



**DEVON &  
SOMERSET**  
FIRE & RESCUE SERVICE

## **LOCAL PENSION BOARD**

**Date of Meeting:** Wednesday 7 September 2022, at 1.00 pm via Microsoft Teams

### **A G E N D A**

<b>ITEM NO.</b>	<b>ITEM TITLE</b>
1.	<b><u>Apologies</u></b>
2.	<b><u>Conflict of Interest Declaration</u></b>
3.	<b><u>Notes</u></b> (Pages 1 - 8) Notes of the meeting held on 22 June 2022 attached.
4.	<b><u>Review of Actions</u></b> (Pages 9 - 10) Latest Action Log attached.
5.	<b><u>Pensions Dashboards</u></b> (Pages 11 - 12) Paper attached.
6.	<b><u>Pensions Discretion Policy</u></b> (Pages 13 - 86) Attached, for discussion, is a draft report intended for submission to the next Authority meeting on 26 September 2022 with a view to updating the Pensions Discretion Policy.
7.	<b><u>Local Pensions Board Annual Report 2021-22</u></b> Chair to raise.
8.	<b><u>Training Update</u></b>
	(a) <b><u>Training Log</u></b> (Pages 87 - 88) Latest Training Log attached.

ITEM NO.	ITEM TITLE
	<p><b>(b) <u>Training Needs Analysis</u></b></p> <p>A Training Needs Matrix has been circulated to all Board Members. Once completed by all Board Members, the results will inform future training provision and topics of interest for discussion at future meetings.</p> <p>An update will be provided at the meeting.</p>
9.	<p><b><u>Correspondence Update</u></b> (Pages 89 - 90)</p> <p>Latest Correspondence Log attached.</p>
10.	<p><b><u>Pension Officer's LGA Bulletin Overview</u></b> (Pages 91 - 110)</p> <p>Paper attached.</p>
11.	<p><b><u>Scheme Manager Update</u></b> (Pages 111 - 116)</p> <p>Paper attached.</p>
12.	<p><b><u>Governance &amp; Administration Strategy</u></b> (Pages 117 - 144)</p> <p>Draft document attached.</p>
13.	<p><b><u>Risk Register</u></b> (Pages 145 - 148)</p> <p>To review the register (attached).</p>
14.	<p><b><u>Website</u></b></p> <p>To confirm that the website is up-to-date.</p>
15.	<p><b><u>LPB Work Programme</u></b> (Pages 149 - 150)</p> <p>Attached. To review programme and items for LPB meeting on 7 December 2022.</p>
16.	<p><b><u>Date of Next Meeting</u></b></p> <p>13.00hours, Wednesday 7 December 2022 via Microsoft Teams.</p>

### **Board Membership**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson

Phil Gillbard

Zoe Smyth (Rewards & Benefits Manager)

Shayne Scott

James Leslie

Mareena Anderson-Thorne (HR Officer – Pensions)

Satnam Singh Rai

Ben Redwood

Steve Yates

# Agenda Item 3

## LOCAL PENSION BOARD 22 June 2022

### Present:

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson (MP) (Ch)

Philip Gillbard (PG)

Zoe Smyth (ZS) (Rewards and Benefits  
Manager/Delegated Scheme Manager)

Satnam Singh Rai (SSR)

James Leslie (JL)

Mareena Anderson-Thorne (MAT) (HR Officer,  
Pensions)

Shayne Scott (SS)

Ben Redwood (BR)

Helen Scargill (HS) (West Yorkshire Pension Fund)

Cllr David Thomas (DT)

Matthew Mott (MM) (West Yorkshire Pension Fund)

Claire Hey (CH) (Local Government Association)

Elena Johnson (EJ) (Local Government Association)

Steve Yates (SY) (Note-taker)

### Apologies:

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

Greg Webb (GW)

MIN NO.	ITEM TITLE
LPB/22/13	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
LPB/22/14	<b><u>Notes</u></b> The Notes of the meeting held on 22 March 2022 were <b>AGREED</b> .
LPB/22/15	<b><u>Review of Actions</u></b> <b>CONSIDERED</b> updated Action Log (at 9 June 2022) listing Open Actions. Progress against actions was indicated in the comments column. It was noted that: <ul style="list-style-type: none"><li>• Action LBP044 (WYPF Cyber-security). MAT would progress with the Service Information Governance Team;</li><li>• Action LPB055 (Administration, Management and Governance Strategy). Work was still in hand to finalise this document, which it was intended should be submitted to the next Board meeting for adoption (See also Minute LPB/22/21 below);</li><li>• Action LPB069 (replacement Scheme Member representative). Action completed (See also Minute LPB/22/21 below);</li></ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• Action LPB070 (KPIs). This was covered in the Scheme Manager’s report (See also Minute LPB/22/21 below);;</li> <li>• Action LPB071 (Public Service Governance and Administration Survey 2020-21). Action closed - the Pension Regulator’s (tPR) self-assessment had been completed. <b>Action:</b> MAT to circulate to Board members;</li> <li>• Action LPB072 (Revision of training needs analysis). This had been paused pending appointment of the new Scheme Member representative. A refresh with all Board Members would now be undertaken to identify potential areas for training and future Topics of Interest;</li> <li>• Action LPB075 (injury pensions - incorrect deduction of retirement allowances). A definitive resolution as to whether or not this was a breach of the legislation and thereby reportable was still awaited. The LGA had not had opportunity to respond in detail but CH expressed an initial view that the deductions were not unlawful;</li> <li>• Action LPB076 (tPR training modules). CH advised that the revised Code of Practice was likely to be introduced later this year and would impact on tPR training modules, which would be refreshed in due course;</li> <li>• Action LPB077 (COVID-19 pandemic). This action was closed. A more generic risk (relating to flu pandemic) had been included in the most recent iteration of the Risk Register (see also Minute LPB/22/20 below);</li> <li>• Actions LPB078 (additional metrics in Scheme Manager update) and LPB079 (LPB work programme) closed (See also Minutes LPB/22/21 and LPB/22/23, respectively, below);</li> <li>• Action LPB081 (abatement, discretions and retirement/re-employment policies) was still being progressed;</li> <li>• Action LPB082 (Matthews/O’Brien) was still in progress and was 90% complete. It was anticipated that the Service would comply with the extended deadline of 30 June 2022 for the provision of initial data on “in scope” individuals (see also Minute LPB/22/21 below);</li> <li>• Actions LPB083 to LPB085, inclusive, were all closed.</li> </ul>
LPB/22/16	<p><b><u>Training Update</u></b></p> <p><b>NOTED</b> latest version of the Board Training Log (updated June 2022). This indicated that (with the exception of the new Scheme Member representative) all Board Members were in-date for completion of the Pension Regulator (tPR) e-learning modules. The training refresh rate for Board members was every two years.</p>
LPB/22/17	<p><b><u>Correspondence Update</u></b></p> <p><b>NOTED</b> latest version of log listing all correspondence received and circulated to Board Members since the last meeting.</p> <p><b><i>(See also Minute LPB/22/18 below)</i></b></p>

MIN NO.	ITEM TITLE
LPB/22/18	<p><b><u>Pension Officer’s LGA Bulletin Overview April to June 2022</u></b></p> <p><b>NOTED</b> document providing an overview of the contents of LGA Pension Bulletins 54 to 57 inclusive (from April to June 2022), each of which had previously been circulated to LPB Members. The Service was not anticipating any issues in meeting the deadlines for submission of initial data to the LGA on “in scope” individuals for the second options exercise relating to the Matthews/O’Brien judgement.</p> <p><i>(See also Minutes LPB/22/15 and LPB/22/17 above and Minute LPB/22/21 below)</i></p>
LPB/22/19	<p><b><u>Website</u></b></p> <p>The website required updating to reflect the new Scheme Member appointee to the Board (Greg Webb). <b>Action:</b> SY to ask Communications &amp; Engagement to make the change.</p> <p><i>(See also Minutes LPB/22/15 above and LPB/22/21 above)</i></p>
LPB/22/20	<p><b><u>Risk Register</u></b></p> <p><b>CONSIDERED</b> latest version (v1.12) of the Board Risk Register. The Register was a “live” document and could be updated at any stage. Mitigating actions had been listed against each risk, together with an indication as to whether further control actions were required. These, in turn, impacted on the net risk score.</p> <p>The initial risk LPB016 relating to the COVID-19 pandemic had been updated to reflect a more generic risk relating to a flu pandemic.</p> <p><i>(See also Minute LPB/22/15 above).</i></p>
LPB/22/21	<p><b><u>Scheme Manager Update</u></b></p> <p><b>CONSIDERED</b> paper summarising current pension matters both locally and nationally which required input from the Service. In particular, the paper addressed:</p> <p style="padding-left: 40px;"><b><i>Governance &amp; Strategy</i></b></p> <p style="padding-left: 40px;">This document was currently being prepared for publication on the Pensions webpage.</p> <p style="padding-left: 40px;"><b><i>Pension Projects</i></b></p> <p style="padding-left: 80px;"><b><i>(a). 2015 Remedy (Sargeant)</i></b></p> <p style="padding-left: 40px;">In light of letters received from both the Treasury (HMT) and the National Fire Chiefs’ Council (NFCC), the Service had determined (and communicated to scheme members) to pause processing immediate detriment cases, primarily due to legal uncertainty over whether or not Section 61 of the Equalities Act provided a lawful basis for calculating and processing taxation implications associated with effecting a remedy. The HMT and HMRC positions on this would continue to be closely monitored and it was understood that the LGA was currently seeking further legal advice in relation to the HMT response.</p>

MIN NO.	ITEM TITLE
	<p>Additionally, the FBU had invited its members to register with the union all immediate detriment cases to enable claims to be registered through the courts.</p> <p>MP commented that the Service remained active in seeking to ensure appropriate communications were issued to scheme members as to their possible options, particularly for those members nearing retirement.</p> <p><b><i>(b). Matthews/O'Brien Judgement</i></b></p> <p>In March 2022 a Memorandum of Understanding had been agreed between the government, the FBU, the Fire &amp; Rescue Services Association and FRA employers.</p> <p>The regulations to implement the second options exercise in England would be drafted by the Home Office and consulted on before being laid before Parliament. The Home Office would have a maximum period of 18 months to draft, consult, and introduce the necessary secondary legislation. The LGA was now actively working with Fire Authorities to identify those who would be in scope. The deadline for FRAs to submit initial data regarding those 'in scope' had been extended to 30 June 2022. FRAs would be expected to start the second options exercise as soon as possible after the legislation comes into force – expected in the latter part of 2023. The LGA had published a Summary Factsheet on this.</p> <p><b><i>Reporting Breaches of Law</i></b></p> <p>There had been no breaches to report since last meeting.</p> <p><b><i>Internal Dispute Resolution Procedure (IDRP)</i></b></p> <p>There had been no new complaints under the Procedure since the last Board meeting.</p> <p><b><i>Pension Administrator Quality of Service</i></b></p> <p>The Service continues to have a good working relationship with WYPF with both parties collaborating and periodically reviewing the arrangements in place to identify potential improvements that could be made.</p> <p><b><i>Key Performance Indicators</i></b></p> <p>For 11 out of the last 12 months, the Service had achieved the KPI for submission of monthly pension reporting to WYPF by the last day of the month.</p> <p>It had been discovered, however, that monthly data being submitted to WYPF in Q3 and Q4 of FY21-22 was not being processed and that new members were not being assigned with a membership record within the agreed timeframe. This issue was being addressed and the Service was seeking further assurance from WYPF that this will not have a knock-on effect with the production of benefit statements for this year.</p>

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	<p>During the period since the last report, the Pay &amp; Conditions team had continued to submit notifications of normal retirement to WYPF within the SLA of 5-days of receipt. Since the last report, there had been 2 retirements and in both instances the paperwork was submitted within the 6-week SLA.</p> <p>The Pensions Officer was currently seeking to develop a “Pensions Dashboard) and was reviewing potential data categories and relevant sources to use. Examples of data could include opt-out rates; demographics of membership categories; and scheme types (age, gender, etc). When developed, the Dashboard would provide a central reference point not only for the LPB but also to inform workforce planning discussions within the Service going forward.</p> <p><b>Board Membership</b></p> <p>The recruitment process for a new Scheme Member representative had concluded with FF Webb (Middlemoor) appointed to the Board from 1 June 2022.</p> <p><i>(See also Minutes LPB/22/15 and LPB/22/19 above)</i></p>
LPB/22/22	<b><u>Topics of Interest</u></b>
	<p><b>LPB/22/22a <u>Record Keeping</u></b></p> <p>The Board received a presentation from CH on record keeping. The presentation covered:</p> <ul style="list-style-type: none"> <li>• good data retention was integral to effective pension scheme management;</li> <li>• records should be: <ul style="list-style-type: none"> <li>○ accurate</li> <li>○ complete</li> <li>○ up-to-date</li> </ul> </li> <li>• data should be reviewed and measured every year;</li> <li>• failure to do so could result in issues with the Pensions Regulator (tPR);</li> <li>• the two main types of member data <ul style="list-style-type: none"> <li>○ common data (name, address, National Insurance number etc.); and</li> <li>○ scheme-specific data (individual membership of scheme; pay; transfers etc.)</li> </ul> </li> <li>• Records required to be kept were identified in separate legislation;</li> <li>• Records needed to be retained for as long as relevant (usually, the life of the scheme member);</li> <li>• there should be processes and controls in place to ensure good data quality;</li> </ul>

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	<ul style="list-style-type: none"> <li>• checks should include: <ul style="list-style-type: none"> <li>○ data was in the expected field and format (e.g. alpha-numeric for National Insurance numbers);</li> <li>○ tolerance checks for pay discrepancies;</li> <li>○ Member feedback; and</li> <li>○ reconciliation of employer/administrator data;</li> </ul> </li> <li>• Pensions schemes collected and held large amounts of fluid data which increased the margin for error;</li> <li>• improvement plan should be in place to address issues identified at review. The plans should: <ul style="list-style-type: none"> <li>○ set objectives and outcomes (prioritised);</li> <li>○ require close working with the scheme administrator;</li> <li>○ identify dependencies;</li> <li>○ set timescales;</li> <li>○ secure resources; and</li> <li>○ establish roles and responsibilities;</li> </ul> </li> <li>• Pension schemes held and transferred large volumes of personal data; risks to this data should be measured and managed. Considerations should include: <ul style="list-style-type: none"> <li>○ compliance with GDPR;</li> <li>○ Cyber-security; and</li> <li>○ business continuity planning e.g. disaster recovery – including the scheme administrator</li> </ul> </li> <li>• tPR governance and administration survey 2020-21 found: <ul style="list-style-type: none"> <li>○ 94% of FF pension schemes reported that processes were in place to monitor records on an ongoing basis;</li> <li>○ 84% provide timely, accurate and complete data;</li> <li>○ 77% submit data electronically; and</li> <li>○ 43% listed record keeping as one of top three risks on their risk registers;</li> </ul> </li> <li>• the remedy position carried additional risks around offering members choice and ensuring that the available choices are clearly understood by members;</li> <li>• a list of resources for understanding record-keeping was provided.</li> </ul> <p>MP questioned how the Board received appropriate assurance that the Scheme Manager is managing data appropriately?</p>



MIN NO.	ITEM TITLE
	<p>ZS responded that this related more widely to compliance. There were monthly returns on pensions and pay data to the Scheme Administrator. This reduced the potential for error. MM outlined that WYPF was initiating a data retention policy for pensions (e.g. 15 years after last pension payment; or 100 years). Payroll data may have a different retention period, though. This was also dependent on the Service retaining WYPF as its Scheme Administrator.</p> <p>MP commented that the Service was looking generally at data retention schedules and management. This would need to consider the above issues.</p>
	<p><b>LPB/22/22b <u>Dispute Resolution</u></b></p> <p>The Board received a presentation from CH on dispute resolution. The presentation covered:</p> <ul style="list-style-type: none"> <li>• that informal resolution of complaints should initially be sought;</li> <li>• the requirement for an Internal Disputes Resolution Procedure (legislated for), but some types of complaint were exempt. Also, different rules applied for complaints against a medical opinion;</li> <li>• a complaint/dispute could be raised by any person with an interest in the scheme who was dissatisfied with a decision made in respect of them. The complainant could be a prospective member or beneficiary of a scheme member;</li> <li>• the IDRP had two stages. For Stage 1, the application should be made within six months of the determination giving rise to the complaint. The Stage 1 decision should be made within two months of the complaint being received;</li> <li>• Stage 2 (appeals against an overturned complaint) should be made within six months. Stage 2 appeals must be determined by a nominated panel of representatives, with access to advice on legal/technical issues. Stage 2 appeals must be addressed within two months;</li> <li>• if a Stage 2 appeal is declined, the scheme member could approach the Pensions Ombudsman (TPO) if they remained dissatisfied;</li> <li>• the IDRP could not be used: <ul style="list-style-type: none"> <li>○ for proceedings already commenced in a court or tribunal;</li> <li>○ where the TPO had already commenced an investigation into a complaint;</li> <li>○ against a medical opinion (but there was a separate mechanism for this).</li> </ul> </li> <li>• further advice on pensions disputes available from a number of resources e.g. the Pensions Advisory Service (TPAS)</li> <li>• that the Pensions Ombudsman was independent and impartial. It had legal powers to make determinations which were binding and could be appealed only in the courts on a point of law. TPO could award financial compensation for loss, distress and inconvenience and impose fines.</li> </ul>

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	<ul style="list-style-type: none"> <li>• other dispute-related resources as signposted by the LGA.</li> </ul>
LPB/22/23	<p><b><u>LPB Work Programme</u></b></p> <p><b>NOTED</b> latest version of the Board work programme to December 2024. The work programme could be varied as required.</p> <p><i>(See also Minute LPB/22/15 above)</i></p>
LPB/22/24	<p><b><u>Date of Next Meeting</u></b></p> <p>13.00hours, Wednesday 7 September 2022 via Microsoft Teams.</p>

The Meeting started at 1.30 pm and finished at 3.00 pm

**LPB Action Log 2022-08-15 - Open Actions**

Action Ref	Date Raised	Source	Action Lead	Status	Pension Work Activity	Action	Comments	RAG
LPB044	18-Mar-20	Board	Mike Pearson	In progress	Risk Management	<b>WYFP Cyber Security</b> WYFP business continuity plan to be reviewed by MP/SP/CG, specifically with regard to cyber attack. Feedback given, WYFP asked to consider and respond. MP to review risk register to asses impact of gaps in WYFP BCP Aon free cyber questionnaire - consider benefit of using it (see email from Satnam 14/07/20).	15/10/20: MP to ask PP and SB to comment on WYFP BCP (done 16 Oct) 25/11/20: MP to write to WYFP with feedback on its BCP 09/12/20: WYFP asked to respond to issues raised 07/01/21: MP to review risk scores and consider using Aon questionnaire 07/03/22: No further progress 08/04/22: MP to review BCP 12/05/2022: MP to Review 09/06/2022: MP handed to MAT to work on with Sarah Bailey. MP to forward on relevant information. 11/07/2022: MAT sent further information to IG Team and awaiting reply. 15/08/2022: Business Continuity risk highlighted within WYFP, the Service were not satisfied the risks were being reasonably managed. RAG rating changed to 'amber'.	A
LPB055	09-Sep-20	Board	Zoe Smyth	Pending	Administration and Compliance	<b>Administration, Management and Governance Strategy</b> Board agreed to adopt the template strategy developed by the LGA/SAB and that Board documentation and toolkits should be adapted accordingly subject to outcome of the LGA/SAB consultation.	15/10/20: Awaiting outcome of LGA/SAB consultation. 06/09/21: No update in August bulletin. ZS to chase Claire Hey for update. 12/10/21: Draft strategy produced, circulated for comments. 24/11/21: "Devonised" version of Strategy in production. Intention is to submit to Board early in 2022 for adoption and subsequent publication on the Pensions page of the Service website. 07/03/22: No progress, age discrimination remedy caseload 08/04/22: ZS to revisit terms of reference and roles and responsibilities to ensure they align 12/05/2022 ZS to ensure that role and responsibilities align with strategy. 09/06/2022 - To be presented to LPB on 22/06/2022. 22/06/2022 - ZS states there a still a few things to finalise, before presenting at the next LPB in September. 11/07/2022 - ZS and MAT will be finalising a draft strategy document this week and will circulate to MP, SS and SY. 15/08/2022: ZS would aim to present this at September LPB meeting (7th)	G
LPB070	15-Sep-21	Board	Zoe Smyth	In progress	LPB Governance and Effectiveness	<b>Development of KPIs</b> Three KPI's together with any additional potential KPI's from Governance Strategy to be considered and reviewed	24/11/21: Will be scheduled when possible, age discrimination remedy work taking priority. 07/03/22: No progress, age discrimination remedy caseload 08/04/22 MAT to work with the well-being team to collaborate and create a clear procedure 22/05/2022 MAT to look at developing an LPB Dashboard 09/06/2022 - MAT spoken to Claire Johnson to draw on her West Yorkshire experience and SW and Wales group on how they manage there KPI's. Trying to obtain moe information before development. 11/07/2022 - MAT continuing to look at what effective dashboards may look like. 15/08/2022: WYFP undertaking a KPI review, MAT would provide input into this and provide brief when available and work concluded.	G
LPB072	15-Sep-21	Board	Zoe Smyth	Pending	LPB Governance and Effectiveness	<b>Revision of the training needs analysis</b> ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members.	12/05/2022 ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members. 09/06/2022 - MAT to pick this up. MP to send over details of previous TNA. 11/07/2022 - MAT still working on this, aiming to bring something to the LPB on 7th of September. 15/08/2022: MAT would send the TNA to SY to circulate to the Board ahead of the LPB meeting	G
LPB076	22-Mar-22	Board	Zoe Smyth	In progress	LPB Governance and Effectiveness	<b>tPR Training Modules Updated</b> Confirm revised Code of Practice 14 has been issued and whether tPR modules will be updated to inform LPB member refresh schedule	11/07/2022: New code still awaited. 15/08/2022: New code not expected until end of 2022	G

## LPB Action Log 2022-08-15 - Open Actions

Action Ref	Date Raised	Source	Action Lead	Status	Pension Work Activity	Action	Comments	RAG
LPB081	08-Apr-22	Chair	Mareena Anderson-Thorne	In progress	LPB Governance and Effectiveness	<b>Abatement Policy, Discretions Policy, Retirement Re-employment Policy</b> Review in light of Pensions Ombudsman determination PO-25374	08/04/22 MAT Looking at Abatement (Retirement/re-employ) policy, along with Discretions for FPS & LGPS. 12/05/2022 MAT Looking at Abatement (Retirement/re-employ) policy, along with Discretions for FPS & LGPS. Still a work in progress. Looking to complete draft policies by the end of May and deliver to People Committee in July. 09/06/2022 - MAT reviewing the services' policies to make sure they are fit for purpose, some policy changes will need to be taken to the FA for approval. 11/07/2022 - MAT and ZS reviewing policy changes this week with a view to having a meeting with SS, MP and DR to discuss what we are going to do with these policy positions. We are aiming to take this to the authority LPB 26th September. 15/08/2022: MAT expected to take the requisite policies to the FRA in September. Draft discretion policy to be shared at the LPB meeting. RAG rating updated to 'green'	<b>G</b>
LPB086	11-Jul-22	Chair	Mareena Anderson-Thorne	Pending	LPB Governance and Effectiveness	<b>LGA Finance Template</b> To assess the financial impact of ID cases ahead of Remedy Strategy.	15/08/2022: MAT would start to populate the template. Will provide updated when available.	<b>G</b>
LPB087	11-Jul-22	Chair	Mareena Anderson-Thorne	Pending	Risk Management	<b>Review Risk Register</b> tPR issued factsheet on risk registers. Review current LPB Risk Register against tPR factsheet	15/08/2022: MAT had commenced work on this. Not a high priority for the team.	<b>G</b>

## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

### LOCAL PENSIONS BOARD

<b>DATE OF MEETING</b>	<b>7 September 2022</b>
<b>SUBJECT OF REPORT</b>	<b>PENSIONS DASHBOARDS</b>
<b>REPORT AUTHOR</b>	<b>Mike Pearson (Board Chair)</b>
<b>EXECUTIVE SUMMARY</b>	<p>Earlier this year, the government consulted on the introduction of pension dashboards intended to place individuals in control of planning for their retirement by bringing together all their pension information from multiple sources (including information on their State Pension), which can then be accessed at a time of their choosing.</p> <p>Designing and creating the pensions dashboard ecosystem, which contains the digital architecture to make the dashboards work, is the responsibility of the Pensions Dashboards Programme (PDP) established in 2019 by the Money and Pensions Service (MaPS). In July of this year, the PDP launched a six-week consultation on the proposed standards to ensure the security, stability and effective operation of the dashboards. It is anticipated that there will be a phased approach to pension dashboards going live, depending on the size and type of pension scheme. The earliest connection is scheduled for August 2023. The indicative date for public service schemes is 30 September 2024.</p>

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## Devon and Somerset Fire and Rescue Authority

### **FIREFIGHTER PENSION SCHEME DISCRETIONS FOR THE 1992, 2006 AND 2015 SCHEMES, AND THE 2006 FIREFIGHTER COMPENSATION SCHEME**

- The Firefighters' Pension Scheme 1992
- The Firefighters' Pension Scheme 2006 (also known as the NFPS)
- The Firefighters' Compensation Scheme 2006
- The Firefighters' Pension Scheme 2015

To mitigate risk, it is recommended that the function head responsible for pensions consider the application of discretionary powers for the Firefighters' Pension Scheme.

