



Firefighter Pension Schemes Local Pension Board Minutes

Date of meeting	Thursday 6th June 2019
Time of meeting	10.00am
Location of meeting	Room FF33, First Floor, Kelvedon Park

Employer representatives:

Dave Bill, Assistant Chief Fire Officer, Director of Innovation, Risk and Future Development (Chair)

Moira Bruin, Assistant Chief Fire Officer, Director of Operations

Employee representatives:

Alistair Castle, FRSA

Andy Knowles, FBU

Invited participants:

James Durrant, Pensions Manager

David Golding, Technical Analyst, Essex Pension Fund

Apologies from:

Sally Froment, Head of HR Partnering

Michael Jerrison, Pensions Support Officer

Gavin Tripp, FOA

	Agenda item	Action
1	<p>Welcome, introductions and apologies</p> <p>Dave welcomed all to the meeting.</p> <p>There were apologies from Board members Sally Froment and Gavin Tripp. Michael Jerrison also sent his apologies.</p> <p>New Board member Andy Knowles (FBU) was welcomed to the meeting.</p> <p>Gavin Tripp (FOA) has had to step down from the Board. The FOA lead has been asked for a replacement FOA representative on the Board.</p> <p>The meeting was declared as quorate.</p>	
2	<p>Conflict of interest declarations</p> <p>In the meeting, all Board members who are members of one of the Firefighters Pension Schemes completed a declaration of a potential conflict interest form.</p> <p>No other conflicts of interest were declared.</p>	
3	<p>Minutes of last meeting</p> <p>Dave went through the minutes and action points from the last meeting on Monday 11th March 2019.</p> <p>The following action items were discussed:-</p> <p><u>Conflict of interest declarations to be provided to those eligible and have not yet completed one.</u> These were completed under Agenda item 2.</p> <p><u>James to email a reminder to Dave and Dave to feed back at next meeting following his discussion with a retired firefighter.</u> James had sent the reminder and Dave has had the opportunity to ask the Retired Member's Association. The representative will consider this and come back to Dave should they wish for representation on the Board. James reminded the Board that this would be an additional employee representative position, not a replacement. As such, we would need to recruit an additional employer representative so that there are equal numbers of employer and employee as required under the Public Service Pension Act 2013.</p> <p><u>James to look into whether APBs can be paid if a person is dismissed.</u> James has looked into the regulations and they do appear to indicate that APB's cannot come into payment if a person is dismissed. However, the position is not clear cut, so James has sent a query to the Firefighter Pensions Advisor at the Local Government Association (Clair Alcock) for clarity on the intention of the regulations.</p> <p><u>Board to receive training on retirement scenarios at the next meeting.</u> Retirement scenarios training took place at Agenda Item 4.</p>	

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<p><u>James to speak to Glenn regarding decisions on GMP reconciliation.</u> To be discussed at Agenda Item 8.</p> <p><u>James will take advice from the Service's DPO for the 1 remaining FPS 2006 case.</u> To be discussed at Agenda Item 8.</p> <p><u>James will email the link to the TPR module. Board members to complete 'Conflicts of Interest'.</u> The link was sent to all Board members. There was a high completion rate. All board members present at this meeting had completed the module.</p> <p>Andy queried page 5 & 6 of the minutes, why, if the cost cap has breached the floor, meaning that scheme members benefit from an improvement in the Firefighter Pension Scheme 2015, employer rates have increased. David replied that there is a restriction on what is measured by the cost cap and therefore what costs fall on employees, whereas Fire Authorities must pick up the cost for things such as Milne v GAD, the Modified pension scheme, contribution holiday etc.</p>	
<p>4 Training Item – Retirement Scenarios</p> <p>David provided the training item on retirement scenarios available across the Firefighter Pension Schemes.</p> <p><u>Normal Retirement Ages</u> The normal retirement ages are as follows:- Firefighters' Pension Scheme 1992 is age 55, Firefighters' Pension Scheme 2006 Standard Members: Age 60, Special Members (Modified): Age 55 and Firefighters' Pension Scheme 2015: Age 60.</p> <p>There are two distinct sections of the 2006 scheme; special members of the modified section whose normal retirement age is age 55; and standard members with a normal retirement age of 60.</p> <p><u>Firefighters' Pension Scheme 2015 (FPS 2015)</u> In the FPS 2015 a member retiring at age 60 or over receives their 2015 benefits with no early retirement reduction. If they retired between 55 and 60, then an early retirement reduction is applied. The amount of reduction applies depending on how close to age 60 the member is upon retirement.</p> <p>For all these options, it is important to note that payment of the 2015 benefits does not happen automatically upon the member leaving the fire authority; the member must actually claim their pension, so they will need to elect to take their benefits.</p> <p>If a member retires beyond the normal pension age of 60, '<i>Age Additions</i>' are applied to the FPS 2015 pension at the start of each scheme year following the member's 60th birthday. In other words, the FPS 2015 pension is enhanced to take into account that the member is retiring after the normal pension age.</p>	

