



**HAMPSHIRE
FIRE AND
RESCUE
AUTHORITY**

Purpose: Noted

Date and meeting:

9 July 2019 (HFRA Firefighters' Pension Board)

23 July 2019 (STANDARDS AND GOVERNANCE COMMITTEE)

**Title FIRE PENSION BOARD ANNUAL REPORT (2018/19) AND PROPOSED
CHANGES TO THE PENSION BOARD TERMS OF REFERENCE**

Report of Chief Finance Officer

SUMMARY

1. This is the annual report from the Fire Pension Board to the Standards and Governance Committee and summarises the work of the Board for the 2018/19 financial year in the exercise of its functions.
2. This report provides an update on the progress of key issues during the reporting period.

PENSION BOARD MEETINGS

3. The Pension Board met periodically during the 2018/19 financial year. Three meetings were held during the year:
 - (a) 5 July 2018
 - (b) 19 October 2018
 - (c) 8 January 2019
4. The meeting in July 2018 saw the re-election of Stew Adamson to Chairman and Richard North to Vice-Chairman. Both will hold the position until the first meeting of the Fire Pension Board following the annual meeting of the Fire Authority in 2019.
5. The Fire Pension Board received two resignations at the January 2019 meeting. Tom Simms and Alex Rhodes were thanked for their work. Dan Tasker has been ratified as the new Employer representative. It is anticipated that a new Scheme representative will be confirmed in time for the July 2019 Fire Pension Board meeting.

6. The key items covered at these meetings are as follows, more detailed information about each of these items can be found later in the report.
 - (a) Deferred pensioners
 - (b) Injury pension reviews
 - (c) Temporary Promotions and Additional Pension Benefits
 - (d) IDRPs
 - (e) Communication and engagement
 - (f) Surveys
 - (g) Annual Benefit Statements
 - (h) Annual and Lifetime Allowance
 - (i) Voluntary Scheme Pays
 - (j) Legislation updates
 - (k) Terms of reference review
 - (l) Work plan

7. The pension board status and other associated reports can be found in APPENDICES A – I.

DEFERRED PENSIONERS

8. It was reported to the Pension Board how Hampshire Pension Services keeps in touch with deferred members of the scheme. These are members who have left the scheme but are not yet able to have their pension paid to them.

9. Depending on which scheme the member was in, will depend on when these benefits can come into payment which can be from age 60. All benefits have to come into payment by age 75 to avoid it becoming an unauthorised payment, which is subject to tax charges.

10. There are a small number of members with whom Hampshire Pension Services have lost contact with and when the deferred pension becomes due for payment, they will pass the details to Target, this is a company that they use for tracing members with whom they have lost contact.

INJURY PENSION REVIEWS

11. There is a legislative requirement, which HFRA has not previously actioned, to review the degree of disablement awarded in respect of injury pensions. HFRA made a policy in March 2017 that it would carry out such reviews when injury pension payments had been in payment for a period of between three and five years.

12. During 2018/19 some progress was made with regard to the injury pension reviews. The board heard how the process had been agreed in principle, which would mean that initially a letter would be sent to the individual asking them to confirm whether or not the disablement from their qualifying injury has substantially changed or not.
13. For HFRA, there will only be two or three cases that will need to be reviewed.
14. This project is being led by the HR department, it was hoped that the review process would be implemented in September 2018 but there have been some setbacks mainly due to HR resourcing issues and some complexities around the process itself. This will now be implemented in 2019/20.

INJURY PENSION AND DWP BENEFIT REVIEWS

15. When a retired member receives an injury pension award, the member is asked to confirm what relevant additional benefits they are receiving from the Department of Work and Pensions (DWP). This is because any additional benefits that the member is receiving must be deducted from any injury pension awarded.
16. A regular review of these benefits should take place to ensure that the correct level of benefits is being paid to the member, but HFRA had not previously carried out any such review.
17. It was reported to the Pension Board that the Employer Pension Manager had written to all 89 recipients of an injury pension in November 2018 asking them to confirm the DWP benefits that they were receiving.
18. At the January 2019 meeting, the Board heard how 62 members had already responded and that the remaining 27 members would receive a more strongly worded letter during January 2019.
19. Subsequent to this, all replies have been received and the Employer Pension Manager was able to determine that the correct level of benefits were being paid to all members and therefore no amendments to any injury pension payments were necessary.

