

## **FIREFIGHTERS' PENSION COMMITTEE**

### **NOTE OF THE 13<sup>th</sup> MEETING OF THE FIREFIGHTERS' PENSION COMMITTEE HELD ON 12<sup>th</sup> APRIL AT ELAND HOUSE, BRESSENDEN PLACE, LONDON**

( A list of the attendees are attached in Annex A)

#### **1. Introduction**

1.1 The Chairman welcomed everyone to the meeting. He introduced David Hosking who was accompanying Derek Chadbon of RFU.

#### **2. Minutes of the 12th FPC meeting**

2.1 The minutes of the 12<sup>th</sup> FPC meeting were agreed.

#### **3. Matters arising from the 12th FPC meeting - FPC(06)12**

3.1 The Chairman introduced paper FPC(06)12. He advised members that his team were currently involved with three main pieces of work:- the New Firefighters' Pension Scheme (NFPS); the Firefighters' Pension Scheme (Amendment) Order 2006; and the Firefighters' Compensation Scheme (FCS).

##### NFPS

3.2 The Chairman explained that his team had issued circular FPS 07/2006 providing guidance on the new scheme for new entrants after April '06 and for those members of the existing Firefighters' Pension Scheme (FPS) who may be interested in joining.

3.3 Lawyers would begin drafting the NFPS order when they had completed the draft FPS amendment order.

3.4 Ian Hayton (CFOA) requested clarification on what is the pensionable pay of a retained firefighter. The Chairman responded by reference to paper FPC(06)6 and explained that pensionable pay would include the retained fee, activities paid at hourly rates, and any holiday pay related to the hourly rate.

3.5 Ian Hayton also asked for confirmation that volunteer firefighters would be eligible to join the NFPS and requested clarification on what elements of their pay would be pensionable. The Chairman gave his assurances that volunteer firefighters would be eligible to join the new scheme and explained that, as they did not receive a retainer fee, their pensionable pay would be based on their hourly rate.

3.6 The issue of unpaid sick leave was discussed. The Chairman said that once a FRA determined that sick leave was unpaid the service would cease to be pensionable, it would be treated in the same manner as any other periods of unpaid leave. If the member wanted to reckon these periods as pensionable they would be liable for both

employee and employer contributions. FRAs would still have the discretion to pay the employer contributions in cases where they determine it was appropriate.

- 3.7 Ivan Walker (Thompson's) enquired as to whether there were any further developments regarding members of the existing FPS transferring to the NFPS. The Chairman explained that an options exercise would be carried out from October '06 and members of the FPS will be given the full details of the options for transferring into the NFPS. He said that some of the options for transferring from the FPS to the NFPS were still being considered and the details had yet to be finalised.
- 3.8 The Chairman advised the FPC that members of the FPS who completed and submitted the nomination form giving notification that they are interested in transferring to the NFPS would be given protection from April '06 i.e. if the member was to die during the transitional period then their partner/spouse/civil partner would have the option to take benefits from the NFPS. Whilst completed nomination forms were necessary in order to provide pensions for surviving partners under the NFPS, there would be no obligation for the member to transfer into the NFPS when the options exercise takes place.

#### FPS Amendment Order and FCS

- 3.9 The Chairman informed the FPC that the draft Firefighters' Pension Scheme (Amendment) Order 2006 and Firefighters' Compensation Scheme Order 2006 had been updated following comments received and confirmed that the updated versions would be published on to the website. He invited further comments and explained that due to the tight timetable these comments needed to be submitted without delay.

**ACTION:** FPC members to submit further comments on the updated versions of the FPS amendment order 2006 and FCS order 2006

- 3.10 It is expected that the FPS amendment order and FCS order will be made laid mid-May and will operate retrospectively from 1/6 April '06.
- 3.11 There was discussion regarding the new two tier ill-health provisions. Will Davies of ALAMA highlighted his concern that some firefighters were under the impression that if their ill-health case was under consideration prior to 1<sup>st</sup> April then they would be treated under the old ill-health provisions.
- 3.12 The Chairman explained that there needed to be a point where cases ceased to be considered under the old ill-health provisions and said that the amendment order linked it to the relevant determination or decision under Parts H or K; thus if the IQMP has issued an opinion under Rule H1 before 1<sup>st</sup> April, the matter would continue to be dealt with under the unamended scheme..
- 3.13 There was discussion regarding the transitional provisions included in the FCS. The Chairman advised members that the transitional provision provides for firefighters who are receiving, or who might

receive, an award under the former Grey Book provisions have the right not to be placed in a worse position as a result of incorporating the Grey Book awards into the FCS. Where a firefighter thinks that this may occur they should advise their FRA that they wish to preserve their right to receive the award on the basis of the original Grey Book provisions. This notification will need to be given to FRA in writing before 30<sup>th</sup> June 2006. ODPM will be issuing a circular asking FRAs to advise members of this requirement.

