**Workforce Report**

**Purpose of Report**

To update the Fire Commission on matters in relation to pension and industrial relations matters.

**Summary**

This paper is for information and briefly describes the main pensions and industrial relations issues at present.

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| **Recommendation**  That the Fire Commission discuss and share local issues relevant to the national positions.  **Action**  Officers to progress as appropriate. |

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**Workforce Report - industrial relations and pensions**

**PENSIONS**

**Malcolm Eastwood, Chair of the Scheme Advisory Board**

1. Malcolm Eastwood, a former Chief Fire Officer of Hampshire Fire and Rescue Service, has been appointed as Chair of the Firefighters Pension Scheme (England) Scheme Advisory Board and will provide a verbal update to the Fire Commission today on the role of the Scheme Advisory Board.

**Scheme Advisory Board**

2. The employer and employee representatives of the Scheme Advisory Board have now been appointed by the Fire Minister and are named below

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| **Employee Representatives** | **Employer Representatives** |
| Sean Starbuck | Cllr Maurice Heaster |
| Samantha Rye | Cllr Jeremy Hilton |
| Francis Bishop | Cllr Rebecca Knox |
| Dave Limer | Cllr Darrell Pulk |
| Tristan Ashby | Cllr Thomas Wright |
| Glyn Morgan | Cllr John Fuller |
| Des Prichard | Cllr Philip Howson |

3. The Scheme Advisory Board will shortly be writing to all Local Pension Boards, Chiefs and Chairs to introduce themselves and their work plan.

**Consultation on survivor amendments and 2014 amendments**

4. The Home Office have recently consulted on proposed amendments to survivor benefits in the 1992 scheme and minor amendments to the 2014 scheme.

5. The amendments to survivor benefits amends the 1992 regulations and compensation scheme to ensure that survivors of firefighters retain their survivor benefits on re-marriage, this is in line with paragraph 2.17 of the [March 2015 budget statement](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/416330/47881_Budget_2015_Web_Accessible.pdf).

6. The amendments to the 2014 regulations makes clear the government policy on Ill-Health retirements for a person who is near to their taper date to move into the 2015 scheme when an IQMP process is initiated.

7. The amendments make clear that a person who is in the position should not be transitioned to the 2015 scheme until the IQMP process has completed. If the subsequent recommendation is for an Ill-health pension to be awarded this should be under the relevant rules of the existing scheme (i.e. 1992 or 2006)

**Contributions Holiday**

8. In 2013 DCLG consulted on regulations to permit members of the 1992 scheme under the age of 50 who have accrued 30 years’ service to take a contributions holiday from the time they attain 30 years’ reckonable service until they reach age 50.

9. The consultation response can be found [here](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/205716/Amendments_to_the_Firefighters__Pension_Scheme_1992_and_New_Firefighters__Pension_Scheme_2006_-_Summary_of_responses.pdf), paragraphs 43 to 61 refer.

10. Following the consultation, the department sought a declaration from the courts to consider whether the requirement for a 1992 Scheme member to continue paying contributions beyond the point of accruing maximum service and prior to having the option to retire was unlawfully discriminatory.

11. In December 2015 DCLG settled the case and agreed to provide a contributions holiday.

12. This will need amending regulations, and DCLG and are now considering the relevant framework.

13. Draft regulations are expected in the summer.

**Valuation, Employer Contribution Rate and Cost Cap Mechanism**

14. The employer cost cap across the schemes was set by the [valuation report](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/415189/ANNEX_B_-_150306_-_Fire_England_Valuation_-_Report_by_the_Scheme_Actuary_-_Final.pdf) at 31st March 2012 as 16.8% of pensionable pay.

15. The average employer contribution rate was set by the valuation as 17.6% of pensionable pay.

16. The employer contribution rate will be reassessed at the next actuarial valuation to be carried out at 31st March 2016, and the next revision to the employer contribution rate is expected to take effect from 1 April 2019.

17. GAD have requested valuation data from FRAs to be supplied by 12th August 2016.

18. This is a very tight timeframe for employers to provide year end data to their administrators in order to run year end processes (the first time for the 2015 scheme) and run the valuation extracts and reports.

**Annual Benefit Statements**

19. Under Section 14 of the Public Sector Pensions Act 2013 Act, Scheme Managers must provide an Annual Benefit Statement (ABS) to all active members by 31st August 2016.

20. This applies to both the new 2015 pension scheme and to the connected schemes (1992 and 2006)

21. This means that with 4 different categories of pension scheme (1992, 2006 standard and special members and the 2015 scheme) and different categories of protection within each scheme (protected, tapered and unprotected) there are at least 10 different types of members within the Firefighters Pension Schemes.

22. The responsibility for meeting these deadlines rests with the Scheme Manager (The Fire Authority) not with the outsourced pension provider.

**NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES**

**Pay, terms and conditions**

23. Members will recall that the NJC is committed to working jointly together on changes identified by each Side to ensure that there is a pay framework alongside terms and conditions in the fire and rescue service which reflect the responsibilities of, and current and future demands on, the service and the profession.

