

West Midlands Fire and Rescue Authority

Pension Board

**You are summoned to attend the meeting of Pension Board to be held on
Monday, 04 March 2019 at 14:00**

at Fire Service HQ, 99 Vauxhall Road, Nechells, Birmingham B7 4HW

for the purpose of transacting the following business:

Agenda – Public Session

- | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 1 | To receive apologies for absence (if any) | |
| 2 | Declarations of interests | |
| 3 | Minutes of the Pensions Board held on 12 December 2018 | 3 - 10 |
| 4 | Pensions Board Supporting Information | 11 - 12 |
| 5 | Risk Register as at February 2019 | 13 - 14 |
| 6 | Bulletin 15 | 15 - 24 |
| 7 | Bulletin 16 | 25 - 34 |
| 8 | Pension Board Activity Log 2016-19 | 35 - 38 |
| 9 | Pensions Board Work Programme 2018-19 | 39 - 42 |
| 10 | Pension Board Annual Report 2019
Consideration of Pension Board Annual Report 2019 in
preparation for presentation to Audit and Risk Committee | |
| 11 | Update on Topical, Legal and Regulatory Issues (Verbal Report). | |

12 Date of next meeting

13 Training Session
Mr Malcolm Eastwood, Chair, Scheme Advisory Board

Distribution:

Neil Chamberlain - Independent Chair, Alan Tranter - Employee Representative, Wendy Browning-Sampson - Employer Representative, Adam Harper - Employee Representative, Emmett Robertson – Employee Representative and Kal Shoker - Employer Representative Vacancy – Employer Representative

Clerk Name: Karen Gowreesunker

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Agenda prepared by Julie Connor

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This agenda and supporting documents are also available electronically on the West Midlands Fire Service website at www.wmfs.net

Minutes of the Pensions Board

**12 December 2018 at 1500 hours at
Fire Service Headquarters, Vauxhall Road, Birmingham**

Present: Neil Chamberlain (Chair)
Kal Shoker – Employer Representative
Wendy Browning Sampson – Employer
Representative
Employer Representative (Vacancy)
Emmett Robertson – Employee Representative
Alan Tranter -Employee Representative - By Skype
Clair Alcock, - LGA Pension Adviser
Paul Gwynn (Adviser)

18/18 Apologies for Absence

Adam Harper, Employee Representative

19/18 Declarations of Interest

None.

20/18 Minutes of Pension Board held on 27 September 2018

The minutes of the Pension Board held on 27 September 2018 were received.

It was confirmed that in both Internal Dispute Resolution Procedure cases, the original decisions were upheld.

Officers had met with WM Police Managers but it had been decided not to progress with collaborative working.

The Board noted the Future Governance Arrangements with the Mayoral Fire Committee.

The Board confirmed that, in future, they wished for names rather than titles to be used in the minutes of meetings. Wendy Browning-Sampson had confirmed with advice given by the Monitoring Officer in respect of IDRPs was still relevant.

It had been confirmed that Paul Gwynn attended the IDRPs to provide factual information. Following a request from the Appointments, Standards and Appeals Committee, the Clerk would be reviewing the procedures for future IDRPs.

21/18 Pensions Board Supporting Information

Paul Gwynn gave a brief update on the Membership levels as at 31 October 2018. There had been movement since the last meeting with the number of non-members (firefighters who could have been in the Scheme) increasing by 20. More retirements were expected and planned for until 2020 when there will be a drop in the numbers.

Opt outs were down by 3 over the 12 month period linked to the phasing of recruitment.

Response times to pension queries were going in the right direction and the average response time was coming down.

Following a change in the SCAPE rate, the calculation of CETVs for divorce cases was on hold. This could result in an increase in response times later in the year.

The Chair asked Clair Alcock if there were any national benchmarking standards. Clair Alcock confirmed that the LGA had never been able to look at the provision across the country and there were no national benchmarking standards.

One case was progressing through IDRPs for retained firefighters that could not be solved in-house but going to Ombudsman.

With regards to IPDR, case had been appealed and was going to the Ombudsman.

Opt out levels and reasons

The position in respect of opt outs had remained stable

Further to an email survey, the Board were informed of the reasons for the opt outs.

The main reason for opt out was affordability.

Some new recruits take a cut in their salary when joining. The salary is £22,000 for a new recruit and the pension contribution on 2015 scheme is higher than they would wish. Anecdotally firefighters opt back in when they are on the full rate of pay.

Paul Gwynn was not aware of Members taking any financial advice before opting out or if they had life insurance cover.

In response to a question from Alan Tranter, Paul Gwynn confirmed that he meets new recruits before they join at an induction day to discuss payroll and pension. The bulk of his presentation is about pensions. The presentation has been amended to show the benefits of joining the scheme. For those Members joining the 2015 Scheme, they would have made their money back within 3 years and the additional benefits of joining the scheme are also stressed. This will continue to be stressed at the next recruitment drive and Paul Gwynn will analyse the response to see if this influences numbers joining and remaining within the scheme.

Alan Tranter was concerned that there may be a lack of understanding at a younger age and those who are slightly older may already have a pension provision.

The Chair said it was good to understand the data regarding exiters and new recruits from a Service point of view.

17 members opted out in the 6 months to October 2018
The average age was 30 with the average length of service 2 years 227 days
Of those choosing to opt out 7 did so within the first three months in service.

It was unusual to see long serving members opt out and there was usually another driver for this decision, other than affordability.

Most Opt Outs were due to a lifestyle change, e.g. buying a house.

The Chair felt it was important that the Members of the Pension Board were comfortable that opt outs had been advised appropriately and given information.

Paul Gwynn confirmed that in most cases the reason for the opt out is to free up cash and the professional advice is not to opt out and signpost members to seek further financial advice.

22/18 FSB Bulletins 13/14

The Bulletins were noted.

23/18 Risk Register as at September 2018

The Risk Register had been updated and names have been added as requested at the previous meeting. The Board agreed to look at the Risk Register in more detail at its next meeting.

24/18 Pension Board Activity Log 2016-18.2

The Board noted the Activity Log and information would be built into future meetings including future training and events.

Paul Gwynn highlighted his recommendation that a Board Member attends the Pensions AGM and Conference and that attendance on the first day is invaluable.

The provisional date for the Conference was stated as 24/25 September 2019. The date of the Conference would be added to the Activity Log.

