



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Monday, 15 April 2024 at 11:00

**To be held at Fire Service HQ and digitally via
Microsoft Teams**

Distribution of Councillors	
<u>Birmingham</u>	D Barrie B Mahmood G Atwal S Spence
<u>Coventry</u>	C Miks G Lloyd
<u>Dudley</u>	I Kettle W Little
<u>Sandwell</u>	P Kaur R Jalil
<u>Solihull</u>	P Hogarth MBE
<u>Walsall</u>	V Waters S Cheema
<u>Wolverhampton</u>	G Brackenridge J Dehar
<u>Police & Crime Commissioner</u>	S Foster
<u>Representative - Assistant PCC</u>	Wasim Ali
<u>Co-opted Members</u>	Professor S Brake ABCA – Dave Brown
<u>Independent Member</u>	Mr M Ager
<u>Observers</u>	D Gough, Fire Officer's Association
	S Hitchins, Fire Brigades Union
	VACANT- UNISON

Please note: Meetings of the political groups will be held at 10.00 am.

Fire Authority

You are summoned to attend the meeting of Fire Authority to be held on
Monday, 15 April 2024 at 11:00

At Fire Service Headquarters, 99 Vauxhall Road, Nechells,

Birmingham B7 4HW

and digitally via Microsoft Teams

for the purpose of transacting the following business:

Agenda – Public Session

- 1 To receive apologies for absence (if any)
- 2 Declarations of interests
- 3 Chair's announcements
- 4 Chief's Announcements
- 5 Minutes of the Previous Fire and Rescue Authority held on 19 February 5 - 18
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- 7 Corporate Performance Indicators 2024-25 33 - 46
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- 10 Fire Authority Report - Metro Court 117 - 120
- 11 Proposal for revised CEO Terms and Conditions of employment (To Follow)
- 12 Date of next meeting

Agenda (not open to public and press)

Agenda prepared by Chandni Patel

Portfolio, West Midlands Fire Service

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This agenda and supporting documents are also available electronically on the [West Midlands Fire Service Committee Management Information System](#)

This meeting of the West Midlands Fire and Rescue Authority will be held at Fire Service Headquarters.

The meeting will also be held digitally via Microsoft Teams allowing observers to access remotely. To access the meeting, please contact a member of the Portfolio Team, West Midlands Fire Service, who will be able to provide login details (please note that Microsoft Teams is not required to join a meeting) or provide guidance if you wish to attend in person at HQ.

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Clerk Telephone:	0121 380 6678
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West Midlands Fire and Rescue Authority

Item 5

19 February 2024 at 1100 hours**Conducted as a public meeting at Headquarters
and digitally via Microsoft Teams**

Present: Councillor Brackenridge (Chair)

Councillor Miks (Vice-Chair)

Councillor Atwal, Councillor Barrie, Councillor Cheema,
Councillor Dehar, Councillor Hogarth, Councillor Jalil,
Councillor Kaur, Councillor Kettle, Councillor Little, Councillor
Lloyd, Councillor Mahmood, Professor Brake (Co-Opted
Member)

DCFO Jo Bowcock, ACFO Simon Barry, ACFO Richard
Stanton, Karen Gowreesunker (Clerk), Sofia Mahmood
(Section 151), Satinder Sahota (MO), Sasha Hitchens (Fire
Brigades' Union), Tom Embury (Democratic Services).

Online: Councillor Waters, Wasim Ali (APCC), Dave Brown (Co-
Opted Member)

Darran Gough (Fire Officers' Association)

01/24 To receive apologies for absence (if any)

Apologies received from Councillor Waters and Councillor
Spence.

02/24 Declarations of interests

Chair and Cllr Little declared non-pecuniary interests as
members of the Firefighters' Pension Scheme.

03/24 Chair's announcements

The Chair began by welcoming Cllr Cheema to the Fire
Authority.

The Chair then began his announcements with a minute's
silence in memory of Chief Fire Officer Wayne Brown.

The Chair confirmed it had been a difficult period for the service,
and thanked all those partners and colleagues who had offered
condolences and support to the service and to CFO Brown's

family. He also thanked officers who stepped in to ensure the wheels keep turning and emphasised that the public haven't seen any change to the important frontline service delivery.

The Chair delivered a personal tribute, emphasising that thoughts remain with CFO Brown's family, friends and loved ones. He highlighted CFO Brown's status as a role model and trailblazer, championing diversity and cultural change across the fire and rescue sector. CFO Brown put people at the heart of his leadership style and always sought to support others to be the best they could be. The Chair then invited Cllr Hogarth to speak on behalf of the Conservative Group.

Cllr Hogarth reflected on the shock of CFO Brown's passing and highlighted how impressed he had been when interviewing him for both roles. Cllr Hogarth praised CFO Brown as a gentleman and fantastic ambassador for the fire service.

The Chair thanked Cllr Hogarth for his thoughts and advised the authority that there had been thousands of messages of condolence which reflected CFO Brown's impact.

The Chair advised members that CFO Brown's funeral will take place on 1 March in London, and that there will also be a local venue which will live screen the event, as well as live streams to stations.

The Chair also confirmed that the process to appoint an interim CFO for a period of up to 12 months had begun. The Authority was being supported by an expert recruitment agency for this process, with the advert closing 24 February. The Appointments, Standards and Appeals Committee will meet in mid-to-late March to make an appointment.

04/24 Deputy Chief Fire Officer Announcements

DCFO Bowcock thanked members for their kind words, and reflected on the long-term impact that CFO Brown's passing would have on staff within the service.

DCFO Bowcock informed the Authority that she would be ending her period of secondment and returning to Oxfordshire FRS in due course. This process would only begin once the service

had stability the best possible candidate was in place to take the reins.

DCFO Bowcock reflected that it had not been an easy decision to make and emphasised that it had been an honour to work for the service and with the many excellent people within it.

The Chair was thanked for his support to both the DCFO and SET more widely through this difficult period.

The Authority were advised that steps had been taken by SET to provide support to ensure the wellbeing of our staff. Through the service's Occupational Health Team and Fire Fighters' Charity those impacted by CFO Brown's death have access to extensive health and wellbeing support. Members were reminded that they too had access to this support if they needed it.

DCFO Bowcock advised Authority of the business continuity arrangements that had been in place to ensure the service continues to deliver excellent services to the public and meet statutory duties. ACFO Simon Barry has led on business continuity matters, ACFO Rich Stanton has led on business as usual and DCFO Bowcock has been focused on the police and coroner's inquiries and staff wellbeing.

05/24 Minutes of the previous Fire and Rescue Authority held on 11 December 2023

Resolved:

1. That the minutes of the Fire Authority meeting held on 12 December 2022 be approved as a correct record.

06/24 Revenue Budget & Precept 2024-25

Sofia Mahmood, Head of Finance and Section 151 Officer, introduced the Revenue Budget and Precept Report 2024-25. This report outlines the budget, proposed precept and the medium-term financial plan for the service.

Funding

Authority were advised that total funding for the service for 2024-25 was £130.6 million, reflecting an increase of 4.7% on 2023-24, but below the September CPI measure of inflation, which stood at 6.7%.

An increase in precept of 2.99% has been proposed, the maximum within referendum limits. A 1% increase generates £540k per annum for the Authority, and precept currently accounts for around half of all service income.

Revenue

The service's net revenue budget for 2024-25 has been set at £133.3 million, which assumes use a £1.1m use of reserves and an in-year efficiency target of £1.9m.

Members were advised that Paragraph 5.4 of the report indicated how expected additional pressures would be funded, including an anticipated 3% pay award for 2024/25 and a ridership factor of 18.0.

Efficiencies

Authority was informed that efficiencies of £1.8m had already achieved in 2023/24, mostly as a result of the introduction of Risk Based Crewing.

The 2024-25 efficiency target of £1.9m will be achieved through zero-based budgeting - building budgets from nil, rather than rolling over from previous years - and a review of temporary and over-established posts. This work will start in early summer – with any proposals to go through the relevant governance framework. Members were asked to note that the £1.9m is a recurring efficiency target, so one-off savings identified will have to be found again in future years.

Capital funding

The Authority was advised that the service's four-year capital programme totals £27.3m. The 2024-25 capital programme will total £13m, which includes £4.8m slippage from 2023-24 – mainly due to the extended trial of BRVs, which delayed their

purchase. There are also three new schemes, described within paragraph 7.7 and Appendix D of the report.

Members were informed that the Authority does not receive specific capital funding, meaning that such funds must come from either the in-year revenue budget, reserves, borrowing or capital receipts. The 2024-25 capital programme will be funded by £5.1m in additional borrowing, £3.1m of the in-year revenue budget and the £4.8m of slippage from earmarked reserves.

Future year budgets do not include any new schemes, instead containing only ongoing vehicle and buildings replacement/maintenance and continuation of the command & control & CDC projects. These are funded through future in-year revenue budgets, capital receipts and additional borrowing.

Treasury Management

Members were also asked to approve the Treasury Management Strategy 2024-25 contained within in Appendix E. This includes approval of the Minimum Revenue Provision Policy and Prudential & Treasury Indicators.

Borrowing can only be undertaken to fund for capital spending and must be within the limits the Authority sets itself, to ensure any borrowing is sustainable and affordable. Members were reminded that some local authorities had have faced issues with unaffordable borrowing in recent months. Borrowing will only be undertaken if needed. The service will consider market conditions to determine whether long-term or short-term borrowing is most appropriate.

Members were advised of the Service Level Agreement in place with Sandwell Council to support the Authority's investments, which involves using cash balances to invest to create a return. The authority currently has balances of £35m generating an average investment return of 5%, against an average interest rate of 5.11% paid of £30m of borrowing.

Medium-Term financial plan

Authority were informed of the detail of the three-year medium term financial plan, which in addition to the 24/25 budget assumes a budget gap of £3.6m in 2025/26 and £4.4m in 2026/27.

In creating this plan officers have assumed pay uplifts of 2%, and inflationary pressures of between 0.7-1.5%. Predicting income has been more challenging, as recent funding settlements have typically been single year, and proposals to significant change the approach to local government funding, in particular through changes to business rate retention and the fair funding review, have been delayed.

Reserves

Forecast earmarked reserves at 31 March 2024 stand at £16.2m, which will reduced to £10.4m by 31 March 2025 due to capital expenditure and slippage. No further use of reserves is expected. £3.9m remains in general reserves, which are used to protect against unpredicted financial pressures.

Questions

Following queries about the service's intention to purchase cars for Flexi-Duty System officers as part of the capital budget, rather than lease them. Sofia assured members that leasing had been considered but purchasing the vehicles represented the best value for money. It was acknowledged that there was a higher up front capital cost in year one, but over the life of the vehicles this approach would be cheaper when factoring in resale value. Following further queries, it was also confirmed that all vehicles purchased would be the same make and model.

Members queried whether the 2% assumed pay increase in future years was too low and given persistent inflation whether a larger pay settlement should be assumed. The Chair confirmed he had asked that the finance team consider pay deals at 3.5 and 10% and agreed that staff deserved more than 2%. However, he reflected that most authorities had budgeted for a similar amount. Sofia confirmed that the service had to put forward an expected increase that is affordable and allows for the creation of a balanced budget. This recognises that staff

costs make up the vast majority of our budget, and with below inflation funding it is necessary to make these difficult assumptions.

Following queries around the assumed savings from Risk Based Crewing on Lates stations while they remained a “trial”, ACFO Simon Barry confirmed that it had been assumed that the Risk Based Crewing would be rolled out, but they remained in trial while the exact model is determined in consultation with staff and representative bodies.

Members raised queries regarding the “other” items included within earmarked reserves, whether there should be fewer separate earmarked reserves, Sofia confirmed that officers intended to review all existing earmarked reserves and that the preference would be to increase general reserves where possible. Earmarked reserves should be held for specific purposes, but only maintained if they were going to be used for their intended purpose in a timely manner.

Resolved:

1. That the Net Revenue Budget Requirement for 2024-25 be set at £133.634 million, which includes an efficiency target of £1.905 million and use of reserves of £1.100 million.
2. That the indicative Revenue Budgets be set at £136.103 million for 2025-26 and £140.617 million for 2026-27.
3. That General Reserves be set at a minimum of £3.862 million.
4. That the capital programme for 2024-25 to 2027-28 be set at £27.333 million, including an in-year borrowing requirement of £5.1 million.
5. That Council Tax precept for 2024-25 be increased by 2.99% to £75.20 for a Band D property.
6. That the Treasury Management Strategy Statement 2024-25 including the Minimum Revenue Provision Policy Statement and Prudential and Treasury Indicators.

07/24 Community Risk Management Plan – Content

DCFO Jo Bowcock introduced Community Risk Management Plan (CRMP) report. Members are being asked to approve this latest version of the CRMP for publication in April 2024.

Members were advised that the CRMP is fundamental to the purpose of the service, and that under the Fire and Rescue Service National Framework all services are required to have a CRMP covering a period of at least three years. Officers had also drawn on the CRMP Fire Standard Published in May 2021 when creating the document.

Authority was advised that it is also a requirement that any CRMP reflects effective consultation with the public. Members were reminded of the period of consultation which was undertaken in Summer 2023 which had informed the creation of the CRMP. This also lets us know what needs to be prioritised in terms of risk.

DCFO Bowcock outlined the changes from previous iterations, including the decision to bring the CRMP together into a single document. The report sets out how the service measures risks, responds to them, and aligns resources across prevention, protection, and response.

Members were advised that the version being considered for approval was “pre-design”, and that the final version will be more attractive, interactive, and easier to use. Also, as a result there are some missing links and infographics which are still being developed.

Resolved:

7. That the content of the Community Risk Management Plan (CRMP) be approved.

08/24 WMFS Strategy 2024-2027 Our Plan

DCFO Jo Bowcock introduced the WMFS Strategy 2024-2027 which is also for approval ahead of publication in April 2024.

Authority was advised that as the CRMP had been renewed, officers had taken the opportunity to refresh the approach to our

Strategy, previously known as “Our Plan”. The new document is more forward looking and will cover a discreet three-year period, rather than being a rolling three-year strategy which is renewed annually. The new document sets out the service’s vision, purpose and future direction.

In each of four areas the strategy sets out clear strategic goals, and then a range of new measures and performance indicators (PIs) to show whether these goals are being achieved.

Members were informed that some of the measures are carried over from existing PIs which have previously been reported on a six-monthly basis to the Authority. However, there are also new PIs and brought in others which are reported elsewhere (such as the budget) to create a “balanced scorecard” which more properly reflects the full range of what the service does.

Members were informed that targets for each goal will be brought to the Authority in April subject to approval.

