

# COMMISSIONERS FOR FIRE & RESCUE SERVICE

Papers for the Local Pension Board Committee to be held on:

**Tuesday 25 February 2025, 1000hrs**

**In person at South Wales Fire & Rescue Service Headquarters,  
Forest View Business Park, Llantrisant, CF72 8LX**

**Or**

**Remotely via MS Teams**

**Please ensure you join the meeting 15 minutes prior to meeting  
time**

Link: <https://bit.ly/428bisW>

**Any issues please contact  
01443 232000 and ask for Governance Support**

## A G E N D A

1. Apologies for Absence
2. Declarations of Interest

Attendees are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024 and the Local Government Act 2000.

3. Chairperson's Announcements
4. To receive the minutes of;  
Local Pension Board Committee held on 24 October 2024 3
5. Update on Outstanding Actions 9

**REPORTS FOR DECISION**

6. Review of Firefighter Pension Schemes Discretions 11

**REPORTS FOR INFORMATION**

7. Review of Key Performance Indicators 85
8. Public Sector Pension Scheme Legislation – McCloud & O'Brien remedy exercises and the Pensions Dashboard Project 97
9. Pensions Dashboards 111
10. Publications, Updates, Information (Standard Item) 119
11. Forward Work Programme for Local Pension Board Committee 2024/2025 123
12. To consider any items of business that the Chairperson deems urgent (Part 1 or 2) 127
13. Any items to report back to the Board of Commissioners Committee 129

Signature of Monitoring Officer:



## **COMMISSIONERS FOR SOUTH WALES FIRE AND RESCUE SERVICE**

### **MINUTES OF THE LOCAL PENSION BOARD COMMITTEE HELD ON THURSDAY, 24 OCTOBER 2024 IN MEETING ROOM 8 & REMOTELY VIA TEAMS**

**OFFICERS PRESENT:-** T/ACFO Dean Loader (Chair) – Director of Service Delivery, ACO Alison Reed – Director of People Services, Ms Gabbie Greathead – Interim Monitoring Officer & Legal Services Manager, Ms Julia Thompson – Pensions Liaison Officer, Mr Lee Bunkham – Senior Procurement Officer, Mr Gareth Tovey – Fire Brigades' Union, Mr Dave King – Fire & Rescue Service Association, Mr Ian Traylor – Pensions Service Director, RCTCBC

#### **1. APOLOGIES**

Dave King - Fire & Rescue Service Association.

#### **2. DECLARATIONS OF INTEREST**

Each Member of the board declared a personal non-prejudicial interest in each agenda item.

#### **3. CHAIR'S ANNOUNCEMENTS**

There were no announcements.

#### **4. LOCAL PENSION BOARD COMMITTEE HELD ON 3 JULY 2024**

The minutes were presented from the Local Pension Board Committee meeting held on 3 July 2024.

#### **RESOLVED THAT**

4.1 The minutes of the previous meeting held on held on 3 July 2024 were agreed as a true record, following slight amendment to the attendee list.

#### **5. UPDATE ON OUTSTANDING ACTIONS**

ACO Reed, People Services and ACFO Loader presented the outstanding actions.

## **RESOLVED THAT**

Pension Board Members reviewed and updated the outstanding actions.

### **6. REVIEW OF KEY PERFORMANCE INDICATORS**

The Pensions Services Director RCT reported on The Service Level Agreement between South Wales Fire & Rescue Service and Rhondda Cynon Taf County Borough Council sets out the manner in which certain duties and responsibilities are expected to be carried out. A key element of the SLA is the reporting on actual performance activity against the agreed key delivery Service Standards. The report provided Members with an update on key activity undertaken during the reporting period and shares the performance data for the periods April 2024 – August 2024. Each board member wished to commend the Pensions Service Director, SWFRS Pensions Team and ICT for the dissemination of annual benefits within a timely manner, which was a complex piece of work.

## **RESOLVED THAT**

- 6.1 Members of the Local Pension Board noted the performance data included at Appendix 1 attached to the report.
- 6.2 Members noted the relevant pension administrative overview and update included at Appendix 2 attached to the report.
- 6.3 Members agreed to the inclusion of Pension Dashboard Onboarding as a standard agenda item going forward.

### **7. LOCAL PENSION BOARD – SERVICE LEVEL AGREEMENT (SLA)**

The ACO People Services presented the Service Level Agreement (SLA) which is a contract between a service provider and its customer. It documents the service the provider will furnish and defines the service standards the provider is expected to meet.

There is a Service Level Agreement for the provision of services for Fire Pensions. These services are provided by RCT Pensions.

A discussion arose around ‘fees payable by SWFRS’ being included in future annual budget discussions, to include all fees and a brief on what the Service will receive for its money, this will also be built into the SLA going forward. There was a discussion in relation to formal contractual requirements and it was agreed this should be discussed further with Procurement.

## **RESOLVED THAT**

- 7.1 Members reviewed the Service Level Agreement attached to the report at Appendix 1.
- 7.2 It was agreed that The Service Level Agreement (SLA) will formally be reviewed by the Members on an annual basis.
- 7.3 The Senior Procurement Officer to consider the development of a contract, link in with the SLA and undertake a review of the SLA whilst receiving input from the Pensions Service Director RCT and Pensions Liaison Officer.

## **8. LOCAL PENSION BOARD RISK REGISTER**

The ACO People Services reported on the newly developed Risk Register for the South Wales Fire & Rescue Authority Local Pension Board.

Mr Gareth Tovey wished to take the opportunity to thank the Director of People Service for the work undertaken on the risk register.

It was noted that the register will tie in with the corporate risk register.

## **RESOLVED THAT**

Members considered and agreed the contents of the report and discussed the draft Risk Register at Appendix A. Risks are compiled under the headings of:-

- 1) Operational Pensions; 2) Financial Risks; 3) Funding Governance; 4) Regulatory Compliance.

## **9. PUBLIC SECTOR PENSION SCHEME LEGISLATION – MCCLOUD & O'BRIEN REMEDY EXERCISES AND THE PENSION DEPARTMENT DASHBOARD PROJECT**

The ACO People Services reported on the public sector pension scheme legislation which sets out the statutory timelines imposed by the changes to Public Sector Pension Scheme legislation and more specifically Firefighter Pension Schemes. These are more commonly known as McCloud and O'Brien (Matthews 2) pension remedy exercises.

In addition, the Pensions Dashboard Project, which is being implemented by the Department of Work and Pensions (DWP), is now gathering pace and Pension schemes in the Fire Sector have been given a connection date of October 2025.

Pensions dashboards are digital services – apps, websites and other tools – which savers will be able to use to see their State Pension. A saver will be able to use dashboards to search records of all pension schemes to confirm whether or not they are a member.

## **RESOLVED THAT**

- 9.1 Members of the board noted the content of the report.
- 9.2 Members noted the statutory obligation placed on the Scheme Manager to ensure that these timelines are met for all 3 national projects.

## **10. INTERNAL DISPUTE RESOLUTION PROCEDURES (IDRP)**

The ACO People Services reported on the procedures for resolving internal disputes in relation to pension matters. The ACO People Services also updated Local Pension Board Members on the cases that were considered under this procedure during 1 April 2023 to 31 March 2024.

## **RESOLVED THAT**

- 10.1 Members noted the procedures for resolving internal disputes.
- 10.2 Members noted the cases considered under the IDRP procedure during the period of 1 April 2023 to 31 March 2024.
- 10.3 Updates will be provided on an annual basis going forward.

## **11. SCHEME ADVISORY BOARD – VERBAL UPDATE**

The ACO People Services reported that the previous meeting was held on 8 July 2024 with a discussion around changes to employee contribution rates which would take effect from 1 April 2025. A discussion ensued upon what the changes would look like. Changes will be implemented by 1 April 2025. Several models were shared at the meeting including gaps, salary and boundaries within bands. No definitive decision has been made at present on this. Ongoing discussions are taking place at present. This continues to be work in progress and will be monitored by the ACO People Services and the SWFRS Pensions Team.

## **RESOLVED THAT**

11.1 Pension Board Members noted the update provided on the Scheme Advisory Board.

## **12. PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)**

The ACO People Services provided an update on relevant publications, updates and information relating to pension matters, with Members of the Local Pension Board.

## **RESOLVED THAT**

12.1 Members reviewed and noted the publications which were shared for information and awareness purposes, as attached at Appendix 1.

## **13. FORWARD WORK PROGRAMME FOR LOCAL PENSION BOARD COMMITTEE 2024/2025**

The ACO People Services presented the Forward work Programme for 2024/2025.

## **RESOLVED THAT**

13.1 Members of the board noted the content of the Forward Work Programme for 2024/2025.

13.2 Members of the Board agreed to the inclusion of Pensions Dashboard, Service Level Agreement and Risk Register.

13.2 Meeting dates to be updated within the forward work programme.

## **14. TO CONSIDER ANY ITEMS OF BUSINESS THAT THE CHAIRPERSON DEEMS URGENT (PART 1 OR 2)**

There were no items of business that the Chair deemed urgent.