25/18 Pensions Board Work Programme 2018-19

The Board noted its Work Programme.

26/18 TPR Governance and Administration Survey 2018
Update on completion of Survey

The Survey had been completed before the deadline of the 30 November 2018 and the result would be available in May 2019.

The Board would consider the results at its June 2019 meeting.

27/18 Recruitment Process for New Members

Wendy Browning-Sampson had circulated the process to members for comment. Members were comfortable with the process.

28/18 Pension Board Assessment of Skills

The Chair agreed to work with the Clerk and take stock of the Skills Assessment and discuss in more detail at the next meeting.

29/18 Update on Topical, Legal and Regulatory Issues (verbal)

The GMP Reconciliation process was closed and all queries had been entered into the system. Paul Gwynn was awaiting the output and corrections would be made as required.

Clair Alcock stated that the national approach was to not recover over payments.

The deadline for correction on GMP was 31 December 2018, however this time frame was reliant on HMRC.

The internal deadline for us to submit queries to HMRC was October 2018.

As a result of the GMP process the Chair asked for the number overpaid and the value of these.

Paul Gwynn stated that the Legal Challenge to Transitional Regulations would have a major impact on the work of the Pension Section. The Appeal was expected to be found in the

favour of the FBU. The Home Office will most likely Appeal again and the outcome could take years.

Clair Alcock stated that there would be huge cost impacts if anything had to change but in terms of risk, nothing could be planned or mitigated for.

West Midlands Combined Authority

Assuming the governance transfer takes place on 1 April 2018, it was confirmed that the New Scheme Manager would be the Audit and Risk Assurance Committee (ARAC).

It was agreed to invite the Chair of the Audit and Risk Assurance Committee to the Pension Board following the transfer and for the Chair of the Pension Board to meet the Chair of the ARAC.

30/18 Date of Next meeting

The next meeting of the Pensions Board was scheduled to take place on the 4 March 2018 at 1400 hours.

It was confirmed that Mr Malcolm Eastwood Chair of the SAB would be attending the next Pensions Board with the purpose of meeting the members and answering any questions they may have. Clair suggested that the Board consider areas they wished to discuss with the Chair of SAB.

Wendy Browning Sampson wished to invite HR Colleagues in Region to work collaboratively and to undertake a joint training session. Clair Hey stated that she would be happy to set up and provide a Regional Training session.

31/18 Pension Board Training

The Chair thanked Clair Hay for the training provided to the Board which were reciprocated.

The meeting closed at 1650 hours.

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PENSIONS BOARD

12 December 2018

ACTIONS

Action No.	Action
1.	Names to be used in Minutes
2.	Risk Register to be considered in more detail at 4 th March 2019 meeting
3.	Pension Conference to be added to Activity Log
4.	Members to note the dates of the next Pension Conference on 24/25 September 2019
5.	TPR Governance and Administration Survey 2018 to be discussed at June 2019 meeting
6.	Chair/Clerk to review Skills Grid and consider training requirements
7.	Invitation to be sent to the Chair of WMCA ARAC to meet with Chair of Pension Board
8.	Chair of WMCA ARAC to be invited to Pension Board
9.	Pension Board to consider questions for the meeting with the Chair of SAB on 4 March 2019

WEST MIDLANDS FIRE AND RESCUE AUTHORITY Item 4

PENSION BOARD

4 March 2019

PENSION SECTION SUPPORTING INFORMATION

1. **WEST MIDLANDS FIRE SERVICE FIREFIGHTERS' PENSION SCHEMES MEMBERSHIP AS AT 28th FEBRUARY 2019**

Active Firefighters	1,402 (-3)
1992 Scheme members	223 (-26)
2006 Scheme members	8 (-1)
2015 scheme members	1,047 (+43)
Non-members	124 (-19)
Pensioners	2,183 (+30)
Dependants	397 (+2)

The figures in brackets indicate movement since 31st October 2018.

2. **ANNUAL ACTIVITY LEVELS**

2.1 During the last twelve months (01/3/2018 to 28/2/2019) the following levels of activity have been experienced:-

Age Related Retirements	72 (+11)
Ill Health Retirements	6 (+1)
Opt outs	29 (+3)
Other leavers	20 (+12)
New joiners	102 (-2)
Applications to transfer in/out	35 (+4)

The figures in brackets indicate movement since 31st October 2018.

- 2.2 The section has also processed the requests shown in the table below and achieved the levels of performance shown.

Request type	Received	Average Response time in days
Benefit Estimate	105 (-8)	42 (+7)
CETV for Divorce	23 (-4)	49 (-2)
General Information	63 (-28)	18 (-11)

3. **INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP)**

One further case has progressed to IDRP since the last Board meeting. This relates to the implementation of the Modified Section of the 2006 pension scheme. One case has been submitted to The Pension Regulator as indicated previously.

4. **OPT OUT LEVELS AND REASONS**

During the 6 months ending 28th February 2019, 12 members opted out of the Firefighters Pension schemes. Of those opting out 9 of these were male. The average age at opt out was 33 and the average length of service was 2 years 196 days. Of those choosing to opt out only 1 did so within the first three months of joining the scheme.

Whilst the position regarding opt out numbers appears stable, the age and service profile of the 12 members is interesting. Previously we have believed that members opt out early in their career due to the cost and then rejoin later on when their pay reaches qualified levels. The profile seen in the last twelve months indicates most males opt out of the scheme in their early 30's. This is the age at which currently men become Fathers for the first time. It may be that the impending birth of a child, marriage, or first mortgage are the drivers for the decision.