#### **2015 Scheme Manager Discretions**

The Firefighters' Pension Scheme (England) Regulations 2014 SI 2014/2848

#### **Regulation 5**

Delegation.

The Scheme Manager must ensure that delegated powers are appropriate and current.

Devon and Somerset Fire and Rescue Authority will ensure delegated powers are always appropriate and current.

#### **Regulation 12 (5)**

Opting into this scheme.

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.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make a reasonable decision as to the optant-in date for an active member. If the optant-in date is unclear, it will take effect from the beginning of the first pay period following the date on which the option is exercised. Any variation to this will be on an exceptional basis.

## **Regulation 16 (2) (b)**

Opting out after the first three months.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: An optant-out will cease 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, unless the payroll has already been processed for that period, in which case the optant-out will cease to be in pensionable service with effect from the first day of the second pay period following the date on which the option is exercised. Any variation to this will be on an exceptional basis.**

## **Regulation 17 (1) (d) Pensionable Pay.**

The scheme manager has discretion to determine if Continual Professional Development payments are to be treated as pensionable pay.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will treat CPD payments as pensionable.**

## **Regulation 19 (c)**

Active membership.

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. (Linked to Regulation 111 (4) and subject to the member paying the appropriate contributions).

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will allow a person who is on unpaid authorised absence to count the period as active membership subject to the member paying the appropriate contributions.**

## **Regulation 28 (2)**

Establishment of Pension Accounts.

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.



Devon and Somerset Fire and Rescue Authority's policy is: The Authority will maintain pension accounts for scheme members in the most appropriate form considered by the Authority.

*This discretion has, however, been delegated, so that pension accounts for scheme members will be established and maintained in such form as the pension administrator considers appropriate.*

### **Regulation 37 (3), (4) and (5)**

Closure and re-establishment of active member's account.

If a member has more than two active member's accounts 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.

Devon and Somerset Fire and Rescue Authority's policy is: Where a member fails to choose an account to use to aggregate benefits, the Authority will choose the account considered most appropriate by the Authority. This is likely to be the most cost-effective account to the Authority, but each case will be considered on its merits and full details of the circumstances will be required.

*This discretion has, however, been delegated, so that where a member fails to choose which of their active member accounts a closed account should be aggregated with, the pensions administrator will select the active member account most closely aligned to the closed account, or with the longest likely lifespan.*

### **Regulation 49 (3) and (4)**

Closure of deferred member's account after gap in pensionable service not exceeding five years.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where a member has more than one deferred account and fails to choose which account to close, the Authority will choose the account considered the most appropriate by the Authority. This is likely to be the most cost-effective account to the Authority, but each case will be considered on its merits. Full details of the circumstances will be required.

*This discretion has, however, been delegated, so that where a member fails to choose which of their deferred member accounts should be re-established as an active account, the pensions administrator will select the deferred member account most closely aligned to the new pensionable employment.*

### **Regulation 62 (1) and (2)**

Employer initiated retirement.

An employer can determine that an active member aged 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.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not allow immediate payment of retirement pension without early payment reduction for any of its employees unless there is a clear advantage to be gained by the Authority by so doing.*

### **Regulation 63 (5)**

Exercise of partial retirement option.

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.

*Devon and Somerset Fire and Rescue Authority's policy is: Where a member aged at least 55 opts to claim the whole of their accrued pension but continue in pensionable service, the Authority will agree a suitable date with the member.*

### **Regulation 68 (1) and (2)**

Review of ill-health award or early payment of retirement pension.

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.

**Devon and Somerset Fire and Rescue Authority's policy is:** The Authority will undertake regular ill health pension reviews on individuals who are under the deferred pension age and have been receiving the award for less than 10 years and will review the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age.

### **Regulation 69 (3)**

Consequences of review.

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.

**Devon and Somerset Fire and Rescue Authority's policy is:** Where a member is receiving a lower tier ill-health pension and becomes capable of performing the duties appropriate to the role from which they retired, the Authority must consider making an offer of re-employment based on the individual circumstances.

### **Regulation 70 (7) and (8)**

Commencement of pensions.

(7) 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.

(8) 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.

**Devon and Somerset Fire and Rescue Authority's policy is:** A request for early payment of deferred benefits will only be considered in circumstances where there are grounds to justify this.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Regulation 72 (3) (b) and (4)**

Allocation election.

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.)

Devon and Somerset Fire and Rescue Authority's policy is: Where a portion of a pension has been allocated to a dependant who is not the spouse, civil partner or cohabiting partner of the member, the Authority will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.

### **Regulation 73 (1)**

Making an allocation election.

The scheme manager must be satisfied that that the member is expected to live until normal life expectancy and obtain appropriate proof of this. The scheme manager must decide how this is to be judged, e.g. by the member's GP or the Occupational Health Physician, or by an IQMP's opinion.

Devon and Somerset Fire and Rescue Authority's policy is: Where a request is received from a member wishing to allocate a portion of their pension to a dependant who is not the spouse, civil partner or cohabiting partner of the member, the Authority will request the proof of the member's life expectancy in a manner and format it considers appropriate. Each case will be considered on its merits.

### **Regulation 75 (1) and (2)**

Adjustment of allocated benefit.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where an allocated pension does not qualify as a dependant's scheme pension, the Authority will adjust the amount accordingly.

## **Regulation 76 (1) (b) (v) and (2)**

Meaning of “Surviving Partner”.

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.

**Devon and Somerset Fire and Rescue Authority’s policy is: Where a Surviving Partner has been in a long-term relationship for a continuous period of less than two years, the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.**

## **Regulation 95**

Person to whom lump sum death benefit payable.

The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable.

**Devon and Somerset Fire and Rescue Authority’s policy is: The Authority will make the final decision as to who the recipients of any lump sum death benefits should be on a case by case basis and will withhold payment where it is considered appropriate.**

## **Regulation 100 (2)**

Payment of pensions under Part 6 “Death Benefits”.

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.

**Devon and Somerset Fire and Rescue Authority’s policy is: When paying Death Benefits to an eligible child under age 18, the Authority will make considerations on a case by case basis as to whom it should be paid and how the payment should be applied.**

***This discretion has, however, been delegated, so that the pensions administrator will decide who will receive payment of a child’s pension based upon the circumstances of the case and taking into account any guidance provided and having regard to judgements in relevant cases by the courts or the Pensions Ombudsman.***

*The pensions administrators will, where the payment is not being paid directly to the eligible child, direct the recipient as to how the payment should be applied for the eligible child's benefit.*

### **Regulation 101 (2) and (3)**

Surviving partner's pensions and eligible child's pensions: suspension and recovery.

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.)

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority will cease payment of a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears a false declaration had been made or where a material fact has been deliberately suppressed.*

### **Regulation 102 (2) and (3)**

Provisional awards of eligible child's pensions: later adjustments.

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.)

*Devon and Somerset Fire and Rescue Authority's policy is: Where a child is eligible/ineligible to a child's pension, the Authority will adjust the pensions accordingly. Each case will be considered on its merits and full details of the circumstances will be required.*

## **Regulation 104 (1) (a) and (2)**

Adjustment of benefits to comply with FA 2004 where members die over 75.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may adjust benefits payable to individuals who do not qualify as a dependant's scheme pension under the Finance Act 2004. Each case will be considered on its merits and full details of the circumstances will be required.**

## **Regulation 110 (5), (7) (h) Member Contributions.**

(5) 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.

(7) (h) 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.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will assess contributions when there is a change to pensionable pay and revise contribution rates accordingly. Members will receive written communication of the change at the time of the change.**

## **Regulation 111 (2), (3) and (4)**

Contributions during absence from work due to illness, injury, trade dispute or authorised absence.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual is absent from work due to a trade dispute or unauthorised absence, the Authority will require them to pay the member contributions and the employer contributions for the**



period of absence. All other cases will be considered on an individual basis. However, it is likely that an individual who is absent from work due to illness or injury (or authorised absence) will only be required to pay member contributions for the period of absence; the Authority will pay the employer contributions.

### **Regulation 114 (1), (2) and (3)**

Deduction and payment of contributions.

- (1) 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.
- (2) 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.
- (3) 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.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will ensure that member contributions due under Regulation 110 may be deducted from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the Authority and the member. The Authority will ensure that member contributions due in respect of absence from work on reserve service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. The Authority will ensure that member 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 Authority, and agreed on a case by case basis.

### **Regulation 135 (4)**

Statement of entitlement.

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.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will only extend the date of calculation of transfer value where the information needed to calculate the transfer value cannot be obtained before the end of the three month period, or where there are circumstances beyond their control. The date of extension will not be extended beyond six months of the member's application.

### **Regulation 141 (3)**

Request for acceptance of a transfer payment.

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.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will extend the 12-month election period providing the request is made within 24 months.

### **Regulation 142 (2)**

Transfer statement.

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.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may require an active member to ask the Authority 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. Each case will be considered on an individual basis.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

## Regulation 144 (2)

Club transfer value statement.

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.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority may 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. Each case will be considered on an individual basis.*

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

## Regulation 148 (1)

Appeal concerning entries on the certificate.

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.

*Devon and Somerset Fire and Rescue Authority's policy is: If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, the member can follow the Internal Dispute Resolution Procedure (IDRP) to seek resolution.*

## Regulation 151

Determinations by the scheme manager.

It is the scheme manager that must determine whether a person is entitled to an award or to retain an award.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make awards in accordance with the regulations and following guidance from their Pension Administrators.*

## **Regulation 152 (1), (7)**

Role of IQMP in determinations by the scheme manager.

(1) The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion.

(7) 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.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual negligently fails to submit to medical examination by the IQMP and the IQMP is unable to provide an opinion on the basis of the medical evidence available, the Authority will make a determination based on such medical evidence. If no medical evidence is available, the Authority will make a determination without medical evidence.**

## **Regulation 153 (1), (4) and (5) Review of medical opinion.**

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.

(4) and (5) Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly.

**Devon and Somerset Fire and Rescue Authority's policy is: Where the Authority receives new evidence from a member within 28 days of the opinion; the Authority will request the IQMP to review the opinion. Upon receiving the IQMP's advice, the Authority will confirm or revise its original determination and advise the member accordingly.**

## **Regulation 155 (2) Notice of appeal.**

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believes it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

### **Regulation 156 (8) to (12)**

(see also Regulation 161)

Reference of appeal to the board.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where a Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.

### **Regulation 157 (6) to (9)**

Procedure where appeal to be pursued.

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).

Devon and Somerset Fire and Rescue Authority's policy is: It is likely that Devon and Somerset Fire and Rescue Authority's representation at a Medical Appeal Board will be the Human Resources Manager and any other individual they consider appropriate. The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

### **Regulation 161 (2)**

Expenses of each party.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where the medical appeal board determine that an appeal is frivolous, vexatious or manifestly ill-founded, the Authority will require the appellant to pay it the maximum sum allowable not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1).

### **Regulation 161 (3) (a)**

Expenses of each party.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appellant withdraws an appeal requesting cancellation, postponement or adjournment, the Authority will require the appellant to pay it the maximum sum allowable not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1).

### **Regulation 161 (3) (b)**

Expenses of each party.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the appeal,

the Authority will require the appellant to pay it the maximum sum allowable not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1).

### **Regulation 163**

Appeals on other issues.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where a member disagrees with the Authority's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can follow the Internal Dispute Resolution Procedure (IDRP) to seek a resolution.

### **Regulation 167**

Commutation of small pensions.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where appropriate Devon and Somerset Fire and Rescue Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

## Regulation 168

Payments for persons incapable of managing their affairs.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.**

## Regulation 169

Payments due in respect of deceased persons.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: When paying personal representatives death benefits, the Authority will consider each case on an individual basis.**

*This discretion has, however, been delegated, so that where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.*

## Regulation 171 (1) (2), (3), (4) and (5)

Forfeiture: offences committed by members, surviving partners or eligible children.

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. (4) 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.

**Devon and Somerset Fire and Rescue Authority's policy is: When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required to determine whether full restoration is appropriate, and by which means.**

### **Regulation 172 (1) to (5)**

Forfeiture of pensions: offences committed by other persons.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required to determine whether full restoration is appropriate, and by which means.**

### **Regulation 173**

Forfeiture of lump sum death benefit: offences committed by other persons.

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.



Devon and Somerset Fire and Rescue Authority's policy is: When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required to determine whether full restoration is appropriate, and by which means.

## Regulation 174

Forfeiture: relevant monetary obligations and relevant monetary losses.

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.

Devon and Somerset Fire and Rescue Authority's policy is: When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required to determine whether full restoration is appropriate, and by which means.

## Regulation 175

Set-off.

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.

Devon and Somerset Fire and Rescue Authority's policy is: Where the Authority proposes to withhold benefits, the procedure set out in Regulation 176 will be followed. The Authority will consider each case on an individual basis.

## Regulation 178

Payment on behalf of members of lifetime allowance charge.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may make a lifetime allowance charge payment on behalf of a member. Each case will be considered on an individual basis.**

## Regulation 184 (1) and (2) and (3)

Evidence of entitlement.

(1) and (2) 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.

(3) 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.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual fails to comply with the Authority's requirements regarding evidence of entitlement, the Authority will withhold the whole or part of any amount that is otherwise payable.**

## Schedule 1 Part 1, Paragraph 4

Amount of accrued added pension may not exceed overall limit of extra pension.

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).

**Devon and Somerset Fire and Rescue Authority's policy is: Where it appears that a member who has elected to make periodical contributions will exceed the limit, it is likely that the Authority will cancel the election. Each case will be considered on an individual basis.**

### **Schedule 1 Part 2, Paragraph 7 (3)**

Member's election to make periodical contributions for added pension.

If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a Scheme Member wishes to make periodical payments for added pension, the Authority has set the following minimum amounts which must be paid:**

- (i) Increase of 4%
- (ii) Monthly increase of £100
- (iii) One off lump sum of £1,000

### **Schedule 1 Part 2, Paragraph 8 (3)**

Periodical payments.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a member wishes to make payments for added pension but does not want them to be deducted from pensionable pay, the Authority may agree another method of payment, to be agreed on a case by case basis.**

### **Schedule 1 Part 2, Paragraph 10 (4)**

Periodical payments during periods of assumed pensionable pay.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not extend the period of six months for payments during periods of assumed pensionable pay unless in exceptional circumstances.**

### **Schedule 2 Part 1, Paragraph 3**

Meaning of “tapered protection closing date”.

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.

**Devon and Somerset Fire and Rescue Authority's policy is: Scheme Members were notified of their tapered protection dates at the time the 2015 scheme was introduced.**

**Should any 'out of the ordinary' cases present themselves Devon and Somerset Fire and Rescue Authority will determine the tapered protection closing date based on the merits of the case and following guidance from their Pension Administrators.**

### **New Firefighters Pension Scheme (NFPS) - the 2006 scheme**

#### **Part 2, Rule 1**

Determination of eligibility for membership of NFPS.

**Devon and Somerset Fire and Rescue Authority's policy is: This scheme is now closed and there is no facility for new members to join.**

#### **Part 2, Rule 1, Paragraph 12**

Discretion to pay a cohabiting partner's pension where the duration of the relationship is less than the usual minimum of two years.

Subject to the other requirements having been met, the Fire and Rescue Authority have discretion to accept a Scheme member's nomination of a partner before their relationship has continued for a period of two years.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a Surviving Partner has been a in a long-term relationship for a continuous period of less than two years, the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.**

## **Part 2, Rule 4**

Last day of membership.

Decision, by agreement with firefighter, as to last day of membership where firefighter on unpaid leave or absent without permission on the day on which he/she leaves the Scheme.

**Devon and Somerset Fire and Rescue Authority's policy is: Where the Firefighter is on unpaid leave or absent without permission, the Authority will agree an appropriate date with the firefighter as to the last day of their membership of the scheme.**

## **Part 2, Rule 6**

Optant-out re-joining.

Resolution that an optant-out may not re-join the Scheme unless he/she has undergone a medical examination at his/her own expense and satisfied the Fire and Rescue Authority as to his/her good health.

This allows the consideration of whether to require a medical examination before allowing a firefighter that has opted out of the pension scheme before allowing them to re-join the scheme.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a firefighter has opted out of the scheme, the Authority may require them to undertake a medical examination before allowing them to re-join the scheme. Each case will be considered on an individual basis.**

## **Part 3, Rule 5**

Early payment of deferred pension.

Discretion to refuse a firefighter's request for early payment of a deferred pension ('member-initiated early retirement') where this is likely to be less than the GMP at State pensionable age.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may refuse a firefighter's request for early payment of a deferred pension where this is likely to be less than the GMP at State pensionable age. Each case will be considered on an individual basis.**

## **Part 3, Rule 6**

Authority-initiated retirement.

Discretion to retire a firefighter aged 55 or over on grounds of economical, effective and efficient management of their functions ('authority-initiated early retirement').

This discretion allows the early payment of a pension to a firefighter aged 55 or over where the retirement is in the interests of the management of the Service.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not allow immediate payment of retirement pension without early payment reduction for any of its employees unless there is a clear advantage to be gained by the Authority by so doing.**

### **Part 3, Rule 7B**

Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for the credit of Additional Pension Benefit to the firefighter member.

The Fire and Rescue Authority have discretion to determine that the benefits referred to in Rule 7B(5) can be treated as pensionable for the credit to the firefighter of Additional Pension Benefit.

(But note that in accordance with Part 11, Rule 1(6), where an allowance or supplement paid to a firefighter was being treated as pensionable before 1 July 2013 but is not pensionable pay within the meaning of Part 11, Rule 1(a), it shall continue to be treated as pensionable for so long as the firefighter continues to receive it without any break in payment.)

**Devon and Somerset Fire and Rescue Authority's policy is: No payments, other than pay relating to Continual Professional Development (CPD) are currently considered towards an Additional Pension Benefit (APB). Should other elements of pay be deemed pensionable in the future, then these will also be pensionable as APBs.**

### **Part 3, Rule 10**

Discretion to commute a small pension payable to firefighter.

This discretion allows consideration of a small pension to a single lump sum payment.

**Devon and Somerset Fire and Rescue Authority's policy is: Where appropriate Devon and Somerset Fire and Rescue Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.**

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Part 3, Rule 11, Paragraphs 2(b) and 3**

Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner.

This discretion allows consideration of a firefighter allocating a portion of pension for a dependant other than a spouse, civil partner or nominated partner.

**Devon and Somerset Fire and Rescue Authority's policy is: Consideration will be given for a firefighter to allocate a portion of a pension to a dependent who is not a spouse, civil partner or cohabiting partner of the member, the Authority providing that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.**

### **Part 3, Rule 11, Paragraph 6(a)**

Acceptance of good health and normal life expectancy for allocation purposes.

This is similar to the delegation above and allows a firefighter to allocate (give up) part of their pension during their lifetime when they first become eligible to retire to provide, on their death, a pension for a spouse, civil partner or a dependant. There is a requirement that the member has normal life expectancy and this discretion allows consideration of whether this is so.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a Firefighter elects to give up part of their pension (as per Part 3, Rule 11, Paragraphs 2(b) and 3), the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.**

### **Part 3, Rule 12**

Pension debit members.

The Fire and Rescue Authority must provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of a Pension Sharing Order, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Part 3, Rule 12 of the Firefighters' Pension Scheme (England) Order 2006, and the guidance and factors prepared by the Scheme Actuary.

The Authority may determine the charges to be made for administration.



Devon and Somerset Fire and Rescue Authority's policy is: charges to be levied are set by the Pension Administrator as per the Collaboration Agreement.

*This discretion has, however, been delegated, so that the pensions administrator will determine the charges in accordance with their policies and procedures.*

#### **Part 4, Rule 1, Paragraph 3**

Discretion to withhold all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will permanently withhold the survivor's pension where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.

#### **Part 4, Rule 5**

Discretion, subject to the request of a surviving spouse, civil partner or nominated partner of a firefighter member, to commute their pension to a trivial commutation lump sum.

If the total amount of any pension payable to a surviving spouse, civil partner or nominated partner under the provisions of the Firefighters' Pension Scheme (England) Order 2006, does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 (lump sum death benefit) and if the recipient so requests, the Fire and Rescue Authority may commute the whole of the pension for a lump sum in accordance with factors prepared by the Scheme Actuary and in force at the time when the commutation takes effect.

Where appropriate Devon and Somerset Fire and Rescue Authority's policy is: the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

#### **Part 4, Rule 7, Paragraph 5**

Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will permanently withhold the child's pension where the deceased's child is convicted of manslaughter of the deceased.



#### **Part 4, Rule 7, Paragraph 9**

Child's pension on change of circumstances.

Decision to cease payment of a child's pension where the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled, or the child's pension should not have been awarded.

This discretion allows the Authority to deal with the review of a child's pension on change of circumstances.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may cease payment of a child's pension following a review of change of circumstances or as a result of new information received.**

#### **Part 4, Rule 12**

Discretion, subject to consent of child's remaining parent, guardian or the child (if not a minor) to commute a child's pension to a trivial commutation lump sum.

If the total amount of a child's allowance payable under the provisions of the Firefighters' Pension Scheme (England) Order 2006 does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 and

- (a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and
- (c) a surviving parent or the child's guardian or – if neither – the child (if not a minor) consents,

the Authority have discretion to commute the pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.

**Where appropriate Devon and Somerset Fire and Rescue Authority's policy is: the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set.**

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

#### **Part 5, Rule 1, Paragraph 10**

Discretion as to recipient of death grant.

This discretion allows the Authority to decide who should receive a death grant.

Devon and Somerset Fire and Rescue Authority's policy is: It is the Authority's decision as to the recipient of a death grant.

### **Part 5, Rule 1, Paragraph 12**

Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may reinstate all, or part of, any death grant not paid in full to a person whose conviction for murder or manslaughter of the deceased has been quashed. Each case will be considered on an individual basis.

### **Part 6, Rule 2**

Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension.

This discretion allows the commutation of a small pension into a lump sum in the circumstances of divorce if (a) the Authority are satisfied that there are sufficient reasons, and (b) the pension credit member consents. In such cases the Authority can commute the pension for a lump sum calculated in accordance with factors provided by the Government Actuary's Department. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004.

Devon and Somerset Fire and Rescue Authority's policy is: In the circumstances of divorce, Devon and Somerset Fire and Rescue Authority may allow the conversion of a small pension to a single lump sum in accordance with the financial limits set.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Part 6, Rule 5, Paragraph 2**

Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire and Rescue Authority think fit.

This discretion allows the consideration of who to pay a post retirement death grant.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient for a post retirement death grant as they feel appropriate.

### **Part 8, Rule 2, Paragraph 1**

Determination, in the first instance, of entitlement to and type of award due under the NFPS.

This is the general power to make awards under the NFPS.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make awards in accordance with the regulations and following guidance from their Pension Administrators.**

### **Part 8, Rule 2, Paragraph 2**

IQMP.

Requirement to use, but right to select independent qualified medical practitioner (IQMP) for providing a medical opinion.

The NFPS requires that an IQMP is used to provide a medical opinion. This discretion allows the Authority to appoint such a person.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority shall select an appropriate IQMP in line with the regulations to provide medical opinions as necessary.**

### **Part 8, Rule 2, Paragraph 6**

Failure to attend medical examination.

Discretion to determine award without an independent qualified medical practitioner's opinion if the firefighter wilfully or negligently fails to submit him or herself to medical examination and the medical practitioner is unable to give an opinion on the basis of medical evidence available to him/her.

This discretion allows the Authority to make decisions in the absence of an IQMP opinion if the firefighter wilfully or negligently fails to submit him or herself to a medical examination.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual negligently fails to submit to medical examination by the IQMP and the IQMP is unable to provide an opinion on the basis of the medical evidence available, the Authority will make a determination based on such medical evidence. If no medical evidence is available, the Authority will make a determination without medical evidence.**

### **Part 8, Rule 3, Paragraph 1**

IQMP Review.

Discretion to agree with person concerned that the Independent Qualified Medical Practitioner should be given the opportunity to review his/her medical opinion if new evidence is presented within appropriate timescales.

This discretion allows the opportunity for an IQMP to review a decision where new medical evidence is presented.