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## AGENDA ITEM NO 5

<b>UPDATE ON OUTSTANDING ISSUES ARISING FROM PREVIOUS MEETINGS</b>
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<b>Minute No</b>	<b>Item</b>	<b>Action</b>	<b>Leading Officer</b>	<b>Current Status:</b>
07/24 4.4	Members Handbook	ACO People Services to arrange for the Members Handbook to be uploaded to the intranet	ACO Alison Reed	Members handbook can be located under payroll, pensions and budgets in pension resources on the intranet.  An email will be sent to Members to highlight the document location
07/24 4.5	Members Handbook	Chair to clarify Point D under chapter 2 of the Members Handbook	ACFO Dean Loader	Clarified in October LPB. <b>COMPLETED</b>
07/24 6.3	Self Service Statistics	Ian Traylor to provide more detail on the self-serve statistics	Ian Traylor	Update to be provided on an ongoing basis. See standard agenda item, Pension Dashboard Onboarding. <b>COMPLETED</b>

10/24 7.2	Service Level Agreement	The Service Level Agreement (SLA) will formally be reviewed by the Members on an annual basis.	All Members	To be included on FWP for 2025.26
10/24 7.3	Service Level Agreement	The Senior Procurement Officer to consider the development of a contract, link in with the SLA and undertake a review of the SLA whilst receiving input from the Pensions Service Director RCT and Pensions Liaison Officer.	Lee Bunkham	
10/24 10.3	Internal Dispute Resolution Procedure	Updates to be provided to Members on an annual basis	ACO Reed	To be included on FWP for 2025.26
10/24 13.2	Risk Register	A review of the Risk Register is to be reviewed by the LPB every other meeting	ACO Reed	To be included on FWP for 2025.26

**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE SERVICE**AGENDA ITEM NO 6  
25 FEBRUARY 2025

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE DIRECTOR OF PEOPLE SERVICES

**REVIEW OF FIREFIGHTER PENSION SCHEMES DISCRETIONS****THIS REPORT IS FOR DECISION**REPORT APPROVED BY THE DIRECTOR OF PEOPLE SERVICES  
PRESENTING OFFICER ASSISTANT CHIEF OFFICER, ALISON REED**SUMMARY**

It is a requirement of the Firefighter Pension Schemes Regulations that participating Authorities/Scheme Managers must explain and publish how they will apply discretionary elements for Scheme members. Once approved these discretions need to be lodged with our Pensions Administrators for future reference and application.

This report, and the appendices attached, explains the areas and issues that need to be considered and approved.

**RECOMMENDATIONS**

1. That Members approve the new Statements of Policy attached to the report at appendix 1.
2. That Members authorise Officers to provide Rhondda Cynon Taff Pension Fund Administrators with a copy of the approved policy statements.

**1. BACKGROUND**

- 1.1 Under the Firefighter Schemes Regulations, as with previous Regulations, the Scheme Manager/Authority is required to prepare, maintain, and keep under review a Statement of Policy concerning a number of discretions made available to them throughout the Regulations.
- 1.2 The provision of all three Firefighter Pension Schemes (2007, 1992 and 2015) require participating Scheme Managers/Authorities to have a policy statement explaining how they will apply their discretions under those

elements of the Scheme where payments to Scheme members are at the discretion of the employing Authority.

- 1.3 The appendices attached sets out the discretions per scheme that are available to the Scheme Manager to apply when appropriate, and applicable. These discretions differ between schemes and are scheme specific.
- 1.4 The policies requiring consideration and approval are provided in full in appendix 1, 2, and 3 attached to the report, and fully explains the individual discretions whether the Scheme Manager wishes to apply the discretion or not. Consideration has been given to the impact that these discretions are likely to have on both the Member and the Pension Fund longer term

## **2. ISSUES**

- 2.1 These discretionary policies will need to be in force as soon as possible as Rhondda Cynon Taff Pension Administering Authorise advice that agreed policies must be in situ for one month before they can be relied upon to avoid falling foul of the Regulator.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 None arising directly. Implications will only arise in the application of the policy in individual cases.

## **4. EQUALITY RISK ASSESSMENT**

- 4.1 The proposals maintain the provision of a discretionary payments policy reflecting the requirements of the Firefighter Pension Schemes. The Equality Impact Assessment for the policy has been reviewed in light of the changes to the policy, and no adverse impact has been identified.

## **5. REPRESENTATIVE BODY CONSULTATION**

- 5.1 Discretionary payments under the Firefighter Pension Schemes are a matter for determination by the employer, and the relevant Representative Bodies will be informed of the revised policy, if approved.
- 5.2 The revised policy, if approved, will be published internally.

## **6. RECOMMENDATIONS**

- 6.1 Members approve the new Statement of Policy for all three Firefighter Pension Schemes, attached to the report at appendix 1.

6.2 That Members authorise Officers to provide Rhondda Cynon Taff Pension Fund Administrators with a copy of the approved policy statements.

<b>Contact Officer:</b>	<b>Background Papers:</b>
ACO Alison Reed Director of People Services	Appendix 1 – Review of Firefighter Pension Scheme Discretions

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## Firefighters' Pension Scheme Discretionary Policies amended January 2025

## APPENDIX 1

<b><u>The Firefighters' Pensions Scheme Wales 2015</u></b>			
<b>Regulation</b>	<b>Explanation</b>	<b>Decision SW</b>	<b>Comments</b>
<b>Regulations 4A to 4D: Local Pension Boards.</b>	The scheme manager must establish a Local Pension Board in accordance with Regulations 4A to 4D of the Firefighters' Pension Scheme. The Board has responsibility for ensuring compliance with the Firefighters' Pension Scheme Regulations 2014 and any other legislation relating to the governance and administration of the Firefighters' Pension Scheme (Wales) 2015 and any connected scheme. The scheme manager must have regard to guidance issued by the Welsh Government relation to Local Pension Boards, but the Authority will select the members.	<b>Yes</b>	<b>Not previously included</b>
<b>Regulation 5 (2): Delegation.</b>	In accordance with Regulation 5(2) of the Firefighters' Pension Scheme (Wales) 2015, the scheme manager may delegate any of their functions including the power to delegate.	<b>Yes</b>	
<b>Regulation 16(2)(b): Opting out of the Scheme. Discretion to determine date at which pensionable service ceases.</b>	The scheme manager has discretion to determine the date at which a person's pensionable service will cease if the person opts out of the scheme and the Authority consider that the first day of the first pay period beginning on or after the date on which the option is exercised would be inappropriate.	<b>Yes</b>	

<b>Regulation 17(1)(d): Discretion to allow Continual Professional Development payments to be treated as pensionable.</b>	The scheme manager has discretion under Regulation 17(1)(d) of the Firefighters' Pension Scheme (Wales) 2015 Regulations to permit an amount paid to a member for Continued Professional Development to be treated as pensionable pay.	<b>Yes</b>	<b>Not previously included</b>  <b>Treated as pensionable</b>
<b>Regulation 19(c): Active membership – unpaid authorised absence.</b>	The scheme manager has discretion to permit a person to count a period of unpaid authorised absence as active membership of the Scheme. (This would be subject to that person paying the required contributions under Regulation 111(4)).	<b>Yes</b>	
<b>Regulation 28 (2): Establishment of pension accounts: general. Discretion to keep in such form as the scheme manager considers appropriate.</b>	The scheme manager must establish and maintain pension accounts for scheme members, in accordance with Part 4 of the Firefighters' Pension Scheme (Wales) 2015 Regulations but they may be kept in such form as the scheme manager considers appropriate.	<b>Yes</b>	The Authority will maintain pension accounts for scheme members in the most appropriate form considered by the Authority.
<b>Regulation 37(3), (4) and (5): Closure and re-establishment of active member's account. Scheme manager's discretion to select appropriate account where more than one account held.</b>	If a member has more than two active member's 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. If the member fails to choose, the scheme manager has discretion to choose.	<b>Yes</b>	Where a member fails to choose an account to use to aggregate benefits, the Authority will choose the account considered most appropriate by the Authority. This is likely to be the most cost effective account to the Authority, but each case will be considered on its merits and full details of the circumstances will be required



<p><b>Regulation 49(3) and (4): Closure of deferred member's account after gap in pensionable service not exceeding 5 years. Discretion to select which account is to be closed where more than one account is held.</b></p>	<p>If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager shall close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account.</p> <p>If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the scheme manager must make the choice for them.</p>	<p><b>Yes</b></p>	<p>Where a member has more than one deferred account and fails to choose which account to close, the Authority will choose the account considered the most appropriate by the Authority. This is likely to be the most cost effective account to the Authority, but each case will be considered on its merits.</p>
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<p><b>Regulation 62(1) and (2): Employer initiated retirement. Discretion to award immediate payment of retirement pension without reduction.</b></p>	<p>The scheme manager, having regard to the economical, effective and efficient management of their functions and taking account of the costs likely to be incurred in a particular case, may determine under Regulation 62 of the Firefighters' Pension Scheme (Wales) 2015 Regulations that an active member who is at least age 55 but under normal pension age (60), and who is dismissed from scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency, should receive immediate payment of retirement pension without the early retirement reduction.</p> <p>In accordance with Regulation 120 of the Regulations, if the scheme manager uses this discretion to make an early payment of retirement pension, they will have responsibility for payment of an employer initiated retirement additional contribution calculated in accordance with Regulation 120(2). This would be paid into the Firefighters' Pension Fund as required by Regulation 123.</p> <p>If the scheme manager is considering making an award under Regulation 62 for a connected member of the Firefighters' Pension Scheme (Wales) 2007, they must also consider employer initiated retirement under Part 3, Rule 6 of the Firefighters' Pension Scheme (Wales) 2007 scheme.</p>	<p><b>Yes</b></p>	<p>The Authority will not normally grant early payment of benefits for business efficiency purposes or waive any actuarial reduction, except in exceptional circumstances, after considering the business case; agreement must be given by the Chief Fire Officer, in consultation with the Treasurer.</p> <p><b>(SW) Delegated authority is with Chief Fire Officer who may wish to refer the matter to the Fire Authority.</b></p> <p><b>In the case of a Principal Officer this decision would be taken to the Fire Authority.</b></p>
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<p><b>Regulation 63(5): Exercise of partial retirement option</b></p>	<p>If, as allowed by Regulation 63 of the Firefighters' Pension Scheme (England) Regulations 2014, an active member aged at least 55 opts to continue in pensionable service under the scheme but claims payment of pension accrued up to the date of option in one or more of their active member's pension accounts, this partial retirement option shall be taken to be exercised on such date as the member and the scheme manager agree. The scheme manager decides the form in which notice must be given.</p>	<p><b>Yes</b></p>	<p>Where a member aged at least 55 opts to claim the whole of their accrued pension but continue in pensionable service, the Authority will agree a date most suitable for the Authority, taking into account operational requirements.</p>
<p><b>Regulation 68(1) and (2): Review of ill-health award or early payment of retirement pension on ill-health grounds. Discretion to select appropriate timing of review.</b></p>	<p>If an ill-health award is made, the scheme manager must keep the recipient's entitlement under review subject to the person being under deferred pension age at the time of review and having been in receipt of the pension for less than 10 years. The scheme manager has discretion to decide the appropriate timing of review. Similarly, if the scheme manager determines that a deferred pension should be paid early on ill-health grounds, they must periodically review the recipient's entitlement to continuing payment of the award. Such reviews would be carried out until the person reaches deferred pension age and the scheme manager has discretion to decide the appropriate timing of review.</p> <p>The scheme manager must have a policy for reviewing at such intervals as it considers appropriate,</p>	<p><b>Yes</b></p>	<p>Every 5 years the Authority will undertake ill health pension reviews for individuals who are under the deferred pension age and have been receiving the award for less than 10 years and will review the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. Injury awards will be reviewed in line with the recommendation made by IQMP in their certificate.</p> <p><b>Written policy detailing frequency should be maintained and reviewed</b></p>
<p><b>Regulation 69(3): Consequences of review</b></p>	<p>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.</p>	<p><b>Yes</b></p>	<p>Where a member is receiving a lower tier ill-health pension and becomes capable of performing the duties appropriate to the role from which they retired, the Authority will consider making an offer of re-employment based on the individual circumstances.</p>



