



MINUTES OF THE MEETING OF THE LOCAL PENSION BOARD - FIREFIGHTERS PENSION SCHEME held on Thursday, 17 November 2022 at Fire Conference Room, Clemonds Hey, Cheshire at 12.00 pm

PRESENT: Councillors David Brown (Chair), Lee Shears and Neil McElroy

1 APOLOGIES

Apologies for absence were received from George Peers (FBU).

2 DECLARATION OF INTERESTS

There were no declarations of interest received.

3 NOTES FROM THE PREVIOUS MEETING

RESOLVED: That

[1] the minutes of the Local Pension Board held on 9th August 2022 be confirmed as a correct record.

4 XPS ADMINISTRATION CHESHIRE FIRE BOARD QUARTER 2 2022-23

Graeme Hall, Governance and Communications Manager from XPS Administration, was in attendance and presented the Cheshire Fire Pension Board Report Quarter 2 of 2022-23 which contained the following information:-

- Overview
- Member Self Service
- Common Data
- Membership
- Completed Cases Overview
- Completed Cases by Month
- Complaints
- Telephony

Graeme Hall advised that at the last meeting additional commentary outlining the reason for missed service levels had been requested in future quarterly performance reporting. This was not included in the report circulated with the agenda. However, it had been provided after the agenda had been published and would be available in future reports.

Graeme Hall advised that XPS Administration were in the process of purchasing a fire specific telephone line and the number would be included on all future correspondence. This line would lead to specific fire-dedicated advisors and would

allow the number of calls relating to different subject matters to be monitored.

Graeme Hall provided an update on the Member Self Service. He advised that to-date the uptake had been disappointing with only 33.3% having registered. The Pension Scheme Manager advised that the Member Self Service needed to be promoted and a discussion was had on the reasons why retired pensioners did not feel the need to use the system.

The Board asked that the colour scheme was changed on Section 04 Membership and 05 Completed Cases Overview to amber and red as the current colour scheme was not clear.

A Board Member referred to LGA Bulletin 60 with specific reference to the 'Electric vehicle salary sacrifice'. The bulletin advised that there was a provision within FPS2015 for salary sacrifice. However, it was up to each individual FRA to determine whether electric vehicle's meet the requirements. In response, the Pension Scheme Manager advised that officers were due to meet .at the beginning of December to discuss electric vehicle schemes in further detail.

RESOLVED: That

- [1] the XPS Cheshire Fire Pension Board Report Quarter 2 be noted;**
- [2] XPS Administration to include additional commentary outlining the reason for missed service levels in future quarterly performance reports; and**
- [3] XPS Administration to change the colour scheme used in Section 04 Membership and 05 Completed Cases Overview to amber and red in future quarterly performance reports.**

5 FIREFIGHTER PENSION SCHEME UPDATE

The Pension Manager presented a report which provided an overview of the current issues relating to the Firefighters' Pension Schemes, including updates on the following:-

- Member Statistics
- FPS Bulletin Actions Arising
- McCloud Judicial Review
- McCloud Data Collection Exercise
- McCloud Contingent Decisions
- McCloud Provision Definition Documents
- Pension Dashboard Programme Update
- The Pension Regulator Single Code of Practice
- Matthews Remedy
- Potential Industrial Action
- General Updates

Board Members were advised that the Annual General Meeting for the Firefighters' Pension Schemes had taken place on 25th and 26th October 2022 and was attended by the Pension Scheme Manager and Pensions Manager. The key subjects covered included an overview of recent case law, updates on the Pension Dashboard Programme and presentations from the FBU relating to McCloud.

The Board were advised that the FBU were currently balloting members regarding strike action over a dispute about pay. Communications to staff were currently being drafted, in preparation for any potential action, to ensure that they were fully aware of the way pay and pension deductions would be calculated and the process and timescales for repaying any contributions for breaks in service. The Board had a discussion on how the strike would impact on an individual's pension when it was time to retire and about buy-back extra days. The Pension Scheme Manager advised that this information would be clarified and would be shared with staff accordingly.

The Board were advised that the public sector unions had been granted a judicial review in relation to McCloud/Sergeant remedy costs inclusion in the control cap mechanism. A date for the hearing had been confirmed and was due to take place on 23rd January 2023 over 5 days.

Amy Caves, Solicitor provided an update on the McCloud/Sargeant Remedy and Immediate Detriment. The Board were advised that a communication was issued to all nominated contacts on 14th October 2022 to confirm that the injury to feeling Employment Tribunal had been vacated. Vacation of the hearing followed an agreement in principle as to issue of non-financial loss, and to provide further time to negotiate the full settlement details between all parties (including FRAs) through their legal representatives. There was no detail of the settlement yet and the cost of any compensation would be fully met by the Government.

Negotiation between the respective legal representatives was still needed on the details, including timescale and practicalities around making payments. Timescale for holding those discussions was not known yet. However, FRAs would be updated on any material developments through their nominated contact.

The reverse discrimination claims apply to protected members who were not given access to the 2015 scheme (until 2022); those cases had not yet been tested in court to determine whether discrimination occurred. The claims were stayed, but such members would be given the same remedy options as all other eligible members when the legislation was in place. The FOA claims were the same as the FBU claims, they were just made later and covered a different group of members.

The Board had a discussion on the injury to feeling claims and queried whether claims could be made retrospectively or whether it would only apply to those who had already submitted a claim. Amy Caves was asked if she would seek clarification on this and to provide an indication of the number of staff within CFRS who had submitted a claim.

RESOLVED: That

- [1] the Firefighter Pension Scheme update be noted; and
- [2] the Legal Advisor to provide clarification on eligibility for an Injury to Feelings claim and the number of CFRS staff in scope.

6 FIREFIGHTER PENSION SCHEME RISK REGISTER

The Pension Manager presented that Firefighter Pension Scheme Risk Register (the Register) that had been reviewed and updated in November. Updates since the last meeting were highlighted in blue in the document.

The Pension Manager provided comments on each of the updated risks. The Board were advised one new risk had been included on the register relating to 'McCloud Remedying legislation finalised close to October 2023'. This had been included following feedback from Heywoods at the Scheme Advisory Board meeting in June 2022 to monitor the progress of legislation.

RESOLVED: That

- [1] the Firefighter Pension Scheme Risk Register be noted.

7 JCNP PENSIONS UPDATE

The Pension Scheme Manager reported that the main issues raised at the last meeting of the JCNP on 20th October 2022 by the FBU was in relation to the Service's Position on Immediate Detriment.

At the meeting the FBU had asked if the costings had been completed and whether these had been shared with Fire Authority Members. In response, the Pension Scheme Manager had confirmed that the exercise to understand the costings associated with Immediate Detriment had been completed and that Members had been updated in June 2022. Due to many factors that were still unknown and unclear, the figures did not represent an accurate, or reliable estimate of the expected costs. This had been highlighted to Members.

The Service would look at any cases where individuals were encountering genuine hardship. The FBU had been asked to advise of any such cases and the Service had made a commitment to look at these with a view to providing some short-term assistance where possible.

RESOLVED: That

- [1] the update be noted.

8 PENSION BOARD TRAINING UPDATE

The Pension Scheme Manager advised that the LGA Pensions Team had provided annual training in August 2022. Further training would be available in the Spring and asked Board Members to contact the Governance and Corporate Planning Manager

if they required any specific training on any issues relating to pensions.

RESOLVED: That

[1] the update be noted.