



## Actions and agreements

23 March 2023

Location: 18 Smith Square London, MS Teams

### PRESENT

Joanne Livingstone	SAB Chair
Philip Hayes	Scheme Member Representative (FRSA)
Mark Rowe	Scheme Member Representative (FBU)
Pete Smith	Scheme Member Representative (FBU)
Tony Curry	Scheme Member Representative (FBU)
Glyn Morgan	Scheme Member Representative (FOA)
Des Prichard	Scheme Member Representative (FLA)
Janet Perry	Scheme Employer Representative (LGA)
Cllr Nick Chard	Scheme Employer Representative (LGA)
Cllr Roger Phillips	Scheme Employer Representative (LGA)
Cllr Frank Biederman	Scheme Employer Representative (LGA) – nomination
awaiting approval	
Cllr Nikki Hennessy	Scheme Employer Representative (LGA)
Helen Scargill	Technical Adviser
Craig Moran	First Actuarial
James Allen	First Actuarial
Mark Poulston	Legal Adviser
Cat Ellis	Legal Adviser
Claire Hey	LGA – Board secretariat
Elena Johnson	LGA – Firefighter Pension Advisor (Minutes)
Tara Atkins	LGA- Firefighter Pension Advisor

Joanne Donnelly	LGA – Head of Pensions
Helen Fisher	Home Office
Anthony Mooney	Home Office
Alex Platts	Home Office
Karen Gilchrist	SPPA (observer)
Brian Allan	GAD
Samantha Watts	GAD

## **1. Introductions, apologies, and conflict of interest**

- 1.1 Andrew Scattergood, Cllr Roger Price and Claire Johnson sent their apologies. Roger Hirst was substituted by Janet Perry (JP).
- 1.2 Joanne Livingstone (JL) advised that Cllr Frank Biederman’s (FB) nomination is still to be approved by the Secretary of State.
- 1.3 JL welcomed Tara Atkins (TA) who has joined the LGA as a Firefighter Pension Advisor – Communications. JL also welcomed Joanne Donnelly, Head of Pensions for the LGA, Cat Ellis, Legal Adviser from Weightmans and Alex Platts from the Home Office.
- 1.4 JL welcomed Mark Poulston (MP) who replaces Jane Marshall from Weightmans as Legal Advisor to the SAB.
- 1.5 JL reminded members of the Board to declare if any new conflict has arisen. It was confirmed that there is no requirement for forms to be completed. No conflicts were declared.

## **2. Actions arising (23 January 2023) and Chair’s update**

- 2.1 JL asked if there were any comments on the minutes from the meeting of 23 January 2023. Helen Scargill (HS) asked if the minutes of 23 January 2023 under 2.2 could reflect that the 25 added pension contracts recorded at WYPF could have *23 FRAs that they administer* added to the minutes. There were no further comments on the minutes.

- 2.2 JL informed the SAB that she had visited Bedfordshire fire station and would like to visit more stations as the visit was useful. She noted that they depend on local government resources and would like as much centralisation as possible, for example regional networks.
- 2.3 JL said that a chair for the Local Pension Board Effectiveness committee is required as soon as possible.
- 2.4 JL shared that she had attended the Fire Conference which enabled her to learn more about the fire services and to network with people in the sector. JL felt that it was disappointing that pensions was not specifically on the agenda at the conference and was unable to raise a question with the Fire Minister at the event. JL has however submitted a question in writing to him post-conference.
- 2.5 JL said that she had hoped that information on the SCAPE rate consultation would have been available for the meeting, but it is not yet and so will be carried forward to the next meeting. Additionally, it is hoped that software suppliers will be able to attend the next meeting now that the retrospective remedy consultation has been launched.
- 2.6 JL advised that the meeting time slot was longer so that the retrospective remedy consultation could be discussed.
- 2.7 JL informed the Board that The Pensions Ombudsman has contacted chairs of the SAB with an invitation to meet them. JL has supplied available dates and is waiting to hear back from them.
- 2.8 JL confirmed that she had spoken to Julia Mulligan who is the chair of the Police SAB and they have agreed to share consultation responses.
- 2.9 JL asked the board if there were any questions. Des Prichard (DP) said that JL's visit to Bedfordshire had been very positively received and suggested that she could write to local pension boards to see if they too would like a visit from a member of the SAB. JL agreed that this would be useful especially with The Pension Regulator having oversight and they will have the

responsibility of ensuring that scheme managers are dealing adequately with the regulations. Developing regional networks could be useful for local pension boards. Cllr Nikki Hennessy (NH) said that she would support a regional approach.