<p><b>Regulation 75 (1) and (2): Adjustment of allocated benefit. Discretion to adjust allocated benefit if member dies after reaching age 75.</b></p>	<p>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 defendant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager.</p>	<p><b>Yes</b></p>	<p>Where an allocated pension does not qualify as a dependant's scheme pension, the Authority will adjust the amount accordingly.</p>
<p><b>Regulation 76: Meaning of "surviving partner": Discretion to waive qualifying period for surviving partner's pension in the case of a co-habiting partner.</b></p>	<p>A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years.</p>	<p><b>Yes</b></p>	<p>Where a Surviving Partner has been in a long-term relationship for a continuous period of less than two years, the Authority will not consider that person to qualify unless in exceptional circumstances. Each case will be considered on its merits and full details of the circumstances will be required.</p>
<p><b>Regulation 85: Meaning of "eligible child". Discretion as to timing of review if eligibility is based on permanent disablement</b></p>	<p>If a child's pension is put into payment because of the child's dependency on the member on the grounds of permanent disablement and, at review, it is considered that the recipient is no longer permanently disabled, the pension will cease to be payable (unless the child would be entitled to the pension under any other terms of eligibility).</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Regulation 95: Person to whom lump sum death benefit payable. Discretion of Scheme manager to select recipients.</b></p>	<p>The scheme manager has absolute discretion to pay any lump sum death benefit to or for the benefit of the member's nominee, personal representative or any person appearing to have been a relative or dependent of the member.</p>	<p><b>Yes</b></p>	<p>The Authority will use their discretion on who receives any lump sum death benefit where the matter does not appear straightforward.</p>

<p><b>Regulation 100(2): Payment of pension in respect of an eligible child below age 18. Discretion relating to payment of child's pension.</b></p>	<p>If an eligible child's pension is payable in respect of an eligible child below age 18, the scheme manager must determine to whom it should be paid and shall give directions to that person as to how the payment should be applied for the eligible child's benefit.</p>	<p><b>Yes</b></p>	<p>When paying Death Benefits to an eligible child under age 18, the Authority will make considerations on a case by case basis as to whom it should be paid and how the payment should be applied.</p>
<p><b>Regulation 101(2) and (93): Surviving partner's pensions and eligible child's pensions. Discretion to suspend and recover.</b></p>	<p>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 not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so).</p>	<p><b>Yes</b></p>	<p>The Authority will cease payment of a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears a false declaration had been made or where a material fact has been deliberately suppressed.</p>
<p><b>Regulation 102: Provisional awards of eligible child's pensions: Discretion for later adjustments.</b></p>	<p>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 pension, as required, in view of the facts as they subsequently appear. The adjustments may be made retrospectively.</p>	<p><b>Yes</b></p>	<p>Where a child is eligible/ineligible to a child's pension, the Authority will adjust the pensions accordingly. Each case will be considered on its merits and full details of the circumstances will be required.</p>

<p><b>Regulation 104(1)(a) and (2): Discretion to adjust benefits to comply with Finance Act 2004 where members die over age 75.</b></p>	<p>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.</p>	<p><b>Yes</b></p>	<p>The Authority may adjust benefits payable to individuals who do not qualify as a dependant's scheme pension under the Finance Act 2004. Each case will be considered on its merits and full details of the circumstances will be required.</p>
<p><b>Regulations 110(5) and (7)(h): Member contributions. Discretion to specify circumstances where a reduction in pensionable pay shall be disregarded for purposes of determining member contributions.</b></p>	<p>The scheme manager shall decide the relevant rate of contributions payable by a scheme member by reference to the pensionable pay "banding tables" in Regulation 110 of the Firefighters' Pension Scheme and the requirements of that Regulation. This is subject to Regulations 111 to 113 (contributions during absences). When identifying the appropriate contribution rate, the reduction in pay in certain circumstances as listed in Regulation 110 shall be disregarded. In addition, the scheme manager may, as allowed by Regulation 110(7)(h) specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded.</p>	<p><b>Yes</b></p>	<p>The Authority will assess contributions when there is a change to pensionable pay and revise contribution rates accordingly. This process of assessment is automated through the Payroll system in use by the Employer and undertaken each time a payroll cycle is completed.</p> <p>When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded.</p>







<p><b>Regulation 141(3): Request for acceptance of a transfer payment. Discretion to extend time limit for request.</b></p>	<p>It is not the policy of the Authority to consider extending the time limit for a transfer in of previous pension rights to proceed after twelve months of joining unless:</p> <p>(i) the scheme member has requested that investigations commence within the twelve month time limit, or</p> <p>(ii) if there is reason to believe that the individual would not have known of the need to request an investigation into potential transfer in or previous pension rights within the twelve month time limit, and the HR and/or pension files support this. Only in exceptional circumstances will a longer period be allowed so long as there is no known reason or prospect of the employee having access to their pension rights within the next 12 months.</p> <p>This also applies to occupational pension scheme transfer requests.</p>	<p><b>No</b></p>	<p>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.</p> <p>An extension will only be considered in cases of maladministration.</p>
<p><b>Regulations 142 and 144: Transfer statement and club transfer value statement. Discretion to require member to request manager of other pension scheme to provide statement of transfer value.</b></p>	<p>The scheme manager can require an active member to ask the scheme manager of a previous pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count if the transfer were to proceed.</p>	<p><b>Yes</b></p>	<p>Apply this discretion; each case will be considered on an individual basis.</p>
<p><b>Regulation 152: Role of IQMP in determinations by the scheme manager.</b></p>	<p>If a medical issue has to be addressed, the scheme manager shall seek, and have regard to, the written opinion of an Independent Qualified Medical Practitioner (“IQMP”) <u>selected by them</u>.</p>	<p><b>Yes</b></p>	

<p><b>Regulation 155(2): Notice of appeal (Board of Medical Referees).</b></p>	<p>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 notice of appeal, setting out the appellant's name and address and the grounds of the appeal must be given to the scheme manager within 28 days of the member having received the documents supplied under Regulation 154. If the appeal is not made within this time limit the scheme manager has discretion under Regulation 155(2) to extend the time limit for such period as they consider appropriate, not exceeding six months from the date on which the relevant documents relating to the determination were supplied in accordance with Regulation 154.</p>	<p><b>Yes</b></p>	
<p><b>Regulation 157(6) to (9): Procedure where appeal to be pursued. Discretion to submit written evidence. Selection of attendee(s) representing the scheme manager at the interview.</b></p>	<p>Where an appeal is to be pursued, the scheme manager shall follow the requirements regarding the interview at the time and place appointed by the Medical Appeal Board. They can submit any written evidence as they consider appropriate and respond to any written evidence supplied by the appellant in accordance with the Regulation and within the set timescales. They can also decide who should attend the interview as representative(s) of the scheme manager.</p>	<p><b>Yes</b></p>	

<p><b>Regulation 161(2), (3) and (3)(b): Fees and allowances payable to the Board: expenses of each party. Discretion to require appellant to pay fees and allowances in certain circumstances.</b></p>	<p>The scheme manager can require the appellant to pay to them a sum equivalent to the total amount of fees and allowances payable to the Board under Regulation 160(1) where –</p> <ul style="list-style-type: none"> <li>• the Board determines an appeal in favour of the scheme manager and states that in the Board's opinion the appeal was frivolous, vexatious, or manifestly ill-founded, or</li> <li>• the appellant has withdrawn the appeal requesting cancellation or postponement, giving less than 22 working days' notice before the date appointed for the interview, or</li> <li>• the acts and omissions of the appellant cause the Board to cancel, postpone or otherwise adjourn the interview less than 22 working days' notice before the date appointed for that interview.</li> </ul>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>	<p>In each of the circumstances stated, the Authority will require the appellant to pay the maximum sum allowable not exceeding the total amount of the fees and allowances payable.</p>
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<p><b>Regulation 163: Appeals on other issues: requirement to deal with a person's disagreement by Internal Dispute Resolution Procedures ("IDRP"). Discretion to decide local IDRP arrangements.</b></p>	<p>If a member disagrees with the scheme manager's determination of award 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 Internal Dispute Resolution Procedures by written notice given to the scheme manager within 28 days of the receipt of the determination.</p> <p>In compliance 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, the scheme manager must have Internal Dispute Resolution Procedures in place, but they can determine who should be decision makers at Stage One and at Stage Two.</p> <p>These arrangements would also apply for other issues not directly covered by Regulation 163, but which may be appealed under Section 50 of the Pensions Act 1995.</p>	<p><b>Yes</b></p>	<p>Where a member disagrees with the Authority's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can follow the Internal Dispute Resolution Procedure (IDRP) to seek a resolution.</p> <p><b>In line with IDRP procedure Stage 1 dealt with by ACO and Stage 2 by the Fire Authority (or delegated body/person)</b></p>
<p><b>Regulation 165: Recovery of overpayment of benefits. Discretion to decide means of recovery of overpayment resulting from a percentage decrease in earnings in a revaluation order.</b></p>	<p>If, in a financial year, a percentage decrease in earnings is specified in an order made under section 9 of the Public Service Pensions Act 2013 ("revaluation"), the scheme manager shall recover any overpayment of benefits that has occurred as a result of the application of the retirement index adjustment for that year. The scheme manager can determine whether to recover the overpayment by reducing the amount of each instalment of pension until recovery is completed, or whether to omit to pay any increase in the amount of any pension due until the amount of overpayment is recovered.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>

