LOCAL PENSION BOARD
FIREFIGHTER PENSION SCHEMES

CLEVELAND FIRE AUTHORITY

DATE: 12 MARCH 2020

TITLE: COMMUNICATIONS

REPORT OF: SCHEME MANAGER

For Information

1. PURPOSE

1.1 To update the Board on recent pension communications.

2. RECOMMENDATION

2.1 That the Board consider if communications are suitable and sufficient.

3. FIREFIGHTERS PENSIONS SCHEME BULLETINS

Bulletins 25 to 28 have been circulated to the Board since the previous Meeting. Below are a summary of some of the key information/actions:

3.1 FPS Bulletin 25

Calendar of events

North East Regional FPOG	4th March 2020
LGA Annual Fire Conference and exhibition	10-11th March 2020
Scheme Advisory Board	19th March 2020
Scheme Advisory Board	11th June 2020
Scheme Advisory Board	17th September 2020
Firefighters' Pension Scheme AGM	22-23rd September 2020
Scheme Advisory Board	10th December 2020

The Pensions Regulator– six key processes

The Pensions Regulator (TPR), who has a statutory duty for regulatory oversight under the Public Service Pensions Act 2013 monitors six key processes as part of their annual governance and administration survey. TPR use these key processes as indicators of public service pension scheme performance.

The six processes are:

i. Documented policy to manage board members conflicts of interest
ii. Access to knowledge, understanding and skills needed to properly run the scheme
iii. Documented procedures for assessing and managing risks
iv. Process to monitor records for accuracy / completeness
v. Process for resolving contribution payment issues
vi. Procedures to identify, assess and report breaches of the law

In 2018 only 63% of Firefighter Pension Schemes (FPS) reported having all six processes in place. Cleveland have five processes in place and are currently working on the sixth one.

Eligibility factsheet updated
Minor amendments have been made to the factsheet on 'Eligibility to join Firefighter Pension Scheme' to correct a referencing error. In brief, the factsheet confirms that in order for a person to be eligible for the scheme they have to be employed as a 'firefighter'. The regulations provide an interpretation of a 'firefighter' and it is for each FRA to satisfy themselves that those in the scheme are employed within this definition. http://fpsregs.org/images/admin/Eligibilityv3clean.pdf

3.2 **FPS Bulletin 26**

Annual Benefit Survey 2019
The survey was launched in December 2019 for completion by 10th January 2020. Cleveland completed and submitted the survey on 24th December 2019

The Civil Partnership (Opposite sex Couples) Regulations 2019 (SI2019/1458)
On 5th November 2019 the Government made the Civil Partnership (Opposite sex Couples) Regulations 2019 which became effective from 2nd December 2019. These regulations were made in response to the Government consultation published on 10th July 2019, which proposed changing the law to allow opposite sex couples to form civil partnerships.

Also amended is section 37 of the Marriage (Same Sex Couples) Act 2013. This limits the conversion of a civil partnership into a marriage to couples in same sex civil partnerships only. The Government has not made provisions to allow a marriage to be converted into a civil partnership.

3.3 **FPS Bulletin 27**

Update on transitional protections remedy (Sargeant)
On 18th December 2019, the Employment Tribunal made an interim order on the Firefighters' transitional protection claims.
What the order does for claimants is to treat them as satisfying the age criteria regardless of their actual age as long as they meet the other criteria, which was to have been in the scheme at 31st March 2012 and 31st March 2015

3.4 **FPS Bulletin 28**

Update on transitional protections remedy (Sargeant)
The Scheme Advisory Board are working with the Home Office, however, implementation is very complex given that some members will be better off in the new schemes and there are a number of issues that need central government direction which are being considered by HM Treasury with the input of Home Office and other Government Departments.

In the meantime the position remains that all entitlements including immediate ones should proceed under the 2015 Scheme rules for the time being, This includes those who are due to taper into the 2015 Scheme should continue to taper and those due to retire normally at a later date should continue in the 2015 Scheme.

An update on the legal case was given in a previous Bulletin along with suggested text to provide to members and actions that FRA's can take in the meantime. However, there appears to be some confusion over the treatment of claimants and non-claimants. To clarify, claimants are those firefighters who are part of the legal case (Sargeant) and represented by FBU. Non claimants are all other Firefighter scheme members who are in the same legal and factual position as claimants.

Government have confirmed their intent to extend the same treatment to all members, whether claimants or not who are in the same legal and factual position as the claimants. No member with relevant service will lose out.

In order to determine the number of members in the FPS who are immediately affected the Board have requested information to be provided before 29th February 2020.

Scheme Advisory Board Technical Discussions
In order to remedy age discriminatory treatment across public sector schemes whilst protecting members who may have been better off in the revised 2015 Scheme HM Treasury will be formally launching a consultation later in the year.

Ahead of that formal consultation, Government are informally engaging with public sector pension advisory boards via a series of technical discussions. The Board have formed a working group of stakeholders to advise the Home Office, including administrators, software providers, NFCC representatives and senior Fire and Rescue officers. Issues such as costs and practicality will be considered and these discussions will inform the Board's response to the HM Treasury consultation expected in spring.

Details of this consultation are currently confidential but as soon as possible an update will be provided.

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SCHEME MANAGER