

FIREFIGHTERS' PENSION COMMITTEE

NOTE OF THE 16th MEETING OF THE FIREFIGHTERS' PENSION COMMITTEE HELD ON 16th August AT ELAND HOUSE, BRESSENDEN PLACE, LONDON

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

1. Introduction

- 1.1 The Chairman welcomed Julie Shuttleworth (representing Ivan Walker), John Barton (representing Derek Chadbon) and Julia Letton (observing) to the meeting.
- 1.2 He said that this was Karen Bradley's last meeting. He thanked her for her assistance and wished her well in her new post working with COSLA.
- 1.3 Apologies are at Annex A.

2. Minutes of the 15th FPC meeting

- 2.1 Comments had been received from Glyn Morgan who asked that the following should be added to paragraph 3.5 of the minutes:

"FOA took the view that the definition should cover senior officers who have specialised roles such as safety officers or technical advisors who need to work alongside or ahead of firefighters when assessing whether an environment is safe for firefighters to operate.

- 2.2 The minutes of the 15th meeting were agreed with this addition.

3. Matters arising from the 15th FPC meeting - FPC(06)19

Draft Instructions (paragraph 3.11)

- 3.1 Following discussion Ian Hayton had suggested the wording as set out in the paper. Comments on this were invited.
- 3.2 Glyn Morgan was not clear if the use of firefighter at 1(1)(i) was a generic term or made reference to role and rank. The Chairman said the wording was defined by reference to the role and the use of "resolving incidents" referred back to role maps referred in the Grey Book. This had limitations and it was a matter for discussion whether this could be extended to others.
- 3.3 Andy Dark said there were problems with the wording but that the FBU were having difficulties drafting an alternative. They were not sure if it covered the transfers in from 1992 scheme and ongoing discussions around Fire Emergency Control Staff. The Chairman said that the transitional provisions would allow for a member of the FPS to transfer

to the NFPS whatever their current role. At the moment Emergency Fire Control staff were excluded but if Ministers decided to give them access the definition would be changed accordingly.

- 3.4 The Chairman said that members could comment further in their responses to the draft order.

Transitional Arrangements

- 3.5 The Chairman said that DCLG had issued Firefighters Pension Scheme Circular 10/2006 in July. This had asked FRAs for information about data cleansing and preparedness for the options exercise. Only about a third of the English authorities had responded and reminders would be issued next week. The responses would be discussed with Ian Hayton.

Action Point: DCLG to discuss preparedness of FRAs with Ian Hayton.

- 3.6 Tam Mitchell asked if there were firm dates for the options exercise. The Chairman explained that the intention was for the exercise to be conducted immediately after the scheme orders had been made, hopefully early in 2007. There were benefits for the exercise to be conducted at the same time across the UK. In deciding timing, the most important thing was to get the exercise right. It was hoped that it would take place this financial year to reduce any difficulties in paying back contributions in a new financial year.
- 3.7 David Hoskins asked what would stop the exercise being carried out in time scale given. The Chairman said that it was dependent on the making of the orders and the preparedness of Fire and Rescue Authorities. It was possible that the exercise for retained could begin earlier than that for regular firefighters. If the outstanding Tribunal case allowed access to the old scheme, individuals would presumably need to be given the option of either transfer to the old scheme and paying the additional contributions, or remaining in the new scheme, in which case there would need to be an option to transfer service from the old scheme to the new at the same rate as was being offered for regular firefighters
- 3..8 The Chair said that by the October meeting it would be clearer how the drafting was progressing and he would have a more definite idea about timescales.
- 3.9 The Chairman said that it would be helpful to have a Q&A briefing to support the documents being issued to firefighters and asked members to submit the questions they thought most likely to be asked.

Action Point: Members to submit questions for the Q&A briefing.