<p><b>Regulation 167(3): Commutation of small pensions. Discretion to commute.</b></p>	<p>If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances.</p>	<p><b>Yes</b></p>	<p>Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.</p>
<p><b>Regulation 168: Discretion regarding payments for persons incapable of managing their affairs.</b></p>	<p>If it appears to the scheme manager that a person, other than an eligible child, who is entitled to the payment of an award is, by reason of mental incapacity or otherwise, incapable of managing his/her affairs, the scheme manager may, in accordance with Regulation 168 of the Firefighters' Pension Scheme (England) Regulations 2014 and having regard to the circumstances of the case and medical guidance where appropriate, consider –</p> <ul style="list-style-type: none"> <li>(a) paying benefits or any part of them to a person having care of the person entitled, or such other person as the scheme manager may determine, after obtaining a written undertaking from that person that the benefits paid are to be applied for the benefit of the entitled person as the scheme manager may direct, or</li> <li>(b) applying the benefits in such manner as the scheme manager may determine for the benefit of the person entitled, or any beneficiaries of the person.</li> </ul>	<p><b>Yes</b></p>	<p>The Authority will make the final decision as to the recipient to receive any sum payable to a person incapable of managing their own affairs.</p>



<p><b>Regulation 172(1) to (5): Forfeiture of pension in the event of murder and discretion as to forfeiture in the case of manslaughter.</b></p>	<p>If a surviving partner or eligible child is convicted of the murder of the scheme member in respect of whom their benefits are payable, the scheme manager must withhold all of the pension otherwise payable to that person. 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 was an element, the scheme manager can use the discretion allowed under Regulation 172 to withhold all of the pension which exceeds any Guaranteed Minimum Pension to which the person is entitled under section 17 of the Pension Schemes Act 1993. (In the event that the convictions should be quashed, the scheme manager must reinstate the pensions with appropriate arrears until and unless there is any subsequent conviction as outlined in the paragraph above.)</p>	<p><b>Yes</b></p>	<p>When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required.</p>
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<p><b>Regulations 174 and 176: Forfeiture: discretion to withhold benefits in respect of relevant monetary obligations and relevant monetary losses.</b></p>	<p>If a scheme 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 they consider appropriate, withhold benefits payable to that person under the scheme. The monetary obligation must have been incurred to the scheme manager 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 it must have arisen out of the person's criminal, negligent or fraudulent act or omission. "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 act if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.</p> <p>In accordance with Regulation 176, the scheme manager shall give the member a certificate showing the amount withheld and the effect on benefits under the scheme.</p>	<p><b>Yes</b></p>	<p>When forfeiting a pension, the Authority will consider each case on an individual basis and details of full circumstances will be required.</p>
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<p><b>Regulations 175 and 176: Discretion to set-off a relevant monetary obligation against a member's entitlement to benefits under the scheme.</b></p>	<p>In accordance with Regulation 175 of the Firefighters' Pension Scheme (Wales) 2015, if a scheme member has a relevant monetary obligation – as defined in the Regulations – to the scheme manager, the scheme manager may, according to the circumstances of the case, set off the monetary obligation against the member's entitlement to benefits under the scheme.</p> <p>There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension, certain transfer credits are protected, and the scheme manager may only act if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator.</p> <p>In accordance with Regulation 176, the scheme manager shall give the member a certificate showing the amount withheld and the effect on the person's benefits.</p>	<p><b>Yes</b></p>	<p>Where the Authority proposes to withhold benefits, the procedure set out in Regulation will be followed. The Authority will consider each case on an individual basis.</p>
<p><b>Regulation 184: Discretion to request evidence of entitlement.</b></p>	<p>The scheme manager can use their discretion under Regulation 184 to require any person who is in receipt of a pension or who 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.</p> <p>If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p>	

<p><b>(Schedule 1 Part 1, Paragraph 4)</b>  <b>Added pension</b>  <b>Amount of accrued added pension may not exceed overall limit of extra pension</b></p>	<p>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]</p>	<p><b>Yes</b></p>	<p>Where it appears that a member who has elected to make periodical contributions will exceed the limit, it is likely that the Authority will cancel the election. Each case will be considered on an individual basis.</p>
<p><b>(Schedule 1 Part 1, Paragraph 7)</b>  <b>Member's election to make periodical contributions for added pension</b></p>	<p>If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid.</p>	<p><b>Yes</b></p>	<p>Where a Scheme Member wishes to make periodical payments for added pension, the Authority has set the minimum amount of <b>£25 per month</b> which must be paid.</p>

<p><b>SCHEDULE 1: Part 2, Paragraphs 6 to 11. Periodical payments for added pension. Discretion to set a minimum amount, to agree method of payment, and to extend time limit for payment.</b></p>	<p>The scheme manager shall administer an application from a member to make periodical payments for added pension. The scheme manager can use their discretion to set a minimum amount according to the circumstances of the case.</p> <p>The periodical payments will normally be payable by deduction from the member's pensionable pay during the periodical payment period but if the member does not wish to have this method of payment the scheme manager may agree another method of payment.</p> <p>If, after a period of assumed pensionable pay or reduced pay, the member wishes to authorise the scheme manager to deduct from pay the aggregate of payments which would have been made during this period, the payment must normally be made within 6 months of the end of the period of assumed or reduced pay. However, the scheme manager can use their discretion to extend the period if they are of the view that it would be appropriate in the circumstances.</p>	<p><b>Yes</b></p> <p><b>No</b></p> <p><b>Yes</b></p>	<p>Where a Scheme Member wishes to make periodical payments for added pension, the Authority has set the minimum amount of <b>£25</b> which must be paid.</p> <p>The scheme manager will not allow a member to make periodical payments for added pension except by deduction from pensionable pay, due to tax implications and the appropriate recording of contributions over a period of time</p> <p>The Authority will not extend the period of six months for payments during periods of assumed pensionable pay unless in exceptional circumstances.</p>
<p><b>SCHEDULE 2: Part 1, Paragraph 3(3). Discretion to determine tapered protection date in some cases.</b></p>	<p>In accordance with Paragraph 3(3), the scheme manager can use their discretion to determine a tapered protection closing date for a tapered protection member of the Firefighters' Pension Scheme 2006 to whom Paragraphs 9(5) or 21 apply (members returning to pensionable service) according to the circumstances of the case.</p>	<p><b>No</b></p>	<p>Scheme Members were notified of their tapered protection dates at the time the 2015 scheme was introduced. The determination of taper dates is set out in regulations and this discretion will only apply until the remedy is put in place after the Sergeant ET determination.</p>

# Firefighters' Pension Scheme (Wales)2015

## Authorised Delegations

**Key (illustrative) – each authority to determine appropriate level of decision making.**

A: The Fire and Rescue Authority/Commissioners or appropriate Committee under delegated powers.

B: The relevant Director of the Fire and Rescue Authority/Commissioners under delegated powers and in accordance with the policy statements set out in the Scheme of Delegations.

C: The relevant Manager of the Fire and Rescue Authority/Commissioners (Human Resources, Finance or Payroll), or by Rhondda Cynon Taff (RCT) as the provider of pension administration services to the Authority. This would be under delegated powers and in accordance with:

- the policy statements set out in these discretions
- the direction of the Fire and Rescue Authority /Commissioners for an individual case (Level A)
- the direction of a relevant Director (Level B).

Where a decision/action has to be taken at Levels B or C in respect of a person who would normally be the decision-maker at that Level, the Level at which the decision/action will be taken will be "A".

Where a decision/action has to be taken at Level C, the allocation of responsibilities and duties is set out in these discretions.

## FIREFIGHTERS' PENSION SCHEME (Wales) 2015

Provision of Firefighter's Pension Scheme (Wales) 2015 (as amended)	Level of decision			Comments
	A	B	C	
<b>Regulations 4A, 4B, 4C and 4D:</b> Establishment of Local Pension Board.	✓			
<b>Regulation 5:</b> Delegation.	✓			
<b>Regulation 16(2)(b):</b> Opting out of the Scheme. Discretion to determine date at which pensionable service ceases			✓	Pensions/Payroll Teams
<b>Regulation 17(1)(d):</b> Discretion to determine that Continual Professional Development payments should be pensionable.	✓			
<b>Regulation 19(c):</b> Discretion to count absence as active membership of Scheme subject to payment of contributions.			✓	Pensions/Payroll Teams
<b>Regulation 28:</b> Establishment of pension accounts. Discretion to keep in form that the Fire and Rescue Authority consider appropriate.			✓	In conjunction with scheme administrators
<b>Regulation 37</b> Closure and re-establishment of active member's account. Discretion to select appropriate account where more than one account held.			✓	In conjunction with scheme administrators
<b>Regulation 49:</b> Closure of deferred member's account after gap in pensionable service not exceeding 5 years. Discretion to select which account is to be closed where more than one is held.			✓	In conjunction with scheme administrators
<b>Regulation 62:</b> Employer initiated retirement. Discretion to award immediate payment of retirement pension without reduction.	✓			Delegated to CFO or FA in Principal Officers cases
<b>Regulations 63 and 64:</b> Exercise of partial retirement. Discretion as to date of commencement of partial retirement pension.			✓	In conjunction with HR Team
<b>Regulation 68:</b> Review of ill-health award or early payment of retirement pension. Discretion to select appropriate timing of review.			✓	In conjunction with scheme administrators
<b>Regulation 69:</b> Consequences of review		✓		

