

# **North Wales Fire and Rescue Service Firefighters' Pension Scheme**

**Local Pension Board  
Annual Report  
2016-17**

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## 1.0 Background

The Public Services Pensions Act 2013 requires all Public Service Pension Schemes to establish a Local Pension Board. In the case of the Firefighters' Pensions Scheme, the role of the Board is to assist the Scheme Manager (North Wales Fire and Rescue Authority): to secure compliance with:

- the relevant regulations;
- any other legislation relating to the governance and administration of the Scheme ; and
- the requirements imposed by the Regulator in relation to the Scheme and
- to ensure the effective and efficient governance and administration of the Scheme.

The Local Pension Board is expected to complement and enhance the Authority's existing arrangements for managing the scheme. It does not replace the existing arrangements and it is not a decision making body. Rather, it is designed to act as a critical friend to the Authority and its officers when they act in the capacity of scheme manager.

The Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015 relating to the creation and ongoing operation of local pension came into force on 1st April 2015. These regulations required the Authority to agree the establishment of a Local Pension Board in respect of the Firefighter's Pension Scheme by 1<sup>st</sup> April 2015. In this context, established means that the Authority, as Scheme Manager, had to approve the creation of the Board and agree its composition and terms of reference in accordance with its constitution. It did not mean that the Firefighters' Pension Scheme Local Pension Board had to be fully operational by that date.

However, it was anticipated that all Local Pension Boards should be operational within a reasonable period after 1st April 2015, and certainly by the end of July of that year. The North Wales Firefighters' Pension Scheme Local Pension Board was established by the Authority on 20 April 2015 when it held its first meeting.

## **2.0 Role and Remit**

The role and remit of the Local Pension Board is to assist the Authority in its capacity as Scheme Manager by making sure it is administering the Firefighters' Pension Scheme effectively and efficiently and, in doing so, is complying with relevant laws and regulations. The Board does this by reviewing the policies and practices that the Authority has adopted and checking them against the applicable regulations, as well as comparing them to examples of best practice elsewhere. It is a slightly different role when compared to the (separate) Board charged with overseeing the Local Government Pension Scheme arrangements as the Firefighters' Pension Scheme is an unfunded scheme with no investment aspect.

## **3.0 Constitution and Membership**

The Local Pension Board approves and reviews on an annual basis the terms of reference for the Firefighters' Pension Scheme; a copy of the document is available at the following link:

<http://www.nwales-fireservice.org.uk/media/1253/local-pension-board-tofr.pdf>

In order to ensure they are fully representative, all Local Pension Boards must include an equal number of employer and member representatives with a minimum requirement of no fewer than four in total. At its meeting in April 2015, the Authority agreed to establish a Firefighters' Pension Scheme Local Pension Board with three employer representatives and three scheme member representatives. The term of appointment for all members is three years or until qualification for membership ceases.

### **Membership of the Local Pension Board 2015-2017**

Employer:

Four members of North Wales Fire and Rescue Authority, namely, Cllr Brian Dunn, Cllr Delyth Macrae, Cllr W Tudor Owen, Cllr J Rodney Skelland. Clerk to the Authority, Treasurer of the Authority.

Scheme Manager:

Two representatives from each representative body officially associated with the NWFRA: Fire Brigades Union - Shane Price and Sandra Williams;  
Fire Officers' Association - Geraint Hughes and Paul Scott;  
Association of Principal Fire Officers - Richard Fairhead and Ruth Simmons.

### **Chair of the Board**

The Chairperson of the Local Pension Board will be rotated every two years between a member representing employers and those representing scheme members.

Cllr W Tudor Owen has been elected Chair for the first two year period, 2015-2017. The Chair is nominated to sit on the National Firefighters' Pension Advisory Board.

The Board has met twice during the period of this annual report.

## **4.0 Code of Conduct and Conflicts Policy**

The Authority, as Scheme Manager is required to prepare and approve a code of conduct for the Board to adopt. This code has to set out the standards of behaviour expected of members, incorporating the 'Seven Principles of Public Life' (known as the Nolan Principles). The elected and co-opted members of the Authority are governed by the code of conduct for councillors. This code is required of every local authority by the Localism Act 2011 and sets out the standards of behaviour expected of individuals in their capacity as councillors or co-opted members. In addition, there is a legal obligation for councillors to disclose, in a register maintained by the authority's monitoring officer, certain pecuniary interests, as defined in regulations made under the 2011 Act. Both of these requirements apply to any members of a Local Pension Board who are also councillors of a local authority. They do not apply to members of a Local Pension Board who are not Councillors unless they are specifically adopted in terms of reference or other policy document to apply to the other members of the Board. At its meeting in November 2015, the Firefighters' Pension Scheme Local Pension Board formally agreed to adopt the Authority's Code of Conduct for all members of the Board.

Aside from the provisions of the Authority's Code of Conduct, for the purposes of the members of the Local Pension Board, a 'conflict of interest' is defined in section 5(5) of the Public Service Pensions Act 2013 as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of a Local Pension Board (although that does not include a financial or other interest arising by virtue of that person being a member of the Firefighters' Pension Scheme). The Pensions Regulator recommended that all administering authorities put in place a Conflict of Interest Policy for the operation of their new local pension boards. The Firefighters' Pension Scheme Local Pension Board duly agreed a detail Conflicts Policy at their meeting in November 2015. A copy of the policy can be found here:

<http://www.nwales-fireservice.org.uk/media/337270/conflict-of-interest-policy-adopted-301115.pdf>

It is not anticipated that significant conflicts of interest will arise, particularly as the Firefighters' Pension Scheme has no investment aspect. However, officers will take steps to identify, monitor and manage conflicts in accordance with the policy.