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<p>There is a 'Partial Retirement' option from age 55 for the FPS 2015. This is where the member reaches age 55, elects for the partial retirement option, they can claim their FPS 2015 pot that they have accrued up to their election date. The FPS 2015 benefits are reduced if the member is not yet age 60. The member doesn't have to leave their employment and can continue to build up FPS 2015 pension. Exercising this option does not mean that they can access any 1992/2006 scheme rights because they are not actually leaving their employment. Effectively the member's active FPS 2015 account is closed and paid as a pension; and a new active FPS 2015 account is established. The first day of new FPS 2015 membership is set to the day after the date of the member's election. Where the member has more than one active FPS 2015 account (for example is whole-time and on-call) they can exercise the partial retirement option in respect of either role or both.</p> <p>If a person leaves the FPS 2015 before age 55, their FPS 2015 benefits are deferred and are payable from their state pension age. However, the person can claim their FPS 2015 pension at any age from 55; however, early retirement reductions are applied. For a deferred pension, the amount of reduction applies depending on how close to their state pension age the member is upon retirement. A person's state pension age is not fixed at the point of leaving; it is subject to change by the Government.</p> <p>A member can defer taking their FPS 2015 benefits until age 75 if they wish to.</p> <p>The board discussed what the benefit would be of deferring it beyond the state pension age. David replied that he is not entirely sure why a person would do this, perhaps it might affect someone's state benefits. This is linked to HMRC's legislation that a pension must be put in to payment by age 75.</p> <p>We currently have six members who could retire and claim their 2015 Scheme benefits immediately. However, their FPS 2015 benefits are currently very small so they are unlikely to yet. There are ten active FPS 2015 members who will attain age 55 within the next 12 months.</p> <p><u>Firefighters' Pension Scheme 2006 - Standard (FPS 2006)</u></p> <p>In the FPS 2006 a standard member retiring at age 60 or over receives their 2006 benefits with no early retirement reduction. If they retire between 55 and 60, then an early retirement reduction is applied. The amount of reduction applies depending on how close to age 65 the member is upon retirement.</p> <p>For standard 2006 members, important to note that there is no option to retire from active service before age 60. The member initiated early retirement option has to be initiated from deferred status.</p> <p>If members do choose to retire early, they will incur a reduction to their benefits. This table shows the reduction percentage applied, depending on the situation. Based on the most recent early reduction factors issued in December 2018.</p> <p>These factors are subject to change:-</p>	

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	Early Retirement Reduction %				
	55	56	57	58	59
2015 scheme (active)	21.3%	17.7%	13.7%	9.5%	4.9%
2015 scheme (deferred) ¹	46.6%	44.1%	41.5%	38.7%	35.7%
2006 scheme (deferred)	39.9%	37.1%	34.2%	31.0%	27.6%

¹ Based on a state pension age of 67

Firefighters' Pension Scheme 2006 (FPS 2006) - Special Members

In the FPS 2006 a special member retiring at age 55 or over receives their special 2006 benefits. There are no early retirement reductions applicable to special members as it is not possible to retire earlier than age 55. If they leave before age 55, their special pension is deferred and the benefits are payable from age 60.

Firefighters' Pension Scheme 1992 (FPS 1992)

In the FPS 1992, a person retiring from age 55 or over accesses their 1992 benefits. A member can retire between age 50 and 55 if they have at least 25 years' service, however they are unable to access the full 25% commutation.

Transitional Protection - Accessing Existing Scheme Benefits

1992 Scheme transition members are able to access their FPS 1992 benefits when they retire, from age 50 with 25 or more years pensionable service. Pensionable service for the purpose of calculating access to the pension will include any continuous pensionable service accrued under both the 1992 scheme and the 2015 scheme. However, their FPS 2015 benefits would become deferred, payable from their state pension age. The member could subsequently take their 2015 deferred benefits early from any age between 55 and state pension age.

