



Local Government Act 1972

The Annual Meeting of the **Combined Fire Authority for County Durham and Darlington** will be held in the **County Durham and Darlington Fire and Rescue Service Headquarters** on **Friday 14 June 2019** at **10.00 a.m.** to consider the following business:-

PART A

1. Declarations of interest, if any
2. Appointment of Chairs and Committees - Report of Clerk (Pages 5 - 8)
3. Representation on Other Bodies 2019/20 - Report of Clerk (Pages 9 - 10)
4. Appointment of Minority Party Spokesperson
5. Minutes of the meeting held on 19 March 2019 (Pages 11 - 14)
6. Current Correspondence - Report of Assistant Chief Fire Officer - Service Support (Pages 15 - 16)
7. Notes of Audit and Risk Committee - Report of Chair (Pages 17 - 18)
8. Appointment of Independent Persons - Report of Clerk (Pages 19 - 20)
9. Amendments to the Delegated Powers of the Combined Fire Authority's Appeals Panel - Report of Clerk (Pages 21 - 36)
10. Member Champions - Report of Assistant Chief Fire Officer - Service Support (Pages 37 - 48)
11. Member Buddy System and Affiliation with Fire Stations - Report of Assistant Chief Fire Officer - Service Support (Pages 49 - 56)
12. Local Government Association (LGA) Subscription - Report of the Chief Fire Officer (Pages 57 - 60)

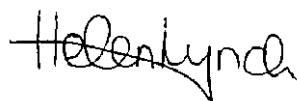
13. Contribution to Darlington Partnership - Report of Chief Fire Officer (Pages 61 - 64)
14. Strategic Planning Day 3 May 2019 - Report of Chief Fire Officer (Pages 65 - 68)
15. Member Attendance at Conference - Report of Chair (Pages 69 - 76)
16. Performance Report Quarter Four 2018/19 - Report of Area Manager Emergency Response (Pages 77 - 88)
17. Sickness Absence Performance 01 April 2018 - 31 March 2019 - Report of Head of Workforce Development (Pages 89 - 108)
18. Discretions under the Firefighter Pension Schemes - Joint report of the Chief Fire Officer and Treasurer (Pages 109 - 168)
19. Restricting Exit Payments in the Public Sector: Consultation on Implementation of Regulations (Pages 169 - 182)
20. Fire Cadets - Report of Member Champion for Fire Cadets (Pages 183 - 186)
21. Update on Retained Duty System RDS - Report of Member Champion RDS (Pages 187 - 190)
22. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
23. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting is not likely to be open to the public (consideration of exempt or confidential information).

24. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

PURSUANT to the provisions of the above named Act, **I HEREBY SUMMON YOU** to attend the said meeting



H LYNCH

Clerk to the Combined Fire Authority
for County Durham and Darlington

County Hall
Durham
DH1 5UL

**TO: The Members of the Combined Fire Authority for County Durham
and Darlington**

Durham County Councillors:

Councillors B Avery, A Batey, D Bell, J Bell, R Bell, P Brookes, C Carr, D Freeman, D Hicks, A Laing, L Maddison, R Manchester, L Marshall, C Potts, G Richardson, J Robinson, E Scott, J Shuttleworth, D Stoker, F Tinsley and J Turnbull.

Darlington Borough Councillors:

Councillors H Crumbie, B Jones, G Lee and A J Scott.

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Safest people, Safest places

County Durham and Darlington
Fire and Rescue Authority



COMBINED FIRE AUTHORITY

14 JUNE 2019

APPOINTMENT OF CHAIRS AND COMMITTEES

REPORT OF CLERK TO THE AUTHORITY

Introduction

1. The purpose of this report is to agree the Chairs and membership of the Committees for 2019/20.

Background

2. The political membership of the Committees is determined by the overall political balance of the Authority which is agreed in consultation with Durham County Council and Darlington Borough Council.
3. Following consultation with the Leaders of the Political Groups, the Chairs and memberships of the Committees detailed in Appendices 1 and 2 have been proposed.

Recommendation

4. Members are requested to:
 - (a) **approve** the political membership of the Committees as set out in Appendix 1.
 - (b) **approve** the appointment of the Chairs of the Committees as set out in Appendix 2.
 - (c) **agree** that the Clerk in consultation with the Chair and Vice Chair of the Authority and the appropriate Group Leader be authorised to make any changes to the Committees that may arise during 2019/20.

Committee	Labour Group Representation	Conservative Group Representation	Liberal Democrat Group Representation	Durham Independent Group Representation	DCC Independent Group Representation	Spennymoor Independent Group Representation	Darlington Group Representation
Appointments Panel (4 Members)	Cllr J Robinson (Chair) Cllr Audrey Laing		Cllr E Scott				Cllr B Jones (D'ton)
Appeals (6 Members)	Cllr A Laing (Chair) Cllrs J Bell, J Turnbull		Cllr D Stoker		Cllr B Avery		Cllr B Jones (D'ton)
Audit and Risk (6 Members)	Cllr J Turnbull (Chair) Cllrs D Bell, L Marshall		Cllr E Scott		Cllr B Avery		Cllr G Lee (D'ton)
Finance (6 Members)	Cllr A Batey (Chair) Cllr H Crumbie (D'ton) Cllr C Potts	Cllr G Richardson	Cllr D Freeman		Cllr J Shuttleworth		
Performance (6 members)	Cllr C Carr (Chair) Cllrs J Bell, R Manchester		Cllr D Stoker		Cllr B Avery		Cllr G Lee (D'ton)
Joint Consultative Committee (7 Members)	Cllr A Laing (Chair) Cllr A Scott (D'ton) Cllrs L Marshall, C Potts		Cllr D Freeman		Cllr J Shuttleworth		Cllr B Jones (D'ton)
Pension Board (2 Members)	Cllr F Tinsley (Chair) P Brookes						
Salary Review Group (3 Members)	Cllr J Robinson (Chair) Cllr A Laing						Cllr B Jones (D'ton)

NOTE: - A committee member who is Darlington Conservative would fulfil the requirement for both Conservative Group and Darlington Group representative.
A committee member who is Darlington Labour would fulfil the requirement for both Labour Group and Darlington Group representative.

Committee	Chair
Appointments	Councillor J Robinson
Appeals	Councillor A Laing
Audit and Risk	Councillor J Turnbull
Finance	Councillor A Batey
Performance	Councillor C Carr
Joint Consultative Committee	Councillor A Laing
Pension Board	Councillor F Tinsley
Salary Review Group	Councillor J Robinson

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COMBINED FIRE AUTHORITY

14 JUNE 2019

REPRESENTATION ON OTHER BODIES

REPORT OF CLERK TO THE AUTHORITY

Purpose of the Report

1. The purpose of this report is to consider the Combined Fire Authority's representation on other bodies for 2019/20.

Background

2. Following consultation with the Leaders of the Political Groups, the appointments to the Combined Fire Authority's other bodies as detailed in Appendix 1 have been proposed.

Recommendations

3. Members are requested to:
 - (a) **approve** the appointments to the Combined Fire Authority's other bodies as set out in Appendix 1.
 - (b) **agree** that the Clerk to the Authority in consultation with the Chair and Vice Chair and the appropriate Group Leader be authorised to make any changes to the appointments that may arise during 2019/20.

Sarah Nattrass, Assistant Chief Fire Officer, Service Support, 0191 3755587

1. **Appointment of 3 Representatives to the Local Government Association.**

Councillors J Robinson, A Laing and A Scott

2. **Appointment of a Representative to the LGA Fire Commission**

Councillor J Robinson

3. **Appointment of 3 Directors to the Community Interest Company**

Councillors C Carr, A Scott and D Stoker

4. **Appointment of 3 Directors to Vital Fire Solutions Ltd**

Councillors C Carr, A Scott and D Stoker

At a **meeting** of the **Combined Fire Authority for County Durham and Darlington** held at Fire and Rescue Service Headquarters, Belmont Business Park on, on **Tuesday 19 March 2019** at 10.00 am.

Present:

Durham County Councillors:

Councillors B Avery, A Batey, D Bell, J Bell, P Brookes, D Hicks, P Howell, A Laing, L Marshall, C Potts, J Robinson, J Shuttleworth, W Stelling and F Tinsley.

Darlington Borough Councillors:

Councillors H Crumbie, C Johnson and B Jones.

Apologies for absence were received from Councillors C Carr, A Gardner, G Richardson, S Richmond, M Simmons, D Stoker and J Turnbull

The Chair noted congratulations on behalf of the fire authority for winning UK fire and rescue service of the year at the 2019 IESE Public Sector Transformation Awards.

The Chair informed members that Cllr Sue Richmond had confirmed that she would not be standing for re election at the upcoming Darlington elections. The authority noted their thanks and best wishes.

A1 Declarations of Interest

There were no declarations of interest.

The Chair clarified that apologies had been received from those members appointed directors of the Community Interest Company and Vital Fire Solutions.

A2 Minutes of the meeting held on 22 February 2019

The minutes of the meeting held on 22 February 2019 were confirmed as a correct record (for copy see file of minutes).

A3 Current Correspondence

The Authority received an update from the Assistant Chief Fire Officer Service Support in relation to current correspondence received from government and other bodies relevant to the Authority and the status of each (for copy see file of minutes).

A4 Notes of the Audit and Risk Committee

The Authority considered a report of the Audit and Risk Committee, which provided an update on the discussions at the meeting held on 28 February 2019 (for copy see file of minutes).

Resolved:

The contents of the report be noted.

A5 Notes of the Performance Committee

The Authority considered a report of the Performance Committee, which provided an update on the discussions at the meeting held on 7 March 2019 (for copy see file of minutes).

Cllr Jones highlighted discussion around the importance of committee meeting attendance.

Resolved:

The contents of the report be noted.

A6 Localism Act Pay Policy Statement 2019/20

The Authority considered a report of the Treasurer and Clerk which sought approval of the pay policy statement for 2019/20.

Resolved:

- a) That the 2019/20 pay policy statement as set out in Appendix A be approved.
- b) Note that the statement will be published on the Authority's website.

A7 Performance Report Quarter Three 2018/19

The Authority considered a report of the Area Manager Community Risk Management which presented a summary of organisational performance at the end of the third quarter of the 2018/19 financial year.

Members commented on the figures for vehicle accidents and the ongoing work around restricted access by parked vehicles.

Members discussed the data presented for primary fires in non-domestic premises and requested that absolute and variation figures were included in future reports to add context.

Resolved:

The contents of the report be noted.

A8 Subsidiary Companies Audit Exemption and Financial Guarantee

The Authority considered a report of the Treasurer which outlined a change to the Authority's accounting and audit arrangements to include group financial statements incorporating the subsidiary companies Vital Fire Solutions (VFS) and County Durham and Darlington Fire and Rescue Community Interest Company (CIC).

The report also sought approval for the provision of parent undertaking guarantees for both VFS and the CIC.

Members queried the risk associated with the changes. T Hope confirmed that there would be very little risk as the majority of transactions were between the authority and the subsidiary companies.

Members queried the proposed fees. T Hope clarified that the increase in the 2018/19 audit fee was for the additional work to be carried out and would be offset by the overall saving in audit fees.

Members highlighted that the proposal was discussed at the Audit and Risk committee and no concerns were raised.

Resolved:

- a) That the change to the Authority's accounting and audit arrangements to include group financial statements which consolidate the accounts of VFS and the CIC with those of the Fire Authority be noted.
- b) That authority be delegated to the Treasurer to provide parent undertaking guarantees for 2018/19 and subsequent years on behalf of VFS and the CIC to Companies House.

A9 AOB

There was no other business.

A10 Exclusion of the public

That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 4 of Part 1 of Schedule 12A to the said Act.

B11 Long Service and Good Conduct Medal

The Authority considered a report of the Chief Fire Officer which identified members of staff who had satisfactorily completed twenty years' service.

Resolved:

That a recommendation be made for the names to be submitted to the relevant Government department for the award of the Fire Brigade Long Service and Good Conduct Medal.

B12 Fire Fatality Presentation

The Area Manager Training Assets and Assurance delivered a presentation to members in relation to a fire at Consett.

Members commented on the efficient communications between fire service control rooms and noted thanks to the staff involved.

B18 AOB

The Group Manager Assurance joined the meeting to provide an update regarding the HMICFRS inspection programme.

There was no other business.

CLOSE OF MEETING



Current Correspondence: March 2019 – June 2019

Release date	Subject	Summary	Action		
			CFA Report	CFA Response	Info
12/3/19	Fire Revenue Firelink Grant for 2019/20	Information relating to the payment of the New Burdens Fire Revenue Firelink grant for 2019/20 under Section 31 of The Local Government Act 2003.			√
25/03/2019	Letter from David Blunt, Home Office Chief Statistician & Head of Fire, Licensing and Public Order Analysis Unit	Update on the Incident Reporting System.			√
26/04/2019	Letter from Zoë Billingham HMICFRS	Update with progress of the second tranche of inspections and the fire and rescue service inspection programme.			√

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COMBINED FIRE AUTHORITY

14 JUNE 2019

NOTES OF THE AUDIT AND RISK COMMITTEE HELD ON 21 MAY 2018

REPORT OF THE CHAIR OF THE AUDIT AND RISK COMMITTEE

Members Present: Cllr J Turnbull in the Chair
Cllrs B Avery, L Marshall and C Johnston

Apologies: Cllr D Bell (Cllr R Manchester attending) and C Dearden of Mazars

Purpose of the report

1. The purpose of this report is to provide members with an update of the discussions and recommendations of the Audit and Risk Committee held on 21 May 2019.

Corporate Governance Action Plan Update

2. The Committee were updated with the progress being made in relation to the actions arising from the corporate governance action plan. Members considered and discussed the findings and associated risks within the plan.

The Committee **noted** the report.

Corporate Risk Register update

3. Members were presented with the details of the corporate risk register as at 31 March 2019. There were eight risks on the risk register. Changes to the register were summarised and discussed.

The Committee **considered** and **noted** the report.

Internal Audit Progress Report

4. The Committee were updated on work undertaken by Internal Audit between 01 April 2018 and 31 March 2019. Progress against planned work, amendments to the annual audit plan and the audit recommendations were considered. It was noted that there were no reports issued with a limited assurance opinion and no unplanned work carried out this quarter. The summary of agreed target performance indicators was also considered.

The Committee **noted** the report.

Internal Audit Plan

5. Members were presented with the details of the internal audit plan for the period 01 April 2019 to 31 March 2020, which had been agreed with the service leadership team on 24 April 2019.

The internal audit plan will deliver 71 productive audit days in 2019/20, in line with the Service Level Agreement with the Authority. The scope of the planned audit reviews were explained to the Committee.

The Committee **agreed** the Internal Audit Plan for 2019/20.

PART B

Internal Audit Recommendations

6. Members discussed and considered the six medium priority recommendations overdue against the original target implementation dates. It was noted that target implementation dates have been agreed in all cases.

The Committee **noted** and **approved** the revised target dates set out.



COMBINED FIRE AUTHORITY

14 JUNE 2019

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF CLERK

PURPOSE OF THE REPORT

1. To update the Fire Authority on the outcome of the Appointments Panel on 26 April 2019 and the appointment of new Independent Persons.

BACKGROUND

2. The Localism Act 2011 provides the framework intended to secure high standards of conduct in public office, and it requires the appointment, by the Authority, of at least one independent person.
3. The independent person must be consulted by the Authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides an action to be taken in respect to that member. They may also be consulted by the Authority in respect of a complaint at any other stage and, they may be consulted by a member of the Authority against whom the complaint has been made.
4. At its meeting on 18 December 2018, the Authority authorised the recruitment of up to two independent persons and delegated responsibility for the process and appointments to the Clerk and the Appointments Panel.

RECRUITMENT PROCESS

5. The positions were advertised on social media and on the Authority's website with a closing date of 22 March 2019. Seven applications were received, four candidates were shortlisted and invited to interview on 26 April 2019. One candidate subsequently withdrew and so three candidates were interviewed.
6. The interviews were conducted by the Appointments Panel with the Clerk and HR Advisor to the Authority in attendance. Out of the three candidates, the Panel decided to appoint Nyama Johnson and Andrew Simpson, subject to the Clerk receiving satisfactory references. The Clerk has received satisfactory references for both candidates and has written to them to confirm their appointments for a 4-year term, expiring on 30 April 2023. The Clerk is also arranging for the new Independent Persons to complete Induction Training, which will include introducing them to members of the Authority at the earliest opportunity.

RECOMMENDATION

7. Members are recommended to:
 - i) Note the outcome of the Appointments Panel held on 30 April 2019; and

- ii) Request that the Chair, on behalf of the Authority, writes to the outgoing Independent Person to thank them for their contribution during their term of office.

H. Lynch
Clerk to Combined Fire Authority



COMBINED FIRE AUTHORITY

14 JUNE 2019

AMENDMENTS TO THE DELEGATED POWERS OF THE COMBINED FIRE AUTHORITY'S APPEALS PANEL

REPORT OF CLERK

PURPOSE OF THE REPORT

1. To seek an amendment to the delegated powers of the Appeals Panel to enable the committee to hear appeals under the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

BACKGROUND

2. The Authority's Constitution does not currently have a delegated provision for dealing with a Stage 2 IDRP dispute. Firefighters' Pension Scheme Circular FPSC 1/2009 includes the following guidance:

"It is proposed that two-stage arrangements should be maintained on the following basis:

- Stage One: the matters should be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and
- Stage Two: the decision should be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number."

3. A copy of Firefighters' Pension Scheme Circular FPSC 1/2009 is attached as Appendix A.
4. IDRP disputes do not occur on a regular basis, however, it is appropriate that the Authority has an agreed mechanism to deal with a Stage Two process. The Appeals Panel seems the most relevant committee to hear such a dispute.
5. It is therefore proposed that the constitution be amended to add the following wording to the delegated responsibilities for the Appeals Panel:

"Considering and deciding upon appeals referred to the Authority under Stage Two of the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP)."

6. A copy of the amended delegated responsibilities is attached as Appendix B.

RECOMMENDATIONS

7. Members are recommended to:

- a) **approve** the additional delegated responsibility to the Appeals Panel to enable the committee to hear appeals under the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

Helen Lynch, Clerk and Monitoring Officer 03000 269732



Firefighters' Pension Scheme Circular

Circular Number:	FPSC 1/2009	Date Issued:	02/01/2009
Action:	For Information and Action [Non-statutory guidance]		
Title:	<i>Firefighters' Pension Scheme: INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)</i>		
Issued by:	Martin Hill Local Government and Firefighters' Pensions Division		

Summary:	This circular advises FRAs that IDRP arrangements have been reviewed and changes introduced with the agreement of the Firefighters' Pension Committee to ensure that they continue to meet the requirements of the Pensions Act 1995, as amended.
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Addressed to:	Please Forward to:
The Clerk to the Fire and Rescue Authority	Pension and human resources managers
The Chief Fire Officer	Medical/Occupational health managers
	Scheme members

Enquiries:

Pensions Team Leader:

Martin Hill	martin.hill@communities.gsi.gov.uk	020 7944 8641
Andy Boorman	andy.boorman@communities.gsi.gov.uk	020 7944 8123
Anthony Mooney	anthony.mooney@communities.gsi.gov.uk	020 7944 8087

Medical Appeals

Philip Brown	philip.Brown@communities.gsi.gov.uk	020 7944 6787
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General Enquiries: firepensions@communities.gsi.gov.uk

Firefighters' Pension Scheme Website: www.communities.gov.uk/firepensions

1. Background

- 1.1 We have reviewed the Internal Dispute Resolution Procedures set out in Fire Service Circular 2/1997 in the light of changes made to section 50 of the Pensions Act 1995 by section 273 of the Pensions Act 2004, as amended by section 16 of the Pensions Act 2007, and the Occupational Pension Schemes (Internal Dispute resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008 (SI 2008/649).
- 1.2 The advice set out in this circular has been agreed with the Firefighters' Pension Committee.
- 1.3 This advice on the procedure for dealing with complaints under the Firefighters' Pension Scheme 1992 (FPS), the New Firefighters' Pension Scheme 2006 (NFPS) and the Firefighters' Compensation Scheme 2006 (FCS) should be followed in all cases where there is a dispute other than appeals lodged under Rule H2 of the FPS, Part 8, rule 4 of the NFPS or Part 6, rule 2 of the FCS, which are exempted under the 2008 Regulations.
- 1.4 Also exempted are matters in respect of which proceedings have been commenced in any court or tribunal, or the Pensions Ombudsman has commenced an investigation in respect of it as a result of a complaint made or a dispute referred to him.
- 1.5 If, after an application for the resolution of a pension dispute has been made, the dispute becomes an exempted dispute under paragraphs 3 and 4 above, the resolution of the dispute under the procedure ceases.

2. Who is entitled to make a complaint under IDRPs?

- 2.1 The IDRPs are available to the following:
 - (a) a member (active, deferred or pensioner) of the FPS or NFPS,
 - (b) a widow, widower or surviving dependant of a deceased member of the FPS or NFPS,
 - (c) a surviving non-dependant beneficiary of a deceased member of the FPS or NFPS,
 - (d) a prospective member of the scheme,
 - (e) persons who have ceased to be within any of the categories of persons referred to in paragraphs (a) to (d), or
 - (f) persons who claim to be such a person as is mentioned in paragraphs (a) to (e) and the dispute relates to whether he/she is such a person.
- 2.2 As the procedures apply also to disputes relating to the Firefighters' Compensation Scheme 2006, they will be available to those who are entitled to benefits under the Scheme, i.e. optants out of the FPS and NFPS, and retained firefighters employed before 6th April 2006 with protected rights.

3. Representation

- 3.1 An application under the IDRPs may be made or continued on behalf of a person who is a party to the dispute:
- (a) where the person dies, by his/her personal representative,
 - (b) where the person is a minor or is otherwise incapable of acting for him/herself, by a member of his/her family or some other person suitable to represent him/her, and
 - (c) in any other case, by a representative nominated by him/her.

4. How are IDRPs to be applied to the FPS and NFPS?

- 4.1 The IDRPs provide recourse for a person mentioned in paragraph 2.1 above who has a complaint relating to their pension, other than matters covered by the medical appeal arrangements in the FPS, NFPS and FCS. The amended arrangements allow for a single stage, although pension schemes have a discretion to make provision for two stages.
- 4.2 It is proposed that two-stage arrangements should be maintained on the following basis:

Stage One: the matters should be considered by the Chief Fire Officer, or a senior manager specified by him/her, who will give a decision in the matters; and

Stage Two: the decision should be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number.

5. Stage One

- 5.1 The application for consideration of the dispute should be made in writing, giving details of the complaint. A suggested format is attached at Annex 1.
- 5.2 When an application is received, the Chief Fire Officer, or the person specified by him/her, should acknowledge, and must inform the applicant that the Pensions Advisory Service (TPAS) is available to assist members and beneficiaries of the scheme(s) in connection with any difficulty with the scheme, and give the applicant the contact details of TPAS.
- 5.3 Except in cases referred to in section 3, applications must be made by any person referred to in paragraph 2(a) to (d) above within six months beginning after the date on which the person could have reasonably known about the matter in dispute, or in the case of a person in categories (e) and (f) the person ceased to be a member of the FPS or NFPS. The Chief Fire Officer, or the person specified by him/her, has discretion to accept an application made outside this period.

- 5.4 The exceptions are any determinations by an authority under Part 8, rule 2 of the New Firefighters' Pension Scheme 2006, where rule 5 provides for written notice of any disagreement to be submitted within 28 days of receipt of the determination.
- 5.5 A decision on the application must be notified to the complainant or his representative within two months of receipt of the application or a further letter must be sent explaining the reason for the delay and the expected date of the decision.

6. Stage Two

- 6.1 If the complainant is dissatisfied with the decision at Stage One, he or she can apply in writing, not later than six months after the date on which notified of the Stage One decision, for the decision to be reconsidered by the fire and rescue authority. A suggested format is attached at Annex 2.
- 6.2 When an application is received, it should be acknowledged.
- 6.3 A decision must be taken within two months of receipt of the application or a further letter must be sent explaining the reasons for the delay and the expected date of the decision.
- 6.4 The notice of the decision must include a statement that the Pensions Ombudsman appointed under section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law, in relation to the schemes, made or referred in accordance with that Act; and contact details

7. Pro-formas

- 7.1 To assist fire and rescue authorities, draft application forms and letters for each stage have been prepared and are annexed. Copies will be available on the website at:
<http://www.communities.gov.uk/fire/working/firefighterpensions/>

Martin Hill

Martin Hill

Stage One: Application

This application may be submitted by a person (or nominated representative) who is (a) an active, deferred or pensioner member of the Firefighters' Pension Scheme, or the New Firefighters' Pension Scheme; (b) a widow, widower or surviving dependant of a deceased member of the FPS or NFPS; (c) a surviving non-dependant beneficiary of a deceased member of the FPS or NFPS; (d) a prospective member of the NFPS; (e) persons who have ceased to be within any of the categories in (a) to (d); or (f) persons who claim to be a person mentioned in (a) to (e) and the dispute relates to whether he is such a person.

To the Chief Fire Officer, Fire and Rescue Authority

1. I wish to apply for a decision to be made, under section 50 of the Pensions Act 1995, in respect of the disagreement set out in this application.
2. I understand that an application may not be made where, in respect of a disagreement:
 - A notice of appeal has been issued under Rule H2 of the Firefighters' Pension Scheme 1992, Part 8, rule 4 of the New Firefighters' Pension Scheme 2006 or Part 6, rule 2 of the Firefighters' Compensation Scheme 2006 (appeal to a board of medical referees against a decision on an issue of a medical nature), or
 - Proceedings in respect of this dispute have begun in any court or tribunal, or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. The nature of the disagreement is set out in the attached page(s).

Complete in all cases (in Block capitals)

Full name of Scheme member

Role and employment reference

Address of Scheme member

.....

Member's date of birth Member's National Insurance No.

Complete if complainant is not a Scheme member (in Block Capitals)

Full name of complainant

Address for correspondence

.....

Relationship of complainant to Scheme member (if relevant)

Signature of complainant (or representative)Date

Nature of disagreement

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of complainant (or representative)

Date

Stage One: Letter 1

Fire and Rescue Service Headed Notepaper

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage One**

Your application under Section 50 of the Pensions Act 1995 for a decision in respect of a disagreement was received on *(date)*.....

I intend to make a decision on the matters raised by your application within two months from the date the application was received.

If, for any reason, I am unable to issue you with a decision within this time-scale you/and your representative *(complete as appropriate)* will be sent:

an interim reply;

the reasons for the delay; and

an expected date for the issue of the decision.

TPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with the scheme. TPAS can be contacted at: 11 Belgrave Road, London SW1V 1RB, telephone 0845 6012923

Yours sincerely,

(Chief Fire Officer or the person specified by him)

This acknowledgement letter must be sent, in all cases, where a Stage One application is received from a complainant. If there are problems with the way in which the application has been completed, then this letter should be adapted accordingly.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage One: Letter 2

Fire and Rescue Service Headed Notepaper

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/ NEW FIREFIGHTERS' PENSIONS SCHEME/
FIREFIGHTERS' COMPENSATION SCHEME (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage One**

Further to my letter of *(date of issue of IDRPs Stage One: Letter 1)*....., I regret I am not yet in a position to issue you with a decision.

The reasons for the delay are *(reasons)*

I expect to be able to issue you with a decision on *(date)*.

Yours sincerely,

(Chief Fire Officer or the person specified by him/her)

This letter must be sent if a decision cannot be made within two months of receipt of a Stage One application from a complainant.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage One: Letter 3

Fire and Rescue Service Headed Notepaper

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME *(as appropriate)*: PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage One**

I have considered your application received on *(date)*.... for a decision to be made under Section 50 of the Pensions Act 1995 in respect of your disagreement referred to in the application.

My decision is as follows:

Give a statement of the decision and make reference to any legislation (including the relevant pension or compensation scheme orders) relied upon for the decision and also including, if a discretion has been exercised under the scheme, a reference to the provisions of the scheme under which the discretion is conferred.

If you are not content with this decision, you have a right to apply for reconsideration of the disagreement by the Fire and Rescue Authority *(complete with appropriate reference to the committee or individuals who will be responsible for Stage 2 consideration)* no later than six months from the date of this notice. A form designed for this purpose can be obtained from *(complete as appropriate)*.

TPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. TPAS can be contacted at: 11, Belgrave Road, London, SW1V 1RB; Telephone 0845 6012923

Yours sincerely,

(Chief Fire Officer or the person specified by him/her)

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage Two: Application

If a person is dissatisfied with the decision of the Chief Fire Officer or the person specified by him at Stage 1 of the IDRPs, an application may be submitted by that person (or nominated representative) for the decision to be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number.

To theFire and Rescue Authority

1. I am applying for reconsideration of the decision ofmade under section 50 of the Pensions Act 1995. I understand that the Fire and Rescue Authority will either confirm the decision or replace it.
2. I understand that an application may not be made where, in respect of the matter:
 - A notice of appeal has been issued under Rule H2 of the Firefighters' Pension Scheme 1992, Part 8, rule 4 of the New Firefighters' Pension Scheme 2006 or Part 6, rule 2 of the Firefighters' Compensation Scheme 2006 (appeal to a board of medical referees against a decision on an issue of a medical nature), or
 - Proceedings in respect of this dispute have begun in any court or tribunal, or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. I attach a copy of the notice of the decision referred to in paragraph 1 and a statement of the reason(s) for dissatisfaction with that decision.

Complete in all cases (in Block capitals)

Full name of Scheme member
 Role and employment reference
 Address of Scheme member

 Member's date of birth Member's National Insurance No.

Complete if complainant is not a Scheme member (in Block Capitals)

Full name of complainant
 Address for correspondence

 Relationship of complainant to Scheme member (if relevant)
 Signature of complainant (or representative) Date

Nature of disagreement

Give a statement of the nature of the disagreement with the decision made by the Chief Fire Officer or the person specified by him. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of complainant (or representative)

Date

Stage Two: Letter 1

Fire and Rescue Authority Headed Notepaper

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

Your application for a reconsideration of a decision dated made under Section 50 of the Pensions Act 1995 by *(complete as appropriate)* was received on

The Fire and Rescue Authority or one or more of their number will consider the matters raised by your application and will confirm or replace that decision under Section 50 of the Pensions Act 1995 within two months from the date your application was received.

If, for any reason, the Authority/the members of the Authority (complete as appropriate) are unable to issue you with a decision within this time-scale you/and your representative (complete as appropriate) will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

TPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. TPAS can be contacted at: 11, Belgrave Road, London, SW1V 1RB; Telephone 0845 6012923

Yours sincerely,

Secretary to the Fire and Rescue Authority

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage Two: Letter 2

Fire and Rescue Authority Headed Notepaper

Dear *(name of firefighter)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME (as appropriate): PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

Further to my letter of, I regret *the Fire and Rescue Authority/ members of the Fire and Rescue Authority appointed to consider the matter (as appropriate)* are not yet in a position to issue you with a decision.