TEMPORARY PROMOTIONS AND ADDITIONAL PENSION BENEFITS

20. There was an amendment to legislation on 1 July 2013 which allowed individual FRAs to decide whether the additional pay received because of a temporary promotion for 1992 and 2006 schemes was pensionable or not. Legislation means that temporary promotions within the 2015 Scheme are not pensionable.

21. HFRA took the decision to make temporary promotions within the 1992 and 2006 schemes pensionable, which meant that Fire Fighters would now earn an Additional Pensionable Benefit (APB) whilst on Temporary Promotion.
22. It was reported to the Board that further work had been undertaken to review the position of the pensionable status of temporary promotions for members of the 1992 and 2006 schemes; and whether this was a beneficial decision for the member.
23. Through the regional Fire Pension Officer Groups, FRAs were asked to respond to some questions regarding their approach to temporary promotions.
24. Of those that responded, the results showed that there was a 50/50 split over whether temporary promotions had been made pensionable or not. The four main reasons cited for not making them pensionable were
 - (a) Cost
 - (b) Pressure on cost cap
 - (c) Limited benefit to firefighters
 - (d) Administrative complexity
25. Illustrative examples of pension contributions paid out versus APB awarded have been produced, these include the estimated time taken for the employee to recover the pension contribution costs after retirement. The illustrations can be found in APPENDIX A.
26. The timescales for an individual to recover their contribution costs will be reduced in two ways
 - (a) The APB will increase each year in line with Consumer Price Index (CPI) and
 - (b) If the member elects to commute, then some of the clawback will occur immediately
27. Because a member can earn back their additional contributions in around six years and as the feedback from the Unions was that they are in favour of keeping temporary promotions pensionable; The Board endorsed the decision to keep temporary promotions as a pensionable payment.

INTERNAL DISPUTE RESOLUTION PROCEDURES (IDRP)

28. The Board heard how the process for the receipt of IDRPs had now been clearly defined, meaning that there is now one single route for an IDRP to be received. The process can be found in APPENDIX F.

29. Prior to the introduction of this new process, there was no central log of IDRPCs and it was very difficult to identify how many cases had occurred. The revised process now enables a central log of all IDRPCs across all schemes and partners to be recorded. This will ensure that any common themes are being identified and addressed.

COMMUNICATION AND ENGAGEMENT

30. The Board heard that various communications have been published during the year in Routine Notice. The aim of this is to generally raise awareness of pensions and to make it easier for members to find information.
31. There have been changes made to the Fire intranet homepage portal as there is now a Pensions button on the homepage, which links directly to the Employer Pension Web Pages.

EMPLOYER GROUPS

32. The Employer Pension Manager has continued to hold Employer Pension Group meetings which pull together representatives from HR, Finance, Hampshire Pension Services and IBC Pensions Admin. There are three employer groups; one for LGPS, one for Police and one for Fire; along with a Pensions Administration group.
33. Due to significant improvements, we are able to move into more of a forward planning and continual improvement position, the groups are now meeting every other month and keep track of pension related issues and legislation, provide updates as well as discussing upcoming items that may require communications to members or a more detailed piece of work.
34. These groups enable a complete overview of pensions, across all schemes and partners and ensure a level of consistency. They have also been instrumental in improving internal communications and collaborative working.

OTHER MEETINGS

35. HFRA has been represented at several meetings during the year. The Employer Pension Manager regularly attends the regional Fire Pension Officer Group and the Fire Technical Group. There was also attendance at two conferences put on by the Scheme Advisory Board (SAB), the annual Fire Pension conference and the Police & Fire Local Pension Board Governance conference.

36. The Employer Pension Manager was asked by the Local Government Association (LGA) to participate in a forecasting workshop along with representatives of other FRAs.
37. Every FRA is required to provide forecasting to the Home Office, which among other things includes details about predicting retirements and likely pension and lump sum amounts. It is necessary to provide an accurate forecast to the Home Office to facilitate the Office of Budget Responsibility (OBR) to have accurate information about the cost of the scheme.
38. Hampshire has a very robust and accurate way of forecasting and it is hoped that best practice can be shared to improve the forecasting nationally.