2.10 Cllr Frank Biederman (FB) confirmed that he would endeavour to ensure that pensions is included at the Fire Conference. JL advised that she had been able to raise pensions in the questions and answers after the finance presentation which Mark Hemming had delivered at the conference.

**ACTION: 23.03.2023 (2.9): SAB to contact local pension boards to ask if they would like a SAB member to attend their pension board and SAB to consider the setting up of regional networks for local pension boards.**

### **3. Home Office update**

3.1 Helen Fisher (HF) provided the Home Office update for the board. Alex Platts (AP) had introduced himself but was unable to stay for the full meeting.

3.2 HF advised that the Home Office has launched the retrospective remedy consultation which will run for twelve weeks from 28 February 2023 to 23 May 2023. The consultation asks for feedback on the questions set from the fire sector and they would like to hear views about the proposed policies and processes. The Home Office aims to issue its response to the consultation before the summer recess.

3.3 HF said that the Matthews consultation is due to be launched during the week commencing 27 March or 3 April 2023 and will run either to 5 June or 12 June 2023. It is intended to be a ten-week consultation.

3.4 HF gave an update on the spring budget, confirming that the annual allowance has increased from 6 April 2023 to £60,000. The lifetime allowance has been abolished from 6 April 2023.

3.5 JL asked if there would be an engagement session for the Matthews consultation once it had been launched. HF confirmed that this would be possible.

- 3.6 JL asked when any gaps in the draft regulations would be updated. HF said that the draft statutory instrument would not be updated until the consultation had finished, and the final statutory instrument would then be available.
- 3.7 JL pointed out that there are differences between what is being quoted in the consultation document and what is written in the statutory instrument. JL also pointed out that some tax consultation details are also missing at this stage.
- 3.8 HF confirmed that the Home Office is unable to legislate for every process as the regulations just give powers to act. Processes can be put in place for the part which is missing in the middle. The processes can be set up separately.
- 3.9 Claire Hey (CH) felt that there is a disconnect between the policy intent and what is in the draft regulations? Anthony Mooney (AM) said that he was aware that there were some issues with the ill health part of the legislation which the Home Office is looking at.
- 3.10 JL raised concern about meeting the 1 October deadline and said that the consultation should be updated so that it is clear to those responding to the consultation what the legislation should/will actually say.
- 3.11 James Allen (JA) asked when the SCAPE rate will be announced and if there is a final date for adjusting contribution rates. HF said that they are pressing central government on this matter. CH asked if contribution rate changes could be deferred to 2025. HF was unsure.
- 3.12 Janet Perry (JP) asked what the current situation is for immediate detriment in relation to tax and annual allowance. HF confirmed that it was clear in the tax rules that immediate detriment cases were excluded from the remedy legislation being brought forth and that the government had always said there would be unintended consequences for these cases. The rules which apply to immediate detriment cases are the current rules.
- 3.13 JP raised concern that people affected by immediate detriment could argue that they would have done things differently had they known the consequences. HF confirmed that members were warned of the

consequences of retiring under immediate detriment at the time. AM added that they are unable to change the tax rules just for immediate detriment bespoke cases.

3.14 JL suggested that Essex look at the cost implications for their fire service on immediate detriment. JP confirmed she would obtain the figures.

3.15 Helen Scargill (HS) said that immediate detriment cases may not be impacted where annual allowance and lifetime allowance is concerned due to the fact that the years in question will be the same years as the legislation says, which is the current year and four previous years. It may however impact on unauthorised payments as they may not be able to be reimbursed for those.