<b>Regulation 70:</b> Commencement of pensions. Discretion to determine date of commencement of payments.			✓	Pensions Team
<b>Regulation 72:</b> Allocation election. Discretion to withhold consent if Fire and Rescue Authority are not satisfied that nominated person is substantially dependent on the member.		✓		In conjunction with scheme administrators
<b>Regulation 73:</b> Making an allocation election. Discretion to refuse allocation request if not satisfied that member has normal life expectancy.		✓		In conjunction with scheme administrators
<b>Regulation 75:</b> Adjustment of allocated benefit. Discretion to adjust allocated benefits if member dies after reaching age 75.		✓		In conjunction with scheme administrators
<b>Regulation 76:</b> meaning of "surviving partner". Discretion to waive qualifying period for surviving partner's pension in the case of a cohabiting partner.		✓		In conjunction with scheme administrators
<b>Regulation 85:</b> Meaning of "eligible child". Discretion as to method of determining "permanent disablement" for a child's pension and for timing of review.		✓		In conjunction with scheme administrators
<b>Regulation 95:</b> Person to whom lump sum death benefits payable. Discretion of FRA to select recipients.		✓		In conjunction with scheme administrators
<b>Regulation 100:</b> Payment of pension in respect of an eligible child below age 18. Discretion relating to payment of child's pension.		✓		In conjunction with scheme administrators
<b>Regulation 101:</b> Surviving partner's pensions and eligible child's pensions. Discretion to suspend and recover.		✓		In conjunction with scheme administrators
<b>Regulation 102:</b> Provisional awards of eligible child's pensions. Discretion for later adjustment.		✓		In conjunction with scheme administrators
<b>Regulation 104:</b> Discretion to adjust benefits to comply with Finance Act 2004 where members die over age 75.		✓		In conjunction with scheme administrators
<b>Regulation 110:</b> Member contributions. Discretion to specify circumstances where a reduction in pensionable pay shall be disregarded for purposes of determining member contributions.			✓	Pensions/Payroll Teams
<b>Regulation 111:</b> Contributions during absence from work due to illness, injury, trade dispute or authorised absence. Discretion to require member to pay the employer's contribution in addition to the employee's contribution if absent from employment due to illness or injury without pay.			✓	Pensions/Payroll Teams
<b>Regulation 114:</b> Deduction and payment of contributions. Discretion to agree with member the method of payment of employee contributions.			✓	Pensions/Payroll Teams
<b>Regulation 135:</b> Statement of transfer value entitlement. Discretion to extend period in which guarantee date falls.			✓	Appropriate person Pension administrator
<b>Regulation 141:</b> Request for acceptance of a transfer payment. Discretion to extend time limit for request.		✓		In conjunction with scheme administrators

<b>Regulations 142 and 144:</b> Transfer statement and club transfer value statement. Discretion to require member to request manager of other pension scheme to provide statement of transfer value.			✓	Appropriate person Pension administrator
<b>Regulation 152:</b> Role of IQMP in determinations by the Fire and Rescue Authority.			✓	As per IHR Policy
<b>Regulation 155:</b> Notice of appeal (Board of Medical Referees).		✓		Head of HR/IHR Policy Owner
<b>Regulation 157:</b> Procedure where appeal to be pursued. Discretion to submit written evidence. Selection of attendee(s) representing the Fire and Rescue Authority at the interview.		✓		Head of HR/IHR Policy Owner
<b>Regulation 161:</b> Fees and allowances payable to the Board: expenses of each party. Discretion to require appellant to pay fees and allowances in certain circumstances.		✓		
<b>Regulation 163:</b> Appeals on other issues: requirement to deal with a person's disagreement by Internal Dispute Resolution Procedures ("IDRP"). Discretion to decide local IDRP arrangements.		✓		
<b>Regulation 165:</b> Recovery of overpayment of benefits. Discretion to decide means of recovery of overpayment resulting from a percentage decrease in earnings in a revaluation order.			✓	Pensions Teams in conjunction with administrators
<b>Regulation 167:</b> Commutation of small pensions. Discretion to commute.			✓	In conjunction with scheme administrators
<b>Regulation 168:</b> Discretion regarding payments for persons incapable of managing their affairs.		✓		In conjunction with scheme administrators
<b>Regulation 169:</b> Payment of awards – discretion, following death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.		✓		In conjunction with scheme administrators
<b>Regulation 171:</b> Discretion as to forfeiture: offences committed by members, surviving partners or eligible children.		✓		In conjunction with scheme administrators
<b>Regulation 172:</b> Forfeiture of pension in the event of murder and discretion as to forfeiture in the case of manslaughter.		✓		In conjunction with scheme administrators
<b>Regulation 174 and 176:</b> Forfeiture. Discretion to withhold benefits in respect of relevant monetary obligations and relevant monetary losses.		✓		In conjunction with scheme administrators
<b>Regulation 175 and 176:</b> Discretion to set-off a relevant monetary obligation against a member's entitlement to benefits under the Scheme.		✓		In conjunction with scheme administrators
<b>Regulation 184:</b> Discretion to request evidence of entitlement.			✓	In conjunction with scheme administrators
<b>Schedule 1: Payments for added pension Part 1, Paragraph 4.</b> Amount of accrued added pension may not exceed overall limit of extra pension			✓	In conjunction with scheme administrators



<b>Schedule 1: Payments for added pension Part 1, Paragraph 7.</b> Member's election to make periodical contributions for added pension			✓	In conjunction with scheme administrators
<b>Schedule 1: Payments for added pension. Part 2, Paragraphs 6 to 11.</b> Periodical payments for added pension. Discretion to set a minimum amount, to agree method of payment, and to extend time limit for payment.			✓	In conjunction with scheme administrators
<b>Schedule 2: Part 1, Paragraph 3(3).</b> Discretion to determine tapered protection date in some cases.	✓			

## The Firefighters' Pension Scheme (Wales) 2007

Regulation	Explanation	Decision SW	Comments
<b>Part 2 Rule 1(6) to (9) - Discretion to accept the status of “nominated partner” where the scheme member and partner had been in a relationship for less than 2 years.</b>	Subject to the other requirements of nomination as set out in Part 2, Rule 1 of the Firefighters' Pension Scheme (Wales) 2007 having been met, the Fire and Rescue Authority have discretion to accept a scheme member's nomination of a partner before their relationship has continued for a period of two years.	<b>Yes</b>	Before giving consent to the allocation, it must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependent on the member. Each case will be considered on an individual basis and full details of the circumstances will be required.
<b>Part 3, Rule 5: Pension on member-initiated early retirement.</b>	If a firefighter member, other than a special firefighter member, satisfies an eligibility condition, is awarded a deferred pension, and at age 55 or over but before normal benefit age (65) requests early payment by giving written notice to the Fire and Rescue Authority, the Authority have discretion to refuse the request if the pension as reduced by the appropriate amount of actuarial reduction is likely to be less than the guaranteed minimum pension that would be payable from State pensionable age.	<b>Yes</b>	The Authority may refuse a firefighter's request for early payment of a deferred pension where this is likely to be less than the GMP at State pensionable age. Each case will be considered on an individual basis.
<b>Part 3, Rule 6: Authority-initiated early retirement.</b>	The Fire and Rescue Authority, having regard to the economical, effective and efficient management of their functions and the costs likely to be incurred in a particular case, can determine that a firefighter – other than a special firefighter member – who is at least age 55 but under normal retirement age (60) should be retired from the Authority's employment with immediate payment of a pension calculated on the same principles as an ordinary pension under Part 3, Rule 1 of the Firefighter's Pension Scheme (Wales) 2007.	<b>Yes</b>	The Authority will not normally grant early payment of benefits for business efficiency purposes or waive any actuarial reduction, except in exceptional circumstances, after considering the business case; agreement must be given by the Chief Fire Officer, in consultation with the Treasurer. This discretion allows the early payment of a pension to a Firefighter aged 55 or over where the retirement is in the interests of the management of the Service.

<p><b>Part 3, Rule 7B: Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for the credit of Additional Pension Benefit to the firefighter member.</b></p>	<p>The Fire and Rescue Authority have discretion to determine that the benefits referred to in Rule 7B (5) can be treated as pensionable for the credit to the firefighter of Additional Pension Benefit.</p> <p>(But note that in accordance with Part 11, Rule 1(6), where an allowance or supplement paid to a firefighter was being treated as pensionable before 1 July 2013 but is not pensionable pay within the meaning of Part 11, Rule 1(a), it shall continue to be treated as pensionable for so long as the firefighter continues to receive it without any break in payment.)</p>	<p><b>Yes</b></p>	<p>The Authority will treat CPD payments and Temporary Promotions as pensionable APBs.</p>
<p><b>Part 3, Rule 10: Discretion to commute a small pension to a trivial commutation lump sum.</b></p>	<p>If the total amount of any pension(s) payable to a member who has attained State pensionable age, under Part 3 and, if relevant, under Part 6, Rule 1 (pension credit pension) of the Firefighters' Pension Scheme (Wales) 2007, together with any increase under the Pension (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 1 of Schedule 29 to the Finance Act 2004 (lump sum rule), the Fire and Rescue Authority can, if it is considered appropriate, commute the pension(s) to a lump sum in accordance with the guidance of the Scheme Actuary.</p>	<p><b>Yes</b></p>	<p>Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.</p>
<p><b>Part 3, (Rule 11, paragraphs 2(b) and 3) Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner.</b></p>	<p>The Fire and Rescue Authority can withhold consent for the allocation of a portion of pension for a person other than the member's spouse, civil partner or nominated partner if they are not satisfied that the person is substantially dependent on the firefighter member.</p>	<p><b>Yes</b></p>	<p>Where a portion of a pension has been allocated to a dependent who is not a spouse, civil partner or cohabiting partner of the member, the Authority will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member. Each case will be considered on an individual basis and full details of the circumstances will be required.</p>