The reasons for the delay are (reasons)

The panel expect to be able to issue you with a decision on *(date)*

Yours sincerely,

Secretary to the Fire and Rescue Authority

This letter must be sent if a decision cannot be made within two months of receipt of a Stage Two application from a complainant.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage two: Letter 3

Fire and Rescue Authority Headed Notepaper

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME (as appropriate): PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

The Fire and Rescue Authority/members of the Fire and Rescue Authority (as appropriate) have considered your application received on (date)..... for reconsideration of the disagreement which was the subject of a decision made by the Chief Fire Officer/by the person specified by the Chief Fire Officer (as appropriate) under Section 50 of the Pensions Act 1995, as indicated in the notice of decision dated (date).....

The decision of the panel, made under Section 50 of the Pensions Act 1995, is as follows:

Give a statement of the decision and an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made by the Chief Fire Officer or the person specified by him/her.

Refer to any legislation, including the FPS, NFPS or FCS relied upon for the decision and also including, if a discretion has been exercised under the Scheme, a reference to the provisions of the Scheme under which the discretion is conferred.

If you remain dissatisfied.

- TPAS (the Pensions Advisory Service) is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. TPAS can be contacted at:11 Belgrave Road, London, SW1V 1RB; Telephone 0845 6012923
- the Pensions Ombudsman, appointed under Section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act. He can be contacted at:11 Belgrave Road, London, SW1V 1RB; Telephone 020 7834 9144

Yours sincerely,

Secretary to the Fire and Rescue Authority

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

PROPOSED AMENDMENT TO THE CONSTITUTION

SECTION 2

The Committees to which Functions are Delegated or Referred.

1. The Appeals Committee

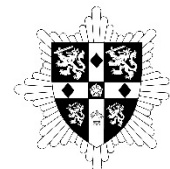
The Committee shall meet when required. The chair will be nominated by the Fire Authority.

The Committee shall have the following functions:

Delegated:

1. Considering and deciding upon appeals on grievances referred to the Authority under the Grievance policy and procedure.
2. Considering and deciding upon appeals referred to the Authority under the Disciplinary policy and procedure.
3. Considering and deciding upon appeals referred to the Authority under Stage Two of the Firefighters' Pension Scheme: Internal Dispute Resolution Procedure (IDRP).

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**COMBINED FIRE AUTHORITY****14 JUNE 2019****MEMBER CHAMPIONS**

REPORT OF ASSISTANT CHIEF FIRE OFFICER SERVICE SUPPORT

Purpose of Report

1. This report sets out details of the Authority's Member Champion roles and seeks nominations for the individual roles for the forthcoming two-year period.

Background

2. As part of the approach to developing the Authority's services and engaging with stakeholders, the Authority has sought to 'champion' particular areas of work through a CFA Member Champion role.
3. Member Champions provide the Service with an opportunity to work closely with individual Members to help to develop services and to engage with local communities, staff, councillors and other stakeholders through a closely aligned officer and member relationship.

Member Champion Roles

4. The following Member Champion roles have been identified as bringing significant advantages to the Service and Authority:
 - Community Safety
 - Business Fire Safety
 - Public Health
 - Equality, Diversity & Inclusion
 - Health, Safety & Wellbeing
 - Retained Duty System
 - Fire Cadets
 - Her Majesty's Inspectorate of Constabulary and Fire and Rescues Services (HMICFRS)
5. The individual role requirements for each Member Champion are set out in Appendices A-H.
6. Given the extremely challenging financial position facing public services, the role of a Member Champion is more important than ever if the Service is to ensure performance is sustained over the medium to longer term.
7. Any Members undertaking a Member Champion role will gain a significant amount of personal development in relation to the specific role being undertaken, whilst the Service benefits from the local knowledge, experience and public standing of Members.

8. Details of work undertaken by Member Champions will be recorded on individual training and development records.

Expressions of Interest

9. Members are requested to complete and submit the expression of interest form attached as Appendix I for any of the Member Champion roles and return it to Janine Hindmarch via email pa@ddfired.gov.uk by 27 June 2019.
10. If there is more than one expression of interest in a particular role, a final decision on allocating the role will be made by the Chair and Vice Chair of the Authority.
11. The outcomes of this process will be reported to the Combined Fire Authority on the 16 July 2019.

Recommendations

12. CFA Members are requested to:
 - a. **Note** the member champion roles as set out in this report and as detailed at Appendix A-H.
 - b. **Note** that the expression of interest form Appendix I needs to be submitted by email by the 27 June 2019.
 - c. **Note** that the Fire Authority will approve the Member Champions at the Combined Fire Authority meeting on the 16 July 2019.

Sarah Nattrass, Assistant Chief Fire Officer Service Support, 0191 3755587

Member Champion for Community Safety

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to develop its approach to community safety and to help to ensure that services provided by the Authority are fit for purpose, effective and take full account of the statutory requirements placed on the Authority through the Fire Services Act, National Framework and Regulatory Reform Order. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of community and business safety strategy development • Having oversight of the Service's performance in relation to prevention • Helping align the Authority's community safety work with the IRMP • Helping to align the Authority's community safety work with the wider community safety agenda for County Durham and Darlington
Policy Implementation	<p>The implementation of the Authority's prevention strategies are important in ensuring that the communities we serve remain safe.</p> <p>The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for proposals relating to community safety • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical • Ensure that the strategies we employ are effective
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Staff • Partner agencies • Public • Interest groups • Media • Government officials

Member Champion for Business Fire Safety (BFS)

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places.</p>
Strategy	<p>The Fire Authority have a statutory duty under the Regulatory Reform (Fire Safety) Order 2005 (RRO) and have delegated powers to the Chief Fire Officer through the CFA Constitution.</p> <p>A fundamental part of this Member Champion role is to assist the Service to develop its approach to BFS and to help to ensure that services provided by the Authority are fit for purpose, effective and take full account of the statutory requirements placed on the Authority through the Fire Services Act, National Framework and Regulatory Reform Order. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of BFS strategy development • Having oversight of the Service's performance involving BFS • Helping to align the Authority's BFS work with the IRMP and wider business community agenda for County Durham and Darlington
Policy Implementation	<p>The implementation of the Authority's BFS strategy is important in ensuring that the communities we serve remain safe.</p> <p>The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for proposals relating to BFS • Assist the Service to ensure policy implementation takes account of local issues • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical • Ensure that the strategies we employ are effective • Assist the Service in promoting sprinkler installation
Stakeholder Engagement	<p>Member Champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Staff • Partner agencies • Public • Local businesses • Interest groups / Media • Government officials

Member Champion for Public Health

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to develop its approach to Public Health and to help to ensure that services provided by the Authority are fit for purpose, effective and take full account of the statutory requirements placed on the Authority through the Fire Services Act and National Framework and other legislation. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of public health strategy development • Helping align the Authority's public health work with the IRMP • Helping to align the Authority's public health work with the wider community safety agenda for County Durham and Darlington
Policy Implementation	<p>The implementation of the Authority's public health strategies are important in ensuring that the communities we serve remain safe.</p> <p>The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for proposals relating to public health • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical • Ensure that the strategies we employ are effective
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Partner agencies • Staff • Public • Interest groups • Media • Government officials

Member Champion for Equality, Diversity & Inclusion

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to develop its approach to equality, diversity and inclusion and to help ensure that services provided by the Authority that take full account the legal requirements that are placed on public bodies. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of equality, diversity and inclusion strategy development • Assisting the Service to determine how equality, diversity and inclusion can be mainstreamed • Helping to align the Authority’s equality, diversity and inclusion work to other strategies
Policy Implementation	<p>The implementation of the Authority’s equality, diversity and inclusion strategies are important in ensuring that fairness and equity are at the heart of services provided. The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for proposals relating to equality, diversity and inclusion. • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical • Ensure that staff consultation and engagement is appropriate and fit for purpose.
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Partner agencies • Staff • Public • Interest groups • Media • Government officials

Member Champion for Health, Safety & Wellbeing

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places.</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to develop health, safety & wellbeing strategies that continue to ensure the Authority has health and safety performance that is amongst the best in the country. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of health, safety & wellbeing strategy development • Assisting the Service to determine health, safety & wellbeing strategies that best fit with local circumstances • Helping to align the Authority's health, safety & wellbeing strategies to other agencies strategies where appropriate.
Policy Implementation	<p>The implementation of the Authority's health, safety & wellbeing strategies are focused on the Safe Person concept. The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for implementation plans prior to consideration by the Authority's Committee's or full Authority. • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical.
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Partner agencies • Staff • Public • Interest groups • Media • Government officials

Member Champion for Retained Duty System

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places.</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to specifically develop its retained duty system (RDS). This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of RDS strategy development • Assisting the Service to determine RDS strategies that best fit with local circumstances • Helping to align the RDS strategy to other agencies strategies.
Policy Implementation	<p>The implementation of the Authority's RDS strategies is focused on ensuring that staff resources are maximised and that the workforce is aligned to the Authority's vision. The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for implementation plans prior to consideration by the Authority's Committee's or full Authority. • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Partner agencies • Staff • Public • Interest groups • Media • Government officials

Member Champion for Fire Cadets

Role Description

Overview	<p>County Durham and Darlington Fire and Rescue Authority Member Champions play a pivotal role in helping to shape the way services are provided to local communities. Member Champions also play a pivotal role in engaging with key stakeholders and making the best use of links with other councillors to promote the work of the Authority.</p> <p>Member Champion role provides a unique opportunity to work closely with the Service and to help the Authority deliver its vision of Safest People, Safest Places.</p>
Strategy	<p>A fundamental part of this Member Champion role is to assist the Service to specifically develop its fire cadet schemes. This includes:</p> <ul style="list-style-type: none"> • Being involved in the early stages of Fire Cadet strategy development • Assisting the Service to determine Fire Cadet strategies that best fit with local circumstances • Helping to align the Fire Cadet strategy to other agencies strategies.
Policy Implementation	<p>The implementation of the Authority's Fire Cadet strategy is focused on ensuring that our Fire Cadet schemes are investing in the young people of County Durham & Darlington, act as a genuine firefighter recruitment route and are aligned to the Authority's vision. The Member Champion will:</p> <ul style="list-style-type: none"> • Act as a sounding board for implementation plans prior to consideration by the Authority's Committee's or full Authority. • Assist the Service to understand local issues from an elected Members perspective and to ensure policy implementation takes account of these issues. • Ensure that policy implementation takes account of partners and other stakeholders policies where this is practical
Stakeholder Engagement	<p>Member champions can play a pivotal role in engagement with stakeholders. This will include pro-active engagement with:</p> <ul style="list-style-type: none"> • Other Fire Authority members • Councillors • Fire Cadets • Partner Agencies • Staff • Public • Interest groups • Media • Government officials

Member Champion for Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS)

Role Description

Overview	<p>County Durham and Darlington aspire to achieve the best possible outcome from the HMICFRS inspection of the Service and be recognised as an outstanding Fire and Rescue Service.</p> <p>A Member Champion role provides a unique opportunity to work closely with the Service and assist in achieving an outstanding outcome from the HMICFRS inspection.</p>
Strategy	<p>A key part of this Member Champion role is to promote the benefits of the collaborative relationship of the Service and its key partners as this area is described in detail within the efficiency pillar of the inspection methodology. This would include:</p> <ul style="list-style-type: none"> • Having an oversight of CDDFRS key partners and historical knowledge of the key outcomes of collaboration with the Service; • Liaison with key partners to prepare them for their involvement in the HMICFRS inspection as they will be required to evidence the working relationship and collaborative benefits of working with the Service.
Policy Implementation	<p>The HMICFRS will conduct a series of surveys with a range of stakeholders in the pre-fieldwork phase of the inspection of the Service. These surveys will be conducted with CDDFRS internal staff, members of the public from both County Durham and Darlington who have received a service from CDDFRS and key partners who engage in collaboration with CDDFRS to achieve joint organisational objectives.</p> <p>The HMICFRS inspection Member Champion will:</p> <ul style="list-style-type: none"> • Engage with key stakeholders to raise the awareness of the working arrangements and outcomes from collaboration with the Service; • Provide a conduit between the Service and the Authority on matters relating to the HMICFRS inspection; • Highlight support to the HMICFRS inspection process and emphasise the importance of the outcome.
Stakeholder Engagement	<p>The Member Champion would play an essential role in promotion of the collaboration between the Service and key stakeholders. Outcomes from the initial HMICFRS inspections indicate the following organisations would be contacted for their feedback and opinions on the relationship with the Service:</p> <ul style="list-style-type: none"> • Police; • Health; • Voluntary sector; • LRF chairs of strategic, tactical and supporting groups; • Organisations involved in the sharing of any CDDFRS estate; • The local community.



MEMBER CHAMPION EXPRESSION OF INTEREST

Name:	
-------	--

Member Champion Role	Tick Box
Community Safety	
Business Fire Safety	
Public Health	
Equality, Diversity & Inclusion	
Health, Safety & Wellbeing	
Retained Duty System	
Fire Cadets	
HMICFRS	

Please state why you are interested in this role:

Have you any particular skills and/or experience you can bring to this role?

Please return to Janine Hindmarch via pa@ddfir.gov.uk by 27 June 2019.

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Safest People, Safest PlacesCounty Durham and Darlington
Fire and Rescue Authority**COMBINED FIRE AUTHORITY****14 JUNE 2019****MEMBER BUDDY SYSTEM AND AFFILIATION WITH FIRE STATIONS**

REPORT OF ASSISTANT CHIEF FIRE OFFICER – SERVICE SUPPORT

Purpose of Report

1. This report confirms the Senior Leadership Team (SLT) contacts for the Member 'Buddy' arrangements and the fire station affiliation list.

SLT Member 'Buddy' System and Fire Station Affiliations

2. The Authority's vision of Safest People, Safest Places can only be achieved through members, staff and the public working in partnership. Part of the Authority's commitment to partnership working is through the Buddy System where Fire Authority Members are affiliated with specific SLT members (referred to as 'Officers') and fire stations throughout County Durham and Darlington. The benefits of this system are:
 - Closer links between members, local stations and staff;
 - Improved communications between members, officers and staff;
 - Improved understanding of roles and responsibilities between members and officers;
 - Improved opportunity for partnership working through member involvement.
3. Station personnel will be made aware of their affiliated member and members are encouraged to visit their affiliated station (or any fire station within County Durham and Darlington area) but are requested to contact a member of the District Management Team in the first instance to ensure that crews are planned to be on-station when a visit occurs. This will maximise the effectiveness and benefits of any visit for both staff and members alike.
4. The member/station affiliation programme provides an opportunity for Fire Authority members to enhance local accountability through maintaining regular contact with an operational fire station and facilitates a fuller understanding of their Emergency Response activity and wider workstreams such as Business Fire Safety and Community Safety.
5. Member buddies provide an alignment of CFA members to members of the SLT, to provide information and support on a range of Service policy and organisational issues.
6. Designated SLT Buddies will make themselves available to members for the purpose of developing their overall knowledge of the fire and rescue service. SLT Buddies will look to ensure support is provided in a way that suits the individual Member.

Recommendation

7. CFA Members are requested to:

- **Note** the Member Buddy and Station Affiliation list as set out in Appendices A and B.

Sarah Nattrass, Assistant Chief Fire Officer, Service Support, 0191 3755587

Member Buddies

CFA Member	SLT Member	Contact Details
Brian Avery	John Walkden Area Manager Training, Assets & Assurance	Office: 0191 375 5564 Mobile: 07795 301914 Email: jwalkden@ddfired.gov.uk
Alison Batey	Sarah Natrass Assistant Chief Fire Officer Service Support	Office: 0191 3755587 Mobile: 07776226761 Email: snatrass@ddfired.gov.uk
David Bell	Tony Hope Director of Corporate Resources & Treasurer	Office: 0191 3755558 Mobile: 07801 685677 Email: thope@ddfired.gov.uk
Jennifer Bell	Keith Wanley Area Manager Community Risk Management	Office: 0191 3755630 Mobile: 07876 131996 Email: kwanley@ddfired.gov.uk
Peter Brooks	Keith Wanley Area Manager Community Risk Management	Office: 0191 3755630 Mobile: 07876 131996 Email: kwanley@ddfired.gov.uk
Colin Carr	Dominic Brown Assistant Chief Fire Officer Service Delivery	Office: 0191 3755610 Mobile: 07776 226326 Email: dbrown@ddfired.gov.uk
Liz Maddison	Keith Lazzari Head of Corporate Resources	Office: 0191 375 5580 Mobile: 07740 157402 Email: klazzari@ddfired.gov.uk
Helen Crumbie	Stuart Errington Chief Fire Officer	Office: 0191 3755553 Mobile: 07770 702686 Email: serrington@ddfired.gov.uk
Derek Hicks	Katherine Metcalfe Head of Workforce Development	Office: 0191 3755665 Mobile: 07838 233489 Email: kmetcalfe@ddfired.gov.uk
Richard Bell	Tony Hope Director of Corporate Resources & Treasurer	Office: 0191 3755558 Mobile: 07801 685677 Email: thope@ddfired.gov.uk
Gerald Lee	Steve Wharton Area Manager Emergency Response	Office: 0191 375 5666 Mobile: 07730 456724 Email: swharton@ddfired.gov.uk
Brian Jones	Dominic Brown Assistant Chief Fire Officer Service Delivery	Office: 0191 3755610 Mobile: 07776 226326 Email: dbrown@ddfired.gov.uk
Audrey Laing	Stuart Errington Chief Fire Officer	Office: 0191 3755553 Mobile: 07770 702686 Email: serrington@ddfired.gov.uk
Linda Marshall	Dominic Brown Assistant Chief Fire Officer Service Delivery	Office: 0191 3755610 Mobile: 07776 226326 Email: dbrown@ddfired.gov.uk

Richard Manchester	Steve Wharton Area Manager Emergency Response	Office: 0191 375 5666 Mobile: 07730 456724 Email: swarton@ddfired.gov.uk
Christine Potts	Katherine Metcalfe Head of Workforce Development	Office: 0191 3755665 Mobile: 07838 233489 Email: kmetcalfe@ddfired.gov.uk
George Richardson	John Walkden Area Manager Training, Assets & Assurance	Office: 0191 375 5564 Mobile: 07795 301914 Email: jwalkden@ddfired.gov.uk
Andrew Scott	Sarah Nattrass Assistant Chief Fire Officer Service Support	Office: 0191 3755587 Mobile: 07776226761 Email: snattrass@ddfired.gov.uk
John Robinson	Stuart Errington Chief Fire Officer	Office: 0191 3755553 Mobile: 07770 702686 Email: serrington@ddfired.gov.uk
John Shuttleworth	Stuart Errington Chief Fire Officer	Office: 0191 3755553 Mobile: 07770 702686 Email: serrington@ddfired.gov.uk
Elizabeth Scott	Sarah Nattrass Assistant Chief Fire Officer Service Support	Office: 0191 3755587 Mobile: 07776226761 Email: snattrass@ddfired.gov.uk
David Freeman	Keith Wanley Area Manager Community Risk Management	Office: 0191 3755630 Mobile: 07876 131996 Email: kwalley@ddfired.gov.uk
David Stoker	Sarah Nattrass Assistant Chief Fire Officer Service Support	Office: 0191 3755587 Mobile: 07776226761 Email: snattrass@ddfired.gov.uk
Fraser Tinsley	Keith Lazzari Head of Corporate Resources	Office: 0191 375 5580 Mobile: 07740 157402 Email: klazzari@ddfired.gov.uk
John Turnbull	Tony Hope Director of Corporate Resources & Treasurer	Office: 0191 3755558 Mobile: 07801 685677 Email: thope@ddfired.gov.uk
Independent Persons: Nyama Johnson	John Walkden Area Manager Training, Assets & Assurance	Office: 0191 375 5564 Mobile: 07795 301914 Email: jwalkden@ddfired.gov.uk
Andrew Simpson	Steve Wharton Area Manager Emergency Response	Office: 0191 375 5666 Mobile: 07730 456724 Email: swarton@ddfired.gov.uk

MEMBERS AFFILIATION WITH FIRE STATIONS

District	Station Management	Fire Station	Elected Member
Darlington	<p>District Manager Dave Glendenning Darlington Fire Station Tel: 01325 469128 Mobile: 07785 510980 Email: dglendenning@ddfired.gov.uk</p> <p>Assistant District Manager Malcolm Woodward Darlington Fire Station Tel: 01325 469128 Mobile: 07740157407 Email: mwoodward@ddfired.gov.uk</p>	Darlington	<p>Cllr Brian Jones Conservative - Sadberge & Middleton St George Tel: 01325 332820 Email: brian.jones@darlington.gov.uk</p> <p>Cllr Helen Crumbie Labour – Bank Top and Lascelles Tel: 01325 462642 Email: helen.crumbie@darlington.gov.uk</p> <p>Cllr Gerald Lee Conservative – Heighington and Coniscliffe Tel: 01325 314622 Email: gerald.lee@darlington.gov.uk</p> <p>Cllr A Scott Labour – Haughton and Springfield Tel: 01325 253707 Email: andrew.scott@darlington.gov.uk</p>
		Newton Aycliffe	<p>Cllr Christine Potts – Sedgefield & Bishop Labour – Chilton Tel: 03000 268 761 Email: Christine.potts@durham.gov.uk</p>
		Sedgefield	<p>Cllr John Robinson Labour - Sedgefield Tel: 03000 268764 Email: john.robinson@durham.gov.uk</p> <p>Cllr Peter Brooks Labour – Trimdon and Thornley Tel: 03000 268689 Email: Peter.brooks@durham.gov.uk</p>

District	Station Management	Fire Station	Elected Member
Derwentside	<p>District Manager Chris Williams Consett Fire Station Tel: 01207 502912 Mobile: 07796610219 Email: cwilliams@ddfired.gov.uk</p> <p>Assistant District Manager Mick Clark Consett Fire Station Tel: 01207 502912 Mobile: 07767 311302 Email: mclark@ddfired.gov.uk</p>	Consett	<p>Cllr Derek Hicks Derwentside Independents – Consett South Tel: 03000 268722 Email: derek.hicks@durham.gov.uk</p>
		High Handenhold	<p>Cllr Colin Carr Labour – Pelton Tel: 03000 268692 Email: colin.carr@durham.gov.uk</p> <p>Cllr Linda Marshall Labour – Chester le St West Central Tel: 03000 268742 Email: linda.marshall@durham.gov.uk</p> <p>Cllr Alison Batey Labour – Pelton Tel: 03000 268678 Email: a.batey@durham.gov.uk</p>
		Stanhope	<p>Cllr John Shuttleworth Independent – Weardale Tel: 03000 268770 Email: jshuttleworth@durham.gov.uk</p>

District	Station Management	Fire Station	Elected Member
Durham	<p>District Manager Paul Cummings Durham Community Fire Station Tel: 0191 3860202 Mobile: 07747456140 Email: pcummings@ddfiredurham.gov.uk</p> <p>Assistant District Manager Lee Brown Community Fire Station Tel: 0191 3860202 Mobile: 07891452924 Email: lbrown@ddfiredurham.gov.uk</p>	Durham	<p>Cllr David Bell Labour - Deerness Tel: 03000 268680 Email: dbell@durham.gov.uk</p> <p>Cllr David Freeman Liberal Democrat – Elvet & Gilesgate Tel: 03000 286709 Email: david.freeman@durham.gov.uk</p> <p>Cllr Elizabeth Scott Liberal Democrat – Neville’s Cross Tel: 03000 268825 Email: elizabeth.scott@durham.gov.uk</p> <p>Cllr David Stoker Liberal Democrat – Durham South Tel: 0191 3038181 Email: david.stoker@durham.gov.uk</p> <p>Cllr John Turnbull Labour - Brandon Tel: 03000 268785 Email: john.turnbull@durham.gov.uk</p>
		Crook	<p>Cllr Fraser Tinsley Labour – Willington and Hunwick Tel: 03000 268691 Email: fraser.tinsley@durham.gov.uk</p> <p>Cllr Richard Manchester Labour – Tow Law Tel: 03000 268719 Email: richard.manchester@durham.gov.uk</p>
		Spennymoor	<p>Cllr Brian Avery Independent – Ferryhill Tel: 03000 268677 Email: brian.avery@durham.gov.uk</p> <p>Cllr Liz Maddison Spennymoor Independents – Spennymoor Tel: 03000 264343 Email: liz.maddison@durham.gov.uk</p>

District	Station Management	Fire Station	Elected Member
Wear/Tees	<p>District Manager Adam Hall Bishop Auckland Community Fire Station Tel: 01388 602643 Mobile: 07786 027239 Email: ahall@ddfired.gov.uk</p> <p>Assistant District Manager Peter Maddison Bishop Auckland Community Fire Station Tel: 01388 602643 Mobile: 07776 472241 Email: pmaddiso@ddfired.gov.uk</p>	Barnard Castle	<p>Cllr George Richardson Conservative – Barnard Castle East Tel: 03000 268763 Email: george.richardson@durham.gov.uk</p> <p>Cllr Richard Bell Conservative – Barnard Castle West Tel: 03000 268683 Email: richard.bell@durham.gov.uk</p>
District	Station Management	Fire Station	Elected Member
Easington	<p>District Manager Phil Innis Peterlee Fire Station Tel: 0191 586 3133 Mobile: 07850 772 439 Email: pinnis@ddfired.gov.uk</p> <p>Assistant District Manager Michael Pearson Peterlee Fire Station Tel 0191 5863133 Mobile: 07801 685679 Email: mpearson@ddfired.gov.uk</p>	<p>Seaham</p> <p>Peterlee</p>	<p>Cllr Jennifer Bell Labour – Deneside Tel: 03000 268682 Email: jennifer.bell@durham.gov.uk</p> <p>Cllr Audrey Laing (Vice Chair) Labour – Peterlee East Tel: 03000 268825 Email: audrey.laing@durham.gov.uk</p>



COMBINED FIRE AUTHORITY

14 JUNE 2019

LOCAL GOVERNMENT ASSOCIATION (LGA) SUBSCRIPTION

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. The purpose of this report is to provide details of the LGA subscription for 2019/20 and to seek a decision about continued membership.

BACKGROUND

2. A letter from Mark Lloyd, Chief Executive of the LGA, setting out the role provided by the LGA and associated subscription rate for 2019/20 was received on 16 April 2019. A copy of the letter is attached at Appendix A.

LGA SERVICES PROVIDED AND SUBSCRIPTION RATE

3. The LGA lobbies on behalf of local authorities on many issues that affect the sector as a whole and works with councils and fire authorities to develop new approaches to improvement and innovation. The attached letter sets out the recent work of the LGA.
4. A significant amount of work has been undertaken by the LGA and in particular the Fire Services Management Committee (FSMC) to ensure that the views of fire authorities are known in relation to the Hackitt Review of building regulations and fire safety. The LGA participate in the stakeholder group to support Her Majesty's Inspectorate of Constabularies and Fire and Rescue Services (HMICFRS).
5. For 2019/20 financial year, the LGA subscription has, for the seventh year running, remained at a rate of £6,778. This includes a 2.5% loyalty discount and a 2.5% prompt payment discount if payment is made in full by 30 June 2019.

ROLE OF THE LGA WITH FIRE AND RESCUE GOING FORWARD

6. On 05 January 2016 responsibility for Fire and Rescue policy moved from the Department for Communities and Local Government (DCLG) to the Home Office (HO). This raised questions relating to the role of the LGA in relation to the fire and rescue service (FRS). Further uncertainty has existed as the Policing and Crime Bill made its way through the legislative process and received Royal Assent in February of 2017. The Policing and Crime Act 2017 enables Police and Crime Commissioners to take on responsibility for fire (where a local case is made) adding further complexity to the governance arrangements for the sector.

7. Over and above the changes to governance arrangements that are impacting on some fire and rescue authorities we are also in a time of unprecedented change for the fire and rescue sector. The introduction and development of the Home Office's Fire Reform Programme and the reintroduction of an inspection regime for fire and rescue services is resulting in significant changes to the way fire and rescue authorities operate.
8. There is likely to be further uncertainty for the fire and rescue sector as we approach the next Comprehensive Spending Review (CSR) and the possibility of further funding cuts.
9. Given this level of change it is vital that the Authority continues to monitor and influence, where possible the national agenda for fire and rescue services. It is clear that the LGA are still a significant stakeholder and have a key lobbying role on behalf of fire authorities. For this reason, it is important that the Authority continues to be a member of the LGA.

RECOMMENDATIONS

10. Members are requested to **agree** the LGA subscription for 2019/20.

CFO Stuart Errington

Tel: 0191 375 5555

From the Chief Executive
Mark Lloyd



Stuart Errington
Chief Fire Officer
County Durham & Darlington Fire & Rescue Service
Headquarters
Belmont Business Park
DURHAM
DH1 1TW

April 2019

Dear Stuart

LGA Membership 2019/2020

This year will undoubtedly be a challenging one for fire and rescue authorities with continuing financial pressures, and with the conclusions to the next two tranches of fire and rescue service inspections being published, the first report expected from the Grenfell Tower Inquiry, changes to the regulatory framework for fire safety in high-rise buildings and a Spending Review later this year.

Over the last 12 months, as your membership association we have worked hard to be your national voice and to call for the resources, support and powers needed to place you in the best position possible to serve your communities. While there is still work to do in making the case for more resources for fire and rescue authorities our hard lobbying, on your behalf, has produced some wins over the course of the year.

The final report by Dame Judith Hackitt following her review of building regulations and fire safety reflected many of the proposals supported by the LGA's Fire Services Management Committee (FSMC). It did not however recommend a ban on the use of combustible materials on high-rise residential buildings, something the LGA immediately pressed for, and which the Government swiftly responded to - as you will know the ban came into effect in December.

Since the autumn the LGA has been working alongside the National Fire Chiefs Council (NFCC) as part of the Joint Regulators Group set up by the Ministry of Housing, Communities and Local Government to ensure that the new framework recommended by Dame Judith is introduced. We expect the Government to consult on the detail of the framework later in the spring.

The Grenfell fire has led to a debate about whether the current requirements to use automatic fire suppression systems (AFSS) in residential buildings need to be strengthened. The FSMC set up a task and finish group in 2018 to develop proposals for the LGA's position on AFSS and these have now been agreed, and have already been used to inform parliamentary debates on this issue.

As well as continuing to shape the development of the fire and rescue service inspection framework through our participation in HMICFRS's stakeholder group, we commented on and suggested changes to the draft national report on the first tranche of inspections ahead of its publication in December. In order to help authorities address the findings in the people aspect of the inspection framework we ran a series of diversity and inclusion masterclasses for members. We also worked with the Home Office on its campaign material to help recruit a diverse workforce, these were made available on our website so services are able to access it. With the inspections now two-thirds of the way through, we have revised our fire peer challenges offer to fire and rescue services to provide bespoke support designed to assist services respond to the inspection results, and I know many of you are already taking advantage of it.

With the forthcoming Spending Review setting the resources available to Fire and Rescue Authorities for at least a year, we have established the Senior Sector Group with the Home Office and NFCC to inform the Home Office's submission to the Treasury ahead of the Review, and to ensure we collectively make the best possible case for the resources the sector needs.

We have continued to collectively represent fire and rescue authorities' interests in the legal challenge being brought against the transitional arrangements introduced as part of the changes to the pension scheme, and have been seeking advice for authorities on the impact of the Matzak case. In addition we have also provided advice to services on a wide range of workforce issues and support on local industrial relations matters.

