

FIREFIGHTERS' PENSION COMMITTEE

NOTE OF THE 14th MEETING OF THE FIREFIGHTERS' PENSION COMMITTEE HELD ON 17th MAY 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 advised members that following the recent Cabinet reshuffle, the Office of the Deputy Prime Minister (ODPM) had become the Department for Communities and Local Government (DCLG). Ruth Kelly MP had taken over the ministerial responsibilities for DCLG and Phil Woolas remained responsible for fire pensions.

2. Minutes of the 13th FPC meeting

2.1 The Chairman informed the Committee that he had received a letter from Dr Will Davies of ALAMA who wanted to put on record a more detailed note commenting on the guidance for IQMPs and the transition to two-tier ill-health arrangements. The Chairman agreed to attach the letter to the minutes (please see Annex B).

2.2 Tam Mitchell of FBU made reference to paragraph 3.4 and asked whether or not a RDS firefighter who worked over forty two hours in any one week would be able to count this as pensionable pay. The Chairman responded by explaining that pensionable pay for retained firefighters is calculated on an annual basis rather than a weekly basis, and therefore any activity paid at the hourly rate of pay, which would exclude any enhancements, would be counted as pensionable. The number of hours worked in any particular week was irrelevant.

2.3 Tam Mitchell said that some FRAs reimburse the salary from a RDS firefighter's primary employment where they were on unpaid sick leave as a result of an on duty injury. He asked whether or not this pay would be included as pensionable. The Chairman confirmed that the pay would not be pensionable and re-iterated that it is only the permanent hourly rate of pay and retainer fee that is pensionable.

2.4 Ivan Walker of Thompson's solicitors referred to paragraph 3.7 and asked whether there was any further information regarding the options available to members of the FPS who wanted to transfer into the NFPS. The Chairman said that his team were currently preparing a paper outlining the transitional arrangements and that he expected this to be on the agenda for the next meeting.

2.5 Ivan Walker also highlighted that in paragraph 4.4 the reference to the Age Discrimination Act was incorrect. He said that the correct reference should be 'The Employment Equality (Age) Regulations'. He also assured the Committee that he would complete the paper on the new age regulations and its implications for the pension schemes

within the next two weeks (please refer to action point in paragraph 4.4, minutes of 13th FPC meeting).

2.6 The minutes of the 14th FPC meeting were agreed.

3. Matters arising from the 13th FPC meeting - FPC(06)13

FPS Amendment Order and FCS Order

3.1 The Chairman introduced paper FPC(06)13. He advised members that the Firefighter Pension Scheme (Amendment) Order 2006 and the Firefighters' Compensation Scheme Order 2006 (FCS) were in the process of being signed off by Ministers. As soon as the orders were laid, DCLG would issue them to FRAs under cover of a guidance circular.

3.2 The Chairman also confirmed that in the circular DCLG would ask FRAs to advise firefighters of the protection included in the transitional provisions of the FCS Order and that to benefit from this protection firefighters would need to give written notice to their FRA before 30 September 2006.

4. Draft Instructions - FPC(06)14

4.1 The Chairman introduced paper FPC(06)14 which had been circulated to members for information. He explained that there had been certain amendments made to the blueprint subsequent to comments received from DCLG's lawyer. These amendments were outlined on page 2 of the draft instructions.

4.2 The Committee was told that there were two main amendments that they would want to note i.e. C1 'Survivor Pension' and C3 'Short term increase in pension'. The Chairman confirmed that under the amended C1, where a member dies and there is no survivor pension payable, this pension would be transferred to any eligible child (children) for as long as they remain eligible. Also when a member dies and there is no eligible adult survivor, the thirteen week increase, under C3, would be transferred to any eligible child.

4.3 Members were also told that the DCLG lawyer was currently drafting the NFPS Order and that although no guarantee could be given, it was hoped that a copy of the first draft would be available for in June.