The final document would also include links to a number of programme level workplans which will set out how the service intends to achieve its strategic goals.

Members were advised that, as with the CRMP, the document for approval was “pre-design”.

Resolved:

8. That the content WMFS Strategy for 2024-2027 be approved.
9. That Members note the new range of Key Performance Indicators included within the Strategy.

9/24 Statement of Assurance 2022-23

Karen Gowreesunker, Clerk to the Authority, outlined the content of the Statement of Assurance 2022-23 for approval by Members. Members were informed that the Statement of Assurance is a legal requirement, set out within the Fire Service Framework. The report focuses on finance, governance and other areas, and is also used to highlight areas for continuous improvement.

Members were informed that much of the information contained within the report is also published elsewhere but by creating a single document communities and partners can more effectively scrutinise service performance and governance.

Resolved:

10. That the Statement of Assurance 2022-23 be approved.

9/24 WMFRA Code of Corporate Governance

Karen Gowreesunker, Clerk to the Authority, set out the detail of. This document has been updated to ensure it properly reflects the authority's current structure and processes. The Code is based on the CIPFA and SOLACE Frameworks for good governance.

Members were advised that the new version is an update on the previously agreed version from 2018, and that most changes are largely administrative.

The Chair welcomed the update and stated his ongoing belief in the authority's ongoing commitment to high governance standards.

Resolved:

11. That the refreshed Code of Corporate Governance be noted.

10/24 Contract Award Report

Sofia Mahmood, Head of Finance and Section 151 Officer introduced the report which outlined contracts valued at over £250,000 which had previously been approved by the Authority.

Members were advised that the three contracts were;

- Cycle to work scheme – which will be funded by employee contributions through salary sacrifice at no cost to the Authority.
- Leading Excellence Training Programme – which is funded by Apprenticeship Levy at no cost to the Authority.

- Uniform Contract – has been awarded to Wm Sugdens at a value of around £1m over four years. New uniform is expected to be issued over next six months.

Resolved:

12. That the summary of the contracts in excess of £250,000 awarded since September 2023 be noted.

11/24 Proposed Sale of CDC

ACFO Simon Barry introduced the report which outlined the proposal to sell the Command Development Centre (CDC) situated in Smethwick and relocate its facilities elsewhere within the service estate.

Members were advised that as in recognition of ongoing budgetary pressures and a desire to deliver value for money, it was proposed to sell the under-utilised CDC building and move its facilities elsewhere.

In particular, this would include moving the command training element into HQ to better utilise available space and deliver on the ambition to create a training “centre for excellence” at HQ.

Sale of the site would realise a capital receipt and reduce the currently estimated £130,000 per year of running costs associated with the CDC site.

Members were advised that the expected capital cost of moving command training and transferring equipment storage was estimated at around £600,000.

ACFO Barry outlined the outstanding uncertainty regarding the cost of relocating the secondary fire control function. The secondary control function currently requires specific. However, with a change to the control system to one that is cloud based, these requirements may change in the near future.

Therefore, it is proposed that the move of CDC and storage facilities go ahead as soon as possible, with sale to take place later once the service has clarity over secondary fire control.

Following queries about the upfront cost of moving CDC and storage before the capital receipt can be realised, the Authority were assured that this will deliver on the desire to improve the offer from CDC at a “centre of excellence” but that the long-term impact will be to realise a saving. ACFO Barry explained that a most of the cost of Secondary Fire Control currently is associated with IT infrastructure – approximately £500k when it was last installed. However, a more modern cloud software solution will reduce the bulk of that cost.

Members were advised that secondary fire control could be located either on an existing fire station or elsewhere in headquarters.

Following further queries as to whether the service is working with partner organisations (such as other blue light services) to consider shared resilience facilities. ACFO Barry confirmed this had not yet taken place but would be considered in future.

Members queried why it was expected that the value of the site had reduced when most commercial rents were increasing. Simon Barry confirmed the service will ensure the best market value for the asset.

The Chair confirmed that members would receive further reports on this topic in future.

Resolved:

13. Note the rationale for the proposal to sell the Command Development Centre (CDC) site.
14. Note the anticipated capital receipt and ongoing revenue savings associated with the sale of the CDC.
15. Note the costs associated with movement of the Command Learning element of CDC - incorporated within the capital programme 2024-26
16. Approve the associated steps and future sale of CDC the timing of which will be dependent on the requirements for secondary Fire Control.

13/24 Exclusion of Public and Press

Resolved:

17. That it be agreed that the public and press be excluded from the rest of the meeting to avoid the possible disclosure of exempt information under Paragraph 3 of the Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Meeting adjourned 12.17.

Private Agenda

Meeting reconvened 12.52.

Cllr Kaur gave her apologies from 12.17.

13/24 Planned Procurement Exercise for 2024-25

Sofia Mahmood, Head of Finance and Section 151, outlined the range of funded procurement exercises for 2024-25.

Resolved:

18. That the outlined tender exercises for the provision of various works, goods and services to West Midlands Fire and Rescue Authority during 2024/25 be approved.

14/24 Personnel Matters

The Monitoring Officer introduced an exempt, legally privileged report that dealt with personnel matters concerning the former CFO, Wayne Brown.

Resolved:

19. That the content of the Monitoring Officer's report be noted.

Meeting ended 13:27.

<p>Tom Embury</p> <p>Governance and Performance</p> <p>Tom.embury@wmfs.net</p>
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WEST MIDLANDS FIRE AND RESCUE AUTHORITY**15 APRIL 2024****1. PORTFOLIO MANAGEMENT (3PT)**

Report of the Head of Portfolio

RECOMMENDED

- 1.1 THAT the contents of the report be noted.

2. PURPOSE OF REPORT

- 2.1 This report provides a summary of the progression of the delivery of Portfolio Management towards delivering 'Our Plan'. The updates provided are based on the continual assessment of investment and business benefits of projects being delivered through the three Programmes of Community Risk Reduction, Enabling Services and People.

3. BACKGROUND

- 3.1 To inform Members of the approach taken under Portfolio Management and the resulting outcomes of the workstreams within current Programmes and Projects which support the Service to deliver continuous improvement and transformation.
- 3.2 This report will lead into the subsequent Fire Authority reports that support the delivery of the Strategy in one or more of the Programmes.

4. DELIVERABLES

- 4.1 The Programme Executives (Brigade Managers) are accountable to the Portfolio Executive (Chief Executive Officer (CEO) through their programme objectives to deliver the Strategy of the WMFS. The Portfolio is led by the CEO to enable the delivery of the Authority's Strategic priorities aligned to Community Risk Management Plan (CRMP) objectives.

- 4.2 The Portfolio is ultimately accountable for the Programmes and will provide assurance that the aims and objectives are being achieved. The Programmes are accountable for Projects.
- 4.3 The recent Programme achievements are detailed below and supported through the Programme deliverables.

5. **PEOPLE PROGRAMME HIGHLIGHTS-**

5.1 Trainee Firefighter Development Programme

The newly improved 12-week Trainee Firefighter Development Programme (TFDP) has now completed two courses since its commencement in mid-2023. The TFDP is monitored and evaluated across both trainers and trainees as the course progresses to support learning and further improvement. This has enabled a change across some modules to support increased time where modules are more complex, more interactive approaches to some development sessions and depending on needs, specific support for individuals who are neurodivergent.

5.2 Distributed Training Model (DTM) Review

A review of our DTM commenced in September 2023 and has recently been concluded with 'areas of consideration' for improvement. A multi-disciplined team engaged widely across both operational staff, as well as our training team, Station Based Assessor and Subject Matter Experts to gain a comprehensive understanding of both risks and opportunities that exist with the current DTM. The areas of consideration are now being considered alongside the outcomes of the recent scrutiny review of training to create a plan for improvement. This will align to the principles of the DTM and will engage both trainers and staff in any new ways of working.

5.3 Incident Command Assessment

The Service trains and assesses incident commanders internally through our Command Development Centre. A review of Incident Command was commissioned and undertaken in 2023. A number of recommendations were made to strengthen our approach to Incident Command.

One of the recommendations has been to ensure all incident command assessments are accredited through a recognised framework. This provides individuals with investment in their professional development with a recognised qualification and supports assurance and mitigation of risk for the Service.

This will initially be achieved through some incident commanders receiving accreditation through external providers. However, staff within our Command Development Centre (CDC) will be developed over a 12–18-month period as accredited assessors for incident command. This will enable our CDC to become an accredited centre for incident command assessments and generates the opportunity for income generation in future years.

5.4 Top 50 Inclusive Employers

In December 2023 WMFS was awarded number one Inclusive UK company. We have achieved a top ten ranking for several years, but this is the first time any organisation has been awarded number one for two years in a row. The award has enabled us to support several organisations in the top 50 to share good practice, including other FRS, Crown Commercial services and Private. These organisations have sought information around Brave Space and our progress around neurodiversity.

5.5 Stakeholder Groups

Our stakeholder groups continue to work actively across the organisation supporting the development of our people and the improvement of organisational processes. Both recruitment and promotion processes have improved with the contributions of our groups and particularly in recent months the Neurodiversity Group has supported the development of the trainee firefighter development programme, recruitment and promotion processes, enabling a focus on reasonable adjustments for neurodivergent applicants.

5.6 All Hands to the Pump – Understanding our Culture.

The Service is at the early stages of commencing research in partnership with Birmingham University. Working with Professor Sophie King-Hill this research will seek to understand more about how WMFS can be an inclusive environment in which all staff can thrive.

A group of staff representative of the Service attended a workshop held at Birmingham University in October to help define the area of research to ensure that this is closely aligned to our needs as a fire service.

5.7 Occupational Health Services

Occupational Health services provided to our staff offer a range of interventions focusing on both mental and physical health, supporting individuals getting back to work in a safe and healthy way; wellbeing being a priority for the Service.

Occupational Health services provide significant support to staff at all levels daily and through some significant events throughout the last 12 months.

Our approach to Occupational Health services is currently being reviewed with an objective of understanding how we can provide more prevention-focused interventions that enable our staff to remain at work. This involves looking at prevention from a wider perspective and will consider mechanisms sitting outside of the Occupational Health function and importantly the role of line managers.

5.8 Thematic Inspection Update

The Home Secretary commissioned His Majesty's Inspectorate of Fire and Rescue Services (HMICFRS) to undertake a thematic inspection of the handling of misconduct in fire and rescue services in England. WMFS took part in this inspection and HMICFRS were welcomed into the service between 4th and 22nd December 2023.

This inspection involved document, data and case file reviews, focus group discussions with employees across the Service, and interviews with Director and Heads of service. In addition, a survey was sent to all employees. Feedback during the "hot debrief" provided to the CFO indicated that WMFS had the highest employee return rate across all the ten Fire and Rescue Services reviewed.

The debrief, which took place in January 2024, provided positive feedback into the way that WMFS handles misconduct matters. A report will be produced on the collective findings from all ten sample services

in June 2024.

5.9 Policy Update

The Service continues to make excellent progress on development of people policies, ensuring that they remain legislatively compliant, inclusive and progressive.

Over the last quarter, we have launched updated dignity at work, grievance and family leave policies.

Work is currently underway of developing a “Representing WMFS” – an all-encompassing code of conduct which will cover several areas from uniform and appearance to professional boundaries and use of social media.

5.10 Pay & Grading Update

Work continues on our pay and grading review for non-operational (green book) pay and grading structures. We are currently in phase one of this review, which seeks to understand and evaluate our current practices. This phase will conclude with a report from an external provider on recommendations for improvement.

5.11 UKG

WMFS will shortly be replacing SMART (the current time and attendance system) with UKG. Good progress is being made to implement the new system with effect from 30 June 2024.

Confidence amongst employees is high and there is a detailed training plan to ensure that implementation is a positive experience. More information will be provided on development and launch in future reports.

5.12 Pensions Update

The pensions team are in a period of significant change; with a change of payroll and pension manager, leavers within the team and implementation of legislative updates. These elements are meaning that employee and/or pensioner experience is not where we want it to

be.

However, a clear mitigation plan has been put in place so that the scheme manager is able to track and report on progress to the Pension Board. The next 12 months will be a challenging period for WMFS and for the sector in terms of implementation of pension changes, and therefore regular updates will be provided to the Fire Authority moving forward.

5.13 RACE Code Assessment

RSM Consulting completed a RACE Equality Code Assessment and subsequently produced a report issued to WMFS in October 2023. The RACE Equality Code (REC) provides best practice guidance that helps organisations to understand not only what is required of them by their sector, regulator and/or their stakeholders but also how to apply what is required.

The organisation demonstrated compliance with the Code by:

- (a) outlining how it will apply the main principles,
- (b) complying with the provisions on a comply or explain basis and
- (c) providing explanations of how they will achieve any of the Must provisions that were assessed as partial compliance.

The Assessment had four key stages:

- Pre-assessment Process;
- Governance Assessment;
- Self-Assessment and
- Inclusion Support Questionnaire.

WMFS completed all the required stages of the assessment and demonstrated that we will need to address 12 areas to achieve the required level of compliance as identified in the RACE Action Plan (RAP). However, the completion of the assessment processes provided confidence that WMFS are applying the principles of the RACE Equality Code.

6. **COMMUNITY REDUCTION RISK PROGRAMME (CRR)- HIGHLIGHTS**

Fire Control

In Fire Control three new entrants have started on their Fire Control training course and have joined the current TFDP course. Fire Control are now using an innovative artificial intelligence training tool for call handling to support development of Trainee Firefighter (Control) during their new entrants training course.

Response

New BA sets have been received from MSA and delivered to stations. Training is well underway with the new sets going live on 29 April 2024 over a 4-day period.

National Water Deployments

Derbyshire, October 2023 - WMFS deployed a Type B Boat Team consisting of six personnel along with a Welfare Officer to assist with wide scale floodings following a request for assistance in Derbyshire from the 20 - 22 October 2023. The role of the team was to assist with evacuation of those who required it and to reassure and support the affected communities.

Nottingham, January 2024 - A further request for national assistance was received on Saturday 6 January 2024, and once again a Type B Boat Team consisting of six personnel, along with a Welfare Officer, were deployed for the weekend to assist with wide scale floodings.

International Deployments

Morocco, September 2023 - Following a devastating 6.8 magnitude earthquake and subsequent loss of life in Morocco on 8 September 2023, members of West Midlands Fire Service deployed to Morocco as part of the United Kingdom International Search and Rescue (UKISAR) team response. The deployment, sanctioned by the Foreign, Commonwealth and Development Office (FCDO) was accepted on 10 September 2023 for a medium-sized deployment of 60 personnel, 7 of which were WMFS colleagues.