Devon and Somerset Fire and Rescue Authority's policy is: Where the Authority receives new evidence from a member within 28 days of the opinion, the Authority will request the IQMP to review the opinion. Upon receiving the IQMP's advice, the Authority will confirm or revise its original determination and advise the member accordingly.

### **Part 8, Rule 3, Paragraphs 4 and 5**

IQMP Reconsideration.

Confirmation or revision of decision following an independent qualified medical practitioner's reconsideration of opinion.

This delegation requires the Authority to confirm the decision after IQMP reconsideration of opinion within specific timescales.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will act within all timescales prescribed by the regulations.

### **Part 8, Rule 4, Paragraph 4**

Appeals.

Discretion to extend time limit for an appeal against the Authority's decision based on medical advice.

This discretion allows the Authority to consider exceptions to the 28-day time limit for a firefighter to submit an appeal.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

## **Part 8, Rule 5**

IDRP.

Requirement to deal with appeals under Internal Disputes Resolution Procedure.

This requirement applies where a person disagrees with the Authority's decision and the question is not of a medical nature.

**Devon and Somerset Fire and Rescue Authority's policy is: In line with the regulations, the Authority will deal with appeals using the Internal Disputes Resolution Procedure.**

## **Part 9, Rule 1, Paragraph 1**

Requirement to review ill-health pensions.

Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier illhealth pension, whether that person has become capable of carrying out any regular employment.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will undertake regular ill health pension reviews on individuals who are under state pension age and have been in receipt of an ill-health pension for less than 10 years and they become capable of carrying out any duty appropriate to the role from which they retired on health grounds and, in the case of a higher tier illhealth pension, that person has become capable of carrying out any regular employment.**

## **Part 9, Rule 1, Paragraph 2**

Requirement to review deferred pensions paid early on permanent disablement.

Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under State pensionable age who for less than 10 years has been in receipt of a deferred pension paid early on permanent disablement, has become capable of undertaking any regular employment.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will undertake regular reviews of individuals who are receiving deferred pensions paid early on permanent disablement.**

### **Part 9, Rule 3, Paragraph 3(b)**

Offer of re-employment following medical review.

Requirement to decide whether to make to a person whose ill-health pension has been reviewed under Part 9 Rule 1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider offering employment to a person whose ill-health pension has been reviewed and who is found to be capable of performing duties appropriate to their former role providing employment opportunities exist at that time. Each case will be considered on an individual basis.

### **Part 9, Rule 3, Paragraphs 1 and 2**

This discretion allows consideration of withdrawing a firefighter pension in payment if the person is re-employed as a regular firefighter.

Discretion to withdraw the whole or part of a Part 3 (personal award) pension paid to a former regular firefighter during any period of re-employment as a regular firefighter, or to an on-call or volunteer firefighter during any period of re-employment as an oncall or volunteer firefighter.

Devon and Somerset Fire and Rescue Authority's policy is: Where a firefighter has retired and been re-employed in any role by any authority, including non-operational and retained firefighter roles, their pension may be subject to abatement. Each case will be considered on an individual basis, in line with the abatement policy.

### **Part 9, Rule 3, Paragraph 3**

Abatement.

Discretion to abate a pension under Part 3 (personal award) for so long as the recipient is employed in any capacity by any Fire and Rescue Authority.

This discretion allows consideration of withdrawing a firefighter pension in payment if the person is re-employed in any capacity by any Fire and Rescue Authority.

Devon and Somerset Fire and Rescue Authority's policy is: Where a firefighter has retired and been re-employed in any role by any authority, including non-operational and retained firefighter roles, their pension may be subject to abatement. Each case will be considered on an individual basis, in line with the abatement policy.

## **Part 9, Rule 4**

Early payment of deferred pension.

Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, Paragraph 4 because of firefighter's dismissal from the Fire and Rescue Authority's employment.

Part 3 Rule 3 Paragraph 4 contains the power to pay a deferred pension early where a person is permanently disabled. This discretion allows consideration of not making such a payment where the firefighter was dismissed.

**Devon and Somerset Fire and Rescue Authority's policy is: Early payment of a deferred pension due to permanent disability may not be made where a Firefighter has been dismissed from the Authority. Each case will be considered on an individual basis.**

## **Part 9, Rule 5, Paragraphs 1 to 3**

Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.

This discretion only applies in the case of an offence committed in connection with his employment by an Authority, which is certified by the Secretary of state – (i) as gravely injurious to the interests of the State; or (ii) as likely to lead to serious loss of confidence in the public service.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual is convicted for offences covered in Part 9 Rule 5, it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.**

## **Part 9, Rule 5, Paragraph 4**

This is the discretion to restore a pension withdrawn as in delegation above.

Discretion, at any time and to such extent as the Fire and Rescue Authority think fit, to restore a pension withdrawn under Part 9, Rule 5, or to apply it for the benefit of any dependant of the pensioner.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may restore a pension withdrawn under Part 9, Rule 5 or apply it for the benefit of any dependent of the pensioner. Each case will be considered on an individual basis.**

## **Part 9, Rule 6**

This discretion allows consideration to what extent an award should be forfeited in the circumstances described.

Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 36(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums). Section 34(6) of the Fire and Rescue Services Act 2004 states that a person commits an offence if he does an act or makes an omission as a result of which he is injured or becomes ill, for the purpose of obtaining, for himself or another person:

- (a) an award under a scheme brought into operation under this section, or
- (b) a sum in respect of the repayment or application of contributions made under such a scheme.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider to what extent an award should be forfeited in the circumstances described in Part 9, Rule 6. Each case will be considered on an individual basis.

## **Part 10, Rule 1**

Decision as to the amount of qualifying service which a firefighter may reckon.

Power to determine qualifying service.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine qualifying service in line with the regulations and advice from our Pension Administrators.

## **Part 10, Rules 2 and 3**

Decision as to the amount of pensionable service a firefighter may reckon.

Power to determine pensionable service.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine pensionable service in line with the regulations and advice from our Pension Administrators.

## **Part 10, Rule 4, Paragraph 3**

Discretion for a Fire and Rescue Authority to pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighter's unpaid period of absence



where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service or special pensionable service.

The Fire and Rescue Authority have discretion to meet the cost of employer's contributions during a period of unpaid leave.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine each case on its merits and full details of the circumstances will be required.**

### **Part 11, Rule 1**

Determination of pensionable pay.

This delegation allows the Authority to determine what is pensionable pay.

**Devon and Somerset Fire and Rescue Authority's policy is: Details are held in the Payroll Department at SHQ on which elements of pay are pensionable.**

### **Part 11, Rule 3, Paragraph 2**

Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due (or by any other method of payment that may be agreed between a Fire and Rescue Authority and the member).

Contributions are normally deducted from instalments of pay but the Fire and Rescue Authority have discretion to collect the contributions due by other means should the need arise.

**Devon and Somerset Fire and Rescue Authority's policy is: Contributions will only be deducted from instalments of pay.**

### **Part 11, Rule 4, Paragraph 3**

Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine each case on its merits. It is expected that such cases will be rare.**

### **Part 11, Rule 4, Paragraph 6**

Discretion to deduct contributions in respect of unpaid additional maternity or adoption leave from the death grant payable under Part 5 if the member dies without giving notice within the election time limit that he/she wishes to pay such contribution.

This discretion allows the Authority to consider whether to treat as pensionable service a period of unpaid leave where the member dies without giving notice within the election time limit that they wish to pay such contributions.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may treat a period of unpaid leave as pensionable where the member has died without giving notice of their election. Each case will be considered on an individual basis.**

#### **Part 11, Rule 5, Paragraph 5**

Discretion to allow a part-time regular firefighter to purchase pro-rated additional service.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may allow a part-time regular firefighter to purchase pro-rated additional service. Each case will be considered on an individual basis.**

#### **Part 11, Rule 5, Paragraph 6**

Discretion to allow an on-call or volunteer firefighter to purchase additional service by periodical contributions.

If an on-call or volunteer firefighter member wishes to purchase additional service by periodical contributions the Fire and Rescue Authority have discretion to permit this, in which case the contributions are based on the firefighter's reference pay.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will permit such requests, subject to the member paying the appropriate extra contributions as determined by the Pension Administrator.**

#### **Part 11, Rule 8, Paragraph 1**

This discretion is to allow a firefighter to cease making additional contribution.

Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provide this is solely on the grounds of the member's financial circumstances.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will agree to discontinuance of payment of additional contributions for increased benefits where the member is able to provide evidence of financial hardship.**

#### **Part 11, Rule 8, Paragraph 2**

Additional Contributions.

Decision as regards timing of recommencement of payment of additional contributions to purchase service where agreed with member that discontinuance should be no greater than 6 months.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will decide the timing of recommencement of payment of additional contributions where it has been agreed that discontinuance shall be no greater than six months.

#### **Part 11, Rule 9, Paragraph 4(c)**

Discretion to extend time limit for the payment of contributions in respect of periods of unpaid service or absence.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may extend the time limit for payment of contributions in respect of periods of unpaid service or absence. Each case will be considered on an individual basis.

#### **Part 12, Rule 3, Paragraphs 1 and 2**

This discretion allows the determination of a guarantee date for the calculation of a transfer value from the New Firefighter Pension.

Selection of 'the guarantee date' statement of cash equivalent transfer value entitlement.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will select the 'guarantee date' statement of cash equivalent transfer value entitlement in line with the regulations and advice from our Pension Administrators.

#### **Part 12, Rule 3, Paragraph 6**

Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12-month period.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may charge a member for third or subsequent statements of cash equivalent transfer values requested in any 12-month period. Each case will be considered on an individual basis.

*This discretion has, however, been delegated, so that the pensions administrator will determine the charges in accordance with their policies and procedures.*

### **Part 12, Rule 9, Paragraph 2**

Discretion to extend the one-year time limit for an application for a transfer payment into the NFPS from another pension arrangement.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not extend the one-year time limit unless in extenuating circumstances, eg the Pension Administrator has not actioned the member's request. *This will be rare due to the NFPS now being closed***

### **Part 12, Rule 10, Paragraph 1, subject to Paragraph 3**

Discretion to accept a transfer value.

**Devon and Somerset Fire and Rescue Authority's policy is: Where there is discretion to accept a transfer value, advice will be sought from Devon and Somerset Fire and Rescue Authority's Pension Administrators regarding the appropriate value.**

### **Part 12, Rule 12, Paragraphs 3 to 5**

Discretion to determine pensionable service via IDRPs.

Determination, if so required by the firefighter, of accuracy of information contained in certificate of pensionable service to be supplied on firefighter's transfer to another English Fire and Rescue Authority – the determination to be decided via Internal Dispute Resolution Procedures (IDRP) set up by Authority.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine the outcome using the IDRPs.**

### **Part 12, Rule 14, Paragraph 3**

Discretion to extend 12-month time limit for acceptance of 'mis-selling' transfer value payment.

**Devon and Somerset Fire and Rescue Authority's policy is: it is unlikely that there will be further cases.**

### **Part 12, Rule 14, Paragraph 6**

Discretion to adjust 'mis-selling' transfer value to take account of any earlier service credit.

Devon and Somerset Fire and Rescue Authority's policy is: it is unlikely that there will be further cases.

#### **Part 13, Rule 4, Paragraphs 3 and 4**

Requirement to estimate amounts payable to, and out of, the Firefighters' Pension Fund for each financial year and discretion to submit revised information to Secretary of State.

This requirement should be delegated to the function head responsible for pensions. See also Rule LA4.

Devon and Somerset Fire and Rescue Authority's policy is: This discretion is delegated to the function head responsible for pensions.

#### **Part 14, Rule 3, Paragraph 2(a)**

Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.

The Fire authority need not pay the sum until they are satisfied as to the eligibility of an award.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will delay the payment of an award until they are satisfied as to the eligibility of an award.

#### **Part 14, Rule 3, Paragraph 2(b)**

Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may pay an award at reasonable intervals if it is impracticable to pay at the standard monthly periods.

#### **Part 14, Rule 3, Paragraph 5**

Overpayments after death.

Discretion to recover all or part of an overpayment following a pensioner's death of which the Fire and Rescue Authority were not informed (possibly by making an offset against any other awards payable under the NFPS in respect of the deceased).

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will recover any overpayments made following a pensioner's death in line with the 'Managing Public Money' guidance.

### **Part 14, Rule 3, Paragraph 6**

Repayment of aggregate contributions.

If a person is entitled under Part 3, Rule 8 of the Firefighters' Pension Scheme (England) Order 2006 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until the expiration of a year from the date of retirement if the person does not make an earlier request for payment. They may wish to make a policy statement regarding this option.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make payment at the earliest opportunity in each case.

### **Part 14, Rule 5, Paragraph 1**

Discretion as to recipient of any sum payable to a minor.

This discretion allows the payment of sums due to a minor to an appropriate person.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient to receive any sum payable to a minor.

*This discretion has, however, been delegated so that where a sum is payable to a minor, the pensions administrator will, where they think fit, pay the sum to such other person as is considered appropriate, and subject to the other person agreeing.*

### **Part 14, Rule 5, Paragraph 2**

Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.

This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed incapable of managing their affairs.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.

### **Part 14, Rule 6, Paragraph 1**

Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.

This discretion deals with awards less than £5,000 and allows decisions to be made of who should receive this amount.

*Devon and Somerset Fire and Rescue Authority's policy is: Following the death of a person, the Authority's decision as to who the recipient should be of any awards less than £5,000.*

*This discretion has, however, been delegated so that where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.*

### **Part 14, Rule 6, Paragraphs 4 to 6**

Reclaim sums lost as a result of fraud.

Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.

This discretion allows the authority to reclaim sums lost as a result of fraud, theft or negligence on the part of that person in connection with their employment.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority will withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of Devon and Somerset Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.*

### **Part 15, Rule 3**

Confirmation of identity when making an award.

Discretion to require a person who is or may be entitled to a pension or a lump sum under the NFPS to provide the Fire and Rescue Authority with supporting evidence as to identity and to continuing entitlement to any payment under the Scheme, and discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement.

This discretion gives the Authority the ability to require confirmation of identity when making an award.

Devon and Somerset Fire and Rescue Authority's policy is: Where an individual fails to comply with the Authority's requirements regarding evidence of entitlement, the Authority will withhold the whole or part of any amount that is otherwise payable.

#### **Part 15, Rule 4**

Decision as to date of issue of annual benefit statements and relevant date for the pension illustration.

Devon and Somerset Fire and Rescue Authority's policy is: Annual Benefit Statements will be issued before the end of August each year in line with the regulations.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

#### **Annex 2, Paragraph 1(2)**

Medical appeals.

Discretion to extend 28 day time limit in which a person must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents under part 8, Rule 4, Paragraph 4, provided the Authority are of the opinion that the person's failure to lodge the appeal within the 28 days was not due to his/her own default.

This discretion allows consideration of an extension to the time limit to make a medical appeal.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

#### **Annex 2, Paragraph 6(5)**

Discretion to decide Fire and Rescue Authority's representative at Medical Appeal Board interview.

Devon and Somerset Fire and Rescue Authority's policy is: It is likely that Devon and Somerset Fire and Rescue Authority's representation at a Medical Appeal Board will be the Human Resources Manager and any other individual they consider appropriate.



### **Annex 2, Paragraph 7(1)**

Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.**

### **Annex 2, Paragraph 10(2)**

Vexatious appeals.

Discretion, where Medical Appeal Board decide that a person's appeal was

'frivolous, vexatious or manifestly ill-founded', to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the total amount of fees and allowances payable by the Authority to the Board under Annex 2, Paragraph 9(1).

This discretion allows the Authority to require the appellant to pay a sum to the Authority where the appeal board decide that the appeal was frivolous, vexatious, or manifestly ill-founded.

**Devon and Somerset Fire and Rescue Authority's policy is: Where a Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.**

### **Annex 2, Paragraph 10(3)**

Withdrawn appeals.

Discretion, where appellant withdraws appeal less than 22 working days before the date appointed for interview or medical examination, to require the appellant to pay to the Fire and Rescue Authority such sum as they think fit, not exceeding the Medical Appeal Board's total amount of fees and allowances payable to the Board by the Authority under Annex 2, paragraph 9(1).

This discretion allows the Authority to require the appellant to pay a sum to the Authority where the appellant withdraws their appeal at short notice.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an appellant withdraws their appeal less than 22 working days before the date appointed for interview or medical examination, the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.**

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## **Firefighters' Compensation Scheme 2006**

### **Part 1, Rule 11, Paragraphs 6 and 6**

Determining pensionable pay in certain cases (retained firefighters).

Where the Fire and Rescue Authority are unable to determine the period of a person's service from their records and do not hold records of that person's pay for any period and the necessary documents cannot be obtained from the person, the Authority may estimate the person's pensionable pay from records they hold and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.

**Devon and Somerset Fire and Rescue Authority's policy is: Where pensionable pay cannot be determined, the Authority will estimate the pensionable pay based on the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.**

### **Part 2, Rule 3, Paragraph 6**

Reduction of compensation where misconduct contributed to injury.

Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained; the reduction may be of such amount as the Fire and Rescue Authority consider appropriate.

This discretion allows consideration of the reduction of compensation where serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual has contributed to an infirmity by their serious and culpable negligence or misconduct, it is likely that the Authority will reduce their compensation to not less than half the amount due. However, each case will be considered on an individual basis by the Authority.**

### **Part 2, Rule 3, Paragraph 10**

Discretion to accept the status of an unmarried partner (other than a civil partner) where the firefighter and partner had been in a relationship for less than two years.

Although eligibility normally depends upon a relationship having continued for at least two years, the Fire and Rescue Authority has discretion to make a payment in the event of a shorter period.

Devon and Somerset Fire and Rescue Authority's policy is: Where a Surviving Partner has been a in a long-term relationship for a continuous period of less than two years, the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.

#### **Part 2, Rule 4**

Discretion to commute small compensatory pension for a lump sum.

Devon and Somerset Fire and Rescue Authority's policy is: Where appropriate Devon and Somerset Fire and Rescue Authority will allow the conversion of a small compensatory pension to a single lump sum in accordance with the financial limits set.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

#### **Part 3, Rule 2, Paragraph 2(b) and (c)**

Discretion to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.

This discretion allows some flexibility on whether to pay an award if it would be considered inequitable to do so.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may pay an augmented award to a spouse or civil partner where specific conditions of eligibility are not met. Each case will be considered on an individual basis.

#### **Part 3, Rule 4, Paragraphs 6 and 7**

Increase of spouse's or civil partner's augmented award.

Discretion to increase, for such period as the Fire and Authority think fit, the level of spouse's or civil partner's special or augmented award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under FCS rules.

This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6.4.2006 who

have opted out of the NFPS – because the ‘living apart’ limitation would not apply. No payment would normally be due for all other firefighters.

Devon and Somerset Fire and Rescue Authority’s policy is: The Authority may increase, for a period decided by the Authority, the level of spouse’s or civil partner’s special or augmented award. Each case will be considered on an individual basis by the Authority.

### **Part 3, Rule 5, Paragraphs 1 and 2**

Reinstatement of spouse’s or civil partner’s augmented award.

Discretion to reinstate all or part of a spouse’s or civil partner’s special or augmented award for such period as the Authority think fit following the termination of award on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.

This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6.4.2006 who have opted out of the NFPS – because the post-retirement marriage/civil partnership limitation would not apply. No payment would normally be due for all other firefighters.

Devon and Somerset Fire and Rescue Authority’s policy is: It is unlikely that the Authority will reinstate an ex-spouses’ pension at the end of a new remarriage or civil partnership or cohabitation. However, each case will be considered on an individual basis by the Authority.

### **Part 4, Rule 3, Paragraph 5(c)**

This discretion allows the review of a child’s pension on change of circumstances.

Decision to cease payment of a child’s pension where the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled, or the child’s pension should not have been awarded.

Devon and Somerset Fire and Rescue Authority’s policy is: The Authority may cease payment of a child’s pension following a review of change of circumstances or as a result of new information received.

### **Part 5, Rule 1**

Discretion to award an adult dependent relative’s special pension for such period(s) as the Fire and Rescue Authority may determine.

Devon and Somerset Fire and Rescue Authority’s policy is: The Authority may award an adult dependant relative’s special pension for a period determined by the Authority where an individual can prove they were dependant on the member. Each case will be considered on an individual basis.

### **Part 5, Rule 2, Paragraph 3**

Discretion to award a dependent relative's gratuity.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may award a dependent relatives' gratuity where an individual can prove they were dependant on the member. Each case will be considered on an individual basis.**

### **Part 5, Rule 3**

This discretion allows the consideration of substitution of a lump sum for a small pension.

Discretion, with the consent of the person entitled to the award, to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.

If the total amount of any pension payable to a surviving spouse or civil partner under Part 3 of the Firefighters' Compensation Scheme (England) Order 2006, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purpose of Part 2 of schedule 29 to the Finance Act 2004 (lump sum death benefit rule), and (a) the firefighter died before age 75, and (b) the Authority are satisfied that there are sufficient reasons, and (c) the surviving spouse or civil partner consents, the Authority may commute the whole of the pension for a lump sum in accordance with the guidance of the Government Actuary's Department at the time when the pension first becomes payable.

**Devon and Somerset Fire and Rescue Authority's policy is: Consideration of commutation of a limited amount of a spouse or civil partner's pension into a lump sum will be given in exceptional circumstances where financial hardship can be demonstrated.**

***This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.***

### **Part 5, Rule 4**

This discretion allows the consideration of substitution of a lump sum for a small pension.

Discretion, with the consent of the child, surviving parent or guardian, to commute for a lump sum a small pension awarded to a child.

If a child is entitled to a special allowance under Part 4, Rule 1 of the Firefighters' Compensation Scheme (England) Order 2006 and (a) the Authority are satisfied that

there are sufficient reasons, and (b) the surviving parent or the child's guardian or – if neither – the child him or herself consents, the Authority may commute the whole of the pension for a lump sum in accordance with Part 2 of Schedule 4 and the guidance of the Government Actuary's Department at the time when the pension first becomes payable.

*Devon and Somerset Fire and Rescue Authority's policy is: Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances.*

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Part 6, Rule 1**

Determination, in the first instance, of entitlement to, and type of, award under FCS.

This is the general power to determine payments under the scheme.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make awards in accordance with the regulations and following guidance from their Pension Administrators.*

### **Part 6, Rule 1**

Requirement to use, but right to select independent qualified medical practitioner for providing a medical opinion.

This is the general provision to obtain medical evidence so injury compensation can be determined.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority shall select an appropriate IQMP in accordance with the regulations to provide medical opinions as necessary.*

### **Part 6, Rule 1**

Discretion to decide award without an independent qualified medical practitioner's opinion if a person wilfully or negligently refused to submit to medical examination.

*Devon and Somerset Fire and Rescue Authority's policy is: Where an individual negligently fails to submit to medical examination by the IQMP and the IQMP is unable to provide an opinion on the basis of the medical evidence available, the Authority will make a determination based on such medical evidence. If no medical evidence is available, the Authority will make a determination without medical evidence.*

### **Part 6, Rule 3**

Requirement to reconsider an award IDRP is appropriate.

Requirement to reconsider, at person's request, his/her claim to an award where the Fire and Rescue Authority do not admit the claim at all, or to its full extent.

**Devon and Somerset Fire and Rescue Authority's policy is: In accordance with the regulations, the Authority will deal with disagreements using the Internal Disputes Resolution Procedure.**

### **Part 7, Rule 2**

This discretion allows the consideration of increasing the award for a serviceman injured during his/her forces period.

Discretion to increase an award for a serviceman who, at the end of his/her forces period, is permanently disabled by a qualifying injury or injury received during his/her forces period.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may increase an award for a serviceman who is injured and permanently disabled during their forces period. The Authority will consider each case on an individual basis.**

### **Part 7, Rule 3**

Death of Serviceman.

Discretion to increase dependants' benefits under the FPS 1992 to the level of a flat rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury.

This applies in respect of those covered by the FPS 1992.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may increase dependants' benefits to the level of a flat-rate award if a serviceman dies from the effects of an injury received during their forces period. Each case will be considered by the Authority on an individual basis.**

### **Part 7A, Rule 2**

Injured Reservist.



Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period or a qualifying injury. This applies in respect of those covered by the NFPS 2006.

This discretion allows the consideration of increasing the award for a reservist injured during his/her forces period.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may increase an award to a reservist who is permanently disabled as a result of an injury received during their forces period. Each case will be considered by the Authority on an individual basis.**

### **Part 7A, Rule 3**

Death of Reservist.

Discretion to increase dependants' benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury. This applies in respect of those covered by the NFPS 2006.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may increase dependants' benefits if a reservist dies from the effects of an injury received during their forces period. Each case will be considered on an individual basis.**

### **Part 8, Rule 1**

This discretion is the general discretion to pay an award to an employee of the Fire Authority who is injured while in attendance at a fire.