#### **4. SPPA Update**

4.1 Karen Gilchrist (KG) gave an update on behalf of SPPA. The draft regulations and consultation on retrospective remedy will be issued at the end of April. The deadline for responses would be the end of June 2023. The statutory instrument will be laid in August/early September.

4.2 KG said that the Matthews exercise will create issues in obtaining the relevant data. SPPA have spreadsheets showing firefighters' start dates but the Scottish FRAs are finding it difficult identifying those who are eligible for the second options exercise.

4.3 JL asked if the consultation would provide a solution for the shortage of data. AM confirmed that there would be assumptions contained within the legislation to use where data is missing. Joanne Donnelly (JD) advised that the LGPS SAB had created guidance which could be used where assumptions are needed concerning remedy data.

## 5. LGA general update: Paper 1

- 5.1 CH summarised the paper for the SAB stating that a request for approval for resourcing will be submitted in the next budget. JL said that she recognised that there were difficulties in staffing resources and is keen to look at resource and whatever can be done to help.
- 5.2 CH advised that the hearing regarding the Matthews Part-time Workers claims had been vacated on 20 April 2023. Discussions in the meeting have to be limited due to on-going litigation. No comments are able to be made by the FBU.
- 5.3 In relation to the re-engagement policy in paper one, JL asked if this is something which the Board should consider taking forward. CH suggested inviting a representative from the NFCC to the next meeting.
- 5.4 HS suggested that if this affects sustainability and cost of the scheme then the SAB may wish to be involved.
- 5.5 CH confirmed that the police SAB had approved a similar policy. Cllr Nick Chard (NC) felt that the Board would need further details in order to make a decision. JL suggested that if pensions is driving member behaviours, then it could be justified in the remit of the SAB.
- 5.6 DP felt that it is not an automatic entitlement to be re-engaged. If the government amend the guidance, then each FRA could decide whether to adopt it as a fire authority. It could mean that an employing authority puts in place a policy with the onus on the employer to do so.
- 5.7 Cllr Roger Phillips (RP) said that if the policy was implemented then firefighters would use it and retire.
- 5.8 CM asked if the Board felt that it was an issue for fire and if the cost has been quantified. If not is this something which GAD could assist with? Brian Allan (BA) asked if introducing this would alter member behaviours. CM felt that if it was introduced then it would need to be introduced for all and not just senior officers.

5.9 HS felt that the issue stemmed in part from the current retirement adjustment factors. .

5.10 Tara Atkins (TA) advised that the police sector had done this as a recruitment drive as members of the police scheme were retiring at 30 years. To retain their knowledge the policy was introduced. She felt that in fire there was no evidence that FPS was losing experienced firefighters however the effect of remedy may have changed behaviour.

5.11 Mark Rowe (MR) felt that the Board would need to be provided with further information from the NFCC on the draft policy before an invite is given to them to attend a SAB meeting.

5.12 HS said that the recent pay award agreements may encourage people to stay beyond their 30 year and age 55 date. This may mitigate the issue which was there when this draft policy started being proposed.

5.13 JL felt that the SAB would need to see the policy and consider any cost implications. CH said that the Home Office would need to see evidence to put this proposal forward.

**ACTION 23.03.2023 (5.11) : LGA to request a copy of the draft re-engagement policy from NFCC for SAB.**

## **6. First Actuarial Update**

6.1 CM advised that the annual allowance had risen from £40,000 to £60,000 from 6 April 2023. He advised that the lifetime allowance was currently £1,073,100 and that those people affected would be estimated to need an annual pension of £55,000 to be affected by this.

6.2 As a result of the spring budget the lifetime allowance charge has been reduced to nil from 6 April 2023 and from 6 April 2024 the lifetime allowance would be abolished. Those affected by the change to the annual and lifetime allowances are the higher earners and those who have been promoted. The tax-free lump sum has been capped at £268,275.