Paul Gwynn
Payroll and Pensions Manager

Ref. AU92606171

RISK REGISTER

DECEMBER 2018

Identify the Risk	How To Respond? System in Place to Deal with the Consequence	Monitor Effective Measure	Assess the Likelihood	Risk Rating	Risk Owner
Computer system failure at payroll compliance date.	Pay the previous month Pension from the file id with adjustments for death or part period payments. If notification that system will not be available or when upgrade is going through at compliance date. Trial pay run can be used as actual if testing fails.	BACS transmission reports	Low	High	Payroll & Pensions Manager
Failure to process BACS	Internal process for ensuring that BACS has been sent.	Payroll Practitioner operates process	Low	High	Payroll & Pensions Manager
Payment made to ineligible pensioner.	Annual Certificate of identity process in place.	Payroll & Pensions Manager	Low	Low	Payroll & Pensions Manager
Fraud in Payroll office.	Reconciliation with report from payroll system and Excel spreadsheet balance each month	Reconciliation completed by Senior Payroll Officer. Balances done monthly. Payroll processes i.e. starters and leavers double checked monthly payroll signed off each month by Senior Payroll officer.	Low	High	Payroll & Pensions Manager
Insufficient resource to enable	Structure and staffing of function under ongoing review	Reports to Pension Board indicate effectiveness of function	Med	Low	Payroll & Pensions Manager

function to meet requirements of Pension Regulator.					
Failure to produce Annual Benefit Statement	Report to TPR. Keep scheme members and pension board informed of issue.	Reports to Pension Board indicate effectiveness of function	Medium	High	Payroll & Pensions Manager
Successful legal challenge by FBU to Transitional Regulations	Pension and Payroll section will need to undertake work to amend pension contributions for members depending on final agreed resolution	Reports to Pension Board. Potential emergency Pension Board meeting to confirm action to be taken.	Low	High	Payroll & Pensions Manager
Failure to complete reconciliation of GMP records to HMRC	Ensure appropriate level of resource deployed.	Monitor via Pension Board reports and normal management reporting	Medium	Medium	Payroll & Pensions Manager

FPS Bulletin 15 – December 2018

Welcome to issue 15 of the Firefighters' Pensions Schemes bulletin.

If you are looking for information on a certain topic, don't forget to visit the issue and content indexes which are available on the main bulletin page of the website and are updated following each new issue.

May we take this opportunity to wish you all a very merry Christmas and happy New Year. Thank you for your help and support during 2018.

If you have any comments on the contents of this bulletin or suggested items for future issues, please contact [Claire Hey](#).

Contents

Calendar of events

FPS

- [A message from the chair](#)
- [Court of Appeal transitional protections judgement](#)
- [FPS 2016 valuation - update](#)
- [Amendments to Firefighter Pension Schemes \(England\) - Consultation](#)
- [Revised Fire \(England\) factors](#)
- [FPS benchmarking exercise - update](#)
- [SAB request for information](#)
- [December query log](#)
- [Website resource update – guides and sample documents](#)

Other News and Updates

- [Pensions dashboards](#)
- [New TPR Chief Executive](#)
- [TPO news](#)
- [Indexation of public service pensions](#)

HMRC

- [HMRC newsletters/bulletins](#)
- [Contracting-out reconciliation update](#)

Events

- [That was the year that was...](#)

[Legislation](#)

[Useful links](#)

[Contact details](#)

Calendar of events



Many readers will remember Eunice Heaney and the tales of “Willie Sprinkler”. We are delighted that Eunice has reprised Willie’s starring role for our final bulletin of the year.

Please see below a calendar of upcoming events relevant to the Firefighters’ Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please contact [Claire Hey](#).

LPB effectiveness committee	23 January 2019
Fire Communications Working Group	30 January 2019
Administration & benchmarking committee	7 February 2019
Firefighter Pensions Technical Community	12 February 2019
North East regional FPOG	19 February 2019
LGA Leadership Essentials Fire & Rescue (Elected members)	26-27 February 2019
Eastern regional FPOG	27 February 2019
Midlands regional FPOG	1 March 2019
LGA annual fire conference and exhibition	12-13 March 2019
SAB	14 March 2019
SAB	13 June 2019
Firefighters’ Pensions AGM	24-25 September 2019 (provisional)
SAB	10 October 2019
SAB	12 December 2019

FPS

A message from the chair

"Dear friends & colleagues,

If you're reading this, 'Congratulations!', you have virtually made it to the end of another busy year working in and supporting the Fire Pensions domain; only a few more days and you can officially relax, chill and hopefully enjoy your Festive celebrations with family and friends.

It has undoubtedly been a busy year..."

Read more from Malcolm Eastwood, chair of the Firefighters' Pensions (England) Scheme Advisory Board at [Appendix 1](#), with a summary of the year that has passed and a look the challenges ahead in 2019.

Court of Appeal transitional protections judgement

As you will be aware, yesterday the Court of Appeal handed down the judgment in the Firefighters transitional appeals case. The full judgment is available [here](#).

It is important to note that the case relates only to the transitional protection arrangements in the 2015 firefighters' pension scheme, and whether these are discriminatory. It does not address the introduction of that scheme itself by the primary legislation of the Public Service Pensions Act 2013.

The case itself has rested on two principles:

- Did government have a 'legitimate aim' in introducing the transitional protection as it did, noting a legitimate aim cannot be solely for financial reasons?

and

- Were the means to achieve this appropriate and reasonably necessary?

The earlier employment tribunal and the employment tribunal appeals had reached the answer 'yes' on this first question, however, the court of appeal has overturned the first two judgments, coming to the conclusion in paragraph 233 that 'the manner in which the transitional provisions have been implemented has given rise to unlawful direct age discrimination'.

The court found that, having introduced the protections, the Government should have justified the discriminatory impact but that it had failed to do so, and therefore justification on the grounds of legitimate aims must fail. As a result they dismissed any further deliberation over the question on proportionality of means.

The judgment remits it to the employment tribunal to consider remedy (as per the final sentence of paragraph 164) but, before that step Government can apply for permission to appeal to the Supreme Court, so we cannot speculate on what remedy might involve or what timeframe. **It is important to note that nothing has yet changed in law, and so there is no action for scheme managers or administrators to take with regards to the scheme.**

We understand that Fire and Rescue Authorities and pension administrators will be responding to many queries on this from Firefighters who may believe the judgment from the Court of Appeal automatically amends the scheme rules, and would suggest the following text in reply to such queries.

“Many thanks for your enquiry, we are aware that the Court of Appeal has handed down the judgment in the Firefighters transitional appeals case, finding that the transitional protections introduced with the new Pension scheme in 2015 were unlawfully discriminatory on grounds of age.

It is important to note that the case relates only to the transitional protection arrangements in the 2015 firefighters’ pension scheme, and whether these are discriminatory. It does not address the introduction of that scheme itself by the primary legislation of the Public Service Pensions Act 2013.

What happens next?

We realise that scheme members want to understand what this means for their pension, however, we cannot yet speculate on what remedy might involve. The judgment remits it to the employment tribunal to consider remedy, but before that step Government can apply for permission to appeal to the Supreme Court. So it will most likely be many months before we are able to understand what this means for pension scheme benefits.

