

Meeting of the Board 8 June 2023

Update on action summary

Introduction

1. This paper provides an update to the Board on actions taken and planned actions to progress the agreed work plan as outlined in the action summary.
2. All other actions can be considered to be carried forward.

Completed actions

3. The action of 23.01.2023 (2.8.10) asks that SAB members volunteer for the Matthews Technical Working Group. This action has replaced action 24.03.22 (5.16) and has now been completed. The Chair of the Board attends each meeting and the last meeting of 25.05.2023 was also attended by Glyn Morgan. If there are other members of the Board who would like to attend these meetings, please contact the Secretariat.
4. The action of 23.01.2023 (3.6) for the Home Office to invite SAB members to a Matthews informal briefing session ahead of consultation has been completed. This session took place on 25.05.2023 and enabled Board members to ask any questions that they had. It also gave an opportunity to formally agree that the GAD benefit calculator could proceed.
5. Action 23.01.2023 (12.10) to add the change to revaluation rates for the Police Pension Scheme and the corresponding affect that this may have on the delivery of remedy software by software suppliers to the risk register has been completed.
6. Action of 23.01.2023 (5.13) for Helen Scargill to share the communications which WYPF has issued to their FRAs in respect of year-end data with The Pensions Regulator (TPR) has been completed. The relevant details were sent to TPR on 20 March 2023.
7. The action of 23.01.2023 (12.2) for the SAB's Legal Adviser and the LGA to monitor Pensions Ombudsman determinations so that any key determinations relating to FPS are noted accordingly and discussed at SAB meetings, is an ongoing action which will be considered at each SAB meeting as necessary. The action has been moved to the completed action summary.
8. The action of 23.03.2023 (7.7) for GAD to confirm if the data report can be shared earlier than the June 2023 SAB meeting has been completed and the draft data report was shared with SAB members on 5 June 2023.

Actions in progress

9. Action 04.10.2018 (5) for the LGA to establish a working group on behalf of the SAB with the purpose of considering ill-health regulations and processes, is being progressed. The original intent was to establish a group with terms of reference in line with the 2008 ill-health review group. However, the LGA has since updated the IQMP guidance originally written in 2012 and this is with the Communications Group for review. Additional process guidance has been drafted for FRAs and published. Once the IQMP guidance has been reviewed, this can be submitted to the SAB for consideration at which time a task and finish group will be established to finalise and endorse the guidance.
10. Action 11.06.2020 (6.1) for the Board to consider legal advice provided on temporary in the context of the scheme is still in progress. A comparison of LGPS and FPS regulations has taken place in respect of the treatment of temporary contracts in order to consider whether it would be appropriate to consider making a request for a legislative amendment to the FPS.
11. The LGA team for LGPS has confirmed that an employee is only contractually enrolled into the LGPS if they have a contract of employment for three months or more. They do have the right to opt-in to the Scheme, and they will be brought in under automatic enrolment if they satisfy the relevant criteria.
12. The position for a fixed term contract is clear – if the contract is for less than three months, the employee does not join automatically, but does join if the contract is extended to be for more than three months.
13. In respect of the Police pension scheme comparison, the LGA has asked the National Police Chiefs' Council (NPCC) to assist in providing information from the Police pension scheme regulations which shows how temporary contracts are treated. In response, the NPCC has confirmed that [to be eligible](#) the person has to be a member of a police force, members of a police force are essentially deemed to be police officers. [Part 2](#) confirms this.
14. The Board are asked to consider the steps needed in order to progress this action.
15. Action 11.06.2020(6.3) is for the SAB to consider legal advice provided on retrospective action relating to pensionable pay decisions. At the meeting held on 23 January 2023, the Board discussed the content of the note. The SAB's Legal Adviser has updated the note following that meeting. No further comments have been received on this note and consequently this was published in the [May FPS bulletin](#). As the note concentrates on the actions to be taken where pensionable pay needs to be changed from non-pensionable to pensionable, the Board are asked to consider if the same applies where an element of pay has changed from pensionable to non-pensionable. Once this has been clarified, this action can be closed.
16. Action 10.12.2020 (5.1)-(2) to develop a modular training programme for SAB members is being progressed. The LGA ran the first induction and refresher SAB

training sessions on 22 September 2022. A duplicate session was due to take place on 10 October 2022 but did not proceed due to lack of demand. Sessions can resume once LGA vacancies have been filled later in 2023.

17. Action 30.09.2021 (5.26) relates to the procurement of videos to explain remedy. From 20 March 2023, Tara Atkins became the Firefighter Pensions Adviser, to concentrate on communications. The LGA has so far met with three companies through the National Framework to discuss the proposal and is in the process of obtaining quotes for the video.

18. Action 23.06.2022 (8):

(i) Board members/ advisers to check the SAB web page and advise the Secretariat of any changes which need to be made to their details. The LGA has received some amendments which have been updated on the SAB website. Board members are asked to advise the Secretariat of any further amendments which are needed as soon as possible.

(iii) Board members to nominate replacement committee members for each vacant position. The employer representative roles have been filled for both the cost-effectiveness committee and SMA committee. A vacancy still exists for the LPB Effectiveness chair which needs to be filled as soon as possible. This vacancy was initially for an employee representative. The Board are now asked for volunteers from board members in general.