24. Substantial work has already been undertaken, and is continuing, covering areas such as environmental challenges, emergency medical response, youth and other social engagement, inspection and enforcement, and multi-agency emergency response.

25. As part of this work NJC members agreed that FRAs would be able to submit expressions of interest to the Joint Secretaries to carry out trials arising from the work of the emergency medical response workstream, which could focus on co-responding and/or wider health-related work. Importantly the matter of the firefighter rolemap has been set aside in order to facilitate the trials and agreement reached that such work will be jointly regarded as part of the core job for the duration of the trial. Therefore an FRA did not need to rely upon volunteers in order to run a trial.

26. At the time of writing, trials in thirty one services have been approved:

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| Bedfordshire | Mid & West Wales |
| Berkshire | Norfolk |
| Cambridgeshire | North Wales |
| Cleveland | Northumberland |
| Derbyshire | Nottinghamshire |
| Dorset and Wiltshire | Oxfordshire |
| Durham and Darlington | Scotland |
| Essex | South Wales |
| Gloucestershire | South Yorkshire |
| Greater Manchester | Staffordshire |
| Hertfordshire | Surrey |
| Humberside  Lancashire  Leicestershire  London | Suffolk  Tyne and Wear  West Midlands  West Yorkshire |
| Merseyside |  |
|  |  |

27. Work undertaken ranges from simply co-responding (either in specific areas or across a service) including wholetime and/or retained personnel, to trials that include much wider work for example such as that detailed below:

27.1 Slips, trips and falls assessments and offering preventative measures to reduce the risk of injury.

27.2 Winter warmth assessments including offering fire and flu advice to reduce the number of excess winter deaths.

27.3 Improving community response to cardiac arrest patients by offering Heartstart advice and allowing the British Heart Foundation the opportunity to use FRS premises to carry out courses for the general public.

27.4 Offering assistance to health partners by supporting bariatric people in terms of lifting those that have fallen.

27.5 Training of staff in Dementia Awareness becoming a Dementia Friendly organisation. Offering advice and referral opportunities to members of the community that it is felt would benefit from assistance.

27.6 Offering alcohol harm and reduction advice as well as signposting individuals that it is felt would benefit from help in this area.

27.7 Offering smoking cessation advice as well as signposting individuals it is felt would benefit from help in this area.

27.8 Providing advice and promoting local activities to residents in order to reduce loneliness and isolation.

28. The NJC trial period is currently due to draw to a close at the end of June 2016. That is currently under discussion given:

28.1 the changing of government departments in England and the impact that has had on progressing funding issues;

28.2 the need for a formal evaluation of the trials and whether the technical author of that report will require further information/data; and

28.3 any impact or implications of the above or other considerations on the duration of the trials.

29. Twenty of the thirty-one trial services were recently surveyed to gather data covering issues such as extent of trial, number and type of firefighters involved, outcomes, costs etc. Data was requested from the start of each trial up to the end of March 2016. This excluded the remaining 11 FRAs whose trials would not have started during that period or had started close to March 2016 and therefore insufficient data would be available. That data is currently being analysed.

30. Approaches have been made to respective governments across the UK seeking support for this work.

**Inclusive Fire Service Group**

31. The NJC has a continuing commitment to equality, diversity and cultural issues in the fire service. As part of that continuing commitment members decided at the last meeting of the NJC that given the employer/employee relationship, the NJC should take the lead on a piece of work to assess the current position and to identify guidance in relation to any further strategies that could be used at local level to further encourage improvement in equality, diversity and cultural issues.

32. The Chief Fire Officers Association, the Retained Firefighters Union and the Fire Officers Association accepted invitations to participate in the group, which has now met on several occasions. Professor Linda Dickens, Independent Chair of the NJC, also chairs this group.

33. To inform its work the group has undertaken a substantial survey of fire and rescue services seeking information for example on discipline and grievance cases going back 5 years and status as far as the Equality Framework is concerned. We also have information from the last NJC Workforce survey which supplies data such as numbers employed in each role, gender and ethnicity.

34. A number of organisations addressed the last meeting either in person or by written submission such as FBU special interest groups, Women in the Fire Service, Women in the Police Service, Stonewall, Asian Fire Service Association, and MIND.

35. The group has identified a need for national guidance on the matter of policy on personal use of social media.

36. The group will report to the meeting of the NJC next month and it is expected that an update will be circulated to fire authorities shortly thereafter.

**Joint Working Group (Fitness)**

37. This group was formed following the agreement in principle within the NJC on a number of fitness issues. Reference to the group subsequently appeared in the addendum to the DCLG National Framework in England and related to its dispute with the FBU. CFOA, RFU, and FOA all accepted invitations to participate in the joint working group.

38. Whilst the joint working group was, by agreement, facilitated by Peter Holland (then DCLG, latterly Home Office) it was nonetheless mindful of issues in Scotland, Wales and Northern Ireland given the joint involvement of the Employer and Employee Sides (including advisers) of the NJC which operates on a UK-wide basis.