- 6.3 CM advised that, previously, legacy and reformed scheme annual allowance pension input amounts had been calculated separately so any negative growth could not have been offset against any positive growth. From 6 April 2023 the negative amounts from both legacy and reformed schemes can be combined to offset the pension growth.
- 6.4 CH indicated that The Labour Party have indicated that they will reinstate the lifetime allowance if they are re-elected, with a targeted solution for NHS doctors. This had raised concern at the Fire Finance Network meeting about the retention of senior officers following this announcement. CH said that there had been a suggestion at that meeting that there may be a need to write to government to try and ensure stability concerning the lifetime allowance.
- 6.5 JL said that she did not feel that this taxation policy issue was within the SAB remit.
- 6.6 JP indicated that this had been discussed with the PCC and PFCC with the view being that this would not be a quick reversal of the decision to abolish the lifetime allowance and if it was reversed there would be time for the people affected to apply for lifetime allowance protection. JP highlighted that the lump sum cap is still there.
- 6.7 DP said that junior staff could be affected by the £60,000 annual allowance by promotion because 1992 double accrual increases the benefits and therefore it was not always the higher paid who are affected.
- 6.8 HS advised that WYPF have had a case where someone has moved their retirement date to 10 April 2023 to benefit from the changes to the lifetime allowance. Previously the excess lump sum would have been taxed at 55 per cent but this would now be taxed at the member's marginal tax rate.
- 6.9 JL said that members had the option to seek financial advice and that SAB did not have a role in this. JP said that she had concern for those people who had retired just before April 2023.

## 7. 2020 valuation (GAD)

7.1 BA provided a recap on the valuation and timetabling. He confirmed that the data collection stage has been completed and the analysis stage is also done. The last stage will be to provide assumptions advice and then generate the valuation results.

7.2 BA advised that the HMT Directions inform on how valuations are undertaken. Some assumptions are set by the Home Office, and some are set by the Home Secretary. GAD had previously engaged with SAB board members through the Cost Effectiveness committee in June 2022 on the proposed key assumptions. GAD has not yet completed the assumptions advice to the Home Office. Once this has been done, the Home Office will then consult with the SAB. This is expected to be around June 2023 when an assumptions and directions paper will be ready to share.

7.3 BA said that the valuation results may be able to be shared in the SAB's September meeting. BA asked for views on how this would best work for the June meeting.

7.4 CM asked if the SAB will be able to comment on the data report from GAD. BA confirmed that the Home Office will share the data report and assumptions report as part of the consultation process. CM pointed out that last time the data report highlighted that some FRAs had submitted poor data and the SAB had taken an action to liaise with those FRAs as a consequence, therefore the data report would be something which the SAB would be interested in seeing this time round.

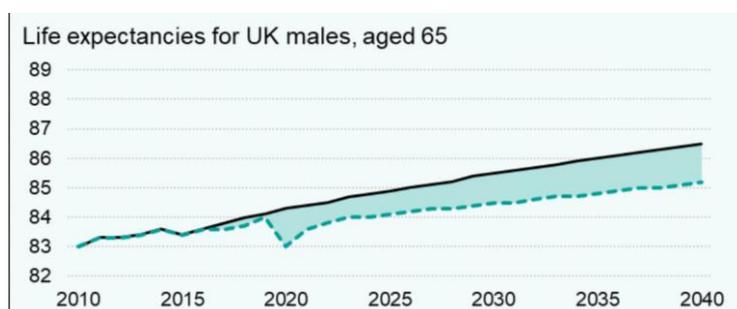
7.5 CM asked if GAD were expecting to see a fall in life expectancy following these valuations. BA confirmed that GAD had looked at life expectancy and the recent ONS had indicated that life expectancy was not increasing as much as previously which would be a downward pressure on costs.

7.6 BA said that the Home Secretary will also look at death rates which will be based on the current pattern and projections of the UK population.

7.7 JL asked if the data report could be shared ahead of the meeting in June. CM said that the data report was available first last time around. BA said that he would discuss with government colleagues as to whether this could be shared earlier.

7.8 DP highlighted a report on the impact of covid on life expectancy and asked if GAD would be looking at mortality in relation to firefighters specifically. BA confirmed that scheme experience is looked at for the firefighters' pension scheme and will be for the 2020 valuation with previous mortality rates analysed. Future projections are based on the ONS which are based on general national experience. With regards to covid, there is some coverage within the ONS surveys which cover the pandemic period but not all of this information is in the recent projections that ONS has released. BA advised that the long-term picture regarding for example, long covid is unclear.