Malawi Capacity Building, February 2024 – Following the international deployment in March 2023, a member of our International Search and Rescue Team has returned to Malawi as part of a Capacity Building Project. Supported by the Foreign Commonwealth and Development Office and the World Food Programme, it is aimed at training operational teams in water rescue and boat operations, with a further element aimed at education of strategic decision makers from regional and district coordination teams.

Prevention

During the later part of 2023, a review of the Prevention Team based at HQ was completed followed by a subsequent process of re-structure.

Previously the team was structured on a thematic basis around the area of work i.e. Road Safety, Children and Young People, Education, Partnerships etc.

The proposal was to restructure the team based on the functions they perform in terms of three main areas:

1. **Development & Improvement Team** - focus on improving the services we provide.
2. **Support Team** – Support for areas to deliver prevention activity.
3. **Delivery Team** – Delivery of prevention activity directly to the community.

The new structure and way of working will provide:

- Clearer roles and priorities for teams in prevention.
- Improved focus on providing support for Operations Teams to deliver prevention activities.
- Clear communication links between all functions within Prevention and with Operations.
- Flexible to the changing demands in Operations.
- Named Prevention Team contacts for stations.
- Effective triage/monitoring tool for low-risk Prevention Team activities.
- Flexible to changing risks in the community.
- Use of data to support the shape the future development of services and packages.
- Utilise digital technology to support prevention.

The new structure is being implemented currently with staff moving into new teams and some people into new roles.

The second phase of the review is currently underway, looking at the delivery models of the following Prevention Specialist services

- **Complex Needs Officer (CNO)** – work with adults whose multiple and complex needs mean they have the highest risk and vulnerability to fire.
- **Deaf Team** – provide Safe & Well delivery for those who require BSL interpretation for communication of home fire safety advice and guidance.
- **SEND Educators** – safety education in educational establishments for those with special educational needs and disability.
- **Fire Safety Tutors (FST)** – deliver education and support for children and young people who have unsafe and unhealthy behaviours with fire (fire setting).
- **Key Stage 3 & 4 Educators** – delivery of ‘Your Choice’ Road Safety and Arson prevention education to children in these year groups .

The consultation for the second phase is due to be completed in March 2024 and will be implemented following approval.

Protection

Understanding and mitigating the risk of fires in tall buildings.

Following the publication of the Grenfell Tower Fire Inquiry recommendations, fire services are required to improve their provision for reducing the likelihood and impact of fires in high rise buildings through more effective regulation and enforcement of fire safety legislation. The Protection team continue to work with partners such as local authorities and residents to ensure that existing tall buildings are maintained and protected to the highest standards of safety. WMFS now provides regional leadership to the new Building Safety Regulator (via the Health & Safety Executive) for the planning and certification of new high-rise buildings, hospitals and care homes.

Refresh of the Risk Based Inspection Programme (RBIP).

The RBIP contains a suite of risk intelligence which allows WMFS to target its fire safety activities at the highest risk properties. This intelligence includes data from a range of sources including historic incidents, and data from partners such as OFSTED and the CQC.

Data which informs the RBIP is currently undergoing a full revision, to include the most up to date and in-depth risk information available. This allows us to be assured that our regulatory activity is effectively targeted; those properties deemed to be highest risk will receive more frequent and more probing interventions from fire safety inspectors. This updated information will then be fed into our newly developed electronic systems and will be available in real time to our inspectors.

Operations

The Strategic Enabling Team have agreed an approach to improve the shortage of drivers currently experienced within Operations. This has involved increasing the capacity over the next 12 months within driver training to ensure an uplift in initial LGV and Emergency Response Driving courses throughout 2024-2025. Enabling this has seen work across programmes that has freed up driver training capacity with no additional costs to the Service, with improvements in the driver establishment expected over the next 12 months.

The last HMICFRS inspection highlighted an Area for Improvement (AFI) being how the Service utilises its estates with respect to collaboration with partners around the sharing of building assets. Since these findings, the Service has developed a service position as part of the Asset Management Plan, clearly linking our approach to the sharing of estates with partners to the Community Risk Management Plan and our statutory duties. Wrapped around this is a more structured approach to cost recovery allowing for consistency in approach across our building assets with multiple partners. Currently, the Service is engaged with blue light partners around the use of a number of our fire stations, with discussions ongoing.

7. **ENABLING SERVICES PROGRAMME – HIGHLIGHTS**

7.1 Digital; Data and Technology

Cyber Security

Our focus on cyber has resulted in several legacy systems continuing to be decommissioned improving our cyber posture. We continue to mature our cyber security understanding, working with suppliers and industry leaders to create a plan to invest to resolve areas for improvement highlighted by audit and the cyber assessment framework.

Corporate Gazetteer

We have continued to focus on data quality and have awarded a contract to software providers to improve our position on addressing data. This will improve the efficiency of our targeted activities and improve firefighter safety through improved data quality and pooling of all information we hold about addressable entities.

Recruitment & Retention

We have concluded a significant recruitment campaign and filled all vacant posts, reaching a position of stability within the digital and data teams. As these new roles bed in, our risks have reduced and our capacity to deliver against our needs has been restored.

7.2 Communications

Annual Carol Concert

The Service held the annual Carol Concert at St Martins in the Bullring on 10 December 2023. The service was extremely well attended and, as per normal, the Education Impact Academy Trust consisting of Wilson Stuart, Queensbury, Mayfield Schools and The Hive College stole the show with their enthusiasm and outfits for their Nativity Play. We look forward to another rousing performance this year.

Long Service and Good Conduct Medals

After a break from Long Service and Good Conduct due to the passing of Her Late Majesty, the Service is now in receipt of His Majesty's new medals, and as such we now look forward to recognising members of staff who have completed 20 years of service.

CFO Wayne Brown Funeral

Organising funerals for Service personnel is something that we all want to get right for the family and as a fitting way to say 'thank you' to the individual. The funeral for CFO Wayne Brown on 1 March 2024 was particularly challenging due to being based in London and working and liaising with many partners such as London Fire Brigade. That said, the sun shone (for the first time in ages), Southwark Cathedral was full to capacity with members of Wayne's family, friends and of course the Fire Service family, and the streets were lined with more than 300 firefighters from around the country.

Whilst clearly a very sad occasion, the day was masterfully organised making it a great send off. Thank you to all who attended, either in London or at St Martin in the Bullring.

7.3 Finance & Procurement

7.3.1 Budget Setting

The 2024-25 budget was approved at Fire Authority on 19 February 2024. The net budget requirement is £133.6 million, which includes a use of reserves of £1.1 million and an efficiency target of £1.9 million. This will be achieved through zero-based budgeting and a review of temporary and over-established posts.

Total funding due is £130.6 million which includes a 2.99% increase in the Council Tax precept, bringing the B and D equivalent charge to £75.20, an annual increase of £2.18 per household.

The 4-year capital programme was also approved totalling £27.3 million.

7.3.2 Securing Social Value in new Contracts

There is a need to consider social value when tendering and awarding service contracts. The Authority has successfully awarded several new contracts which include an element of social value. This has included:

- Cleaning consumables contract: Donate £1,000 to cover membership of Inclusive Employers, an offer to share learning at stakeholder groups and to supply t-shirts for community events.
- Uniform contract: Offer to sponsor a neurodiversity event and share their experiences, to supply printed t-shirts and epaulettes for events and support a community event with 5 days of their employees' time.

9. **EQUALITY IMPACT ASSESSMENT**

- 9.1 In preparing this report an initial Equality Impact Assessment is not required and has not been carried out because the matters contained in this report will not lead to a policy change.
- 9.2 Areas of policy changes that are identified in Project(s) are subject to an Equality Impact Assessment.

10. **LEGAL IMPLICATIONS**

- 10.1 The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

11. **FINANCIAL IMPLICATIONS**

- 11.1 There are no direct financial implications arising from this report.

12. **ENVIRONMENTAL IMPLICATIONS**

- 12.1 There are no environmental implications arising from this report.

BACKGROUND PAPERS

12301233 FRA Portfolio Management (3PT) - Feb 23.docx

1076238 FRA Portfolio Management (3PT) - June 23 (1).docx

22209231 Q2 - FRA Portfolio Management (3PT).docx

The contact name for this report is Marc Hudson, Head of Portfolio, contact number 07973 810139.

MARC HUDSON
HEAD OF PORTFOLIO

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 7

15 APRIL 2024**1. CORPORATE PERFORMANCE INDICATORS 2024/25**

Report of the Head of Portfolio

RECOMMENDED

THAT Authority Members approve the Corporate Performance Indicators (PIs) and targets for 2024/25 as set out in Appendix 1.

2. PURPOSE OF REPORT

This report is submitted to seek approval for the corporate PIs and targets for 2024/25 and to provide information to Authority Members regarding the rationale that formulates the revised targets.

3. BACKGROUND

- 3.1 In accordance with its planning framework, the Service has reviewed the West Midlands Fire Service (WMFS) Strategy 2024-2027: Our Plan to Make the West Midlands Safer, Stronger, and Healthier. This was submitted to and approved by Members at the meeting of the full Fire Authority held on 19 February 2024.
- 3.2 The Strategy sets out the WMFS vision, mission statement and strategic commitments to help the public understand the Service's purpose and future direction. As part of this approach, the Fire Authority agreed to a new and wider range of corporate performance indicators aligned to the new strategic goals for the organisation.
- 3.3 Following approval of the strategic goals, objectives and priorities set out in the Strategy, key stakeholders have:
- Confirmed the Corporate Performance Indicators and targets for 2024/25 including the identification of further areas to report to enable a more comprehensive set of measures better reflecting the full range of service activity.

- Reviewed the internal strategies and approaches and external influences that will shape the 2024/25 performance and drive the target setting.
- Considered past performance results and forecasting based on the three-year average (where available), as well as anticipated service improvement and risk information.
- The use of a more flexible approach to the setting of tolerance levels within performance indicators, particularly for those targets which are aspirational in nature, enabling realistic and achievable target setting whilst reflecting the Service's commitment to continuous improvement.

- 3.4 In accordance with the Service's commitment to enabling governance through effective engagement and transparency, targets were developed in conjunction with members of the Senior Leadership Team and their teams.
- 3.5 The addition of a meeting of the full Fire Authority in April has enabled the timelier reporting and approval of targets. However, it should be noted that the target setting process continues to be undertaken during the fourth quarter of each year. Consideration of targets is largely based upon forecasts as year-end figures and data are still collated, and final end of year data quality and analysis exercises remain to be undertaken. Although the level of confidence in the use of forecasts remains high, there does remain the potential for a target to be amended in due course.
- 3.6 There are a number of new performance indicators where forecasts are either not currently possible, or the measures are still being developed. In all cases, both the Senior Leadership Team and the Fire Authority will be updated regarding developments and any potential changes where applicable, through existing regular performance reporting.
- 3.7 In addition to the KPIs, targets have continued to be set for a number of existing Performance Indicators which will remain due to the nature of these PIs; that they are easily understood by our communities, partners, staff and Fire Authority Members, and are common measures used by many Services across the sector and are already collated and reported under the Incident Recording System. These measures also continue to be actively monitored by our staff.

- 3.8 These performance indicators will not be regularly reported to the Senior Leadership Team via Strategic Performance Review Board, or to Fire Authority, unless significant variances in performance are observed. Some performance indicators will continue to be included within the regular performance updates of the Section 41 Member Reports.
- 3.9 All performance indicators will continue to be accessible internally via the current Organisational Performance App and through a new public Performance Dashboard available via wmfs.net. At the time of writing, this dashboard is currently being developed with an anticipated launch during early quarter 1 2024/25. The dashboard will include the full suite of corporate performance indicators. This dashboard will be demonstrated to Members in due course and will be available for them to support the profile and reporting of the performance of the Service.
- 3.10 The Chief Executive Officer will further review the Corporate Performance Indicators and wider target setting process once he has had sufficient time in role to consider them properly. Fire Authority will be updated as appropriate once this takes place.

4. **CORPORATE PERFORMANCE INDICATORS 2024/25**

- 4.1 The suite of corporate performance indicators has been revised as a result of the development and review of the Strategy, as reported at the February 2024 meeting of the full Fire Authority. This has resulted in the introduction of a number of new key performance indicators for 24/25 as well as some changes to existing ones. These changes are outlined throughout this section and section 5 in more detail. It should be noted that work to develop the suite of performance indicators has continued since the approval of the Strategy and therefore, there are slight changes to some indicators, to further support effective performance reporting.
- 4.2 The measures are wider ranging than the previous set of corporate performance indicators reported to Fire Authority, with the revised approach adopting that of a balanced scorecard, one intended to provide a more holistic view of strategic performance across the Service. The balanced scorecard approach comprises four quadrants of performance, largely aligned to the Programmes and 3PT framework:

- 'Community Risk Reduction',
- 'People',
- 'Enabling Services',
- and 'Value'.

- 4.3 It should be noted that although ownership of any performance indicator may sit within a particular Programme, ownership of performance is shared across all Programmes.
- 4.4 The effectiveness of the corporate performance indicators will continue to be monitored and developed throughout the coming months, as the new approach and revised suite of measures is embedded across the Service.

5. **SETTING PERFORMANCE INDICATOR TARGETS 2024/25**

- 5.1 Having been introduced in 2017/18, graduated tolerances assist when the numbers are small at the beginning of the year. A larger tolerance is allowed in quarter 1 which decreases as the year progresses through to quarter 4. This supports the interpretation of performance indicators that could mislead by being rated as over/under performance when the figures are only marginally above or below target, and graduated tolerances continue to be used wherever applicable.
- 5.2 At the time of writing, some of the new measures are continuing to be developed with work ongoing as to the sourcing of data and undertaking analysis. Targets will be set in a timely manner to support effective monitoring of performance in the coming year.
- 5.3 Members will be familiar with the performance indicators previously being numbered. Numbers have not yet been assigned, with consideration to be given on to how to easily reference them, following approval of the performance indicators and targets.
- 5.4 The corporate performance indicators and targets are set out tabular form in Appendix 1 for ease of reference. The following section provides an overview of the key performance indicators for each area.

5.5 Community Risk Reduction

5.5.1 **The Number of Accidental Fires in Non-Domestic Premises:**

after an initial return to pre-pandemic levels, accidental non-domestic fires reduced last year and are set to reduce again this year, with the end of year forecast at 345 incidents, 4.2% below target and representing a 5.2% reduction on last year. The proposed target of 351 represents a 5% decrease against the three-year average, with the data suggesting this is achievable and but suitably stretching. Core protection mechanisms are in place which influence and improve outcomes, with Fire Safety Advisor and Business Support Vehicle education initiatives also making a tangible positive difference. However, at some point, the continuing downward trend will plateau and will need to be revisited.