PRESENTATIONS

39. It was reported to the Board that the Employer Pension Manager has delivered several presentations on Fire pensions. The table below shows the number of presentations delivered in 2018/19:

Presentation	Number
Pre-retirement courses	4
Mid career (visits to Cosham, Basingstoke, Southsea and Rushmoor stations)	8

40. The presentations include information on all four Fire Pension Schemes and cover how the schemes work, examples of how benefits are calculated, along with a brief explanation of Annual and Life Time Allowances and HMRC maximum benefits.
41. The Board heard how these presentations have been very well received and well attended, with lots of questions and engagement from those that attended.

MEMBER PORTAL

42. It was reported to the Board how Hampshire Pension Services had received the necessary upgrade to their administration system to allow Member Portal for online access to Fire Pension Scheme members.
43. The Employer Pension Manager attended two employer focus groups in year which showed the Member Portal with new enhancements including:
 - (a) Email verification for registration to Member Portal
 - (b) Ability to view and amend personal details
 - (c) Ability to view and amend death grant nominations

(d) Ability to view Annual Benefit Statements

44. The Board heard how Hampshire Pension Services planned to implement this in December 2018. This was unfortunately delayed and went live for Fire Pension Scheme members in April 2019.
45. Despite the improvements to the member portal, sign up across all schemes continues to be lower than expected for such an important personal topic.

SURVEYS

46. It was reported to the Board that the Employer Pension Manager had completed the Annual Scheme Returns issued by The Pension Regulator (TPR) by the deadline of 6 November 2018. This survey requires information to be submitted about scheme membership numbers, details of the scheme manager, Fire Pension Board members, details of the administrator and other relevant contact details.
47. As at 31 March 2018, the scheme numbers reported to the TPR were as follows:

Member status	1992 Scheme	2006 Scheme	2015 Scheme	Total
Active	151	87	931	1,169
Deferred	85	460	270	815
Pensioner	954	100	3	1,057
Total	1,190	647	1,204	3,041

48. TPR also asked for the first time, additional questions to assess the state of common and scheme specific conditional data that is held. Guidance for these types of data can be found in APPENDIX C.
49. Data for all Fire Pension Schemes was measured in October 2018 by Hampshire Pension Services and they assessed the percentage of data to be present and accurate as 95% or above for each data type and scheme.
50. The scoring for the scheme specific conditional data has been compiled by Hampshire Pension Services from a variety of reports as there is no national agreement of what data to measure as there is for common data.
51. It was also reported to the Board that the Employer Pension Manager had completed the annual TPR Administration survey 2018. To be able to complete this accurately, the Employer Pension Manager consulted with The Pension Board chair and vice-chair, Hampshire Pension Services and other representatives. She also consulted with the Scheme Manager delegatee. The Scheme Manager for Hampshire Fire Pensions is the Standards and

Governance Committee and they have delegated the day to day Scheme Manager responsibilities to the Head of Finance.

52. the Employer Pension Manager consulted with the Head of Finance in his role as the delegatee Scheme Manager, The Pension Board chair and vice-chair, Hampshire Pension Services and other representatives.

BENCHMARKING

53. The Board heard that Aon had been commissioned by the Scheme Advisory Board (SAB) to benchmark the costs of running the Fire Pension Scheme, which had never been done before.
54. Aon issued surveys to the Administrator and the Employer for completion by 31 December 2018. The Employer Pension Manager completed these, after consultation with the Scheme Manager, Hampshire Pension Services and the Finance Teams.
55. Aon hope to be able to answer four main questions from the results of the survey
 - (a) How effective is scheme administration?
 - (b) What are the costs of running the scheme?
 - (c) Are there any themes or patterns?
 - (d) Whether anything could be done differently or better

ANNUAL BENEFIT STATEMENTS

56. The statutory deadline for issuing Annual Benefit Statements (ABS) is 31 August each year. It was reported to the Board that the 2018 deadline was met and that ABS' were issued to home addresses.
57. The Employer Pension Manager has been involved with providing feedback to Hampshire Pension Services with regard to improvements, wording and consistency for the 2019 statements, which will be provided on-line through the new Member Portal for the first time.