We know very well the pressures your authority is facing so, for the seventh year running the LGA Leadership Board have frozen subscriptions. We will again be offering a 2.5 per cent loyalty discount for those authorities committed to maintain their membership, alongside the 2.5 per cent prompt payment discount for those authorities that pay in full by 30 June 2019.

Your 2019/20 subscription, including discounts will be held at £6,778 (plus VAT) and your invoice is enclosed.

I look forward to continuing to work with you over the coming year.

A handwritten signature in black ink, appearing to read 'Mark Lloyd', with a horizontal line underneath the name.

Mark Lloyd
Chief Executive

Enc



COMBINED FIRE AUTHORITY

14 JUNE 2019

CONTRIBUTION TO DARLINGTON PARTNERSHIP

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. To request Members to consider the financial contribution to the One Darlington Partnership for 2019/20.

BACKGROUND

2. The Authority has provided a financial contribution to the running of the Darlington Partnership of £7,500 per annum since 2011/12. The Darlington Partnership was renamed the One Darlington Partnership in 2015 to align with the Council's vision of "One Darlington, Perfectly Placed".
3. A request has been received from the One Darlington Partnership to continue to provide funding at the same rate of £7,500 for 2019/20. A copy of the request letter is attached as Appendix A.

THE BENEFITS OF PARTNERSHIP WORKING

4. The One Darlington Partnership is structured to bring key partners together to develop cross sector understanding of strategic issues in Darlington. The work of the Partnership has been focused on Darlington Borough Council's priorities but also takes account of partner's priorities in agreeing its direction and work programmes.
5. The One Darlington Partnership has also had success in some specific outcomes such as community safety, protecting vulnerable people and a focus on alcohol and smoking reduction. Joint initiatives across all partners have removed duplication of resources and focussed efforts. The aims of the partnership in these areas is linked closely to the Service's aims of protecting our communities in Darlington.
6. The overall budget for the Partnership is £79,000 which covers: the cost of the partnership office, any costs associated with Board and Executive meetings; conferences and assemblies; coordination of Best of Darlington Awards; and any partnership specific projects.
7. In the next twelve months the Partnership will be looking to explore how to narrow the gap between those who are struggling to thrive and the rest.

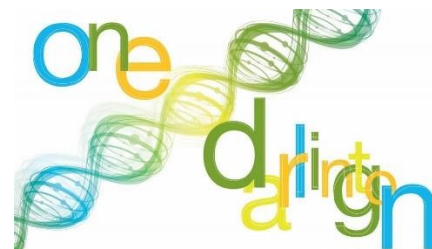
8. Given the importance the Authority places on collaboration and partnership working, the One Darlington Partnership is an important forum to attend. We can only shape the agenda for Darlington if we continue to contribute to the work of the One Darlington Partnership.

RECOMMENDATIONS

9. Members are recommended to
 - a) **approve** the financial contribution to the Darlington Partnership of £7,500 per annum for 2019/20.

Stuart Errington, Chief Fire Officer, 0191 3755553

Mr S Errington
Belmont Business Park
Durham
DH1 1TW



Seth Pearson – Partnership Director

Room 101, Town Hall
Darlington

DL1 5QT

Tel: 01325 406090

Mob: 07973 425408

seth.pearson@darlington.gov.uk

May 2019

Dear Stuart,

Re: Darlington Partnership funding

You will shortly receive an invoice for your £ 7,500 contribution towards One Darlington Partnership and we thank you for your continued commitment.

As you will be aware, Darlington Partnership is leading the delivery of an ambitious programme to narrow the gap between those who are struggling to thrive and the rest. This is an ambitious initiative which requires all sectors in Darlington to work together against a backdrop of continuing limits on available resources. The strong working relationships fostered through the partnership will be key to our success.

We hope you would agree that there is a need for us to work together now more than ever. We need your voice at the table as we make plans to ensure Darlington continues to thrive. Yours sincerely,

Alasdair MacConachie
Chairman, One Darlington Partnership

Paul Wildsmith
Managing Director,
Darlington Borough Council

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**COMBINED FIRE AUTHORITY****14 JUNE 2019****STRATEGIC PLANNING DAY 3 MAY 2019**

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. This report summarises the areas explored and debated at the Combined Fire Authority (CFA) strategic planning day on 3 May 2019.

BACKGROUND

2. The Authority normally holds a planning day twice a year to consider future strategy, service transformation options, challenges and the opportunities facing County Durham and Darlington Fire and Rescue Service (CDDFRS). The first event of 2019 was held on 3 May and considered:
 - The medium-term financial plan (MTFP) and reserves strategy;
 - The Integrated Risk Management Plan (IRMP) 2020/21 to 2022/23 proposals;
 - Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS).

MEDIUM TERM FINANCIAL PLAN AND RESERVES STRATEGY

3. An update was provided on the MTFP and the reserves strategy. Members discussed the assumptions that underpinned the MTFP and how there was some uncertainty around the robustness of some of these assumptions. Specifically, the level of Government grant was only known until 2019/20, there is fluctuation in interest rates and uncertainty around future pay awards and pension costs. The MTFP predicts a deficit of £1.53M by 2022/23. In order to deliver a balanced budget significant changes to the organisation may be required.
4. The reserves strategy was outlined, and an explanation of the earmarked reserves and their intended use was given. Members were reminded that the level of reserves held was the lowest of any standalone fire authority and this position was compounded by a lack of capital funding from the Government. Members were reminded that the Government were undertaking work to look at how funding is allocated and distributed between local authorities – the Fair Funding Review and this could have an impact on fire authorities.
5. The importance of lobbying Government around funding levels for fire authorities and greater flexibility with council tax was discussed.

THE INTEGRATED RISK MANAGEMENT PLAN (IRMP) 2020/21 TO 2022/23

6. An outline of some of the options that could impact on operational response levels in each of the next three years was provided to members. Members discussed in detail the following for each option:
 - Potential savings;
 - Advantages and disadvantages of the proposed approach;

- The relevant demand and risk data associated with each option;
- Where potential objections may be raised;
- An approach to mitigate any impact on risk and the reputation of the Authority.

2020/21

7. In 2020/21 the following options would be considered:

- Implementing Day Crewing on a permanent basis at Newton Aycliffe and Seaham;
- Implementing the 4&2 model at Durham on a permanent basis;
- Implementing the change to Spennymoor where the Day Crewing appliance becomes a wholetime appliance on a permanent basis;
- Undertake a trial of changing the crewing system at Crook and Barnard Castle from a 2 appliance Retained Duty System (RDS) model to a single appliance and a Targeted Response Vehicle (TRV) model.

8. Members were reminded that the first three options were the subject of an ongoing trial and that a full review of the trials would be undertaken prior to any firm recommendations being made to Members. It was also discussed that negotiations with the Fire Brigades Union (FBU) were ongoing to see if a mutually agreeable alternative model to Day Crewing Plus could be found for Newton Aycliffe and Seaham.

9. The current issues around availability of the second appliances in Crook and Barnard Castle were discussed and the potential benefits of introducing a TRV to these areas was outlined.

10. Members discussed in detail the demand and risk data for Crook and Barnard Castle and reassurance was sought about the consideration that had been given to the levels of deprivation in some wards in Crook and the potential for wildfires in other parts of the station area.

2021/22

11. In 2021/22 the following options would be considered:

- Implementing the amended crewing system at Crook and Barnard Castle from a 2 appliance RDS model to a single appliance and a Targeted Response Vehicle (TRV) model if the trial proves successful;
- Introduce a trial of riding with 4 at some single pump wholetime stations.

12. Members discussed the current practice of riding with four (as a minimum) on 73% of appliances. This option would not impact on response standards and some fire and rescue services (FRS) have already implemented riding with 4 firefighters on all of their appliances. A discussion took place around the geographical spread of stations across the Service and the impact this can have on getting additional appliances to an incident.

13. The importance of robust risk assessments and amended operational training was outlined if this option was to be considered.

2022/23

14. In 2022/23 the following options would be considered:

- Implement the changes of riding with 4 at some single pump wholetime stations if the trial proves successful.

Alternative Options

15. A range of other options not directly linked to operational response levels on stations were considered. The options were:
 - Structure changes;
 - Collaboration;
 - Governance changes.
16. A discussion took place around the possibility of operating with less managers at middle and strategic level. It was outlined that some detailed analysis around the incident command system would be required. The potential impact of the Service to deliver against its ambitions and objectives was considered. The importance of collaboration in supporting this option was outlined.
17. Members discussed the potential opportunities around collaborating with other partners such as neighbouring FRSs, the police and the local authorities. Greater clarity on the fire – fire collaboration should be known ahead of the next strategic planning day in October.
18. Members discussed the appetite for governance changes to the Authority. The financial restrictions of merging with other FRSs was debated. It was pointed out that if a full merger wasn't financially possible, the Authority might want to consider if there was a willingness to share a Chief Fire Officer with another FRS or share an entire leadership team. Members discussed other FRSs that had moved under their respective Police and Crime Commissioner (PCC). It was agreed that the PCVC for Durham, Ron Hogg, had indicated that he had no desire to take responsibility for the Service and did not want to request a seat on the Authority, which is an option under the Policing and Crime Act 2017.
19. Members also agreed that it may be pertinent to review the number of Members on the Authority over the next four years. A review of efficiency and effectiveness had been undertaken in 2017 but given the potentially difficult financial situation Members felt that this would show that all options for efficiency were being explored.

HMICFRS

20. Members were shown the Direction of the Inspection video that had been created to help staff understand the inspection process and key facts relating to each diagnostic that would be examined as part of the process.

ADDITIONAL PLANNING SESSION

21. An additional date for the planning session is to be arranged as the original date clashed with the local elections in Darlington and some Members were unable to attend on 3 May.

RECOMMENDATIONS

22. Members are asked to:
 - (a) **note and discuss** the outcomes of the 3 May 2019 CFA Strategic Planning Day.

Stuart Errington, Chief Fire Officer, 0191 375 5555

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Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



COMBINED FIRE AUTHORITY

14 JUNE 2019

MEMBER ATTENDANCE AT CONFERENCE

REPORT OF CHAIR

PURPOSE OF REPORT

1. To provide feedback to members on the recent Local Government Association (LGA) Fire Conference held between 12 and 13 March 2019.

BACKGROUND

2. Members have agreed to feedback a summary of any key issues emerging from conferences, events or seminars they have attended on behalf of the Authority.
3. The LGA Fire Conference is held annually with the event being held this year in Brighton. This year's conference covered a wide range of topics with delegates attending a large number of presentations and workshops with a summary of these detailed in Appendix A.

RECOMMENDATION

4. Members are asked to **note** the report and Appendix A.

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MEMBER FEEDBACK FROM CONFERENCE/SEMINAR/FIRE RELATED EVENT

Attendees	Cllr Robinson, Cllr Laing, CFO Errington, Katherine Metcalfe (Head of Workforce Development)
Event	Local Government Association (LGA) Fire Conference: Brighton
Date	12 - 13 March 2019
Overview of event	Annual LGA Fire conference with a range of keynote sessions covering a range of topics such as:
TOPIC	Chairs welcome
Speaker	Organisation
Cllr Ian Stephens	Fire Service Management Committee
<p>Welcome to Conference. Pleased that government has adopted recommendations from FSMC in relation to Hackett Review. Some good work done by social housing but private sector is lagging behind. Inspections shown FRS effective but some work to do around people pillar. All FRAs see inspection as a priority. CSR will define context in which FRS operates going forward. Need to work with the Home Office to put the case for Fire funding.</p>	
Implications for Service	
N/A	
TOPIC	Keynote Session 1 “the added value of FRS”
Speakers	Organisation
Fiona Twycross Matt Wrack Nick Chard	Chair of the London Fire and Emergency Planning Authority General Secretary of the FBU Chair of Kent CFA
<p>Matt Wrack – FBU’s perspective – campaign to bring views of members to the fore, proud of what their members do. All too common to overlook response work we do at fires. FBU describe it as complacency especially at heart of government. Mantra about declining fires has led to complacency. 40,000 dwelling fires last year show importance of response work being undertaken by firefighters. Politicians need to thank Firefighters rather than be complacent. FBU have worked with employers to expand role eg through EMR. Reports proved the value and ROI of EMR. National negotiations the best way forward, 17% reductions in pay is unsustainable. Need to make the case for a sustainable FRS going forward and work together to secure funding from government.</p> <p>Nick Chard – journey of development shared across emergency services. Public expectations are to change and modernise. LGA vision document outlines future as does NF document. Many reasons for reduction in fires including prevention work. Statistics show reductions across range of indicators. IRMP outline resource needs and gives rise to latent capacity or opportunity. This is biggest area where we can add value. A lot of what is being discussed is already being happening. Strengths of FRS: most trusted emergency</p>	

service, can do attitude, brand strength. Need to improve skills we have and it takes time to embed these. We need to understand society and the local dynamics. Police and ambulance service under enormous pressure we can be partner of choice. We have a savvy workforce who are aware at what is going on in society. The University of Hertfordshire report showed some added value but not the whole picture. Local FRS have work ongoing to add value in their communities. We need to focus on community and their needs. Why would we not do additional work especially around safeguarding? Why would we not do road safety work to keep public safe?

Implications for Service

The Service has already utilised the latent capacity available through rest periods on wholtime stations. The Service is also undertaking Emergency Medical Response (EMR) at some RDS stations

TOPIC	Keynote Session 2 “Culture, diversity and inclusion”
Speakers	Organisation
Stephen Polly Justin Johnstone Julie King Alex Waller	HMICFRS DCFO Lancashire FRS Vice Chair - Women in the FRS ACFO Cheshire FRS

Stephen Polly

General introduction on role of HMICFRS. 3 broad questions asked by HMICFRS. 4 sub questions on people pillar. What did they find? Values and behaviours mixed, some didn't have any values and behaviours at all. Pros and cons to watch culture. Problems with inclusivity and accessing welfare provision. Not everyone understands benefits of diversity. Culture is a barrier in some services, high number of B and H reported, staff want to have a say in way Service is ran. Some staff had no faith in raising head above parapet. Tranche 2 very similar to Tranche 1.

Justin Johnson

People want to hear from LFRS. Could be others in the room better. Values not just a set of words in a document. Nobody knew what values were in the early days. From 2009 building on excellent foundations. Exec Board been together for 7 years so had luxury of long-term change. Positive ER review. Winter Hill was a challenging incident that featured in the context of inspection. Values flow through documents.

Julie King

Perspective on inclusivity in FRS. Background to WIFS. Local link to national work. Plea to support local reps. Funding is provided by FRS through corporate membership. Support happening for females. Issues in media and general life. Getting language right in recruitment campaigns is important. Get into schools is important, Fire cadets, careers fairs etc. 21-23 June event at FSC.

Alex Waller

Proud of success but still lot to do. Still too many LGBT staff leave the Service. Stonewall can support FRS to encourage inclusivity. Wide range of factors looked at in great deal. It is a lot of work, but the benefits are worth it.

Implications for Service

The Service have undertaken a lot of work around culture, values and inclusion. We are interested to see how this is viewed by HMICFRS.

TOPIC	Workshop Session 1 “Managing Risk for UK Major Infrastructure”
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Speakers	Organisation
Mark Smith	London Fire Brigade

Is FRS vulnerable in our approach major construction projects. Extraordinarily investment in the UK at moment principally being driven by utilities, transport companies. Projects present significant challenges to FRS. Workforce issues can include inappropriate accommodation. Can bring issues in terms of community tension. UK FRS may be used to raise safety concerns. If it’s unusual for FRS for maybe training and exercising issues. The environment can change rapidly, hazards change on daily basis. How do we keep operational crews informed of changing conditions? Safety and reputations issues to consider. Can FRS staff be imbedded into major infrastructure projects? Pooling knowledge is vital, primary authority schemes is a model that can be employed. FRS has a privileged position as we can influence projects from outset through Fire Engineering perspective. We can link Police and Fire resources through issues such as terrorism or conventional hazmat incident. FRS are consultants, enforcers of RRO, client as use facilities. Do we inspect construction sites during 7.2.d visits? We should on major projects. Arson is a huge problem in the construction industry. Example on CrossRail in London.

Learning lessons and adding value is important. We need to build into the design of the projects. Making decisions on who owns the risk, be clear on limitations of service from the outset. Recording decisions is important. May need to access the decisions in future. Example around tunnels and providing comms equipment. If contractor wants us to respond we need comms equipment provided so record decisions and stick to them. Construction companies must take individual responsibilities. They should provide the hazards to FRS during the life of the project and enable FRS to outline a response arrangement during the project stages.

Implications for Service

Early considerations in the way CDDFRS would engage contractors for any major infrastructure project would be required should such a project be undertaken in our area.

TOPIC	Keynote session 3 “Finance, risk and capacity”
Speaker	Organisation
Phil Hales Dawn Docx Roy Wilsher	Chair of NFCC Finance Coordination Committee DCFO at Greater Manchester FRS (GMFRS) Chair of the NFCC
<p>Phil Hales</p> <p>Spending Review, Fire Funding Formula, sector survey and data, pensions. Spending review delayed due to EU exit, no certainty on dates. Home Office asked NFCC and LGA to contribute to review submission. Number of meetings taken place to understand issues. 4 themed pillars for submission: efficiency and productivity, demand and risk, capabilities, funding models.</p> <p>Demand and risk how can we evidence it.</p> <p>Efficiency and productivity- can evidence efficiency but how do we become more productive?</p> <p>Capabilities- What investment (training and money) do we need going forward, what capital investment do we need,</p> <p>Funding models – what do we need going forward? Finance needs to link to IRMP process. Community Risk Programme (CRP) important model going forward.</p> <p>Dawn Docx</p> <p>IRMP generally a prediction on risk, GMFRS look at demand and risk didn't predict wildfires in July, call rates were high anyway with BAU. GMCFRS didn't have vehicles or knowledge and experience, used Military Aid to Civil Authorities (MACA) support from landowners etc. £1.1m bill for Saddleworth Fire no indication of Belwin Scheme support.</p> <p>Roy Wilsher</p> <p>Home Office require evidence of impact of risks. Core themes of Home Office: safety and security, prosperity, impact on other services. Can we evidence the requirement for national resilience and large incidents? Major challenge to influence Government.</p>	
Implications for Service	
<p>The Authority's Resilience Reserve would help smooth the cost of a large incident in CDDFRS. Members and officers need to continue to lobby for a reasonable funding settlement for the FRS.</p>	

TOPIC	Keynote session 5
Speakers Nick Hurd Luke Edwards	Organisation Policing and Fire Minister Director of Fire and Resilience, Home Office
<p>Video message from Nick Hurd. Change being introduced, Inspection, Standards Board, Governance. Change is for improvement and to make sure public have access to world class service. Inspection shows the areas we need to improve. Standards are important. public trust and have confidence in FRS.</p> <p>Luke Edwards It was week 5 for Luke so very early days. He has 17 years in public sector, civil servant and experience in ambulance and policing. Interface between policy and strategy and frontline. Drawn from career and challenges of business. FRS is a distinct business and Home Office need to understand the unique context. Early reflections – warm reception from sector, different from NHS. Lots of progress in 3 years. Big efficiencies achieved and frontline has held up. Need to tell our story more effectively. Challenges such as diversity, focussing on prevention and protection, still too much variation, opportunities to share best practice and value. Pay issues is a big challenge.</p> <p>Directorate needs to be the voice of Fire in Government. Collaboration is a key objective. Priorities: set up structures, implications of Hackett Review, renewing NR capabilities, financial strategy for Fire. Visits to FRS are taking place.</p>	
Implications for Service	
N/A	
TOPIC	Lessons Learned from Inspections
Speakers Roger Hirst Zoe Billingham Nick Chard	Organisation Police and Fire and Crime Commissioner in Essex HMICFRS Chair of Kent CFA
<p>Roger Hirst</p> <p>PCC so relationship established with the Inspectorate established. Issues with Essex Police but inspection process has improved services. Personally big fan of process it gives us an image of what we need to do better. External Reference Group worked hard to get process right.</p>	

Zoe Billingham

14 FRSs outcomes has given a picture of sector. It is working with sector to drive improvement for public. We need to hold Inspectorate to account for promise. Teams made up of professional FRS staff. Effectiveness is most positive area in Tranche 1. On-call availability an issue, expectations of life is challenging on-call. Protection teams have taken hit. Number of audits has reduced.

Efficiency- what does a modern Service look like? Job for sector to refine. Collaboration important with all partners. What do we do to satisfy our communities that we are efficient and productive. Consistency important. Are we resourced to legacy rather than risk. Barriers to reform – complex industrial relations, change isn't embraced well.

People- most important but worrying pillar. Long way to go in terms of diversity. Hearts and minds throughout the organisation isn't what it should be. B&H too high. Judged on way we have responded to survey. Elephant in the room watch culture.

State of Fire will be published in December. None of the 14 FRSs in Tranche 1 would have triggered a governance inspection.

Nick Chard

Never completely comfortable but shouldn't be. Members have a legal responsibility as employer. It isn't a competition need to share good practice. Ted Talks approach to best practice. Golden nuggets in all FRS. No room for complacency.

Ensure Chiefs are held to account for improvement following inspection process.

Implications for Service

N/A

Safest People, Safest Places

COMBINED FIRE AUTHORITY

County Durham and Darlington
Fire and Rescue Authority



14 JUNE 2019

PERFORMANCE REPORT – QUARTER FOUR 2018/19

REPORT OF AREA MANAGER, EMERGENCY RESPONSE

Purpose of report

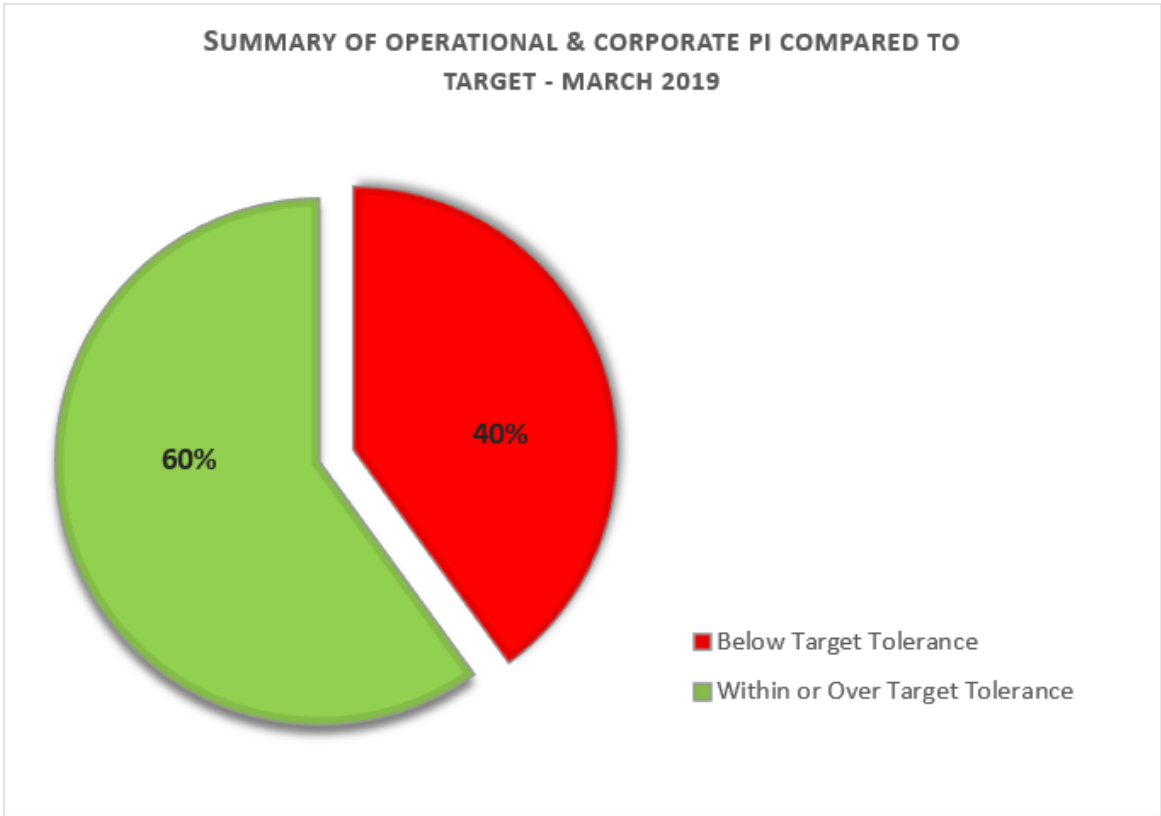
1. This report presents a summary of organisational performance at the end of the fourth quarter of the 2018/19 financial year.

Background

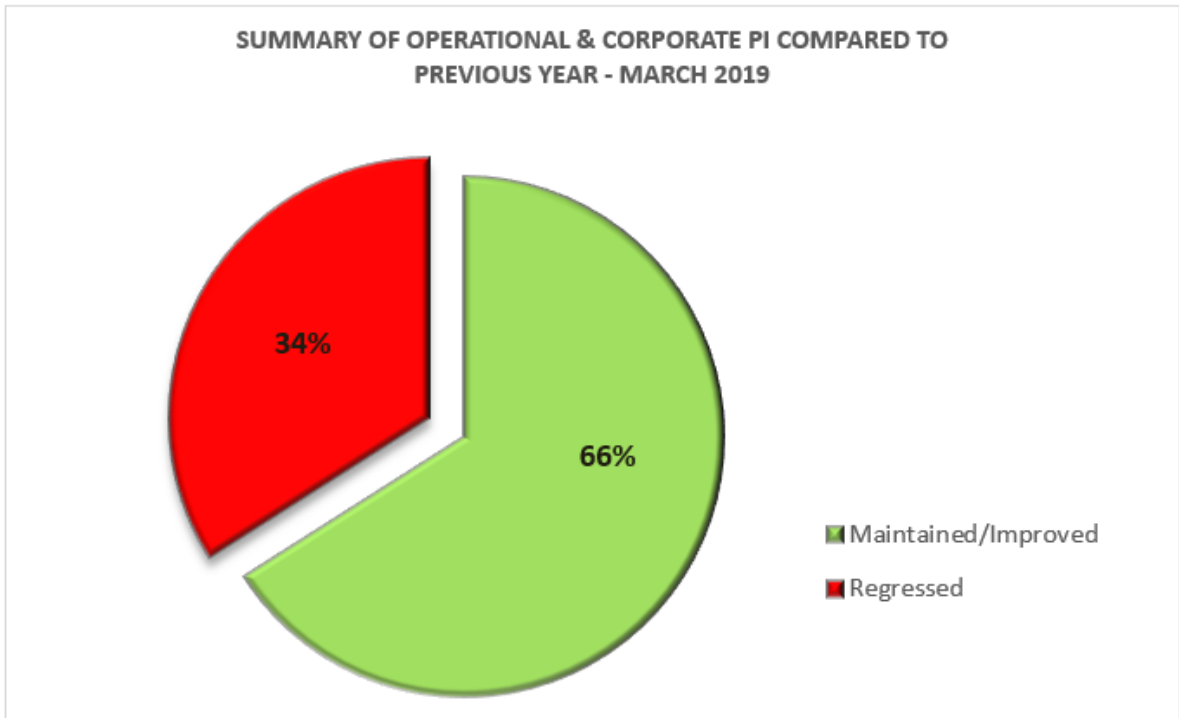
2. Both operational and corporate performance is monitored and managed internally via the monthly Performance and Programme Board (PPB) and Service Leadership Team (SLT) forums. Members of the Combined Fire Authority (CFA) consider performance on a quarterly basis at meetings of the Performance Committee and the full CFA.
3. A comprehensive suite of performance indicators (PIs) are employed to measure both operational and corporate performance. Targets are set on an annual basis against SMART criteria and take account of longer-term trends and the potential for spikes in performance.
4. This robust approach to performance management enables action to be taken at an early stage if performance is not meeting expectations and provides assurance that resources are being directed towards the areas of greatest risk.
5. In addition to setting a target level for relevant PIs, the Service also employs a system of tolerance limit triggers that allow under or over performance to be highlighted to the PPB when the PI goes beyond set tolerances, which vary depending on the indicator. Each PI has a total of four tolerance limit triggers; two each for both under and over performance.
6. Performance is presented from two perspectives: by comparison against the annual target levels, and by comparison with performance at the same point last year.

Overview of performance across all indicator categories

7. The tables overleaf provide an overview of how key performance indicators were performing at the end of quarter four 2018/19, across both operational and corporate areas of the Service.
8. The first pie chart over the page shows that 60% of the strategic PIs met or exceeded their target level.



9. The next chart below shows that 66% of the strategic PIs either maintained or improved when compared to performance last year.



Performance reporting by exception

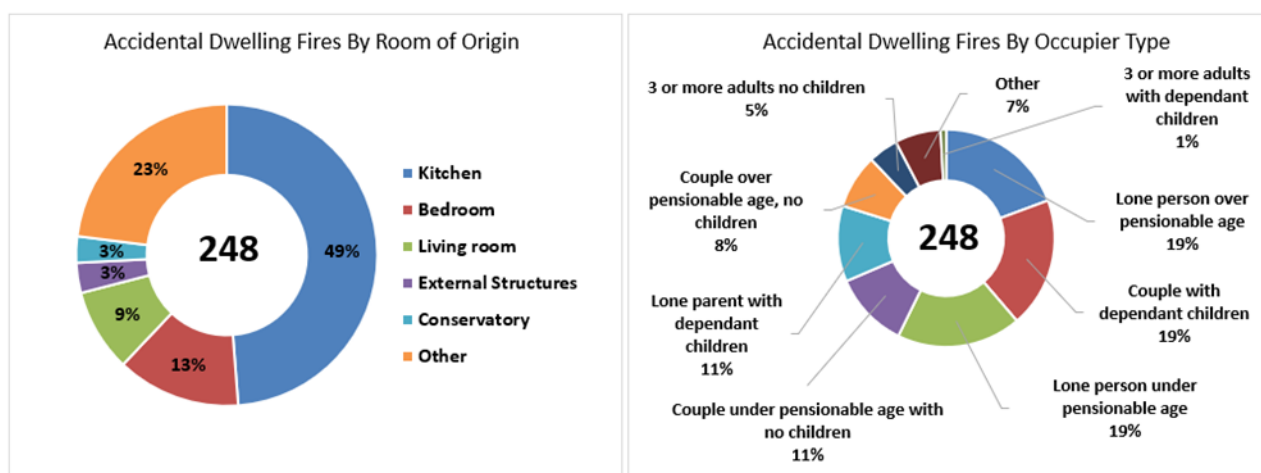
10. The following sections of the report present details of specific operational and corporate indicators where performance was notably strong or where additional work is required to secure improvement. An explanatory narrative is provided for each PI group along with information about how performance compares to the annual target and the previous year.