In the immediate future, your pension benefits will remain calculated as under the current regulations.

We will endeavour to keep you informed as things progress.”

FPS 2016 valuation – update

On 7 December 2018, the Scheme Advisory Board (SAB) submitted their proposal to the Home Office for rectifying the breach to the cost cap floor by improving member benefits. As advised in previous bulletins, the draft results of the 2016 valuation show that the employer cost cap set at 16.8%¹ has fallen to 11.6%.

The Home Office are considering the proposal with input from HM Treasury and the Government Actuary’s Department (GAD) before a full response can be made to the SAB. If the proposed option is not accepted, the Home Office will provide an alternative option and there will be a period of three months if agreement cannot be reached, during which the Home Office will continue to engage with the SAB to attempt to agree a consensus position.

If a consensus position is not reached within that three month period, the default mechanism is to amend the accrual rate for FPS 2015. GAD has advised that the default accrual rate would be 1/51.2 in order to fully rectify the breach.

Our colleagues at the Home Office have looked into whether it would be possible to provide indicative scheme specific employer contribution rates from April 2018. GAD has advised that they can’t provide indicative rates and that FRAs will have to wait until the Scheme Valuations are finalised and the final scheme specific rates are published.

As such, the general indicative rate of 30.2% is the only information available at present which FRAs can use for budget planning purposes.

Board consultations and responses will be published [here](#) once they are available, and monthly updates will be provided in the bulletins. GAD’s [Public Service Pension Scheme December newsletter](#) also contains interesting information on the valuation and the SCAPE discount rate.

¹ [150A(1) <http://www.legislation.gov.uk/ukxi/2015/465/regulation/5/made>]

Amendments to Firefighter Pension Schemes (England) - Consultation

On 18 December 2018 the Home Office launched a consultation on changes to survivor benefits in the Firefighters' Pension Scheme 1992 and the Firefighters' Compensation Scheme 2006, plus a minor unrelated correction to the Firefighters' Pension Scheme 1992.

In the event of a member's death, the firefighters' pension schemes provide for the payment of certain benefits and awards to a member's spouse or partner ('survivors' benefits'), but as regards qualification for benefit, there are different regulations according to which particular pension scheme the member belonged.

A recent Supreme Court case relating to the entitlements of a pension scheme member's partner has led the Government to give fresh consideration to this matter for all public service pension schemes, including those for firefighters.

In addition, an unrelated minor amendment is required to ensure that one particular aspect of the 1992 Fire scheme works as originally intended.

This [consultation](#) seeks the views of interested parties on [draft legislation](#) to enact these changes. The consultation closes on 29 January 2019.

Revised Fire (England) factors

Further to the letter issued by the Home Office on 31 October regarding the [review of scheme factors](#) due to the change to the SCAPE discount rate, GAD has provided the following replacement factor tables for use with immediate effect from 6 December 2018.

[Appendix 2](#): Early and Late retirement.

Please note that there are different late retirement factors for mainstream pension and added pension.

[Appendix 3](#): CETV and Pensioner Cash Equivalent (for divorce purposes).

CETV and certain other calculations should have been suspended on 31 October 2018. Such calculations can now recommence using the new factors, including on any stockpiled cases. For all other types of calculation, including early retirement, FRAs should follow the usual practice of changing their methods of calculation from the time when new factors are circulated.

GAD has informed us that they will update the guidance and example calculations to reflect these revised factors at a later date. The updated tables and subsequent guidance will be made available at <http://fpsregs.org/index.php/gad-guidance> in due course.

ACTION: Pension Board Chairs and Scheme Managers, please ensure you liaise with your pension manager to ensure that the factors are applied with immediate effect.

FPS benchmarking exercise – update

The deadline for the administrator and employer (scheme manager) benchmarking surveys is fast approaching. If you have not yet had opportunity to do so, we would encourage you to ensure that a response has been submitted for your organisation. We are relying on the support of our stakeholders to collect as much data as possible to allow for meaningful analysis. We are happy to accept responses up to 14 January 2019.

The surveys were sent by email to our main contacts at administrators and FRAs. If you were expecting to receive a copy and have not, please contact claire.hey@local.gov.uk.

Aon have been commissioned to undertake the review by the Scheme Advisory Board (SAB), to help them establish a measure of the cost and effectiveness of administration and management within the schemes. An update from Aon can be viewed [here](#).

More information about the project is available on our dedicated [benchmarking webpage](#) and further updates will be provided in the bulletin each month.

SAB request for information

During the course of their activities throughout the year, SAB members have been made aware of concern at FRAs around opt out levels, and difficulties surrounding recruitment and retention of talented and experienced personnel due to potential tax consequences of breaching the annual allowance.

To date, the evidence received has been anecdotal. In order to support the Board in presenting a case to the Home Office on how schemes might be better managed to give choice and flexibility to pension members to stay in the scheme, more quantitative data is required.

The SAB needs your help in collecting this information. Please see the request for information at [Appendix 4](#). Completed forms should be submitted to bluelight.pensions@local.gov.uk by 31 January 2019.

December query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

Queries from earlier months have been grey-shaded to differentiate from new items added in November.

Website resource update – guides and sample documents

We are pleased to add the following documents that have been produced in collaboration with the Fire Communications Working Group to the [guides and sample documents](#) page of www.fpsregs.org:

Retirement from FPS 2015 - member factsheet
Opting out of FPS 1992 – notes
Opting out of FPS 2006 (standard member) – notes
Opting out of FPS 2006 (special member) – notes
Opting out of FPS 2015 – notes
Election to opt out (all schemes)

Other News and Updates

Pensions dashboards

The results of a feasibility study to explore the options for the delivery of online pensions dashboards were released in the form of a government [consultation](#) on 3 December 2018. The consultation is seeking views on how the government can best facilitate an industry-led delivery of a pensions dashboards. The consultation closes at 11pm on 28 January 2019.