## **5.0 Knowledge and Understanding**

In accordance with Section 248A of the Pensions Act 2004, every individual who is a member of a Local Pension Board must be conversant with:

- the rules of the Firefighters' Pension Scheme; and
- any document recording policy about the administration of the Scheme which is for the time being adopted in relation to the Fund.

Each individual must have knowledge and understanding of the law relating to pensions and such other matters as may be prescribed.

The Authority is required to make appropriate training available to Local Pension Board members to assist them in undertaking their role and where possible support all members of the Board in undertaking that training. The Local Pension Board is required to keep appropriate records of the learning activities of individual members and the Local Pension Board as a whole. This will assist members in demonstrating their compliance, if necessary, with the legal requirement and how they have mitigated risks associated with knowledge gaps.

It is a statutory requirement to include details of the training undertaken by members of the Pension Fund Board in the Fund's Annual Report. In addition, this information may be required by other agencies such as the Pensions Regulator from time to time. A schedule detailing the training undertaken by Local Pension Board members is detailed below:

Date	Training	Attendees
20/04/16	Conflict of Interest – Pension's Regulator' Training Module  RDS Modified Pension Scheme	Employer Representatives – Cllr W T Owen (Chair); Cllr B Dunn; Cllr J Rodney Skelland. Advisors – D Docx, Deputy Chief Fire Officer/Interim Treasurer; J Brown, Head of Finance. Employee Representatives - R Fairhead and R Simmons, ACFOs, Association of Fire Principal Officers; G B Hughes and P Scott, Fire Officers' Association; S Williams, Fire Brigades Union.
08/11/16	Managing Risk and Internal Control - Pension's Regulator' Training Module  Norman v Cheshire	Employer Representatives – Cllr W T Owen (Chair); Cllr B Dunn, Cllr D Macrae; Cllr J Rodney Skelland. Advisors – D Docx, Deputy Chief Fire Officer/Interim Treasurer; J Brown, Head of Finance. G B Hughes and P Scott, Fire Officers' Association.

## 6.0 Reporting Breaches of the Law to the Pensions Regulator Policy

In accordance with section 70 of the Pensions Act 2004, certain individuals must report to the Pensions Regulator as soon as reasonably practicable where that individual has reasonable cause to believe that:

- a duty which is relevant to the administration of the LGPS, and is imposed by or by virtue of an enactment or rule of law, has not been or is not being complied with; and
- the failure to comply is likely to be of material significance to the Regulator in the exercise of any its functions.

This obligation directly applies to each individual who is a member of the Local Pension Board. The Local Pension Board must therefore have effective arrangements in place to meet its duty to report breaches of law.

At its awareness session in November 2014, the Firefighters' Pension Scheme Local Pension Board was informed that, in line with the Pensions Regulator's Code of Practice number 14 (Governance and administration of public service pension schemes), guidance was available on the Pension's Regulator's website which set out the mechanism for reporting breaches of the law. The guidance ensures that those with a responsibility to report breaches of the law are able to meet their legal obligations, by analysing situations effectively in order to make an informed decision on whether a breach has been made.

<http://www.thepensionsregulator.gov.uk/codes/code-reporting-breaches.aspx>

## **7.0 Work Programme 2016-17**

The Local Pension Board met twice in 2016-17 on 20 April 2016 and 08 November 2016. As a statutory requirement, members of the Local Pension Board have been provided with regular legislative updates.

### **Board Meeting – 20 April 2016**

Declaration of Interest  
Conflict of Interest Module  
Update on communications effectiveness  
Training – RDS Modified pension Scheme

### **Board Meeting – 08 November 2016**

Declaration of Interest  
The Board reviewed and agreed the Terms of Reference and the Annual Report of the Local Pension Board 2015-16.  
Undertook the training module provided by the Pension's Regulator covering Risk and Internal Controls  
Presentation on 'Norman v Cheshire' court case  
Delivery of a pensions update and Scheme Advisory Board update



More detail is available in the agendas and minutes of the above Board meetings which can be accessed via following link:

<http://www.nwales-fireservice.org.uk/fire-and-rescue-authority/local-pension-board/?lang=en>

## **8.0 Work Programme 2017-18**

The Firefighters' Pension Scheme Local Pension Board maintains a work programme which is considered at every meeting. Now that the Board is established and members have completed a number of training activities it will begin to select topics for in-depth analysis with a view to making recommendations to the Fire and Rescue Authority as and when necessary.

The Work Programme for 2017-18 is as set out below:

Review of Terms of Reference and agreement of the Annual Report for 2016/17

Ongoing training sessions – Reporting breaches of the Law and Maintaining accurate member data

Discretionary policies

Presentations on current pension issues (as and when they arise)

The work programme for 2017-18 has been assigned on the basis that following local elections, representatives may change. For any new Board members the Scheme Manager recognises that newly appointed pension board members are likely to need additional support and training in the first few months. Therefore, the Scheme Manager will offer pre-appointment training and will provide an additional awareness training session on the new governance arrangements.

## **9.0 Key Officers supporting the Local Pension Board**

Deputy Chief Fire Officer – Dawn Docx

Head of Finance - Julie Brown