Prevention

Performance Indicator	Objective	Q4 2018/19 Actual	Q4 Target	Actual vs Target	2017/18 Q4 Actual	Actual vs Previous Year
PI 01 - Deaths Arising from Accidental Fires in Dwellings	Down	1	0	-100%	0	-100%
PI 02 – Primary Fires	Down	1024	916	-11.8%	1058	+3.2%
PI 03 – Number of Accidental Dwelling Fires	Down	248	230	-7.8%	240	-3.3%
PI 04 - Injuries Arising from Accidental Dwelling Fires	Down	14	23	+39.1%	20	+30%
PI 05 - Total Secondary Fires	Down	2915	2225	-31%	2646	-10.2%
PI 07 – Number of Safe & Wellbeing Visits	Up	20124	18000	+11.8%	19558	+2.9%
PI 42 - Proportion of Safe & Wellbeing Visits to High Risk People/Properties	Up	87.9%	80%	+9.8%	85.7%	+2.5%

PI01 There is one confirmed fatality from an accidental dwelling fire (ADF) in June 2018 which involved a 76-year-old female and the coroner has confirmed the cause of death was due to smoke inhalation. There have been two further fatalities, one in December 2018 involving a 7-year-old girl in Darlington and one in January 2019 involving a 55-year-old man in Consett, both incidents are still waiting to go to inquest.

PI03



The number of ADFs has risen gradually year on year for the last 3 years. Darlington remained the highest station area with 49 in total which is the same number as in 17/18. The majority of the increases were seen in Newton Aycliffe (10 in 17/18 to 24 in 18/19) and Bishop Auckland (19 in 17/18 to 28 in 18/19). The PPB called in these districts, the main trends identified were in relation to second hand white goods and a high turnover of residents in private rented properties. Durham and High Handenhold both saw significant decreases with Durham only encountering 17 ADFs compared to 30 the previous year and High Handenhold only encountering

17 compared to 24.

49% of all ADFs started in the kitchen which is down slightly compared to last year the majority of which were cooking related. The trend in terms of months that ADFs occurred show that December and January were the busiest months accounting for 23% of the total number, but February saw a 43% reduction (31 in 17/18 down to 17 in 18/19).

In order to try and address the number of ADFs we are experiencing the Community Risk Management (CRM) Team have carried out several initiatives including more recently a dedicated ADF campaign tailored to those most at risk (elderly/ young parents). Ideas included home safety messages on pharmacy bags/ posters/ social media, actual live footage of high-risk factors such as chip pan fires and electrical overloading as well as the introduction of 'Flamin Nora' which can be utilised during events and open days.

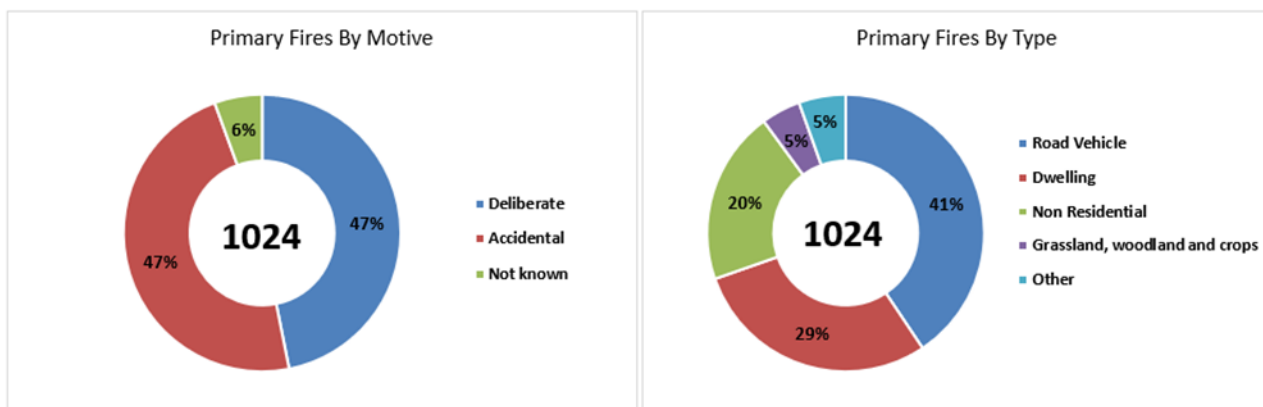
The central Community Safety (CS) Team have increased the frequency of meetings with District Management Teams and level of support offered to ensure localised issues are being addressed as well as ensuring the resources are bespoke to their needs.

In terms of national campaigns, the Service has supported electrical fire safety week, candle safety week, home safety week, gas safety week and chimney fire safety week.

PI04 – Injuries arising from ADFs have continued to reduce year on year with only 14 occurring during 18/19 compared to 20 in 17/18 and 24 previous to that. Improved targeting of visits combined with the wellbeing assessments may be the underlying factor which has resulted in this sustained improvement in the reduction of injuries. All 14 involved the victim going to hospital where injuries appeared slight, none were serious. CRM continue to offer guidance and resources to crews on how to reduce injuries relating to fires within the homes especially around cooking.

PI07 – The number of Safe and Wellbeing Visits (SWVs) delivered by crews and Community Risk Officers (CROs) was 20,124 which is 2,124 above target (18,000). The decision to leave the annual target at 18,000 for the upcoming year will ensure that quality is maintained and allow capacity for delivery against deliberate fires. Quality assurance of SWVs and sharing of good practice continues to be delivered by the CROs shadowing operational crews during visits. Although the number of ADFs have increased slightly during 18/19, injuries have reduced and those injuries that have occurred have been minor in nature. In addition to improved targeting of visits, the Service has now introduced a 12-month re-inspection programme targeted at any individual that has been deemed to be at high or very high risk.

PI02



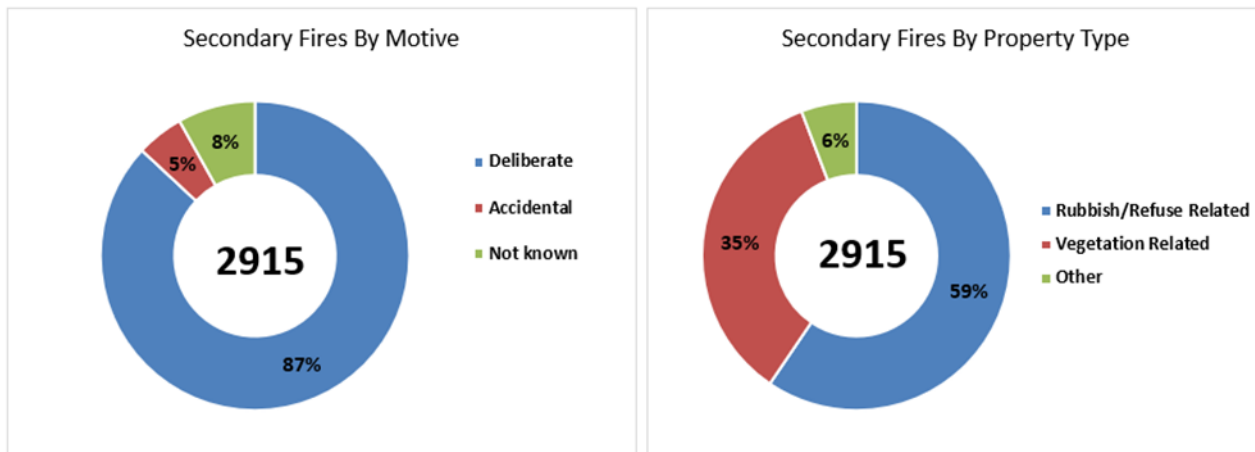
During the 18/19 period the Service attended 1024 primary fires which is a slight reduction on 17/18 (1058). The most prominent type of primary fire involved road vehicles, 416 in total which is a slight reduction on last year's total for road vehicles which was 452. There were 297 primary fires involving dwellings followed by 208 fires in non-residential premises. A presentation has been delivered to the Safe Durham Partnership to raise concern over primary and secondary fires and to gain increased multi agency support, this work is ongoing.

The Business Fire Safety (BFS) Team have carried out a number of talks to groups including students and

business owners, whilst general safety advice on barbeque safety, garden waste management advice and a heavy focus on preventative measures and risks associated with the bonfire period has been delivered by the CS Team.

A full review of the website has been completed this year and updated with safety measures linked to the risks of accidental primary fires. Both internal SharePoint and external social media platforms have been utilised more this year than ever before.

PI05



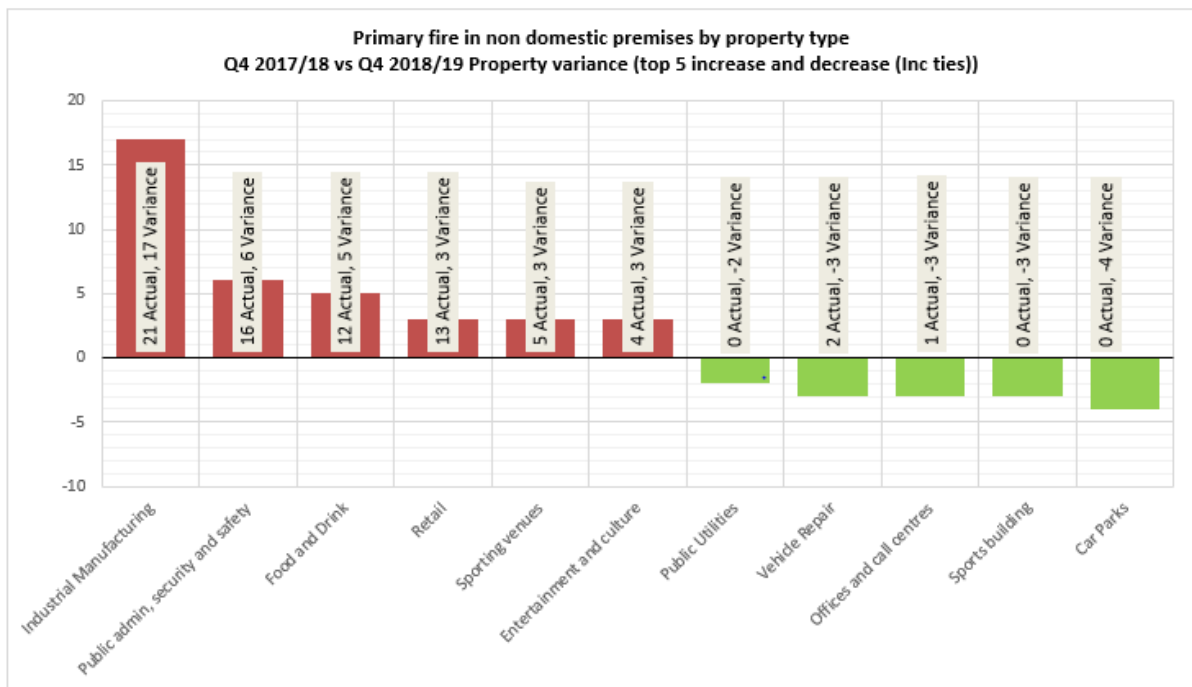
Secondary fires have increased for the third year in a row to 2915 in total, 87% of these (2533) were reported as being deliberate in nature. July saw the largest number of fires across the year with 433 attended in total. The remaining months are very similar in terms of numbers and the time of day at which the incidents occur are generally early evening (17:00 – 20:00).

When looking at the incident type, the majority relate to rubbish/refuse (1371) and scrub land (532). These incident types are discussed at local level with partner agencies. Centrally, the Arson Reduction Team and CS are working together to develop strategies and initiatives with District Teams to reduce secondary fires across the Service area. Examples of initiatives and resources include Firestoppers, 'Enough is Enough' campaign and presentations within educational establishments.

Protection

Performance Indicator	Objective	Q4 2018/19 Actual	Q4 Target	Actual vs Target	2017/18 Q4 Actual	Actual vs Previous Year
PI 10 - Primary Fires in Non-Domestic Premises	Down	96	80	-20%	71	-35.2%
PI 14 - False Alarms Caused by Automatic Fire Detection Equipment	Down	813	725	-12.1%	751	-8.3%
PI 17 – Number of Fire Safety Audits	Up	2170	2124	+2.2%	2135	+1.6%

PI10

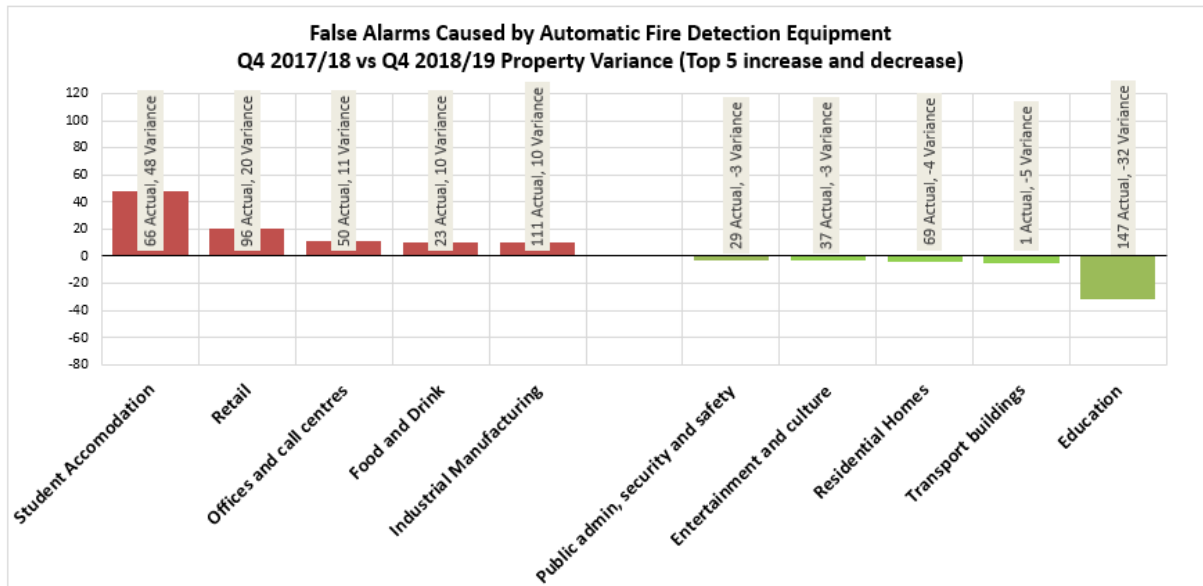


The chart above highlights the categories of non-domestic priorities which have seen the greatest increase or decrease in primary fires when compared to the previous year; the chart details the actual number of incidents attended as well as the variance. Durham and Darlington were the busiest stations across the Service area. 11 of Durham's incidents were in prisons where the Service has no powers under the Regulatory Reform (Fire Safety) Order 2005, although good will advice is offered.

Crews continue to deliver fire safety visits - operational (FSVOP's) to the small and medium risk premises whilst the central BFS Team focus on the high and medium (where necessary) risk premises. In order to address the fires in prisons the BFS Team are working with District Management Teams to educate the establishments with a training package being developed to deliver to relevant members of staff.

Quality assurance of crews carrying out FSVOPs continues. This entails a member of the central BFS Team shadowing crews throughout the entire process of a FSVOP from accepting the job to input into CFRMIS. This process ensures high standards and quality advice is being delivered during visits and it is appropriate to any risks that are identified. The Service also took the decision during 18/19 to invest and train individuals from across the districts and firefighter (FF) apprentices to the Level 4 Certificate in Fire Safety, which will ensure the knowledge and expertise during visits is increased.

PI14



The chart above highlights the categories of non-domestic priorities which have seen the greatest increase or decrease in automatic fire alarms (AFAs) when compared to the previous year; the chart details the actual number of incidents attended as well as the variance. Although there has been an increase in the total number of AFAs when compared to last year, there has also been a significant increase in the number of new student accommodation built which is reflected in the increase in the chart above.

Within 18/19 the central BFS Team has delivered information to students residing within halls of residents as well as the landlords / university themselves to ensure the increase in AFAs does not continue. A trial of a new unwanted fire signal (UwFS) charging policy was introduced in April 2019 and will be reviewed after 12 months. This trial will advise businesses that they will be charged on the third and any subsequent UwFS within a rolling 12-month period, with the aim of improving the fire safety management practices within the premises and reducing the number of UwFS.

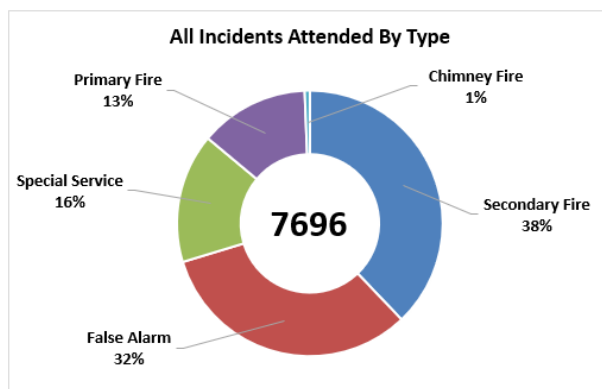
What is pleasing to see is that there was a good reduction in the number of AFAs in education establishments compared to last year as there was a huge amount of work undertaken by the BFS Team towards the end of 17/18 and beginning of 18/19 to advise schools on how to reduce the number they were having.

PI17 – There have been 2170 fire safety audits conducted this year compared to 2135 last year and against a target of 2,124. Both operational crews and the central BFS Team continue to contribute towards the audits delivered. A huge amount of work has been delivered to ensure all staff have the appropriate level of training and remain competent and confident to carry out the audits. During 18/19, green book staff have been employed within the central team which has improved diversity in the team and brought in new ideas from external organisations. 32 operational members of staff have been working to gain their Level 4 Certificate in Fire Safety qualification, as have the first cohort of FF apprentices. In addition to the formal qualifications, 1-day refresher FSVOP training will be offered to those staff that require it and a 2-day FSVOP initial will be given to new members of staff identified by their District Management Teams. During 19/20, the Service will train a further 32 members of staff and the new cohort of FF apprentices to Level 4 Certificate in Fire Safety.

Response

Performance Indicator	Objective	Q4 2018/19 Actual	Q4 Target	Actual vs Target	2017/18 Q4 Actual	Actual vs Previous Year
Total Emergency Calls Received (including EMR)		16326			16760	+2.6%
Total Incidents (excluding EMR)		7696			7283	-5.7%
Total Fires		3987			3782	-5.4%
Total False Alarms		2496			2321	-2.8%
Total Special Services (excluding EMR)		1213			1180	-2.8%
Total Road Traffic Collisions		354			326	-8.6%
Total Emergency Medical Response (EMR)		25			707	N/A
PI 06 – Number of Response Standards Met	Up	3	6	-50%	4	-25%
PI 12 – % Retained Availability on Stations	Up	71.6%	90%	-20.4%	73.4%	-2.5%

Total incidents (excluding EMR)



PI06 – The main impacts affecting PI06 are its sub indicators, PI08a and PI08b, which are the attendance times to dwelling fires within 8 minutes and 11 minutes respectively, and PI08d which is non-domestic property fires attended within 11 minutes.

At reporting year end, we have achieved the 8-minute response standard to dwelling fires on 67.6% of incidents against a target 70%. This PI has sat between 67% and 73% across the year with the 70% target being achieved in May (73.1%) and June (71.1%) 2018.

The main areas of concern are at retained stations in Sedgfield, Barnard Castle and Wheatley Hill. In common with other retained stations, they have experienced challenges with daytime availability and drivers which is a contributing factor. Retained appliances at Spennymoor, Crook, Stanhope and High Handenhold have seen similar issues but to a lesser degree.

In relation to PI08b (dwelling fires attended in 11 minutes) we have seen broadly similar issues at the same stations that have had challenges achieving PI08a and have achieved an 11-minute response time for 87.3% of incidents against a target of 90%. Where we have not been able to achieve this indicator, in the main, this tends to be in remote rural areas that are outside of the 11-minute response isochrone. All response time indicators are scrutinised by District Management Teams and the Group Manager for Emergency Response, and the main trend is around drive times to incidents and daytime retained crewing availability.

Workstreams to improve retained availability are covered below under PI12.

The final sub indicator for PI08d was only 1.1% short of achieving its standard of 90%, this again was mainly due to traveling distances and retained day crewing availability.

PI12 – Over the 2018/19 reporting year we have seen a range of between 70% and 78% availability across the Service’s retained appliances.

Of the total number of retained appliances, five achieved the 90% or above target availability, these being D07P1, D08P1, D09P1, D13P1 and D14P1.

Work is ongoing involving members of HR and District Management Teams to streamline the attraction and recruitment of new staff. Further changes to the initial recruitment process and role related testing have been implemented to significantly reduce the time taken to process these elements. The online testing window has also been increased from being open for one week per calendar month to being open permanently as this was an issue that was being raised as continually delaying the application process.

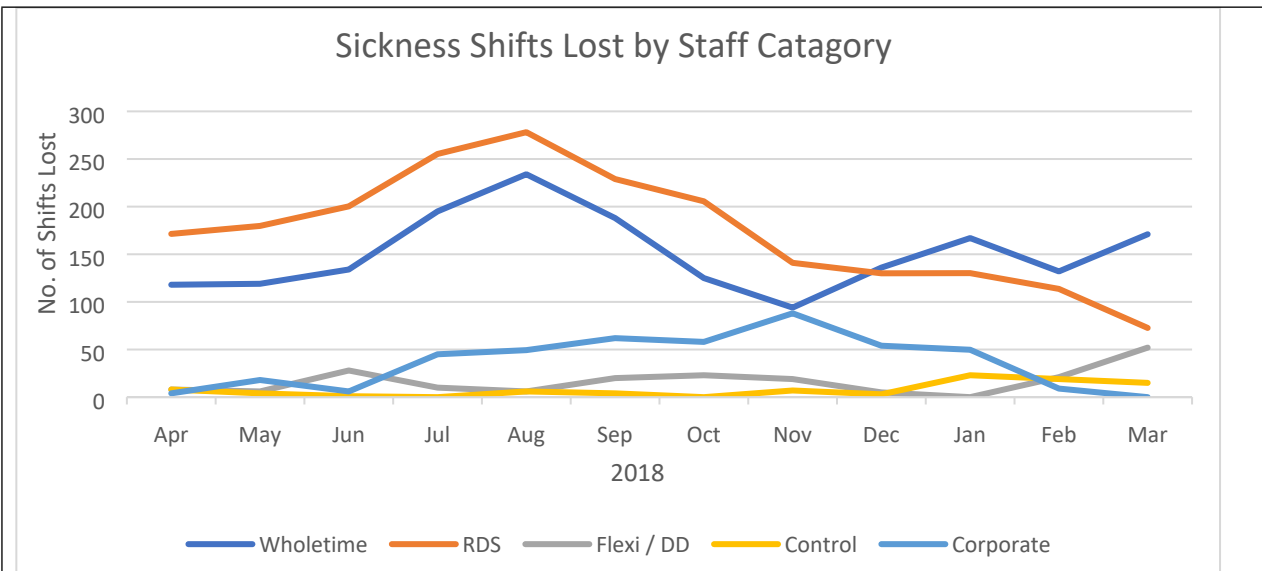
A District Manager has been given the lead responsibility for the retained improvement project and has been co-opted onto the National Fire Chiefs Council Practitioners group along with the Group Manager for Emergency Response to broaden organisational awareness.

Workforce

Performance Indicator	Objective	Q4 2018/19 Actual	Q4 Target	Actual vs Target	2017/18 Q4 Actual	Actual vs Previous Year
PI 40 - All Staff Sickness	Down	8.18	6	-36.6%	7.02	-16.5%
PI 69a – Number of Accidents to Personnel	Down	20	12	-66.7%	11	-81.8%
PI 71 – Number of Vehicle Accidents	Down	26	18	-44.4%	30	13.3%

PI40 – We started the reporting year within the Wholetime (WT) category knowing levels of absence were high due to the nature of long-term absence continuing from quarter 4 of the previous year as well as notice from WT personnel of impending operations. This trend could be seen across the summer period where sickness levels were extremely high. Levels of absence could be seen to be steadily decreasing into quarter 3 however, quarter 4 has seen a further rise predominantly with long term absence once again. A number of these cases came to a natural end when the employee retired, and others have since been resolved however the impact of this has been significant.

The RDS category has seen a 20% increase in shifts lost overall in comparison with last year, however, there has been a downward trend since August 18. The Flexi Duty Officer’s category has seen a reduction in absence levels in comparison with last year but after such low sickness last year, the Day Duty category has increased significantly. The Control category has once again seen a further 45% reduction in absence levels in comparison with previous years continuing the downward trend. The Corporate category has seen a 40% rise in shifts lost in comparison with last year. Its pleasing to see that in March 2019, zero shifts were lost to absence from the Corporate staff. It is expected that low absence levels will continue into the new reporting period.



PI69a – Every personal accident reported through OSHENS has been investigated on an individual basis and any subsequent recommendations have been tracked through OSHENS to ensure a timely completion. The Assurance Section have also monitored submissions to identify trends which can be addressed, however no tangible trends were noted over the previous 12 months.

In an attempt to reduce personal accidents, the Assurance Section have introduced a personal accident review panel which requires investigators to present their finished investigation to a small number of members from the Assurance Section, this should ensure that the investigation is as comprehensive as possible, and the corresponding recommendations/actions will prevent further accidents.

The Assurance Section will also scrutinise all OSHENS submissions to ensure that they have been categorised correctly and re-categorise any submissions incorrectly categorised immediately to ensure accuracy of reporting.

PI71 - Every vehicle accident reported through OSHENS has been investigated on an individual basis and any subsequent recommendations have been tracked through OSHENS to ensure a timely completion. Every vehicle accident has also been heard by the Drivers Standards Panel where the difficulty of the manoeuvre and degree of urgency is looked at to determine the outcome and any subsequent actions required for the driver.

A number of additional control measures are/have been implemented following the on-going trend of slow speed manoeuvring accidents, these are 'Banksperson lights' (lights which are situated under the rear of the appliance to assist in the reversing of appliances outside of daylight hours) and reversing cameras.

Driver Training has developed an acronym ARC (Access / Risk assess / Control measures) which has been communicated to all staff and is constantly promoted to assist drivers in carrying out a slow speed manoeuvre as safely as possible.

Following the most recent round of operational readiness audits, it was noted that personal driver log books were not being filled out, this was highlighted to Driver Training who are in the process of re-branding/re-launching the log books so that they can be used to determine the frequency of training required, rather than using a 'blanket approach' for all staff no matter how many hours/miles they drive. This information should also be used during any investigations following an accident as the amount a driver has driven could be a cause of the accident which has been missed in the past.

Working in Partnership with the Highways Agency, we hosted a 'Driving for Better Business' event at the Service Training Centre on 11 May 2019, this initiative is a Government-backed programme to help employers in both the private and public sectors reduce work-related road risk, decrease the associated costs and improve compliance with current legislation and guidance. Further control measures will be considered depending on the findings from the event.

Finance & Governance

Performance Indicator	Objective	Q4 2018/19 Actual	Q4 Target	Actual vs Target	2017/18 Q4 Actual	Actual vs Previous Year
PI 34 - % of Invoices paid within 30 days	Up	95.4%	95%	+0.4%	99%	-3.6%

RECOMMENDATIONS

11. Members are requested to:

- a. **Note** the content of the report;
- b. **Comment** on the reported performance.

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Safest People, Safest Places

County Durham and Darlington
Fire and Rescue Authority



COMBINED FIRE AUTHORITY

SICKNESS ABSENCE PERFORMANCE

01 APRIL 2018 – 31 MARCH 2019

REPORT OF HEAD OF WORKFORCE DEVELOPMENT

Purpose of the report

1. The purpose of this report is to provide Members with an update on sickness absence performance for the full reporting year.




Background

2. The effective management of absence is a key performance issue for any organisation. This is particularly important when operating in a climate of reduced financial and human resources.
3. The Service places significant emphasis on the effective management and reporting of sickness absence and Members have an important role to play in providing an overview of the arrangements that are in place and the performance that is achieved.

Summary of Sickness Statistics






4. The sickness statistics for the period 1 April 2018 to 31 March 2019 are calculated as average shifts/days lost per person.
5. The Service compares sickness levels to the targets that have been set for the year and to previous year's performance to provide a rounded view of sickness performance, and to help to identify any trends in particular areas.
6. Table 1 overleaf sets out the sickness statistics against three key performance indicators (KPI). These indicators were previously used to measure performance within the best value framework and the Service continues to use these measures to enable national comparisons to be undertaken at year end.

Table 1 Key Sickness Statistics by Best Value Indicators

Performance Indicator	Apr 18 to Mar 19	Apr 18 to Mar 19 Target	Variance	Apr 17 to Mar 18 (PYR)	Direction of Travel
Working shifts/days lost for all staff	8.27	6	+ 2.27	7.02	
Working shifts/days lost due to sickness for all Wholetime, Control and Non- Uniformed	6.2	6	+ 0.2	5.11	
Working shifts/days lost due to sickness for all Wholetime and Control	6.52	6	+ 0.52	5.37	

7. All the KPIs for sickness are above target and performance has regressed in comparison with last year. These performance indicators can be further broken down in relation to the individual staff groups within the Service. This breakdown can assist in identifying trends.
8. Table 2 below shows a breakdown over the specific staff groups that are employed by the Service. The data is further analysed in the Trend Analysis Report which is attached as Appendix A.

Table 2 Sickness by Staff Group

Performance Indicator	Apr 18 to Mar 19	Apr 18 to Mar 19 Target	Variance	Apr 17 to Mar 18 (PYR)	Direction of Travel
Wholetime Riders (WT)	7.70	5	+ 2.70	5.43	
Flexi Duty (FDO) / Day Duty Officers	4.50	4.5	0	3.26	
Control	5.29	8	- 2.71	8.85	
Retained Duty System (RDS)	15.33	9	+ 6.33	12.15	
Non-Uniformed	5.62	5	+ 0.62	4.02	

Breakdown of Sickness Statistics

Wholetime Station Based Firefighters (Riders)

9. The detailed sickness information relating to WT riders is summarised below.

Description	Days/cost
Total shifts lost to 31/3/2019	1813
Long term sickness	1314 (73%)
Short term sickness	499 (27%)
Approximate cost of sickness	£307,351

10. The WT rider category has seen a 28% rise in shifts lost this reporting quarter in comparison with results of last year. In the previous year's report, it was highlighted that sickness levels were likely to be high at the start of the reporting year due to the nature of long-term absence continuing from quarter 4 as well as notice from WT personnel of impending operations. There are no specific patterns which can be identified in terms of days of the week or day/night shift for absence. Musculoskeletal absence remains the main cause of absence accounting for 57% of overall shifts lost.

Flexible Duty Officers and Day Duty Staff

11. The detailed sickness information relating to FDO and day duty staff is summarised below.

FDO

Description	Days/cost
Total shifts lost to 31/3/2019	56
Long term sickness	23 (41%)
Short term sickness	33 (59%)
Approximate cost of sickness	£16,187

Day Duty

Description	Days/cost
Total shifts lost to 31/3/2019	150
Long term sickness	135 (90%)
Short term sickness	15 (10%)
Approximate cost of sickness	£23,817

12. The FDO category has seen a reduction in absence levels in comparison with last year. The shifts lost have predominantly been short term although a number of these cases have been certified absence with one recent case of longer-term absence which will continue into the new reporting year. On the other hand, after such low sickness last year, the day duty category has increased significantly. However, unlike the FDO category, the majority of absence has been long term with few shifts lost for short term absence.

Control Staff

13. The detailed sickness information relating to Control staff is summarised below.

Description	Days/cost
Total shifts lost to 31/3/2019	90
Long term sickness	51 (57%)
Short term sickness	39 (43%)
Approximate cost of sickness	£15, 844

14. The Control category has seen a 45% reduction in absence levels in comparison with previous years continuing the downward trend. There has been only one case of long-term absence due to mental health related issues, the remainder has been short term with a mixture of certified and non-certified absence.