For an FPS 1992 transition member retiring from FPS 2015 aged between 55 and 60, their FPS 1992 benefits become payable and they can choose to also take their FPS 2015 benefits early with reduction; otherwise FPS 2015 benefits would become deferred, payable from state pension age. The member could subsequently take their deferred FPS 2015 benefits early from any age between 55 and state pension age.

An FPS 1992 transition member retiring from FPS 2015 aged 60 or over, their FPS 1992 benefits become payable and the member can claim to have their FPS 2015 benefits paid immediately unreduced. The member can defer claiming the FPS 2015 benefits after leaving service but the scheme manager would then decide the date from which the benefits become payable.

For an FPS 2006 transition member retiring from FPS 2015 aged between 55 and 60, their FPS 2006 benefits become deferred; but the member could subsequently take FPS 2006 deferred benefits from any age between 55 and 65. The member can choose to take FPS 2015 benefits early with reduction;

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<p>otherwise 2015 benefits would become deferred, payable from SPA; but member could subsequently take 2015 deferred benefits early from any age between 55 and SPA.</p> <p>An FPS 2006 transition member retiring from FPS 2015 aged 60 or over, has their FPS 2006 benefits payable unreduced and they can claim their FPS 2015 benefits to be paid immediately unreduced. The member can defer claiming the FPS 2015 benefits after leaving service but the scheme manager would then decide the date from which benefits become payable</p> <p>As the majority of members are no longer going to have a single scheme entitlement, this leads to more confusion, not just for members, but also for HR, payroll and pension practitioners.</p> <p>The training gave rise to a number of questions:-</p> <p>Andy asked about what would happen in the following scenario:- An individual is currently a wholetime firefighter in Essex, has 19 years' service and been a continuous member of the FPS 1992 and FPS 2015 scheme. He is considering a move to a different county and is planning to apply to transfer to the local fire and rescue authority for a wholetime role, but should his whole time transfer not happen, he may take a retained position at the new brigade. If he were to take a retained role at his new brigade, assuming continuous 30 years' service, would his 1992 scheme benefits be protected and at what wage will his final salary pension be calculated. His concern is that the accrued 1992 scheme benefits will be calculated at his retained duty rate of pay.</p> <p>James replied that the key thing is that service must be continuous; with no break and must not overlap. If so, if he leaves his wholetime role with Essex and joined retained with another FRA the very next day, there is nothing to break his continuous membership of a Firefighter Pension Scheme. So, he could still access his FPS 1992 benefits at age 50 if he has 25 years membership at that time (membership of the FPS 1992 + FPS 2015 counts towards this total). With regard to the final salary, this would be linked to his final pay at the end of his career and is not the actual (lower) earnings in the retained role, but the pay of a wholetime firefighter of equivalent rank and experience. It would also take account of any promotional rises in the retained role. But, if there is a break or if service overlaps, the records cannot be combined. This will mean that the FPS 1992 benefits will be deferred until age 60 and a separate FPS 2015 account will have to be set up for the retained role. This is Essex's understanding of the pension regulations. If he moves FRAs, ultimately the responsibility for administering the benefits will sit with the new Fire Authority, so it may depend on their understanding of the regulations rather than ours.</p> <p>There was a further question about if the member was over 50 with 25 years' service and there was a gap in employment between authorities, can the FPS 1992 benefits come into payment. James and David believed that it could. Dave suggested that we check that this is Clair Alcock's understanding too.</p> <p>Andy also asked if a member retired at 30 years' service at age 52, the person can then take their FPS 2015 benefits at age 55 but with an early retirement reduction. However, the reduction is looking at the period from age 55 to state</p>	<p>James to check that the scenario discussed is Clair Alcock's understanding of the rules.</p>