<p><b>Part 3, (Rule 11, paragraph 6(a)) Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes.</b></p>	<p>If a member of the Firefighters' Pension Scheme 2007 wishes to allocate a portion of pension in favour of a beneficiary, that member must satisfy the Fire and Rescue Authority as to his/her normal life expectancy at the time of the request. There is no detail of how this should be done, e.g. a medical opinion from the firefighters' GP, or the Occupational Health Physician or IQMP, and so the Authority must decide their policy as to the method of proof.</p>	<p><b>Yes</b></p>	<p>Where a Firefighter elects to give up part of their pension (as per Part 3, Rule 11, Paragraphs 2(b) and 3), the Authority requires them to undertake a medical examination to ensure they are in good health before permitting them to do so. The Authority will refer the individual to the IQMP; the member will meet costs.</p>
<p><b>Part 3, (Rule 12) Pension debit members</b></p>	<p>The Fire and Rescue Authority must provide pension valuations, and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of a Pension Sharing Order, the scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Part 3, Rule 12 of the Firefighters' Pension Scheme (Wales) 2007, and the guidance and factors prepared by the Scheme Actuary.</p> <p>The Authority may determine the charges to be made for administration.</p>	<p><b>Yes</b></p>	<p>Apply this discretion; the Authority will determine appropriate charges for this administration.</p>
<p><b>Part 4, Rule 1, paragraph 3: Discretion to withhold all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.</b></p>	<p>The Fire and Rescue Authority have discretion to permanently withhold all of a spouse's, civil partner's or nominated partner's pension where that person is convicted of the manslaughter of the deceased.</p>	<p><b>Yes</b></p>	

<b>Part 4 (Rule 5): Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter member, to commute their pension to a trivial commutation lump sum.</b>	If the total amount of any pension payable to a surviving spouse, civil partner or nominated partner under the provisions of the Firefighters' Pension Scheme (Wales) 2007, does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 (lump sum death benefit) and if the recipient so requests, the Fire and Rescue Authority may commute the whole of the pension for a lump sum in accordance with factors prepared by the Scheme Actuary and in force at the time when the commutation takes effect.	<b>Yes</b>	The Authority may allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.
<b>Part 4, Rule 7, paragraph 5: Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.</b>	The Fire and Rescue Authority may permanently withhold all or part of a child's pension, permanently or temporarily where the child is convicted of the manslaughter of the deceased.	<b>Yes</b>	
<b>Part 4, Rule 12: Discretion, subject to consent of child's remaining parent, guardian, or the child (if not a minor) to commute a child's pension to a trivial commutation lump sum.</b>	If the total amount of a child's allowance payable under the provisions of the Firefighters' Pension Scheme (Wales) 2007 does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 and (a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and (b) a surviving parent or the child's guardian or – if neither – the child (if not a minor) consents, the Authority have discretion to commute the pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.	<b>Yes</b>	<b>SW Not previously included</b>  The Authority may allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.
<b>Part 5: Awards on death (Rules 1 and 2): Discretion as to recipient of death grant and post-retirement death grant.</b>	Upon the death of a firefighter member or pensioner member, the Fire and Rescue Authority may pay a death grant assessed in accordance with Part 5, Rules 1 and 2 of the Firefighters' Pension Scheme (Wales) 2007 to such person or persons as the Authority think fit, in accordance with Part 5, Rule 1, paragraph 10.	<b>Yes</b>	The Authority will make the final decision as to the recipient for a post-retirement death grant as they feel appropriate. This discretion allows the Authority to decide who should receive a Death Grant.

<p><b>Part 5, Rule 1, paragraph 12:</b>  <b>Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.</b></p>	<p>If a person's conviction for murder or manslaughter is quashed on appeal the Authority may, if the death grant has not at that time been paid in full and having regard to the circumstances of the case, pay part of it to the person whose conviction has been quashed.</p>	<p><b>Yes</b></p>	
<p><b>Part 6: Pension sharing on divorce</b>  <b>(Rule 2) Discretion, with the agreement of the pension credit member, to commute the whole of a pension credit pension to a trivial commutation lump sum.</b></p>	<p>In the circumstances described in regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000, if the total amount of a pension credit pension payable under the provisions of the Firefighters' Pension Scheme (Wales) 2007 does not exceed the commutation limit for the purposes of paragraph 20 of Schedule 29 to the Finance Act 2004 and</p> <p>a) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and</p> <p>b) the pension credit member consents,</p> <p>the Authority can commute the pension for a lump sum calculated in accordance with factors provided by the Scheme Actuary current at the time of the commutation.</p>	<p><b>Yes</b></p>	<p>In the circumstances of divorce, the Authority may allow the conversion of a small pension to a single lump sum in accordance with the financial limits set. Each case will be considered on an individual basis.</p> <p>This discretion allows the commutation of a small pension into a lump sum in the circumstances of divorce. A small pension is defined in Paragraph 20 schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.</p>
<p><b>Part 6, Rule 5, paragraph 2:</b>  <b>Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the Fire and Rescue Authority think fit.</b></p>	<p>If a pension credit member dies within five years of their entitlement to a pension credit pension coming into payment and before their 75th birthday and there is a difference between</p> <ul style="list-style-type: none"> <li>• the amount that is five times the pension, calculated at the annual rate effective on the day that it came into payment, and</li> <li>• the instalments of pension that have been paid</li> </ul> <p>the Fire and Rescue Authority can pay a post-retirement death grant of the amount of the difference to such person or persons as the Authority think fit.</p>	<p><b>Yes</b></p>	<p>The Authority will make the final decision as to the recipient for a post-retirement death grant as they feel appropriate.</p> <p>This discretion allows the consideration of who to pay a post-retirement Death Grant.</p>

<p><b>Part 8 (Rule 4, paragraph 4): Determination of questions and appeals 70. Discretion to extend time limit for an appeal against the Fire and Rescue Authority's decision based on medical advice.</b></p>	<p>If a person who wishes to appeal under Part 8, Rule 4 of the Firefighters' Pension Scheme (Wales) 2007 against a decision based on medical advice, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority has discretion to extend the 28 day time limit.</p>	<p><b>Yes</b></p>	<p><b>Delegated to Head of HR</b></p> <p>Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default, the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline.</p> <p>This discretion allows the Authority to consider exceptions to the 28 day time limit for a Firefighter to submit an appeal.</p>
<p><b>Part 8, Rule 5: Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by a Fire and Rescue Authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of an Authority's determination under Part 8, Rule 2 and the disagreement does not involve an issue of a medical nature.</b></p>	<p>The withdrawal of pension on re-employment is at the discretion of the Fire and Rescue Authority, however an Authority will normally have regard to the terms of Part 9, Rule 3, to the abatement principles set out in Firefighters' Pension Scheme Circular 10/2009, and to HM Treasury guidance, i.e. the pension due under the Firefighters' Pension Scheme 2007 plus remuneration from the new employment should not exceed the pensionable pay upon which the Firefighters' Pension Scheme 2007 pension was calculated (taking account of cost-of-living increases). To the extent that it does, so shall the Firefighters' Pension Scheme 2007 pension be reduced for the duration of the employment.</p>	<p><b>Yes</b></p>	<p>Where a firefighter has retired and been re-employed as a firefighter, their pension will be subject to abatement.</p> <p>The Service would always allow the individual to raise an issue of this nature through the Service IDR process.</p>

<p><b>Part 9, Rule 1, paragraph 1: Requirement to decide, at such intervals as a Fire and Rescue Authority think proper, whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds, and of undertaking regular employment.</b></p>	<p>Although the review of ill-health awards is compulsory, the Fire and Rescue Authority can determine the timing of such reviews.</p>	<p><b>Yes</b></p>	<p>As per current IHR Policy</p> <p><b>Written policy is required to include IHR process and review timelines</b></p>
<p><b>Part 9, Rule 1, paragraph 2 and Rule 2: Requirement to decide, at such intervals as a Fire and Rescue Authority think proper, whether a person under normal benefit age (65) who is in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role, and of undertaking regular employment.</b></p>	<p>Although the review of early payment of deferred pension on health grounds is compulsory, the Fire and Rescue Authority can determine the timing of such reviews.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p> <p>As per current IHR Policy</p> <p><b>Written policy is required to include IHR process and review timelines</b></p>



<p><b>Part 9, Rule 3: Discretion to withdraw the whole or part of a Part 3 (personal awards) pension for any period during which the person entitled to it is again employed as a firefighter, or in any other capacity, by any Fire and Rescue Authority.</b></p>	<p>The withdrawal of pension on re-employment is at the discretion of the Fire and Rescue Authority, however an Authority will normally have regard to the terms of Part 9, Rule 3, to the abatement principles set out in Firefighters' Pension Scheme Circular 10/2009, and to HM Treasury guidance, i.e. the pension due under the Firefighters' Pension Scheme 2007 plus remuneration from the new employment should not exceed the pensionable pay upon which the Firefighters' Pension Scheme 2007 pension was calculated (taking account of cost-of-living increases). To the extent that it does, so shall the Firefighters' Pension Scheme 2007 pension be reduced for the duration of the employment.</p> <p>Account must also be taken of the Authority's obligation under Part 13, Rule 2, paragraph 11 of the Firefighters' Pension Scheme (Wales) 2007 which requires that a sum equivalent to the whole or part of pension <u>not</u> abated or withdrawn must be paid into the Firefighters' Pension Fund by the Authority in the financial year in which pension payment is made.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of withdrawing a Firefighter pension in payment if the person is re-employed as a regular Firefighter. This would require an abatement assessment.</p>
<p><b>Part 9, Rule 4: Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of firefighter's dismissal from a Fire and Rescue Authority's employment</b></p>	<p>The Fire and Rescue Authority have discretion to disallow payment of a deferred pension before age 65, or before age 60 in the case of a special retained member, to a firefighter who is dismissed from the Authority's employment if this is felt to be appropriate in a particular case.</p> <p>The reason for "dismissal" is not mentioned. The Authority may wish to consider a difference in treatment between dismissal because of an offence and dismissal because of medical capability (where the person would not be entitled to an ill-health award).</p>	<p><b>Yes</b></p>	<p>Part 3, Rule 3, Paragraph 4 contains the power to pay a deferred pension early where a person is permanently disabled.</p> <p>This discretion allows consideration of not making such a payment where the Firefighter was dismissed.</p> <p>This will be considered on a case by case basis.</p>