4.4 A3 (Application to Scheme): The Chairman explained that the NFPS is designed for employees whose main role, at the point of joining the Fire and Rescue Service (FRS), is fighting fires and attending emergency incidences. The NFPS recognises the risks associated with these activities. It was not DCLG's intention to allow employees who entered the FRS at more senior levels and who, whilst they may have certain duties within their role map that would include managing emergency incidents, would not be operational firefighters, to join the

NFPS. The Local Government Pension Scheme would provide adequate cover for these senior roles.

- 4.5 Ian Hayton of CFOA raised his concern regarding A3. Whilst he recognised what the intention was, the current wording of A3 may not be specific enough. He agreed to provide a case study that would highlight potential difficulties with the wording and suggested that this could be submitted to lawyers for comment.

ACTION: Ian Hayton to provide a case study to DCLG to highlight potential difficulties with the current wording of A3 of NFPS

- 4.6 Paul Woolstenholmes of FBU told the Chairman that he would want to discuss with FBU colleagues before expressing an opinion.

- 4.7 Glyn Morgan of FOA agreed with Ian Hayton's comments and said that he would wish to consider further and submit comments.

- 4.8 Derek Chadbon of RFU suggested that it might be worth considering limiting membership of the NFPS to people whose main duties include firefighting and attending emergency incidents but opening up access to the FCS so that it would provide cover for employees who are not members of the pension scheme and who received injuries at an emergency incident.

- 4.9 The Chairman said the Department would be reluctant to extend the FCS to cover employees who had other compensation arrangements but agreed to review A3.

ACTION: DCLG to review A3.

- 4.10 Volunteer Firefighters - Ivan Walker asked the Chairman to explain the difference between a RDS firefighter and a volunteer firefighter and suggested that the NFPS may need a definition for volunteer firefighter. The Chairman explained that a volunteer firefighter, whilst paid an hourly rate, is not paid a retainer fee. The Chairman agreed that consideration will need to be given to providing a definition of volunteer firefighter within the NFPS.

ACTION: DCLG to consider the need to include a definition of volunteer firefighter within the NFPS.

5. Any Other Business

- 5.1 Workshops - The Chairman informed the Committee that DCLG had held the first of four pension workshops in London on 15 May, He said there were further workshops planned for West Midlands, Manchester, and Edinburgh. Attendees at the London workshop seemed to find it useful, however he was concerned by the apparent lack of preparedness of FRAs to implement the options exercise, due to begin in October.

- 5.2 He stressed that there was no justification for any lack of preparedness as DCLG had issued pension circulars both informing and providing guidance for FRAs regarding the new pension

arrangements. Heywoods were in the process of completing and releasing the necessary computer software for pension administrators.

- 5.3 The Chairman said he would discuss with Ian Hayton outside the meeting so that the concerns can be relayed back to members of the CFOA and the LGA to ensure that any problems are sorted before October.

6. Dates of Future Meetings

13 June 2006

19 July 2006

16 August 2006

20 September 2006

***DCLG
May 2006***

13th Meeting of the Firefighters' Pension Committee

Attendees

Martin Hill(Chairman)	DCLG
Andy Boorman	DCLG
Jean Archer	DCLG
Nitin Bhayani	DCLG
Anthony Mooney (Secretary)	DCLG
Eunice Heaney	DCLG (Consultant)
Jim Preston	SPPA
Karen Bradley	Scottish Executive
Bertie Kennedy	DHSSPSNI
Jason Pollard	Welsh Assembly
Terry McGonigal	NIFS
Dr Will Davies	ALAMA
Paul Woolstenholmes	FBU
Tam Mitchell	FBU
Ivan Walker	FBU(Thompson's Solicitors)
Derek Chadbon	RFU
David Hosking	RFU
Ian Hayton	CFOA
Glyn Morgan	FOA

Apologies

Ray Jennings	LGA
Fred Walker	LGA
Matt Wrack	FBU
Andy Dark	FBU



Association of Local Authority Medical Advisors
(Incorporating Medical Advisors to the Fire and Police Services)

Dr W W Davies FFOM LLM DDAM
Occupational Health Unit
Lanelay Hall
Pontyclun
CF72 9XA
Telephone: (01443) 232150/232151

12th May 2006

Dear Martin

**Minutes of the 13th Meeting of the Firefighter's Pension Committee held on the
12th April 2006**

I would like comment on two sections of the minutes of the above meeting.