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<p>pension age, so the reduction is significant. James confirmed that this is the case. Dave said that he had also had this query from another Authority, which James had confirmed.</p> <p>Andy asked if the option to join the Modified scheme is closed. He has a retired person who is eligible but who did not reply to the form. James and David replied that the option is no longer available. The Board briefly discussed the O'Brien case, which relates to a part-time recorder in the Judicial pension scheme who won his case to have his service prior to 2000 count as pensionable. It is not known if this will be applicable to the Fire scheme, or if it was to be, whether it would open up the Modified scheme to new people or only those who elected under the original exercise. The member may wish to appeal, so James will send Andy the information on the Internal Dispute Resolution Procedures.</p> <p>Andy asked whether people could elect to leave the FPS 2006 and switch to the FPS 2015. David replied that this option is not within the regulations but is aware that another public sector scheme incorporated this into their rules.</p> <p>Dave asked as these scenarios are making pensions more complicated, whether there is there a pension modeller that can be used, or if not whether one can be built. James replied that there is not for Fire, but Police have one. James and David will discuss this at their quarterly meeting in June.</p> <p>Andy asked about when Additional Pension Benefit applies. James replied it applies to increases in pay for temporary promotion in the FPS 1992, 2006 and Modified. It is not pensionable for FPS 2015. Dave stated that this is a scheme manager discretion as to whether it counts as pensionable as an APB or is non-pensionable and this differs from Authority to Authority.</p>	<p>James and David to discuss a pension modeller.</p>
<p>5 Transitional Protection Legal Challenge</p> <p>James provided an update on the case, referred to as the 'McCloud case'.</p> <p>The case concerns the transitional protections given to scheme members, who in 2012 were within 10 years of their normal retirement age, in the judges and firefighters schemes as part of public service pensions reform. Tapered protections were provided for those 4 years younger.</p> <p>On 20 December 2018 the Court of Appeal found that these protections were unlawful on the grounds of age discrimination and could not be justified. If the protections are unlawful then those members who are found to have been discriminated against will need to be offered appropriate remedies to ensure they are placed in an equivalent position to the protected members.</p> <p>Such remedies will need to be 'upwards' meaning that the benefits of unprotected members will need to be raised, rather than the benefits of protected members being reduced.</p> <p>If the protections are found to be lawful then the FPS 2015 must be improved anyway because of the scheme breaching the cost-cap floor.</p>	

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	<p>Following the Court of Appeal judgement in December 2018, the Government made an application to the Supreme Court seeking permission to appeal the Court of Appeal's decision.</p> <p>Initially the outcome of that application was expected in April, but indications now are that the outcome of that application will be known in July. The time estimate could change, depending on the Supreme Court's caseload and its management of the application.</p>	
6	<p>High Court pensionable pay judgment</p> <p>James updated the Board on the High Court case concerning pensionable pay under the Firefighters Pension (Wales) Scheme, which considered if allowances, alongside the firefighter's basic pay, constituted pensionable pay.</p> <p>Four firefighters (Booth, Bradshaw, Jones and Skhane) made complaints to the Pensions Ombudsman. Bradshaw was a pensioner member of the Firefighters' Pension (Wales) Scheme 1992. Booth, Jones and Skhane were all former members of the Firefighters' Pension Scheme (Wales) 2007 and active members of the Firefighters' Pension Scheme (Wales) 2015.</p> <p>The allowances:</p> <ul style="list-style-type: none"> • Bradshaw received a training allowance, which had not been treated as pensionable. • Booth received a daily crew allowance, which was only partly treated as pensionable. • Jones received a self-rostered crewing allowance, which was only partly treated as pensionable pay. • Skhane received an urban search and rescue allowance (USAR), which was not treated as pensionable pay. <p>In October 2018, the Pension Ombudsman upheld the complaints of Bradshaw and Skhane and dismissed the other claims. Booth, Jones and the Authority appealed against the Pensions Ombudsman's determination.</p> <p>The High Court judge therefore had to consider 1) whether the additional allowances related to work done in performance of the duties of their role; and if so, 2) whether the allowance was sufficiently regular in nature to constitute pensionable pay.</p> <p>For Bradshaw, the judge disagreed with Pensions Ombudsman decision that all of the various allowances were pensionable. The judge instead took the view that only the allowances from July 2012 were within the meaning of pensionable Pay (after Bradshaw's role was confirmed as permanent). Any allowances up to that point were on a temporary basis only. The Authority's appeal was therefore allowed in part.</p> <p>For Booth and Jones, which were considered together as, although they received different allowances, both related to the particular duty system in place at their respective stations. The main consideration was whether the allowances they had received were temporary or permanent.</p>	