5.5.2 **The Number of False Alarm Calls due to Fire-Alarm**

Equipment in Dwellings: in the last ten years this performance indicator has nearly always continued to increase due to the increase of alarm systems in properties. 2023/24 is no different, with the forecast figure of 5719 to 5799 incidents, wither of which would be the highest recorded. The proposed target of 0% change against the three-year average is actually lower than the number of incidents recorded last year and forecast this year. The target sets a 7.7% improvement on the performance from last year.

5.5.3 **The Number of False Alarm Calls due to Fire-Alarm**

Equipment in Non-Domestic Premises: forecasts indicate and end the year figure of 1470 incidents, the highest number recorded since 2016/17. This would equate to 21% above target and a 10.9% increase on last year. The proposed 0% change against the three-year average represents a 10% reduction on the 2023/24. Whilst a number of improvement measures are in place, this will be a challenging target to achieve in 2024/25. To reflect this, tolerances will be built into quarterly performance reporting, with monthly audits carried out by the Protection Management Team to assure positive direction of travel.

- 5.5.4 **The Number of Deliberate Fires in Derelict Buildings:** the end of year forecast of 185 incidents is 60.9% above target and 37% above the number of incidents recorded last year. The three-year average includes 2020/21, the first Covid year, when incidents were very low, so the 0% change target was challenging to begin with. It should be noted that following a poor start to 2023/24, positive impacts upon this indicator have been observed during quarters two and three as a result of initiatives to tackle the problems of derelict sites. If this momentum is maintained, the proposed -5% change target of 140 incidents may be achievable and could reverse the upward trend observed since 2020/21.
- 5.5.5 **The Number of Safe and Well Points Achieved by the Service:** Safe and Well Points are a measure that the Service uses to determine the relative risk of a home. The higher the point score, the more risk factors that are present and therefore the higher the risk. It is proposed that there is no change to the existing target of 260,000 points. However, this is currently a provisional target, one which will be reviewed pending the outcome of a trial which is underway that will provide evidence of the validity of this PI target. Any proposed revision will be set before the end of quarter one.
- 5.5.6 **The Average Point Score for Safe and Wells:** it is proposed that there is no change to the existing target of 8.5 (note this was previously an internal target). The need to maintain the quality of Safe and Well referrals remain a priority and a combination of sieving out low risk referrals and implementing Remote Safe and Wells will support performance. It should be noted that this PI is directly linked to the previous PI as the number of visits has a significant impact on achieving this target.
- 5.5.7 **The Number of Accidental Dwelling Fires:** the number of incidents have continued to decrease year on year since 2017/18, as part of an overall downward trajectory observed for over ten years. The proposed target of a -5% change against the three-year average is set to maintain that downward trend.

- 5.5.8 **The Risk-Based Attendance Standard:** this PI remains the core response method for high-risk (Cat 1) incidents achieved through a diverse fleet arrangement. Performance remains below target as do the response times for the respective targets for category 2, 3, and 4 incident types. Target is to remain 5 minutes.
- 5.5.9 **The Risk-Based Attendance Standard – Call Handling:** previously reported to Fire Authority, although not as a key performance indicator. Target remains 80 seconds with a tolerance level of 85 seconds. It is noted that risk-based crewing changes and dynamic mobilising will support this.
- 5.5.10 **The Percentage of Safe and Well Visits Referred by Our Partners:** it is proposed that the target continues to be 50%. It represents a 0% change, but the target remains challenging due to the reconciliation of the referral pathways, which may result in the percentage recorded reducing.
- 5.5.11 **Percentage of up to date and reviewed Business Continuity Plans:** This is a new KPI. It is proposed that this be measured as the percentage of Business Continuity Plans adjudged “Green” in our internal assessments, as aligned to the Fire Standard for Business Continuity and Resilience. Target for the next 12 months is to meet the minimum requirements of the Fire Standard and to have tested 100% of high priority business continuity plans (tolerance level set at 75%). Aim to review all high priority plans on annual basis, mid priority plans every two years, and low priority plans every three years.

5.6 People

- 5.6.1 **Percentage of Females – All Staff:** this is a new KPI. Proposed target of 27.2%.
- 5.6.2 **Percentage of Females – Uniformed Staff:** this is a sub-KPI, previously reported as a number rather than a percentage. Proposed target of 15.5%. The forecast for 2023/24 indicates 178 female uniformed staff (13.2%). Predict 80 recruits during 2024/25, with a target of 50% recruits being female. This target may be further revised in-year based on planned recruitment and following development of longer-term recruitment targets.

- 5.6.3 **Percentage of Staff from Black, Asian, and Minority Ethnic (BAME) Communities – All Staff:** this is a new KPI. Proposed target of 15.8%.
- 5.6.4 **Percentage of Staff from BAME Communities – Uniformed Staff:** proposed target of 15.8%. Forecast for 2023/24 indicates 14.4%. Predict 80 recruits during 2024/25, with a target of 35% of recruits from BAME communities. This target may be further revised in-year based on planned recruitment and following development of longer-term recruitment targets.
- 5.6.5 **Average Number of Working Days / Shifts lost due to Sickness – All Staff:** proposed target of 7.7 days / shifts.
- 5.6.6 **Average Number of Working Days / Shifts lost due to Sickness – Uniformed and Fire Control Staff:** proposed target of 7.7 days / shifts. The 2023/24 forecast for rider sickness is 9.7 days / shifts. The proposed target equates to a 21% reduction.
- 5.6.7 **Average Number of Working Days / Shifts lost due to Sickness – Non-uniformed Staff:** proposed target of 7.7 days / shifts.
- 5.6.8 **Total Number of Injuries:** as per previous years, no target is set for this PI. This reflects the Service's position that any injury report is unwanted, and to encourage an open reporting culture that facilitates learning and improvement. This PI continues to be reported each quarter.
- 5.6.9 **Total Number of RIDDOR Injuries:** RIDDOR injuries are the most serious injuries that must be reported to the Health and Safety Executive under the Reporting of Injuries, Diseases, and Dangerous Occurrences Regulations 2013. As per previous years, no target is set for this PI. This reflects the Service's position that any injury report is unwanted, and to encourage an open reporting culture that facilitates learning and improvement. This PI continues to be reported each quarter.
- 5.6.10 **Percentage of Staff Trust in the Service:** this is a new KPI which will be informed through the establishment of a sampling group, selected at random and reflective of ranks and roles from across the Service. Proposed target of 90% with the indicator reported on a six-monthly basis.

5.6.11 Percentage of Completed Individual Personal Development Reviews (IPDRs): this is a new KPI. IPDRs are carried out between members of staff and their line manager and are an important part of supporting their continuing development, health, safety, and wellbeing, and providing evidence of core skills and competence. They form a key part of the Service's commitment to supporting everyone to thrive at work. The proposed target is 100% with a tolerance level of 90% for the first two quarters allowing for the introduction of a consistent framework and lags in data.

5.6.12 Percentage Staff Reported Understanding of the Core Values: this is a new KPI which will be informed through the establishment of a sampling group, selected at random and reflective of ranks and roles from across the Service. Proposed target of 100%.

5.6.13 Percentage of Core Skills Assessment Compliance: this is a new KPI measuring Competency Risk Assessments, the method with which the Service determines that each member of staff has the required knowledge and skills to undertake their role. Proposed target of 100% with a 94% tolerance level.

5.6.14 Percentage of Incident Commander Assessment Compliance: this is a new KPI, similar to the one above. Proposed target of 100% with a 94% tolerance level.

5.7 Enabling Services

5.7.1 Cyber Standards Compliance: this is a new KPI measuring overall compliance score against two performance metrics: Cyber Essentials Plus Accreditation, and staff completing relevant level Cyber training annually. Proposed target is 100% with graduated tolerances applied throughout the year.

5.7.2 IT and Data Operations metric: this is a new KPI. The proposed target is 100%. IT and Data Operations use measures that ensure the availability, performance, and reliability of systems and services. These directly affect the user experience, customer satisfaction, and business continuity, as well as measure against statutory legal targets. Overall compliance will be calculated using a variety of measures including Mobilising Critical Services Uptime, Business Critical Services Uptime,

information classification, and Freedom of Information statutory legal targets.

- 5.7.3 **Trust in Our Communications:** this is a new KPI which will be informed by a six-monthly survey carried out with our staff, partners, and communities to assess the trust they have in our communications and engagement. Proposed target is an overall trust score of 90%, calculated from several measures including timeliness, accessibility, credibility, and relevance.

5.8 Value

- 5.8.1 **Balanced Budget:** monthly forecasting indicates a breakeven position for forecast outturn as of March 2025, a nil forecast variance compared to the annual budget.
- 5.8.2 **Delivery of Savings Targets:** £1.9 million reduction in spend / increase in income achieved for 2024/25, which is recurring into future years.
- 5.8.3 **Delivery of non-pay efficiencies.** This is a sub-KPI of deliver of savings targets, based on Home Office expectations that all services will make 2% non-pay based efficiencies each year.
- 5.8.4 **Productivity Measure:** proposed target of 3%. This is a new KPI which currently involves ongoing work with stakeholders to develop this measure and it will be reported on in due course.
- 5.8.5 **Economic and Social Cost of Fire Measures:** proposed target of 3%. This is a new KPI reflecting the economic and social value of the Fire and Rescue Service response to fire and non-fire incidents, and wider prevention and protection work. Further work remains ongoing at the time of writing to develop this measure in full.
- 5.8.6 **Total Service Carbon Footprint / Output:** no target set at this current time. There is ongoing work with stakeholders to produce accurate and reliable data sets to utilise as a baseline to enable tangible target setting. Performance will be monitored in the interim with annual target to be provided in due course.
- 5.8.7 **‘To Reduce Gas Use of Fire Authority Premises’, and ‘To Reduce Electricity Use of Fire Authority Premises’:** targets are to be set upon completion of data cleansing and quality

exercise, which will provide the foundation to set realistic and achievable reductions in electric and gas usage.

6. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out. The matters contained in this report do not relate to a policy change.

7. **LEGAL IMPLICATIONS**

There are no direct legal implications arising from this report.

8. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report. It should be noted that the Authority's approved 2024/25 budget is aligned to and will support the delivery of the Strategy, including the WMFS vision, mission statement, and strategic commitments.

9. **ENVIRONMENTAL IMPLICATIONS**

There are no direct environmental implications arising from this report. The development of effective and tangible measures regarding key performance indicators including total Service carbon footprint / output, and the reduction of electric and gas usage of Fire Authority premises, will help support the Service in its commitments to environmental sustainability through increased performance and assurance.

BACKGROUND PAPERS

Fire Authority 19 February 2024, Agenda Item 8: '[WMFS Strategy 2024-27](#)'.

The contact names for this report are Area Manager Marc Hudson, Head of Portfolio, who can be contacted at marc.hudson@wmfs.net and Stephen Timmington, Performance Support Officer who can be contacted at stephen.timmington@wmfs.net

MARC HUDSON
HEAD OF PORTFOLIO

Ref. AU/FA/2024/Apr/92703242

APPENDIX 1

List of Key Performance Indicators and Targets

COMMUNITY RISK REDUCTION	
Key Performance Indicator	Overall Target 2024/25
The Number of Accidental Fires in Non-Domestic Premises	5% decrease against three-year-average
The Number of False Alarm Calls due to Fire Alarm Equipment in Dwellings	0% increase against three-year-average
The Number of False Alarm Calls due to Fire Alarm Equipment in Non-Domestic Premises	0% increase against three-year-average
The Number of Deliberate Fires in Derelict Buildings	-5% decrease against three-year-average
The Number of Safe and Well Points Achieved by the Service	260,000
The Average Point Score for Safe and Wells	8.5
The Number of Accidental Dwelling Fires	5% decrease against three-year-average
The Risk Based Attendance Standard	5 minutes
The Risk based Attendance Standard – Call Handling	80 seconds
The Percentage of Safe and Well Visits Referred by Our Partners	50%
Percentage of up to date and reviewed Business Continuity Plans	100% high priority BCPs

PEOPLE	
Key Performance Indicator	Overall Target 2024/25
Percentage of Females – All Staff	27.2%
Percentage of Females – Uniformed Staff (sub-PI)	15.5%, including 50% of recruits
Percentage of Staff from BAME Communities – All Staff	15.8%
Percentage of Staff from BAME Communities – Uniformed Staff	15.8%, including 35% of recruits
Average Number of Working Days / Shifts Lost due to Sickness – All Staff	7.7 days / shifts
Average Number of Working Days / Shifts Lost due to Sickness – Uniformed and Fire Control Staff (sub-PI)	7.7 days / shifts
Average Number of Working Days / Shifts Lost due to Sickness – Non-uniformed Staff (sub-PI)	7.7 days / shifts
Total Number of Injuries	0 (monitored)
Total Number of RIDDOR Injuries	0 (monitored)

Percentage of Staff Trust in the Service	100%
Percentage of Complete IPDRs Standard Requirements	100%
Percentage Staff Reported Understanding of the Core Values	100%
Percentage of Core Skills Assessment Compliance	100%
Percentage of Incident Commander Assessment Compliance	100%

ENABLING SERVICES

Key Performance Indicator	Overall Target 2024/25
Cyber Standards Compliance	100%
IT and Data Operations Metric	100%
Trust in our Communications	90%

VALUE

Key Performance Indicator	Overall Target 2024/25
Balanced Budget	£0
Delivery of Savings Target	Percentage of £1.9 million saving achieved
Non-pay efficiency	2%
Productivity Measure	3%
Economic and Social Cost of Fire Measures	3%
Total Service Carbon Footprint / Output	No target – monitored
To Reduce Gas Use of Fire Authority Premises	No target – monitored
To Reduce Electricity Use of Fire Authority Premises	No target – monitored

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 8

AUTHORITY MEETING

15 APRIL 2024

1. PAY POLICY STATEMENT 2024/2025

Report of the Head of People Support

RECOMMENDED

THAT the Authority approves the Pay Policy Statement for the financial year 2024/2025.

2. PURPOSE OF REPORT

This report is submitted for the Authority to approve the Pay Policy Statement for the financial year 2024/2025.

3. BACKGROUND

3.1 Section 38 (1) of The Localism Act 2011 requires Fire and Rescue Authorities to produce a Pay Policy Statement for each financial year. The proposed Pay Policy Statement 2024/2025 is set out at Appendix 1 of this report.

3.2 A Pay Policy Statement is expected to comply with the following elements:-

3.2.1 a relevant Authority must prepare a Pay Policy Statement for each financial year.

3.2.2 a Pay Policy Statement for a financial year must set out the Authority's policies for the financial year relating to the remuneration of its Chief Officers.