ANNUAL AND LIFE TIME ALLOWANCE

58. The statutory deadline to provide Pension Savings Statements is 6 October each year.
59. A Pension Savings Statement is automatically sent to a member where they have exceeded the Annual Allowance in the year but can be sent to any

member upon request; for 2017/18 12 Pension Savings Statements were issued to members of the Hampshire Fire Pension Schemes.

60. The issues around Annual Allowance (AA) and Life Time Allowance (LTA) are very complex and the Board were in favour of the proposal to hold seminars for those that might be affected by the AA or LTA issue.
61. Seminars were held in October and November 2018 and a number of members attended the sessions; these were put on as part of a joint training programme with two other FRAs.
62. In 2017/18 The Board had endorsed a factsheet that the Employer Pension Manager had drafted on Annual Allowance. the Board were pleased to note that a factsheet for Life Time Allowance had also now been drafted.
63. It was reported to the Board that both these factsheets would be published on the Employer Pension Web Pages so that they could provide a useful tool for members and employers.

VOLUNTARY SCHEME PAYS

64. Where a member has exceeded their Annual Allowance in the year and it has resulted in a tax charge. The member may elect to use the Scheme Pays option. This enables HFRA to pay the tax charge to HMRC on behalf of the member and there is a permanent offset made against their pension, called a Scheme Pays Debit.
65. There is Mandatory Scheme Pays and Voluntary Scheme Pays. Mandatory Scheme Pays is legislated for, but Voluntary Scheme Pays is not and requires a decision from each FRA as to whether they will allow it.
66. For most members, that have a tax charge as a result of exceeding the Annual Allowance, they will fall into the Mandatory Scheme Pays criteria which are:
 - (a) The tax charge must be greater than £2,000
 - (b) The Pension Savings must be greater than the standard Annual Allowance in that year.
 - (c) The Annual Allowance must be exceeded wholly in one scheme
 - (d) The election to use Scheme Pays is made within the relevant deadlines
67. Where one of these criteria is not met, then the tax charge must be treated as Voluntary Scheme Pays. The main issues with Voluntary Scheme Pays are that
 - (a) The timescales for paying the tax to HMRC are much shorter

- (b) It is not legislated for in the same way that Mandatory Scheme Pays is.
68. The Local Government Association (LGA) has sought legal advice over whether FRAs can utilise Voluntary Scheme Pays. If an FRA decides not to allow Voluntary Scheme Pays, the member would have to pay the tax charge directly to HMRC themselves, which could be a large sum.
69. The LGA's interpretation of this advice is that an FRA can offer Voluntary Scheme Pays to members, but it is up to each FRA to make their own decision. HCC Legal Services have confirmed that the advice provided from the LGA is reasonable.
70. The Board have supported the recommendation to allow Voluntary Scheme Pays to affected members. The Standards and Governance Committee are also asked to approve this recommendation, to ensure that should Hampshire Pension Services have any cases which fall under Voluntary Scheme Pays that they have the authority to offer this option to the member.

LEGISLATION UPDATE

71. The Board heard how during the year, HFRA and Hampshire Pension Services have been involved with one consultation on Regulation amendments, which then also came into effect. They have also dealt with the introduction of the General Data Protection Regulations and the changes to the SCAPE discount rate, which were announced in the budget in October 2018.

CONSULTATIONS

72. The Home Office launched a consultation on 16 April 2018 regarding
- (a) Changes to survivors' benefit arrangements in the 2006 scheme. This was in relation to the Supreme Court judgement in the case of Brewster.
 - (b) A number of unrelated minor amendments to the legislation for all schemes to ensure that certain limited aspects of the schemes work as originally intended.
73. This consultation was issued to the Employer Pension Manager as a member of the Fire Technical Group, and then taken to the Fire employer Group for discussion. This is an important role of the Fire Employer Group in ensuring that up-coming legislative changes are communicated to the relevant parties so that the necessary action can be taken. This will hopefully aid HFRA in avoiding missing any regulation changes as they did with Temporary Promotions.