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<p>The Authority submitted that the allowances were temporary, as they did not endure for the entire duration of a firefighters' employment, rather they were specific to different duty systems and so if a firefighter was transferred to a different station, the allowance would cease</p> <p>The judge disagreed with this argument and took the view that 'permanent' need not mean enduring until the end of employment. Although the allowances could change upon transfer between stations, the duties relating to the allowances were nonetheless part of the firefighters' role and were not at any time optional. The judge also stressed that if a firefighter were never transferred to another station, they would continue to receive the allowance, therefore making it permanent in nature.</p> <p>Regarding Skhane, the Pensions Ombudsman considered the allowance to be permanent, Mr Skhane was performing his duties within the USAR team and there was no intention for that team to terminate unless funding ceased. The Ombudsman also relied on notice period in the contract (12 weeks for over 12 years of service) which would not be necessary for a temporary role.</p> <p>The judge took the opposite view and stated that as the allowance was only payable under the renewable contract, which was separate to Skhane's general contractual duties as a firefighter, it was not paid in relation to the performance of his duties as a regular firefighter. As the contract was subject to renewal indicated that the allowance was temporary. The judge held that permanence had to be assessed by reference to the duration of the main contract for the role of regular firefighter which was permanent in nature as opposed to the secondary USAR contract. The cases are summarised below:-</p> <table border="1" data-bbox="156 1160 1273 1787"> <thead> <tr> <th data-bbox="156 1160 379 1263">Pay Element(s)</th> <th data-bbox="379 1160 587 1263">Scheme</th> <th data-bbox="587 1160 1273 1263">High Court judgment</th> </tr> </thead> <tbody> <tr> <td data-bbox="156 1263 379 1391">Training Allowance</td> <td data-bbox="379 1263 587 1391">1992</td> <td data-bbox="587 1263 1273 1391">Pensionable as part of permanent role, but not pensionable if attached to a temporary promotion.</td> </tr> <tr> <td data-bbox="156 1391 379 1485">Day Crewing</td> <td data-bbox="379 1391 587 1485">2007 & 2015</td> <td data-bbox="587 1391 1273 1485">Pensionable</td> </tr> <tr> <td data-bbox="156 1485 379 1579">Self-Rostered Crewing</td> <td data-bbox="379 1485 587 1579">2007 & 2015</td> <td data-bbox="587 1485 1273 1579">Pensionable</td> </tr> <tr> <td data-bbox="156 1579 379 1787">USAR</td> <td data-bbox="379 1579 587 1787">2007 & 2015</td> <td data-bbox="587 1579 1273 1787">Not pensionable because it is part of a secondary contract which is paid in relation to the performance of the duties of a specialist USAR team member rather than forming the duties of the Firefighter's role as a Firefighter.</td> </tr> </tbody> </table> <p>All FRAs will need to review all contracts and allowances in place and might find that they need to make an allowance or payment pensionable when it is currently considered non-pensionable, or non-pensionable when it is currently considered pensionable.</p> <p>When making any pensionable pay decision, the reasoning for that decision and what case law has been considered should be documented.</p>	Pay Element(s)	Scheme	High Court judgment	Training Allowance	1992	Pensionable as part of permanent role, but not pensionable if attached to a temporary promotion.	Day Crewing	2007 & 2015	Pensionable	Self-Rostered Crewing	2007 & 2015	Pensionable	USAR	2007 & 2015	Not pensionable because it is part of a secondary contract which is paid in relation to the performance of the duties of a specialist USAR team member rather than forming the duties of the Firefighter's role as a Firefighter.	
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	<p>With regards to any retrospective action that may be needed to correct pensionable pay where it has been previously deemed as not pensionable, LGA on behalf of SAB are taking further legal advice.</p>	
7	<p>James took the Board through their work-plan activities for June.</p> <p>i) TPR Public Service Governance and Administration Survey – Results discussed (carried forward). The survey results have again been delayed and have not yet been published. This will be carried forward to September’s meeting.</p> <p>ii) End of year Pension returns – feedback/performance against target date James updated on the performance following the end of year return. This exercise feeds into the Annual Pension Benefit Statements which will be sent by 31 August 2019.</p> <p>1,115 pension records were reported to Essex Pension Fund within the deadline of 30 April 2019. This was more challenging than in recent years as reports were required from both the old and new HR & payroll systems (SAP and Civica). All queries have been responded to.</p> <p>iii) Auto-Re-enrolment – strategy James updated the Board on the processes required for Automatic Re-enrolment. This is a Government initiative to help people save more for their retirement. Legislation requires employers to enrol their workers into a workplace pension scheme every three years.</p> <p>The three-year anniversary of ECFRS’ Pensions Automatic Enrolment date occurs this year and the selected Auto Re-enrolment date for ECFRS is 1 September 2019. This means that anybody not in one of ECFRS’ pension schemes in an employment, will be auto re-enrolled into a pension scheme if they meet the qualifying criteria in September 2019:-</p> <ul style="list-style-type: none"> • Anyone not currently in a pension scheme and:- • earns more than £833.33 in September 2019, • is over the age of 22 but below state pension age, • did not opt-out of an ECFRS pension scheme in the last 12 months and, • does not hold protection against the HMRC lifetime allowance. <p>Each employment is assessed separately against the criteria. The scheme for firefighters is the FPS 2015, or the FPS 2006 if they qualify for transitional protection.</p> <p>If individuals are auto re-enrolled and do not wish to be in the pension scheme, they can opt-out by completing an opt-out form, but they cannot complete an opt-out form before being re-enrolled. ECFRS cannot provide the individual with an opt-out form. The individual must obtain it from the scheme administrator (or the website) and send to the HR Support team. There is a three month deadline (30 November 2019) in which the person must complete and return their opt out form to HR, in order to receive a refund of contributions.</p>	