3.2.3 the statement must include the Authority's policies relating to:-

(a) decisions on any pay, remuneration or severance packages of Chief Officer roles and/or packages of

- £100,000 or more being submitted to the Fire Authority;
- (b) remuneration of Chief Officers on recruitment;
- (c) increases and additions to remuneration for each Chief Officer;
- (d) the use of performance related pay for Chief Officers;
- (e) the use of bonuses for Chief Officers;
- (f) the approach to the payment of Chief Officers on their ceasing to hold office under or to be employed by the Authority and
- (g) the publication of and access to information relating to the remuneration of Chief Officers.

3.2.4 in addition it must detail:

- (a) the remuneration of its Chief Officers;
- (b) the remuneration of its lowest-paid employees and
- (c) the relationship between the remuneration of its Chief Officers and all other employees (Appendix 1D).

3.2.5 a Pay Policy Statement for a financial year may also set out the Authority's policies for the financial year relating to the other terms and conditions applying to the Authority's Chief Officers.

3.3 The term Chief Officer refers to those defined within the Localism Act. For West Midlands Fire and Rescue Authority this covers the posts of Chief Fire Officer/Chief Executive Officer, Deputy Chief Fire Officer and two Assistant Chief Fire Officer roles.

3.4 The term 'lowest paid employees' is defined as a full-time employee on the bottom scale column point of the Green Book pay scale and the lowest paid role for Grey Book employees. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.

3.5 There are supplementary provisions relating to statements as follows:-

- 3.5.1 a relevant Authority's Pay Policy Statement must be approved by a resolution of the Authority before it comes into force.
- 3.5.2 the statement should be prepared and approved before the end of 31st March immediately preceding the financial year to which it relates.
- 3.5.4 a relevant Authority may by resolution amend its Pay Policy Statement, including after the beginning of the financial year to which it relates.
- 3.5.5 as soon as is reasonably practicable after approving or amending a Pay Policy Statement, the Authority must publish the statement or the amended statement in such manner as it thinks fit, which must include publication on the Authority's website.
- 3.6 There is a two-track approach for determining levels of pay for Chief Officer roles. At national level, the National Joint Council (NJC) shall review annually the level of pay increase applicable to all those covered by this agreement. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by circular.
- 3.7 Other decisions about the level of pay and remuneration to be awarded to individual Chief Officer roles will be taken by the local Fire Authority. (Advice on the implementation of a local salary structure is contained within the Pay Policy Statement.)
- 3.8 Authorities are also required to produce information on the salaries of their Chief Officers and the names. This is included in the Statement of Accounts and on the service's website www.wmfs.net.
- 3.9 If readers are to understand the information being presented to them, they need to have an appreciation of the wider context affecting the organisation. To this end the guidance requires the West Midlands Fire Service to include some contextual information such as a description of what it does, total spend, budget responsibility, job descriptions and person specifications.

3.10 The information referred to above, including the expenses paid to Chief Officers, is also available on the West Midlands Fire Service website at www.wmfs.net.

3.11 As part of this report the Authority are also publishing their approach to the use of discretionary arrangements in relation to the Local Government Pension Scheme. During the current year evolving case law may see changes to these policies which will be published.

4. **GENDER PAY GAP COMPARISON**

4.1 This data is to provide detail of the Gender Pay Gap for WMFS, the data is to be released and published on the Gov.uk Gender Pay site, and for the data and narrative to be published on the service website.

4.2 When considering all employees, the mean gender pay gap as of 31 March 2023 is shown in the table below alongside progress for the last five years. Analysis of the gender pay gap is undertaken Q1 of each year for the previous financial year. The gender pay gap as of 31 March 2024 will be published on the service website in July 2024.

The gender pay gap is the difference between the mean (average) hourly rate of pay for male and female relevant employees.

	As at 31.03.23		As at 31.03.22		As at 31.03.21		As at 31.03.20		As at 31.03.19		As at 31.03.18	
Employee Group	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %	Pay Gap £	Pay Gap %
All Employees	1.08	6.1	1.13	6.8	1.46	8.9	1.55	9.8	1.76	11.3	1.57	10.4
Uni-formed	0.91	5.2	0.77	4.7	1.10	6.9	1.11	7.1	1.17	7.6	0.71	4.7
Non-Uni-formed	3.27	16.2	3.40	17.9	3.61	19.6	3.33	19.0	3.18	19.2	3.00	18.6

The mean gender pay gap has decreased to 6.1% in 2023 when compared to the 6.8% gap reported in 2022.

When considering all employees, 25.4% are female. Of the top 50 earners, 18 (36%) are female, compared to 16 in 2022. Of the top 100, 36 (36%) are female, compared to 31 in 2022.

The median gender pay gap in hourly pay is the difference between the midpoints in the ranges of men's and women's hourly pay.

5. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required as there is no direct impact on individuals in setting out the Authority's pay policy statements. Equality Impact Assessments will be carried out on individual processes and decisions taken in the application of the pay policy statement.

6. **LEGAL IMPLICATIONS**

The recommendations provided enable West Midlands Fire and Rescue Authority to continue to comply with the relevant sections of the Localism Act 2011 and demonstrate its support for the Government's Public Sector Pay Policy.

7. **TRADE UNION CONSULTATION**

This is not a matter for consultation with the trade unions. The Pay Policy Statement will be shared with the Trade Unions for information following approval at the Authority meeting on 15th April 2024.

8. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

BACKGROUND PAPERS

- [Localism Act 2011](#)
- [WMFS Statement of Accounts 2022-23](#)
- [WMFS Pay Gap Report July 2023](#)

The contact name for this report is Kelly Harding, Head of People Support, 07973 810535.

KELLY HARDING
HEAD OF PEOPLE SUPPORT

WEST MIDLANDS FIRE SERVICE

FIRE AUTHORITY REPORT

PAY POLICY STATEMENT 2024/2025

**21 March 2024
People Support Services**

PAY POLICY STATEMENT 2023/2024

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Pay Policy Statement 2024/2025

The level and elements of remuneration for each Chief Officer

The basic pay details of all Chief Officers is available on the West Midlands Fire Service website www.wmfs.net. The levels of pay will be determined by both national and local review following the guidance set out in the 'Gold Book' Terms of Conditions. All other payments will be contained within the Authority's statement of accounts which is also published on the West Midlands Fire Service website.

- The most recent pay award for Grey Book Staff was applied from 1 July 2023.
- WMFS Green Book pay award was applied from 1 December 2023 backdated to 1 April 2023.

Grey Book award was published in March 2023, whilst the Green Book award was agreed in November 2023.

Real Living Wage 2021 was announced on the 24 October 2023 and was applied by WMFS to eligible staff from this date.

Remuneration of Chief Officers on recruitment

On recruitment the Appointments, Standards and Appeals Committee is authorised to consider and make recommendations to the Fire Authority on the conditions of employment and salary of Chief Officers (Principal Officers). Considerations will be given to the guidance contained within the Pay Policy Statement for determining the level of salary for each Principal Officer.

Increases and additions to remuneration for each Chief Officer

There is a two-track approach for determining levels of pay for Principal Officer roles. At national level, the NJC for Brigade Managers shall review annually the level of pay increase applicable to all those covered by this agreement, known as the Gold Book. In doing so, the NJC will consider affordability, other relevant pay deals and the rate of inflation at the appropriate date. Any increase agreed by the NJC will be communicated to Fire Authorities by Circular.

Other decisions about the level of pay and remuneration to be awarded

to individual Principal Officer roles will be taken by the local Fire Authority in accordance with the Gold Book.

Remuneration of all other employees of the West Midlands Fire Service

Real Living Wage

The Fire Authority is an accredited Real Living Wage employer and is committed to ensuring that all employees are paid, as a minimum, the real Living Wage. This is reviewed on a year-on-year basis and amendments are made to ensure that are aligned to the Real Living Wage.

National Pay Awards are also made to pay scales on an annual basis and these pay awards are applied to all employees. This annual award is applicable in April for Green Book Employees and July for Grey Book Employees.

Green Book Employees

Salaries of 'Green Book' employees in the Service are set using locally determined pay scales and utilising an Integrated Personal Development System which is based around the nationally agreed Job Evaluation Scheme.

Please see Appendix 1D for the salaries of Green Book Employees including our lowest paid employees and the relationship between these employees and our Chief Officers. For this purpose, the relationship has been made to the Chief Executive Officer's salary.

Grey Book Employees

Salaries of 'Grey Book' employees in the Service are set using nationally agreed pay levels.

National Pay Awards are also made to pay scales on an annual basis and these pay awards are applied to all employees. This annual award is applicable in April for Green Book Employees and July for Grey Book Employees.

Please see Appendix 1D for the salaries of Grey and Green Book Employees including our lowest paid employees and the relationship

between these employees and our Chief Officers. For this purpose the relationship has been made to the Chief Executive Officer's salary.
The use of performance related pay for Chief Officers

The West Midlands Fire Service does not use performance related pay for its Chief Officers.

The use of bonuses for Chief Officers

The West Midlands Fire Service does not award bonuses to Chief Officers.

The approach to the payment of Chief Officers on their ceasing to hold office or to be employed by the Authority.

The payment to Chief Officers on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of any redundancy payments to be made to Chief Officers these payments will be set using the existing regulations for 'Gold Book' employees and their appropriate pension scheme. Redundancy payments for Chief Officers eligible to join the Firefighters' Pension Schemes will be calculated based on the statutory maximum weekly pay. Gold book employees eligible to join the Local Government Pension Scheme will receive a redundancy payment in line with authority agreement under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006. See Appendix 1A.

Any settlement of £100,000 or more or any other payments – to any employee of any rank or grade - will be subject to the approval of the Authority on a case-by-case basis, in line with [Statutory Guidance on the making and disclosure of Special Severance Payments by local authorities in England](#).

The approach to the payment of all other Employees on their ceasing to hold office or to be employed by the Authority.

- Green Book Employees

The payment of Green Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant Pension Scheme.

In the case of redundancy the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

- Grey Book Employees

The payment of Grey Book Employees on the ceasing of their employment will be in line with the benefits accrued through meeting the qualifying requirements of the relevant pension scheme.

In the case of any redundancy payments to be made to Grey Book Employees eligible to join the firefighter's pension scheme, these payments will be set using the existing regulations for Grey Book employees. Redundancy payments will be calculated based on the statutory maximum weekly pay.

- Employees in Fire Control

In the case of redundancy, the guidance contained within the pension policy statement will apply under the existing conditions of the Local Government Pension Scheme.

The publication of and access to information relating to the remuneration of Chief Officers

Details of the Chief Officer's salary and remuneration including any expenses will be made available on the West Midlands Fire Service website. This information is contained within the Statement of Accounts.

Discretions available to the Authority under the Local Government and Firefighters Pension Schemes

In line with the regulations of the Local Government and Firefighters Pension Schemes West Midlands Fire Service must formulate, keep under review and publish their policies on certain discretions

contained within the Regulations. These regulations are included as appendices to this policy.

Definitions used within the Pay Policy Statement

The term Chief Officer refers to those defined within the Localism Act. In simple terms the policy covers the Chief Fire Officer or Chief Executive Officer and those posts which report directly to him/her and also the next management tier below (excluding any secretarial or clerical roles).

The term 'lowest paid employees' is defined as a full time employee on the lowest paid role/rank for Grey Book employees and the bottom scale column point of the Green book pay scale or employee subject to the living wage if higher. These are the lowest paid employees other than apprenticeships which are paid less to reflect the nature of the training and development role.

IMPLEMENTATION OF A LOCAL SALARY STRUCTURE GUIDANCE

Introduction

1. Both the Employers and Brigade Managers recognise the importance of applying the appropriate skills and developing the competencies necessary to support and embed the cultural change inherent within these new terms and conditions.

Local Salary Structures

2. When determining the appropriate level of salaries for all Brigade managers, the Fire and Rescue Authority should refer to the relevant minimum salary outlined within the Gold Book and the most relevant benchmark data.
3. Normally the fire and rescue authority will wish to begin by determining appropriate salary for their most senior manager.
4. When deciding how these posts should be remunerated the following factors are to be considered:
 - a. the Chief Officer's salary and that of any senior staff not covered by the Scheme of Conditions of Service (Gold Book);
 - b. the relationship of current salary to the appropriate illustrative national benchmark;
 - c. any special market considerations;
 - d. any substantial local factors not common to fire and rescue authorities of similar type and size e.g. London weighting; complex local, regional or national responsibilities which bring added value;
 - e. comparative information to be supplied on request by the Joint Secretaries on salaries in other similar authorities;
 - f. top management structures and size of management team compared to those of other fire and rescue authorities of similar type and size;
 - g. the relative job size of each post, as objectively assessed through an appropriate job evaluation process or otherwise; and

- h. incident command responsibility and the requirement to provide operational cover within the employing authority and beyond

The process for setting salary levels should include consideration of the following criteria:

- minimum salary levels for Chief Officers in relevant sized local authorities;
- market rates of pay for senior managers in a range of private and public sector organisations; and
- evidence of recruitment and/or retention difficulties with existing minimum rates.

There are a range of schemes and approaches available for authorities to use in assessing job size. To assist authorities, advice can be obtained from the Employers' Side Secretary of the NJC.

STATEMENT OF POLICY

Under Regulation 7 of the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, operative from 29 November 2006, each employer must formulate, keep under review and publish their policies on certain discretions contained within the Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Local Government Pension Scheme (LGPS).

Regulation 5 - Power to increase statutory Redundancy payments

Explanation

Employers have the discretion to resolve to use the employee's actual pay instead of the statutory maximum pay permitted under the Employments Rights Act 1996, in the calculation of redundancy payments.

Policy

The Fire Authority will always use the employees' actual pay when calculating redundancy payments.

Regulation 6 –Discretionary Compensation

Explanation

The Authority has the discretion to resolve to increase the lump sum compensation payable under the Employments Rights Act 1996 to an employee who loses their employment with the Authority, up to a maximum of 104 weeks' pay.

Policy

The Fire Authority will not exercise this discretion and therefore will not increase the maximum payable beyond the statutory limit of 30 weeks' pay.

STATEMENT OF POLICY

Under Regulation 60 (1) of the Local Government Pension Scheme (LGPS) Regulations 2013, each employer must formulate, keep under review and publish their policies on certain discretions contained within the LGPS Regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the LGPS.

1. Regulation 30 (8) – Waiving of actuarial reduction

Explanation

From age 55, members who have left local government employment receive early payment of their retirement benefits and do not need their employer's consent. The pension benefits must be reduced in accordance with guidance provided by the Government actuary. Employers may determine on compassionate grounds that the benefits are not reduced.