AMENDMENT LEGISLATION

74. The Police and Firefighters' Pension (Amendment) Regulations 2018 (SI 2018/997) were laid on 13 September 2018 and came into effect on 8 October 2018.
75. These regulations brought into effect the items of the consultation mentioned in paragraph 69 and the Local Government Association issued a Technical Note with guidance and actions that needed to be completed as a result of the implementation of this legislation.
76. The 2018 Amendment legislation provided clarity that the first pension amount calculated under the Two Pension Rule (Split Pension) is to be indexed by an amount "equivalent" to Pensions Increase. This was important distinction because the qualifying condition of the Pensions Increase Act do not permit payment of Pensions Increases until the members 55th birthday.
77. It was reported to the Board that Hampshire Pension Services had identified four cases that needed reviewing after this clarification. These four cases had used the Two Pension Rule and had retired before age 55.
78. The Board also heard about the 2018 legislation changes for co-habiting members of the 2006 scheme. The amendment meant that there was no longer a requirement to complete a co-habiting nomination form, which would enable their partner to receive a pension in the event of their death.
79. The Board were pleased to note that this had been communicated in Routine Notice and as a news item on the Fire portal homepage. The communication had happened within the three months allowed under the Member Disclosure Regulations.

GENERAL DATA PROTECTION REGULATION (GDPR)

80. GDPR came into effect on 25 May 2018. This primarily concerns the privacy notices and confirming how personal data will be used. HFRA are the data controllers and Hampshire Pension Services are the data processors.
81. It was reported to the Board that HFRA was compliant with GDPR and that privacy notices had been published in respect of the Fire Pension Schemes.

SCAPE DISCOUNT RATE

82. The Board heard how in the budget on 29 October 2018, a change to the SCAPE discount rate was announced, reducing it from 2.8% to 2.4% pa

above CPI. This meant that a number of factors used in various pension calculations would now all be reviewed and possibly amended.

83. All pension calculations were affected as they all use factors of one sort or another. The Government Actuary Department (GAD) issued new tables of factors for all calculations (such as commutation, transfers, cash equivalent transfer values and early retirement reduction factors) between October 2018 and January 2019.
84. The Board also heard how the change the SCAPE discount rate would mean a significant increase to employer contributions from 1 April 2019.
85. The Treasury made a commitment to fund all costs nationally to FRAs above £10m for 2019/20 and the Government has confirmed that for 2019/20 they will be providing specific grant funding to cover approx. 95% of additional costs to FRAs.
86. Whilst this funding is welcome, it does not cover the full additional costs to the Authority (which for Hampshire is £3.7m) and as yet there is no certainty that this funding will continue beyond 2019/20.

OTHER ITEMS

87. At the July meeting, the Board reviewed the Risk Register which can be found in APPENDIX B. The Board concluded that there were no amendments necessary.
88. At the October meeting, the Board also received a report of the Pension Administrator which can be found in APPENDIX E.

TERMS OF REFERENCE REVIEW

89. Members of the Standards and Governance Committee are asked to agree minor amendments to the Terms of Reference of the Firefighters' Pension Board (attached at APPENDIX I).
90. The Terms of Reference (ToR) for the Firefighters' Pension Board, together with the Code of Conduct were agreed by Hampshire Fire and Rescue Authority on 20 February 2015 at the same time as the Board was formally constituted. The responsibility of "Scheme Management" to Standards and Governance (S&G) Committee was approved by the Authority at its Annual General meeting on 9 June 2016. Responsibility for "Scheme Management" previously resided with the former Finance and General Purposes (F&GP) Committee.