Discretion to pay an award to or in respect of an employee of a Fire and Rescue

Authority who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of duties as an employee of the Authority.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will pay an award to, or in respect of, an employee who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of their duties as an employee of the Authority. The amount of the award will be decided by the Authority and each case will be considered on an individual basis.**

### **Part 9, Rule 1, Paragraph 1**

This discretion allows the Authority to set timescales for review of payments under the scheme.

Discretion to decide intervals at which a person's degree of disablement should be reviewed.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual is below state pension age, the Authority will undertake regular reviews of their degree of disablement and, where relevant, will adjust their payment accordingly.**

### **Part 9, Rule 1, Paragraph 3**

This discretion allows the Authority to decide to make no further reviews of degree of disablement.

Discretion to resolve that no further review of degree of disablement should take place 5 years after an injury pension first becomes payable.

**Devon and Somerset Fire and Rescue Authority's policy is: Five years after an injury pension becomes payable, the Authority may decide to make no further reviews of degree of disablement. Each case will be considered on an individual basis.**

### **Part 9, Rule 2**

This discretion allows the Authority to reduce an award where a person contributed to the infirmity by his/her own default.

Discretion to reduce the level of an injury award to not less than half of the full amount where a person contributed to the infirmity by his/her own default.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual has contributed to an infirmity by their default, it is likely that the Authority will reduce their injury award to not less than half the amount due. However, each case will be considered on an individual basis by the Authority.**

### **Part 9, Rule 3**

Abatement.

Discretion to withdraw the whole or part of a person's pension (other than a spouse's or civil partner's award) during any period of re-employment as a firefighter with a Fire and Rescue Authority.

This discretion allows the Authority to withdraw a pension if the person is reemployed as a firefighter.

Devon and Somerset Fire and Rescue Authority's policy is: Where a firefighter has retired and been re-employed in any role by any authority, including non-operational and retained firefighter roles, their pension may be subject to abatement. Each case will be considered on an individual basis, in line with the abatement policy.

### **Part 9, Rule 4, Paragraphs 1 to 3**

Withdrawal of pension.

Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.

This discretion allows the withdrawal of a pension if the pensioner is convicted of an act of treason, or a serious offence under the Official Secrets Act.

Devon and Somerset Fire and Rescue Authority's policy is: Where an individual is convicted for treason or for a serious offence under the Official Secrets Act, it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.

### **Part 9, Rule 4, Paragraph 4**

Reinstatement of pension.

Discretion to restore at any time and to such extent as the Fire and Rescue authority think fit, a pension withdrawn under Part 9, Rule 4, Paragraphs 1 to 3, to the pensioner or to apply it for the benefit of any dependant of the pensioner.

This discretion allows the consideration of reinstatement of a pension withdrawn at as above.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority may restore a pension withdrawn under Part 9, Rule 4, Paragraphs 1 to 3 or apply it for the benefit of any dependant of the pensioner. Each case will be considered on an individual basis.

### **Part 9, Rule 5**

Forfeiture of pension.

Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for the purposes of obtaining awards or other sums). Section 34(6) of the Fire and Rescue Services Act 2004 states that a person commits an offence if he does an act or makes an omission as a result of which he is injured or becomes ill, for the purpose of obtaining, for himself or another person:

- a) an award under a scheme brought into operation under this section, or
- b) a sum in respect of the repayment or application of contributions made under such a scheme.

This discretion allows consideration to what extent an award should be forfeited in the circumstances described.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider to what extent an award should be forfeited in the circumstances described in Part 9, Rule 5. Each case will be considered on an individual basis.**

### **Part 10, Rule 1 and Rule 3**

This discretion allows the concept of split liability for payment of an award.

Decision as to responsibility for payment of awards in respect of a qualifying injury where person employed by more than one Fire and Rescue Authority and injury relates to more than one employment.

**Devon and Somerset Fire and Rescue Authority's policy is: Where the person is employed by more than one Fire and Rescue Authority and the injury relates to more than one employment, the injury award will be paid by the Authority who the individual was working for at the time of the injury.**

### **Part 10, Rule 2, Paragraph 1**

Determination of intervals at which instalments of injury pension should be paid.

This requirement is to determine the frequency of pension payments.

**Devon and Somerset Fire and Rescue Authority's policy is: Pensions will be paid to individuals on a monthly basis.**

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Part 10, Rule 2, Paragraph 1**

Discretion to delay payment of an award to the extent necessary for determining any questions of the Fire and Rescue Authority's liability.

This discretion allows the Authority to delay payment of the sum until satisfied as to the eligibility for an award.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will delay the payment of an award until they are satisfied as to the eligibility of an award.**

### **Part 10, Rule 2, Paragraph 7**

This discretion allows the consideration of paying regular payments instead of a lump sum gratuity.

Discretion to pay a gratuity in instalments, rather than as a lump sum, of such reasonable amounts and over such reasonable period as the Fire and Rescue Authority think fit.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority may consider paying a gratuity in instalments rather than as a lump sum. Each case will be considered on an individual basis.**

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Schedule 5, Paragraph 1(2)**

Medical appeals.

Discretion to extend the 14-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to the person, provided the fire and rescue authority are of the opinion that the person's failure to lodge the appeal within 14 days was not due to his/her own default.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).**

### **Schedule 5, Paragraph 5(5)**

Discretion to decide Fire and Rescue Authority's representation at Medical Appeal Board interview.

Devon and Somerset Fire and Rescue Authority's policy is: It is likely that Devon and Somerset Fire and Rescue Authority's representation at a Medical Appeal Board will be the Human Resources Manager and any other individual they consider appropriate.

### **Schedule 5, Paragraph 6(1)**

Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

### **Schedule 5, Paragraph 9**

Vexatious appeals.

Discretion, where Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' to require the appellant to pay the Fire and Rescue authority such sum as the Authority think fit, not exceeding the fees and allowances of the specialist member of the Board.

This discretion allows the Authority to require the appellant to pay a sum to the Authority where the appeal board decide that the appeal was frivolous, vexatious, or manifestly ill-founded.

Devon and Somerset Fire and Rescue Authority's policy is: Where a Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.

### **Schedule 5, Paragraph 9(3)**

Withdrawal of appeal.

Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the Board's total fees and allowances.

This discretion allows the Authority to require the appellant to pay a sum to the Authority where the appellant withdraws their appeal at short notice.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appellant withdraws their appeal within 21 working days before the date appointed for interview

or medical examination, the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.

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## **Discretions Firefighter Pension Scheme 1992**

### **Rule A3**

Determination of eligibility for membership of the FPS.

Devon and Somerset Fire and Rescue Authority's policy is: The 1992 scheme is now closed and there is no facility for new members to join.

### **Rule B1 (2) (b)**

Permission for a Chief Fire Officer, appointed on or before 1.7.2013, to retire before attaining age 55.

This discretion introduces powers for the Authority to grant permission for the immediate payment of retirement benefits under Rule B1 of the Firemen's Pension Scheme Order 1992 where the Authority's Chief Fire Officer, appointed on or before 1.7.2013, wishes to retire before attaining age 55.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider granting permission to retirement before age 55 in such cases, where it is reasonable to do so.

### **Rule B5C**

Temporary Allowances and Emoluments.

This discretion introduces powers for the Authority to make certain temporary allowances, which satisfy the prescribed requirements, pensionable under the additional pension benefit arrangements.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will treat CPD payments as pensionable. Payments for Temporary Promotion will be treated as non-pensionable.

### **Rule B7 (5A)**

Increased Commutation Limit.

This discretion provides employers with the ability to permit those 1992 scheme members with less than 30 years' service and under age 55 to commute the maximum of a quarter of their pension for a lump sum on retirement. Under this new provision,



the employer would be liable for any additional cost should they exercise this discretion.

Devon and Somerset Fire and Rescue Authority's policy is: Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed demonstrating the economical, effective and efficient management of its functions with associated costs.

### **Rule B8**

Commutation of trivial pension.

This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by legislation.

Devon and Somerset Fire and Rescue Authority's policy is: Where appropriate Devon and Somerset Fire and Rescue Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Rule B9(2)(b)**

A Scheme member may allocate a portion of pension for a dependant other than a spouse or civil partner.

Before giving consent to the allocation, it must be demonstrated to the satisfaction of the Fire and Rescue Authority that the nominee is a person substantially dependent on the member. There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine their own test.

Devon and Somerset Fire and Rescue Authority's policy is: Where a portion of a pension has been allocated to a dependant who is not the spouse, civil partner or cohabiting partner of the member, the Authority will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on its merits and full details of the circumstances will be required.

## **Rule B9(6)**

Acceptance of conditions of normal life expectancy for allocation purposes.

Rule B9 allows a member of FPS to allocate (give up) part of their pension during their lifetime, when they first become eligible to retire, to provide, on their death, a pension for a spouse, civil partner or a dependant.

*Devon and Somerset Fire and Rescue Authority's policy is: Where a Firefighter elects to give up part of their pension (under Rule B9), the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.*

## **Rule B12**

Pension debit members.

The Fire and Rescue Authority must provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and take appropriate steps to record and administer Attachment Orders. In the event of a Pension Sharing Order, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors prepared by the Scheme Actuary.

It is for the Authority to determine appropriate charges for this administration.

*Devon and Somerset Fire and Rescue Authority's policy is: charges to be levied are set by the Pension Administrator as per the Collaboration Agreement.*

*This discretion has, however, been delegated, so that the pensions administrator will determine the charges in accordance with their policies and procedures.*

## **Rule C8(6)**

Discretion to increase level of spouse's or civil partner's award for such period as the Fire and Rescue Authority think fit where the firefighter and spouse or civil partner were living separately at the date of death and where the normal level of benefit is reduced accordingly under the rules of the Firemen's Pension Scheme Order 1992.

The Fire and Rescue Authority have discretion to permit the increase of a surviving spouse or civil partner's award where a benefit is reduced under the Firemen's Pension Scheme Order 1992 because the firefighter and spouse or civil partner were living separately at the date of death.

*Devon and Somerset Fire and Rescue Authority's policy is: The Authority's policy is to consider each case on an individual basis.*

## **Rule C9**

Discretion to reinstate all or part of a spouse's or civil partner's pension or gratuity for such period as the Fire and Rescue Authority think fit following termination on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.

Discretion to allow reinstatement of all or part of a widow(er)'s pension which had ceased on remarriage of the widow(er). This provision comes into effect only should the widow(er)'s new spouse/civil partner die or the marriage or civil partnership be dissolved.

**Devon and Somerset Fire and Rescue Authority's policy is: It is unlikely that the Authority will reinstate an ex-spouses' pension at the end of a new remarriage or civil partnership or cohabitation. However, each case will be considered on an individual basis by the Authority.**

## **Rule D5(3) and (9)(c)**

Determination of entitlement to a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement; review of that award, and the action taken if the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled.

There is no direction here as to how the child's disablement should be established and so the Fire and Rescue Authority will have to determine an appropriate policy, e.g. an opinion from an IQMP. The policy should also set out how and when the disablement should be reviewed.

The award will cease to be payable if the Authority are satisfied that the child is no longer permanently disabled and not entitled to a child's allowance under any other terms of eligibility.

**Devon and Somerset Fire and Rescue Authority's policy is: Such awards will be reviewed at the child's 18<sup>th</sup> birthday, and every 10 years thereafter. If the disablement is no longer deemed permanent (according to the opinion of an IQMP), the child's pension will cease if they are not eligible under any other terms of eligibility.**

## **Rule D5(5) to (8)**

Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.

The Fire and Rescue Authority may permanently withhold all of a child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.

Devon and Somerset Fire and Rescue Authority's policy is: Where a child is convicted of the manslaughter of the deceased, Devon and Somerset Fire and Rescue Authority will permanently withhold all of the child's pension until and unless the conviction is quashed on appeal.

### **Rule E3**

Award of dependent relative's gratuity to a dependent relative.

Devon and Somerset Fire and Rescue Authority's policy is: Having regard to the conditions of Rule E3, Devon and Somerset Fire and Rescue Authority will consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award.

### **Rule E5 subject to limitations in Rule E7**

Decision to commute for a lump sum, part or all of a spouse's civil partner's pension which is of limited amount.

This discretion allows consideration of commutation of a limited amount of a spouse or civil partner's pension into a lump sum.

Devon and Somerset Fire and Rescue Authority's policy is: Consideration of commutation of a limited amount of a spouse or civil partner's pension into a lump sum will be given in exceptional circumstances where financial hardship can be demonstrated. Each case will be considered on an individual basis.

### **Rule E6 subject to limitations in Rule E7**

Decision to commute for a lump sum part or all of a child's pension.

This discretion allows consideration of commutation of a limited amount of a child's pension into a lump sum.

Devon and Somerset Fire and Rescue Authority's policy is: Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances. Each case will be considered on an individual basis.

### **Rule E9(6)**

Decision to substitute a higher amount of child's flat rate award where neither of the child's parents is alive.

This discretion allows consideration of substitution of a higher amount than the child's flat rate when neither of the child's parents are alive.

**Devon and Somerset Fire and Rescue Authority's policy is: Consideration of a higher pension than the child's flat rate when neither of the child's parents are alive will be given. Each case will be considered on an individual basis.**

### **Rule F1**

Decision as to amount of pensionable service to be set out in Certificate of Pensionable Service with notice of right of appeal.

This discretion allows a decision to be made on the amount of pensionable service and notification of appeal rights to the secretary of state.

**Devon and Somerset Fire and Rescue Authority's policy is: A decision will be made on the amount of pensionable service and notification of appeal rights to the secretary of state as required.**

### **Rule F2(5)**

Discretion that the Fire and Rescue Authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighter's period of absence without pay where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service.

If the firefighter has given notice under Rule F2(3) that he/she wishes to pay contributions in order that a period of unpaid leave may count as pensionable service, the Fire and Rescue Authority can use their discretion under Rule F2(5) to pay the employer's contributions otherwise payable by the firefighter in addition to member contributions in these circumstances.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will determine each case on its merits and full details of the circumstances will be required.**

### **Rule F4(1)(c), (3)(c), 4(d) and Rule F5(1)(c)**

Extension of 6-month time limit for election to pay certain sums in order that earlier pensionable service may count on re-joining the Fire and Rescue Service.

This discretion allows consideration of an extension of the time limit for an election to pay for previous service where a firefighter commences work with another Fire Authority after retiring without a pension.

**Devon and Somerset Fire and Rescue Authority's policy is: An extension will not be granted to the six-month time limit for an election to pay for previous service where a firefighter commences work with another fire Authority after retiring without a pension.**

### **Rule F6A(3)(b)**

Extension of 12-month time limit for acceptance of 'mis-selling' transfer value payment.

Devon and Somerset Fire and Rescue Authority's policy is: It is unlikely that there will be further cases.

### **Rule F6A(6)**

Discretion to adjust 'mis-selling' transfer value to take account of any earlier service credit.

Devon and Somerset Fire and Rescue Authority's policy is: It is unlikely that there will be further cases.

### **Rule F7(1) subject to Rule F7(2) and (3)**

Discretion to accept a transfer value.

Devon and Somerset Fire and Rescue Authority's policy is: Where there is discretion to accept a transfer value, advice will be sought from Devon and Somerset Fire and Rescue Authority's Pension Administrators regarding the appropriate value.

### **Rule F9(2)**

Extension of 6-month time limit for a former firefighter to request payment of a transfer value to another pension scheme.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider extending the six-month time limit for a former firefighter to request payment of a transfer value to another pension scheme.

### **Rule F9(5)**

Extension of 12-month time limit after leaving in which a former firefighter must be subject to a new scheme and may request a transfer value after having previously received a gratuity or repayment of pension contributions.

This discretion allows consideration of the situation of a firefighter who has received a gratuity or a refund of contributions requesting a transfer value instead. The refund of contributions or gratuity must also be paid back.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not extend the 12-month time limit unless in extenuating circumstances, eg the Pension Administrator has not actioned the member's request. ***This will be rare due to the FPS now being closed***

### **Rule G1(1)**

Determination of pensionable pay.

This discretion allows consideration of which elements of pay are pensionable.

Devon and Somerset Fire and Rescue Authority's policy is: Details are held in the Payroll Department at SHQ on which elements of pay are pensionable.

### **Rule G2(2)**

Discretion to deduct pension contributions from instalments of pay.

Devon and Somerset Fire and Rescue Authority's policy is: Contributions will be deducted from instalments of pay where the pay is pensionable.

### **Rule G2A(3)**

Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity or adoption leave must be made.

Devon and Somerset Fire and Rescue Authority's policy is: Late applications will be considered up to a maximum of 90 days.

### **Rule G6(4)(b)**

Discretion not to accept a firefighter's election to purchase increased benefits through the payment of additional contributions unless the firefighter has undergone a medical examination at own expense and satisfied the Fire and Rescue Authority as to his/her good health.

This discretion allows the Authority to require that the Firefighter is in good health before accepting additional contributions.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will require the firefighter to undergo a medical examination at their own expense to provide evidence of good health before accepting additional contributions.

### **Rule G7(3)**

Discretion of Fire and Rescue Authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, financial hardship.

This discretion is to allow a firefighter to cease making additional contributions.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will agree to discontinuance of payment of periodical contributions for increased benefits where the member is able to provide evidence of financial hardship.**

### **Rule H2(4)**

Discretion to extend the time limit for appeal against a Fire and Rescue Authority's decision based on a medical opinion.

If a person, who wishes to appeal under Rule H2 of the Firemen's Pension Scheme Order 1992 against a decision based on a medical opinion, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority have discretion to extend the 28 days.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).**

### **Rule H3**

Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by the Fire and Rescue Authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of the Authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature.

The Fire and Rescue Authority must apply the requirements of Rule H3 of the Firemen's Pension Scheme Order 1992 and Section 50 of the Pensions Act 1995 with two-stage Internal Dispute Resolution Procedures. However, they have discretion to decide who the Stage One and Stage Two decision makers will be.

**Devon and Somerset Fire and Rescue Authority's policy is: The Chief Fire Officer will be the Stage 1 decision maker and Stage 2 appeals will be sent to the Chief Executive of the Office of the Police, Fire & Crime Commissioner and a panel of independent members convened.**



## Rule IA

Pension credit members.

The Fire and Rescue Authority shall provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of Pension Sharing Orders, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors provided by the Scheme Actuary; a pension credit member's pension entitlement will be administered in accordance with Part 1A of the Order.

At the time that the pension credit pension becomes payable, the pension credit member will be informed of the commutation option and rights of appeal.

The Authority can determine the charges to be made for administration.

*Devon and Somerset Fire and Rescue Authority's policy is: charges to be levied are set by the Pension Administrator as per the Collaboration Agreement.*

*This discretion has, however, been delegated, so that the pensions administrator will determine the charges in accordance with their policies and procedures.*

## Rule IA2(1)

Discretion to commute a small pension due to a pension credit member.

If permissible under the Finance Act 2004 and Regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (commutation of pension credit benefit: small pensions) the Fire and Rescue Authority may commute the whole of a small pension credit pension to a lump sum in accordance with the guidance of the Scheme Actuary.

*Devon and Somerset Fire and Rescue Authority's policy is: Where appropriate Devon and Somerset Fire and Rescue Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set.*

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

## Rule K1(1) and (2)

Requirement to review ill health pensions.

Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under age 60 and in receipt of an ill-health pension for less than 10

years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will undertake regular ill health pension reviews on individuals who are under age 60 and have been in receipt of an ill-health pension for less than 10 years.**

### **Rule K1(3)**

Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under age 60 and in receipt of a deferred pension has become capable of firefighting and performing any other duties appropriate to his former role as a firefighter.

Requirement to review deferred pensions paid early on permanent disablement.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will undertake regular reviews, at intervals based on IQMP advice, of individuals who are receiving deferred pensions paid early on permanent disablement.**

### **Rule K1A(2)**

Requirement to decide whether to offer a person, whose ill-health pension has been reviewed under Rule K1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider offering employment to a person whose ill-health pension has been reviewed and who is found to be capable of performing duties appropriate to their former role providing employment opportunities exist at that time. Each case will be considered on an individual basis.**

### **Rule K3(1)**

The discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default.

This discretion permits the reduction of a firefighter pension to not less than half the amount due where it is considered that they have contributed to an infirmity by their default.

**Devon and Somerset Fire and Rescue Authority's policy is: Where an individual has contributed to an infirmity by their default, it is likely that the Authority will reduce their pension to not less than half the amount due. However, each case will be considered on an individual basis by the Authority.**

#### **Rule K4**

Discretion to withdraw whole or part of a person's pension (other than a spouse's or civil partner's award under FPS) during any period of his/her re-employment in any capacity with any Fire and Rescue Authority.

This discretion allows abatement of a firefighter pension where the employee has been re-employed in any capacity.

**Devon and Somerset Fire and Rescue Authority's policy is:** Where a firefighter has retired and been re-employed in any role by any authority, including non-operational and retained firefighter roles, their pension may be subject to abatement. Each case will be considered on an individual basis, in line with the abatement policy.

#### **Rule K5(1)**

Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.

This discretion only applies in the case of treason or a serious offence under the Official Secrets Act.

**Devon and Somerset Fire and Rescue Authority's policy is:** Where an individual is convicted for treason or for a serious offence under the Official Secrets Act, it is likely that the Authority will withdraw their pension. However, each case will be considered on an individual basis.

#### **Rule K5(5)**

Discretion to restore, at any time and to such extent as the Fire and Rescue Authority think fit, a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pension.

This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision made regarding the above discretion.

**Devon and Somerset Fire and Rescue Authority's policy is:** The Authority may restore a pension withdrawn under Rule K5 (1) or apply it for the benefit of any dependant of the pensioner. Each case will be considered on an individual basis.

#### **Rule L3(1)**

Determination of intervals at which instalments of pension shall be paid.

This discretion allows the arrangement of normal monthly payments of annual pension.

Devon and Somerset Fire and Rescue Authority's policy is: Pensions will be paid to individuals on a monthly basis.

*This discretion has, however, been delegated, so that the pensions administrator will deal with this in accordance with their policies and procedures, in line with regulatory requirements.*

### **Rule L3(1)**

Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.

This discretion allows the Fire Authority to delay the payment of an award sum until they are satisfied as to the eligibility of an award.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will delay the payment of an award until they are satisfied as to the eligibility of an award.

### **Rule L3(7) and (8)**

Discretion to decide an earlier payment date for survivors' benefits than the date prescribed where the deceased received a gratuity, and an option to pay a gratuity in instalments rather than as a single lump sum.

This discretion allows consideration of earlier payment of survivor benefits which are normally paid one year after the date the member deceased. There is also the option to pay a smaller amount in regular instalments where this would be of advantage to the person entitled.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will consider earlier payment of survivor benefits and/or a smaller amount in regular instalments where this would be of advantage to the person entitled. Each case will be considered on an individual basis.

### **Rule L3(9)**

Repayment of aggregate pension contributions.

If a person is entitled under Rule B6 of the Firemen's Pension Scheme Order 1992 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until one year from the date of the person's retirement unless the person makes an earlier request for payment or the Authority use their discretion to make an earlier payment.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make payment at the earliest opportunity in each case.

### **Rule L5(1)**

Discretion as to the recipient of any sum payable to a minor.

This discretion allows the payment of any sum due to a minor to any appropriate person.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient to receive any sum payable to a minor.**

*This discretion has, however, been delegated so that where a sum is payable to a minor, the pensions administrator will, where they think fit, pay the sum to such other person as is considered appropriate, and subject to the other person agreeing and confirming that the sum will be applied for the minor's benefit.*

### **Rule L5(2)**

Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.

This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.**

### **Rule L5(3)**

Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965.

This discretion deals with awards less than £5,000 and allows decision to be made of who should receive this amount.

**Devon and Somerset Fire and Rescue Authority's policy is: Following the death of a person, it is the Authority's decision as to who the recipient should be of any awards less than £5,000.**

*This discretion has, however, been delegated so that where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.*

## **Rule L5(6)**

Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.

This discretion allows the Authority to reclaim sums lost as a result of fraud, theft or negligence on the part of that person in connection with their employment.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of Devon and Somerset Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.**

## **Rule LA4**

Retirement to estimate amounts payable to, and out of, the Firefighters' Pension Fund for each financial year and discretion to submit revised information to Secretary of State.

This requirement should be delegated to the function head responsible for pensions.

**Devon and Somerset Fire and Rescue Authority's policy is: This discretion is delegated to the function head responsible for pensions.**

## **Schedule 6, Part 1, Paragraph 1(4)**

Discretion to deduct from an award any outstanding balance of payments in respect of previous service.

This discretion relates to where a member has elected to pay additional sums in respect of previous pension service and then retires before completing the payments. The scheme provides that they will receive a pension as if they have completed the payments. This discretion allows the recovery of the payments not made.