For a member who joined the scheme prior to 1 October 2006 where the member's age and membership (in whole years) satisfies the "rule of 85" then the benefits would be reduced, unless the employer chooses to exercise the discretion within the regulations. For a member who joined the Scheme on or after 1 October 2006, then reduced benefits would be payable if taken before age 65.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

2. **Regulation 31 - Power of the Employing Authority to award Additional Pension**

Explanation

An employer may resolve to award a member additional pension of not more than £6,500 a year, payable from the same date as their pension is payable under any other provision of these regulations. An additional pension may be paid in addition to any increase to total membership resolved under Regulation 16 so long as the overall total does not breach the limits laid down within these regulations.

Policy

Each specific case will be judged equally and fairly on its own merits, having fully considered service delivery and financial costs.

3. **Regulation 30 (6) - Flexible Retirement**

Explanation

A member who is aged 55 or over and with their employer's consent reduces their hours or grade can then, but only with the agreement of the employer, make an election to the administering authority for payment of their accrued benefits without having retired from that employment.

Policy

Each specific case will be judged equally and fairly on its own merits having fully considered service delivery and financial costs. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

4. **Regulations 16(2)(e) and 16(4)(d) - Funding of Additional Pension**

Explanation

Where an active member opts to make Additional Pension Contributions (APC) under Rule 16(2)(e) these may be funded in whole or in part by the Employer. Under Rule 16(4)(d) the employee may opt to pay APC as a Lump Sum and this may also be funded in full or part by the employer.

Policy

The Fire Authority will fund in whole or in part any APC operated by themselves under a salary sacrifice arrangement.

The Fire Authority will, however, not fund in whole or in part any other APC purchased either by periodical payments or Lump Sum direct from a members Net Pay.

The Fire Authority is not obliged by the Regulations to publish a statement on the following discretions contained within the LGPS 2013 Regulations but has chosen to do so.

5. **Regulation 22(8)(b) - Re-employed and Rejoining Deferred Members**

Explanation

Where a deferred member becomes an active member again before becoming entitled to the immediate payment of retirement benefits in respect of their former membership, their former membership will be aggregated with their current active membership unless within 12 months from the date of the active member's pension account being opened they make an election in writing to the member's appropriate administering authority. The period of 12 months may be extended at the discretion of the employing authority.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that the active member's pension account is opened again to allow a member to choose not to aggregate his/her former membership in exceptional circumstances or where it was beyond the member's control.

6. **Regulation 100 (6) – Inward Transfer of Pension Rights**

Explanation

A person who becomes an active member who has relevant pension rights may request his fund authority to accept a transfer value for some, or all, of his former rights. An election must be made in writing before the expiry of the period of 12 months beginning with the date that he became an active member or any

such longer period as his employer may allow.

Policy

The Fire Authority will extend the period of 12 months beginning with the date that he/she became an active member – thereby, allowing a member to transfer some or all of his/her rights from the relevant transferor in exceptional circumstances or in circumstances beyond the member's control.

7. **Choice of early payment of Deferred Pension**

Explanation

Where a member became a deferred member between 31 March 2008 and 1 April 2014, they can apply for early release of benefits, and the Fire Authority can fund the costs of the release.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Deputy Chief Fire Officer as delegated by Chief Fire Officer in conjunction with the Treasurer and Chairman to approve existing severance packages and members will be notified where discretion is exercised.

From 1 June 2004, an amended Internal disputes resolution procedure applies to active members of the LGPS and to others such as deferred and pensioner members, whose position may be affected by decisions taken by their former employer or LGPS administering authority.

8. **The Internal Dispute Resolution Procedure**

Explanation

Responsibility for determinations under the first stage of the procedure now rests with a 'specified person' appointed by your (former) employer. The Fire Authority must specify the job title and address of the person to whom applications should be directed.

Policy

The Responsible Officer for the West Midlands Fire and Rescue Authority is:-

Chief Executive Officer
West Midlands Fire Service HQ
99 Vauxhall Road
Birmingham
B7 4HW

The discretions within this Policy Statement will be reviewed at the point of regulation change but no less than yearly in line with the Authority's Pay Policy Statement.

STATEMENT OF POLICY

Under Rule B7 of the 1992 Firefighters' Pension Scheme Paragraph 5(A) a fire and rescue authority may, having regard to —

- (a) the economical, effective and efficient management of their functions, and
- (b) the costs likely to be incurred in the particular case

pay a lump sum in excess of two and a quarter times the full amount of the pension.

West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

Due to the rate of the commutation factors laid down within the 1992 Firefighters' Pension Scheme it is possible for an unauthorised payment to occur if a member commutes the maximum allowable portion of their gross pension. In cases where this happens the Fire Authority will become liable to a further charge. When using this discretion the amount to which the lump sum will be increased will be limited to the maximum authorised payment allowed by HMRC regulations.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters' Pension Scheme.

Policy

Each specific case will be judged equally and fairly on its own merits and would need to be funded by a lump sum contribution into the Pensions Fund by the Fire Authority. It is the Line Manager's responsibility to ensure that the recommendation is made and submitted to their SET managers for consideration. The value of the Lump Sum payment into the Pension account will be provided by the Pensions section on request and the remaining cost figures should be obtained from the Finance Liaison Officer.

This discretion will only be exercised by the Fire Authority in cases where it can be demonstrated that the Fire Authority can fund the cost of the release within a 3-year period.

This discretion will be exercised by the Head of People Support Services and Head of Finance & Resources.

STATEMENT OF POLICY

Under Rule K4 of the 1992 Firefighters' Pension Scheme:

A fire and rescue authority may, in their discretion, withdraw the whole or any part of the pension, except a pension under Part C (awards on death—spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

Part LA Section 9 of the scheme rules states that:

Where an authority exercises its discretion not to withdraw the payment in whole or in part of any pension under rule K4 (withdrawal of pension whilst employed by a fire and rescue authority), the authority shall in the financial year in which payment is not withdrawn, transfer into the Firefighters Pension Fund an amount equal to the amount of pension paid during that financial year to that person which could have been abated or withdrawn. West Midlands Fire Service will formulate, keep under review and publish their policy on the discretion contained within this rule.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the 1992 Firefighters Pension Scheme.

Policy

West Midlands Fire Service will withdraw the whole or part of the pension, except a pension under Part C (awards on death—spouses and civil partners), for any period during which the person entitled to it is employed by any fire and rescue authority in whatever capacity.

The amount of Pension withdrawn will be calculated by reference to the Aggregate Annual Pensionable Pay received in the twelve months prior to retirement increased on the same basis as the pension in payment. This figure will be known as the reference pay and will be increased annually in line with the annual pension increase order.

The pension will be reduced by an amount equal to the amount required so that the total income from the pension plus re-employment does not exceed the reference pay calculated above.

Pay in re-employment is the pay receivable under the contract of employment for the hours worked and excludes any payments made for non-contractual overtime. Where the pay in re-employment changes the amount of pension to be withdrawn will be recalculated.

STATEMENT OF POLICY

The Firefighters' Pension Scheme (England) Regulations 2014 contain various regulations where the opportunity for alternative courses of action arises. In these circumstances West Midlands Fire Service will exercise discretion in line with this statement of policy.

This statement is applicable to all employees of the West Midlands Fire and Rescue Authority who are eligible to be members of the Firefighters Pension Scheme 2015.

Power to Delegate

1. Delegation (Regulation 5)

The scheme manager must ensure that delegated powers are appropriate and current. [Regulation 5(2)]

Statement of Policy

The Fire Authority have recently confirmed that the Audit Committee will function as the Scheme Manager.

Opting Out

2. Opting into this scheme (Regulation 12)

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)]

Statement of Policy

The Organisation will not vary the date on which a member becomes an active member.

3. **Opting out after the first three months (Regulation 16)**

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 the scheme manager does consider appropriate. [Regulation 16(2)(b)]

Statement of Policy

The Scheme Manager will not vary the date on which an optant out ceases to be a member.

Pensionable Pay

4. **Pensionable Pay (Regulation 17)**

The Scheme Manager has discretion if continual professional development payments are to be treated as pensionable pay. [Regulation 17(1)(d)]

Statement of Policy

Continual Professional development payments will be pensionable.

Retirement Benefits

5. **Active Membership (Regulation 19)**

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. (Presumably this would be linked to Regulation 111(4) and subject to the member paying the appropriate contributions.) [Regulation 19(d)]

Statement of Policy

The Scheme Manager will permit a member on unpaid absence to count the period as active membership subject to contributions

being paid.

Pensions Accounts

6. Establishment of pension accounts: general (Regulation 28)

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.

Statement of Policy

The Scheme Manager will maintain pension accounts within an electronic Pension Administration System. The security and operation of these accounts will be reviewed regularly by the Local Pension Board.

7. Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active members account 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.

Statement of Policy

The Scheme Manager will use their discretion on a case by case basis in the best interests of the member.

Retirement Benefits

8. Closure of deferred member's account after gap in pensionable service not exceeding five year. (Regulation 49)

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. [Regulation 49(3) and (4)]

Statement of Policy

The Scheme Manager will use their discretion on a case-by-case basis in the best interests of the member.

9. Employer initiated retirement (Regulation 62)

An employer can determine that an active member aged 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 retirement 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 function having taken account of the costs likely to be incurred in the particular case. [Regulation 62(1) and (2)]

Statement of Policy

The employer will use their discretion on a case-by-case basis with the overriding control that any costs incurred in using this discretion will be recoverable within a three year period.

10. Exercise of partial retirement option (Regulation 63)

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)]

Statement of Policy

Where a member wishes to make an application for partial

retirement under Regulation 63 they must provide written notice to the Scheme Manager. On a case-by-case basis the Scheme Manager will agree a date with the member on which the option shall be exercised.

Ill-Health Benefits

11. Review of ill-health awarded or early payment of retirement pension (Regulation 68)

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)]

Statement of Policy

The Scheme Manager will review the award of ill-health pensions, where the recipient is under deferred pension age and has been receiving the awarded for less than 10 years, and deferred pensions in payment early on ill-health grounds and where the recipient is below deferred pension age on a three yearly basis.

12. Consequences of review (Regulation 69)

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)]

Statement of Policy

The Scheme Manager will consider whether or not to make an offer on a case-by-case basis.

13. Commencement of pensions (Regulation 70)

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 member's request for early payment. [Regulation 70(7)]

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.

Statement of Policy

The Scheme Manager will determine the date from which a deferred pension will become payable in the situations described in Regulation 70(7) and (8) on a case-by-case basis using information provided by the claimant, any appropriate medical professional, and with guidance from the Payroll and Pensions Manager.

Allocation

14. Allocation election (Regulation 72)

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.) [Regulation 72(3)(b) and (4)]

Statement of Policy

The Scheme Manager will give consent for the allocation of a portion of pension to a dependent where acceptable evidence of dependency is provided by the Scheme Member. At the time of application the Scheme Manager will confirm to the member what evidence is to be provided.

15. Adjustment of allocated benefit (Regulation 75)

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. [Regulation 75(1) and (2)]

Statement of Policy

The Scheme Manager will make any adjustments allowed under Regulation 75(1) and (2) on a case-by-case basis.

Death Benefits

16. Meaning of "surviving partner" Regulation 76)

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided by meeting 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. [Regulation 76(1)(b)(v) and (2)]

Statement of Policy

The Scheme Manager will not use their discretion to allow a person to qualify as a "Surviving Partner" where the relationship has been in place for a period of at least two years.

17. Person to whom lump sum death benefit payable (Regulation 95)

The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

Statement of Policy

The lump sum death benefit will be paid to whosoever the Scheme

Manager decides it should be. The discretion will be operated by the Payroll and Pensions Manager in consultation with the Head of People Support Services.

18. Payment of pensions under Part 6 "Death Benefits" (Regulation 100)

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. [Regulation 100(2)]

Statement of Policy

The child's pension in respect of an eligible child over the age of 7 will be paid to that child. A child's pension for a child under the age of 7 will be paid to that child's surviving parent with instruction that it should be applied for that eligible child's benefit.

19. Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)

A Scheme Manager has the right to cease paying a surviving partner's pension 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 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.) [Regulation 101(2) and (3)]

Statement of Policy

The Scheme Manager will cease paying a surviving partner's pension 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 awarded except in cases where the Head of Finance & Procurement deems it to be financially counterproductive to do so.

20. Provisional awards of eligible child's pensions: later adjustments (Regulation 102)

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 manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102(2) and (3)]

Statement of Policy

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 will adjust the amount of pensions as required in view of the facts as they subsequently appear. These adjustments will be made retrospectively where required.

21. Adjustment of benefits to comply with fA2004 where members die over 75 (Regulation 104)

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 that section of the Act. [Regulation 104(1)(a) and (2)]

Statement of Policy

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 will adjust the benefit payable to the person so that it would qualify under that section of the Act.

Contributions

22. Member contributions (Regulation 110)

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. [Regulation 110(5)]

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. [Regulation 110(7) (h)]

Statement of Policy

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, this rate will be applied from the first day of the pay period following the date on which the material change took effect. The member will be informed of the new contribution rate and the date from which it is to be applied within three months of the date when the new rate is first applied to their pay.

23. Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111)

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. [Regulation 111(2), (3) and (4)]

Statement of Policy

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 will be allowed to pay contributions. The contribution payable will be the total of both the member and employer contribution.

24. Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. [Regulation 114(1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulations 114(2)]

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. [Regulation 114(3)]

Statement of Policy

Member contributions due under Regulation 110 will be deducted from each instalment of pensionable pay as it becomes due.

Contributions due in respect of absence from work on reserve forces service leave will 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 Payroll and Pensions Manager on behalf of the scheme manager.

Transfers

25. Statement of entitlement (Regulation 135)

The scheme manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value 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. [Regulation 135(4)]

Statement of Policy

The Scheme Manager will extend the "guarantee date" to within 6 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.

26. Request for acceptance of a transfer payment (Regulation 141)

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)]
Statement of Policy

The Scheme Manager will not extend the time limit in which a person can request a transfer payment from a non-occupational pension scheme.

27. Transfer statement (Regulation 142)

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)]

Statement of Policy

The Scheme Manager will 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 where the transfer date falls within two months of the date of the statement.

28. Club transfer value statement (Regulation 144)

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)]

Statement of Policy

The scheme manager will 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 where the transfer date falls within two months of the date of the statement.

Appeals and Determinations

29. Appeal concerning entries on the certificate (Regulation 148)

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)]

Statement of Policy

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, the scheme manager will 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 process for dealing with such disagreements will be published via the Intranet.

30. Determination by the Scheme Manager (Regulation 151)

It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award.
[Regulation 151]

Statement of Policy

On a case-by-case basis the scheme manager will determine whether a person is entitled to an award or to retain an award. This determination will be made by the Payroll and Pensions Manager in conjunction with the Head of People Support Services.