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<p>The Board agreed to the following plan:-</p> <table border="1" data-bbox="153 230 1294 790"> <thead> <tr> <th data-bbox="153 230 456 349">Date</th> <th data-bbox="456 230 1294 349">Action</th> </tr> </thead> <tbody> <tr> <td data-bbox="153 349 456 450">1 – 30 June 2019</td> <td data-bbox="456 349 1294 450">Auto-enrolment functionality to be tested in Civica's test system after June's payroll is completed.</td> </tr> <tr> <td data-bbox="153 450 456 584">1 July 2019</td> <td data-bbox="456 450 1294 584">Those not in a pension scheme will be emailed to advise them that Auto-enrolment may apply to them in September if they meet the criteria.</td> </tr> <tr> <td data-bbox="153 584 456 658">1 August 2019</td> <td data-bbox="456 584 1294 658">Reminder email sent to those who may be auto-enrolled.</td> </tr> <tr> <td data-bbox="153 658 456 790">1 September 2019</td> <td data-bbox="456 658 1294 790">Letters to those auto-enrolled to be sent on 1 September. Those with variable pay may have their letter sent as soon as their pay is finalised.</td> </tr> </tbody> </table> <p>iv) Pension Board Annual Report to PFCC James advised that the Pension Board's Annual report is to be submitted to the Police Fire and Crime Commissioner. The report updates the PFCC of the Board's membership and activity from 1 April 2018 to 31 March 2019.</p> <p>Board members are asked to approve the report, or suggest any amendments. The report will be circulated to Board members who will be given a deadline of two weeks to provide their comments.</p> <p>v) National Fraud Initiative James updated the Board on the progress on the National Fraud Initiative (NFI). NFI is an exercise run by the Cabinet Office that matches electronic data within and between public and private sector bodies to prevent and detect fraud. This exercise detects cases where a pension might still be being paid to a deceased person, or where possible abatement might apply.</p> <p>Our report said that there were nine people showing as deceased, and twenty eight people receiving a pension and a salary from us. However they were all people we already knew about. The nine people had died between the period from when we sent the list of pensioners to the Cabinet Office and when their file was returned to us.</p> <p>At the Board's next meeting on 4 September 2019, the Board will consider, the performance against target date of the Additional Pension Benefit return (Temporary Promotion & CPD), early feedback from Annual Benefit Statements and feedback on Auto Re-enrolment.</p>	Date	Action	1 – 30 June 2019	Auto-enrolment functionality to be tested in Civica's test system after June's payroll is completed.	1 July 2019	Those not in a pension scheme will be emailed to advise them that Auto-enrolment may apply to them in September if they meet the criteria.	1 August 2019	Reminder email sent to those who may be auto-enrolled.	1 September 2019	Letters to those auto-enrolled to be sent on 1 September. Those with variable pay may have their letter sent as soon as their pay is finalised.	
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<p>8 Update on Guaranteed Minimum Pension reconciliation</p> <p>David updated the Board on the progress of the GMP reconciliation.</p> <p>There are two stalemate cases. These are where we believe there should be a GMP liability but HMRC say there is not.</p>											