Non- Uniformed Staff

15. The detailed sickness information relating to non-uniformed staff is summarised below.

Description	Days/cost
Total shifts lost to 31/03/2019	443
Long term sickness	301 (68%)
Short term sickness	142 (32%)
Approximate cost of sickness	£52,219

16. This category has seen a 40% rise in shifts lost in comparison with last year. Most shifts lost were in quarter 2 and 3 where levels of long term absence were high. Unlike the operational categories, mental health is the main reason for absence in the non-uniformed category attributing to 57% of shifts lost and all absence for this reason was long term. Short term absence within this category has also been high this year.

Retained Duty System Staff

17. The detailed sickness information relating to RDS staff is summarised below.

Description	Days/cost
Total shifts lost to 31/03/2019	2129
Long term sickness	1947 (91%)
Short term sickness	182 (9%)
Approximate cost of sickness	£44,013

18. The RDS category has seen a further 20% increase in shifts lost in comparison with last year and continues the upward trend. Most of the rise in absence levels is due to long term absence, on a positive note short term absence has decreased in comparison with levels reported last year. Much like the other operational categories, 65% of shifts lost were due to muscular skeletal issues.

Action Taken

19. Sickness levels continue to be monitored closely with regular analysis to identify any trends and patterns with the instigation of the attendance management triggers where appropriate.
20. The HR team continue to liaise with line managers to support personnel to return to work as soon as possible through regular welfare visits, occupational health advice, additional support such as physiotherapy or counselling and encouraging discussions around the potential of modified duties once a return to work date is in sight.
21. The HR team are progressing a number of potential ill health cases to enable some of the more prolonged lengthy absences to be resolved.

National Fire Service Data Comparison

22. This data is supplied via the National Occupational Health Performance Report which is collated by Cleveland FRS. The data range is from April 18 – March 19. Good performance in comparison with other Services can be seen within the WT, Control and non-uniformed categories. Unfortunately, absence levels within the RDS are high however, the comparative data for this category is not wholly accurate with significant differences within the number of RDS employees within each Service. Further details can be found in Appendix A.

Recommendation

23. Members are asked to **note** and **comment** on the contents of this report.

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Sickness Absence Trend Analysis

(1 April 2018 – 31 March 2019)



SICKNESS ABSENCE TREND/ANALYSIS REPORT

2018/2019 Year End Report

Table 1 Key Sickness Statistics by Best Value Indicators

Performance Indicator	Apr 18 to Mar 19	Apr 18 to May 19 Target	Variance	Apr 17 to Mar 18 (PYR)	Direction of Travel
Working shifts/days lost for all staff	8.27	6	+ 2.27	7.02	↓
Working shifts/days lost due to sickness for all Wholetime, Control and Non- Uniformed	6.2	6	+ 0.2	5.11	↓
Working shifts/days lost due to sickness for all Wholetime and Control	6.52	6	+ 0.52	5.37	↓

Overall the number of shifts lost this year has increased by approximately 17% from last year's figures. The Control category has seen significant improvements over the year and is below target. Unfortunately, levels of absence within all other categories has increased due to a significant amount of long-term sickness across the whole year whereby employees have been absent due to complex operations where recovery time has been lengthy or a return to work has not been feasible. Overall all indicators end the year above the target.

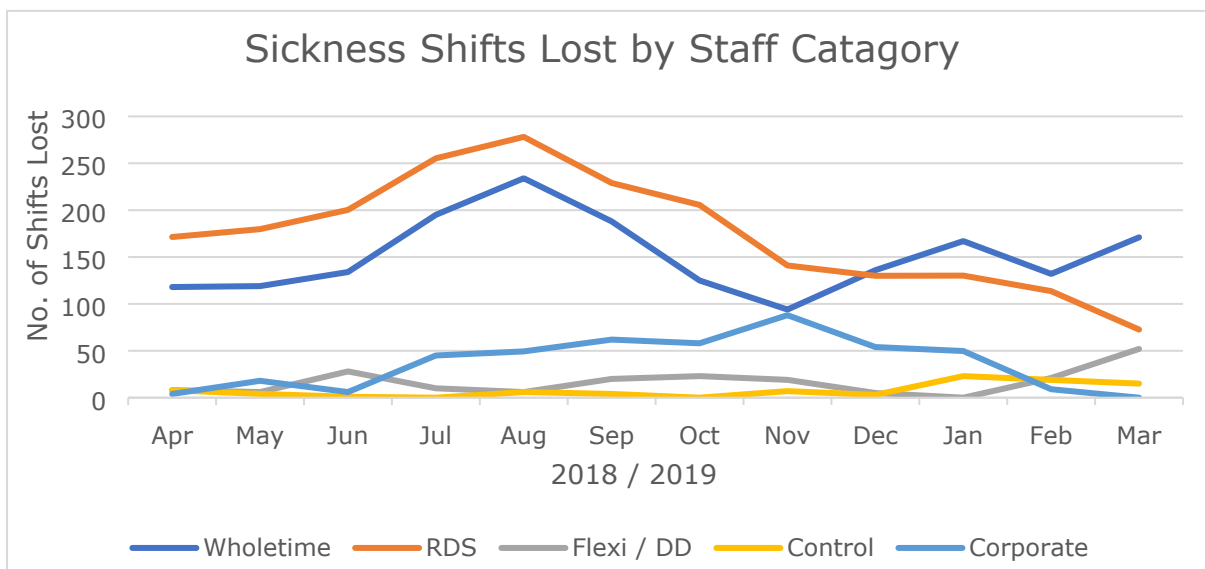




Table 2 Sickness by Staff Group

Performance Indicator	Apr 18 to Mar 19	Apr 18 to May 19 Target	Variance	Apr 17 to Mar 18 (PYR)	Direction of Travel
Wholetime Riders (WT)	7.70	5	+ 2.70	5.43	↓
Flexi Duty (FDO) / Day Duty Officers	4.50	4.5	0	3.26	↓
Control	5.29	8	- 2.71	8.85	↑
Retained Duty System (RDS)	15.33	9	+ 6.33	12.15	↓
Non-Uniformed	5.62	5	+ 0.62	4.02	↓

The graph below shows the absence trends within each category for the reporting year.

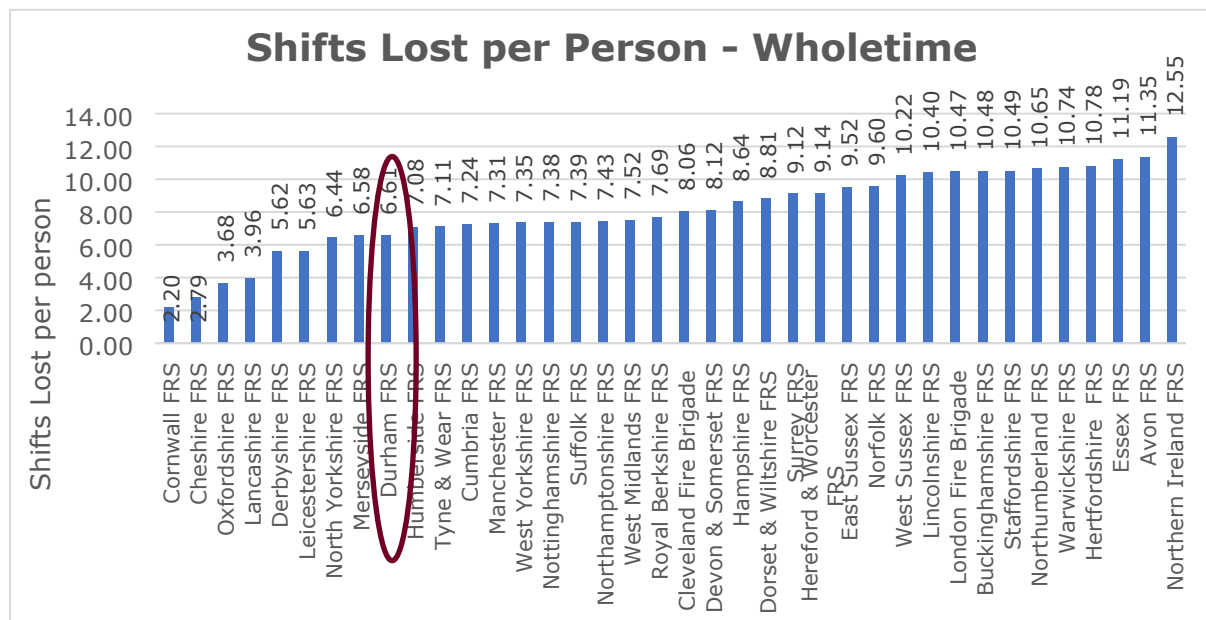


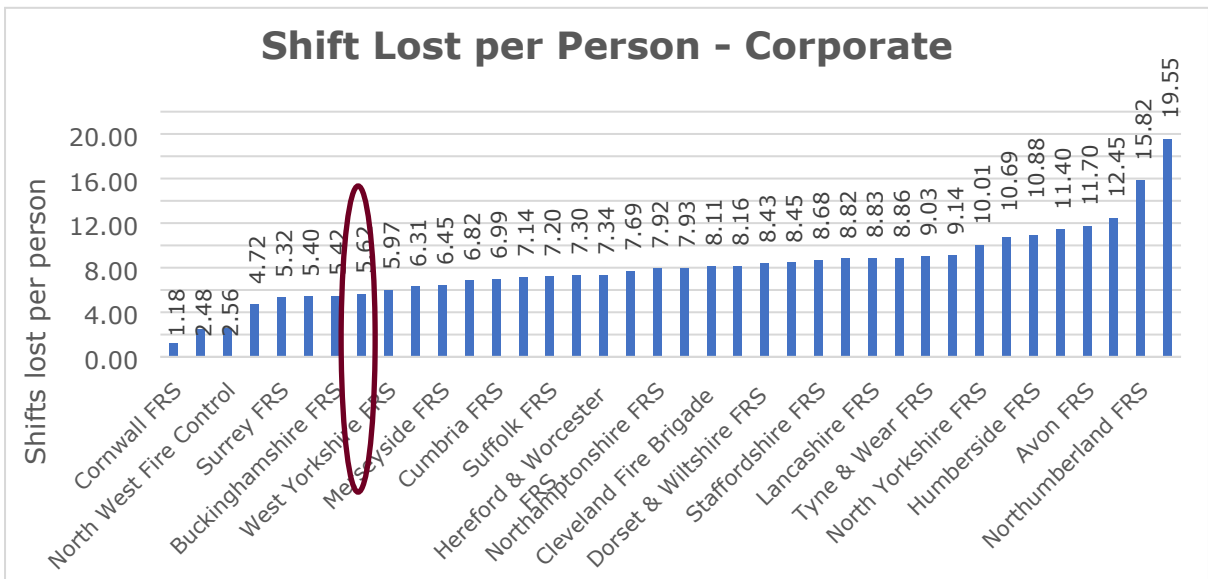
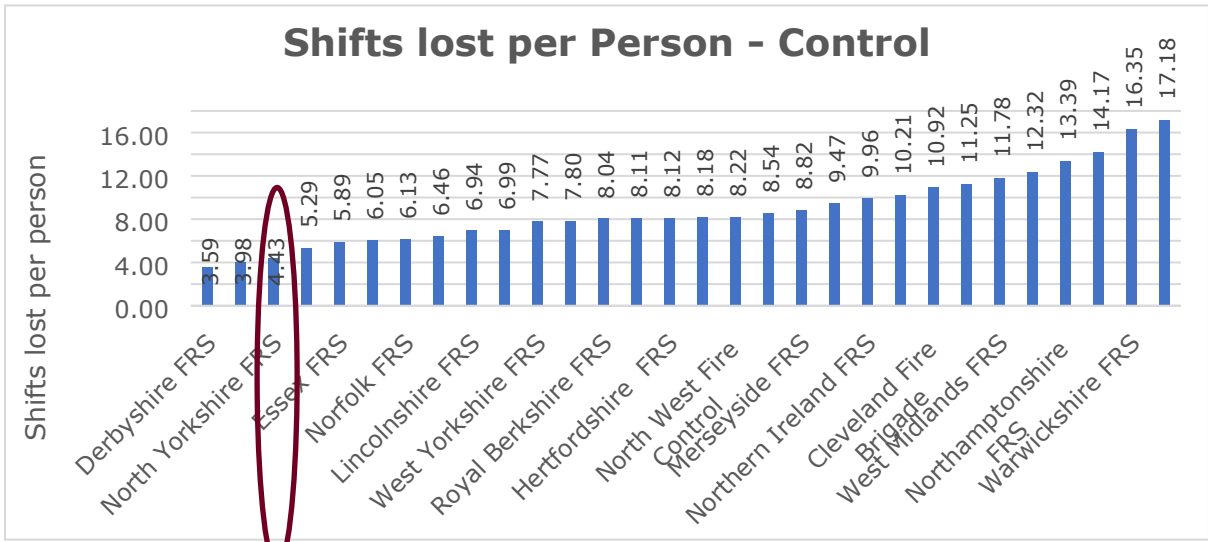
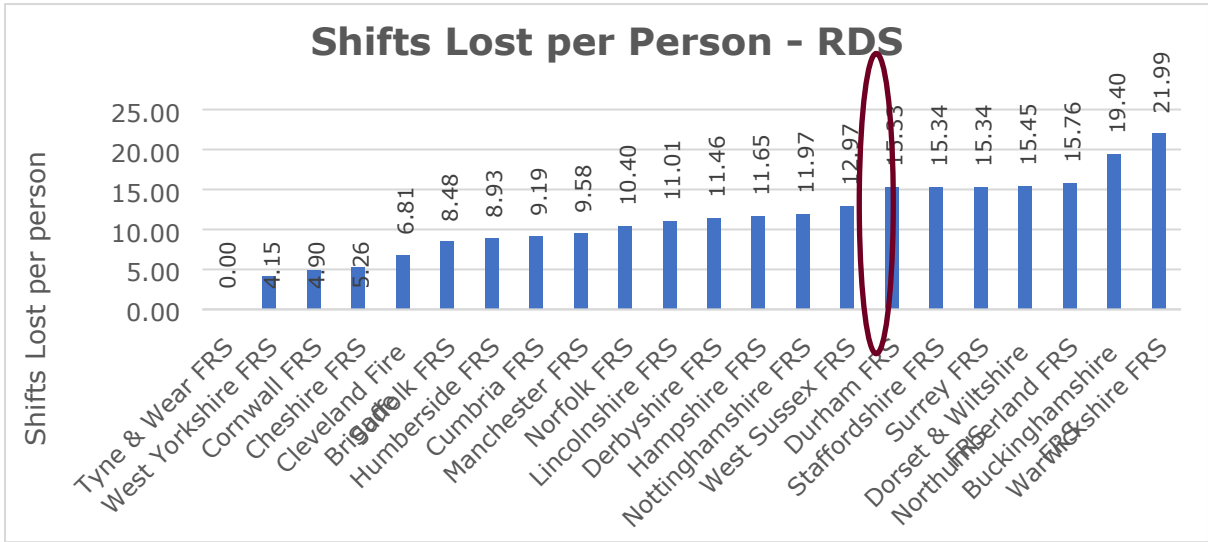
All Staff Review

Total Shifts Lost:	4552.8 days (3865 in 2017/18)
Long Term Sickness YTD:	3713.6 days (81.6%) (2898 in 17/18)
Short Term Sickness YTD:	839.2 days (18.4%) (967 in 17/18)
Average Strength for all employees:	549.85 (WTE) (550 WTE in 17/18)
Cost of sickness absence Q4 (approx.):**	£129,478
Cost of sickness absence YTD:	£459,431 (£443,917 in 17/18)
Cost of sickness per person YTD	£835

National Fire Service Data Comparison

This data is supplied via the National Occupational Health Performance Report which is collated by Cleveland Fire Brigade. All Fire and Rescue Services (FRS) are asked to supply data for the main categories of employees such as Wholetime, Control, RDS and Non-uniformed (Corporate). There is a set calculation which all FRS supplying information must adhere to in order to ensure the data can be used as an accurate comparison. The data helps the Service to benchmark against other FRS in terms of sickness absence rates. The data range is from April 18 – March 19. Good performance in comparison with other Services can be seen within the wholetime, Control and corporate categories. Unfortunately, absence levels within the RDS are high however, the comparative data for this category is not wholly accurate with significant differences within the number of RDS employees within each Service.



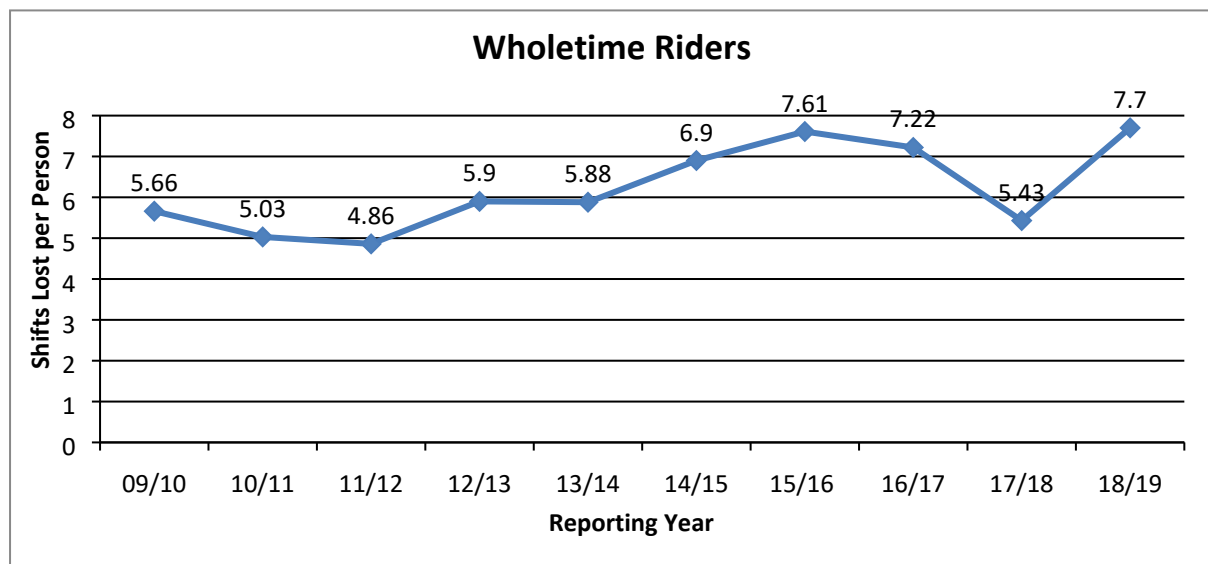


Wholetime Riders

Total Shifts Lost in Q4:	470 days
Total Shifts Lost YTD:	1813 days (1411 days lost in 2017/18)
Long Term Sickness Q4:	287 days (61 %)
Long Term Sickness YTD:	1314 days (73 %) (905 in 2017/18)
Short Term Sickness Q4:	183 days (39 %)
Short Term Sickness YTD:	499 days (27 %) (506 in 2017/18)
Average Strength for Quarter:	256
Lost Time Rate YTD:*	3.9%
Cost of sickness absence Q4 (approx.)**	£88,080
Cost of sickness absence YTD	£307,351 (£287,844 in 2017/18)
Cost of sickness per person YTD	£1200 / 8 WT FF posts

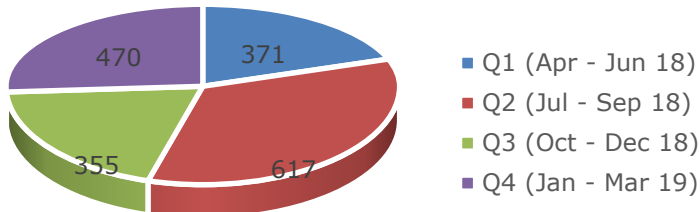
*available shifts calculated as an average of 15 per month multiplied by average strength

** costs based on competent rate including on costs.



The WT rider category has seen a 28% rise in shifts lost this reporting quarter in comparison with the results of last year. In the previous year's report, it was highlighted that sickness levels were likely to be high at the start of the reporting year due to the nature of long-term absence continuing from quarter 4 as well as notice from WT personnel of impending operations.

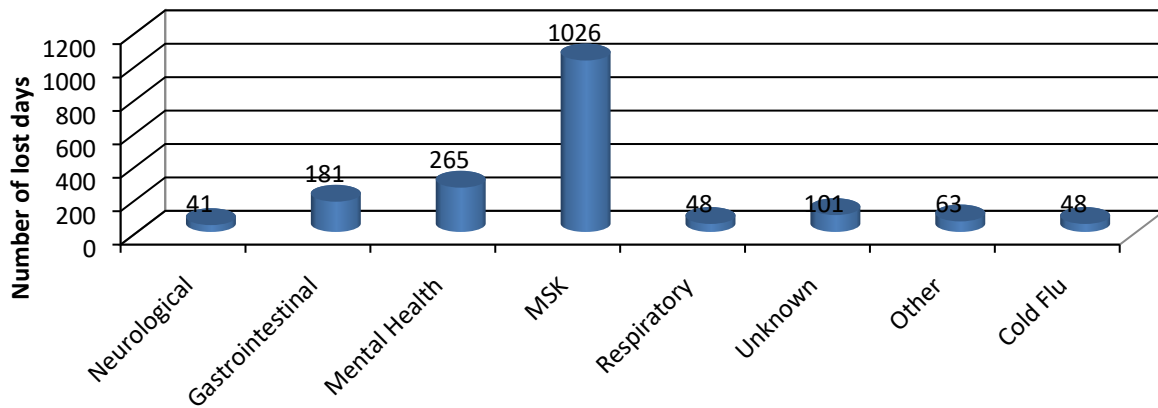
Sickness levels by Quarter



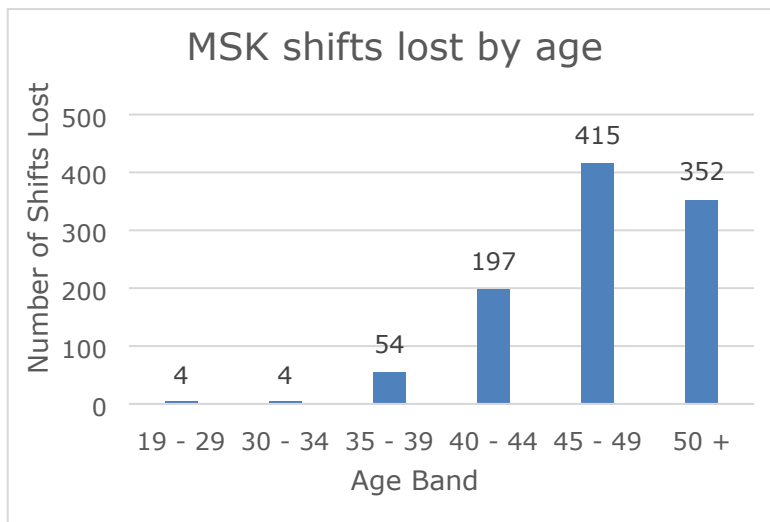
The graph to the left shows the shifts lost per reporting quarter. Quarter 2 had the greatest number of shifts lost where the Service experienced very high levels of absence over the summer period both for long term and short term sickness. Whilst levels of absence reduced into quarter 3, a further rise can be seen in quarter 4, predominantly due to short term absence.

There are no specific patterns which can be identified in terms of days of the week or day/night shift for absence. The main reason for absence in this category can be seen in the graph below. Musculoskeletal absence remains the main cause of absence accounting for 57% of overall shifts lost.

Reason for Absence



The reasons for this type of absence vary with 21% back, 28% knee, 15% shoulders, 13% upper limb and 9% lower limb. The graph to the right demonstrates that most of the absence of this type is taken by those who are 45 and over which is something which requires further investigation and monitoring in light of our aging workforce and people working for longer.



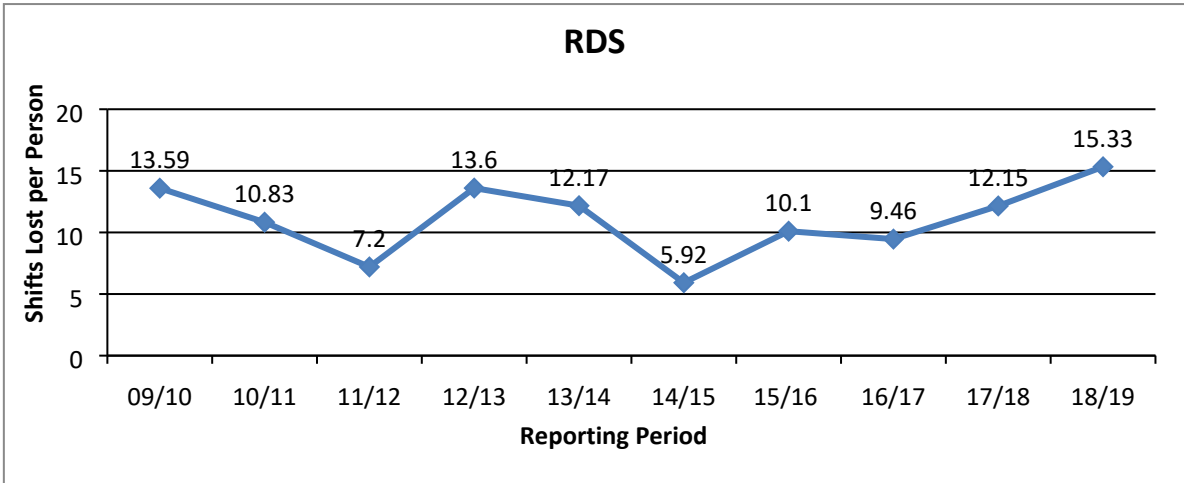
Performance at Darlington, Newton Aycliffe and Bishop Auckland are under target for the year.

RDS / On Call

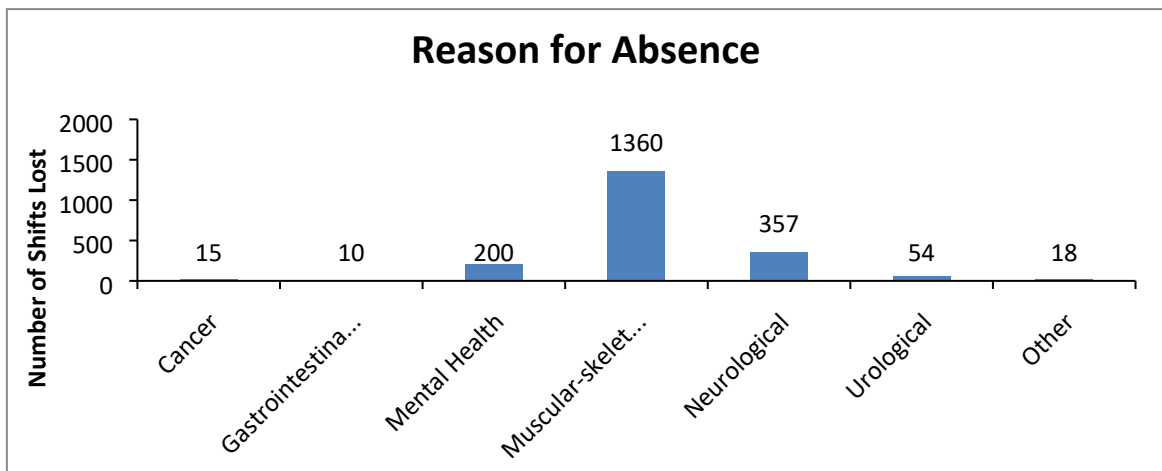
Total Shifts Lost for Q4:	316.5 days
Total Shifts Lost YTD:	2129.9 days (1760 in 2017/18)
Long Term Sickness Q4:	268.7 days (85%)
Long term Sickness YTD:	1947 days (91%) (1493 in 2017/18)
Short Term Sickness Q4:	47.8 days (15%)
Short Term Sickness YTD:	182.9 days (9%) (267 in 2017/18)
Average Strength for Quarter:	145.1 (WTE)
% Lost Time Rate YTD*:	4%
Cost of sickness absence (approx.)**	£6531
Cost of sickness absence YTD	£44,013 (£45,777 in 2017/18)
Cost of sickness per person YTD	£303 / 1.1 WT FF post

*available shifts calculated as an average of 30 per month multiplied by average strength

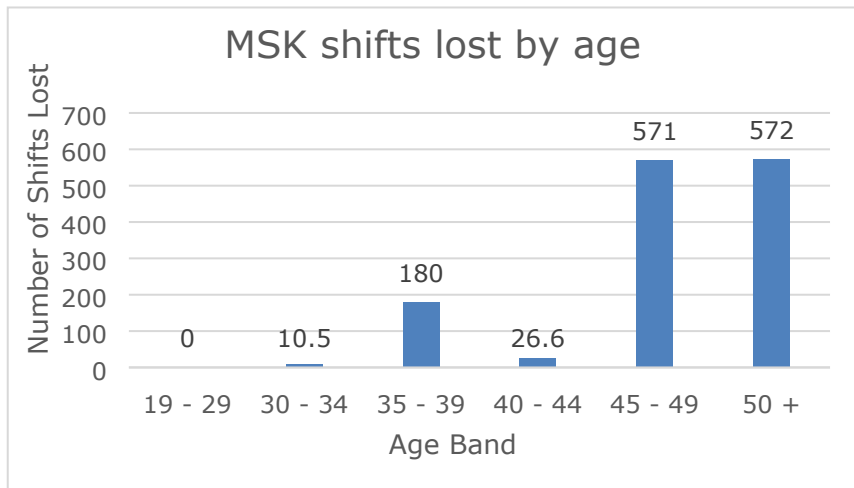
** costs based on competent rate not including on costs






The RDS category has seen a 20% increase in shifts lost in comparison with last year and continues the upward trend. Most of the rise in absence levels is due to long term, however on a positive note short term absence has decreased in comparison with levels reported last year. The graph below shows the main reasons for absence within this category. Much like the other operational categories, 65% of shifts lost were due to muscular skeletal issues and the primary reasons being knee's (40%), shoulders (22%) other (11%) and back (10%).



As seen in the WT riders category, the graph to the right demonstrates that most of the absence of this type is taken by those who are 45 and over which is something which requires further investigation and monitoring in light of our aging workforce and people working for longer.



The table below shows sickness levels by station.