1 COMMENTS ON Minutes 3.11, 3.12

I do not feel the current text is a complete record of the discussion and clarification on the matter of transitional provisions. I believe that a more accurate reflection of the dialogue would be achieved by replacing the current minute 3.11 and adding an additional paragraph after minute 3.12 as documented below.

Proposed Replacement Minute 3.11

There was a discussion regarding the new two tier ill-health provisions. Will Davies of ALAMA highlighted his concerns about apparent inconsistencies between the existing and proposed arrangements for transition. A number of firefighters whose cases for ill-health retirement were under consideration, had questioned the status of their pension entitlements in the event of the IQMP's decision not being made until after the 1st April 2006. The existing position is as stated in Circular FPS1/2006. Appendix B, section 4. Paragraph 4.4 states that

"any firefighter who has a case being considered on or before 31.03.06 would be dealt with under the existing health provisions."

On the basis of this instruction, firefighters had received reassurances. It appeared however that the instruction may conflict with the relevant provision in the draft amendment regulations i.e. Section 3 under the heading "Transitional

Provision". The text of this section effectively provides for a retention of the existing provisions for -

"a person in respect of whom a determination or decision relevant to the termination of his employment on the grounds of ill-health (whether under part H or part K of the pension scheme), has been made before the 1st April 2006."

If the "*determination or decision*" is intended to refer solely to the determination or decision of the IQMP, the provision would conflict with the instruction issued in FSC1/2006.

Current Minute 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 April, the matter would continue to be dealt with under the amended scheme.

Proposed Additional Paragraph

Will Davies stated that such a narrow interpretation would negate any transitional effect within the provision and that this would conflict with the purpose of the provision, clearly defined as transitional. The Chair considered the issue and advised that the words "*determination or decision*" were qualified by the term "*relevant to the termination of his employment on the grounds of ill-health*". He further advised that such *determinations or decisions* may have arisen during consideration of the case for ill-health retirement and need not have necessarily been made by the IQMP. The Chair acknowledged that the wording could give rise to questions as to whether or when such a *determination or decision* had been made during the process of consideration and he advised that that such questions would have to be resolved at the discretion of the Fire & Rescue Services.

2 COMMENTS ON Minutes 4.2, 4.3

I would like the following revisions to be made.

Minute 4.2

After the existing text under 4.2 an additional sentence should be included as follows :-

A letter had been sent to the ODPM by Dr Tok Hussain, the ALAMA Fire Service Representative, explaining in some detail the reasons for ALAMA's concerns and the need for effective guidance.

Minute 4.3

In the first sentence, after the word Chairman, add the words

" acknowledged receipt of the letter and"

At the end of the existing text under 4.3 an additional sentence should be included as follows;

Will Davies (ALAMA) indicated that considerable thought had been given to the aforementioned letter and that in his view, this letter already constituted constructive feedback. With regard to the Chair's expectation that suggested revisions to the revised draft guidance would be forthcoming, ALAMA's ability to deliver on his expectations would depend on the nature and extent of the revisions required. If the advised draft guidance is well prepared with only minor revisions being required, ALAMA should be in a position to provide further constructive feedback. However, if major revisions would be required it is unlikely that ALAMA would be able to assist due to the self-funding nature of the organization. He emphasized that the involvement of ALAMA in the preparatory, rather than consultative stages of guidance production would be the preferable option but acknowledged that this would depend on the availability of tangible support for ALAMA's services.

I hope these comments are acceptable. Please do not hesitate to contact me if any points require clarification.

Kind regards

Yours sincerely

Will Davies

ALAMA Firefighters Pension Committee Representative