**Devon and Somerset Fire and Rescue Authority's policy is: The Authority will not put any pension into payment until any outstanding payments have been recovered.**

## **Schedule 7**

Discretions in respect of elections to count War Service.

**Devon and Somerset Fire and Rescue Authority's policy is: No new cases are likely.**

### **Schedule 9, Part 1, Paragraph 1(2)**

Discretion to extend 14-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to that person, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 14 days was not due to his/her own default.

This discretion allows consideration of extending the time limit for an appeal.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of six months from the date of the original appeal deadline (or such other timescale the Authority considers appropriate).

### **Schedule 9, Part 1, Paragraph 4(5)**

Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board interview.

This discretion deals with the arrangements for representation at a medical appeal board.

Devon and Somerset Fire and Rescue Authority's policy is: It is likely that Devon and Somerset Fire and Rescue Authority's representation at a Medical Appeal Board will be the Human Resources Manager and any other individual they consider appropriate.

### **Schedule 9, Part 1, Paragraph 5**

Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.

This discretion allows consideration of whether to present written evidence to a medical appeal board. In practice this is always done.

Devon and Somerset Fire and Rescue Authority's policy is: The Authority will submit written evidence to a Medical Appeal Board in accordance with the regulations.

### **Schedule 9, Part 1, Paragraph 8(2)**

Discretion, where Medical Appeal Board decide that a person's appeal was

'frivolous, vexatious or manifestly ill-founded' to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the fees and allowances of the specialist member of the Board.

Devon and Somerset Fire and Rescue Authority's policy is: Where a Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.

**Schedule 9, Part 1, Paragraph 8(2A)**

Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit not exceeding the Medical Appeal Board's total fees and allowances payable to the Board by the Authority.

Devon and Somerset Fire and Rescue Authority's policy is: Where an appellant withdraws their appeal within 21 working days before the date appointed for interview or medical examination, the Authority will require the appellant to pay any sum they think fit subject to capping as per the regulations.

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## Local Pension Board – Training Log

Updated June 2022

	Conflicts of interest	Managing risk and internal controls	Maintaining accurate member data	Maintaining member contributions	Providing information to members and others	Resolving internal disputes	Reporting breaches of the law
<b><u>Scheme Manager Reps</u></b>							
Mike Pearson	June 2020	June 2020	June 2020	June 2020	June 2020	June 2020	June 2020
Satnam Singh Rai	June 2020	June 2020	June 2020	June 2020	June 2020	June 2020	June 2020
Cllr David Thomas	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021
Shayne Scott	October 2021	October 2021	October 2021	October 2021	October 2021	October 2021	October 2021
<b><u>Scheme Member Reps</u></b>							
Phillip Gilbard	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021
James Leslie	March 2020	March 2020	March 2020	March 2020	March 2020	March 2020	March 2020
Ben Redwood	October 2020	October 2020	October 2020	October 2020	October 2020	October 2020	October 2020
Gregg Webb							
<b><u>Support Officers</u></b>							
<u>Mareena Anderson-Thorne</u>							
Zoe Smyth	September 2021	September 2021	September 2021	September 2021	September 2021	September 2021	September 2021

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**DEVON & SOMERSET FIRE & RESCUE AUTHORITY LOCAL PENSIONS BOARD**

**Updated Pension Correspondence Log – Correspondence received and circulated since last LPB meeting**

**(NOTE: a copy of the correspondence listed in this log has already been sent to all Board Members. If you are missing any of the correspondence, please contact Democratic Services specifying the missing correspondence. This will then be sent to you)**

<b>Date</b>	<b>Description</b>	<b>Purpose</b>	<b>Source</b>
30 June 2022	FPS Bulletin 58 – June 2022	Information Only	LGA
8 July 2022	West Yorkshire Pension Fund Monthly Update July 2022	Information Only	WYPF
25 July 2022	FPS Bulletin 59 – July 2022	Information Only	LGA
11 August 2022	West Yorkshire Pension Fund Monthly Update August 2022	Information Only	WYPF
30 August 2022	FPS Bulletin 60 – August 2022	Information Only	LGA

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# Pension Officer's LGA Bulletin Overview (June-Aug 22)

## Actions arising from bulletin to include DSFRS status update

LGA Bulletin No.	Action	Due date	DSFRS Status Update		
			June	July	August
No 54	Abatement Policy review considering Pensions Ombudsman determination PO-25374	ASAP	There has been a delay to ensure the policies do not contradict each other. Meeting on 20.6 to discuss some elements that will influence the policies. Latest Bulletin contained <a href="#">informal abatement guidance</a> that I will use.	Policy day booked for 14/07 to finalise policies with ZS ready for sharing.	Retire/Re-employment (including Abatement & Flexible retirement) was completed and shared with wide HR function. Disagreement over if it should be a policy or procedure – currently unresolved.
No 55 & No 56 & No 57	Matthews: FRAs to inform LGA of total numbers of member, split by scheme (FPS 1992, FPS 2006), affected by aggregation.	No later than 31 May 2022 30 June 2022	Payroll workshop was attended by ZS/HB&JF 24/05. Payroll data extraction is underway. No concerns at his time. Confident we will meet the deadline.	Deadline has been extended due to additional information the LGA have requested. Payroll workshop attended by ZS/HB&JF 24/05. Payroll data extraction is underway. No concerns at his time. <b>Deadline met – data reported * Action Completed*</b>	N/a
No 57	<a href="#">TPR 6 key processes factsheet</a> Recommends that each FRA should ensure the assess which processes we they have in place and take action to improve	ASAP	Review of the Risk register to ensure areas advised on the factsheet are included. ZS & MAT have meeting booked for 17/06 to discuss RR	Review of the Risk register to ensure areas advised on the factsheet are included. ZS & MAT have meeting booked for 17/06 to discuss RR <b>RR was discussed at LPB although factsheet was not</b>	<b>MAT has investigated the RR and TPR factsheet. SAB have produced an up to date RR template</b> <a href="https://www.fpsboard.org/images/PDF/Board-policies/SAB-risk-register-December-2020.xlsx">https://www.fpsboard.org/images/PDF/Board-policies/SAB-risk-register-December-2020.xlsx</a> that

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Agenda Item 10

# Pension Officer's LGA Bulletin Overview (June-Aug 22)



				referred to. Will need to ensure we have the areas identified on our RR.	MAT feels we should look to use, ensuring the 6 key process areas are included.
No 58	Home Office collection of FPS forecasts for 2022-23 to 2027-28	19 August 2022	MAT emailed AF & RH on 6.7.22 to ensure they are aware and can meet the deadline. AR confirmed the request is in hand.	N/a	N/a
No 58	Bluelight inbox & query form	N/A	FRAs and administrators to use the Bluelight inbox for email correspondence with the Bluelight team. FRAs and administrators to complete query form when submitting a technical query	N/a	N/a
No 58	Annual Benefit Statement – factsheet produced	ASAP	MAT will update the intranet page and include in shout out w/b 18/7.	MAT organised 3 shout out communications with follow up emails to WM's regarding ABS and future retirement plans during the month of August.	15/8/22 – Register now Annual Benefit statements (ABS) are coming. 22/8/22 – Steps to check retirement plans 29/8/22 – Annual benefit statements are here
No 58	TPR Dashboard guidance To help trustees and scheme managers get ready, TPR has published <a href="#">Pensions dashboards: initial guidance</a> which outlines their legal duties, based on draft regulations, including a checklist to help track progress		FRA's to read dashboard guidance and book onto Q&A webinar on 28 July. <a href="#">book here</a>	MAT has booked a space. Dashboard to be on future LPB meeting agendas	MAT and ZS attended the Pensions Dashboard webinar. Downloaded the slides for use at LPB and provide some background information.

# Pension Officer's LGA Bulletin Overview (June-Aug 22)



No 59	Administrator survey results: Administrators to consider the recommendations set out in section 5 of the report.	ASAP	N/a	N/a	Although this is an Administrator action (WYPF) MAT has read the recommendations and will be looking at how WYPF can ensure they meet them in a timely manner.
No 59	Special members - Corrective action: FRAs to revisit all special members leavers and opt outs to ensure that correct options have been given at deferment	ASAP	N/a	N/a	MAT to revisit past deferred cases to determine what options were offered: If the member has been offered the options as set out above, then no further action is needed.
No 59	Service history data for transitional FPS 2015 members: FRAs to have a process in place to ensure that their administrator is informed of any unpaid breaks in service for transitional FPS 2015 members.	Ongoing	N/a	N/a	All unpaid leave/breaks in service are reported monthly via the WYPF monthly interface. *Action closed*
No 59	Age discrimination remedy - Data sharing: FRAs to share pensionable data for members who are subject to age discrimination remedy and have had an interbrigade transfer during the remedy period with the current FRA's administrator.	Ongoing	N/a	N/a	DSFRS to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA's administrator on request.

# Pension Officer's LGA Bulletin Overview (June-Aug 22)



No 59	TPO McCloud factsheet published: FRAs to review the information in the factsheet to ensure they do not fall short of TPO's expectations.	Ongoing			<a href="#">TPO factsheet on McCloud and Sargeant complaints</a> has been produced to ensure FRA's do not fall short of TPO 's expectations.
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## Key Information

### FPS Bulletin 57

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#### **Ill health underpin**

To avoid any such members being placed in a worse position, changes have been made to the reformed scheme rules. [Regulations 65\(2A\) and \(2B\)](#) have been inserted into the FPS 2015 regulations with effect from 1 April 2022. This means that for members where the ill-health assessment process began on or before 31 March 2022, the member is assessed for ill-health retirement against an NPA of 55. This will mean that there should be no cases where an affected member would have qualified for ill-health retirement under the legacy 1992 scheme but does not qualify under the reformed scheme.

The members benefit entitlement should be calculated in the same manner as set out in the FPS 2015 regulations.

#### **Abatement**

As mentioned in the actions above, new guidance has been issued from LGA. They have consulted with FRA FPS practitioners and administration colleagues as well as the Scheme Advisory Board and Home Office ahead of publication. The guidance will be kept under review and updated in line with any scheme changes. We also hope to add an example abatement policy in due course. We recommend that FRAs take the guidance into account when considering future cases

#### **Software Workshop**





## Pension Officer's LGA Bulletin Overview (June-Aug 22)

At the coffee morning on 17 May concerns were raised over the readiness of pension administration software for the retrospective remedy.

As highlighted in the meeting, the legislation needed to facilitate retrospective remedy will not come into force until 1 October 2023, at which point this will signify the start of the implementation phase. FRAs and administrators will have a period of up to 18 months to provide members with options on their scheme benefits. This means that anyone who has retired and has an entitlement to the remedy should be contacted and presented with their options. [Click here to return to Contents](#)

Our software providers, Heywood and Civica, are currently working on updating their administration systems to ensure that they are fully functioning to provide the calculations needed for the retrospective legislation. Unfortunately, some modifications cannot be made without clear direction on certain policy decisions. This may mean that elements of the payroll software cannot be updated until the regulations have been made available.

With this in mind, we have contacted the software suppliers and asked whether they would be prepared to present their implementation timeline to FRAs, which should enable FRAs to become more familiar with the overall time frame and highlight any problem areas. We will contact FRAs once a date has been agreed with your relevant software supplier.

### **Annual Benefit Statements (ABS's) 2022**

At the Fire Technical Working Group (FTWG) meeting on 7 March 2022 we discussed annual benefit statement production (ABS) for 2022.

As ABS's in 2022 will be based on current scheme regulations up to 31 March 2022, it was proposed that the same process as last year is followed, and the statements caveated in a similar way. FPS Bulletin 44 – April 2021 provides more information.

However, while the recommendation last year was to suppress projections for fully protected members which would have incorrectly forecast final salary benefits beyond 31 March 2022, administrators were asked to consider that projections for former protected members could be included this year on a fully CARE basis.

The group failed to reach a consensus on this matter, it was therefore agreed that administrators will make the final call on whether to include projections or not. It is the expectation that administrators will notify the FRAs they administer on their decision.

### **Technical Query Log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website.

No new queries have been added this month

# Pension Officer's LGA Bulletin Overview (June-Aug 22)



## **FPS England SAB updates**

### **TPR factsheet**

We advised readers in FPS Bulletin 47 – July 2021 that the results of the 2020-21 [Governance and Administration survey](#) had been published by the Pensions Regulator (TPR). As part of the annual survey, TPR measures six processes as key indicators of public service pension scheme performance. The six processes are:

1. Documented policy to manage board members conflicts of interest
2. Access to knowledge, understanding and skills needed to properly run the scheme
3. Documented procedures for assessing and managing risks
4. Process to monitor records for accuracy / completeness
5. Process for resolving contribution payment issues
6. Procedures to identify, assess and report breaches of the law

In 2020-21, 74 per cent of Firefighters' schemes across the UK reported having all six processes in place. This had increased from 55 per cent in 2019.

We have refreshed [six key processes factsheet](#) to reflect the most recent results and give guidance to FRAs and their Local Pension Boards (LPBs) to improve understanding and compliance in the next survey.

### **SAB remedy engagement sessions**

The Home Office has invited the Scheme Advisory Board (SAB) to take part in a series of joint engagement sessions with the Police SAB to consider scheme specific versions of the Provision Definition Documents (PDDs) which define the provisions of the Public Service Pensions and Judicial Offices Act (PSPJOA) 2022 for each area of the 2015 Remedy.

The first meeting is due to take place on 24 June 2022 where the SAB will be discussing the interest and eligibility PDDs

### **PASA Cybercrime protection checklist**



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

The PASA Cybercrime and Fraud Working Group has published a [Cybercrime protection checklist](#) for pension administrators. The checklist builds on cybercrime guidance published by the group in November 2020. It provides examples of steps administrators can take to assess their defences against cybercrime.

### **DLUHC publishes statutory guidance on special severance payments**

On 12 May 2022, the Department for Levelling Up Housing and Communities (DLUHC) published statutory guidance on special severance payments. Best Value authorities in England must have regard to the guidance in circumstances in which it may be appropriate to make Special Severance Payments. The guidance also covers approval, disclosure, and reporting requirements.

The guidance does not apply to authorities in Wales. You can find a list of the bodies the guidance applies to at the end of the guidance.

The guidance confirms that:

- strain cost related to the early payment of LGPS benefits under regulation 30(6) or (7) (flexible retirement, redundancy, or efficiency retirement over age 55) does not constitute a special severance payment
- strain cost of awarding additional pension under regulation 31 of the LGPS Regulations 2013 may constitute a Special Severance Payment, depending on the terms of the individual's contract 11 [Click here to return to Contents](#)
- strain cost related to waiving an actuarial reduction when a member retires under regulation 30(5) may constitute a Special Severance Payment, depending on the terms of the individual's contract.

DLUHC consulted on a draft version of this guidance in 2021.

Considering the above, we contacted the Home Office to establish whether any consideration needs to be taken of the strain costs for releasing benefits early under Authority/Employer initiated early retirement or waiving restricted commutation under the FPS.

The Home Office confirmed that, although this policy sits outside of its pensions remit, it has contacted the policy lead at DLUHC, who has confirmed that both instances (i.e., fitness assurances and commutation uplift) would not fall within the scope of special severance payments.

### **HMRC**

#### **2 new Newsletters have been published by HMRC**

[Pension schemes newsletter 139](#) has articles on:

- relief at source — annual return of information for 2021 to 2022



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

- digitisation of relief at source
- managing Pension schemes service
- Accounting for Tax (AFT) returns

[Pension schemes newsletter 138](#) has articles on:

- HMRC has updated its annual allowance calculator to include the 2022 to 2023 tax year
- changes to Scheme Pays reporting deadlines in some cases following the introduction of the Registered Pension Schemes (Miscellaneous Amendments) Regulations 2022 (see FPS Bulletin 56 – April 2022 for more information)
- a reminder to take action now to migrate your pension scheme to the Managing Pension Schemes service
- accounting for tax returns for the quarter ending 31 March 2022 must be submitted through the Managing Pension Schemes service.

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### Events

#### FPS coffee mornings

The next session is due to take place on 14 June 2022.

We are pleased to include the presentations from recent sessions below:

3 May 2022 – [Contingent decisions](#)

17 May 2022 – [Transitional benefits post 1 April 2022](#)

31 May 2022 – [ABS and RSS](#)

#### Payroll workshop

Slides covering the event have been made available and can be found on the [age discrimination implementation page](#) of the FPS Regs and Guidance Website.



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

## [FPS Bulletin 58](#)

### Information shared

#### Matthews – lessons learned

The Home Office has recently shared with us a [draft document which outlines the lessons learned](#) from the first special members' options exercise.

This high-level paper has been produced for stakeholders involved in Matthews Remedy work. The purpose of this paper is to identify the areas of improvement from the previous remedy project and how to implement the lessons identified. The lessons referenced are drawn from the experience and reflections of the Home Office, Government Actuary Department and Local Government Association on Matthews Remedy options exercise which took place between April 2014 and September 2015.

Stakeholders had opportunity to discuss the key points from the paper at our latest coffee afternoon session on 28 June 2022.

Feedback is welcomed from the sector as to whether anything is missing from the document which should have been captured.

Please send any thoughts and suggestions through to the Bluelight inbox ([bluelightpensions@local.gov.uk](mailto:bluelightpensions@local.gov.uk)).

#### Immediate Detriment Framework costing and assumption guidance

The LGA has been working closely with Cleveland FRS to establish a calculator which should enable FRAs to estimate their financial liabilities when considering adoption of the Framework.

We are pleased to confirm that the guidance, along with template spreadsheets, has now been published and is available to access via the [age discrimination page in the member protected area](#) of the FPS Regulations and Guidance website.

Before using the spreadsheet, it is worth noting that it has been designed to provide FRAs with a basic estimate of their financial exposure; it does not cover every eventuality and it is based on the LGA's current understanding of what the main financial liabilities are.

#### Bluelight inbox and query form



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

Now that the Bluelight team is up to full strength please can we ask that all queries are sent to the generic Bluelight inbox (bluelightpensions@local.gov.uk). This will enable the most appropriate team member to respond as well as ensuring that queries can be dealt with when someone is on leave.

### **Annual Benefit Statements (ABS's) 2022**

At the Fire Communications Working Group (FCWG) meeting on 13 June 2022 we discussed whether it would be beneficial to provide members who are affected by age discrimination remedy with any additional information alongside their annual benefit statement.

Although the notes clearly indicate that benefit statements cannot at this stage reflect remedy, the group thought that it would be prudent to provide members with an additional information note which outlines the timeframes associated with remedy.

The factsheet is available to access via the [guides and sample documents page](#) of the FPS Regulations and Guidance website, under the heading Annual Benefit Statements (ABS). All administrators are encouraged to send the document to members impacted by remedy, with the 2021/22 benefit statements.

### **Technical Query Log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website.

Queries have been answered this month in the following categories: Commutation (page 19)

### **FPS England SAB updates**

#### **SAB respond to HM Treasury's letter**

We reported in FPS Bulletin 52 that the chair of the SAB had written an [open letter to HM Treasury \(HMT\) on the withdrawal of the Home Office informal guidance](#) on immediate detriment. The letter, dated 17 December 2021, asked for more information on the risks and uncertainties which HMT said arose because of processing cases ahead of legislation.

On 23 March 2022, [HMT provided a response outlining the factors behind the withdrawal](#) in more detail. The response highlighted that Section 61 of the Equality Act 2010 did not, in HMT's opinion, allow for amendment of a member's tax position. The response detailed several tax complexities which had been identified and will be dealt with through legislation.



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

On 20 June 2022, the chair of the SAB wrote an [open letter in response to HMT's reply](#) which seeks further clarity on the extent of Sections 61/ 62 and the tax implications detailed.

## Other news and updates

### DWP call for evidence – helping savers understand their pension choices

On 14 June 2022, the Department for Work and Pensions (DWP) launched a [Call for Evidence entitled: 'Helping savers understand their pension choices'](#). The call for evidence explores what support pension scheme members need to help them make informed decisions about how to use their savings. DWP welcomes views from pension scheme members, consumer organisations, trustees, and scheme managers.

The consultation closes on 25 July 2022.

### Further consultation on Pensions Dashboards launched

On 28 June 2022, DWP launched a further consultation on Pensions Dashboards: [Pensions dashboards: further consultation - GOV.UK \(www.gov.uk\)](#)

This further consultation supplements the consultation on the draft dashboard regulations which ran from 31 January 2022 to 13 March 2022. More information, including the LGA FPS response to that consultation, can be found on the [consultations page](#) of [www.fpsregs.org](#).

The further consultation sets out two proposals. The first proposal provides clarity on the 'Dashboard Available Point' (DAP). The second proposal allows the Money and Pensions Service and the Pensions Regulator to share information about dashboards with each other.

The DAP is the point at which dashboards will be available to all members of the public. The consultation proposes that the DWP will decide on the DAP and then give pension schemes 90 days' notice. It is hoped that this will give schemes sufficient time to make final preparations.

The consultation is scheduled to run for 3 weeks and closes on 19 July 2022.

### TPR Deadline Campaign for Pensions Dashboards

The Pensions Regulator (TPR) has launched its new "Deadline" campaign urging trustees and scheme managers to start preparing for pensions dashboards.



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

It is expected that occupational pension schemes with 100 or more relevant members will connect to the pension's dashboards through a phased approach according to size and type of pension scheme. The first schemes will connect to the dashboards system by June next year and TPR will begin writing to them at least twelve months ahead of their connection deadline to alert them to what they need to do.

To help trustees and scheme managers get ready, TPR has published Pensions dashboards: initial guidance which outlines their legal duties, based on draft regulations, including a checklist to help track progress. TPR are urging the following:

- All schemes need to prepare, so it is vital that all schemes start to prioritise their duties and not leave them until the last minute-your pensions dashboard deadline is coming.
- Include pension dashboards as an agenda item at trustee board meetings.
- Decide how you will connect-i.e., using your current pensions administrator, an integrated service provider, or building your own connection solution.
- Check that the data you will use to match people with their pensions and return to the dashboard is available, accurate and assessable.

### [Check connection deadline and download checklist](#)

TPR is hosting a webinar and Q&A on 28 July 2022 to take you through the steps you need to take to prepare for connection. [Register your place.](#)

### State pension triple lock reinstated

Chancellor Rishi Sunak has confirmed that the [state pension triple lock will be reinstated next April](#) after it was put on hold last April. It is likely to be based on the September 2022 consumer price index, which is expected to be around 10 per cent

**There were several job vacancies advertised that none of us will be interested in 😊**

### Events

#### FPS coffee mornings

The next session is due to take place on 14 July 2022.

We are pleased to include the presentations from recent sessions below:

14 June 22 - [TPR Governance and Administration survey results 20-21](#)





# Pension Officer's LGA Bulletin Overview (June-Aug 22)

28 June 22 - [Matthews - lessons learned](#)

## FPS Bulletin 59

### Information shared

#### **Administrator self-assessment survey results**

The administrator self-assessment survey was launched in FPS Bulletin 54 – February 2022 and ran between 24 February and 18 March. It comprised of 57 questions which focused on variety of topics including Sargeant, Matthews, and pensions dashboards. The aim of the survey was to understand more about arrangements for administering the Firefighters' Pension Scheme and specifically for implementing the age discrimination remedy.

The survey received a 100 per cent response rate which will allow an accurate assessment of the sector and a better understanding of the challenges that administrators face.

[The full results of the survey and recommendations](#) can be found on the protected area of the FPS Regulations and Guidance website.

#### **FPS 2006 special members - Corrective action**

We have been alerted to an issue on which FRAs will need to take immediate remedial action. The issue relates to members who have elected for special membership under the first options exercise and to repay their contributions by way of periodic contributions, however, leave part way through their contract and therefore have a number of instalments still outstanding.

The regulations support the fact that the member's decision to leave should not impact their ability to continue to pay for the cost of past service. If the member leaves, or opts out, they have the option to pay all remaining contributions within three months of the leaving date to count all the service. Alternatively, the member can continue to pay periodical contributions as a deferred member

We would expect the options above to be offered to a member as a matter of course, however, as we understand it, some FRAs have not offered their members these options.

In preparation for the second options exercise, our view is that corrective action should be taken to address this issue. FRAs should use the time between now and the 2023 options exercise to rectify any such issues where there are regulations in place to do so. This will help keep the 2023 options exercise as straightforward as possible.



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

We therefore recommend that all FRAs follow the steps set out below.

1. FRAs to revisit past deferred cases to determine what options were offered:
  - a. If the member has been offered the options as set out above, then no further action is needed.
  - b. If the member has not been offered the options as set out above, then progress to step 2.

2. Confirm which regulatory option applies to the member:

- a. If the member has left within the last 3 months, then they can be offered:
  - i. The option to repay the outstanding contributions by lump sum
  - ii. The option to continue with \*periodic contributions
  - iii. The option of a pro-rated pension based on the contributions already paid

- b. If the member has left more than 3 months ago, then they can be offered:
  - i. The option to continue with \*periodic contributions
  - ii. The option of a pro-rated pension based on the contributions already paid

\*Periodic contributions would need to be reviewed and possibly altered to take account of any gaps in the repayment schedule.