Sickness to target by Station		Apr 18 to Mar 19	Apr 18 to Mar 19 Target	Variance	Apr 17 to Mar 18 (PYR)	Direction of Travel
01 Consett	Wholetime	7.77	5	+2.77	9.12	
	RDS	16.82	9	+7.82	4.15	
02 High Handenhold	Wholetime	10.46	5	+5.46	1.64	
	RDS	20.85	9	+11.85	40.03	
03 Seaham	Wholetime	19.45	5	+14.45	1.73	
	RDS	32.22	9	+23.22	21.49	
04 Peterlee	Wholetime	6.63	5	+1.63	4.17	
05 Wheatley Hill	RDS	0.41	9	-8.59	0	
06 Durham	Wholetime	7.51	5	+2.51	7.02	
	RDS	0.91	9	-8.09	11.32	
07 Stanhope	RDS	9.1	9	+0.1	9.94	
08 Crook	RDS	12.12	9	+3.12	9.49	
09 Spennymoor	Wholetime	8.97	5	+3.97	2.16	
	RDS	34.25	9	+25.25	40.38	
10 Sedgefield	RDS	17.16	9	+8.16	0.94	
11 Newton Aycliffe	Wholetime	3.19	5	-1.81	3	
	RDS	1.94	9	-7.06	4.83	
12 Bishop Auckland	Wholetime	4.58	5	-0.42	8.36	
	RDS	35.34	9	+26.34	0	
13 Middleton in Teesdale	RDS	7.16	9	-1.84	0	
14 Barnard Castle	RDS	13.84	9	+4.84	10.53	
15 Darlington	Wholetime	4.11	5	-0.89	5.91	

Flexible Duty Officer / Day Duty

FDO

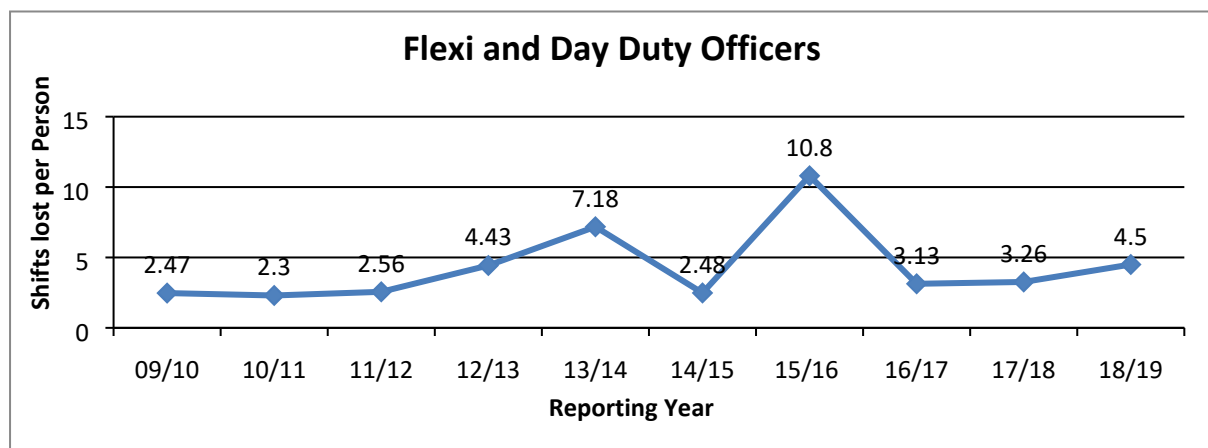
Total Shifts Lost Q4:	22 days
Total Shifts Lost YTD:	56 days (175 in 2017/18)
Long Term Sickness Q4:	22 days (100 %)
Long Term Sickness YTD:	23 days (41%) (155 in 2017/18)
Short Term Sickness Q4:	0 days (0%)
Short Term Sickness YTD:	33 days (59 %) (20 in 2017/18)
Average Strength for quarter:	31.5
% Lost Time Rate YTD*	0.7%
Cost of sickness absence (approx.)**	£8,445
Cost of sickness absence YTD	£16,187 (£35,700 in 2017/18)
Cost of sickness per person YTD	£513 / 0.47 WT FF post

Day Duty Officers

Total Shifts Lost Q4:	59 days
Total Shifts Lost YTD:	150 days (2 days in 2017/18)
Long Term Sickness Q4:	59 days (100%)
Long Term sickness YTD:	135 days (90%)
Short Term Sickness Q4:	0 days (0%)
Short Term Sickness YTD:	15 days (10%)
Average Strength for Quarter:	15.1
% Lost Time Rate YTD*	3.9%
Cost of sickness absence Q4 (approx.)**	£9,004
Cost of sickness absence YTD	£23,817 (£408 in 2017/18)
Cost of sickness per person YTD	£1,587 / 0.62 WT FF post

*available shifts calculated as an average of 21 per month multiplied by average strength

** costs based on competent rate including on costs



The FDO category has seen a reduction in absence levels in comparison with last year. The shifts lost have predominantly been short term although a number of these cases have been certified absence with one recent case of longer-term absence which will continue into the new reporting year. The majority of cases in this category, much like WT riders is for muscular skeletal issues with the long-term case due to neurological.

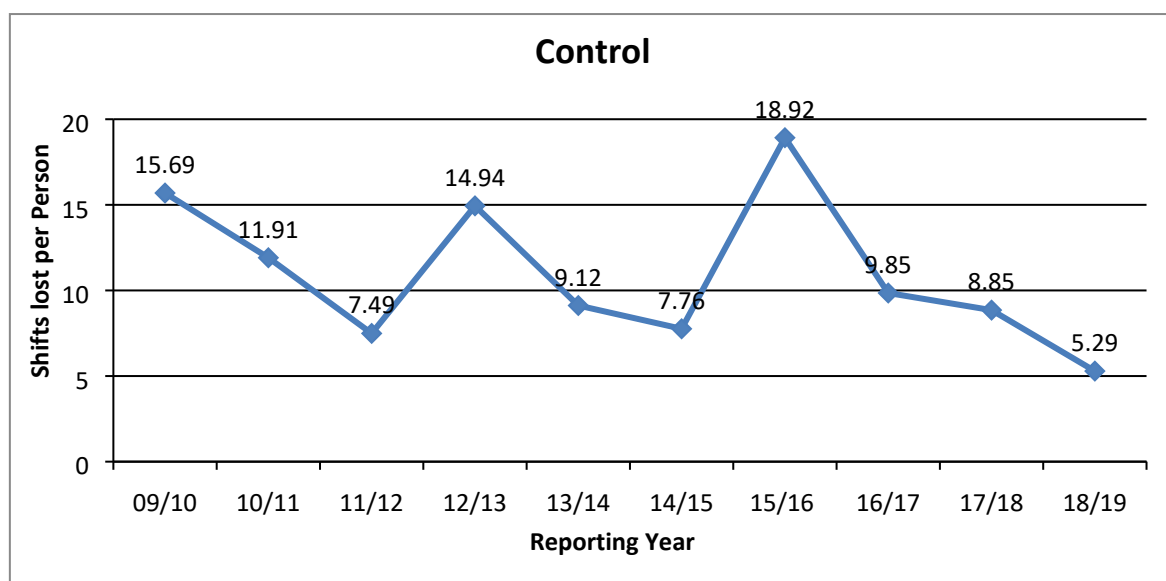
On the other hand, after such low sickness last year, the day duty category has increased significantly. However, unlike the FDO category, the majority of absence has been long term with few shifts lost for short term absence. The reason remaining as muscular skeletal however there was also 1 long term case of metal health related absence. Moving into the new reporting year, all long-term absence has been resolved and so we should see improvements within this area. Overall, this category is on target for the year.

Control

Total Shifts Lost Q4:	57 days
Total Shifts Lost YTD:	90 days (166 in 2017/18)
Long Term Sickness Q4:	43 days (75.4%)
Long Term Sickness YTD:	51 days (57%) (146 in 2017/18)
Short Term Sickness Q4:	14 days (24.6%)
Short Term Sickness YTD:	39 days (43%) (20 in 2017/18)
Average Strength for Quarter:	17
% Lost Time Rate YTD*	2.75%
Cost of sickness absence (approx.)**	£10,501
Cost of sickness absence YTD	£15,844 (£35,569 in 2017/18)
Cost of sickness per person YTD	£932 / 0.45 FCOP post

*available shifts calculated as an average of 15 per month multiplied by average strength

** costs based on competent rate including on costs



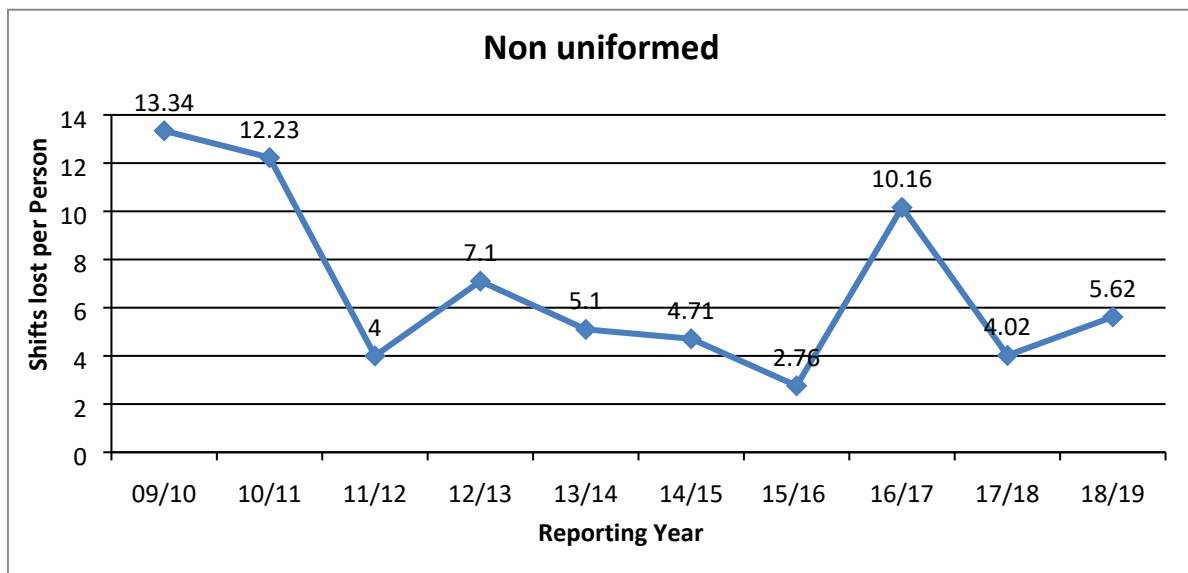
The Control category has once again seen a 45% reduction in absence levels in comparison with previous years continuing the downward trend. There has been only one case of long-term absence due to mental health related issues, the remainder has been short term with a mixture of certified and non-certified absence. The reasons for short-term absence range from gastrointestinal, cold/flu, dermatological and respiratory. Most of the absence within the category has been in quarter 4 accounting for over half of the shifts lost within the year although they finish the year under target.

Non Uniformed

Total Shifts Lost for Q4:	58.8 days
Total Shifts Lost YTD:	443.5 days (316 in 2017/18)
Long Term Sickness Q4:	25 days (42.5%)
Long Term Sickness YTD:	301.1 days (67.9%) (178 in 2017/18)
Short Term Sickness Q4:	33.8 days (57.5%)
Short Term Sickness YTD:	142.4 days (32.1%) (138 in 2017/18)
Average Strength for Quarter:	91.2 (WTE)
% Lost Time Rate YTD*:	1.8%
Cost of sickness absence Q4 (approx.)**	£6,917
Cost of sickness absence YTD	£52,219 (£38,619 in 2017/18)
Cost of sickness per person YTD	£572 / 1.57 G7 posts

*available shifts calculated as an average of 21 per month multiplied by average strength

** costs based on competent rate including on costs



This category has seen a 40% rise in shifts lost in comparison with last year. Most shifts lost were in quarter 2 and 3 where levels of long terms absence were high. Over the reporting year there has been 6 cases of long-term absence 5 of which were three months or longer and 5 of these were for mental health related reasons. Of these 5, 2 cited work-related elements as part of their reason. Unlike the operational categories, mental health is the main reason for absence in the non uniformed category attributing to 57% of shifts lost. All absence for this reason was long term.

Short term absence within this category has also been high this year. The reasons for short-term absence range from gastrointestinal, cold/flu, respiratory and other. This category finishes the year above target however at the start of the new reporting year all long-term absence has been resolved and levels continue to decrease.

CIPD Health and Wellbeing at Work Survey Information

The results from the CIPD survey suggest that the average level of employee absence has increased slightly compared with the previous survey in 2016, from 6.3 days per employee (or 2.8% of average working time lost) to 6.6 days (2.9%) in 2018. Longer-term data, however, suggests a weak and fluctuating but generally downward trend in average absence rate. These average figures mask considerable variation across organisations, with some reporting very high levels of absence.

Average levels of absence remain considerably higher in the public sector, although the number of sick days remains the same as in 2016, at 8.5. This is comparable with our own figures of 8.27. On average public sector employees had nearly three days more absence than their counterparts in private sector organisations (8.5 days versus 5.6 days), 2.3 days more than employees in manufacturing and production (8.5 days versus 6.2 days), and 1.2 days more than those in non-profit organisations (8.5 days versus 7.3 days). Although the public sector is the only sector not to report an increase in average absence compared with last year.

Minor illness (including colds, flu, stomach upsets, headaches and migraines) remains the most common cause of short-term absence (four weeks or less) for the vast majority of organisations. Musculoskeletal injuries (including back pain, neck strains and repetitive strain injury) and stress are also among the top causes of short-term absence. In general, the main causes of short-term absence are similar to previous years, although this year there has been a small increase in the proportion including mental ill health (for example, clinical depression and anxiety) among their top three causes of short-term absence (27%, up from 21% in 2016). This is not a trend we have seen within our Service with most mental health related absence being long term.

The vast majority of respondents report that the number one cause of long-term absence in their organisation is either acute medical conditions (for example stroke, heart attack and cancer), mental ill health (for example clinical depression and anxiety) or stress, and, to a lesser extent, musculoskeletal injuries (for example back pain, neck strains and repetitive strain injury). The proportion including mental ill health among their most common causes of absence has increased compared with 2016. One in five respondents report it is the number one cause of long-term absence in their organisation, while nearly three-fifths report it is among their top three causes of long-term absence. As we've found in previous years, the public sector is considerably more likely to include stress, musculoskeletal injuries and mental ill health among their top causes of both short- and long-term absence. This disparity may reflect differences in the nature of work across sectors, the demographics of employees, budgetary constraints and/or sectoral differences in awareness of stress and mental health.



COMBINED FIRE AUTHORITY

14 JUNE 2019

DISCRETIONS UNDER THE FIREFIGHTER PENSION SCHEMES

JOINT REPORT OF CHIEF FIRE OFFICER AND TREASURER

Purpose of Report

1. The purpose of this report is to seek members approval to a number of employer obligations and discretions in respect of the Firefighter Pension Schemes.

Background

2. The Firefighter Pension Schemes set out a number of discretions within their provisions which can be exercised by the employer. These are detailed in the following scheme provisions:
 - Firefighter Pension Scheme (1992);
 - New Firefighter Pension Scheme (2006);
 - Firefighter Compensation Scheme (2006);
 - Firefighter Pension Scheme (2015).
3. The Authority previously considered the exercise of three discretions in relation to the Firefighter Pension Scheme 2015, on 24 March 2015. These discretions related to:
 - Delegation (Regulation 5);
 - Pensionable Pay (Regulation 7);
 - Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111).

Policy Statement on Discretions

4. The Service is required to provide a policy statement outlining how the discretions under the pensions' regulations will be exercised. A list of the discretions within the different firefighter pension schemes has been obtained from the Local Government Association (LGA) and reviewed in relation to how the discretions are to be exercised. The attached Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions (Appendix A) sets out the following information:
 - The nature of the discretion;
 - The Pension Regulation it relates to;
 - An explanation and/or process for exercising the discretion;
 - A statement of how the discretion will be exercised.

5. In setting out the policy statement the view that has been taken is that in most cases the opinion to exercise the discretion should be available to the Service. This will allow for the individual circumstances of each case to be taken into account when arriving at a decision. These discretions are categorised as 'Yes' in the final column of the table set out in Appendix A although it should be noted that where a discretion is available to be exercised this does not mean that it will be. There are a few instances where the discretions have been categorised as 'No' in the final column, which means that they will not be considered at all.

Exercising Discretions

6. Where discretions are categorised as 'Yes' it is recommended that they are dealt with by the Chief Fire Officer in conjunction with the Treasurer (Section 151 Officer) acting as Scheme Manager on behalf of the Authority. The Chief Fire Officer and Treasurer will consider each case and make the decision on whether or not the discretion is to be exercised. If a discretion is related to the Chief Fire Officer, then the decision around this would be made by the Combined Fire Authority following a recommendation from the Treasurer. The Treasurer is not a member of any of the firefighter pension schemes.
7. The financial impact of the exercise of a pension discretion will vary depending on the particular discretion in question, with many having no financial impact at all. Where there is a financial implication, either for the pension fund account or for the Authority's revenue budget, the over-riding aim will be to act in the Authority's best interests and to safeguard public money. This means that the option to exercise the discretion may not be taken, however the policy allows for some discretions to be exercised where it is felt that this would result in fair treatment for the employee concerned.
8. The policy statement attached at Appendix A will ensure that the Service is acting in a consistent manner between pension scheme members when exercising discretions. A record is kept of all discretions exercised and the reasons for the decision to ensure consistency.
9. It should be noted that a failure to comply and implement the requirements of pension scheme regulations would have the potential for a future challenge to the Pensions Ombudsman / Regulator.

Recommendations

10. Members are requested to:
 - (a) **Approve** the Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions (Appendix A).
 - (b) **Delegate authority** to the Chief Fire Officer in conjunction with the Treasurer to exercise pension scheme discretions acting as Scheme Manager on behalf of the Authority. Where the discretion is related to the Chief Fire Officer then the relevant decision(s) will be made by the Combined Fire Authority following a recommendation from the Treasurer.

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
<u>DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 1992</u>				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Permission for a Chief Fire Officer to retire and draw a pension before attaining age 55	Rule B1(2) as modified by (d)	Does not apply to a Chief Fire Officer appointed after 1st July 2013.	N/A - Chief Fire Officer was appointed after 1st July 2013
2	Temporary allowances and emoluments	Rule B5 (c)	This discretion introduces new powers for the Authority to make certain temporary allowances, which satisfy the prescribed requirements, pensionable under the additional pension benefit arrangements.	The Authority will treat CPD payments as pensionable. Payments for temporary promotion will be treated as non-pensionable.
3	Commutation of pension for lump sum	Regulation B7 (5a)	This discretion provides employers with the ability to permit those 1992 scheme members with less than 30 years' service and under age 55 to commute the maximum of a quarter of their pension for a lump sum on retirement. Under this new provision, the employer would be liable for any additional cost should they exercise this discretion.	Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed, demonstrating the economical, effective and efficient management of its functions with associated costs.
4	Commutation of small pension.	Rule B8	This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.

5 Page 112	Allocation of a portion of a pension for a dependant other than a spouse or civil partner.	Rule B9(2) (b)	It must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependant upon the member.	There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine our own test. Each case will be considered on an individual basis.
6	Acceptance of condition of normal life expectancy for allocation purposes	Rule B9(6)	Rule B9 allows a member of FPS to allocate (give up) part of their pension during their lifetime, when they first become eligible to retire, to provide, on their death, a pension for a spouse, civil partner or a dependant. This is a very old part of the FPS and has largely been replaced by better provision for spouse and civil partners, or dependants in the scheme. Rule B9(6) contains a requirement that the member has normal life expectancy and this discretion allows consideration of whether that is so.	Where a Firefighter elects to give up part of their pension the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.
7	Discretion to increase, for such period as the Authority think fit, the level of spouse's or civil partner's award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under the rules of the Firemens Pension Scheme Order 1992.	Rule C8(6) & (7)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer to permit the increase of a surviving spouse or civil partners award where a benefit is reduced under the Firemen's Pension Scheme order 1992 because the firefighter and spouse or civil partner were living separately at the date of death. This discretion allows a gratuity to be paid in whole or in part to a surviving spouse or civil partner if the firefighter and spouse, or firefighter and civil partner, were living separately at the date of death.	Yes, on a case by case basis.

8	Discretion to reinstate all or part of a spouse's or civil partner's pension or gratuity for such period as the authority think fit following termination on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.	Rule C9	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer to allow reinstatement of all or part of a widow(er)'s pension which had ceased on remarriage of the widow(er). This provision comes into effect only should the widow(er)'s new spouse/civil partner die or the marriage or civil partnership be dissolved.	Yes, on a case by case basis.
9	Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.	Rule D5(5) to (8)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
10	Award of dependent relative's gratuity to a dependent relative.	Rule E3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who can consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award under the Firemen's Pension Scheme Order 1992 in respect of the same firefighter. (A relative is defined as a person who is, or is a child of, a surviving spouse or civil partner, or a parent, grandparent or child of the deceased. A dependent relative is any relative who was substantially dependent upon the deceased immediately before the death and is not otherwise entitled to any award).	Yes, on a case by case basis.

11 Page 114	Decision to commute for a lump sum, part or all of a spouse's or civil partner's pension which is of limited amount.	Rule E5 subject to limitations in Rule E7	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation of a limited amount of a spouse or civil partner's pension into a lump sum.	Yes, on a case by case basis.
12	Decision to commute for a lump sum, part or all of a child's pension.	Rule E6 subject to limitations in Rule E7	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of commutation of a limited amount of a child's pension into a lump sum.	Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances. Each case will be considered on a case by case basis.
13	Decision to substitute a higher amount of child's flat rate award where neither of the child's parents are alive.	Rule E9(6)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of substitution of a higher amount than the child's flat rate when neither of the child's parents are alive.	Yes, on a case by case basis.
14	Discretion that the Authority should pay the employers pension contribution (otherwise payable by the firefighter) due for a firefighters period of absence without pay where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service.	Rule F2 (5)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer. If a firefighter has given notice under Rule F2(3) that he/ she wishes to pay contributions in order that a period of unpaid leave may count as pensionable service, the Authority can use their discretion under Rule F2(5) to pay the employer's contributions otherwise payable by the firefighter in addition to member contributions in these circumstances.	No, member should pay the employer contribution.
15	Extension of six month time limit for election to pay certain sums in order that earlier pensionable service may count on re-joining the fire and rescue service.	Rule F4(3)(c) and F5(1)(c)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of an extension of the time limit for an election to pay for previous service where a firefighter commences work with that or another fire authority after retiring without a pension.	No, extensions will not be granted.

16	Discretion to accept a transfer value.	Rule F7(1) subject to Rule F7(2) and (3)	This discretion would allow employees joining the Service to transfer previous pension rights into our scheme.	N/A as the 1992 scheme is now a closed scheme and is therefore unable to accept transfers in.
17	Extension of 6 month time limit for a former firefighter to request payment of a transfer value to another pension scheme.	Rule F9(2)	This discretion would allow employees leaving the Service to transfer out pension rights into a new employer scheme.	Yes, requests for transfers would be accepted at any time.
18	Extension of 12 month time limit after leaving in which a former firefighter must be subject to a new scheme and may request a transfer value after having previously received a gratuity or repayment of pension contributions.	Rule F9(5)	This discretion allows consideration of the situation of a firefighter who has received a gratuity or a refund of contributions requesting a transfer value instead. The refund of contributions or gratuity must also be paid back.	No, the Authority will not extend the 12 months time limit.
19	Determination of pensionable pay.	Rule G1(1)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of which elements of pay are pensionable.	Yes, details are held in the Finance section on which elements of pay are pensionable.
20	Discretion to deduct pension contributions from instalments of pay.	Rule G2(2)	Contributions are normally deducted from instalments of pay but the Authority have discretion to collect the contributions due by other means should the need arise.	Yes, contributions will be made from salary where possible, but are accepted by other means such as accounts payable, electronic transfers.

21 Page 116	Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity or adoption leave must be made.	Rule G2A(3)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect of maternity, paternity or adoption leave which would not otherwise count as pensionable service.	Yes
22	Discretion not to accept a firefighter's election to purchase increased benefits through the payment of additional contributions unless the firefighter has undergone a medical examination at own expense and satisfied the Fire and Rescue Authority as to his/her good health.	Rule G6(4)(b)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who require that a firefighter is in good health before accepting additional contributions.	Yes - a firefighter wishing to purchase increased benefits through the payment of additional contributions will be required to undergo a medical examination at his or her own expense but organised through HR via the Authority's Occupational Health provider.
23	Discretion of the Authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, financial hardship.	Rule G7(3)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to cease making additional contributions.	Yes
24	The discretion to extend the time limit for appeal against a Fire and Rescue Authorities decision based on a medical opinion.	Rule H2(4)(c)	If a person, who wishes to appeal under Rule H2 of the Firemen's Pension Scheme Order 1992 against a decision based on a medical opinion, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority have discretion to extend the 28 days.	Yes on a case by case basis

25	Requirement to deal with a person's disagreement by an Internal Dispute Resolution Procedure arrangements set up by the Fire and Rescue Authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of the Authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature.	Rule H3	The Fire and Rescue Authority must apply the requirements of Rule H3 of the Firemen's Pensions Scheme Order 1992 and Section 50 of the Pensions Act 1995 with two stage internal dispute resolution procedures. However, they have discretion to decide who the Stage 1 and Stage 2 decision makers will be.	Yes
26	Pension Credit members.	Part IA	The Fire and Rescue Authority shall provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of Pension Sharing Orders, the scheme members pension rights will be apportioned in accordance with the directions of the Court divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors provided by the Scheme Actuary; the pension credit members pension entitlement will be administered in accordance with Part IA of the Order. At the time that the pension credit pension becomes payable, the pension credit member will be informed of the comutation option and rights of appeal. The Authority can determine the charges to be made for administration.	Yes

27 Page 118	Discretion to commute a small pension due to a pension credit member.	Rule IA2(1)	If permissible under the Finance Act 2004 and Regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (commutation of pension credit benefit: small pensions) the Fire and Rescue Authority may commute the whole of a pension credit pension to a lump sum in accordance with guidance of the Scheme Actuary.	Yes on a case by case basis
28	Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.	Rule K1(1) and (2)	Although there is a requirement to review entitlement to an ill-health pension in accordance with this rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes
29	Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under age 60 and in receipt of a deferred pension has become capable of firefighting and performing any other duties appropriate to his/her former role as a firefighter.	Rule K1(3)	Although there is a requirement to review entitlement to early payment of a deferred pension under this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes

30	The discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default.	Rule K3(1)	This discretion permits the reduction of a firefighter pension to not less than half the amount due where it is considered that they have contributed to an infirmity by their default. The amount of the reduced pension would be increased to the level of a notional deferred pension when the person attains age 60.	Yes
31	Discretion to withdraw whole or part of a person's pension (other than a spouse's or civil partner's award under Firefighter's Pension Scheme 1992) during any period of his/her re-employment in any capacity with a Fire and Rescue Authority.	Rule K4	The Fire and Recue Authority have a discretion (which is expected to be exercised) to withdraw the whole or part of any pension (other than an award made to a spouse or civil partner) for any period during which the person entitled to it is employed by any Fire and Rescue Authority in any capacity. Fire pensioners are required to inform the Authority of any re-employment, in any capacity, by another Fire and Rescue Authority.	Yes
32	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.	Rule K5(1)	This discretion only applies in the case of treason, a serious offence under the official secrets act which lead to a serious loss of confidence in the public service.	Yes
33	Discretion to restore, at any time and to such extent as the Fire and Rescue Authority think fit, a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner.	Rule K5(5)	This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision under Rule K5(1)	Yes
34	Determination of intervals at which instalments of pension or allowances shall be paid.	Rule L3(1)	The Fire and Rescue Authority have discretion to determine the intervals at which instalments of pension or allowance should be paid. (There is no longer a requirement to pay in advance.)	Yes

35 Page 120	Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.	Rule L3(1)	This discretion allows the Fire Authority to delay the payment of an award sum until they are satisfied as to the eligibility of an award.	Yes
36	Discretion to decide an earlier payment date for survivors' benefits than the date prescribed where the deceased received a gratuity, and an option to pay a gratuity in instalments rather than as a single lump sum.	Rule L3(7) and (8)	This discretion allows consideration of earlier payment of survivor benefits which are normally paid one year after the date the member deceased. There is also the option to pay a smaller amount in regular instalments where this would be of advantage to the person entitled.	Yes
37	Repayment of aggregate pension contributions.	Rule L3(9)	This discretion allows repayment on the request of the individual or unitl the expiration of a year from the date of retirement.	No - the Authority would repay at the earliest opportunity.
38	Discretion as to the recipient of any sum payable to a minor.	Rule L5(1)	The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine.	Yes
39	Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.	Rule L5(2)	This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs.	Yes
40	Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965.	Rule L5(3)	This discretion deals with awards (currently) less than £5,000 and allows decision to be made of who should receive this amount.	Yes

41	Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.	Rule L5(6) to (9)	If there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of a regular firefighter in connection with his/her employment, the Authority can consider using the powers contained in Rule L5(6) of the Firemen's Pension Scheme Order 1992 to withhold all or part of any sums becoming due to him/her from the Authority in respect of a pension. The total amount withheld must not exceed the amount of the loss nor any part of a sum due that is not attributable to service as an employee of a Fire and Rescue Authority nor, where a sum is due in respect of a period beyond state pension age, any amount in respect of the secured portion of an ordinary, short service or ill-health pension.	Yes
42	Discretion to deduct from an award any outstanding balance of payments in respect of previous service.	Schedule 6, Part 1, paragraph 1(4)	This discretion relates to where a member has elected to pay additional sums in respect of previous pension service and then retires before completing the payments. The scheme provides that they will receive a pension as if they have completed the payments. The Fire and Rescue Authority have discretion to deduct the outstanding amount from the payments of award made to him/her.	Yes
43	Discretion to extend 28-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to that person, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 28 days was not due to his/her own default.	Schedule 9, Part I, paragraph 1(2)	This discretion allows consideration of extending the time limit for an appeal.	Yes - delegated to Chief Fire Officer in conjunction with Section 151 Officer.

44 Page 122	Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board interview.	Schedule 9, Part 1, paragraph 4(5)	This discretion deals with the arrangements for representation at a Medical Appeal Board.	Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.
45	Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.	Schedule 9, Part 1, paragraph 5	This discretion allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
46	Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill-founded" to require the appellant to pay to the Fire and Rescue Authority such sum as the authority think fit, not exceeding the fees and allowances of the specialist member of the Board.	Schedule 9, Part I, paragraph 8(2)		Yes
47	Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit not exceeding the Medical Appeal Board's total fees and allowances payable to the Board by the Authority.	Schedule 9, Part I, paragraph 8(2A)		Yes

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
<u>DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 2006</u>				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Discretion to accept the status of 'nominated partner' where the Scheme member and partner had been in a relationship for less than 2 years.	Part 2, Rule 1(6) to (9)	On completion of a nomination form the Fire and Rescue Authority will accept the members' nomination.	Yes
2	Discretion to refuse a firefighter's request for early payment of a deferred pension ("member-initiated early retirement") where this is likely to be less than the GMP at State pensionable age.	Part 3, Rule 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who give consideration on a case by case basis.	Yes
3	Discretion to retire a firefighter who is at least aged 55 but under normal retirement age (60) on grounds of economical, effective and efficient management of their functions ("authority-initiated early retirement").	Part 3, Rule 6	This discretion allows the early payment of a pension to a firefighter aged 55 or over where the retirement is in the interests of the management of the service.	Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed demonstrating the economical, effective and efficient management of it's functions with associated costs.

4 Page 124	Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for the credit of Additional Pension Benefit to the firefighter member	Part 3, Rule 7B	This discretion introduces new powers for the Authority to make certain temporary allowances, which satisfy the prescribed requirements, pensionable under the additional pension benefit arrangements.	The Authority will treat CPD payments as pensionable. Payments for temporary promotion will be treated as non-pensionable.
5	Discretion to commute a small pension payable to firefighter.	Part 3, Rule 10	This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.
6	Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner.	Part 3, Rule 11, paragraphs 2(b) and 3	It must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependant upon the member.	There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine our own test. Each case will be considered on an individual basis.
7	Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes.	Part 3, Rule 11, paragraph 6(a)	This discretion allows a firefighter to allocate (give up) part of their pension during their lifetime when they first become eligible to retire to provide, on their death, a pension for a spouse, civil partner or a dependant. There is a requirement that the member has normal life expectancy and this discretion allows consideration of whether this is so.	Where a Firefighter elects to give up part of their pension the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.