The consultation proposals include the following:

- a non-commercial dashboard be hosted by the [Single Financial Guidance Body](#) (SFGB) together with multiple commercial dashboards hosted by different organisations, in order to improve consumer choice and enable them to use the dashboard that most suits their needs.
- the establishment of a delivery group, convened and stewarded by the SFGB, which would work towards the successful implementation of the technology that will allow pensions dashboards to operate.
- a single 'Pension Finder Service' (PFS) will act as a search engine to find pension schemes linked to an individual.
- state pension data will ultimately be part of the service.
- with the consent of the individual, pension schemes will be required in legislation to provide an individual's data via pensions dashboards.
- Public service pension schemes be given longer lead-in times to prepare their data prior to on-boarding. It is expected that the pensions industry will start to supply data to a dashboard, on a voluntary basis, from 2019, the majority of schemes will be on-boarded within 3 to 4 years from the first dashboards being available to the public.

New TPR Chief Executive

On 18 December, the Pensions Regulator (TPR) [announced](#) they have appointed Charles Counsell as their new Chief Executive. Charles Counsell is currently Chief Executive of the Money Advice Service and will join TPR at the start of April following the departure of Lesley Titcomb at the conclusion of her term as Chief Executive at the end of February.

TPO news

On 17 December, DWP [announced](#) that Anthony Arter has been re-appointed as the Pensions Ombudsman for a further two years until 31 July 2021.

On 19 December, the government published a [consultation](#) seeking views on proposals for a new function at TPO for the earlier resolution of disputes prior to a determination; allowing employers to make complaints or refer disputes to TPO on behalf of themselves and associated signposting provisions. The consultation closes at 11pm on 18 January 2019.

TPO have published the fifth edition of their stakeholder newsletter which is attached to this bulletin as [Appendix 5](#).

Earlier communications from TPO and a full history of determinations in relation to FPS can be found [here](#).

Indexation of public service pensions

On 4 December, HMT issued an updated [direction](#) under Section 59A of the Social Security Pensions Act 1975. The direction continues existing indexation provisions and, as a result of HMT's 2017 consultation on [GMP indexation and equalisation](#), extends the arrangements to some additional groups of pensioners.

Our colleagues on the Local Government Pension Committee Secretariat have confirmed that they will review the updated direction and issue guidance which may be adapted for use by the other PSPS in the new year.

HMRC

HMRC newsletters/bulletins

HMRC have published the following newsletters this month:

[Manage and Register Pension Schemes service newsletter](#) – 11 December 2018

[Relief at source pension schemes newsletter](#) – 5 December 2018

Contracting-out reconciliation update

The following bulletin, containing important guidance and information about the end of contracting out and the scheme reconciliation process, was published by HMRC in December.

[Countdown bulletin 40](#)

Updates include:

- Scheme Financial Reconciliation
- Contributions Equivalent Premium guidance
- Shared Workspace
- Clerical Scheme Reconciliation Service (SRS)
- SRS Stalemate Queries

Events

That was the year that was...

Throughout the year we have been privileged to travel the country, attending meetings and providing training to FRAs, LPBs, and administrators. We have held a number of national training seminars at the LGA offices in London, as well as pursuing joint opportunities with our colleagues in police.

Information about our national events can be found on our [Events](#) page.

The year in figures

14 Local Pension Board meetings/ training	1 administrator training
1 scheme manager training	1 software provider training
4 SAB and 8 SAB committee meetings	3 technical group meetings
3 communication group meetings	15 regional FPOGs
1 AGM	2 subject specific workshops
1 joint governance event	10 sector-wide events

The year in pictures



We look forward to offering an exciting and varied programme of events in 2019, and as ever, are happy to tailor bespoke sessions for local and regional groups. For information, please contact us as bluelight.pensions@local.gov.uk.

Legislation

SI	Reference Title
2018/1330	The Financial Guidance and Claims Act 2018 (Commencement No. 5) Regulations 2018

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)

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FPS Bulletin 16 – January 2019

Happy New Year! And welcome to issue 16 of the Firefighters' Pensions Schemes bulletin.

If you are looking for information on a certain topic, don't forget to visit the issue and content indexes which are available on the main bulletin page of the website and are updated following each new issue.

If you have any comments on the contents of this bulletin or suggested items for future issues, please contact [Claire Hey](#).

Contents

[Calendar of events](#)

[FPS](#)

- [Transitional protections - what is remedy?](#)
- [FPS 2016 valuation - HMT written ministerial statement](#)
- [Revised Fire \(England\) factors](#)
- [FPS benchmarking exercise - member survey launched](#)
- [SAB request for information - deadline extended](#)
- [Website resource update – ill health](#)
- [SAB cost-effectiveness committee vacancy](#)
- [Amendments to FPS \(England\) consultation response](#)
- [January query log](#)

[Other News and Updates](#)

- [SFGB goes live](#)
- [Pensions dashboards consultation response](#)
- [GAD PSPS newsletter](#)

[HMRC](#)

- [HMRC newsletters/bulletins](#)
- [Contracting-out reconciliation update](#)

[Training and Events](#)

- [Scheme manager training - new!](#)
- [2019 events](#)

[Legislation](#)

[Useful links](#)

[Contact details](#)

Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please contact [Claire Hey](#).

Administration & benchmarking committee	7 February 2019
Firefighter Pensions Technical Community	12 February 2019
North East regional FPOG	19 February 2019
LGA Leadership Essentials Fire & Rescue (Elected members)	26-27 February 2019
Eastern regional FPOG	27 February 2019
Midlands regional FPOG	1 March 2019
LGA annual fire conference and exhibition	12-13 March 2019
SAB	14 March 2019
South East regional FPOG	18 March 2019
Data seminar	3 April 2019
LPB effectiveness committee	18 April 2019
Joint Fire and Police governance event	15 May 2019
SAB	13 June 2019
Ill health and medical appeals seminar	19 June 2019
Pensionable pay workshop	18 July 2019
Firefighters' Pensions AGM	24-25 September 2019 (provisional)
SAB	10 October 2019
Pensions tax seminar	12 November 2019
SAB	12 December 2019

FPS

Transitional protections – what is remedy?

Further to the court of appeal judgment and our brief statement in [FPS Bulletin 15 - December 2018](#), we understand that there are still some questions with regards to the outcome of the judgment.

We understand that government have now appealed to the Supreme Court. If the Supreme Court reject the case for appeal then the next step is to remit to the employment tribunal for a decision on 'remedy'.

While recognising that we are unable to speculate on what the remedy might be, we thought it would be helpful to confirm what it is that needs to be remedied.