7.9 JP said that her understanding was that lifetime expectations had been adjusted for covid and was showing a downward trend. BA said that he broadly agreed but did not believe that future rates had been adjusted for the impact of the pandemic. Samantha Watts (SW) advised that in the ONS projections, over five-year periods there were periods where improvements in life expectancy have increased. SW shared a chart with the board to show the projected trend for life expectancy:



7.10 JA asked if the SAB could see a draft assumptions report before June. HF advised that the draft assumptions report will be shared before June.

**ACTION: 23.03.2023 (7.7): GAD to confirm if the data report can be shared earlier than the June 2023 SAB meeting**

**ACTION: 23.03.2023 (7.10): Home Office to share draft assumptions report before June 2023 SAB meeting**

## **8. Matthews update (GAD)**

8.1 BA gave the board an overview of the data which had been collected via the LGA from FRAs to prepare for the Matthews project.

8.2 In summer 2022 a data request went out and 34 of 44 FRAs responded. GAD then prepared an additional data request in autumn 2022 for sixteen of those FRAs which included FRAs in both rural and metropolitan areas whose data was most complete, to get a more detailed picture of those people in scope for the Matthews second options exercise.

8.3 BA said that the supporting comments which came back from FRAs highlighted the level of challenge facing FRAs. BA said that he appreciated the help of the FRAs involved.

8.4 BA said that the results showed that although there was service back to the 1960s, on average most people started around the early 1990s. Additionally the results showed that there is a large group of people who have never joined any part of any firefighters' pension scheme at all.

8.5 DP said that it would be helpful to know how many non-members are still employed by the fire and rescue authority. BA said that this information was currently not available.

8.6 NC asked how many people are in the scheme. BA said that it is thousands.

8.7 BA went through the salary data on his slides which had been reported back by FRAs. Data which is most complete does not span back very far at all. The further back that time goes the less data is available from FRAs.

8.8 BA confirmed that there were potentially 18,000 eligible individuals. CM asked if these were all members of the scheme and eligible members. BA

confirmed that the 18,000 was the total number of eligible firefighters combined with members of the scheme.

8.9 JL asked how many people data was not available for. BA confirmed that the results indicated that 75 per cent had some form of data missing.

8.10 NC indicated concern for the firefighters whose data is unavailable rather than concentrating on the global picture. JL also expressed concern about contacting eligible members whose addresses may not be up to date.

8.11 AM said that the only cohort where addresses may not be known will be cohort one which is those people with service between 7 April 2000 to 30 June 2000. HF confirmed that the consultation includes provisions for where data is missing so that the data can be rebuilt.

8.12 AM added that if a firefighter can evidence their service dates then that evidence can be looked it.

8.13 DP said that 32 fire authorities became CFAs before 2000 and that he felt they would have the data. He felt that the County Council fire authorities would have data in different places which could cause issues. NC was not sure that was the case.

8.14 AM confirmed that if the CFAs have the data then they must use that data.

8.15 CH advised the Board that attending the Matthews Technical Working Group is possible for SAB members. They would be able to provide oversight to the project and that may also answer any questions which the Board may have going forward.

8.16 BA explained the GAD calculator for the Board and how it has been improved since the first options exercise. BA explained that there is the option outside the scope of the work which Home Office are paying for to create a benefit calculator within the main calculator so that fire authorities can tell a potential member what benefits they will be purchasing.