31. Role of IQMP in determinations by the Scheme Manager (Regulation 152)

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. [Regulation 152(1)]

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(7)]

Statement of Policy

The Scheme Manager will 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.

Where 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 will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. This discretion will be exercised by the Head of People Support Services.

32. Review of medical opinion (Regulation 153)

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. [Regulation 153(1)]

Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)]

Statement of Policy

On a case-by-case basis, 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 will confirm or revise its original determination and advise the member accordingly. The discretion will be exercised by the Head of People Support Services.

33. Notice of appeal (Regulation 155)

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.
[Regulation 155(2)]

Statement of Policy

On a case-by-case basis the scheme manager will consider extending the time limit during which a member can appeal to a board of medical referees to a maximum of six months from the date the Regulation 154(4) documents were supplied.

34. Reference of appeal to the board (Regulation 156 – See also Regulation 161)

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. [Regulation 156(8) to (12)]

Statement of Policy

If a member of a board of medical referees, who has reviewed appeal documents provided by the 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. The Scheme Manager will send a copy of this notification to the scheme member advising that if their appeal is unsuccessful, they will 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.

35. Procedure where appeal to be pursued (Regulation 157)

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). [Regulation 157(6) to (9)]

Statement of Policy

On a case-by-case basis where an appeal is pursued the scheme manager will decide;

1. Which persons will attend the interview as its representatives.
2. Whether or not to submit written evidence or a written

statement.

3. How to respond to any written evidence of written statement from the appellant.

This decision will be made by the Head of People Support.

36. **Expenses of each party (Regulation 161)**

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. [Regulation 161(2)]

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. [Regulation 161(3)(a)]

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. [Regulation 161(3)(b)]

Statement of Policy

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 will require the appellant to pay it a sum equal to the total amount of the fees and allowances payable to the board under Regulation 160(1).

37. Appeals on other issues (Regulation 163)

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. [Regulation 163]

Statement of Policy

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 scheme manager will 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 process for dealing with such disagreements will be published via the Intranet.

Payment of Pensions

38. Commutation of small pensions (Regulation 167)

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. [Regulation 167(3)]

Statement of Policy

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 will pay the entitlement as a lump sum, subject to the consent of the recipient and will comply with the commutation provisions that apply in the circumstances.

39. Payments for persons incapable of managing their affairs (Regulation 168)

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 may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

Statement of Policy

Where 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 will 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.

40. **Payments due in respect of deceased persons (Regulation 169)**

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. [Regulation 169]

Statement of Policy

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 will 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.

Forfeiture

41. **Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)**

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager 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. [Regulation

171(1), (2), (3) and (5).]

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. [Regulation 171(4)]

Statement of Policy

If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will 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, subject to a maximum of the amount by which the pension exceeds any guaranteed minimum pension.

On a case-by-case basis where a pension is withheld, the scheme manager will consider at three monthly intervals, to any extent and for such duration as the manager thinks fit, applying the pension for the benefit of any dependant of the member or restoring it to the member.

42. Forfeiture of pensions: offences committed by other persons (Regulation 172)

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. [Regulation 172(1) to (5)]

Statement of Policy

The discretion to withhold part of a pension under Regulation 172 (1) to (5) will be exercised on a case-by-case basis by the Head of People Support.

43. Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)

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 offence as outlined above, any restoration is cancelled. [Regulation 173]

Statement of Policy

The discretion to restore part of a pension withheld under Regulation 173 will be exercised on a case-by-case basis by the Head of People Support.

44. Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)

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 omission. The procedure is set out in Regulation 176.
[Regulation 174]

Statement of Policy

The discretion to withhold part of a pension under Regulation 174 will be exercised on a case-by-case basis by the Head of People Support.

45. Set-off (Regulation 175)

A scheme manager has a 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]

Statement of Policy

The scheme manager will set off any "relevant monetary obligation" against a member's entitlement to benefits.

Payment and Deduction of Tax

46. Payment on behalf of members of lifetime allowance charge (Regulation 178)

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.
[Regulation 178]

Statement of Policy

At a scheme member's request, the scheme manager will 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 will 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.

47. Evidence of Entitlement (Regulation 184)

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. [Regulation 184(1) and (2)]

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. [Regulation 184(3)]

Statement of Policy

The scheme manager will 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 appropriate evidence 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 will withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

48. Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1, Part 1, Paragraph 4)

The total amount of accrued added pension must not exceed a certain limit. If it appears to the 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). [Schedule 1 Part 1, Paragraph 4]

Statement of Policy

If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit prescribed in the regulations the scheme manager will, having provided written notice to the member, cancel the election.

49. Member's Election to make periodical contributions for added pension (Schedule 1, Part 1, Paragraph 7)

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)]

Statement of Policy

The scheme manager will not allow a member to make periodic payments for added pension of less than £10 per month.

50. Periodical payments (Schedule 1, Part 2, Paragraph 8)

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)]

Statement of Policy

The scheme manager will not allow a member to make periodical payments for added pension except by deduction from pensionable pay.

51. Periodical payments during periods of assumed pensionable pay (Schedule 1, Part 2, Paragraph 10)

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)]

Statement of Policy

Where a member gives written notice authorising the deduction of aggregate payments from their pay the scheme manager will extend the period of repayment to a maximum of two years. This discretion will be exercised by the Payroll and Pensions Manager.

52. Meaning of "tapered protection closing date" (Schedule 2, Part 1, Paragraph 3)

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]

Statement of Policy

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. This determination will be exercised by the Payroll and Pensions Manager.

Pay Policy Statement 2024-2025 - Remuneration and relationship between Chief Officers and Lowest Paid Employees

Job	Remuneration (including allowances)	Base Salary Range (excluding allowances)		Pay Relationship to CFO (rounded to two decimal points)
		Min	Max	

BRIGADE MANAGERS

Chief Executive Officer	£180,000	N/A	N/A	Set by Appointments Committee
Deputy Chief Fire Officer **	£160,295	N/A	N/A	Set by Appointments Committee
Assistant Chief Fire Officer x2 **	£150,353	N/A	N/A	Set by Appointments Committee

Lowest Paid Employees (Grey Book)

Firefighter (Control)	£34,415	£25,819	£34,415	0.19
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Lowest Paid Employees (Green Book)

Administrative 3C/Operative 1C	£23,152*	£23,152 *	£23,152*	0.13
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GREY BOOK EMPLOYEES (Operational)

Firefighter	£36,226	£27,178	£36,226	0.15-0.20
Crew Manager	£40,161	£38,501	£40,161	0.21-0.22
Watch Manager	£44,911	£41,031	£44,911	0.23-0.25
Station Manager ***	£61,830	£46,712	£51,525	0.26-0.34
Group Manager ***	£71,570	£53,801	£59,642	0.30-0.40
Area Manager ***(local rate)	£91,454	£63,163	£76,211	

Ref. AU/AU/2024/Apr/12503244

0.35-0.51

GREY BOOK EMPLOYEES (Fire Control)

Firefighter (Control)	£34,415	£25,819	£34,415	0.14-0.19
Crew Manager (Control)	£38,153	£36,576	£38,153	0.20-0.21
Watch Manager (Control)	£42,665	£38,979	£42,665	0.22-0.24
Station Manager (Control)***	£58,739	£44,376	£48,949	0.25-0.33
Group Manager (Control)***	£67,992	£51,111	£56,660	0.28-0.38

GREEN BOOK EMPLOYEES

Head of Finance and Procurement (S151)	£98,686	N/A	N/A	0.55
Pay Band Manager 1 – SCP 51-59	N/A	£53,696	£64,096	0.30-0.36
Pay Band Manager 2 and Professional 1 - SCP 36-50	N/A	£44,428	£52,427	0.24-0.29
Pay Band Manager 3, Professional 2 and Technical 1 - SCP 27-35	N/A	£35,745	£43,421	0.20-0.24
Pay Band Professional 3, Technical 2 and Administrative 1 - SCP 15-26	N/A	£27,803	£34,834	0.15-0.19
Pay Band Technical 3 and Administrative 2 - SCP 5-14	N/A	£23,500	£27,334	0.13-0.15
Pay Band Administrative 3 and Operative 1 - SCP 2-5	N/A	£23,152*	£23,500	0.13-0.13

NOTES:

*WMFS is committed to ensuring all employees are paid no less than the Real Living Wage which on 24 October 2023 increased to £12 per hour, equivalent to £23,152 per annum. Lowest paid employees' salary was increased to the Living Wage and they will continue to benefit from this increase but will not be entitled to any increase applied to NJC rates unless this results in their existing spine point exceeding the National Living Wage. All these figures are subject to change if/when pay awards are determined.

***Salaries incorporates on-call/continuous cover*

**** Salaries inclusive of 20% Flexi Duty Allowance*

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 9

15TH APRIL 2024**1. PENSION SCHEME UPDATE**

Report on behalf of the Scheme Manager (Chief Executive Officer).

RECOMMENDED

THAT Members note the Scheme Manager's update on the governance and administration of the West Midlands Firefighters' Pension Scheme.

2. PURPOSE OF REPORT

To provide an update on the work of the delegated Scheme Manager and the Local Pension Board.

3. BACKGROUND**3.1 McCloud Remedy**

3.1.1 From 1 October 2023, eligible members of the Firefighters' Pension Scheme have choices about the benefits they receive for service between 1 April 2015 and 31 March 2022. This is the Sargeant/McCloud Remedy Period, and these choices are referred to as 'remedy'.

3.1.2 For active and deferred pension scheme members, the service are aiming to provide further information through a Remediable Service Statement (RSS) by the time of the next Annual Benefit Statement in August 2024. The service are legally obliged to provide an RSS by March 2025 or October 2024 for "deferred unprotected" scheme members.

3.1.3 Those scheme members that retire before the RSS are provided to all members will be provided with one upon retirement. Those that were already retired before October 2023 were dealt with through Immediate Detriment, the process of which the Authority agreed should be restarted in 2022. However, these ID cases will need to

be rechecked against the published regulations, which will take place over the same timescale, for delivery by March 2025, with members contacted to rectify any under or over payments as necessary.

3.2 **Pension Administration Business Case**

3.2.1 Between October 2023 and January 2024, the service consulted on the option to outsource the service's pension administration function to an external provider with the intention of improving customer experience.

3.2.2 We are very grateful for the constructive input of not only the pension section and trade unions, but also our Pension Board and colleagues from our procurement team. Following three months of consultation, the decision was taken to withdraw the business case at the Joint Consultative Committee held on 10 January.

3.2.3 The decision to stop consultation was made for a range of reasons, including the long lead-in time for any such change (likely 12-18 months), which would likely significantly negatively impact pensions administration in the interim, the significant workload associated with Sargeant/McCloud Remedy that needs to be completed by March 2025, the likely high level of cost involved and the lack of interest from within the wider sector in taking on such a contract.

3.2.4 Instead, the service is now focused on how it can strengthen and support the work of the existing team by bringing in additional staffing, and considering what investment is required in training and systems.

3.3 **Pension Section Mitigation Plan**

3.3.1 There continue to be challenges with delivering the pension administration workload, due to reduced staffing and the need to implement Remedy, which makes each retirement more complex.

3.3.2 A mitigation plan has been put into place to ensure that priority pension cases are completed within statutory timeframes, and key deliverables, such as the annual pension uplift, are completed.

3.3.3 A temporary Pensions and Payroll Manager has been put in place, alongside additional administrative support. Recruitment for a permanent P&P manager has also taken place but unfortunately this was unsuccessful. We are considering options of how we move this forward, including the use of external recruitment agencies.

3.3.4 Overall, there is a recognition that we are not currently delivering for customers as promptly as we would like. The pensions team continue to work hard to deliver accurately and quickly for all scheme members.

3.4 **Pension Board Work Plan**

The Pension Board and Pension Administration team continue to deliver against the workplan agreed with The Pension Regulator in November 2022, as well as further items that have been added during the six months. The full Work Plan as of March 2024 can be viewed in Appendix A.

3.5 **Scheme Member Communications**

3.5.1 In Autumn 2023 [a new pensions webpage](#) was launched to provide both active and retired members with further information on the scheme and how they can contact the service. It also provides details of the IDR process and the recently agreed Pension Administration Strategy.

3.5.2 Members are also provided with regular scheme updates, which are also shared via internal channels and directly to members as appropriate. Recent news items include details of the April 2024 Pension Uplift, details of the McCloud Remedy process and the withdrawal of the Pension Administration Business Case.

3.6 **Statistics**

The pension scheme has the following membership numbers as at 31 January 2024:

Active Firefighters	1,346
2015 scheme members	1,216
Non-members	130 (9.66%)

Pensioners	2,319
Dependants	420

3.7 **IDRP Submissions**

- 3.7.1 In the past two quarters the Scheme Manager has received one FFPS submission through the Internal Dispute Resolution Procedure (IDRP). This was a Stage Two appeal, which was heard by the Appointments, Standards and Appeals Committee on 26 February 2024.
- 3.7.2 It concerned an individual who had opted out of the 1992 pension scheme based on external advice. They requested to be allowed to rejoin the 1992 pension scheme, and to be allowed to make a contingent decision claim. The Committee upheld the Stage One decision that the IDRP was not founded, noting that it was not legally possible for the Authority to provide the outcome requested. The individual was again advised to raise issue with the advice that they had received by the company that had provided it.

4. **EQUALITY IMPACT ASSESSMENT**

As this is an update report, no initial Equality Impact Assessment has been undertaken.

5. **LEGAL IMPLICATIONS**

- 5.1 The Public Services Pensions Act 2013 created a statutory requirement to have a Scheme Manager, and this is defined in regulations as the Fire and Rescue Authority. WMFRA have chosen to delegate the role of Scheme Manager to the Chief Fire Officer. However, it is important to note that the power to delegate does not absolve the Fire Authority of the responsibility of the pension scheme.
- 5.2 The responsibility to ensure the scheme is managed within the regulations rests with the Fire Authority and any fines resulting from errors will be the responsibility of the Fire Authority. It is therefore important that the Authority maintains oversight of the governance of the scheme.

6. **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this update report.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this update report.