<p><b>Part 9, (Rule 5, paragraphs 1 to 3) Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.</b></p>	<p>The Fire and Rescue Authority have discretion to use the powers contained in Part 9, Rule 5, paragraphs 1 to 3 of the Firefighters' Pension Scheme (Wales) 2007 to withdraw a pension in whole or in part, permanently or temporarily where a pensioner has been convicted of an offence if the Authority decide it would be appropriate according to the circumstances of any case which falls within the terms of Part 9, Rule 5 and subject to the certification of the Secretary of State where required.</p>	<p><b>Yes</b></p>	<p><b>SW Not previously included</b></p> <p>Where an individual is convicted for offences covered in Part 9 Rule 5, each case will be considered on an individual basis.</p>
<p><b>Part 9, Rule 5, paragraph 4: Discretion, at any time and to such extent as a Fire and Rescue Authority think fit, to restore a pension withdrawn under Part 9, Rule 5, paragraphs 1 to 3, or to apply it for the benefit of any dependant of the pensioner.</b></p>	<p>If the Fire and Rescue Authority withdraw a pension under Part 9, Rule 5, paragraphs 1 to 3 of the Firefighters' Pension Scheme (Wales) 2007, subject to the circumstances of the case they may consider applying it for the benefit of any dependant of the pensioner or restoring it to the pensioner.</p>	<p><b>Yes</b></p>	<p>The Authority may restore a pension withdrawn under Part 9, Rule 5 or apply it for the benefit of any dependent of the pensioner. Each case will be considered on an individual basis.</p> <p>This is the discretion to restore a pension withdrawn as in delegation above.</p>
<p><b>Part 9, (Rule 6) Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums).</b></p>	<p>If a person has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums) the Fire and Rescue Authority have discretion to require such amount of the pension to be forfeited as they think appropriate to the circumstances of the case.</p>	<p><b>Yes</b></p>	<p>The Authority will consider to what extent an award should be forfeited in the circumstances described in Part 9, Rule 6. Each case will be considered on an individual basis.</p>



<b>Part 11, Rule 4, paragraph 3: Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity, paternity or adoption leave must be made.</b>	The Fire and Rescue Authority have discretion to permit an extension to the 30-day time limit for an election to pay contributions in respect of unpaid maternity, paternity or adoption leave which would not otherwise count as pensionable service or special pensionable service.	<b>Yes</b>	
<b>Part 11, Rule 4, paragraphs 6 and 7: Discretion to deduct contributions in respect of unpaid additional maternity, paternity or adoption leave from the death grant payable under Part 5 if a member or connected member dies without giving notice within the election time limit that he/she wishes to pay such contributions.</b>	If a firefighter member would have had the option to pay contributions in order to reckon as pensionable service or special pensionable service a period of maternity, paternity or adoption leave but dies within the time limits for making such an election without having made it, he/she shall be deemed to have given the notice and the Fire and Rescue Authority must give the firefighter's personal representatives a statement of the contributions due, and may collect the contributions from the death grant payable under Part 5 of the Firefighters' Pension Scheme (Wales) 2007.	<b>Yes</b>	This discretion allows the Authority to consider whether to treat as pensionable service a period of unpaid leave where the member dies without giving notice within the election time limit, they wish to pay such contributions.
<b>Part 11, Rule 5, paragraph 5: Discretion to allow a part-time regular firefighter to pay contributions at a part-time rate to purchase additional service.</b>	If a part-time regular firefighter member wishes to purchase additional service by periodical contributions the Fire and Rescue Authority have discretion to allow them to pay the additional contributions at a part-time rate.	<b>Yes</b>	
<b>Part 11, Rule 5, paragraph 6: Discretion to allow a retained or volunteer firefighter to purchase additional service by periodical contributions.</b>	If a retained or volunteer firefighter member wishes to purchase additional service by periodical contributions the Fire and Rescue Authority have discretion to permit this, in which case the contributions are based on the firefighter's reference pay.	<b>Yes</b>	<b>Not previously included</b>
<b>Part 11, Rule 5A: Purchase of service during the limited period.</b>	<i>Discretions for estimation of service for duration of special retained firefighter exercise only.</i>	<b>Yes</b>	<b>Not previously included</b>

<p><b>Part 11, Rule 8: Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances, and decision as regards timing of recommencement of payment of additional contributions to purchase service were agreed with member that discontinuance should be no greater than 6 months.</b></p>	<p>If it is felt to be appropriate in a particular case, the Fire and Rescue Authority have discretion to agree to discontinue the making of deductions of additional contributions to purchase service from the pay of a firefighter member, where the firefighter's request is made solely on the grounds of his/her financial circumstances.</p>	<p><b>Yes</b></p>	<p>This discretion is to allow a Firefighter to cease making additional contributions.</p>
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<p><b>Part 11, Rule 9, paragraph 4(c):</b>  <b>The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the firefighter must pay.</b></p>	<p>If a firefighter member who elected to pay additional contributions to “purchase” additional service has a period of unpaid service or unpaid leave (i.e. maternity, paternity, adoption leave or other absence without pay) and consequently there is no pay from which the additional contributions can be deducted, he/she can apply to the Fire and Rescue Authority to pay the contributions. The application must be made no later than one month after the end of the period of unpaid absence.  The additional contributions may be paid directly to the Authority during the unpaid leave or collected within 6 months of the firefighter’s return to duty after the absence. The Authority have discretion to extend this time limit.</p>	<p><b>Yes</b></p>	
<p><b>Part 12, Chapter 2, Rule 3, paragraph 6: Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period.</b></p>	<p>Where, in any period of twelve consecutive months, a member has made and not withdrawn two applications for a statement of transfer value entitlement, the Fire and Rescue Authority have discretion not to supply a third or subsequent statement during that twelve-month period unless the applicant pays such fee as the Authority may reasonably require.</p>	<p><b>Yes</b></p>	
<p><b>Part 12, Chapter 3, (Rule 9(1)(c)(ii)) Discretion to extend time limit in which a member, other than a special firefighter member, may apply for a transfer value payment from a non-occupational pension scheme.</b></p>	<p>The Fire and Rescue Authority have discretion to accept a scheme member’s application for a transfer value payment from a non-occupational pension scheme where the application is made more than one year after the member first became eligible to be a firefighter member.</p>	<p><b>No</b></p>	<p>The Authority will not extend the one year time limit unless in extenuating circumstances, e.g. the Pension Administrator has not actioned the member’s request.</p> <p>Closed scheme</p>
<p><b>Part 12, Chapter 3, Rule 10, paragraph 1, subject to paragraphs 3 and 4 and Part 10, Rule 2, paragraphs 2 and 3: Discretion to accept a transfer value.</b></p>	<p>The Fire and Rescue Authority have discretion to accept a transfer value payment into the Firefighters’ Pension Scheme 2007 where the Scheme member has made an application under Part 10 Rule 8.</p>	<p><b>Yes</b></p>	

<p><b>Part 12, Chapter 5, Rule 14, paragraph 3: Discretion to extend 12-month time limit for acceptance of a "mis-selling" transfer value payment.</b></p>	<p>The Fire and Rescue Authority have discretion to permit the extension of the 12-month time limit for the acceptance of a "mis-selling" transfer value.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Part 12, Chapter 5, Rule 14, paragraph 6: Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit.</b></p>	<p>The Fire and Rescue Authority have discretion to adjust the amount of transfer value they accept under the "mis-selling" transfer rules to ensure that there is no duplication of pensionable service credited.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Part 14, Rule 3, paragraph 2(a): Discretion to delay payment of an award to the extent necessary for determining any question as to a Fire and Rescue Authority's liability.</b></p>	<p>The Fire and Rescue Authority have discretion to delay payment of an award to the extent necessary for determining any question as to the Authority's liability.</p>	<p><b>Yes</b></p>	<p>The Fire Authority need not pay the sum until they are satisfied as to the eligibility of an award.</p>
<p><b>Part 14, Rule 3, paragraph 2(b): Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods.</b></p>	<p>In accordance with Part 14, Rule 3, paragraph 1, if the Fire and Rescue Authority are of the opinion that, by reason of the amount of the award it would be impracticable to make payments monthly in arrears, they may exercise their discretion to discharge their liability in respect of it by making payments at such reasonable intervals as they think fit.</p>	<p><b>Yes</b></p>	
<p><b>Part 14, Rule 3, paragraph 5: Discretion to recover all or part of an overpayment following a pensioner's death of which a Fire and Rescue Authority were not informed (possibly by making an off set against any other awards payable under the Firefighters' Pension Scheme 2007 in respect of the deceased).</b></p>	<p>Where the Fire and Rescue Authority are not informed of the death of a pensioner and, as a result, the pension has continued in payment, the Authority have discretion to recover all or part of the overpayment as they think fit and may recover it by off-set against any other award payable under the Firefighters' Pension Scheme (Wales) 2007 in respect of the deceased.</p>	<p><b>Yes</b></p>	<p>The Authority will recover any overpayments made following a pensioner's death in line with HM Treasury's 'Managing Public Money' guidance.</p>