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	<p>One case is where HMRC says the GMP is with another pension scheme, but the member has never had a transfer of pension rights. The second is where HMRC say the member had paid A or X rate national insurance contributions. David and the team are not sure why HMRC think this.</p> <p>Dave asked how the Pension Board can assist with this. James advised that a scheme manager decision is required on these cases. The Board to be advised of the decision.</p>	
9	<p>Update from Pensions Manager:-</p> <p>James gave the update from the Pensions Manager:-</p> <p><u>a) Internal Dispute Resolution Procedures (IDRP)</u> James advised the Board that there are currently three cases under IDRP. IDRP is available to all members of occupational pension schemes and to their dependants.</p> <p>They offer a means of formally raising, and resolving, grievances about the way in which pension rights have been managed. There are two stages to the procedures; at stage one the grievance will be considered by the Chief Fire Officer, or a person specified by her to decide a stage one application. If the person with the grievance remains dissatisfied, he or she may then enter stage two. At Stage Two the grievance is heard by the PFCC or a person specified by him who works for the Office of the PFCC. If the person remains dissatisfied after stage 2, they may appeal to the Pensions Ombudsman.</p> <p>All cases have been assigned to a person at Assistant Director level or above. A complaint about the non-award of injury benefits has reached stage 2. The other two cases are at stage 1.</p> <p><u>b) Day Crew Pensions – Norman v Cheshire</u> On the advice of the Scheme Manager, the remaining person was written to informing them that the amount is still outstanding and if they do not respond then the debt will be applied to their record and deducted at retirement and interest will be added.</p> <p>The one remaining reply has now been received and the deduction will begin in the June payroll.</p> <p><u>c) 18-20 Contribution Holiday update</u> There remains one person who has still not claimed their payment. Dave suggested that this is removed from future Board business as the Board is satisfied that the Scheme Manager has done everything possible to encourage the individual to collect the money. James will continue to chase but will remove from future Board business.</p>	
10	<p>Update on training/training plan</p> <p>As there are a few IDRP's ongoing, Dave suggested that the Board completes the Pension Regulator's module '<i>Resolving internal disputes</i>' before the next meeting. This was agreed by the other members.</p>	Board to complete TPR module ' <i>Resolving internal</i>

	Agenda item	Action
	<p>James will email the link to the module.</p> <p>There were no training requests from the Board. James said we have a free annual Pension Board training available each year provided by Clair Alcock. This may be useful as we have new members and it was two years since the last training. The board agreed that this should take place before the next meeting and that there will be no training item in September's meeting. Dave suggested that we could invite the scheme manager and members of the service leadership team. In addition, representative bodies could invite an additional person to attend if they wish, providing they advise James so a suitable sized room can be booked.</p>	<p><i>disputes'</i> before the next meeting.</p> <p>James to arrange pension board training from Clair.</p>
11	<p>Any other business</p> <p>Andy raised that a colleague has emailed regarding where a temporary promotion has lifted them into a higher contribution band. Andy asked did the person pay the extra percentage on all of the pensionable pay or just the temporary part. James replied that it is all of it. James is aware of the issue and that only the substantive pay (i.e. the pensionable pay that would be used in the final salary calculation) should be used in the assessment. James confirmed he is investigating the number of cases and the amounts. James will acknowledge the email from the member.</p> <p>Andy asked for an update on a case where a person transferred from Essex to London and back again. The member is confused as to what is happening. David will arrange for the member to be emailed with an update.</p> <p>Alistair asked for the reasoning behind the one-month break that is required between a person retiring and returning to work for a Fire and Rescue Authority. James will send the information regarding loss of protected pension age (PPA) to Alistair.</p> <p>There being no other business, the meeting was closed.</p>	<p>James will send an acknowledgement.</p> <p>David will arrange for the member to be emailed with an update.</p> <p>James will send the information regarding loss of protected pension age (PPA) to Alistair.</p>
12	<p>Date of next meeting</p> <p>The next meeting is on Wednesday 4th September 2019 at 1pm in meeting room FF41 at Kelvedon Park.</p>	