The transitional appeals case has centred on whether the [transitional provisions](#) of the 2015 scheme are lawful. There has been no challenge to the primary legislation, the [Public Services Pensions Act 2013 \[18\]](#), which restricts the continuing provision of the existing final salary schemes. Therefore it is only by the virtue of the transitional provisions in the 2015 scheme that some members have been protected and continue to have pension benefits calculated in the 1992 or 2006 scheme.

As the court of appeal have found the transitional protections are unlawful, the question of remedy centres on how the transitional provisions should be made lawful, and how taper protected and unprotected members who have been subject to those provisions from the date the legislation came into force (1 April 2015) and moved into the 2015 scheme would be compensated if required.

FPS 2016 valuation - HMT written ministerial statement

On 30 January 2019, HM Treasury issued a [written ministerial statement](#) with regards to the effect of the recent judgments on the McCloud and Sargeant cases on the valuation.

As a result of this announcement, the cost cap rectification process for the Firefighter Pension Scheme will be suspended, pending the outcome to the Government's appeal.

HM Treasury has also advised that the employer rate that Fire and Rescue Authorities pay towards firefighter pensions should be increased as of 1 April 2019. Following this announcement GAD are able to calculate the individual employer contribution rate for the four firefighter schemes which we will confirm these rates as soon as possible.

There will be no changes to firefighter pension schemes member's contribution rate or the accrual rate at this stage.

In light of the above, the Board's proposal to the Home Office on rectification of the cost cap breach will be suspended. Any consultation and response documents will be published [here](#) once they are available, and monthly updates will be provided in the bulletins.

Revised Fire (England) factors

Further to the letter issued by the Home Office on 31 October regarding the [review of scheme factors](#) due to the change to the SCAPE discount rate, GAD has provided the following replacement factor tables.

[Appendix 1: Added Years/Added Pension and CPD.](#)

These factors replace those currently in use with immediate effect from 11 January 2019.

We can confirm that there is no obligation to split the year; the new factors on CPD are now in force and should be used for all cases that arise going forwards. Note that the CPD factors (table x801) now commence from age 49, as this is the youngest age at which these factors might now be needed due to the structure of tapered protection. This is based this on the table in Part 4 of Schedule 2 of the FPS (England) Regulations 2014.

[Appendix 2: Tax charge debits.](#)

These factors replace those currently in use with immediate effect from 24 January 2019. This is still the case when calculating a scheme pays debit for a pensions tax charge incurred in the 2017/2018 year.

The spreadsheet contains the revised factors which are based on a SCAPE discount rate of 2.4% net of CPI increases. The spreadsheet provides replacement Tax charge debit factors for those currently included within GAD guidance notes.

The impact of the change in discount rate is generally that members using Scheme Pays to meet Annual Allowance or Lifetime Allowance tax charges will need to convert a lower amount of pension to pay a given charge.

[Appendix 3: Non-Club Transfer-In \("TV-in"\).](#)

The suspension of these cases from 31 October 2018 can now be lifted and these factors can be used with immediate effect, including on any stockpiled cases.

The spreadsheet contains the revised TV-in factors which are based on a SCAPE discount rate of 2.4% net of CPI and, where appropriate, a long-term earnings growth assumption of 4.2% pa. The spreadsheet provides replacement TV-in factors for those currently included within GAD's guidance notes for FPS 2015. For FPS 2006 GAD intend to discontinue the factors issued previously and proceed on a case by case basis going forwards.

The impact of the change in discount rate is generally that the TV-in factors are increased, therefore members transferring in will, all else being equal, receive a smaller service credit / pension credit in the receiving scheme.

For the tables above, GAD has adopted unisex factors (using 95% male members and 5% female members) in line with the current membership of the scheme. All of the tables in the spreadsheets are explained in the 'Factor List' tab.

We would be grateful if administrators could undertake some sample calculations using the new factors, which we can forward to GAD to ensure that they have been implemented in line with current guidance. Please send any examples to bluelight.pensions@local.gov.uk.

GAD has informed us that they will update the guidance and example calculations to reflect these revised factors at a later date. The updated tables and subsequent guidance will be made available at <http://fpsregs.org/index.php/gad-guidance> in due course.

ACTION: Pension Board Chairs and Scheme Managers, please ensure you liaise with your pension manager to ensure that the factors are applied with immediate effect.

FPS benchmarking exercise – member survey launched

As readers will be aware, Aon have been commissioned to undertake a benchmarking review of FPS administration in relation to cost and service provided. More information can be found on our dedicated [benchmarking review](#) webpage.

We were delighted to be able to launch the web-based member survey on 21 January and are even more delighted to report that we have already received well over 1,000 responses at the time of writing. The member survey will run until 28 February 2019.

The survey can be accessed at <http://bit.ly/FPS-Memb-Survey> and we are interested to hear from all member stakeholders, whether they be active, deferred, pensioners or dependents.

We are relying on your support to advertise the survey as widely as possible. However, our expectation is that employers and administrators will only contact members where it is efficient and cost-effective to do so. For example: by email, using social media for business such as Workplace or [LinkedIn](#) where available, and existing contact groups and networks for pensioners or other out of trade members. The Scheme Advisory Board do not wish any Authority to incur additional unnecessary expenses in printing or postage costs.

We have produced the attached poster ([Appendix 4](#)) to promote the survey at stations or any other Fire and Rescue Service premises and include some sample text below that can be used to issue the survey link to your members, where email addresses are held. The survey can also be completed via the benchmarking review webpage.

Suggested email text:

FPS administration benchmarking - member survey - action required

The Firefighters' Pensions (England) Scheme Advisory Board in partnership with Aon is undertaking a survey of the service you receive in relation to your pension. They are interested to hear your views on the frequency and quality of information you receive about your benefits. This data will be collected by Aon to feed into a report to benchmark the standard of service across the Firefighters' Pension Scheme in England.

Please complete the survey here: <http://bit.ly/FPS-Memb-Survey>

The survey will take around 5 minutes to complete and all responses are anonymous. The closing date is 28 February 2019.

SAB request for information – deadline extended

As detailed in [FPS Bulletin 15 – December 2018](#), SAB members have been made aware over the past year of increasing concern at FRAs around opt out levels, and difficulties surrounding recruitment and retention of talented and experienced personnel due to potential tax consequences of breaching the annual allowance.

In order to support the Board in presenting a case to the Home Office on how schemes might be better managed to give choice and flexibility to pension members to stay in the scheme, a request for quantitative information was made in December, to support the anecdotal evidence received.

