Savings Summary

<b>Estimated Revenue</b>	<b>£k</b>
Salaries	520
Utilities	42
Lease Rental	77
R&M	20
Business rates	66
<b>Annual Revenue total</b>	<b>725</b>
<b>One-off Capital</b>	<b>£k</b>
Bletchley 17-18	186
Great Holm 17-18	52
Great Holm Refurbishment	200
<b>Total</b>	<b>438</b>

Table 5

## 7. 2<sup>nd</sup> Floor

At the time of writing the typical range of price per square foot for commercial lets in Milton Keynes is broadly between £15 and £25. Proximity to the MK Centre and condition are major factors affecting price, as of course is demand.

At the present time there is generally more space available than there is demand and this has the effect of suppressing prices and it leaves vacant space across Milton Keynes. This situation may, of course, be completely different by the time the blue light hub is open for business in 2019.

The essential facts are that Floor 2 will incur an estimated marginal additional cost of around £750k to build and will have a gross area of 7944 sq. ft. (It would obviously cost significantly more if it were to be added at a later stage).

Notwithstanding that there will be landlord expenses etc. a conservative gross rental of £112,500 (say 7500 sq. ft. x £15) is attainable. If, for the sake of argument there were landlord expenses at say £12,500 p.a. the return on investment would be over 14% p.a., with a 'payback' of 7 years.

The above information simply states the potential commercial value to the Authority, but what is really being built is an opportunity which could be for:

- Community use
- Commercial use
- Other public sector services use
- 'Growth' space for any of the blue light hub services
- A mix of any of the above

It is worth noting there have already been informal approaches regarding the use of floor 2 following the Authority decision in February 2016. Any intended commercial use of Floor 2 is likely to require planning permission which may in itself attract a s106 contribution to MKC.

There has been a significant amount of interest in the community use element of the Blue Light Hub, with discussions on going with: Milton Keynes Council, Emergency Planning Department; MK Community Action; MK Dons Sports and Education Trust and Milton Keynes College. There is a lot of excitement amongst the third sector regarding the potential asset this facility will be to the communities of MK as they are currently struggling to find suitable facilities for both formal and informal engagement with community groups. We are in discussion regarding the use of our existing stations before moving across to this new facility once it is built. There are a number of issues with this regarding the lack of disabled facilities and general layout and security due to the more traditional design of the fire station in comparison to the new facility which has been designed for this type of use. Officers are working through these issues to ensure wherever possible we can support this community engagement.

Officers are in discussions with academics at the Open University to identify a research programme that will measure and evaluate the benefit to the community that the blue light hub will bring, we anticipate through this research we will be able to provide a financial saving to local and national government from the initial investment made into this facility through the social value that it will add.

## **8. Indicative lease periods for SCAS and TVP**

Discussions arounds Heads of Terms are continuing with both SCAS and TVP regarding the substantial capital investment on their part, as well as other conditions. Both parties will be looking for long leases (or such other long term arrangement as may be agreed). Such terms are likely to be a minimum 25

years. A probable outcome may well be similar to the current arrangement that TVP have at Broughton Fire Station where an annual lease and service charge amount have been agreed over a 25 year period. For the West Ashland site the capital contribution would in effect replace a lease charge, leaving agreement to be reached on annual service charges. It is intended the latter should be on an open book basis with regular review, particularly in the early years of operation.

## **9. Common Services**

It is also probable that as part of the service charges calculation the following common services will be brought into the equation:

- Restaurant
- Reception
- Meeting Areas / Breakout areas
- Training (Road layout)
- Car Parking

The manner in which a fair apportionment of such services will be allocated, or even how they will be provided to each service has yet to be discussed in detail though all parties remain open minded on the matter and officers have provided assurance this will be on an open book policy. It is accepted that one or two areas may prove challenging, i.e. the restaurant facility, and these will require timely and detailed attention to ensure an acceptable service delivery and fair apportionment of cost. Constant review and refinement of such services are likely to be a key feature of early years operations.

In the case of the restaurant facility, all efforts will be made to establish a commercial proposition, perhaps a franchise, which may or may not be subsidised by the 3 blue light services, though any such subsidy will be avoided if at all possible. Depending upon the terms of any commercial proposition, planning permission may need to be obtained.

## **10. Fire Appliance Standby Points**

We are working with SCAS to share their established standby points which the risk and demand modelling that has been carried out, utilising state of the art modelling software by the sector's leading providers, has identified are in appropriate locations. This further complements our collaboration MOU with SCAS as they benefit from using Authority fire stations as standby points. A more detailed report with proposals for potential locations for standby points will be brought to a future Fire Authority meeting.