- 3.14 Tam Mitchell (FBU) explained that within the retained duty system there are volunteer activities such as attendance at fetes etc. and asked for clarification on whether these activities would be classified as 'on duty'.
- 3.15 The Chairman said that ODPM could not give an opinion on this and the matter might have to be determined by the courts. A FRA would need to determine what activities they regarded as on duty within the terms of the NFPS and any relevant case law. It would be advantageous for CFOA to give guidance to help authorities develop consistent policies.

#### **4. Any Other Business**

##### (i) maximum pension under FPS

- 4.1 Glyn Morgan (FOA) asked whether consideration had been given to allowing members to stay in employment beyond 30 years and being allowed to accrue more than the current maximum 40/60ths pension. The Chairman said that proposals to amend the FPS which would have allowed more than 30 years to accrue for pension purposes had been part of the proposal to raise minimum pension age to 55 and this had been withdrawn. However, it was possible for members to retire and take their pension once they had reached 50 years of age and had accrued a minimum of 25 years pensionable service and to be re-employed by the FRA and accrue new benefits under the NFPS. He said that he could see no problems with FRAs designing a policy to re-employ retired firefighters in order to retain skills and experience. He emphasised that the discretion to re-employ remained with the FRA.

##### (ii) guidance for IQMPs

- 4.2 Will Davies (ALAMA) made reference to the draft guidance for Independent Qualified Medical Practitioners (IQMPs) that had been issued by ODPM. He said that the draft guidance had been discussed at ALAMA's Spring conference and that it seemed to be a consensus that, as the guidance stands, many members would hold reservations about being employed as an IQMP.
- 4.3 The Chairman gave his assurance that there would be further consultation before the draft guidance was finalised. He said that revised draft guidance would be issued after Easter and that he expected constructive feedback i.e. suggested revisions rather than outright rejections of the guidance.

(iii) age discrimination

- 4.4 Ivan Walker made reference to the Age Discrimination Act which comes into force in October this year and requested that time be allocated at a future meeting in order to discuss the implications for the pension schemes. It was agreed for Ivan Walker to prepare a paper on the implications for the FPS and NFPS for discussion at the meeting on 13<sup>th</sup> June 2006.

**ACTION:** Ivan Walker to prepare paper on the Age Discrimination Act and its implications on the FPS and NFPS for discussion at the meeting on the 13<sup>th</sup> June.

(iv) review of FPS

- 4.5 The Chairman concluded by advising members that once the NFPS order has been made, ODPM would need to review the FPS, first to identify changes necessary to maintain consistency with the NFPS e.g. in terminology, and secondly because ODPM would be required to consolidate the FPS 1992 Order in view of the number of amending orders that had been made. The opportunity would be taken to rewrite the FPS in modern English.

**5 Dates of Future Meetings**

17 May 2006  
13 June 2006  
19 July 2006  
16 August 2006  
21 September 2006

***ODPM  
April 2006***

## 13<sup>th</sup> Meeting of the Firefighters' Pension Committee

### Attendees

Martin Hill(Chairman)	ODPM
Andy Boorman	ODPM
Jean Archer	ODPM
Maggie Smith	ODPM
Anthony Mooney (Secretary)	ODPM
Eunice Heaney	ODPM (Consultant)
Jim Preston	SPPA
Karen Bradley	Scottish Executive
Bertie Kennedy	DHSSPSNI
Terry McGonigal	NIFS
Fred Walker	LGA
Ray Jennings	LGA
Dr Will Davies	ALAMA
Paul Woolstenholmes	FBU
Tam Mitchell	FBU
Ivan Walker	FBU(Thompson's Solicitors)
Derek Chadbon	RFU
David Hosking	RFU
Chris Large	APFO
Ian Hayton	CFOA
Glyn Morgan	FOA

### Apologies

Matt Wrack	FBU
Andy Dark	FBU
Jason Pollard	Welsh Assembly