Unfortunately, we have received a limited number of responses, and those that have been received do not support the supposed position. Therefore, we are extending the deadline for responses to 28 February 2019. The SAB would be grateful for your assistance in completing the request for information at [Appendix 5](#). Completed forms should be submitted to bluelight.pensions@local.gov.uk.

Website resource update – ill health

In [FPS Bulletin 14 – November 2018](#), we advertised our new [ill health and injury page](#) for practitioners, containing guidance and training materials along with forms for each scheme that were prepared in 2015 and circulated as drafts for authorities to use if they wished.

Authorities should note that a new version of FPS 1992 Medical Certificate B (deferred pension medical opinion) has been added to the site, incorporating a question to ascertain whether the deferred member is “permanently incapacitated by physical or mental infirmity from engaging in any regular full-time employment”, in order to determine eligibility for immediate payment of Pensions Increase if they are below the age of 55 when the deferred pension comes into payment.

FRAs should also bear in mind that [Rule B5\(4\)](#) was amended by SI 2005/2980 to state that a deferred pension could be paid before age 60 “*from any earlier date on which he becomes permanently disabled for engaging in firefighting or performing any other duties appropriate to his former role as a firefighter*”. Therefore, the member needs to be incapacitated from all the duties of his/her former role, not just firefighting, to be eligible for a deferred award on the grounds of ill health.

Note, that these forms have not been endorsed by the LGA or the Home Office. Authorities should satisfy themselves that the certificates meet all of their requirements and do not leave the opinion open to challenge.

If you require a log-in for the site, please contact bluelight.pensions@local.gov.uk.

SAB cost-effectiveness committee vacancy

We have a vacancy on the [SAB cost effectiveness committee](#) for an HR FRA representative. If you are interested in sitting on this committee, please email clair.alcock@local.gov.uk for further information.

Amendments to FPS (England) consultation response

In [FPS Bulletin 15 – December 2018](#), we reported that the Home Office had launched a [consultation on draft legislation](#) to make changes to survivor benefits in the Firefighters’ Pension Scheme 1992 and the Firefighters’ Compensation Scheme 2006, plus a minor unrelated correction to the Firefighters’ Pension Scheme 1992. The LGA response to that consultation can be found [here](#).

January query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log will be updated on a monthly basis in line with the bulletin release dates.

Queries from earlier months have been grey-shaded to differentiate from new items added in December.

Other News and Updates

SFGB goes live

After becoming a legal entity in October 2018, the government's Single Financial Guidance Body (SFGB) has now officially adopted its delivery functions.

For the first time, the SFGB consolidates the services offered by the Money Advice Service, TPAS, and Pension Wise. On its [official website](#), the SFGB sets out its five core functions, including pensions guidance, debt advice, and consumer protection.

The SFGB is funded by levies on both the financial services industry and pension schemes. The new body is sponsored by the Department for Work and Pensions, but will also engage with HM Treasury, which is responsible for policy on financial capability and debt advice. The body will also change its name in 2019 as it develops a new outreach strategy, which will include a new integrated service offer and enhanced partnership working with the wider industry, employers and key stakeholders.

Pensions dashboards consultation response

In [FPS Bulletin 15 – December 2018](#), we reported that the DWP had opened a [consultation](#) on pensions dashboards. The Scheme Advisory Board response can be found [here](#).

GAD PSPS newsletter

The Government Actuary's Department has issued the [January edition](#) of its Public Service Pension Schemes newsletter. This is intended to be an informal note to provide regular updates on what is happening within the PSPS area of GAD and to highlight some current hot topics that schemes and other department contacts might be interested in.

HMRC

HMRC newsletters/bulletins

HMRC have published pension schemes newsletter 106 containing important updates and guidance on pension schemes. The following issues are covered:-

[Pension schemes newsletter 106 – 30 January 2019](#): Pension flexibility statistics | Lifetime allowance for 2019 to 2020 | Reporting non-taxable death benefits | Changes to HMRC email addresses | Guaranteed Minimum Pension (GMP) | Relief at source – January 2019 notification of residency status reports | Relief at source – annual return of information declaration | Change of name for the Manage and Register Pension Schemes service | Master Trusts |

Also published this month:

[Relief at source pension schemes newsletter](#) – 17 January 2019

Contracting-out reconciliation update

The following bulletin, containing important guidance and information about the end of contracting out and the scheme reconciliation process, was published by HMRC in January.

[Countdown bulletin 41](#)

Updates include:

- Scheme financial reconciliation update
- Scheme financial reconciliation in scheme cessation
- Contributions Equivalent Premiums
- Resubmission responses

Training and Events

Scheme manager training – new!

New for 2019 is a refreshed training session for scheme managers and pension boards. The training is a five hour session that splits into three, allowing you to decide whether the attendees need to stay for the full five hours. However, as ever, we are happy to provide a bespoke version as you desire. The full programme is a two hour scheme manager training session in the morning, followed by an hour on understanding the results of the recent valuation and the changes that might be made to the scheme as a result, and the transitional protections case, finishing with a two hour pension board session.

The delegates for the scheme manager training should be those who are assigned the scheme manager role under [regulation 4](#), which is the “fire and rescue authority for an area in England determined in accordance with section 1 of the Fire and Rescue Services Act 2004”, those who have a formal delegation of scheme manager under [regulation 5](#), and the local pension board whose role under [regulation 4A](#) is to assist the scheme manager achieve compliance, i.e. ensuring that any delegation in place under regulation 5 is managed properly.

The training is intended to strengthen the relationship between the scheme manager and the pension board, and we have attached an example of both the [scheme manager training](#) delivered in October to South Yorkshire FRA, and the [report](#) that they produced following the training. The aim of these sessions is to give both boards and scheme managers confidence that the scheme is being managed well.

To complement the training package, we have prepared a short factsheet to give guidance on the role of scheme manager. The factsheet is available at [Appendix 6](#), and also can also be viewed on our [factsheets](#) page.

2019 events

We have put together a topical and varied programme of national events for 2019. Details of the dates can be found in the [calendar](#) section of the bulletin.

We will continue to offer bespoke in-house training throughout the year. Each board is entitled to a free annual training session under the statutory levy, which can be utilised on the scheme manager training package above.

For more information or to book a session, please contact us as at bluelight.pensions@local.gov.uk.