8	Discretion to provide pension valuations and information required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. ('Pension Debit Members')	Part 3, Rule 12	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer to allow reinstatement of all or part of a widow(er)'s pension which had ceased on remarriage of the widow(er). This provision comes into effect only should the widow(er)'s new spouse/civil partner die or the marriage or civil partnership be dissolved. The Fire and Rescue Authority may determine the charges to be made for administration.	Yes
9	Discretion to withhold all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.	Part 4, Rule 1, paragraph 3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the pension where there is a conviction of manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
10	Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter, to commute their pension to a lump sum.	Part 4, Rule 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation into a lump sum.	Yes, on a case by case basis.
11	Discretion, to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.	Part 4, Rule 7, paragraph 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes

12 Page 126	Discretion, subject to consent of child's remaining parent, guardian or the child (if not a minor) to commute a child's pension to a commutation lump sum.	Part 4, Rule 12	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation into a lump sum.	Yes, on a case by case basis.
13	Discretion, as to recipient of death grant and post retirement death grant	Part 5, Rule 1 & 2	This discretion allows the Authority to decide who should receive a death grant. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
14	Discretion as to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.	Part 5, Rule 1, paragraph 12	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the pension where there is a conviction of manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
15	Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension to a commutation lump sum.	Part 6, Rule 2	This discretion allows the commutation of a small pension into a lump sum in the circumstances of divorce. A small pension is defined in paragraph 20 schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Yes
16	Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire and Rescue Authority think fit.	Part 6, Rule 5, paragraph 2	This discretion allows the Authority to decide who should receive a death grant. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
17	Discretion to extend time limit for an appeal against the Authority's decision based on medical advice.	Part 8, Rule 4, paragraph 4	This discretion allows the Authority to consider exceptions to the 28 day time limit for a firefighter to submit an appeal. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes, on a case by case basis.

18	Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by a Fire and Rescue Authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of an Authority's determination and the disagreement does not involve an issue of a medical nature.	Part 8, Rule 5	This requirement applies where a person disagrees with the Authority's decision and the question is not of a medical nature. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes, on a case by case basis.
19	Requirement to decide, at such intervals as the Fire and Rescue Authority think proper, whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.	Part 9, Rule 1, paragraph 1	Although there is a requirement to review entitlement to an ill health pension in accordance with this rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes

<p>20 Page 128</p>	<p>Requirement to decide, at such intervals as a Fire and Rescue Authority think proper, whether a person under normal benefit age (65) who is in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role, and of undertaking regular employment.</p>	<p>Part 9, Rule 1, paragraph 2 & Rule 2</p>	<p>Although there is a requirement to review entitlement to early payment of a deferred pension under this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.</p>	<p>Yes</p>
<p>21</p>	<p>Discretion, to withdraw the whole or part of a Part 3 (personal awards) pension for any period during which the person entitled to it is again employed as a firefighter, or in any other capacity, by any Fire and Rescue Authority.</p>	<p>Part 9, Rule 3</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.</p>	<p>Yes</p>
<p>22</p>	<p>Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of firefighter's dismissal from the Fire and Rescue Authority's employment.</p>	<p>[Part 9, Rule 4].</p>	<p>Part 3 Rule 3 paragraph 4 contains the power to pay a deferred pension early (as in the case of medical capability), this discretion allows consideration of not making such a payment where the firefighter was dismissed due to an offence. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.</p>	<p>Yes</p>
<p>23</p>	<p>Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.</p>	<p>Part 9, Rule 5, paragraphs 1 to 3</p>	<p>This discretion only applies in the case of treason, a serious offence under the official secrets act which lead to a serious loss of confidence in the public service.</p>	<p>Yes</p>

24	Discretion, at any time and to such extent as the Fire and Rescue Authority think fit, to restore a pension withdrawn under Part 9, Rule 5, paragraphs 1 to 3, or to apply it for the benefit of any dependant of the pensioner.	Part 9, Rule 5, paragraph 4	This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision under Part 9 Rule 5 paragraphs 1-3 of the Firefighters Pension Scheme (England) Order 2006. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
25	Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums).	[Part 9, Rule 6].	This discretion allows consideration to what extent an award should be forfeited in the circumstances described. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes, on a case by case basis.
26	Discretion for a Fire and Rescue Authority to pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighter's unpaid period of absence where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service or special pensionable service.	Part 10, Rule 4, Paragraph 3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer, however, this will be payable by the individual rather than the Fire Authority.	No, member should pay the employer contribution.

<p>27</p> <p>Page 130</p>	<p>Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due (or by any other method of payment that may be agreed between a Fire and Rescue Authority and the member)</p>	<p>Part 11, Rule 3, paragraph 2</p>	<p>Contributions are normally deducted from instalments of pay but the Authority have discretion to collect the contributions due by other means should the need arise.</p>	<p>Yes, contributions will be made from salary where possible, but are accepted by other means such as accounts payable, electronic transfers.</p>
<p>28</p>	<p>Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made.</p>	<p>Part 11, Rule 4, paragraph 3</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect of maternity, paternity or adoption leave which would not otherwise count as pensionable service.</p>	<p>Yes</p>
<p>29</p>	<p>Discretion to deduct contributions in respect of unpaid additional maternity or adoption leave from the death grant payable under Part 5 if the member or connected member dies without giving notice within the election time limit that he/she wishes to pay such contributions.</p>	<p>Part 11, Rule 4, paragraph 6 & 7</p>	<p>If a Firefighter member would have had the option to pay contributions in order to reckon as pensionable service or special pensionable service a period of maternity, paternity or adoption leave but dies within the time limits for making such an election without having made it, he/she shall be deemed to have given the notice and the Fire and Rescue Authority must give the Firefighter's personal representatives a statement of the contributions due, and may collect the contributions from the death grant payable under Part 5 of the Firefighter's Pension Scheme (England) Order 2006.</p>	<p>Yes</p>

30	Discretion to allow a part-time regular firefighter to pay contributions at a part-time rate to purchase additional service.	Part 11, Rule 5, paragraph 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
31	Discretion to allow a retained or volunteer firefighter to purchase additional service by periodical contributions.	Part 11, Rule 5, paragraph 6	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer, in which case the contributions are based on the firefighter's reference pay.	Yes
32	Purchase of service during limited period. Discretions for estimation of service for duration of special retained firefighters exercise only.	Part 11, Rule 5A		Yes
33	Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances, and decisions as regards timing of recommencement of payment of additional contributions to purchase service where agreed with member that discontinuance should be no greater than 6 months.	Part 11, Rule 8	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to cease making additional contributions.	Yes

34 Page 132	The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the firefighter must pay.	Part 11, Rule 9, paragraph 4(c)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to apply for an extension but this must be no later than one month after the end of the period of unpaid absence. The additional contributions may be paid directly to the Authority during the unpaid leave or collected within 6 months of the firefighter's return to duty after the absence. The Authority have discretion to extend this time limit.	Yes, on a case by case basis.
35	Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period.	Part 12, Rule 3, paragraph 6	Where, in any period of 12 consecutive months, a member has made and not withdrawn two applications for a statement of transfer value entitlement, the Fire and Rescue Authority have discretion not to supply a third or subsequent statement during that 12 month period unless the applicant pays such fee as the Authority may reasonably require.	Yes
36	Discretion to extend time limit in which a member, other than a special firefighter member, may apply for a transfer value payment from a non-occupational pension scheme.	Part 12, Rule 9, paragraph (1)(c)(ii)	The Fire and Rescue Authority have discretion to accept a Scheme Member's application for a transfer value payment from a non-occupational pension scheme where the application is made more than one year after the member first became eligible to be a firefighter member.	Yes
37	Discretion to accept a transfer value.	Part 12, Rule 10, paragraph 1, subject to paragraph 3 and 4 and Part 10, Rule 2, Paragraphs 2 and 3		Yes
38	Discretion to extend 12-month time limit for acceptance of a 'mis-selling' transfer value payment.	Part 12, Rule 14, paragraph 3		Yes

39	Discretion to adjust 'mis-selling' transfer value to take account of any earlier service credit.	Part 12, Rule 14, paragraph 6		Yes
40	Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.	Part 14, Rule 3, paragraph 2(a)	The Fire Authority need not pay the sum until they are satisfied as to the eligibility of an award.	Yes
41	Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods.	Part 14, Rule 3, paragraph 2(b)		Yes
42	Discretion to recover all or part of an overpayment following a pensioner's death of which the Fire and Rescue Authority were not informed (possibly by making an offset against any other awards payable under the Firefighters' Pension Scheme 2006 in respect of the deceased).	Part 14, Rule 3, paragraph 5		Yes
43	Repayment of aggregate contributions.	Part 14, Rule 3, paragraph 6	This discretion allows repayment on the request of the individual or until the expiration of a year from the date of retirement.	No - the Authority would repay at the earliest opportunity.
44	Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit.	Part 14, Rule 5, paragraph 1	The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine.	Yes

<p>45 Page 134</p>	<p>Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.</p>	<p>Part 14, Rule 5, paragraph 2</p>	<p>This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs.</p>	<p>Yes</p>
<p>46</p>	<p>Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.</p>	<p>Part 14, Rule 6, paragraph 1</p>	<p>This discretion deals with awards (currently) less than £5,000 and allows decision to be made of who should receive this amount.</p>	<p>Yes</p>
<p>47</p>	<p>Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.</p>	<p>Part 14, Rule 6, paragraphs 4 to 7</p>	<p>If there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of a regular firefighter in connection with his/her employment, the Authority can consider using the powers contained in Part 14, Rule 6 of the Firefighter's Pension Scheme (England) Order 2006 to withhold all or part of any sums becoming due to him/her from the Authority in respect of a pension. The total amount withheld must not exceed the amount of the loss nor any part of a sum due that is not attributable to service as an employee of a Fire and Rescue Authority nor, where a sum is due in respect of a period beyond state pension age, any amount in respect of the secured portion of an ordinary, short service or ill-health pension.</p>	<p>Yes</p>

48	Discretion to require a person who is or may be entitled to a pension or a lump sum under the FPS to provide the fire and rescue authority with supporting evidence as to identity and to continuing entitlement to any payment under the Scheme, and discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement.	Part 15, Rule 3	This discretion gives the Authority the ability to require confirmation of identity when making an award.	Yes
49	Decision as to date of issue of annual benefit statements and relevant date for the pension illustration.	Part 15, Rule 4	Statutory requirement to provide by the 31st August each year.	Yes
50	Discretion to extend 28 day time limit in which a person must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents under Part 8, Rule 4, paragraph 4, provided the authority are of the opinion that the person's failure to lodge the appeal within the 28 days was not due to his/her own default.	Annex 2, paragraph 1(2)	This discretion allows consideration of extending the time limit for an appeal.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
51	Discretion to decide fire and rescue authority's representative at Medical Appeal Board interview.	Annex 2, paragraph 6(5)	This discretion deals with the arrangements for representation at a Medical Appeal Board.	Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.

52 Page 136	Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.	Annex 2, paragraph 7(1)	This discretion allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
53	Discretion, where Medical Appeal Board determines an appeal in favour of the Fire and Rescue Authority and states that , in its opinion, the appellants appeal was 'frivolous , vexatious or manifestly ill-founded' , to require the appellant to pay to the Fire and Rescue Authority such sum as the authrity think fit, not exceeding the total amount of fees and allowances payable by the authority to the board under Annex 2, Paragraph 9(1).	Annex 2 paragraph 10(2)	This discretion allows the Authority to require the appellant to pay a sum to the Authority where the appeal board decide that the appeal was frivolous, vexatious, or manifestly ill-founded.	Yes

54	<p>Discretion, to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the Medical Appeal Board's total amount of fees and allowances payable to the Board by the Authority under Annex 2, paragraph 9(1), in circumstances where the appellant gives notice to the Medical Appeal Board, withdrawing the appeal or requesting cancellation of, postponement of, or adjournment of, the date appointed for the medical examination less than 22 working days before the appointed date, or if the appellants acts or omissions cause the Board to cancel, postpone or otherwise adjourn less than 22 days before the appointed date.</p>	Annex 2, paragraph 10(3)	<p>This discretion allows the authority to require the appellant to pay a sum to the authority where the appellant withdraws their appeal at short notice.</p>	Yes
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Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 2015				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Power to Delegate. The Scheme Manager (the FRA) may delegate any of their functions including the power to delegate to such persons or employees of such as person as may be authorised in that behalf by the scheme manager.	Regulation 5 (2)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer. The Local Pension Board should ensure that delegated powers are appropriate and current.	Yes
2	Opting Out - Opting into this scheme. An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate.	Regulation 12 (5)	New entrants will be automatically enrolled into the relevant scheme at which point they may opt out, therefore consideration for opting in is at a mutually agreed future date.	Yes
3	Opting out after first three months. An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as	Regulation 16 (2) (b)	The Authority would exercise the option in line with the contributions made by the individual.	Yes

	the scheme manager does consider appropriate.			
4	Pensionable Pay- The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay.	Regulation 17 (1) (d)	As per the email of 3/7/15 this discretion does not over-rule the NJC collective agreement that CPD should be pensionable, it just allows for a change in the employer position in the future.	Yes
5	Active membership - A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period (linked to regulation 111(4) and subject to the member paying the appropriate contributions).	Regulation 19 (c)		Yes - on a case by case basis.
6	Establishment of pension accounts: general. The Scheme Manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate.	Regulation 28 (2)		Yes

7 Page 140	<p>Closure and re-establishment of active member's account: if a member has more than two active member's accounts and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has the discretion to choose.</p>	<p>Regulation 37 (3), (4) and (5)</p>		<p>Yes</p>
8	<p>Closure of deferred member's account after gap in pensionable service not exceeding five years - If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment which one should close. If they fail to make a selection, the scheme manager must make the choice for them.</p>	<p>Regulation 49 (3) and (4)</p>		<p>Yes</p>
9	<p>Employer Initiated retirement - An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case.</p>	<p>Regulation 62 (1) and (2)</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may wish to refer the matter to the Fire Authority. In the case of a Principal Officer this decision would be taken to the Fire Authority.</p>	<p>Yes</p>

10	Exercise of partial retirement option - An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager.	Regulation 63 (5)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer. The Local Pension Board should ensure that delegated powers are appropriate and current.	Yes - on a case by case basis.
11	Review of ill health award or early payment of retirement pension - The scheme manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill health grounds for so long as the recipient is below deferred pension age.	Regulation 68 (1) and (2)		Yes
12	Consequences of review - If, following the review of a lower tier ill- health pension under regulation 68, the scheme manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment.	Regulation 69 (3)		Yes

<p>13 Page 142</p>	<p>Commencement of pensions - If a deferred member requests, and is entitled to the early payment of retirement pension on grounds of ill health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the members request for early payment. If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age or requests early payment with an early payment reduction before deferred pension age the scheme manager will decide the payment date after the claim for payment has been made.</p>	<p>Regulation 70 (7) & (8)</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.</p>	<p>Yes</p>
<p>14</p>	<p>Allocation election - The scheme manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member).</p>	<p>Regulation 72 (3) (b) and (4)</p>		<p>Yes</p>
<p>15</p>	<p>Adjustment of allocated benefit - If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager.</p>	<p>Regulation 75 (1) and (2)</p>		<p>Yes on a case by case basis</p>

16	<p>Death Benefits - Meaning of 'surviving partner'. A cohabiting partner may be considered a 'surviving partner' and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a 'long term relationship' – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years.</p>	Regulation 76 (1) (b) (v) and (2)		Yes on a case by case basis.
17	<p>Person to whom lump sum death benefit payable - The scheme manager has absolute discretion as to the recipient of any lump sum benefit payable.</p>	Regulation 95		Yes
18	<p>Payment of pensions under Part 6 'Death Benefits' - If a child's pension is due in respect of an eligible child under age 18, the scheme manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit.</p>	Regulation 100 (2)		Yes
19	<p>Surviving partner's pensions and eligible child's pensions: suspension and recovery - A scheme manager has the right to cease paying a surviving partner's pensions and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so).</p>	Regulation 101 (2) and (3)		Yes

<p>20</p> <p>Page 144</p>	<p>Provisional awards of eligible child's pensions: later adjustments - If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively (this does not affect the scheme managers' right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so).</p>	<p>Regulation 102 (2) and (3)</p>		<p>Yes</p>
<p>21</p>	<p>Adjustments of benefits to comply with FA 2004 where members die over 75 - If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under the section of the act.</p>	<p>Regulation 104 (1) (a) and (2)</p>		<p>Yes</p>

22	<p>Member Contributions - Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied.</p> <p>When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded.</p>	<p>Regulation 110 (5) Regulation 110 (7) (h)</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer</p>	<p>Yes on a case by case basis</p>
23	<p>Contributions During Absence From Work Due to Illness, Injury, Trade Dispute or Authorised Absence - Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions.</p>	<p>Regulation 111(2), (3) and (4)</p>	<p>Approved CFA paper 24/3/15 With regard to regulation 111 contributions during absence from work, the Authority currently requires the scheme member to pay the employer contributions if they decide to pay the member contributions.</p>	<p>Yes on a case by case basis</p>

<p>24 Page 146</p>	<p>Deduction and Payment Of Contributions - Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. Contributions due in respect of absence from work on reserve forces services leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces. (protection of Civil Interests Act 1951) Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager.</p>	<p>Regulation 114 (1) Regulation 114(2) Regulation 114 (3)</p>		<p>Yes on a case by case basis</p>
<p>25</p>	<p>Transfers - Statement of entitlement. The scheme manager must specify in a statement of entitlement the 'guarantee date' date by reference to which the cash equivalent or club transfer is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period.</p>	<p>Regulation 135(4)</p>		<p>Yes</p>

26	Request for acceptance of a transfer payment - There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The scheme manager has the discretion to extend this period.	Regulation 141(3)		Yes
27	Transfer statement - The scheme manager can require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement.	Regulation 142(2)		Yes
28	Club transfer value statement - The scheme manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement.	Regulation 144(2)		Yes
29	Appeal concerning entries on the certificate - If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the scheme manager to deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The scheme manager must have these arrangements in place.	Regulation 148(1)		Yes

30 Page 148	Determinations by the scheme manager - It is the scheme manager that must determine whether a person is entitled to an award or to retain an award.	Regulation 151	Relates to recommendations from the IQMP process.	Yes
31	Role of IQMP in determinations by the scheme manager - The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence.	Regulation 152(1) Regulation 152(7)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
32	Review of medical opinion - Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion. Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly.	Regulation 153(1) Regulation 153(4) and (5)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes

33	<p>Notice of appeal - If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied.</p>	Regulation 155(2)		Yes
34	<p>Reference of appeal to the board - Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal.</p>	Regulation 156(8) to (12)		Yes

<p>35 Page 150</p>	<p>Procedure where appeal to be pursued - The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant).</p>	<p>Regulation 157(6) to (9)</p>		<p>Yes</p>
<p>36</p>	<p>Expenses of each party - If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill- founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate. If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate.</p>	<p>Regulation 161(2) Regulation 161(3)(a) Regulation 161 (3)(b)</p>		<p>Yes</p>

37	<p>Appeals on other issues - If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.</p>	Regulation 163		Yes
38	<p>Commutation of small pensions - If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances.</p>	Regulation 167(3)		Yes on a case by case basis
39	<p>Payments for persons incapable of managing their affairs - If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it</p>	Regulation 168		Yes

Page 152	may determine for the benefit of the person entitled, or any beneficiaries of that person			
40	<p>Payments due in respect of deceased persons</p> <p>- If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration.</p>	Regulation 169		Yes

41	<p>Forfeiture: offences committed by members, surviving partners or eligible children - If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme member can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member.</p>	<p>Regulation 171(1), (2), (3) and (5) Regulation 171(4)</p>		<p>Yes</p>
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<p>42</p> <p>Page 154</p>	<p>Forfeiture of pensions: offences committed by other persons - If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled.</p>	<p>Regulation 172(1) to (5)</p>		<p>Yes</p>
<p>43</p>	<p>Forfeiture of lump sum death benefit: offences committed by other persons - If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated</p>	<p>Regulation 173</p>		<p>Yes</p>

	<p>offence as outlined above, any restoration is cancelled.</p>			
<p>44</p>	<p>Forfeiture: relevant monetary obligations and relevant monetary losses - If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or</p>	<p>Regulation 174</p>		<p>Yes</p>

Page 156	omission. The procedure is set out in Regulation 176.			
45	Set-off - A scheme manager has discretion to set off a “relevant monetary obligation” against a member’s entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176.	Regulation 175		Yes

46	<p>Payment on behalf of members of lifetime allowance charge - At a scheme member's request, the scheme manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.</p>	Regulation 178		Yes
47	<p>Evidence of entitlement - The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.</p>	Regulation 184(1) and (2) Regulation 184(3)		Yes Yes
48	<p>Amount of accrued added pension may not exceed overall limit of extra pension - The total amount of accrued added pension must not exceed a certain limit. If it appears to be scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member).</p>	Schedule 1 Part 1, Paragraph 4		Yes

49 Page 158	Member's election to make periodical contributions for added pension - If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid.	Schedule 1 Part 1, Paragraph 7(3)	Scheme Manager determined minimum figure of £25 per month	Yes
50	Periodical payments - If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment.	Schedule 1 Part 2, Paragraph 8(3)		Yes
51	Periodical payments during periods of assumed pensionable pay - After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months.	Schedule 1 Part 2, Paragraph 10(4)		Yes
52	Meaning of 'tapered protection closing date' - The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager.	Schedule 2 Part 1, Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21		Yes

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
DISCRETIONS UNDER THE FIREFIGHTERS' COMPENSATION SCHEME 2006				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Determining pensionable pay in certain cases (retained firefighters). Where the Fire & Rescue Authority are unable to determine the period of a person's service from their records and do not hold records of that persons pay for any period and the necessary documents can not be obtained from the person, the Authority may estimate the persons pensionable pay from the records they hold and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.	Part 1, Rule 11, paragraphs (5) and (6)		Yes

	Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed to the circumstances in which the injury was sustained; the reduction may be of such amount as the Fire and Rescue Authority consider appropriate.	Part 2, Rule 3, paragraph 6		Yes
3	Discretion to accept the status of an unmarried partner (other than a civil partner) where the firefighter and partner had been in a relationship for less than 2 years.	Part 2, Rule 3, paragraph 10		Yes
4	Discretion to commute small compensatory pension for a lump sum.	Part 2, Rule 4	This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.

5	Discretion to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.	Part 3, Rule 2, paragraph 2 (b) and (c)	This discretion allows some flexibility on whether to pay an award if it would be considered inequitable to do so.	Yes
6	Discretion to increase, for such period as the fire and rescue authority think fit, the level of spouse's or civil partner's special or augmented award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under FCS rules.	Part 3, Rule 4, paragraphs 6 and 7	This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6/4/06 who have opted out of the NFPS – because the "living apart" limitation would not apply.	Yes
7	Discretion to reinstate all or part of a spouse's or civil partner's special or augmented award for such period as the authority think fit following the termination of award on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.	Part 3, Rule 5, paragraphs 1 and 2	This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6/4/06 who have opted out of the NFPS – because the post-retirement marriage/civil partnership limitation would not apply.	Yes
8	Decision to cease payment of a child's special allowance where the Fire & Rescue Authority are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded.	Part 4, Rule 3, paragraph 5(c)	This discretion allows the review of a child's pension on change of circumstances.	Yes

<p>9 Page 162</p>	<p>Discretion to award an adult dependent relative's special pension for such period(s) as the Fire & Rescue Authority may determine.</p>	<p>Part 5, Rule 1</p>		<p>Yes</p>
<p>10</p>	<p>Discretion to award a dependent relative's gratuity.</p>	<p>Part 5, Rule 2, paragraph 3</p>		<p>Yes</p>
<p>11</p>	<p>Discretion, with the consent of the person entitled to the award, to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.</p>	<p>Part 5, Rule 3</p>	<p>This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.</p>	<p>Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.</p>
<p>12</p>	<p>Discretion, with the consent of the child, surviving parent or guardian, to commute for a lump sum a small pension awarded to a child.</p>	<p>Part 5, Rule 4</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who allows consideration of commutation of a limited amount of a child's pension into a lump sum.</p>	<p>Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances. Each case will be considered on a case by case basis.</p>
<p>13</p>	<p>Requirement to reconsider, at person's request, his/her claim to an award where the Fire & Rescue Authority do not admit the claim at all, or to its full extent.</p>	<p>Part 6, Rule 3</p>	<p>Requirement to reconsider an award. IDR process is appropriate.</p>	<p>Yes by way of IDR process</p>

14	Discretion to increase an award for a serviceman who, at the end of his/her forces period, is permanently disabled by a qualifying injury or injury received during his/her forces period.	Part 7, Rule 2 and Rule 4	This discretion allows the consideration of increasing the award for a serviceman injured during his/her forces period.	Yes on a case by case basis
15	Discretion to increase dependents' benefits under the FPS 1992 to the level of a flat-rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury.	Part 7, Rule 3 and 4	This applies in respect of those covered by the FPS 1992.	Yes on a case by case basis
16	Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period or a qualifying injury.	Part 7A, Rule 2 and 4. <i>This applies in respect of those covered by the NFPS 2006.</i>	This discretion allows the consideration of increasing the award for a reservist injured during his/her forces period.	Yes on a case by case basis
17	Discretion to increase dependents' benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury.	Part 7A, Rule 3 and 4. This applies in respect of those covered by the NFPS 2006.	This discretion allows the consideration of increasing the award for a reservist injured during his/her forces period.	Yes on a case by case basis

18 Page 164	Discretion to pay an injury award to or in respect of an employee of a Fire & Rescue Authority who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her own default while in attendance at a fire in the execution of duties as an employee of the Authority.	Part 8, Rule 1	This discretion is the general discretion to pay an award to an employee of the fire authority who is injured while in attendance at a fire.	Yes on a case by case basis
19	Discretion to decide intervals at which a person's degree of disablement should be reviewed.	Part 9, Rule 1, paragraph 1	This discretion allows the Authority to set timescales for review of payments under the scheme.	Yes
20	Discretion, 5 years after an injury pension first becomes payable, to resolve that no further review of degree of disablement should take place.	Part 9, Rule 1 paragraph 3	This discretion allows the Authority to decide to make no further reviews of degree of disablement.	Yes
21	Discretion to reduce the level of an injury award to not less than half of the full amount where a person contributed to the infirmity by his/her own default.	Part 9, Rule 2	This discretion allows the authority to reduce an award where a person contributed to the infirmity by his/her own default.	Yes

22	Discretion to withdraw the whole or part of a person's pension (other than a spouse's or civil partner's award) during any period of re-employment as a firefighter with a Fire & Rescue Authority.	Part 9, Rule 3	This discretion allows the Authority to withdraw a pension if the person is re-employed as a firefighter.	Yes
23	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.	Part 9, Rule 4, paragraphs 1 to 3	This discretion allows the withdrawal of a pension if the pensioner is convicted of an act of treason, or a serious offence under the Official Secrets Act.	Yes
24	Discretion to restore at any time and to such extent as the Fire & Rescue Authority think fit, a pension withdrawn under Part 9, Rule 4, paragraphs 1 to 3, to the pensioner or to apply it for the benefit of any dependent of the pensioner.	Part 9, Rule 4, paragraph 4	This discretion allows the consideration of reinstatement of a pension withdrawn.	Yes
25	Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for the purposes of obtaining awards or other sums).	Part 9, Rule 5		Yes
26	Determination of intervals at which instalments of injury pension should be paid.	Part 10, Rule 2, paragraph 1		Yes

<p>27</p> <p>Page 166</p>	<p>Discretion to delay payment of an award to the extent necessary for determining any questions of the Fire & Rescue Authority's liability.</p>	<p>Part 10, Rule 2, paragraph 1</p>	<p>This discretion allows the Authority to delay payment of the sum until satisfied as to the eligibility for an award.</p>	<p>Yes</p>
<p>28</p>	<p>Discretion to pay a gratuity in instalments, rather than as a lump sum, of such reasonable amounts and over such reasonable period as the Fire & Rescue Authority think fit.</p>	<p>Part 10, Rule 2, paragraph 7</p>	<p>This discretion allows the consideration of paying regular payments instead of a lump sum gratuity.</p>	<p>Yes</p>
<p>29</p>	<p>Discretion to extend the 14-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to the person, provided the Fire & Rescue Authority are of the opinion that the person's failure to lodge the appeal within 14 days was not due to his/her own default.</p>	<p>Schedule 5, paragraph 1(2)</p>	<p>This discretion allows consideration of extending the time limit for an appeal.</p>	<p>Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.</p>
<p>30</p>	<p>Discretion to decide Fire & Rescue Authority's representation at Medical Appeal Board interview.</p>	<p>Schedule 5, paragraph 5(5)</p>	<p>This discretion deals with the arrangements for representation at a Medical Appeal Board.</p>	<p>Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.</p>
<p>31</p>	<p>Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.</p>	<p>Schedule 5, paragraph 6(1)</p>	<p>This discretion allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.</p>	<p>Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.</p>

32	Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill- founded" to require the appellant to pay the Fire & Rescue Authority such sum as the authority think fit, not exceeding the fees and allowances of the specialist member of the Board.	Schedule 5, paragraph 9(2)		Yes
33	Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay to the Fire & Rescue Authority such sum as the Authority think fit, not exceeding the Board's total fees and allowances.	Schedule 5, paragraph 9(3)		Yes

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**COMBINED FIRE AUTHORITY****14 JUNE 2019****RESTRICTING EXIT PAYMENTS IN THE PUBLIC SECTOR:
CONSULTATION ON IMPLEMENTATION OF REGULATIONS**

REPORT OF CHIEF FIRE OFFICER

PURPOSE OF THE REPORT

1. To inform members of the Government's consultation to implement the cap on the exit payments that certain public sector employees could receive when leaving their organisation.

BACKGROUND

2. In July 2015 the Government launched a consultation on a proposed a cap of £95,000 on exit payments across the public sector. Subsequently the government legislated for a cap of £95,000 on exit payments in the public sector in the Small Business Enterprise and Employment Act 2015 as amended by the Enterprise Act 2016. The 2015 act sets out the duty to implement the cap through secondary legislation.
3. This consultation sets out the proposed content of the secondary legislation and requests comments on the details of those regulations. The consultation is not asking for comment on whether or not an exit payment cap should be introduced or not.
4. The consultation will run for twelve weeks and will close on 3 July 2019. A copy of the consultation is attached as Appendix A.

