

Meeting of the Board 23 March 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. Action 24.03.2022 (5.16) for a working group to be convened to provide governance and oversight of Matthew's implementation has now been closed. At the meeting of 23 January 2023, it was decided that the SAB would be represented on the Matthews Technical Working Group which is already up and running. This group meets on a regular basis to discuss technical issues of the Matthews second options exercise. It is felt that governance and oversight of the project can be taken forward through participation in this group.
4. 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 and a copy of the risk register has been emailed to Board members for approval(?).
5. 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 TPR has been completed. The relevant details have been sent to TPR.
6. The action of 23.01.2023 (12.2) for the SAB's Legal Advisor 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 as necessary. The action will be moved to the completed action summary.

### Actions in progress

7. 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. Once these documents have been reviewed, they will be submitted to the SAB for

consideration at which time a task and finish group will be established to finalise and endorse the guidance.

8. 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.
9. 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.
10. 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.
11. 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.
12. The Board are asked to consider the steps needed in order to progress this action.
13. 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 last 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 which the Board can review. Once agreed, the note will be uploaded onto the SAB website and included in the monthly FPS bulletin.
14. Action 10.12.2020 (5.1)-(2) to develop a modular training programme for SAB members is being progressed and the LGA has run the first induction and refresher SAB training sessions on 22 September 2022. A duplicate session was due to take place on 10 October but did not proceed due to lack of demand. Sessions can resume once LGA vacancies have been filled later in 2023.
15. 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 urgently to be filled.

(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.

16. 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 last 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.

17. 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 and subsequent feedback from the Home Office is awaited.

18. 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 currently ongoing. A valuation update is tabled under item 8.

## **Actions to progress**

19. 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. The SAB chair is liaising with the FSMC chair to secure attendance at a future FSMC meeting (May 2023).

20. Action 30.09.2021 (5.26) relates to the procurement of videos to explain remedy. From 20 March 2023, the LGA has appointed an additional Firefighter Pensions Adviser, employed on a twelve-month fixed term contract, to concentrate on communications. One priority for this role will be to progress this action.

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.

22. 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)

23. The action of 23.01.2023 (3.6) is for Home Office to invite SAB members to a Matthews informal briefing session ahead of consultation. The consultation is expected to be launched in week commencing 27 March 2023.
24. 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.
25. 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.
26. 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.
27. The action of 23.01.2023 (6.18) LGA and NPCC to work with Iain Coltman on contingent decision processes is to progress. The LGA has emailed Iain Coltman to progress this action and plan a way to move forward.

## **Board actions**

28. The Board is asked to consider the next steps in relation to Action 11.6.20 (6.1).
29. The Board is asked to note the contents of this paper.

Board Secretary  
March 2023