We believe that the correct regulatory option available is to recalculate the instalments so that the remaining balance is repaid at the original 10-year point – in line with Rule 6A (8). The calculator has been specifically designed to ensure that the correct proportion of interest is applied for the 10-year period.

3. FRAs should take immediate steps to contact affected members and notify them of the options available to them.

- a. If the member elects for periodic contributions, as they are no longer employed and instalments cannot be taken from their salary, they will have the option of paying by standing order.

4. FRAs to notify administrator of the member's decision and update their record accordingly.

**Service history data for transitional FPS 2015 members**



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

As of 1 April 2022, all members who remain active members of the Firefighters' Pension Scheme do so as members of FPS 2015. The FPS 2015 is a statutory, defined benefit, career average, public service pension scheme.

As qualifying service in the FPS 2015 is added to qualifying service in the FPS 1992 or 2006 to determine whether a member with continuity of service qualifies for retirement benefits, any reduction in pensionable service due to an unpaid service break such as maternity/paternity/adoption leave, industrial action, and career breaks will affect that date by the relevant number of days. Therefore, FRAs should continue to record and report any days lost to unpaid service to their pension scheme administrator.

### **Age discrimination remedy - Data sharing**

As part of the data collection exercise for age discrimination remedy FRAs may identify a proportion of cases whereby information such as pensionable pay and contributions are required from another FRA. This is because the member has been subject to an inter-brigade transfer during the remedy period.

Corrective action cannot be taken unless the current administrator has access to the data, they need to perform this function.

This issue was discussed in detail at the Fire Technical Working Group (FTWG) on Monday 25 July. It was decided that, to remove any GDPR issues, the information should be shared with the current administrator instead of the current FRA. This is because the administrator has a legitimate reason for needing the data.

FRAs will be required to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA's administrator on request.

### **Duradiamond - Contract extension**

The Home Office has received several queries regarding the status of the medical appeals board framework contract currently supplied by Duradiamond (trading as Health Partners). The contract with Duradiamond/Health Partners was due to expire on 30 September 2022.

The Home Office has agreed to extend this contract by a further 12 months to reduce the backlog of cases that accrued because of the pandemic and to avoid any further disruptions to the service. The terms of the contract remain the same and the extension will begin on 1st October 2022.

### **Technical Query Log**

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website.

Queries have been answered this month in the following categories: Annual Allowance (page 15), IHR for deferred Special Members (page 84), Payroll (page 95), Two Pensions (page 122).



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

## FPS England SAB updates

### FPS 1992 Scotland – commutation provisions

The commutation provisions have been amended for FPS 1992 Scotland from 1 April 2022. At the SAB meeting on 23 June 2022, SPPA gave an update to the Board on the impact that the change in the provisions has had on retirement numbers.

SPPA reported that there had been a significant rise in expected retirements in the first quarter of 2022-2023. Due to timing, it is not clear whether this is because of the change in provision or due to the move of all members back into the FPS 2015 from 1 April 2022. It is also not clear how this will impact on workforce planning.

The SAB has decided to monitor the impact of this over a longer time period so that more data is available to be considered. If the SAB wanted to pursue a change to the commutation provisions in England, then a business case would have to be prepared for the Government to take this forward.

### 2020 Valuation assumptions

At the last SAB meeting GAD provided the Board with a presentation on four of the key demographic assumptions which are proposed to be used in the 2020 valuation.

These are: withdrawal from the scheme, promotional pay, age retirement and commutation.

GAD confirmed that there had been an improvement in the data provided by FRAs for the 2020 valuation.

GAD will now consider the assumptions to be presented to the Home Office for incorporation into the valuation exercise.

### Contingent decisions

At SAB meeting on 23 June 2022, a [paper on contingent decisions](#) was discussed which introduced the topic to the board and highlighted the instances where a contingent decision may apply.

Police and Fire SABs are involved in joint engagement sessions with the Home Office to discuss the policy definition documents (PDDs) in relation to remedy.

A joint engagement session on contingent decisions is due to take place on 9 November 2022 with Home Office and the SABs.



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

## Other news and updates

### Public Sector unions granted judicial review over McCloud cost remedy

Unions across the public sector sought a judicial review against the UK Government about McCloud/ Sargeant remedy costs in the cost control mechanism.

The FBU, GMB, and British Medical Association (BMA) argued that the cost of rectifying the discrimination should not be met by scheme members.

On 4 July 2022, the FBU and the BMA were given permission to judicially review the Government's decision. The judicial review is expected to be heard towards the latter part of 2022.

### TPO Annual Report and Accounts for 2021/22 On 14 July 2022,

The Pensions Ombudsman (TPO) published its Annual Report and Accounts for 2021/22. For more information, see [the press release announcing the publication](#) .

### TPO McCloud factsheet published

On 20 July 2022, TPO published a [factsheet on McCloud](#).

The factsheet sets out TPO's views on what affected members and schemes can do now and TPO's present approach to dealing with McCloud complaints.

TPO's current general starting position is that it would not investigate McCloud complaints. This is because it acknowledges that the Government is taking steps to address the discrimination with retrospective effect.

TPO will, however, carefully look at the facts of each case before deciding whether to investigate.

Pension Dashboard information and consultations were discussed. Lots of reports/links to read.

## Dashboards



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

## **Dashboard Accuracy Data Guidance**

On 4 July 2022, the Pensions Administration Standards Association published the [Dashboard Accuracy Data Guidance](#).

The guidance provides information on how schemes could test their data and what data sources they could use.

We have previously provided [data scoring guidance](#) which includes a matrix for adjusting scores for accuracy. We are in the process of updating our guidance to take account of age discrimination and value data for pensions dashboards.

## **DWP responds to consultation on the draft pensions dashboards regulations**

On 14 July 2022, the Department for Work and Pensions (DWP) [responded to the consultation on the draft Pensions Dashboards Regulations](#). The DWP has also published a [summary of the key policies](#). The summary reflects the response to the consultation.

We are pleased to note that the staging deadline for all public service schemes has been extended by five months from 30 April 2024 to 30 September 2024 and, that the requirement to provide value data has been pushed back to 1 April 2025 at the latest and will only be earlier where a Remediable Service Statement has been issued – paragraphs 5.35-5.36.

In relation to members with different tranches of benefits, the regulations will be amended to allow scheme flexibility to provide “a separate set of values for different combinations of tranches of benefits, along with a retirement date in relation to each.” – paragraph 2.39.

The DWP will amend the draft regulations (‘the Regulations’) to reflect the response. We expect the DWP to lay the Regulations before Parliament in autumn.

## **LGA response to further consultation on pensions dashboards**

On 19 July 2022, we responded to the further consultation on pensions dashboards.

DWP launched the further consultation on 28 June 2022. We covered this in FPS Bulletin 58 – June 2022. The consultation included proposals on the ‘Dashboard Available Point’ (DAP).

You can find a copy our response on the consultations page of the FPS Regs and Guidance website.

Our response expressed broad support for the proposals, providing that schemes received enough advance notice of the expected DAP.

## **PDP launches consultation and call for input on standards and guidance**

On 19 July 2022, the Pensions Dashboards Programme (PDP) launched a [consultation on dashboard standards and guidance](#), and a call for input on the [design standards](#).



# Pension Officer's LGA Bulletin Overview (June-Aug 22)

Both the consultation and the call for input will close on 30 August 2022.

## Cyber Risk Made Simple Guide

The Pensions and Lifetime Savings Association (PLSA) has recently published '[Cyber Risk Made Simple Guide](#)'. PLSA produced the guide in partnership with Aon and Crowe.

The guide explains the nature of the cyber threat to pension schemes. It also outlines 15 actions pension schemes may wish to take in response.

## HMRC

### HMRC publishes Pension Schemes Newsletter 140 and 141

On 30 June 2022, HMRC published pension schemes [newsletter 140](#).

The newsletter includes articles:

- clarifying the rules on paying interest and arrears when equalising for guaranteed minimum pensions
- reminding schemes to migrate from the Pension schemes online service to the Managing Pension Schemes service
- on the expected release in spring 2023 of the event report for tax year 2023/24 on the Managing Pension Schemes service
- on a new reportable event from April 2023 for certain public service schemes. This will relate to issuing annual allowance statements. HMRC will consult on legislation introducing this new reportable event later this year
- reminding schemes that they can no longer compile and submit accounting for tax returns for any quarter from 1 April 2020 using the Pension schemes online service.

On 21 July 2022, HMRC published pension schemes [newsletter 141](#).

The newsletter includes articles:

- covering the technical consultation on resolving the low earners tax relief anomaly



## Pension Officer's LGA Bulletin Overview (June-Aug 22)

- clarifying how to migrate schemes from the Pension Schemes Online service to the Managing Pension Schemes service
- reminding schemes that they cannot compile and submit new Accounting for Tax returns for any quarter from 1 April 2020 onwards on the Pension Schemes Online service
- reminding schemes who need to submit an Accounting for Tax return for the quarter 1 April 2022 to 30 June 2022 that they will need to have migrated the scheme and submitted the return on the Managing Pension Schemes service by 14 August 2022 to avoid interest and penalties.

### Events

#### FPS coffee mornings

The next session is due to take place on 14 July 2022.

We are pleased to include the presentations from recent sessions below:

12 July 22 - [General update: Matthews, scheme valuations and SAB remedy engagement](#)

28 July 22 - [Remedy eligibility and administrator self-assessment survey](#)

#### AGM 25 and 26 October

We are pleased to announce that booking for the ever-popular Fire Pensions Annual Conference is now live.

[Day 1 – Tuesday 25 October 2022 4:30pm - 6:30pm followed by drinks reception](#)

[Day 2 - Wednesday 26 October 2022 09:30am - 3:30pm](#)



## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

### LOCAL PENSIONS BOARD

<b>DATE OF MEETING</b>	<b>07 September 2022</b>
<b>SUBJECT OF REPORT</b>	<b>SCHEME MANAGER UPDATE</b>
<b>REPORT AUTHOR</b>	<b>HR Rewards &amp; Benefits Manager</b>
<b>EXECUTIVE SUMMARY</b>	This report provides a summary of current pension matters both nationally and locally which have required input from the Service. This report should also be considered in conjunction with the regular monthly Bulletins which are issued by the Firefighters' Pensions Scheme Advisory Board.

## 1. **INTRODUCTION**

- 1.1. This is the update report from the Devon & Somerset Fire & Rescue Authority (the Authority) delegated Scheme Manager for the Authority's Local Pension Board (the Board). The Scheme Manager is defined as being the Fire and Rescue Authority under The Firefighters' Pension Scheme (England) Regulations 2014. However, the Scheme Manager may delegate any functions under these Regulations. The Authority has set out in the Discretions Policy where decisions will need to be taken by the Authority. The day-to-day managing and administering of the pension schemes and any statutory scheme that is connected with them, is delegated to the HR Rewards & Benefits Manager.
- 1.2. The Board provides a number of functions as set out in the Terms of Reference, which include:
- assisting the Scheme Manager to ensure compliance with the relevant regulations and the efficient and effective management of the pension administration;
  - advising on member communications; and
  - monitoring complaints.
- 1.3. This report provides a summary of current pension matters both nationally and locally and further updates will be provided at subsequent Board meetings.

## 2. **GOVERNANCE & STRATEGY**

### ***FPS Administration, Management and Governance Strategy***

- 2.1. Further to the last Board meeting, this is to report that the governance strategy document has now been finalised for publication on the Pensions section of the Service website and sign off within the Service's Policy Management System is currently underway. In the meantime, the document is included for views of the Board elsewhere on the agenda for this meeting.

## 3. **PENSION COMMUNICATIONS**

### ***Annual Benefit Statements***

- 3.1. There is a legal requirement to provide an Annual Benefit Statement (ABS) to all active members by no later than the 31 August each year. West Yorkshire Pension Fund (WYPF) has confirmed that it has produced Annual Benefit Statements for 100% of eligible members. The Service has been advised that Remedy has not been taken into account in this year's statements, and that both the statement and the web notes confirm this and provide more detail around Remedy, including when WYPF expects it to show on future statements.

#### **4. PENSION PROJECTS**

##### ***2015 Remedy (Sargeant)***

- 4.1. It has been noted by Executive Board colleagues that a number of FPS members have expressed their frustration at the uncertainty presented by the Age Discrimination Remedy implementation process and the withdrawal of the Home Office guidance. The Service is in the process of writing to all members affected by Immediate Detriment to outline what information and resources are currently available to them in the intervening period. The HMRC and Home Office position on the treatment of Immediate Detriment will continue to be closely monitored.

#### **5. REPORTING BREACHES OF LAW**

- 5.1. Within the Board's Reporting Breaches Procedure, Section 70 of the Pensions Act 2004 (the Act) is referenced. This requires that, where a person has reasonable cause to believe that:
- (a) a duty which is relevant to the administration of the scheme in question, and is imposed by virtue of an enactment or rule of law, has not been or is not being complied with; and
  - (b) the failure to comply is likely to be of material significance to the Regulator in the exercise of any of its functions then they must give a written report on the matter to the Regulator as soon as is reasonably practicable.
- 5.2. There have been no breaches reported since the last Local Pension Board meeting.

#### **6. INTERNAL DISPUTE RESOLUTION**

- 6.1. Within the Firefighters' Pension Scheme formal complaints are made via the Internal Disputes Resolution Procedure (IDRP). There have been two complaints received under this procedure since the last Local Pension Board meeting.

#### **7. PENSION ADMINISTRATOR QUALITY OF SERVICE AND KEY PERFORMANCE INDICATORS**

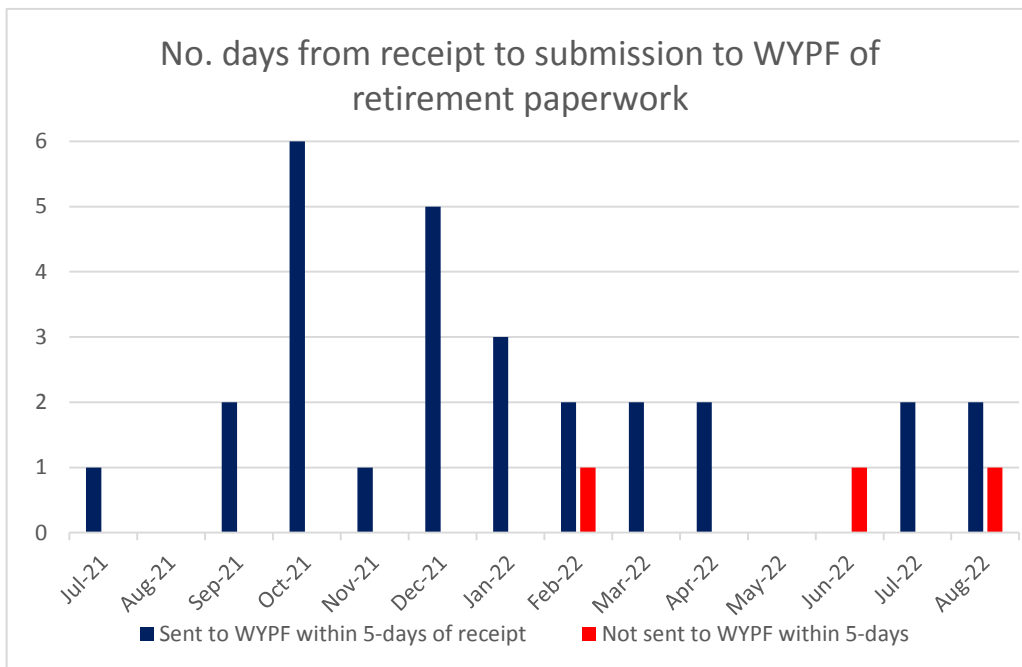
- 7.1. The Service is continuing to collaborate with WYPF and to periodically review the arrangements in place to identify potential improvements that can be made. It has been noted that there is not a clear alignment between the KPIs listed in the Service contract and the monthly reports issued by WYPF. There have also been some concerns in recent months regarding the time taken by WYPF both to update member records following submission from the Service and for some other administrative processes, such as setting up deferred benefits and merging pension accounts. These concerns are being addressed at the contract review meeting later this month. Data submissions to WYPF are summarised overleaf.

**(a) Submission of monthly pension reporting to WYPF by the last day of the month:**

7.2. For 10 out of the last 12 months, the Service has achieved this KPI, as detailed below.

Aug 21	Sep 21	Oct 21	Nov 21	Dec 21	Jan 22	Feb 22	Mar 22	Apr 22	May 22	Jun 22	Jul 22
23 Sep 21	25 Oct 21	26 Nov 21	22 Dec 21	24 Jan 22	01 Mar 22	07 Mar 22	29 Apr 22	15 Jun 22	15 Jun 22	20 Jul 22	16 Aug 22

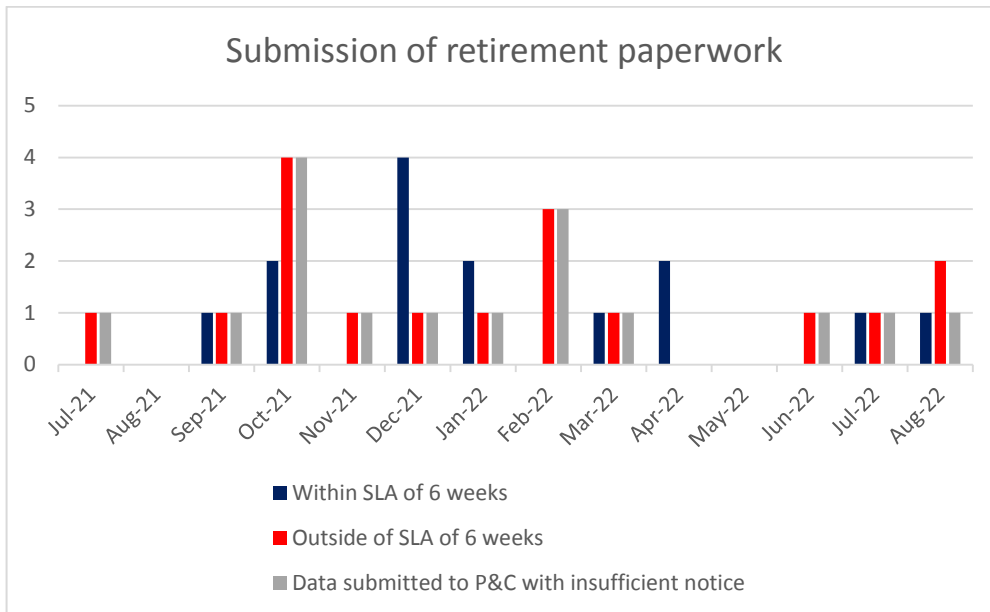
**(b) Notifications of normal retirement and timeframes for submission**



*May is not listed because there were no FPS retirements to record*

7.3. During the period since the last report, the Pay & Conditions team has submitted one notification of normal retirement to WYPF outside the SLA of within 5 days from member notification.

7.4. Since the last report, there have been a total of 6 retirements, 2 of which were not submitted within the 6-week timeframe (prior to retirement date) and in one of these instances, the paperwork was submitted within the 6-week SLA. This matter is being followed up with the team to identify what caused the delay.



*May is not listed because there were no FPS retirements to record*

**(c) Pensions Dashboard**

7.5. The Pensions Officer has been liaising with our Relationship Manager at WYPF to review additional data reports that are readily available. There have been some discrepancies identified between DSFRS and WYPF data, so rectifying this issue will be prioritised prior to establishing additional datasets for regular reporting and analysis.

**ZOE SMYTH**  
**HR Rewards & Benefits Manager**

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# FPS Administration, Management, and Governance Strategy

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# 1 Introduction

The Devon & Somerset Fire & Rescue Authority (“the Authority”) is defined in law as the Scheme Manager<sup>1</sup> and is therefore responsible for the management and administration of the Firefighters’ Pensions Schemes for scheme members employed by Devon & Somerset Fire & Rescue Service (“the Service”).

Although the Scheme Manager function can be delegated<sup>2</sup> within the Authority, the Authority retains legal responsibility for the scheme. In its employer role, the Authority will ensure the Service provides pension related functions such as HR, finance, and payroll.

Administration is generally outsourced to a third party. Administration of the scheme has been outsourced to the West Yorkshire Pension Fund (“the Administrator”).

This document is the FPS Administration, Management, and Governance Strategy statement which outlines formal standards and expectations of the Authority and its pensions administrator, along with expectations of the Local Pension Board<sup>3</sup> in its role of assisting the scheme manager.

The Authority’s governance policy statement is included at [Appendix 2](#).

The aim of the document is to ensure that a consistent, cost-effective, and high-quality pension service is provided to members, recognising that full and transparent collaboration between stakeholders is key to achieving this aim.

## 2 Compliance

The following stakeholders have been consulted in the development of this statement:

- the Devon & Somerset Local Pensions Board; and
- West Yorkshire Pension Fund (as outsourced Administrator for the scheme on behalf of the Authority).

The Authority (as Scheme Manager) is the owner of this document, a [copy of which can be found here on the Authority’s website](#).

This strategy does not override any provision contained with the scheme regulations or any administration guidance provided by the Local Government Association (LGA).

The document has been presented, considered, and ratified by the Local Pension Board on 8 December 2021 and applies to all interested parties from this date.

<sup>1</sup> <http://www.legislation.gov.uk/ukxi/2014/2848/regulation/4/made>

<sup>2</sup> <https://www.legislation.gov.uk/ukxi/2014/2848/regulation/5/made>

<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2015/465/regulation/4/made>



## 3 Review

The strategy will be reviewed following any changes to scheme rules, processes, or procedures which affect this strategy, including a change of administrator, or every three years if this is sooner.

Changes will be made following consultation with the above-named bodies and a copy of the updated strategy will be made available online. Full consultation will not take place when there has been a change of contacts details only in 4.1 or 4.2 below.

Suggestions for improvement to this strategy are welcome from stakeholders at any time.

## 4 Liaison and communication

### 4.1 FRA contacts

**The Authority (as Scheme Manager) has nominated contacts in the following areas** to allow correspondence to be directed to the most relevant individual. These contacts will be provided to the Administrator and the LGA.

<b>Scheme manager (strategic) contact</b> for valuation, scheme consultations, surveys, discretions, and Internal Dispute Resolution Procedure (IDRP) HR Reward & Benefits Manager: pensions@dsfire.gov.uk
<b>Pension liaison contact</b> for day to day administrative duties such as completion of forms, responding to queries, and HR functions HR Pensions Officer: pensions@dsfire.gov.uk
<b>Payroll contact</b> for queries relating to pay, pensionable allowances and contribution payments HR Pay & Conditions Officer: pandcshared@dsfire.gov.uk
<b>Finance contact details</b> finance@dsfire.gov.uk

**The scheme manager is responsible for keeping the nominated contacts up to date and providing prompt notification of changes.**

## 4.2 Administrator contacts

**The Administrator will provide the following contact information for the Authority and Service scheme members:**

<p><b>Pension Fund representative</b> for regulatory or administration queries, training, advice and guidance</p> <p>Client Relationship Manager: Helen Scargill - <a href="mailto:helen.scargill@wypf.org.uk">helen.scargill@wypf.org.uk</a></p>
<p><b>Finance contact</b> to assist with the monthly returns process/ year end</p> <p>Finance Officer: Annette Appleyard - <a href="mailto:annette.appleyard@wypf.org.uk">annette.appleyard@wypf.org.uk</a></p>
<p><b>Member queries</b></p> <p><a href="mailto:pensions@wypf.org.uk">pensions@wypf.org.uk</a></p> <p><a href="http://wypf.org.uk">Home page of West Yorkshire Pension Fund (wypf.org.uk)</a></p>

## 5 Scheme manager duties and responsibilities

### 5.1 Discretions

As a matter of best practice, **the Authority (as Scheme Manager) will prepare and publish a written statement on the exercise of discretions** available to it under each set of FPS regulations. The discretions policy will be kept under review and any revised version published within one month of the effective date.

A full list of [scheme manager discretions](#) is available.

### 5.2 Internal Dispute Resolution Procedure (IDRP)

If a scheme member, prospective member, dependant, or other person with an interest in the scheme, is dissatisfied with a decision (or failure to make a decision) by the Authority there are rights of appeal available. Each set of scheme rules contains arrangements for Internal Dispute Resolution Procedures (IDRP) based on the requirements of the Pensions Act 1995 and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.