- 8.17 JL pointed out that in the first options exercise only fifteen per cent of eligible members took up the opportunity to buy the extra pension and this may have been because the benefits they would be entitled to as a result were not communicated to them. JL asked the Home Office why the addition of a benefit calculator would not be classed as a critical element of the project.
- 8.18 AM said that the Home Office felt that the benefit calculator would fall within the administrators remit and was therefore not critical however if the LGA and SAB wanted to arrange funding for this then it could be incorporated.
- 8.19 JL said that she felt this was essential to give potential members a full picture of their benefits and that it should be within the Home Office's scope to finance. JL also indicated that SAB had not seen the estimated costs for this additional element of the calculator. HF confirmed that they have discussed this and their view is that it does not form part of the fundamental make-up of the calculator. HF confirmed that the calculator for the second options exercise goes further than it has done in the first options exercise.
- 8.20 JL asked for views from SAB. HS said that she felt it was needed for the FRAs so that firefighters can make an informed decision so that they know how much it would cost and what they would get in return. It would also mean that the data would feed out of the same calculator so there would be no copying or trying to replicate data. An output document could then be provided. Therefore, she felt that if the Home Office is not funding the benefit calculator, then it will need to be provided another way.
- 8.21 NC also felt that currently the calculator would only give the firefighter half of the information they need to make an informed decision.
- 8.22 Tara Atkins (TA) pointed out that not all FRAs have the expertise to work out what the benefits would be and therefore a centralised approach would be needed. JL agreed.
- 8.23 Cat Ellis (CE) also felt that the calculator is necessary for a person to make an informed choice otherwise they will seek advice elsewhere.

8.24 AM re-iterated that the Home Office see this element as an administrative function. HF confirmed that as a defined benefit scheme a member will always get more out from the scheme than they paid in.

8.25 SW pointed out that the member will not be using the calculator. It is only going to be used internally by FRAs or administrators. SW confirmed that the reason why the Home Office funds the contribution element of the calculator is because it is a much more complex and intricate calculation.

8.26 JL concluded to say that the SAB await the costs for this additional element of the calculator so that they can be considered in terms of the SAB budget.

## **9. Home Office retrospective remedy consultation: [Presentation](#)**

9.1 CH went through a series of informative slides for the SAB which detailed the Home Office retrospective remedy consultation.

9.2 CH advised that clarification had been sought from the Home Office about question one on eligibility. The Home Office has said that the question has been poorly worded, and they will look to clarify what the question means. JL asked who they would be providing clarity to as providing clarity only to those who ask does not help in the consultation process.

9.3 CE said that she thought they would only respond to those who had asked the question. Mark Poulston added that in tendering processes, the questions which are asked are visible to the other people involved in that process so that everyone is fully aware of those questions and answers.

9.4 JL pointed out that there are many references in the draft legislation to the need for a scheme manager to refer cases to the actuary. She asked BA what processes will be in place because actuaries will be very busy if this affects all public service pension schemes. BA said that he expected that there will be a raft of overriding guidance to assist in the processes which need to happen.

9.5 HS asked if it would be helpful to pick out all the references to where a scheme actuary calculation is needed and determine whether this should be

guidance or actual referral to a scheme actuary. CH agreed that this could be taken forward as an action for the communications group.

9.6 CH also advised the Board that the Home Office had been working on a list of areas which specifically gave the scheme manager a power to make a decision but that this work had stalled. CE said that it was important that the correct decision-making process is followed and that when decisions are taken by scheme managers that all relevant information is taken into account. CE highlighted that the consultation talks about a proper investigation needing to be done so that a decision can be made and agreed that guidance would be needed for scheme managers on this.

9.7 HS felt that in cases where the member has not made their decision, FRAs would have the option of visiting the person concerned to talk through their decision with them and this may therefore negate the need for a scheme manager deemed decision in most cases.

9.8 MP said that there is a process to follow in exercising discretionary powers and it is one of the most common sources of challenge and complaint, including to The Pensions Ombudsman. The more discretionary powers which are conferred on a body, the greater the risk that something will go wrong.

9.9 Regarding the deferred choice provision Mark Rowe (MR) felt that the six-to-twelve-month period under which a member needs to tell their scheme manager of their intention to retire is too long. JL pointed out that there is a scheme manager discretion to accept a different period but that it would be better to have a more reasonable timeframe written into the legislation.

9.10 NC asked who makes the decision if a member dies before they can. CH confirmed that there is a Schedule which lists those who can make this decision.

9.11 JL felt that in some cases twelve weeks to make a decision on an RSS could be too short. CM added that this could be the case if a spouse was dealing with the estate of a member.