Legislation

SI **Reference Title**

[2019/29](#) The Finance Act 2004 (Standard Lifetime Allowance) Regulations 2019

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Pension Board Activity Log 2016/19

Date	Activity	Undertaken by	Action Completed
2016			
August 2016	Breach of Pension Regulations	Paul Gwynn	Urgent Pension Board
September 2016	Regional Pension Board Training (H&W)	Kal Shoker Andy Dennis	
October 2016	Attendance at Annual Pension Conference, London	Paul Gwynn Kal Shoker	Report to Pension Board 6 Feb 2017
25 October 2016	Extraordinary Meeting of the Pension Board re failure to issue Annual Benefit Statement in time	Pension Board	See Minutes of Audit Committee 14/11/16
14 November 2016	Report to Audit Committee on Breach of Regulations	Pension Board	See Minutes of Audit Committee 14/11/16
December 2016	The Pension Regulator – Publishing Scheme Information	Pension Board February 2017	
21 December 2016	Firefighters (England) Scheme Advisory Board Chairs Update The Pension Regulator - Public Service Governance Survey 2016	Circulated to all Members Completed by Adviser	

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2017

6 February 2017	Pension Board Meeting	Pension Board	
9 May 2017	Pension Board Meeting Review of progress towards production of Annual Benefit Statement to meet the deadline	Pension Board	
20 July 2017	Pension Board Meeting	Pension Board	
July/August 2017	Receipt of FPS Bulletin 1	Pension Board	
September 2017	Completion of The Pension Regulator Public Service Governance Survey	Kal Shoker/Paul Gwynn	
September/ October 2017	Receipt of FPS Bulletin 2	Pension Board	
9 October 2017	Attendance at Pensions Conference	Paul Gwynn	
November/ December 2017	Receipt of FPS Bulletin 3	Pension Board	

2018

January	Receipt of FPS Bulletin 4	Pension Board	
8 January	Attendance at Pension Tax Awareness Training	Cllr T Singh	Cllr Singh attended
January	Skills Audit	Pension Board	Forms completed
February	Publication of Survey of FRA Local Pension Boards 2017		
February	Receipt of FPS Bulletin 5	Pension Board	
March	Receipt of FPS Bulletin 6		
March	FP half-day seminar Meeting GDPR and TPR		
April	Receipt of FPS Bulletin 7		

May	Fire and Police Local Pension Board Governance with NPCC event – London review pre publication of the outputs from the TPR Governance and Administration Survey		
May	Receipt of FPS Bulletin 8		
May/June	Recruitment of Members of Pensions Board	PSS	Completed
June	FPS Annual Local Pension Board wrap-up Training Event	Wendy Browning Sampson	Completed
June 2018	Issue of FPS Bulletin 9		
April/May	Preparation of Annual Report		Not Prepared
16 July	Pension Board	Pension Board	Postponed
July	Issue of FPS Bulletin 10		
17/18 September	Annual Pensions Conference		
August	Issue of FPS Bulletin 11	Pensions Board	
September	HMT Announcement – FPS Valuation 2016		
27 September	Pension Board	Pension Board	
September	Issue of FPS Bulletin 12	Pensions Board	
October	Issue of FPS Bulletin 13	Pensions Board	
November	ABS Survey ?	Pensions Board	
November	TPR Governance and Administration Survey		
12 December	Pension Board Meeting		
	Completion of Skills Audit	Pensions Board	
	Training from LGA Pension Advisers	Pensions Board	
December	Issue of FPS Bulletin 14		
December	Issue of FPS Bulletin 15		

2019

January	Receipt of FPS Bulletin 16		

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Pension Board WORK PROGRAMME 2018/19

Date of Meeting	Item	Responsible Officer	Completed
	2018/19		
27 September 2018 – 1500	Minutes of the Pension Board held on 20 July 2017 Amended Terms of Reference as approved by the Audit Committee and Authority AGM 2018 Pension Section Supporting Information Scheme Advisory Board – Survey Results 2017 Bulletins 1 – 11 Public Service Governance and Administration Survey 2017 Annual Pensions Conference 2018 HM Treasury Announcement – FPS Valuation 2016 Risk Register Update Recruitment Process for New Members Employer Representative Request from the Appointment, Standards and Appeals Committee Update on Topical, Legal and Regulatory Issues Training Pensions Board Skills Audit Activity Log 2017/18 Pension Board Work Programme 2017/18	Democratic Officer Employer Rep. Pension Advisor Employer Rep Pension Board Employer Rep/ Pension Advisor Chair/Advisor Advisor Employer Rep. Chair/ Board Chair Pension Advisor Employer Rep. Pension Board Pension Board Democratic Officer	

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12 November 2018 - 1030	Audit and Risk Committee	Chair to Present Minutes of Pension Board	
19 November 2018	Deadline for receipt of Pensions Board Reports		
12 December 2018 - 1500 hours	Pensions Board Minutes of the Pension Board held on 27 September 2018 Pension Board Supporting Information Scheme Advisory Board Bulletin 13 The TPR Governance and Administration Survey 2018 Recruitment Process for New members Risk Register as at December 2018 Pensions Board Work Programme Pensions Board Activity Log 2016- 2018 Skills Grid Training – LGA Advisers		
14 January 2019 – 1230	Audit and Risk Committee	Chair to Present Minutes of Pension Board	
11 February 2019	Deadline for receipt of Pensions Board Reports		
4 March 2019 – 1400	Pensions Board Minutes of the Pension Board held on 4 December 2018 Consideration of Annual Report of Pension Board Attendance of Chair of SAB Risk Register Standing Items Scheme Advisory Board Bulletins 15 and 16		

	Pensions Board Work Programme Pensions Board Activity Log 2016- 2019 Deadline for Audit and Risk Committee		
25 March 2019 – 1030	Audit and Risk Committee		
13 May 2019 14 May 2019	Deadline for Audit and Risk Committee Reports Deadline for Pensions Board Reports		
3 June 2019	Audit and Risk Committee Presentation of Pension Board Annual Report 2019	Chair to Present Minutes of Pension Board of 4 March 2019	
June 2019 - 1400	(Date to be amended 4/5 June?) Pension Board Minutes of the Pension Board held on 4 March 2018 Pension Board Annual Report Standing Items		
1 July 2019	Deadline for Audit and Risk Committee		
22 July 2019	Audit and Risk Committee		
24/25 September 2019	Firefighters' Pension AGM	All to Note	