Firefighters' Pension Scheme 1992 (FPS 1992)	<a href="#">Rule H3</a> (as amended by SI 2013/1392)
Firefighters' Pension Scheme 2006 (FPS 2006)	<a href="#">Part 8, paragraph 5</a>
Firefighters' Pension Scheme 2015 (FPS 2015)	<a href="#">Regulation 163</a>
Firefighters' Compensation Scheme (FCS)	<a href="#">Part 6 rule 3</a>

**The Authority (as Scheme Manager) has nominated appropriate persons to hear each stage of the appeal and respond to the individual within the specified timescales.**

The timescales for each stage are stipulated in the [IDRP factsheet](#) and must be adhered to in order to mitigate further complaint or distress to the member. Failure to comply with timescales could be construed as maladministration and attract a financial award<sup>4</sup> from The Pensions Ombudsman (TPO).

The nominated decision makers for the Authority are

Stage 1	The Chief Fire Officer
Stage 2	Internal Disputes Resolution Panel (a Panel of four Members of the Authority's People Committee)

## 5.3 The Pensions Regulator (TPR)

[TPR](#) is a public body established by the [Pensions Act 2004](#) to make sure that pension schemes within the UK are run properly and can provide secure benefits for their members upon retirement. TPR has powers to "educate, enable, and enforce", and is responsible for promoting good scheme administration. The Regulator is sponsored by the Department for Work and Pensions (DWP).

TPR's oversight of public service pension schemes, including the Firefighters' Pension Schemes, was introduced by schedule 4 of the [Public Service Pensions Act 2013](#).

**The Authority (as Scheme Manager) will ensure that it is familiar with TPR's [Code of Practice 14: Governance and administration of public service pension schemes](#).**<sup>5</sup>

<sup>4</sup> [TPO – Redress for non-financial injustice factsheet](#)

<sup>5</sup> TPR is currently consulting on a new modular code of practice which consolidates the existing codes.

**Each year TPR issue two requests for information which the Authority (as Scheme Manager) and its Local Pension Board (LPB) will complete:**

**[Scheme return](#)** – the scheme return is a statutory return which allows TPR to keep their register of workplace pension schemes up to date.

The return asks for information about what type of scheme the FPS is and how many members each employer has, as well as requesting up to date contact details.

The return also asks schemes to provide their common and scheme specific data scores, which enables TPR to monitor continuous data improvement. Information on data scoring for the FPS is available below

[Advice on TPR data scoring 2019](#)

[Data score weighting template 2019](#)

TPR can and will take enforcement action if the scheme return is not completed.

**[Governance and Administration survey](#)** – The Authority (as Scheme Manager) will complete the annual governance and administration survey in conjunction with its LPB. Although the survey is not mandatory, participation is strongly encouraged by both TPR and the Scheme Advisory Board, so that improvements in running the FPS can be monitored and evidenced.

TPR does not take any regulatory action based on survey responses, but overall trends may inform their engagement activity with schemes.

Familiarity with [TPR's six key processes](#) will assist schemes with understanding and compliance.

One of TPR's key areas of focus is record keeping and data quality. **The Authority (as Scheme Manager) will ensure that [data is reviewed annually](#) and that a [data improvement plan](#) is in place.**

Non-completion of either of the above requests for information may indicate wider governance failings to TPR.

## 5.4 Data transfer

**The Authority (as Scheme Manager) will ensure that processes are in place for timely and accurate transfer of data.**

Data will be transferred to the Administrator electronically on a monthly basis in line with the deadlines set out in section [Service standards](#).

Data validation and cleansing processes should be in place in accordance with TPR requirements.

## 5.5 Contribution bands

Banded contribution rates apply to the FPS based on a member's pensionable pay.

**The Authority (as Scheme Manager) will ensure that there are processes in place to allocate scheme members to the correct contribution band at the start of each scheme year.**

Contributions are laid in legislation for each scheme and can be found on the [annual updates](#) page of the Regulations and Guidance website.

## 5.6 Reporting breaches

**The Authority (as Scheme Manager) and its Local Pension Board members have a statutory obligation to record and report breaches of the law.**

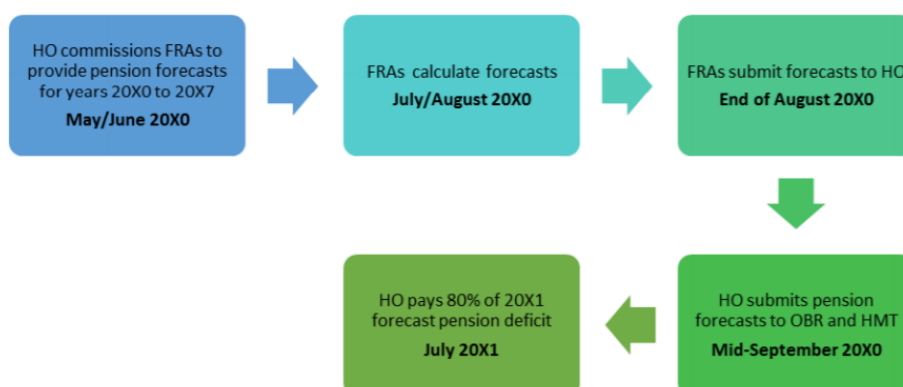
When a potential breach has been identified, the [breach assessment template](#) should be completed to assess the breach for materiality in order to determine whether it needs to be reported to TPR. This can also be stored as documentary evidence if the decision is later challenged.

Although a breach may not seem material in terms of numbers of members affected, if the same members are consistently affected, this should be considered, along with likely timescales for rectification and what action may be taken to ensure that the breach does not reoccur.

Further information about [breach recording and reporting](#) can be found in the [TPR six key processes](#) factsheet.

## 5.7 Top-up grant

Each year the Home Office commissions FRAs to submit pension forecasts for the following seven financial years in line with the following timescales.



The pension forecasts for the financial year following the collection are used to make an initial assessment on each fire authority's annual top up grant entitlement for that year.

The collection of accurate annual pension forecast data is critical for ensuring sufficient budget cover is secured to make pension top up grant payments to FRAs each year.

**The Authority (as Scheme Manager) is responsible for ensuring this information is submitted accurately and on time.**

Full details are available in the [guide for fire authorities \(in England\) when calculating pension forecasts for the Firefighters' Pension Top Up Grant](#).

## 5.8 HMRC reporting

**Although the Authority (as Scheme Manager) retains legal responsibility, HMRC reporting has been delegated to the Administrator under the terms of the service level agreement.**

**Event Reporting** – although the Authority (as Scheme Manager) retains legal responsibility, the Administrator must tell HMRC when certain reportable events occur no later than 31 January following the end of the tax year. This is done by submitting the Event Report for a tax year.

These reportable events are split into two categories:

- reportable changes, and
- reportable fund movements.

There are 23 reportable events. [HMRC guidance on sending pension scheme reports](#) provides more information on all events that you must report.

Full details on Event Reporting can be found in [HMRC Pensions Tax Manual 161100](#).

**Accounting for tax (AFT)** – the Authority is liable for payment of certain tax charges in connection with the scheme. When the Authority does have a tax liability, the return that the must be completed to account for that liability is called the Accounting for Tax return.

The Authority is responsible for ensuring the AFT return it is correct and complete.

A third-party administration provider can file the AFT on behalf of the Authority, but the Authority remains responsible for ensuring that it is submitted on time and the contents are correct. Where a provider submits the AFT on behalf of the Authority, it should have been checked and approved before it is submitted to HMRC. The provider must make a declaration that the Authority has approved the contents before they can submit it to HMRC

Full details on AFT can be found in [HMRC Pensions Tax Manual 162100](#).

## 5.9 General Data Protection Regulation (GDPR)

**The Authority is a Data Controller for pension scheme data under GDPR and must determine how, and for what purposes, data is to be processed.**

Resources to assist authorities in complying with their duties under the regulations are available have been made available on the following [dedicated GDPR webpage](#).

The Authority is a Data Controller as part of the Data Protection Act 2018 which incorporates the General Data Protection Regulation (GDPR). This means it stores, holds and manages personal data in line with statutory requirements to enable it to provide pension administration services. To enable it to carry out its statutory duty, the Authority is required to share information with certain bodies but will only do so in limited circumstances. More information about how the Authority holds data and how this may be shared can be found [here on the Authority's Data Protection webpage](#).

## 5.10 Disclosure

Under the Occupational and Personal Pension Schemes (Disclosure of Information) Regulations, **the Authority (as Scheme Manager) must provide certain information to scheme members within certain timescales.**

Please refer to the [guide to disclosure of information requirements](#) for more information.

## 5.11 Overriding legislation

In addition to the scheme regulations, **the Authority (as Scheme Manager) will ensure compliance with any overriding legislation in force.**

## 5.12 Audit

The Authority may commission internal and external audits in maintaining the FPS pension fund account and other pension related matters.

**The Authority is required to comply fully with any requests for information from both internal and approved external auditors, including from the Administrator's auditors.**

## 6 Administrator duties and responsibilities

### 6.1 The Pensions Regulator (TPR)

**The Administrator should ensure that it is familiar with TPR's [Code of Practice 14: Governance and administration of public service pension schemes](#)<sup>6</sup>.**

### 6.2 Data standards

**The Administrator will ensure that suitable and secure methods of data transfer are available for the Authority to use.**

Personal data will only be transferred from one party to the other via an acceptable method specified by the Administrator which may include any of the following:

- a. Data transfer service (Internet based application)
- b. Secure email
- c. Paper forms signed by an authorised officer from the employer
- d. Password protected excel spreadsheet

Data validation and cleansing processes should be in place in accordance with TPR requirements.

### 6.3 Reporting breaches

**The Administrator also has a statutory obligation to record and report any identified breaches of the law.**

Refer to [section 6.6](#) for further details.

### 6.4 HMRC reporting

Although the Authority (as scheme manager) retains legal responsibility, **HMRC reporting may be delegated to the Administrator under the terms of the service level agreement.**

See [section 6.8](#) for more information.

### 6.5 GDPR

The Administrator holds personal data on behalf of the FRA, including all membership records and bank details of FPS pensioner members.

<sup>6</sup> As noted above, TPR is consulting on a new consolidated code of practice to replace the existing codes.



**The Administrator is therefore a Data Processor for pension scheme data under GDPR and must determine how, and for what purposes, data is to be processed.**

## 6.6 Overriding legislation

In addition to the scheme regulations, **the Administrator will comply with any overriding legislation in force.**

## 6.7 Audit

The Administrator is subject to an annual audit of its processes and internal controls. **It is proposed that the Administrator's internal audit will provide assurance to the Local Pension Board by auditing the pension administration service provided to the FRA** and that a copy of the audit should be provided to the Authority.

Any subsequent recommendations will be considered and where appropriate implemented following any necessary discussions with the Authority.

The Authority and the Administrator will consult with external auditors to seek acceptance of these proposals.

The Authority may commission internal and external audits and the Authority's internal and/or external auditors may require access to the data held by the Administrator and explanations of the Administrator's internal controls upon which the Authority (as Scheme Manager) relies. Therefore, **the Administrator also has an obligation to comply with any requests from the Authority's auditors.**

## 6.8 Benchmarking

**The Administrator will periodically monitor its costs and service performance** against the initial Aon report and any other benchmarking tool which may become available, to ensure that the Authority continues to receive value for money.

Results should be made available to the Authority.

## 7 Performance reporting

Ensuring compliance is the responsibility of both the Authority (as Scheme Manager) and the Administrator. Both parties should work closely together to ensure compliance with all statutory requirements, whether they are specifically referenced in the regulations, in overriding legislation, or in this administration strategy.

Both Authority (as Scheme Manager) Administrator targets will be measured on a quarterly basis against specific tasks set out in the service level agreement and these will be reported to the Authority via its Local Pension Board.

The Administrator will ensure that it is appropriately resourced to meet the service level agreement in place.

Minimum standards for completing tasks in line with industry good practice and regulations, where applicable, are included at [Appendix 1](#). These are provided as a guide to the minimum requirements.

A key factor in calculating the time taken to complete a process is the point at which the 'time clock' is started. This may be from the date of the relevant event or when the administrator is informed or receives all necessary information. The clock may also need to be 'paused' during the process, for example to await instruction or documentation from the member or employer, and these waiting days can reasonably be excluded from the total time taken.

## 8 Improving performance

**Where areas of poor performance on either side are identified, the Administrator will work closely with the Authority to provide the opportunity for necessary training and development.**

Appropriate processes will be put in place to improve the level of service delivery. [An example escalation procedure is shown below, this is intended to apply in case of performance issues identified on either side.]

- Initially, the Administrator will liaise with the Authority (as Scheme Manager) setting out the area(s) of poor performance and how they can be addressed.
- Where no improvement is demonstrated or there has been a failure to take agreed action, the Administrator will write to the Authority (as Scheme Manager) setting out the area(s) of poor performance identified and the steps required/taken to resolve these.
- If lack of improvement continues or there has been ongoing failure to take agreed action, the Administrator will write to the Local Pension Board setting out the area(s) of poor performance identified and the steps required/taken to resolve those area(s).

The Administrator relies on timely and accurate data from the Authority. Where persistent and ongoing failure occurs and no improvement is demonstrated, the Administrator will escalate this to the Authority (as Scheme Manager) via its Local Pension Board as above.

Where a failure by the Authority (as Scheme Manager) to operate in accordance with the standards described in this strategy leads to extra costs being incurred by the Administrator, the Administrator may issue a written notice requiring that these be met by the Authority (as Scheme Manager).

Any third-party costs or regulatory fines incurred by the Administrator solely as a result of poor performance by the Authority (as Scheme Manager) may also be recovered. Such costs may include fines imposed by the Pensions Ombudsman or Pensions Regulator, and additional charges in respect of actuarial or software fees, and additional printing and distribution costs.

If the Administrator fails to operate in accordance with the standards described in this strategy or the service level agreement, the Authority (as Scheme Manager) may consider whether a credit can be offset against the Administrator's annual fee. Alternatively, any fines or additional costs should be met by the Administrator.

In addition to financial penalties, both parties should consider the risk of reputational damage that may arise where a Pensions Ombudsman finding is published in the public domain and/or any fines are publicised.

These recommendations do not override the legal position and contractual relationship between the Administrator and the Authority (as Scheme Manager).

## 9 Service standards

The FRA and administrator responsibilities expected in relation to member events are outlined in the table below. Minimum standards for completing each task in line with industry good practice and regulations, where applicable, are included at [Appendix 1](#).

<b>Function/ task: New starters</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Ensure pension information is included in new starter documentation e.g. appointment letter, contract of employment.</p> <p>Ensure eligible new starters are put into the scheme from their start date.</p> <p>Provide accurate member data to the administrator on the monthly return to Scheme Administrator within 3 weeks of payslip date.</p> <p>Provide starters with a new member form and access to a scheme guide with their contract of employment.</p> <p>Determine the correct contribution band and rate for the member.</p> <p>Inform the administrator of any eligible employees subject to automatic entry, who opt out of the scheme within three months of joining.</p> <p>Process payroll refunds for these members.</p>	<p>Create accurate member records on the pensions administration system following notification of a new entrant to the scheme.</p> <p>Provide new members with confirmation of joining (within 2 weeks of notification).</p> <p>Record and update member data on the pension administration system following the receipt of a completed new member form.</p>

<p>Where there is more than one contract of employment with the same employer, each membership shall be treated separately for the purposes of the above.</p>	
<b>Function/ task: Change in circumstances (active members)</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Inform the administrator of all material changes in circumstance on the monthly return to Scheme Administrator within 3 weeks of payslip date.</p> <p>Changes may include</p> <p><b>Personal information:</b></p> <ul style="list-style-type: none"> <li>• Change of name or address</li> <li>• Marital status</li> <li>• National insurance number</li> </ul> <p><b>Conditions of employment affecting pension such as:</b></p> <ul style="list-style-type: none"> <li>• Contractual hours</li> <li>• Changes in pay</li> <li>• Contribution rate</li> <li>• Periods of reduced pay or unpaid absence</li> </ul> <p>During periods of reduced or nil pay as a result of sickness, injury or relevant child related leave (i.e. ordinary maternity, paternity or adoption leave or paid shared parental leave and any paid additional maternity or adoption leave) assumed pensionable pay should be applied for pension purposes.</p> <p><b>N.B.</b> As an increase in pay may cause a member to exceed their Annual Allowance, the administrator must be informed of:</p> <ul style="list-style-type: none"> <li>• Promotions</li> <li>• Additional allowances</li> </ul>	<p>Accurately update member records on the pensions administration system.</p>

<b>Function/ task: Annual return, Valuation,</b>		<b>Annual Benefit Statements (ABS)</b>	
<b>Employer responsibility</b>		<b>Administrator responsibility</b>	
<p>Ensure the administrator receives accurate year to date information to 31 March by the end of May that year.</p> <p>Provide the administrator with details of all CPD, temporary payments deemed pensionable and details of any temporary promotions from 1 July previous year to 30 June current year by 19<sup>th</sup> of the following month, to enable the appropriate APB to be calculated and awarded, where applicable</p> <p>Provide any additional information that may be requested to produce ABS for service up until the 31 March in each particular year within 4 weeks of request.</p> <p>Provide the administrator with up to date and correct information as and when requested in accordance with agreed timescales and the regulations.</p> <p>Ensure that all errors highlighted from the annual contribution and pensionable pay posting exercise are responded to and corrective action taken promptly.</p> <p>Completion of GAD information for IAS19 purposes</p>		<p>Process employer year end returns and produce ABS for all active members by 31 August.</p> <p>Highlight if an individual has exceeded their annual allowance and issue a pensions saving statement by 6 October.</p> <p>Produce ABS for all deferred members by 31 May (no information from employers is required).</p> <p>Provide data to the scheme actuary to carry out the 4-year valuation of the scheme.</p> <p>Completion of GAD information for IAS19 purposes</p>	
<b>Function/ task: Estimates</b>		<b>(Retirements/ Transfers)</b>	
<b>Employer responsibility</b>		<b>Administrator responsibility</b>	
<p>Determine reason for estimate and provide fully completed request including pay and other relevant information to the administrator.</p> <p>Direct members to any available online self-service facility.</p>		<p>Issue individual quotations/information after all information required to process a quotation has been received.</p> <p>Provide information to the scheme member on any potential transfer in of benefits once all information required to process the quotation has been received (transfer estimate from other pension provider, contracting out, salary details etc).</p> <p>Maintain and promote any available self-service facility which allows members to view their pension information online.</p>	

<b>Function/ task: Estimates (Divorce)</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
Provide fully completed request including pay and other relevant information to the administrator, within 10 working days of the request.	Issue divorce information including the CETV within 3 months of receipt of the request from the member or the Court.
<b>Function/ task: Retirements</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Submit the relevant, fully completed retirement form to the administrator as soon as the information is available.</p> <p>On request, provide the calculation of final pensionable pay so that the accuracy of the pay figure can be checked.</p>	<p>Return any form appearing to be incorrect to the FRA for amendment as soon as reasonably possible.</p> <p>Issue an initial offer letter and benefit information to the member within 5 working days of receiving the correct completed form.</p> <p>Issue a letter confirming actual retirement benefits within 5 working days of receiving completed documentation from the member.</p> <p>Make payment of any lump sum within 5 working days of receiving all relevant completed forms and proof of identity from the member, or on the retirement date if this is later.</p> <p>Make monthly pension payments on the relevant payment date of each month following retirement, including any arrears due. Payment dates may be adjusted to weekends and bank holidays.</p>
<b>Function/ task: Retirements – ill-health</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Determine whether the member is entitled an ill-health award after obtaining a medical opinion from an Independent Qualified Medical Practitioner (IQMP) on the relevant scheme certificate and if so, which tier – upper or lower.</p> <p>Submit the relevant, fully completed retirement form to the administrator as soon as the information is available,</p>	<p>Calculate and pay the required benefit in line with the above timescales.</p> <p>Review Injury Award pensions on an annual basis to ensure the correct DWP deductible benefits have been taken into account if this falls within the SLA.</p>

<p>including a copy of the IQMP certificate and confirmation of the relevant tier.</p> <p>On request, provide the calculation of final pensionable pay so that the accuracy of the pay figure can be checked.</p> <p>Make the appropriate payment into the notional pension fund:</p> <p>2 x final pay for lower tier 4 x final pay for upper tier</p> <p>Conduct ill-health reviews at the appropriate intervals as specified in the scheme regulations and notify the administrator of any changes.</p> <p>Review Injury Award pensions on an annual basis to ensure the correct DWP deductible benefits have been taken into account.</p>	
<b>Function/ task: Leaving before retirement – deferred benefits</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Notify the administrator using the relevant leaver form, ensuring all information is accurately provided, within 4 weeks of the final payslip.</p> <p><b>N.B.</b> This includes members opting out with more than three months' service.</p> <p>Pay any refunds due within 10 working days of notification from the administrator.</p> <p>Pay any transfer payment due within 10 working days of notification from the administrator.</p>	<p>Accurately update member records on the pensions administration system.</p> <p>Notify the member of their deferred benefit entitlement and options within 2 months of receiving the correctly completed leaver form.</p> <p>Calculate a refund to an eligible member within 10 working days of receiving all relevant documentation and notify the employer.</p> <p>Issue one transfer-out quotation, guaranteed for 3 months, within 10 working days of receiving all the information required.</p> <p>Notify the employer of the amount to pay for transfer-out within 5 days of receipt of request from member.</p>

<b>Function/ task: Members with deferred benefits</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Keep adequate records for deferred members in case of a request for early payment.</p> <p>Following an application from a former member to have their deferred benefits paid early in ill-health grounds, obtain a medical opinion from an IQMP on the relevant certificate, and determine whether the member is eligible.</p> <p>Submit the relevant, fully completed form to the administrator, including a copy of the IQMP certificate.</p>	<p>Accurately update member records on the pensions administration system.</p> <p>Provide each deferred member with an annual statement of benefits, updated by the pensions increase award when applicable.</p> <p>Calculate and pay required benefits in line with the above timescales for retirement.</p>
<b>Function/ task: Death in service</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Inform the administrator immediately following the death of a member using the appropriate means, providing details of the next of kin (if known).</p>	<p>Send an acknowledgement letter to the next of kin within 5 working days of notification of death.</p> <p>Provide a letter to dependants confirming the benefits payable within 5 working days of receiving all certificates, proof of identity, and relevant completed forms.</p> <p>Assist the FRA and the next of kin by ensuring that benefit options and payments are expedited in an appropriate and compassionate manner.</p> <p>Review children's pensions at age 18 or annually if continue in full time education to age 23.</p>
<b>Function/ task: Death on pension</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Where the FRA is made aware of the death of retired member, ensure that the administrator has been notified of the death to avoid overpayment of pension.</p>	<p>Send an acknowledgement letter to the next of kin within 5 working days of notification of death.</p> <p>Provide a letter to dependants confirming the benefits payable within 5 working days of receiving all certificates, proof of identity, and relevant completed forms.</p> <p>Where the administrator is made aware of the death of a retired member, ensure</p>



	<p>the employer has been notified of the death to enable records to be updated accordingly.</p> <p>Assist the FRA and the next of kin by ensuring that benefit options and payments are expedited in an appropriate and compassionate manner.</p>
<b>Function/ task: Purchase of added pension</b>	
<b>Employer responsibility</b>	<b>Administrator responsibility</b>
<p>Provide member with factsheet and quotation form on request. Form to be returned to the administrator.</p> <p>Arrange payroll deductions as advised by administrator.</p>	<p>Provide quote and election form to member within 10 working days of receipt of completed request.</p> <p>Advise employer of start date of contract and deductions from pay.</p> <p>Maintain a record of additional pension contracts.</p> <p>Pay the relevant benefits alongside main scheme benefits at retirement/ transfer-out.</p>

## 10 Local Pension Board responsibilities

Local Pension Boards were required to be established by the 1 April 2015 under the provisions of [Section 5 of the Public Service Pensions Act 2013](#) and regulation 4A of [The Firefighters' Pension Scheme \(Amendment\) \(Governance\) Regulations 2015](#).

The regulations state that each FRA must have an equal number of employer and member representatives, with a minimum of four members in total. Members are expected to have a sufficient degree of knowledge and understanding of the pension scheme to allow them to fulfil their role, which is to assist the scheme manager in complying with the pension scheme rules.

The LGA Bluelight pensions team can provide annual training for boards at a local or regional level. TPR also offers a series of courses on the [Public Service toolkit](#), to help those involved in scheme governance to improve their knowledge.

The Firefighter's Pensions (England) Scheme Advisory Board (SAB) website holds a range of [resources](#) that have been developed to facilitate the effective running of Local Pension Boards.

## Appendix 1. Standard timescales

Minimum standards for completing tasks in line with industry good practice and regulations, where applicable. These are provided as a guide to the minimum requirements. Any tasks with statutory deadlines have been flagged. As a matter of best practice, administrators may want to implement shorter local timescales.

Please see [Performance reporting](#) for more information.

Local arrangements between the Authority (as Scheme Manager) and the Administrator and in line with SLAs will override any suggested standard timescales.