9.12 Regarding the timing of the DCU-RSS, CH asked if four months in line with the commutation election period in the 1992 scheme would be a more reasonable timeframe to use. This was suggested at an earlier collaboration session. HS felt this was reasonable and a member who provides their intention to retire later than that timeframe may just find that the benefits could be paid later than the due date. The FBU representatives indicated that a four-month period would be supported.

9.13 Regarding transfers not being rolled back from 1 October 2023, HS asked what would be shown on the RSS. CH indicated that this is something which could be questioned in the consultation response. HS felt that the rollback position should be shown and would comprise of the compensation payable if the transfer could not be rolled back to the legacy scheme.

9.14 MR asked what the compensatory payment would be. CH confirmed that it would be in the form of a pension and lump sum.

9.15 CM asked why the consultation refers to the amounts as contributions. HS said that this enables the Home Office to treat the transfer in the way that they intend to treat it by labelling it so.

9.16 Regarding refunding added pension contributions, HS advised that members who paid the contributions by lump sum could have paid a cheque and may not have pursued tax relief. In those cases, should they get the gross contribution returned to them instead?

9.17 CM pointed out that the Home Office are taking different approaches to added pension and transfers. The transfers are being kept in the 2015 scheme whilst the added pension is being refunded. Members of the 2006 scheme may choose 2015 scheme benefits at DCU. HS said that a member could apply to buy added years under the 2006 scheme under a contingent decision. CM pointed out that a member may have been better off in the 2015 scheme though.

9.18 Regarding contributions, CH went through the policy intent. JL pointed out that the policy intent has not been adequately translated into the regulations.

9.19 CM felt that the policy is member friendly as members are not being asked to pay a large amount up front although being able to settle at any point may be an administrative burden.

9.20 JL felt that the tax treatment on contributions wasn't clear and there are no specified processes or procedures in the draft regulations. HS understood that the contributions calculator would work out the tax relief which could be adjusted from 20 per cent to 40 per cent depending on the member's circumstances. This would be held on the member record and updated with interest each April for the RSS. If the member chose to repay the contributions in that year it means that the amount is fixed at that rate and if the member repays at retirement, then the amount is deducted from the lump sum. If the payment is made through the payroll system with the pension payments, then it would need to be made as a non-tax relievable payment as tax relief has already been applied.

9.21 CH asked if the Board felt that provision needed to be made in the regulations for contribution holidays. HS felt that the adjustment was described in the existing instructions for paying amounts to members plus interest.

9.22 In respect of contingent decisions, MR said that guidance on the evidence that would be accepted for opt outs would be useful. CH said that the Home Office had specified the following: where a member has indicated this on their opt out form, where the person was a claimant in the injury to feelings claims and CE added that the consultation also specifies a complaint letter confirming the opt out will follow if the reforms are implemented.

9.23 GM supported the need for guidance to aid decision-making.

9.24 Regarding how to make members aware that they can claim a contingent decision, HS felt that this should be a communication piece but that the fire pensions sector should not be seen to be actively encouraging claims to be made. HS suggested referencing contingent decisions in each RSS so that every cohort of member is aware that the facility is there.

9.25 CH asked the board how they would like to take this forward. NH suggested a Teams meeting. HS suggested preparing an initial draft and then going through that for further responses. JL felt that it would be useful to have a draft, discuss the technicalities and have legal input from the legal advisers. A meeting could then take place to discuss the draft.

9.26 DP felt that this agenda item had been too technical for SAB. JL agreed but felt that the SAB would put through a slightly different response to the LGA response accordingly.

9.27 NC felt that the technical aspect was helpful and a draft response to look could be circulated with the technical aspects finalised later.

**ACTION: 23.03.2023 (9.5): LGA to identify areas in the draft regulations where there is reference to the need for a scheme actuary to calculate a case.**

**ACTION: 23.03.2023 (9.25): Consultation response to be drafted for review by SAB before final version is compiled.**

## **10. AOB and date of the next meeting**

10.1 It was agreed that the action summary paper would be taken forward to the next meeting due to time constraints.

10.2 JL thanked CH for all her hard work with SAB and wished her good luck in her new role.

10.3 The date of the next meeting is 8 June 2023 on MS Teams.