(iv) Board members to complete training needs analysis document by 28 August 2022. The LGA has received eight forms back which will help to tailor training accordingly. Board members are asked to return any remaining outstanding forms as soon as possible.

19. Action 24.03.2022 (7.20) relates to seeking information on the effect of the removal of restricted commutation for FPS 1992 Scotland. Further details were provided in the meeting of 23 January 2023. If this is to progress any further the Board will need to consider what a robust business case would look like as this would be required by the Home Office to consider this proposal.

20. The action of 23.01.2023 (2.8.9) is for the SAB Chair and Secretariat to investigate whether the Terms of Reference can be changed, and the Board to be consulted accordingly. An initial scoping meeting took place between Home Office and the SAB chair and secretariat on 27 January 2023. Subsequent information received from the Home Office is as follows:

Size of the board

Regulation 4F of the Firefighters' Pension Scheme (England) Regulations 2014 ("the Regulations") state that members of the Board are appointed by the Secretary of State (SoS) and that the Board should consist of "...at least two, and no more than 14" members (that is, at least 2-14 members). The Regulations also encourage equal representation of persons representing the interests of scheme employers and the interests of members. Therefore it would be possible to appoint 5 members on each side for the Board.

Terms of appointment

Under 4F of the Regulations terms of appointment are currently set by SoS. The terms of appointment could be amended to include a term of office.

The Chair of the Board has suggested that this action can be revisited upon receipt of further information on the requirements which The Pension Regulator's General Code of Practice may put in place once it is implemented.

21. The action of 23.01.2023 (2.8.6) is for Home Office to look at how other SABs are constituted to provide a comparison when looking at whether the terms of reference of the FPS SAB (England) can be amended. The Home Office has sent through the structure of the Police SAB which is on appendix 1, at the end of this report. As with action of 23.01.2023 (2.8.9), the Chair of the Board has suggested that this action can be revisited upon receipt of further information on the requirements which The Pension Regulator's General Code of Practice may put in place once it is implemented
22. The action of 23.01.2023 (3.7) for Home Office to liaise with GAD on information which will be released on the 2020 valuation and the relevant timetable for this is in progress.
23. The action of 23.01.2023 (6.18) LGA and NPCC to work with Iain Coltman on contingent decision processes is in progress. The LGA has emailed Iain Coltman to progress this action and plan a way to move forward. Iain is intending to create a working group for this purpose and we are currently waiting for details of this.
24. The action of 23.01.2023 (5.11) for the LGA to request a copy of the draft re-engagement policy from NFCC for SAB is in progress. The NFCC Pensions Lead, Ian Hayton, is currently redrafting the retirement and re-engagement policy and is happy to share this in time for the September 2023 meeting.

Actions to progress

25. The action of 23.06.2022 (6.6) for the LGA to discuss the approach to contingent decisions with FSMC to ensure consistency of application is still to progress. Now that the formal consultation has been launched, the sector has greater clarity on where there may be gaps in policy or process which will allow more constructive discussion.
26. The action of 23.01.2023 (6.11) for LGA to liaise with FRAs and LPBs to ask what information they hold on the reasons why firefighters opted out with a view to creating a mechanism for dealing with contingent decision cases which do not form part of the automatic right is to progress.
27. The action of 23.01.2023 (6.13) for SAB members to highlight scenarios for contingent decisions to the Board is an action to progress.
28. The action of 23.01.2023 (6.16) for SAB to liaise with First Actuarial or GAD to commission added years scenarios to determine the most suitable date for the

added years election is outstanding. First Actuarial have provided the LGA with a quotation for this work. As the consultation has now closed, it is proposed that this action is placed on hold until the final legislation is in place.

29. The action of 23.03.2023 (5.11) for 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 is an item to progress.

Board actions

30. The Board is asked to consider the next steps in relation to Action 11.6.20 (6.1).

31. The Board is asked to consider the next steps in relation to Action 11.6.20 (6.3).

32. The Board is asked to approve the additions to the risk register under Action 23.1.23 (12.10)

33. The Board is asked to consider the next steps in relation to Action 23.6.22 (8).

34. The Board is asked to note the contents of this paper.

Board Secretary
June 2023

Appendix 1. Police Scheme Advisory Board Membership

| Seat | Representing | Appointment/Nominee |
|-------------------------|---|---|
| Chair | Independent | Secretary of State |
| Scheme Employers | National Police Chief's Council (NPCC) | Nominated by the individual associations. |
| | Association of Police and Crime Commissioners (APCC) | Nominated by the individual associations. |
| Scheme Members | Police Federation of England and Wales (PFEW) | Nominated by the individual associations. |
| | Police Superintendents' Association (PSA) | |
| | Chief Police Officers' Staff Association (CPOSA) | |
| | National Association of Retired Police Officers (NARPO) | |
| Observers | Scottish Police Federation (SPF) | |
| | Association of Scottish Police Superintendents (ASPS) | |
| | Scottish Police Authority (SPA) | |
| | Scottish Government | |
| | Superintendents' Association of Northern Ireland (SANI) | |
| | Police Federation Northern Ireland (PFNI) | |
| | Northern Ireland Policing Board (NIPB) | |
| | Department of Justice, Northern Ireland (DOJNI) | |
| Advisors | Actuarial/legal as required. Police Pension Administrators Technical Working Group | |
| | Home Office | |