<b>Work-flow/ task</b>	<b>Standard</b> (working days)	<b>Statutory</b>
Respond to queries from scheme members or the FRA/ administrator	5 days	No
New starters processed	10 days	2 months
Changes in details processed	10 days	No
Active ABS issued	31 August (where year-end on time)	Yes
Deferred ABS issued	31 May (or in line with active ABS)	Yes
Year-end queries to FRA	1 month	No
Pension saving statements	6 October	Yes
Retirement estimates	10 days	No
Divorce estimates	10 days	3 months
Transfers in	15 days	2 months
Transfer out estimates	10 days	3 months
Transfers out	10 days	6 months
Refunds paid	5 days	2 months
Deferred benefits calculated	2 months	Yes
Retirement options sent	5 days	2 months

Retirement benefits processed for payment	5 days (or by retirement date if sooner)	No
Deferred benefits paid	5 days	No
Death notification processed	5 days	2 months
Dependants benefits paid	5 days	No
Death grant paid	5 days	No
Retirement lump sum paid	5 days	No
Payments recalled due to death	12pm day before payroll	No
Changes to bank details	Payroll cut off	No

## Appendix 2. Governance Policy Statement

### The Devon & Somerset Fire & Rescue Authority

#### FPS Governance Policy Statement

The Public Service Pensions Act 2013 set out new governance arrangements for all public service schemes with effect from 1 April 2015, including the requirement for each public service scheme to have a **Scheme Manager** and a **Local Pension Board** in place.

#### **Scheme Manager**

The term “Scheme Manager” is defined in law as the person responsible for **managing and administering** a pension scheme. The Firefighters’ Pension Scheme (FPS) Governance Regulations provide that for the FPS, the Scheme Manager is the appropriate Fire & Rescue Authority<sup>7</sup>.

Therefore, for the FPS in the Devon & Somerset Fire & Rescue Service, the Devon & Somerset Fire & Rescue Authority is the Scheme Manager.

The Scheme Manager function may be delegated within the relevant Fire & Rescue Authority<sup>8</sup>.

The Devon & Somerset Fire & Rescue Authority has delegated the Scheme Manager function to the Co-Head of People Services.

#### **Local Pension Board**

The FPS Local Pension Board (“the Board”) was established from 1 April 2015 by the Devon & Somerset Fire & Rescue Authority at its meeting held on 20 February 2015.

The terms, structure and operational procedures of the Board are set out in the Board’s Terms of Reference, included in Appendix 3 of this document

The role of the Board is to assist the Devon & Somerset Fire & Rescue Authority as Scheme Manager<sup>9</sup>:

- to secure compliance with the FPS Regulations and any other legislation relating to the governance and administration of the Scheme, and requirements imposed in relation to the FPS by the Pensions Regulator; and
- to ensure the effective and efficient governance and administration of the FPS.

The Board provides oversight of these matters and, accordingly, it is not a decision-making body in relation to the management or administration of the FPS but makes recommendations to assist in such management.

<sup>7</sup> <https://www.legislation.gov.uk/ukxi/2014/2848/regulation/4/made>

<sup>8</sup> <https://www.legislation.gov.uk/ukxi/2014/2848/regulation/5/made>

<sup>9</sup> <https://www.legislation.gov.uk/ukxi/2015/465/regulation/4/made>

## **Governance objectives**

- To ensure robust governance arrangements are in place to facilitate informed decision making supported by appropriate advice, policies and strategies;
- To ensure the FPS is administered and its services delivered by people who have the appropriate knowledge and expertise;
- To ensure compliance with all appropriate legislation and statutory guidance, and to act in the spirit of other relevant guidelines and best practice guidance; and
- To identify and manage potential and actual conflicts of interest.

## Appendix 3: Local Pension Board Terms of Reference

Devon and Somerset Fire and Rescue Authority

### Statement of Purpose

The purpose of the Local Pension Board is to assist Devon and Somerset Fire and Rescue Authority (the Authority) in its role as a scheme manager of the Firefighters Pension Scheme, as follows:

- a) To ensure robust governance arrangements are in place to facilitate informed decision making supported by appropriate advice, policies and strategies;
- b) To ensure the FPS is administered and its services delivered by people who have the appropriate knowledge and expertise;
- c) To ensure compliance with all appropriate legislation and statutory guidance, and to act in the spirit of other relevant guidelines and best practice guidance; and
- d) To identify and manage potential and actual conflicts of interest.

### Duties of the Board

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty, Board members should:

- a) act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
- b) demonstrate standards of conduct based on the seven “Nolan” Principles of Public Life, modified accordingly and as appended to this document.
- c) be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

### Membership

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

#### Member representatives

Four member representatives shall be appointed to the Board.

Member representatives shall either be members of the scheme administered by the Authority or have experience of representing pension scheme members in a similar capacity.

#### Employer representatives

Four employer representatives shall be appointed to the Board

Employer representatives shall be Members of the Devon & Somerset Fire & Rescue Authority or senior officers of the Authority, or have experience of representing scheme employers in a similar capacity. Officers of the Authority with delegated responsibility for discharging the scheme manager function of the Authority may not serve as

employer representatives. Employer representatives shall be appointed by the Authority in a manner which it considers best promotes the purpose of the Board.

### **Other invitees**

The Board reserves the right to appoint advisers at its discretion. In the first instance, this will be a representative of West Yorkshire Pension Fund, to attend meetings as requested by the Board;

Any other appointments shall have regard to the best interests of the purpose of the Board.

### **Appointment of Chairman**

The Board will appoint a Chair from its members annually at the first meeting of the Board following the Authority's Annual Meeting.

The duties of the Chair should be in accordance with the duties of a Chair within the Authority.

Substitute representatives are not permitted because of the nature of the Board, the need for appropriate knowledge and skills and the management of conflicts of interests.

### **Notification of appointments**

On appointment to the Board, the Authority shall publish the name of the appointees, the process followed in the appointments together with the way in which the appointments support the effective delivery of the purpose of the Board.

### **Conflicts of interest**

All members of the Board must declare to the Authority on appointment, and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.

On appointment to the Board and following any subsequent declaration of potential conflict the Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Authority and the requirements of the Pensions Regulator's Codes of Practice 14: Governance and administration of public service pension schemes.

### **Knowledge and understanding (including training)**

Knowledge and understanding must be considered in light of the role of the Board to assist the Authority in line with the requirements outlined above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated. Board members

shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.

Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

### **Term of Office**

The term of office for Board Members will be four years, with two positions on the Board (ideally one employer and one member representative) being subject to appointment every year so as to maintain continuity of knowledge and experience.

To maintain continuity of knowledge and experience built up by the inaugural members of the Board, after the first four years only two positions will be considered for appointment, i.e. year 5 is first new appointment process, year 6 is second new appointment process etc. This will have the potential effect that two Board members could serve for five years and a further two for 6 years before their initial term ends.

There will be no restriction on existing Board Members being re-appointed to the Board following the end of their initial (or subsequent) term of office.

Board membership may be terminated prior to the end of the term of office in the event of:

A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme;

A member representative no longer being a member of the body on which their appointment relied;

An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;

The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

### **Notice Periods**

Except at the end of their term of office, Board members are to give three months' notice of their resignation from the Board.

### **Meetings**

The Board shall meet quarterly.

The Chair of the Board may call additional meetings subject to giving appropriate notice in light of the matter(s) to be considered. Urgent business of the Board between



meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

### **Quorum**

The total number of members required to be present for a meeting to be quorate is 50% of the total membership (i.e. four attendees), to comprise at least one employer and one member representative.

### **Voting**

The Chair shall determine when consensus has been reached.

Where consensus is not achieved, this should be recorded by the Chair.

### **Support for Core Functions**

In support of its core functions the Board may:

make a request for information to a relevant officer of the Authority with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing; and

make recommendations to the Authority, which should be considered and a response made to the Board on the outcome within a reasonable period of time.

### **Reporting**

The Board will produce an annual report for the Authority. The report will: highlight any areas of concern; provide details of any statutory breaches; identify any improvements required and highlight good practice.

The annual report will also include information on the number of retirements (natural and ill health), new starters, membership numbers and 'opt out' numbers.

### **Interpretation**

In these terms:

- 'the Scheme' means the Firefighters' Pension Scheme; and 'Regulations' means the Firefighters' Pension Scheme 1992 (as amended), the Firefighters' Pension Scheme 2006 (as amended) and the Firefighters' Pension Scheme Regulations 2014 (as amended) and
- includes the Pension Regulators Codes of Practice (as they apply to the Scheme Manager and Pension Board) and any other relevant legislation applying to the Scheme.

## Nolan” Principles of Public Life

- 1) Selflessness  
The Board should act solely in terms of assisting the Scheme Manager to discharge its obligations under the various pension legislation or regulations as may be in force. They should not act in order to gain financial or other material benefits for themselves, their family, or their friends.
- 2) Integrity  
The Board members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work.
- 3) Objectivity  
The Board must act and make recommendations impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- 4) Accountability  
The Board members are accountable to the Devon & Somerset Fire & Rescue Authority (as Scheme Manager) for their actions and must submit themselves to any scrutiny requirements as may from time to time be required by the Authority.
- 5) Openness  
The Board members should act in an open and transparent manner.
- 6) Honesty  
The Board members should be truthful.
- 7) Leadership  
The Board members should demonstrate and promote the above principles by leadership and example.

## Devon and Somerset Fire and Rescue - Core Values:



## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk Score	Control Owner	Risk Owner
LPB001	Cyber attack	Complete loss of systems	Catastrophic loss of capability	5	4	20	<ol style="list-style-type: none"> <li>1. Technological security tested in recent Pen Test</li> <li>2. Cyber attack plan</li> <li>3. BC plans (incl ICT)</li> <li>4 Staff awareness</li> <li>5. Additional comms to staff</li> <li>6. Prog of BC exercises</li> <li>7. Protective Monitoring System</li> </ol>	3	3	9	8. Evidence of BC plan for WYPF	3	3	9	<ol style="list-style-type: none"> <li>1 &amp; 2 Head of ICT</li> <li>3. HR R&amp;B Mngr &amp; HoICT</li> <li>4 &amp; 5 HR R&amp;B Mngr</li> <li>6. HR R&amp;B Mngr &amp; HoICT</li> <li>7. Head of ICT</li> <li>8. HR R&amp;B Mngr</li> </ol>	Mike Pearson
LPB002	System failure	Temporary loss of systems	Systems unavailable until recovered and potential loss of data	4	3	12	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Additional comms to staff</li> <li>4. BC exercise 2 Dec 2019</li> </ol>	3	3	9	5. Evidence of BC plan for WYPF	3	3	9	<ol style="list-style-type: none"> <li>1. HR R&amp;B Mngr &amp; Ho ICT</li> <li>2. HR R&amp;B Mngr</li> <li>3. HR Reward &amp; Benefits Manager</li> <li>4. HR R&amp;B Mngr &amp; HoICT</li> <li>5. HR Reward &amp; Benefits Manager</li> </ol>	Mike Pearson
LPB003	Power supply failure	Temporary loss of systems	Systems unavailable until recovered	3	3	9	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT, HR &amp; Finance)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Access to alternative locations</li> <li>4. Back-up generator available</li> </ol>	2	3	6	None at this time	2	3	6	<ol style="list-style-type: none"> <li>1. Heads of ICT, Finance &amp; HR R&amp;B Mngr</li> <li>2. Heads of ICT, Finance, Estates &amp; HR R&amp;B Mngr</li> <li>3. Head of Estates</li> <li>4. Head of Estates</li> </ol>	Shayne Scott
LPB004	Industrial Action	Loss of utilities or access to premises	Inability for staff to undertake work	3	3	9	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Access to alternative locations and working from home</li> </ol>	2	3	6	None at this time	3	2	6	<ol style="list-style-type: none"> <li>1. Head of ICT &amp; HR R&amp;B Mngr</li> <li>2. Heads of ICT; Finance; Estates &amp; HR R&amp;B Mngr</li> <li>3. Ho ICT/Estates</li> </ol>	Shayne Scott
LPB005	Member data incomplete or inaccurate	Incorrect pension calculations and Annual Benefit Statements and incorrect reporting to Home Office and The Pension Regulator	Pensioners may receive incorrect pensions Breaches of pension regulations	3	4	12	<ol style="list-style-type: none"> <li>1. Payroll data for active members is provided by Pay &amp; Conditions on a monthly basis to WYPF</li> <li>2. Active members, deferred members and pensioners have an online account and can check their information</li> <li>3. A data reconciliation exercise has been undertaken with GAD.</li> <li>4. Address data cleanse completed annually and any address found to be incorrect or not known are investigated using a tracing agency.</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 to 4 HR Reward &amp; Benefits Manager</li> </ol>	Zoe Smyth
LPB006	Administration process failure/maladministration	Pension administration not undertaken to the required standard	Pensioners may receive incorrect pensions Breaches of pension regulations Fraud by admin staff Fraudulent payments Failure of bank account to make payment Incorrect taxation of benefits	3	4	12	<ol style="list-style-type: none"> <li>1. Pension SLA in place with KPIs</li> <li>2. Scheme of delegation in place</li> <li>3. Regular communication with administrator</li> <li>4. WYPF have significant experience of administering a number of Fire Authorities.</li> <li>5. Within P&amp;C, we have a settled team who are competent in role.</li> <li>6. Trend lines within WYPF monthly reports for key measures</li> <li>7. WYPF to report on the agreed KPIs</li> </ol>	2	2	4	8. Review Pension Administrator's audit reports	2	2	4	<ol style="list-style-type: none"> <li>1 to 7 HR Reward &amp; Benefits Manager</li> <li>8. Head of Finance</li> </ol>	Shayne Scott
LPB007	Annual Benefit Statement (ABS) not produced in time	Breach of statutory duty	ABS not received by member and likely to be a reportable breach	3	4	12	<ol style="list-style-type: none"> <li>1. Pension data from P&amp;C now available on a monthly basis including yearend data</li> <li>2. WYPF developing an automated system for ABS statements for the Modified Pension Scheme</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 &amp; 2 HR Reward &amp; Benefits Manager</li> </ol>	Zoe Smyth
LPB008	Excessive charges by Pension Administrator	Unplanned increases in charges	Additional pressure on the budgetary efficiency of the Service	3	4	12	<ol style="list-style-type: none"> <li>1. Contracts are controlled by OJEU rules and the contract is subject to renewal on a 5 year basis with the option for an extension for 1-2 years.</li> <li>2. Contract prices and any adhoc scenarios where additional charges may be incurred are included in the contract terms.</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 &amp; 2 Head of Finance</li> </ol>	Shayne Scott

## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk Score	Control Owner	Risk Owner
LPB009	Officers or Members acting outside of delegated responsibility	Officers or Members either deliberately or unknowingly acting outside of their delegated responsibility	Additional financial implications for the pension schemes or breach of the pension regulations	3	4	12	<ol style="list-style-type: none"> <li>Authority Members have agreed an approved Scheme of Delegation and financial limits for decisions associated with the pensions.</li> <li>A Pensions Discretions Policy is in place.</li> <li>Officers are competent in pension matters and receive CPD training</li> <li>Support and advice is available through the WYPF Client Manager and the LGA Pension Advisors</li> </ol>	2	2	4	None at this time	2	2	4	1. Dem Services Manager 2 to 4 HR Reward & Benefits Manager	Mike Pearson
LPB010	Employer fails to deduct correct pension contributions from members	Incorrect pension contribution being recorded and collected	Active pensioners and DSFRS have to backdate pension contribution arrears	3	4	12	<ol style="list-style-type: none"> <li>Pension deductions and rules are set within the payroll system based on earnings</li> <li>New joiners are entered into the applicable pension scheme</li> <li>Staff who have opted-out are auto-enrolled into the applicable pension scheme unless they opt-out again</li> <li>Reconciliation of deduction carried out by Finance on a monthly basis</li> <li>Internal audit review deductions as part of audit scope</li> </ol>	2	2	4	None at this time	2	2	4	1. Head of Finance 2 & 3 HR Reward & Benefits Manager 4 & 5 Head of Finance	Shayne Scott
LPB011	Failure by the Pension Administrator to interpret rules or legislation correctly	Incorrect pension calculations and estimates	Incorrect pensions received and either backdated employer and employee contributions required or overpayments collected.	3	4	12	<ol style="list-style-type: none"> <li>Regular attendance at pension training and update events by WYPF.</li> <li>Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.</li> <li>DSFRS have regular client meetings with WYPF and scrutinise pension changes</li> </ol>	2	2	4	None at this time	2	2	4	1 to 3 HR Reward & Benefits Manager	Zoe Smyth
LPB012	Annual Statutory Accounts criticised by external auditors / The Pension Regulator	Major issues exist with the Management and Administration, and/or accounting for the Firefighter Pension Schemes	Reputational damage to the Service. Dissatisfaction from staff in the service they receive.	3	4	12	<ol style="list-style-type: none"> <li>Trained, experienced officers produce the accounts to a detailed timescale.</li> <li>Pension data for the accounts is provided by the Governments Actuary Departments (GAD).</li> <li>Advice available from the Fire Finance network, LGA and Pension Administrator</li> </ol>	2	2	4	None at this time	2	2	4	1 to 3 Head of Finance	Shayne Scott
LPB013	Failure to communicate with staff concerning significant changes to pension arrangements	Pension members not receiving correct information	Members could make key pension decisions with inadequate information available to them	3	4	12	<ol style="list-style-type: none"> <li>Regular attendance at LGA pension training events.</li> <li>Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.</li> <li>Client meetings with WYPF and scrutiny of pension changes</li> <li>Ensure information on the impact of promotions to the Annual Allowance is made clear to staff.</li> </ol>	1	2	2	None at this time	1	2	2	1 to 4 HR Reward & Benefits Manager	Zoe Smyth
LPB014	Court of Appeal decision on unlawful discrimination from Transitional arrangements for transfer from the 1992 to 2015 (McCloud/Sargent case)	2015 scheme members will need to be transferred back to their preferred pension scheme	Significant pension administration in making back-dated adjustments to pensions. Implementation of the remedy may be problematic due to data gaps following transfer of payroll and pensions providers	4	5	20	<ol style="list-style-type: none"> <li>Employers will be represented at the ET.</li> <li>Ensuring that historic data that might be required is retained to help manage any potential remedy</li> <li>Pension reserve in place to support administration costs</li> <li>Accessing information from LGA to ensure we are fully informed</li> <li>Receiving updates from Fire Finance Network and national reps</li> <li>Legal advice</li> <li>LGA 'coffee mornings'</li> <li>Pensions Officer appointed</li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>Consideration of data retention pending remedy</li> <li>Ability to take on additional staff to support administration (pending reserve)</li> <li>PSTax Advice to be obtained</li> </ol>	2	5	10	1 & 2 HR Reward & Benefits Manager 3. Head of Finance 4. HR Reward & Benefits Manager 5. Head of Finance 6 to 10 HR Reward & Benefits Manager 11. Head of Finance	Shayne Scott

## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk Score	Control Owner	Risk Owner
LPB015	Court of Appeal decision on unlawful discrimination for Part-time workers prior to 2000 (O'Brien/Matthews case)	Pension entitlement prior to 2000 will need to be calculated and a repayment scheme made available (similar to 2006 modified exercise)	Significant pension administration in making back-dated adjustments to pensions. Implementation of the remedy may be problematic due to data gaps following transfer of payroll and pensions providers (and potential to go back to 1976 service)	3	5	15	<ol style="list-style-type: none"> <li>Employers represented at the ET.</li> <li>Ensuring that historic data that might be required is retained to help manage any potential remedy</li> <li>Pension reserve in place to support administration costs</li> <li>Accessing information from LGA to ensure we are fully informed</li> <li>Receiving updates from Fire Finance Network and national reps</li> <li>Pensions Officer appointed</li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>Consideration of data retention pending remedy</li> <li>Ability to take on additional staff to support administration (pending reserve)</li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>1 &amp; 2 HR Reward &amp; Benefits Manager</li> <li>Head of Finance</li> <li>HR Reward &amp; Benefits Manager</li> <li>Head of Finance</li> <li>6 to 8 HR Reward &amp; Benefits Manager</li> </ol>	Shayne Scott
LPB016	Flu Pandemic	Pension scheme administration cannot be undertaken	Increase in administration of pensioner records and administrator absence due to illness	3	4	12	<ol style="list-style-type: none"> <li>Working at home arrangements</li> <li>HR Business continuity plans</li> <li>Government guidance on healthy workplaces</li> <li>WYPF business continuity arrangements</li> </ol>	2	2	4	None at this time	2	2	4	1 to 4 HR Reward & Benefits Manager	Zoe Smyth
LPB017	Loss of Key Staff	Single points of failure	Pensioners may receive incorrect pensions Breaches of pension regulations	3	4	12	<ol style="list-style-type: none"> <li>Head of HR supported by Rewards and Benefits Manager</li> <li>Pension SLA in place with KPIs</li> <li>Scheme of delegation in place</li> <li>WYPF has an experienced team</li> <li>P&amp;C has an experienced team.</li> <li>WYPF to report on the agreed KPIs</li> <li>Pensions Officer appointed</li> <li>Additional FTC post in P&amp;C</li> <li>Succession planning in place</li> </ol>	2	2	4	None at this time	2	2	4	1 to 9 HR Reward & Benefits Manager	Zoe Smyth
LPB018	GDPR Breach	Failure to comply with GDPR	Prosecution, fines, enforcement notices, civil action, reputational damage.	3	4	12	<ol style="list-style-type: none"> <li>GDPR impact assessments conducted by DSFRS as part of GDPR prep</li> <li>GDPR requirements included in pensions administration contract</li> <li>Data sharing agreements in place with WYPF</li> <li>Staff induction and CPD includes GDPR</li> </ol>	2	2	4	None at this time	2	2	4	1 to 4 HR Reward & Benefits Manager	Zoe Smyth
LPB019	Failure of LPB members to maintain knowledge and understanding to required level	Failure of LPB to discharge its statutory functions	Breaches of the law. Action by TPR. Reputational damage	3	3	9	<ol style="list-style-type: none"> <li>LPB induction includes: TPR CoP 14; TPR e-learning; and LGA training</li> <li>Attendance at LGA Annual Fire Pensions Conference</li> <li>Regular LPB meetings</li> <li>LPB meetings include a training topic to reinforce learning or generate debate</li> <li>TNA and individual training plans</li> </ol>	2	1	2	None at this time	2	1	2	1 to 5 HR Reward & Benefits Manager	Mike Pearson
LPB020	Employer incorrectly enrolls an employee into the Firefighter's Pension scheme	Failure to auto enrol in an appropriate pension scheme resulting a breach of the law from incorrect application of pension rules and incorrect deductions from pay	Fines or other action by the Pension Regulator. Reputational damage. Staff dissatisfaction and complaints take up management time.	3	4	12	<ol style="list-style-type: none"> <li>P&amp;C staff informed that only FF on permanent contracts can be enrolled in the FFPS.</li> <li>P&amp;C staff informed to not include the FFPS in the offer letter for FF on FTCs but to include the LGPS.</li> <li>Auto enrolment for FF on temporary contracts will only be applied under the LGPS.</li> </ol>	2	2	4	None at this time	2	2	4	1 to 3 HR Reward & Benefits Manager	Zoe Smyth

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## Devon and Somerset Fire and Rescue Authority - Local Pension Board Work Programme 2022 - 2024 v0.03

Theme	Activity	SI	07-Sep-22	07-Dec-22	15-Mar-23	21-Jun-23	13-Sep-23	06-Dec-23	13-Mar-24	20-Jun-24	11-Sep-24	04-Dec-24
Administration	Confirmation website up to date	Y	X	X	X	X	X	X	X	X	X	X
Administration	Correspondence	Y	X	X	X	X	X	X	X	X	X	X
Administration	LGA Bulletin Overview	Y	X	X	X	X	X	X	X	X	X	X
Administration	Scheme Manager's Report	Y	X	X	X	X	X	X	X	X	X	X
Governance	LPB Work Programme	Y	X	X	X	X	X	X	X	X	X	X
Risk and Assurance	KPIs	Y	X	X	X	X	X	X	X	X	X	X
Risk and Assurance	LPB Action Log	Y	X	X	X	X	X	X	X	X	X	X
Risk and Assurance	Risk Register	Y	X	X	X	X	X	X	X	X	X	X
Training	Training Log	Y	X	X	X	X	X	X	X	X	X	X
Administration	ABS Feedback		X				X				X	
Governance	Annual Report		X			X				X		
Governance	Appointments to the Board				X				X			
Governance	Review of Breaches											
Governance	Review ToR		X		X				X			
Governance	Roles and Responsibilities		X		X				X			
Governance	TPR Annual Survey Results				X				X			
Governance	TPR Annual Survey Return			X		X				X		
Risk and Assurance	Annual review of internal controls				X				X			
Risk and Assurance	LPB Audit Report											
Risk and Assurance	TPR Self Assessment					X				X		
Training	Annual Training Needs Analysis		X			X				X		
Training	Induction for new members						X				X	

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