## **11. Multi Use Games Area**

This sports facility is included to support BMKFA and partners continuing work with young people and adults regarding improving health and wellbeing. The

## Annex 1 - Blue Light Hub for Milton Keynes

required £175k funding for this facility will be sought from grant funding working with MK Dons SET to secure this funding. It is not intended to construct the MUGA unless it can be fully grant funded or sponsored.

**Appendix 1**

The table below shows the latest iteration of the capital programme that was approved by the Fire Authority in February 2017 as part of the medium term financial plan for 2017/18. The current Blue Light Hub budget of £11.785m that was approved at the meeting of the Fire Authority in October 2016 is shown under the heading 'Milton Keynes Review'.

<b>Capital Programme Summary</b>	<b>Approved Budget 2016/17 £000</b>	<b>Provisional Outturn 2016/17 £000</b>	<b>Slippage 2016/17 £000</b>	<b>New Budget Requests 2017/18 £000</b>	<b>Total Budget Requirement 2017/18 £000</b>	<b>New Budget Requests 2018/19 £000</b>	<b>New Budget Requests 2019/20 £000</b>	<b>New Budget Requests 2020/21 £000</b>
Property	694	545	150	500	650	500	500	500
Property Review	140	0	140	0	140	0	0	0
Milton Keynes Review	11,785	825	10,960	0	10,960	0	0	0
Fire Appliances & Equipment	3,518	2,490	996	747	1,743	641	646	641
Support	314	314	0	87	87	87	87	87
<b>Total Expenditure</b>	<b>16,451</b>	<b>4,173</b>	<b>12,246</b>	<b>1,334</b>	<b>13,580</b>	<b>1,228</b>	<b>1,233</b>	<b>1,228</b>
<b>Funding b/fwd</b>		<b>-9,209</b>			<b>-7,613</b>	<b>-335</b>	<b>-1,044</b>	<b>-1,748</b>
<b>In year funding</b>		<b>-2,577</b>			<b>-6,302</b>	<b>-1,937</b>	<b>-1,937</b>	<b>-1,937</b>
<b>Funding – Available (-) / Deficit</b>		<b>-7,613</b>			<b>-335</b>	<b>-1,044</b>	<b>-1,748</b>	<b>-2,457</b>

**Appendix 2**Revised procurement timetable, contract structure and build programme**Restricted OJEU process - 2 stage process**

Stage One: PQQ shortlisting of prospective bidders capability & experience to best deliver the specification of requirement

Stage Two: Invite shortlisted bidders to provide their best response to meet all the requirements contained within the tender specification

<b>Indicative Procurement Timetable</b>	
<b>Date</b>	<b>Stage</b>
<b>09/06/2017</b>	Date OJEU Notice published c/w all tender documents, including PQQ and ITT
<b>30/06/2017</b>	Final Date for Submission of PQQ Clarifications
<b>10/07/2017</b>	Deadline for PQQ submission
<b>11/07/2017 to 19/07/2017</b>	PQQ Evaluations – Shortlisting to minimum of 5 bidders
<b>20/07/2017</b>	Date ITT issued to shortlisted bidders
<b>21/08/2017</b>	Final Date for Submission of Tender Clarifications
<b>31/08/2017</b>	Deadline for final Tender submission
<b>01/09/2017 to 15/09/2017:- 6, 7, 8 11 Sept 2017 12 Sept 2017 14, 15 Sept 2017</b>	Tender Evaluations – <ul style="list-style-type: none"> <li>• Technical Evaluations</li> <li>• Social Value Evaluations</li> <li>• Financial Evaluations</li> <li>• Presentations/Interviews</li> </ul>
<b>15/09/2017</b>	Final Sign Off & Notice of recommendation for Award of Contract to stakeholders
<b>20/09/2017</b>	<b>Executive Committee Meeting</b>
<b>21/09/2017</b>	Issue Standstill Letters
<b>22/09/2017</b>	Start of standstill Period
<b>02/10/2017</b>	End of standstill Period
<b>03/10/17</b>	Contract Award
<b>03/10/17 to 05/10/17</b>	Construction Stage – Assign Workbook Packages

The Executive meeting is included in the above programme to cover the possibility that the proposed contract award 'target price' may be more than 10% over the approved budget, or even if within 10% is of such an amount that the Director of Finance and Assets is of the view that Members should have the final say on the budget allocation. (The 10% limit is covered under Financial Instruction 4.19).

