

# **WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

## **AUDIT AND RISK COMMITTEE**

**2 SEPTEMBER 2019**

### **1. PENSIONABLE PAY DECISION**

Report of the Chief Fire Officer.

RECOMMENDED that in their role as Scheme Manager, the Committee decides whether the allowance for the provision of Canine Response should be treated as pensionable pay.

### **2. PURPOSE OF REPORT**

This report is submitted to provide information to allow the Committee to make a decision as required by the Firefighters' Pension Scheme regulations, as to whether the allowance for the provision of Canine Response should be treated as pensionable pay

### **3. BACKGROUND**

3.1 West Midlands Fire Service has recently implemented a new allowance payable to a member of the Technical Rescue Unit for the provision of Canine Response. A decision needs to be made as to whether this payment is pensionable under the rules of the various Firefighters' Pension schemes.

3.2 In a paper submitted to the Strategic Enabling Team meeting of 12 December 2018 it stated that in recognition of the additional responsibility and impact on personal time, and in line with similar arrangements across other Fire and Rescue Services, it is proposed that a 10% pay enhancement is attached to the role.

3.3 Further information has been provided that indicates the allowance is paid to also recognise the following issues.

- the dog is permanently resident with the employee;
- the employee has caring responsibilities for the dog and to ensure that it remains fit and healthy for work;

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- the dog is available for duty in line with the employee's shift pattern and on call arrangements; and
- the employee needs to reach and maintain additional competencies to enable the dog to be deployed to operational incidents.

4. **DEFINITION OF PENSIONABLE PAY**

Pensionable pay for all schemes is defined as being the pay determined in relation to the performance of the duties of the role.

5. **GUIDANCE FROM HOME OFFICE FIREFIGHTERS' PENSION SCHEME**

Following a recent Court Ruling the Firefighters' Pension Scheme Advisory Board have issued the fact sheet attached as appendix 1 of this report.

6. **EQUALITY IMPACT ASSESSMENT**

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

7. **LEGAL IMPLICATIONS**

The decision of the Scheme Manager in this case may be challenged by an employee in receipt of the allowance. The challenge would be made through the Firefighters' Pension Scheme Internal Dispute Resolution Procedure. If this process does not resolve the matter the issue can be taken to The Pension Regulator and finally to the Supreme Court.

8. **FINANCIAL IMPLICATIONS**

Deciding that this allowance is part of Pensionable pay will increase the cost by a maximum of £1,139 per annum.

## **BACKGROUND PAPERS**

The Firemen's Pension Scheme Order 1992

The Firefighters' Pension Scheme (England) Order 2006

The Firefighters' Pension Scheme (England) Regulations 2014

Report of the Strategic Enabler for Response outlining the evaluation outcomes from the previously implemented recommendations regarding the Technical Rescue Unit (TRU) Staffing alongside a proposal for future staffing – To the Strategic Enabling Team meeting 12 December 2018.

The contact name for this report is Assistant Chief Officer Gary Taylor (Strategic Enabler - Process) telephone number 0121 380 6914.

PHIL LOACH  
CHIEF FIRE OFFICER

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