39. The joint working group and its over-arching Steering Group (with NJC/DCLG(HO) membership) met on several occasions.

40. The group completed its remit within time, issuing a best practice guide on fitness issues in March this year:

<http://local.gov.uk/documents/10180/7734367/workforce+-+fire+and+rescue+circular+-+njc-1-16++-+best+practice+guide+-+final.pdf/f780520a-f433-470f-844f-6e3856adcde6>

**Advanced Level Apprenticeship in Exercise and Fitness**

42. One of the topics considered as part of the DCLG(Home Office)/NJC joint working group on fitness was the role and value of dedicated workplace fitness advice. There can be various ways of providing this kind of advice but the group recognised that it would be important for such advisers to have the appropriate skills and training to undertake such an activity.

43. We discussed this further with the FBU outside of the group given a potential role for watch or station based fitness advisers (on physical training) and mindful of the financial constraints fire and rescue services are working within.

44. The FBU has developed a programme through their National Learning Centre and in partnership with Leeds City College. This programme is an Advanced Level Apprenticeship in Exercise and Fitness which will enable successful students to qualify as a Level 3 Personal Trainer. Students do not have to be FBU members or have already studied at level 2.

45. For Fire and Rescue Services, there is no direct cost for this programme, which can be delivered locally within services subject to the number of students and facilities available. Tutors will be provided through the FBU programme. To support the programme, an FRS is asked to make a number of commitments as set out below:

45.1 Advertise the programme within the FRS;

45.2 Assist with enrolments;

45.3 Provide a dedicated point of contact in each FRS who can book dates and organise staffing to allow learners to attend;

45.4 Organise mop up days for learners who are on shift or who cannot attend on programmed days;

45.5 Provide classrooms or study areas with White Boards that can be booked all day;

45.6 Provide access to appropriate fire station gyms or book their equivalent for the back-end of the course when practical sessions will take place; and

45.7 Fully commit to their ongoing involvement for the duration of the 15-month programme and allow participants the one-day a month required for course attendance.

46. The partnership approach to this programme will be of benefit to fire and rescue services as they look to support the fitness of their employees, as well as a good opportunity for the people who take part in the programme to utilise the skills they gain.

47. We wrote jointly to all services in England in February to gauge interest. The approach was welcomed with 26 services indicating that they wish to be involved in the initial programme and a further 5 indicating interest for the future. Due to the funding position this opportunity can only be offered to FRAs in England at the present time although we have asked the FBU to explore whether it would be possible to secure funding to provide something similar in Scotland, Wales and Northern Ireland.

48. The FBU is currently contacting the 26 services in England to put arrangements in place to allow the students to enrol and for the course to begin.

49. We are currently exploring, both with the FBU and internal LGA colleagues who work on apprenticeship matters, whether the apprenticeship can count towards the government levy.

**Part-Time Workers (Prevention of Less Favourable Treatment) Regulations - Employment Tribunal cases**

50. Members will recall that settlement agreements were reached some time ago with both the RFU and the FBU in respect of the many thousands of Employment Tribunal cases relating to discrimination under the above Regulations.

51. Concluding application of the settlement agreements on the terms and conditions aspect of the cases and ensuring that all eligible employees and ex-employees have received a settlement payment has been a very lengthy and complex process. However the independent data processer *Popularis* has now issued the final batch of offers.

52. Once the sequence of reminder letters has been issued both unions will write to anyone who has not responded to a settlement offer at any point in this process to advise them that they will no longer represent them. Fire authorities will be advised when this has taken place so that they can then write to their respective tribunals to seek to have such cases struck out. A template letter has already been provided to FRAs.

53. To conclude the process *Popularis* will provide each FRA with a record of the status of each of its offers - accepted, no reply etc.

**Transitional pension scheme arrangements- Employment Tribunal cases**

54. FRAs are aware that the FBU has entered many thousands of Employment Tribunal cases on behalf of its members in relation to the transitional pension scheme arrangements across the UK. The Claimants allege that the transitional arrangements made when the firefighters' pension schemes were amended with effect from 1 April 2015 discriminate on the grounds of age, in some cases on the grounds of sex and race, and in all cases that they breach the principle of equal pay.

55. Given the good sense of not replicating matters many times over, and through the auspices of the National Employers, we offered to put in place a collective response to this matter. All UK FRAs welcomed that approach and have provided the LGA and Bevan Brittan LLP with authority to act on their behalf. As part of this a Steering Committee has been set up including a number of FRA representatives.

56. A cost sharing arrangement has also been entered into although the matter of costs in defending these cases has been raised with respective government departments given FRAs ultimately did not have control over the decisions taken in putting these protection arrangements in place.

57 A second preliminary hearing is due to take place between 31st May and 3rd June. The liability hearing itself has been listed for 9th to 25th January 2017.

**Pay 2016**

58. The usual settlement date for employees covered by the NJC for Local Authority Fire and Rescue Services is 1 July and this matter will therefore be considered at next month’s meeting of the NJC.