91. The ToR was reviewed at the Firefighters' Pension Board on the 8 January 2019 (attached at APPENDIX H), with a view to changes being approved at a future meeting of the Standards and Governance Committee.
92. Changes to the overall HFRA constitution were agreed at the Annual General Meeting (AGM) of the Authority on the 5 June 2019. These included references to "Director of Professional Services" which were replaced with "Chief of Staff" in the Firefighters Pension Board ToR, and in the overall constitution. It was agreed at the Authority on the 5 June 2019 that any further amendments to the ToR would be delegated to The Clerk for approval at the next Standards and Governance Committee.
93. The current ToR states that the employer representatives will be appointed by the Authority at its AGM (as set out in 3.5 of APPENDIX I).
94. To allow for flexibility in appointing to the Board, it is proposed that the current ToR are amended to remove the requirement for employer representatives to only be appointed at the AGM of the Authority. The amended wording is set out in 3.5 of APPENDIX I.
95. To also allow for flexibility in appointing scheme member representatives, it is proposed that the current ToR are amended to reflect that scheme member representatives can be appointed at any time in the year by the Authority (as set out in 3.6 of APPENDIX I).
96. With regard to the appointment of Chairman/Vice-Chairman of the Board, these are elected by the Board at the first meeting of the Board following the AGM of the Authority (as set out in 3.2 and 3.3 of APPENDIX I). It is therefore proposed that 3.11 of APPENDIX I is deleted.
97. With regard to 3.12 of APPENDIX I, this is a duplication of 3.6 of APPENDIX I, and it is therefore proposed that this is deleted.

WORK PLAN

98. At the July meeting, the Chairman put forward a structured plan for the content at future meetings. With this in mind, there are naturally some items which will fall into different parts of the year and can be reported on accordingly.
99. Each Pension Board Status Report will contain standing items and any relevant additional items. Depending on the timing of meetings, this may alter when these items can be reported.
100. There will also be a legislation and Local Government Association (LGA) update report for each meeting. This will include all the Fire Pension Scheme

(FPS) bulletins issued by the LGA, any other communications that they have issued along with any legislation updates.

101. The key headings for each report for each meeting are shown in APPENDIX F. The Board endorsed this approach to future reports and meetings.

FUTURE ISSUES

102. The report has identified significant progress across a number of areas; this is largely due to the dedicated resource of the Employer Pension Manager, which have now been made permanent. The focus for the 2019/20 year includes:

- (a) Re-assessment using the TPR self-assessment tool
- (b) Training for Pension Board members
- (c) Rolling programme of pension communications
- (d) Injury pension reviews
- (e) Implementation of Member Portal (access to pensions online)
- (f) Work towards the Combined Fire Authority
- (g) Potential impact from McCloud judgement and the cost cap

CONCLUSION

103. As set out in this report, substantial progress has been made across all areas of fire pensions during 2018/19; in particular around governance and control, together with significant improvements in the quality and range of pension information that is available to firefighters.
104. Much of this has only been possible due to the employment of Claire Neale as the Employer Pension Manager, who has been instrumental in managing the multitude of activities throughout the year. In many authorities this level of resource cannot be justified or afforded, but the shared services arrangement within Hampshire means that this role can work across three different partners and pension schemes and can undertake an effective liaison role with Hampshire Pension Services who is the administrator across all three schemes.
105. For 2019/20 the year will be more about a period of continuous improvement and building on the foundations that have been put in place that will continue to be orchestrated by the Employer Pension Manager.

RECOMMENDATION

106. That the Standards and Governance Committee approves the recommendation to allow Voluntary Scheme Pays as set out in paragraphs 64-70.
107. That the Standards and Governance Committee agrees the amendments to the Firefighters' Pension Board Terms of Reference as set out in paragraphs 89-97 and in APPENDIX I.
108. That the contents of this report are received and noted by the Standards and Governance Committee
109. That the Standards and Governance Committee provides any feedback to the Fire Pension Board on previous work or on future areas of priority.

APPENDICES ATTACHED

110. APPENDIX A – Fire Pension Board report 5 July 2018, [Report](#), [Appendices 1](#), [Appendices 2](#), [Appendices 3](#)
111. APPENDIX B – Risk Register review report 5 July 2018, [Report](#), [Appendix](#)
112. APPENDIX C - Fire Pension Board report 19 October 2018, [Report](#), [Appendices](#)
113. APPENDIX D – Legislation and Local Government Association (LGA) Update report 19 October 2018, [Report](#), [Appendices](#)
114. APPENDIX E – Pension Administration update report, [Report](#)
115. APPENDIX F – Fire Pension Board report 8 January 2019, [Report](#), [Appendices](#)
116. APPENDIX G – Legislation and Local Government Association (LGA) Update report 8 January 2019, [Report](#), [Appendices](#)
117. APPENDIX H – Terms of Reference report 8 January 2019, [Report](#), [Appendix](#)
118. APPENDIX I – Proposed amendments to Terms of Reference

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