SUMMARY OF THE PROPOSALS

5. The Small Business Enterprise and Employment Act 2015 enables HM Treasury to make regulations restricting public sector exit payments to a maximum of £95,000. The draft regulations define the types of payments intended to be subject to the cap, how the proposed cap is intended to operate, and the scope of the regulations.
6. The cap will be set at £95,000 and will cover payments made in relation to leaving employment including In order to determine the scope of the cap, HM Treasury will be guided by the Office for National Statistics (for National Account purposes) classification of bodies within the central and local government, and non-financial public corporation sectors. There will be a limited number of exemptions.
7. The government is proposing a staged process of implementation across the public sector. The first stage will capture most public sector employees, before extending the cap to the rest of the public sector in the second stage. Prioritising in this way will ensure most exit payments in the public sector are limited to £95,000 without further delay, while work continues on expanding the scope of the regulations.

8. The following categories of public sector employer are within scope of these regulations where they fall within the responsibility of the UK government, regarding their employment:
- the UK Civil Service, its executive agencies, non-ministerial departments and non-departmental public bodies (including Crown non-departmental public bodies and Her Majesty's Prison and Probation Service);
 - the NHS in England and Wales;
 - academy schools;
 - local government including fire authorities' employees and maintained schools;
 - police forces, including civilian and uniformed officers.

IMPLICATIONS FOR THE AUTHORITY

9. Fire and rescue authorities (FRAs) are within scope of the regulations and therefore would be impacted by the regulations should they be introduced. This could limit the freedoms that are available to the Authority to make efficiencies by encouraging staff to exit the organisation as part of any restructuring arrangements. The cap is unlikely to apply only to senior managers once payments to pension schemes for early access are taken into account.
10. The government is, however, considering an exemption for payments made by FRAs to their pension fund account in respect of firefighters who are unable to maintain operational fitness through no fault of their own and where the FRA has agreed to put into payment an authority initiated early retirement pension. This will honour the government's previous commitment that members of the 2006 and 2015 Firefighters' Pension Schemes in these circumstances should be awarded an unreduced pension if they cannot be redeployed.

DRAFT CONSULTATION RESPONSE

11. A draft response to the consultation is attached as Appendix B.

RECOMMENDATIONS

13. Members are requested to:
- (a) **note** Government's consultation to implement the cap on the exit payments and the associated impact on the Authority;
 - (b)
 - (c) **approve** the draft response included as Appendix B.

Stuart Errington, Chief Fire Officer, 0191 3755555

Restricting exit payments in the public sector: consultation on implementation of regulations

Published 10 April 2019

Contents

1. Introduction
2. Proposed scope of draft regulations
3. Guidance and directions
4. Devolution summary and equalities impacts
5. Summary of questions

Executive summary

Exit payments to employees leaving the public sector workforce in 2016-2017 cost the taxpayer £1.2 billion, with payments at and above £100,000 amounting to £0.2 billion. Exit payments can be important to employers' ability to reform and react to new circumstances, whilst providing support for employees as they find new employment or as a bridge until retirement age. However, public sector employers have a responsibility to demonstrate that they are using public money efficiently and responsibly, and to ensure that pay and terms are always proportionate, justifiable and fair to the taxpayers who fund them.

The Government does not believe that the majority of six figure exit payments, which are far in excess of those available to most workers in the public sector or wider economy, are proportionate or provide value for money for taxpayers.

The Government therefore introduced powers to cap exit payments in the public sector at £95,000 in the Small Business, Enterprise and Employment Act 2015. This consultation sets out the proposed method of implementing that cap, including which bodies should be in scope.

These regulations will help public sector employers to ensure exit payments represent value for money to the taxpayer who funds them.

1. Introduction

1.1 Policy background

Exit payments associated with loss of employment, including redundancy, are important to employers' ability to reform, and an important source of support for employees as they find new employment, or as a bridge until retirement age. However, it is also important that exit payments are proportionate and fair to the taxpayer and the overnment is concerned about the number of exit payments made to public sector workers that exceed or come close to £100,000.

Such payments can exceed three times the average annual earnings in the public sector², and are far higher than the value of exit payments made to the majority of public sector workers³. The Government does not believe that such payments often provide value for money or are fair to the taxpayers who fund them.

The Government legislated for a cap of £95,000 on exit payments (the cap) in the public sector in the Small Business Enterprise and Employment Act 2015 (the 2015 act) as amended by the Enterprise Act 2016 (the 2016 act). The 2015 Act sets out the duty to implement the cap through secondary legislation.

This consultation sets out the proposed draft regulations, schedule to the regulations, accompanying guidance and directions. The Government welcomes comments on the draft regulations.

The draft schedule 1 sets out in detail the proposed scope of the regulations for this first stage of implementation. The Government will expand the bodies in scope to the whole of the public sector in due course, with exemptions for certain bodies. Exemptions will be considered on a case by case basis, taking into account the nature of and functions undertaken by the employer.

1.2 Policy intention

Sections 153A to 153C of the 2015 Act enable HM Treasury to make regulations restricting public sector exit payments to a maximum of £95,000. The draft regulations define the types of payments intended to be subject to the cap, how the proposed cap is intended to operate, and the scope of the regulations. The bodies in scope of the draft regulations are set out in schedule 1 of the draft regulations. It is the Government's intention to extend the scope of the regulations to the whole public sector in due course.

1.3 Aim and scope of the consultation

The Government will consider the consultation responses and decide on how best to achieve its aims in relation to the questions and proposals set out in this document. Responses are particularly welcomed from:

- employing bodies within the scope of the draft regulations as well as employing bodies within the wider public sector but not included in schedule 1 at present;
- bodies representing public sector employers;
- employees and their representative bodies;
- members of the academic community with expertise in this area;
- pay, pension, remuneration and HR professionals in both the private and public sectors;
- anyone else who may be impacted by this consultation.

1.4 How to respond

This consultation will run for twelve weeks and will close on 3 July. Responses can be [submitted online](#) or sent by email to: ExitPaymentCap@hmtreasury.gov.uk with the subject heading 'Consultation on Exit Payment Cap'.

Alternatively please send responses by post to:

Workforce, Pay & Pensions Team,
HM Treasury,
1 Horse Guards Road,
London
SW1A 2HQ

When responding please say if you are a business, individual or representative body. In the case of representative bodies, please provide information on the number and nature of people you represent.

1.5 Consultation principles

This consultation is being run in accordance with the Government's [consultation principles](#).

1.6 Privacy notice

This notice sets out how HM Treasury will use your personal data for the purposes of the 'public sector exit payment' and explains your rights under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

Your data (data subject categories)

The personal information relates to you as either a member of the public, parliamentarians, and representatives of organisations or companies.

The data we collect (data categories)

Information may include your name, address, email address, job title, and employer of the correspondent, as well as your opinions. It is possible that you will volunteer additional identifying information about themselves or third parties.

Legal basis of processing

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in HM Treasury. For the purpose of this consultation the task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective Government policies.

Special categories data

Any of the categories of special category data may be processed if such data is volunteered by the respondent.

Legal basis for processing special category data

Where special category data is volunteered by you (the data subject), the legal basis relied upon for processing it is: the processing is necessary for reasons of substantial public interest for the exercise of a function of the Crown, a Minister of the Crown, or a Government department.

This function is consulting on departmental policies or proposals, or obtaining opinion data, to develop good effective policies.

Purpose

The personal information is processed for the purpose of obtaining the opinions of members of the public and representatives of organisations and companies, about departmental policies, proposals, or generally to obtain public opinion data on an issue of public interest.

Who we share your responses with

Information provided in response to a consultation may be published or disclosed in accordance with the access to information regimes. These are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA) and the Environmental Information Regulations 2004 (EIR).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals with, amongst other things, obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on HM Treasury. Where someone submits special category personal data or personal data about third parties, we will endeavour to delete that data before publication takes place.

Where information about respondents is not published, it may be shared with officials within other public bodies involved in this consultation process to assist us in developing the policies to which it relates. [Examples of these public bodies](#).

As the personal information is stored on our IT infrastructure, it will be accessible to our IT contractor, NTT. NTT will only process this data for our purposes and in fulfilment with the contractual obligations they have with us.

How long we will hold your data (Retention)

Personal information in responses to consultations will generally be published and therefore retained indefinitely as a historic record under the Public Records Act 1958.

Personal information in responses that is not published will be retained for three calendar years after the consultation has concluded.

Your rights

- you have the right to request information about how your personal data are processed and to request a copy of that personal data
- you have the right to request that any inaccuracies in your personal data are rectified without delay
- you have the right to request that your personal data are erased if there is no longer a justification for them to be processed
- you have the right, in certain circumstances (for example, where accuracy is contested), to request that the processing of your personal data is restricted
- you have the right to object to the processing of your personal data where it is processed for direct marketing purposes
- you have the right to data portability, which allows your data to be copied or transferred from one IT environment to another

How to submit a Data Subject Access Request (DSAR)

To request access to personal data that HM Treasury holds about you, contact:

HM Treasury Data Protection Unit
G11 Orange
1 Horse Guards Road
London
SW1A 2HQ

dsar@hmtreasury.gov.uk

Complaints

If you have any concerns about the use of your personal data, please contact us via this mailbox: privacy@hmtreasury.gov.uk.

If we are unable to address your concerns to your satisfaction, you can make a complaint to the Information Commissioner, the UK's independent regulator for data protection. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

0303 123 1113

casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

Contact details

The data controller for any personal data collected as part of this consultation is HM Treasury, the contact details for which are:

HM Treasury
1 Horse Guards Road
London
SW1A 2HQ

020 7270 5000

public.enquiries@hmtreasury.gov.uk

The contact details for HM Treasury's Data Protection Officer (DPO) are:

The Data Protection Officer
Corporate Governance and Risk Assurance Team
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2. Proposed scope of draft regulations

Employers in the whole of the public sector have a responsibility to demonstrate that they are using public money efficiently and responsibly, and to ensure that pay and terms are always proportionate, justifiable and fair to taxpayers.

In order to determine the scope of the cap, HM Treasury will be guided by the Office for National Statistics (for National Account purposes) classification of bodies within the central and local government, and non-financial public corporation sectors. There will be a limited number of exemptions.

The Government is proposing a staged process of implementation across the public sector. The first stage will capture most public sector employees, before extending the cap to the rest of the public sector in the second stage. Prioritising in this way will ensure most exit payments in the public sector are limited to £95,000 without further delay, while work continues on expanding the scope of the regulations.

2.1 Bodies in scope of the current draft regulations

The draft regulations apply to payments made by public sector authorities to employees and by public sector offices to office holders. However, they do not apply to the following payments:

- A. Payments made by a relevant Scottish authority, as defined in s 153B(5) of the 2015 Act (see section 4.1 below);
- B. A relevant Welsh exit payment, as defined in s 153B(6) of the 2015 Act;
- C. Payments made by Northern Irish authorities which wholly or mainly exercise devolved functions.

The following categories of public sector employer are within scope of these regulations where they fall within the responsibility of the UK Government, regarding their employment:

- the UK Civil Service, its executive agencies, non-ministerial departments and non-departmental public bodies (including Crown non-departmental public bodies and Her Majesty's Prison and Probation Service);
- the NHS in England and Wales⁴;
- academy schools;
- local government including fire authorities' employees and maintained schools;
- police forces, including civilian and uniformed officers.

Some bodies have more than one classification. For example, if an executive agency is also classified as a type of body not currently in scope of the cap, such as a trading fund, it should not be captured during this round of implementation.

The full list of proposed public sector bodies in scope of the draft regulations are listed in draft schedule 1. The categories of final employers which will be included in schedule 1 is subject to responses to the consultation.

All public sector employers should make value for money decisions on exit payments and spend public money responsibly. It is the Government's strong expectation that bodies not in the proposed scope of these regulations will come forward with their own, commensurate cap on exit payments.

2.2 Bodies and payments exempt in the draft regulations

The Government proposes that the Secret Intelligence Service, the Security Service, the Government Communications Headquarters and the Armed Forces should be exempt from the cap. Therefore, these employers are not listed in draft schedule 1 to the regulations.

Careers in these organisations have unique features, and the special requirements made of individuals, including the transition to civilian life are reflected in the range and level of compensation payments for these workforces. Compensation and resettlement payments make up a core part of the overall remuneration and reward package for those working in these fields, and payments are sometimes required in order to ensure that individuals are properly compensated for what can be lifelong impacts, felt at relatively early ages. The Government believes it is right that in general these employers have flexible and responsive remuneration practices which may fall outside of the scope of the draft regulations.

As a general rule accrued pension rights, including rights to pension commutation lump sums, are not within scope of the draft regulations because they do not normally involve any cost to the employer. However, in some cases pension payments do involve an additional employer cost relating to an exit and often represent a significant amount of an individual's exit payment. For this reason they are within scope of the draft regulations unless an exemption applies. These payments arise when an employer has to make a 'pension strain' payment, for example to provide the pension scheme member with an immediate unreduced pension before the member's Normal Pension Age or when an employer has to make a pension commutation related payment.

Fire and Rescue Authorities (FRAs) have discretion to remove the current commutation lump sum restriction (of 2.25 x pension) that applies to firefighter members of the 1992 Firefighters' Pension Scheme who are under age 55 and have less than 30 years' service. Where a FRA exercises this discretion, this results in an employer related cost because it is required to make a payment equivalent to the additional amount to the member's pension fund account. It is proposed that these payments should be exempt from the scope of the regulations as they do not fund an increase in the actuarial value of the firefighter's pension.

Therefore, regulation 7(c)(i) exempts payments made by a FRA to their pension fund account, where the FRA exercises its discretion to allow a firefighter (who is subject to the above 2.25 times pension commutation lump sum restriction) to commute up to a maximum of 25% of their annual pension for a pension lump sum. Effectively, this discretion aligns with the commutation entitlement available to firefighters who are aged 55 or over, or who have accrued the maximum 30 years' service.

The Government is also considering an exemption for payments made by FRAs to their pension fund account in respect of firefighters who are unable to maintain operational fitness through no fault of their own and where the FRA has agreed to put into payment an authority initiated early retirement pension. This will honour the Government's [previous commitment](#) that firefighter members of the 2006 and 2015 Firefighters' Pension Schemes in these circumstances should be awarded an unreduced pension if they cannot be redeployed.

Question 1

Does draft schedule 1 to the regulations capture the bodies intended (described in section 2.1 above)? If not, please provide details.

Question 2

Do you agree with the current list of bodies in scope, for the first round of implementation? If not, please provide reasons.

Question 3

Do you agree with the exemptions outlined? If not, please provide evidence.

3. Guidance and directions

The Government welcomes comment on the attached guidance and directions.

The guidance aims to explain, in plain English, how the draft regulations should be applied. In particular, the guidance details the circumstances in which the cap may and must be relaxed, and which actors have the power to relax the cap.

Section 5 of the guidance and the separate mandatory HMT directions are intended to ensure that the cap must be relaxed in specific mandatory cases, for example where a settlement agreement is entered into following a whistleblowing or discrimination complaint, and where it may be relaxed in specific discretionary cases, for example where imposing the cap would cause undue hardship.

This reflects the Government's position and the position reflected in the draft regulations that the public sector exit payment cap is not designed to discourage workers from making disclosures covered by whistleblowing law or to prevent such people from receiving an appropriate remedy from an employment tribunal.

Question 4

Does the guidance adequately support employers and individuals to apply the draft regulations as they stand? If not, please provide information on how the guidance could be enhanced.

Question 5

Is the guidance sufficiently clear on how to apply the mandatory and discretionary relaxation of the regulations, especially in the case of whistleblowers?

Question 6

Is there further information or explanation of how the regulations should be applied which you consider should be included in the guidance? If so, please provide details.

4. Devolution summary and equalities impacts**4.1 Devolution**

The cap policy extends to all the bodies where employment terms are subject to approval by the UK Government (subject to exemptions set out in the remaining paragraphs of section 4.1).

Payments made by authorities which wholly or mainly exercise functions that could be devolved to Northern Ireland are not covered by the draft regulations.

Payments made by a relevant Scottish authority, namely the Scottish Parliamentary Corporate authority or any authority which wholly or mainly exercises functions devolved to Scotland are also not covered by these regulations, with the exception of payments made by the Scottish Administration to holders of non-ministerial offices in the administration or to staff of the administration, which are covered by these regulations.

Relevant Welsh exit payments, namely payments made to the holders of the offices specified in s 153B(6) of the Enterprise Act 2016 are not covered by these regulations.

The regulations contain a power in regulation 12 to relax the exit payment cap following compliance with HMT directions or with consent of HMT, however this power does not apply to exit payments made by a devolved Welsh authority.

4.2 Equalities

An [equalities impact assessment of the cap](#) was conducted in the previous consultation, ahead of legislation on the policy.

If, following consultation, the Government decides to implement a two stage implementation process, it will do so on the basis of a further assessment of the equalities impact.

Question 7

Are there other impacts not covered above which you would highlight in relation to the proposals in this consultation document?

Question 8

Are you able to provide information and data in relation to the impacts set out above?

5. Summary of questions

Question 1

Does draft schedule 1 to the regulations capture the bodies intended (described in section 2.1 above)? If not, please provide details.

Question 2

Do you agree with the current list of bodies in scope, for the first round of implementation? If not, please provide reasons.

Question 3

Do you agree with the exemptions outlined? If not, please provide evidence.

Question 4

Does the guidance adequately support employers and individuals to apply the draft regulations as they stand? If not, please provide information on how the guidance could be enhanced.

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Is there further information or explanation of how the regulations should be applied which you consider should be included in the guidance? If so, please provide details.

Question 7

Are there other impacts not covered above which you would highlight in relation to the proposals in this consultation document?

Question 8

Are you able to provide information and data in relation to the impacts set out above?

1. [Whole of Government Accounts 2016-17](#), page 70. 
2. Mean public sector earnings according to the ONS: £29,574 
3. [Whole of Government Accounts 2016-17](#), page 70, Table 4.E. 
4. The 2015 Act confers power to cap exit payments in the NHS in Wales, because the compensation schemes are not devolved to Welsh ministers. 

RESTRICTING EXIT PAYMENTS IN THE PUBLIC SECTOR

COUNTY DURHAM AND DARLINGTON FIRE AND RESCUE AUTHORITY'S RESPONSE

County Durham and Darlington Fire and Rescue Authority (CDDFRA) is concerned about the issues raised by the reform of the Public Sector Exit payments. CDDFRA accepts that significant payments should be subject to accountability and oversight, but fire and rescue authorities already have a number of audit processes (both internally and externally) and therefore their policies and procedures in relation to exit payments are already subject to scrutiny. The Localism Act and similar regulations already require authorities to publish pay policies which include any exit payments, as well as their policy with regards to how exit payments are calculated.

A large proportion of a fire and rescue authority's day to day expenditure is incurred on salaries and wages; therefore it is reasonable to expect that if expenditure needs to be reduced, it will impact on the establishment levels of the organisation. It is therefore important that an authority has the flexibility to pay reasonable exit packages without limitation, which often encourages employees to leave earlier than planned, thus generating the necessary savings. The fact that the proposal detailed in this consultation includes the cost impact of pension strain will without doubt impact on employees across the whole organisation and not, as we suspect this proposal intends, just those at the top end of the organisation.

With regards to the pension strain costs, you will be aware that an individual in the Local Government Pension Scheme has an entitlement to access their pension benefits once they reach the age of 55, and should they choose to access their pension if they were made either voluntary or compulsory redundant, then a pension strain cost would arise. This pension strain cost is not an exit payment as the individual has, over the years of contributions, accrued an entitlement to draw their pension once they have reached the age of 55.

The employer is charged the cost of the strain by the pension fund administering authority and this is netted off against the revenue budget saving made through the redundancy. There is always a saving in this situation and payback is usually over quite a short period.

The proposed restrictions go against the grain of empowering local authorities to apply what is most appropriate given their financial and local environment. However, authorities should be expected to be reasonable and fair in their approach and be able to justify their decisions to the external auditors.

Given the ongoing reduction to fire and rescue authority funding over recent years, this Authority has made several compulsory redundancies and allowed a number of voluntary redundancies across the organisation. Several employees would have exceeded the proposed cap limit of £95k, due to the fact that they had larger pension strain costs as they had a significant amount of public sector service. The current flexibility has enabled CDDFRA to award reasonable termination packages, which has facilitated long term financial efficiency savings, which would not have been possible had the Authority been compelled to comply with a capping limit of £95k.

Had the benefits to the individuals been reduced it is likely that they would not have chosen the option to leave the organisation on grounds of voluntary redundancy. If, however, the pension strain costs had been excluded from the limit then the payments would have fallen well below the threshold. Authorities should be expected to act fairly and responsibility in awarding such packages.

We would suggest rather than defining a monetary cap, it would be more appropriate to allow authorities to manage such situations by paying a reasonable settlement, which for transparency purposes and assurance to the public, should be audited, so that the reasons for the value of such settlements are justified. As the information already needs to be published as part of the statement of accounts, the external auditors could focus more attention at the year-end audit to such payments. It would seem more consistent and fairer to apply a maximum percentage of an individual's salary that could be used in the calculation.

Setting a limit at £95k could prohibit the use of settlement agreements, especially at senior management levels, and consequently result in potential employment tribunal claims, which could be avoided if there was sufficient flexibility in agreeing compromise or settlement agreements with a specific individual.

The Government originally intended to introduce an exemption to the regulations in exceptional circumstances and CDDFRA believe this should be the case. An example would be wholesale mergers or amalgamations of public sector bodies which may necessitate an extensive restructuring programme in a relatively short space of time.

The introduction of the cap is more likely to impact on senior management roles. On average it is more likely that individuals within these roles will be 45 plus. Therefore, the introduction of the cap could be perceived as disadvantaging older employees and lead to age discrimination claims.

CDDFRA welcomes the intention to exempt payments made by FRAs to their pension fund account in respect of firefighters who are unable to maintain operational fitness.



Safest People, Safest Places

COMBINED FIRE AUTHORITY

14 JUNE 2019

FIRE CADETS

REPORT OF THE MEMBER CHAMPION FOR FIRE CADETS

Purpose of the report

1. To provide Members with an update on progress of the Service's Fire Cadet schemes.

Background

2. The Authority 'champions' various areas of service delivery through the Combined Fire Authority (CFA) Member Champion roles. These roles provide the opportunity for Members and officers to work closely together to help develop the services provided by better engagement with local communities, staff and other stakeholders. Councillor Linda Marshall was appointed to the role of Fire Cadets Member Champion in 2017.
3. The Service has retained a cohort of young people under the Young Firefighter Association (YFA) for many years at stations across the Service. The aim of these schemes was to develop young people within the local area by enhancing their citizenship skills and improving their employability, with the intention of potentially recruiting the Young Firefighters into the Service in the future.
4. In 2015/16, the Service consulted under its Integrated Risk Management Plan (IRMP) for 2016/17, whether it should invest in extending the YFA schemes. The return on this consultation was 81% in favour that the Service should continue this investment and grow the schemes.
5. On the 1 December 2018, the Service's YFA schemes were rebranded to Fire Cadets, which aligned the schemes to the National Fire Chiefs Council (NFCC) workstream under Children and Young People for Fire Cadets.
6. Currently the Service has 133 Fire Cadets in schemes which are hosted at nine fire stations across the Service and 7 junior Fire Cadets under the age of 13 hosted at Wolsingham School.

Centralised governance of Fire Cadets

7. Previously, each cadets scheme was established and ran with local control by the District Management Team. In September 2018, central governance was established by Community Risk Management for recruitment and retention, safeguarding, data protection, expenditure, purchase of equipment and maintenance of assets held by the Fire Cadet schemes. This allowed for a greater degree of central control and assurance across all cadet schemes, while still allowing flexibility for schemes to be managed and run locally by the station.

8. Adult volunteers who supervise the cadets sign a volunteer's agreement and undergo induction training sessions which includes awareness of Service policies and procedures, data protection and Level 1 Safeguarding training.
9. The parents of all Fire Cadets have completed an emergency contact details form which is held by Control, this allows parents to be contacted immediately should there be an emergency with a cadet.

Equipment and Assets

10. A central store for uniform is now located at Spennymoor Station. Initial issue of uniform and fire kit per fire cadet currently costs £315. This is now managed centrally to allow it to be reused when a cadet grows out of the uniform and enable the central stock of uniform to be reduced.
11. The uniform and fire kit currently issued is being reviewed, for example, the Service is looking to have fire kit leggings reinforced on the hem and knees to extend the operational life of these garments. Also, new gloves are to be sourced that afford a greater degree of grip and protection from water and friction.

Learning and development of Fire Cadets

12. The Service's aim for the cadets is to develop and educate our cohort of young people to be the best they can be and attain their personal goals in preparation for life within the community and the workplace. To that end, the training and development that the cadets are receiving is diverse and challenging to develop their natural resilience and problem-solving skills.
13. Thirty cadets from across the schemes are enrolled in the Duke of Edinburgh Award and are actively working towards their bronze awards. The outdoor expedition is scheduled for September 2019.
14. All cadets have undertaken their Duke of Cornwall Community Safety Award working alongside the Civil Contingencies Unit (CCU) and the Environment Agency (EA). The cadets participated in an 'Incident Response Day' at the Service Training Centre in partnership with the EA and CCU.
15. The NFCC National Fire Cadet Award Level 1 qualification will be delivered to all cadets from September 2019, this qualification develops core firefighter vocational skills and fire safety skills such as delivering Safe and Wellbeing Visits and Business Fire Safety audits.
16. A formal educational syllabus for our cadets is being developed to include Dementia Friends training, employability skills, first aid, food hygiene and sign language. The Junior Fire Cadets at Wolsingham School have a different school-based syllabus to work towards over 2019/20 which is tailored to their needs and equipment levels.
17. Peterlee Fire Cadets are working in collaboration with Durham Agency Against Crime Police Cadets in a joint arson reduction/ASB project with the aim to produce arson reduction strategies designed by young people, which are aimed at young people.
18. Darlington Fire Cadets are attending the 'Festival of Ingenuity' in Darlington Town Centre to highlight the benefits of becoming a Fire Cadet and the various opportunities and activities that Fire Cadets participate in.

19. The Human-Kind Charity have delivered educational programmes around challenging youth racism to all our cadet schemes to support the Service policy and positive outlook on diversity and the effects of racist behaviours.

Conclusion

20. Following the positive response during the IRMP consultation in 2015/16, the Fire Cadets have grown in numbers and some of our cadets have since become retained duty system (RDS) firefighters and apprentice firefighters, which is testament to the training and development that the coordinators, volunteers and the Arson Reduction and Young People Team have committed to the Fire Cadet schemes.
21. These outcomes are aimed at reducing arson and secondary fire setting within County Durham and the Borough of Darlington, but also to support young people to become the best they can be, ready for the workplace as resilient, motivated and community-focussed individuals.
22. Cllr Marshall would like to encourage Members to engage and support their local cadet schemes and to raise awareness of the excellent work the Service is delivering in developing our young people.

Recommendation

23. Members are requested to:
 - a. **Note** the contents of the report.

Cllr Linda Marshall, Member Champion for Fire Cadets.

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COMBINED FIRE AUTHORITY

14 JUNE 2019

UPDATE ON RETAINED DUTY SYSTEM [RDS]

REPORT OF MEMBER CHAMPION - RDS

PURPOSE OF REPORT

1. The purpose of this report is to give members an update and insight into the RDS currently operating within County Durham and Darlington Fire and Rescue Service [CDDFRS].

BACKGROUND

2. The RDS model comprises of a team of firefighters [FF] and operational supervisory managers for each designated fire appliance. RDS appliances are not normally crewed by personnel present on a station as per whole-time [W/T] personnel. RDS FF will have a pager and respond to calls when required from within the local community. They also regularly train together each week, test operational equipment, conduct station administrative duties and conduct pro-active community safety work in their areas.
3. An RDS FF is trained to the same standard as a W/T FF and will generally have the same range of risk critical competencies for example breathing apparatus, tactical firefighting, working at height, working on/ near water and road traffic collision extrication training.
4. The criteria to become an RDS FF are the same for a W/T FF with the addition of being able to respond into the station within 5 minutes.
5. An RDS FF is paid a retaining fee based on the average number of hours of cover they give each week and an hourly rate when responding or conducting routine duties. They are also expected to attend a regular weekly training night on station and courses as appropriate to maintain their skills competence.
6. Currently within the Service we have 15 appliances primary crewed by RDS FF from a total of 26 appliances.

CURRENT POSITION

7. Recruitment and retention of RDS personnel is an area to note as the original model for RDS; which is part of the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service [Grey Book] Terms and Conditions; does not always reflect current modern lifestyles. For example, in the past it was far more common for someone to live and work within a small geographical area and therefore be well suited to the requirements of the RDS. Today it is more likely that a person needs to commute a longer distance to work and therefore may struggle to give RDS cover during the working week. This has been reflected in current availability trends with some RDS appliances having lower day

time availability. Furthermore, people require more flexibility to accommodate modern lifestyles which can conflict with the number of hours cover they can commit to each week.

8. As RDS FFs have the same skills set as a W/T FF, the Service has been able to use RDS to W/T transfers to ensure that staffing levels are maintained across the Service. This has also benefitted RDS personnel who have had a more clearly defined route into the fire and rescue service as a primary profession.
9. The investment the Service has made in relation to hosting cadet schemes, specifically on stations where an RDS appliance is based, has had the benefit of providing an employment route for those cadets into the RDS which has already occurred on several occasions. In addition, former cadets will be able to bring a range of skills and training gained straight into the RDS adding great value to the station.
10. The Human Resources Team within the Service have been proactively working with District teams, with the help of the Communications Team, to offer support and assistance in relation to the recruitment of RDS personnel including the running of positive action days and pre-selection “taster” sessions to help generate interest in becoming an RDS FF.
11. The Service has promoted the current national recruitment campaign which has helped to raise the profile of RDS FF in the community and saved the need for in-house development of a separate set of resources. An example of the national publicity material is included below. These and similar graphics have helped the Service in social media campaigns aimed at recruiting RDS FF.



12. The Service is committed to ensure that RDS stations are modernised and provided with high quality resources and facilities to help promote a good working environment and to demonstrate the importance of these teams within the Service. This will also help to promote RDS FF retention and encourage future recruitment. For example, Crook Fire Station was replaced by a new purpose-built community fire station, Barnard Castle newly built fire station accommodating not just fire but police, ambulance and mountain rescue, and Stanhope which has had significant modernisation to the existing building and been further enhanced by the building of a major extension.
13. Innovation has been a key element to support the RDS model and a good example of this is the deployment of the region's first Community Safety Responders [CSRs]. CSRs work for Durham Constabulary as PCSOs, CDDFRS as RDS FF and as first responders for the North East Ambulance Service. This has enabled CSRs to be readily accessible to local people and highly visible as they go about their daily community safety activities incorporating elements from all three blue light services and have provided a quality service for citizens in the Weardale area. In addition, this has enabled recruitment of RDS FF to Stanhope Fire Station who may not have been able to be employed there under a more traditional model.
14. The Service maintains close contact with the RDS personnel via regular liaison meetings where specific issues related to the RDS model can be addressed. The District Management Teams also keep regular touch and provide support to their respective RDS personnel.

NEXT STEPS

15. Looking forward, further work to trial different staffing models/ contracts and improved local conditions of service as well as driving forward modernisation of the RDS model on a national level will continue to ensure that the RDS within CDDFRS can be fit for purpose into the future.

RECOMMENDATIONS

16. Members are requested to:
 - a) **note** the content of this report.

Cllr John Shuttleworth, 03000 268770

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