Impact of Age Discrimination regulations - FPC(06)17

- 3.10 The Chairman said that GAD had considered the cost implications associated with removing Rule C9 (effect of remarriage) as part of a wider exercise. The cost of proving benefits after re-marriage for those in service was estimated at 0.2% contribution rate. There was no

indication that the Government would consider this for those already retired. This was not relevant to the NFPS

- 3.11 The Chairman said that on the wider issues, DCLG was consulting with lawyers on the provisions. The main worry was Rule B1 where the provision to allow retirement at 50 with 25 years service was thought to be discriminatory. If it was agreed that it was discriminatory, the problem would be to identify a remedy that would be acceptable to the interested parties.

4. New Firefighters' Pension Scheme Draft Order FPC(06)20

- 4.1 The Chairman said that copy of the draft Order for NFPS had been circulated so that members could see how the Blueprint translated into statutory form and had an early opportunity for comment. This was very much work in progress: the draft was riddled with square brackets and gaps where the DCLG lawyer had asked for further instructions: these had been given and the next version should be more comprehensive.
- 4.2 The Chairman said that a copy would be put on the website and would be updated with changes as they were made. The Committee would be advised by e-mail when this was being done. DCLG would come back to the Committee if it was proposed to depart from the substance from what had been discussed and agreed.
- 4.3 Andy Dark said that the draft order was riddled with non gender neutral phrases. The Chairman said that DCLG's lawyer had been asked about this and had informed him that this was the format used in Statutory Instruments and could not be avoided.
- 4.4 Andy Dark asked also that when changes were made to the draft these could be clearly listed.
- 4.5 Tam Mitchell suggested that changes could be highlighted in colour. The Chairman said that DCLG would consider what could be done but the preference was for a list.
- 4.6 Will Davies noted that the IQMP decision was still binding on the fire and rescue authority and reserved the option of commenting further on this. He remained of the view that Rule H1 involved a mixture of medical and management issues and asked if DCLG would be issuing guidance.
- 4.7 The Chairman said that guidance had been provided on the management of Rule H1 but this would need to be re-written when the NFPS came into operation to reflect the changes.

Action Point: DCLG to put revised versions of the Order on the website listing any changes of substance so that could be readily identified.

5. Any Other Business

- 5.1 The Chairman said that Derek Chadbon had been seeking a meeting with FRAs which had set up personal pension plans for RDS firefighters. The Chairman had offered to facilitate this meeting but if he did so this would be for the RFU and FBU. It was hoped to obtain assurance that FRAs were sorting out their position with pension providers about transfer arrangements and that all understood what was involved and the time constraints they had to work within. It was hoped a date could be arranged during September and dates of non-availability were sought from RFU and FBU representatives.
- 5.2 Will Davis asked for an update on the draft guidance being prepared for IQMPs previously circulated to ALAMA as he had further comments. This was still being considered and it was suggested that the next draft be awaited before further comments were made.

6. Dates of Future Meetings

20 September 2006
18 October 2006
21 November 2006
21 December 2006

***DCLG
August 2006***

16th Meeting of the Firefighters' Pension Committee

Attendees

Martin Hill(Chairman)	DCLG
Andy Boorman	DCLG
Eunice Heaney	DCLG (Consultant)
Jim Preston	SPPA
Karen Bradley	Scottish Executive
Bertie Kennedy	DHSSPSNI
Jason Pollard	Welsh Assembly
Ray Jennings	LGA
Dr Will Davies	ALAMA
Tam Mitchell	FBU
Julie Shuttleworth	FBU (Thompson's Solicitors)
John Barton	RFU
David Hosking	RFU
Glyn Morgan	FOA
Julia Letton	Welsh Assembly (Observer)

Apologies

Jean Archer	DCLG
Anthony Mooney	DCLG
Fred Walker	LGA
Terry McGonigal	NIFS
Ian Hayton	CFOA
Paul Woolstenholmes	FBU
Chris Large	APFO
Derek Chadbon	RFU
Ivan Walker	FBU (Thompson's Solicitors)