This will only occur if the successful contractor's preliminaries, overhead and profit exceed expectations to such an extent, they could not be considered as recoverable within the second stage of the procurement process. (Set out below).

A recommendation is included to delegate approval of any change to the capital budget for the scheme to the Executive at its meeting of 20 September 2017, thus allowing award of the contract on 2 October 2017. The alternative would be to call an Extraordinary Meeting of the Fire Authority.

### Contract Structure

It is proposed to use the JCT 2011 Prime Cost Building Contract.

The intention is that the main and sub-contractors would tender on 2D drawings taken from the BIM model and as such would benefit from the same features as the traditional Bill of Quantities procurement method, i.e. - the BIM Protocol can be followed but 2D drawings would be issued as part of the tender documents.

The client design team will work alongside the successful contractor to assist in compliance with the BIM Protocol. This will be the basis of the build-up of the 'Prime Cost' prior to starting on site. The main and sub-contractors bids will be on a 2D model basis demanding a much lower level of BIM understanding. The main contractor will be responsible for the provision of information for the Operating and Maintenance Manuals (O&M) however the production of the BIM O&M would be by the client's design team.

This should enable as early a start on site as possible and some features of the design process can continue as the works proceed. This feature is unlike the traditional Bill of Quantities method where all but the Contractors Design Portion (CDP) works would need to be designed before tender – this allows a start on site the start on site when the total costs of (say) 70% of the projected Prime Cost is known. Of course, this also allows for a pause to be made if costs at that stage look to be well in excess of project budget.

A specification document describing the works together with 2D drawings will be issued as a scope of works with the tender.

An estimate of Prime Cost would be included in the tender package – this could be expressed and incentivised as a 'Target Cost' in the contract with a split of any savings and additional costs to the Employer and the Contractor (for instance 30% of all savings could be paid to the Contractor and 30% of any additional costs could be deducted from the Contractor).

The Contract Fee (the fee that the Contractor will charge for the preliminaries, profit, overheads and management) will be tendered in the first instance with a Preliminaries Workbook, the National Buildings Specification (NBS) Preliminaries Section A, the 2D drawings, the BIM model and the NBS Specification, Sections B to Z.

### **Advantages**

The advantage of the above approach is that the client design team would partner the Contractor in obtaining quotations to ensure best value for money and that all of the 2D information available on the BIM model is presented to the prospective tenderers. The important point is that by utilising this approach the tenderers do not need to be experienced in BIM.

It is felt that for both the main contractor and their sub-contractors this will be an attractive approach that should generate good interest and subsequently competitive tenders that match budget expectations.

Also, the Authority will have control of the package costs as the client Design Team will be involved in the tendering on an open book basis and would have control of the design and cost control to the completion of the project. With this in place the final cost can be controlled by varying later elements to either enhanced or reduced specification or scope.

There will be hands-on involvement of the Authority's officers during the project there will be the ability of the Authority's officers to influence the selection of trade contractors.

The Authority's officers will have ownership of tendering and contractual arrangements and the opportunity to package the work to suit the capability of the trade contractors and to manage on-site interfaces. Importantly there will also be an ability to identify and act upon poor trade contractor performance.

### **Risks**

As with all major construction projects there are some risks and for the proposed way forward these are identified as follows, when compared to a traditional construction contract.

- The total contract sum will not be known at the outset of the contract. It will be up to the Authority to decide on potential risk before the construction phase starts.
- Exposure to risk associated with construction manager [who/what will be the construction manager] and team performance. Reliance on the capability of construction manager and project team to correctly forecast consequences of change. Responsibility to fund solutions to problems should they occur
- Increased administration role for the client
- High degree of client ownership of risks associated with design including impacts of late or incomplete and uncoordinated design
- Added complexity of one to one contractual relationships of client with all team members
- Reliance on management capability of construction manager

- As the client is positioned at the centre of management, that requires effective decision-making

### Build Programme

A detailed build programme will be developed with the successful contractor, however, the collaborative approach required to procure individual work-stream packages under the Develop & Construct model set out above will then be undertaken.

This is a significant piece of work requiring a thorough assessment of individual packages and probably some negotiation. This is necessary to mitigate if not wholly remove the risk of budget over-run once construction has commenced.

That will allow for a start on site in around March 2018, with a likely occupancy of the new building from around June 2019.