BACKGROUND PAPERS

None

The contact for this report is Kelly Harding, Head of People Support
Kelly.Harding@wmfs.net

KELLY HARDING
HEAD OF PEOPLE SUPPORT

APPENDIX A – Pension Board Action Plan

Ref	Date	Subject	Action	Responsible	Completion date / Suggested timeframe	Status [Ongoing / Completed]
Actions arising from The Pensions Regulator Supervisory Report 2020/21 on the West Midlands Firefighter Pension Scheme						
A1	11/11	Skills and Training	Pension Board (PB) and Scheme Manager (SM) to undertake Training Needs Analysis to set a baseline for development of future training plans. Previous templates exist that can be used.	Pension Board Chair and Scheme Manager	Undertaken by March 2023	TNAs completed as of May 2023
A2	11/11	Pension Board Training and skills	PB to formalise their training plan, to be reviewed at least yearly, which will cover emerging themes, such as cyber security. This will be published on a joint Pension Board filing system/Teams site (see Recommendation D1) to ensure all PB member can review as required and bring forward suggestions for training and development.	Pension Board Chair	Implemented by July 2023	Agreed at July Pension Board
B1	11/11	Pension Board Succession	Clerk and PSS to develop a succession plan for both Scheme Member and Employer representatives, including undertaking a revision of role descriptions. This will include a proposal for hand-over between departing representatives and their replacements.	Clerk and PSS supported by Pension Board	Implemented by March 2023	Ongoing
B2	11/11	Pension Board Succession	PB and SM to review Terms of Reference with regards to representative tenures to ensure these are staggered and include a suitable handover period.	Pension Board Chair and Scheme Manager	Implemented by July 2023	Revised Terms of Reference drafted and agreed, staggered member

						replacement process agreed.
C	11/11	Pension Board Composition	Review appointment/election communications for Pension Board representatives to ensure they encourage diversity amongst the Pension Board membership and encourage the widest possible number and range of candidates to apply. TPR Equality, Diversity and Inclusion guidance to be utilised.	PSS/Pension Board/Portfolio Team	Implemented by January 2023	Completed – Election communications sent
D1	11/11	Pension Board Information Sharing	Review communications to Pensions Board and Scheme manager and ensure updates are provided when required.	Portfolio and Pensions Administration Teams	Implemented by March 2023	Complete
D2	11/11	Pension Board Information Sharing	Pension Board members to review information sharing arrangements and PB representatives' views on information sharing, knowledge and skills, with input from Scheme Manager.	Pension Board and Scheme Manager		Completed
E1	11/11	Business Continuity Planning	Pensions Board to receive a report on current BCP arrangements and testing and review their effectiveness with a view to making recommendations to Scheme Manager on whether a bespoke BCP outside existing WMFS arrangements is necessary.	Pensions Board Chair and Pensions Manager	To be approved in July 2023 .	Pension Board BCP agreed with minor additions at July 2023 PB meeting.
E2	11/11	Business Continuity Planning	Pension Administration Team to develop and share with the Scheme Manager and Pension Board a set of procedural notes for key pensions administration tasks. Content may be impacted by implementation of remedy.	Pensions Administration Team	Delayed until mid-2024.	Procedural notes created for some tasks, and work continues but not

						expected until mid 2024.
F	11/11	Information Sharing between SM, PB and Pension Administration Team	Written (rather than verbal) reports to be provided by the Pension Team on key issues to both the Pension Board and Scheme Manager as a standing item for all meetings.	Pensions Administration Team	To begin from March 2023 Audit and Risk Committee	Completed
G	11/11	Conflicts of Interest	Conflict of Interest Register, based on the TPR template, to be created and stored on system where all PB members have access. Will be a standing item for all PB meetings. This document to be shared with The Pension Regulator.	Portfolio Team and Pensions Board	To begin from implementation of new system as of February 2023	Completed
H1	11/11	Risk Management	<p>PB Risk Register Sub Group to consider TPR recommended changes or improvement in formatting of the Risk Register:</p> <ul style="list-style-type: none"> • utilising a cover sheet to provide a snapshot of the current risks, helping to clearly identify the current major risk(s) to the Scheme. The Scheme may wish to identify emerging risks in this location as well. • ensuring all risks have mitigating actions and owners • documenting closed risks <p>Incorporate relevant WMFS Corporate Risks within the PB Risk Register, to include Cyber Security (CR 7.3).</p>	Pensions Board RR sub group	Completed by January 2023	Complete – PB agreed to maintain current RR approach.

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H2	11/11	Risk Management	PB Risk Register to be incorporated into Audit and Risk Committee risk updates.	Scheme Manager	To begin from March 2023 A&R Meeting	Completed
I	11/11	Digitisation of records	All records to be digitised and accessible to support data collection.	Pensions Manager supported by Data and Governance Team	Completed	Completed
J	11/11	Data Improvement policy	Pensions Team to work with Data and Governance team on ensuring a Data Improvement Policy is in place for Pensions Data, either drawing on existing policy or developing a new policy if required. To be taken forward following roll out of ALTAIR update.	Pensions Administration Team & Data and Governance Team	Following appointment of new Pension and Payroll Manager (expected May 2024)	Ongoing.
K	11/11	Data Improvement Plan	Pensions Team, drawing on the Annual Data Review (Action L) to develop a Data Improvement Plan for any areas where data scores are not complete. This to be reported to both Scheme Manager and Pension Board, and shared with TPR. To be taken forward following roll out of ALTAIR update.	Pensions Administration Team	Following completion of Data Review	Ongoing. Due to staffing shortages not expected to be full in place until later in 2024.
L	11/11	Annual data review	Pensions Team to undertake a pension data review, to assess the accuracy and completeness of member data, to be reported to the Pension Board and Scheme Manager.	Pensions Administration Team	Mid-2024	Scores not available for Annual Return to TPR in Jan 2024. Expected to be undertaken in mid-2024 once additional staffing in place.

M	11/11	Recording data scores	Pensions administration team to record common and scheme specific data scores gathered as part of the Annual Data review (Action L) in Exchange as part of annual return to The Pension Regulator.	Pensions Administration Team	Mid-2024	Scores not available for Annual Return to TPR in Jan 2024. Expected to be undertaken in mid-2024 once additional staffing in place.
N1	11/11	Review of KPIs	Scheme Manager to inform Pensions Board which KPIs it wishes to have developed and to receive regular updates on. PB to develop and agree with Pensions Team, and utilise a traffic light system (RAG).	Scheme Manager, Pensions Board and Pensions Administration Team	Completed by March 2023	Completed
N2	11/11	Supporting narrative to KPs	All Key Performance Indicators (provided with RAG rating) to be accompanied by appropriately detailed written narrative (which may be provided alongside a verbal update). This narrative to be provided to both the Scheme Manager and the Pension Board	Pensions Administration Team	Completed by June 2023	Complete – delivered to July PB . Further improvements to be made for future reports.
O	11/11	Documentation of Data validation procedures	Implementation of ORACLE upgrade is intended to allow retired Scheme Members to update their own contact details. All members to be contacted by post to inform them of new system, with further investigation of failed deliveries.	Pensions Administration Team	Following appointment of new Pension and Payroll Manager	Deadline to be set once new P&P Manger in post

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P	11/11	Pension Process Automation	Pensions Team to provide a report to the Scheme Manager on automation and systems improvements achieved by implementation of ALTAIR and ORACLE systems system once in place.	Pensions administration team	Following appointment of new Pension and Payroll Manager	Deadline to be set once new P&P Manager in post
Q1	11/11	Administrative Task Timescales	Pensions Team to provide a report to the Scheme Manager setting out the expected task timescales (e.g., responses to queries), which will also be shared with Pension Board.	Pensions administration team	Completed by March 2023	Completed
Q2	11/11	Firefighter Pensions SAB Pensions Administration Strategy	Pensions Board to utilise FPS Administration, Management, and Governance Strategy template to create single documentation of roles and services standards. Document to be agreed by Scheme Manager and published on the WMFRA CMIS site.	Scheme Manager, Pension Board, Pension Team, Portfolio Team	Agreed September 2023	Information from FPSAB to be included on new webpage on WMFS.net
Actions arising from previous Pension Board meetings						
2	08/12	Members opt-out	Information to be circulated to employees to encourage them to remain in the scheme	Governance Advisor/PSS	April 2024	Ongoing - Now included within the Comms plan for Q4.
4	08/12	Actively updating data records	Pensions Manager to go back to all relevant individuals to ask them to update their records, to actively promote them to update their records.	Pensions Manager/ Admin Manager	Ongoing	MSS now in place for Active Scheme Members. Communication to be included in April Payslip.

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1	07/09	Training and Development	Members to put forward suggestions for training and development to be added to Pension Board training plan	Pension Board Members	Complete January 2024	Complete
5	07/09	Administration	Update PB Risk Management Approach to reflect service corporate risk approach	Policy Advisor and Portfolio Team	January 2024	Ongoing
6	07/09	Terms of Reference	Scheme Manager to review the terms of reference to ensure that role of scheme manager, pension board and pensions administration are clear.	Scheme Manager and Policy Advisor	January 2024	Deferred
7	07/09	Performance Metrics	Consider update to pension administration KPI relating to transfers – realistic timescales to take account of potentially long delays between inquiries.	Policy Advisor and Pensions Admin team	January 2024	Deferred
9	07/09	KPIs	Review KPIs to see which cases are not currently covered by KPIs.	Board	March 2024	Contained with Pension Section Supporting Information Report
1	02/11	Communications	To determine how we communicate with members via the webpage to ensure their details are accurate.	PSS and P&P Manager	January 2024	Complete
5	02/11	IDRP Process	IDRP - To understand how we capture the decision-making part of the process of Stage 1 appeals and to provide to the board.	Head of PS	January 2024	Reported to January 2024 Board
1	11/01	Training and Development	To confirm number of completed modules.	Policy Advisor	March 2024	
2	11/01	Employer Representative Role	To discuss the criteria of the Employer Representative role. (To replace Julie Felton)	Head of PS	March 2024	

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3	11/01	Communication regarding Uplift	To ensure information regarding the uplift be added to the relevant communication.	Policy Advisor	March 2024	Completed 20 February
4	11/01	Communication via social media	Discuss with Corporate Comms about adding to Social Media/Emails where individuals can access relevant information regarding specific issues regarding their pension.	Policy Advisor	March 2024	Completed and began with Uplift Communication
5	11/01	Communication	To discuss with Corporate Comms to ensure information is provided to individuals to explain processes and answer common questions.	P&P Manager Policy Advisor	March 2024	
6	11/01	Person responsible for Action	To add an additional column within the 'Updates Received Register' to identify person responsible for the action	Policy Advisor	March 2024	Completed

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Item 10

15 APRIL 2024**1. RESULT OF RECENT FIRE SAFETY PROSECUTIONS**

Report on behalf of the Chief Executive Officer

RECOMMENDED

THAT the details of the fire safety prosecution be noted.

2. PURPOSE OF REPORT

This report is submitted to inform the Authority of the result of prosecutions under the Regulatory Reform (Fire Safety) Order 2005.

3. BACKGROUND

- 3.1 This case concerned the persistent failure to comply with a Prohibition Notice served upon First Job Ltd and its directors, Carmen Lupu and Daniel Orasanu, in relation to occupied premises being converted from an office block to flats at Metro Court, 150 High Street, West Bromwich during the period 24 November 2016 to 17 August 2017 when the premises was vacated subject to a Closure Order issued by the court under the Anti-social Behaviour, Crime and Policing Act 2014. The issues included:

- no power to the fire alarm
- insufficient number of fire detectors in the occupied third floor corridor
- numerous fire doors in the open position
- combustible materials in the staircase obstructing the means of escape
- non fire-resistant flat windows opening onto the means of escape

- doors to flats which were not fire resisting.
- 3.2 Despite the Prohibition Notice being in force throughout, Ms Lupu continued to advertise in her native Romania that the accommodation was available for rent and a further number of families moved into the premises. This situation persisted up to the point of the Closure Order being served.
- 3.3 This Authority's criminal prosecution was due to be heard at Wolverhampton Crown Court on 7 June 2018, however, the defendants failed to appear. Immediate investigations found that Ms Lupu and Mr Orasanu had fled to Romania during the previous week despite having surrendered their passports to the court at an earlier hearing. The Court issued warrants for their arrest should they try to return to the UK.
- 3.4 Several court hearings took place during which the Authority was directed to apply for European Arrest Warrants (EAWs) for Ms Lupu and Mr Orasanu. This application was duly made, however, the warrants could not be executed due to technical differences between British and Romanian statutes concerning fire safety law. Consequently, the Authority requested a trial in absence to which the court agreed. Due to Covid and the subsequent backlog in cases the trial could not begin until 11 October 2022.
- 3.5 The prosecution outlined the case to the jury and showed them video footage and still images of the deficiencies found by the officers on multiple occasions including the increasing occupation of the premises despite the prohibition. At the conclusion of the case, the jury were directed by His Honour Judge (HHJ) Berlin to find the defendants guilty only if they believed the prosecution had proved its case against them. He did suggest that the failure to comply with the prohibition was an example of "cynical profiteering by the defendants". The jury unanimously found each of the three defendants guilty of each of the three offences with which they were charged, although the defendant company First Job Limited had by this point been dissolved and therefore could not be sentenced.
- 3.6 Having discharged the jury, HHJ Berlin then gave further directions to seek details of previous European convictions via Interpol before the court could proceed to sentencing. This was expected to take

around two months, and HHJ Berlin suggested he may be in a position to sentence in the early part of 2023. Following sentencing of the defendants, the EAWs can then be executed subject to Ms Lupu and Mr Orasanu being located.

- 3.7 Due to changes following Brexit, a single check of convictions across Europe is no longer possible and individual enquiries had to be made with several countries resulting in further delays. Our thanks should go to our colleagues in West Midlands Police for their assistance with this process.
- 3.8 Following further cancellations of Court hearings, on 8 February 2024 Daniel Orasanu was finally sentenced by HHJ Chawla at Wolverhampton Crown Court to a total of 34 months imprisonment and Carmen Lupu to 33 months. They were also ordered to pay full prosecution costs totalling £66,708. Unusually, due to the serious nature of the offending and total disregard for the law, HHJ Chawla ordered that the sentences for the breach of the prohibition notice and the other fire safety offences should run consecutively. This resulted in the total sentences being well above the usual maximum for these offences of 24 months.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

The Regulatory Reform (Fire Safety) Order 2005 places a general duty on Responsible Persons, and others who have control to any extent, to provide general fire precautions to keep people safe in case of fire. The Order imposes a statutory duty on Fire and Rescue Authorities to enforce the provisions of the Order.

6. **FINANCIAL IMPLICATIONS**

The total costs of bringing the prosecution were £66,708, which will be recovered as the defendants were required to pay full prosecution costs.

7. **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications arising from this report.

BACKGROUND PAPERS

Notification of Fire Safety Prosecution – 21 June 2017

Fire Safety Files

The contact name for this report is Lee Brathwaite, Area Manager (Protection) telephone number – 07973 810597.

LEE BRATHWAITE
HEAD OF PROTECTION