<p><b>Part 14, Rule 3, paragraph 6: Repayment of aggregate contributions.</b></p>	<p>If a person is entitled under Part 3, Rule 8 of the Firefighters' Pension Scheme (Wales) 2007 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until the expiration of a year from the date of retirement if the person does not make an earlier request for payment. They may wish to make a policy statement regarding this option.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Part 14, Rule 5, paragraph 1: Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit.</b></p>	<p><b>Administration Statement:</b> Where children's benefits are payable, the Fire and Rescue Authority have discretion as to the recipient and may give directions regarding the application of the payments for a child's benefit.</p>	<p><b>Yes</b></p>	<p>This discretion allows the payment of sums due to a minor to an appropriate person.</p>
<p><b>Part 14, Rule 5, paragraph 2: Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.</b></p>	<p>If it appears to the Fire and Rescue Authority that a person entitled to the payment of an award is, by reason of mental disorder or otherwise, incapable of managing his/her affairs, the Authority may</p> <ul style="list-style-type: none"> <li>a) pay benefits or any part of them to a person having the care of the person entitled, or such other person as the Authority may determine, or</li> <li>b) apply the benefits in such manner as the Authority may determine for the benefit of the person entitled, or his/her dependants.</li> </ul>	<p><b>Yes</b></p>	<p>This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed incapable of managing their affairs.</p>
<p><b>Part 14, Rule 6, paragraph 1: Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.</b></p>	<p>Upon the death of a person to whom there was due, in respect of an award, a sum not exceeding (currently) £5,000, the Fire and Rescue Authority may pay the sum due to the person or persons as the Authority think fit without requiring production of Grant of Probate or any other proof of entitlement.</p>	<p><b>Yes</b></p>	<p>This discretion deals with awards of less than £5,000 and allows decisions to be made of who should receive this amount.</p>



<p><b>Part 14, (Rule 6, paragraphs 4 to 6) Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of that person in connection with his/her employment.</b></p>	<p>If there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of a firefighter in connection with his/her employment, the Authority can consider using the powers contained in Part 14, Rule 6 of the Firefighters' Pension Scheme (England/Wales) Order 2006/2007 to withhold all or part of any sums becoming due to him/her from the Authority in respect of an award. The total amount withheld must not exceed the amount of the loss nor any part of a sum due that is not attributable to service as an employee of a Fire and Rescue Authority. In the event of any dispute as to the amount of the loss, nothing must be withheld unless the loss has become recoverable from the person entitled to the award under the order of a competent court. The Authority must provide the person entitled to the award with a certificate showing the amount withheld.</p>	<p><b>Yes</b></p>	<p>The Authority will withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Service as a result of fraud, theft, or negligence on the part of that person in connection with his/her employment.</p>
<p><b>Part 15, Rule 3: Discretion to require a person who is or may be entitled to a pension or a lump sum under the Firefighters' Pension Scheme 2007 to provide a Fire and Rescue Authority with supporting evidence as to identity and to continuing entitlement to any payment under the Scheme, and discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement.</b></p>	<p>The Fire and Rescue Authority can require all persons in receipt of a pension or potentially entitled to a pension or lump sum under the Firefighters' Pension Scheme 2007 to provide supporting evidence from time to time as to identity an entitlement to payment under the Scheme. If a person fails to comply with this requirement, according to the circumstances of the case, the Authority can exercise their discretion to withhold the whole payment.</p>	<p><b>Yes</b></p>	
<p><b>Part 15, Rule 4: Decision as to date of issue of annual benefit statements and relevant date for the pension illustration.</b></p>	<p>The Fire and Rescue Authority can determine the timing of the issue of annual benefit statements. The Authority may also decide the relevant date for the pension illustration (except in the case of pension credit members).</p>	<p><b>No</b></p>	<p><b>No longer a discretion – all ABS must be published to members by the 31<sup>st</sup> August each year. This is now a statutory obligation.</b></p>

<p><b>Annex 2, (paragraph 1(2))</b>  <b>Discretion to extend 28 day time limit, in which a person must lodge a medical appeal, to a period not exceeding 6 months. (paragraph 1(2))</b></p>	<p>The Fire and Rescue Authority has discretion to permit the extension of the 28-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the documents under Part 8, Rule 4, paragraph 4 of the Firefighters' Pension Scheme (Wales) Order 2007.</p>	<p><b>Yes</b></p>	<p>Delegated to Head of HR  Where an appeal is not made within the specified time limit and the Authority believe it is not due to the person's own default; the Authority will extend the time limit for appeal by a maximum of one month from the date of the original appeal deadline.</p>
<p><b>Annex 2, paragraph 6(5):</b>  <b>Discretion to decide the Fire and Rescue Authority's representative at Medical Appeal Board interview.</b></p>	<p>The Fire and Rescue Authority can decide who should represent the Authority at a Medical Appeal Board interview.</p>	<p><b>Yes</b></p>	<p>Delegated to the Head of HR</p>
<p><b>Annex 2, paragraph 7(1):</b>  <b>Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.</b></p>	<p>The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.</p>	<p><b>Yes</b></p>	<p>Delegated to the Head of HR</p>
<p><b>Annex 2, paragraph 10(2):</b>  <b>Discretion, where Medical Appeal Board determines an appeal in favour of the Fire and Rescue Authority and states that, in its opinion, the appellant's appeal was "frivolous, vexatious or manifestly ill-founded", to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the total amount of fees and allowances payable by the Authority to the Board under Annex 2, paragraph 9(1). (paragraph 10(2))</b></p>	<p>If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority can require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board as determined by the Secretary of State. (See requirement to inform person of this possibility under Annex 2, paragraph 4(5)(i)).</p>	<p><b>Yes</b></p>	<p>Where a Medical Appeal Board decide that a person's appeal was 'frivolous, vexatious or manifestly ill-founded' the Authority will require the appellant to pay any sum they deem fit subject to capping as per the regulations.</p>

<p><b>Annex 2, (paragraph 10(3)) Discretion to require the appellant to pay to the Fire and Rescue Authority such sum as the Authority think fit, not exceeding the Medical Appeal Board's total amount of fees and allowances payable to the Board by the Authority under Annex 2, paragraph 9(1), in circumstances where the appellant gives notice to the Medical Appeal Board, withdrawing the appeal or requesting cancellation of, postponement of, or adjournment of, the date appointed for the medical examination less than 22 working days before the appointed date, or if the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn less than 22 days before the appointed date. (paragraph 10(3))</b></p>	<p>If the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, or if the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn the date appointed, the Fire and Rescue Authority has discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board under Annex 2, paragraph 9(1) of the Firefighters' Pension Scheme (Wales) Order 2007.</p>	<p><b>Yes</b></p>	<p>Where an appellant withdraws their appeal less than 22 working days before the date appointed for interview or medical examination, the Authority will require the appellant to pay any sum they deem fit subject to capping as per the regulations.</p>
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# Firefighters' Pension Scheme (Wales) 2007

## Authorised Delegations

**Key (illustrative) – each authority to determine appropriate level of decision making.**

A: The Fire and Rescue Authority/Commissioners or appropriate Committee under delegated powers.

B: The relevant Director of the Fire and Rescue Authority/Commissioners under delegated powers and in accordance with the policy statements set out in the Scheme of Delegations

C: The relevant Manager of the Fire and Rescue Authority/Commissioners (Human Resources, Finance or Payroll), or by Rhondda Cynon Taff as the provider of pension administration services to the Authority. This would be under delegated powers and in accordance with:

- the policy statements set out in these discretions
- the direction of the Fire and Rescue Authority /Commissioners for an individual case (Level A)
- the direction of a relevant Director (Level B).

Where a decision/action has to be taken at Levels B or C in respect of a person who would normally be the decision-maker at that Level, the Level at which the decision/action will be taken will be "A".

Where a decision/action has to be taken at Level C, the allocation of responsibilities and duties is set out in these discretions

## FIREFIGHTERS' PENSION SCHEME (Wales) 2007

Provision of Firefighter's Pension Scheme (Wales) Order 2007 (as amended)	Level of decision			Comments
	A	B	C	
<b>Part 2, Rule 1(6) to (9):</b> Discretion to accept status of nominated partner where firefighter and partner in a relationship for less than 2 years.		✓		In conjunction with administrator
<b>Part 3, Rule 5:</b> Pension on member-initiated early retirement.			✓	
<b>Part 3, Rule 6:</b> Authority-initiated early retirement.	✓			Delegated to CFO
<b>Part 3, Rule 7B:</b> Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for Additional Pension Benefits.			✓	Pension/Payroll Teams
<b>Part 3, Rule 10:</b> Discretion to commute a small pension to a trivial commutation lump sum.			✓	In conjunction with administrator
<b>Part 3, Rule 11, paragraphs 2(b) and 3:</b> Discretion to permit allocation of a portion of pension for a dependant other than a spouse, civil partner or nominated partner.		✓		In conjunction with administrator
<b>Part 3, Rule 11, paragraph 6(a):</b> Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation.		✓		
<b>Part 3, Rule 12:</b> Awards to pension debit members.		✓		In conjunction with administrator
<b>Part 4, Rule 1, paragraph 3:</b> Discretion to withhold all or part of a survivor's pension where survivor convicted of manslaughter of the deceased firefighter.		✓		In conjunction with administrator
<b>Part 4, Rule 5:</b> Discretion to commute survivor's pension to a trivial commutation lump sum.			✓	In conjunction with administrator
<b>Part 4, Rule 7, paragraph 5:</b> Discretion to withhold all or part of a child's pension, where child is convicted of manslaughter of deceased firefighter.		✓		In conjunction with administrator
<b>Part 4, Rule 12:</b> Discretion to commute a child's pension to a trivial commutation lump sum.			✓	In conjunction with administrator
<b>Part 5, Rules 1 and 2:</b> Death grant and post-retirement death grant.		✓		In conjunction with administrator
<b>Part 5, Rule 1, paragraph 12:</b> Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.		✓		In conjunction with administrator
<b>Part 6, Rule 2:</b> Discretion to commute the whole of a pension credit pension to a trivial commutation lump sum.			✓	In conjunction with administrator
<b>Part 6, Rule 5, paragraph 2:</b> Discretion as to recipient of pension credit member's post-retirement death grant.		✓		In conjunction with administrator
<b>Part 8, Rule 4, paragraph 4:</b> Discretion to extend time limit for appeal against decision based on medical advice.		✓		Head of HR/IHR Policy Owner
<b>Part 8, Rule 5:</b> Internal Dispute Resolution Procedures.	✓			
<b>Part 9, Rule 1, paragraph 1:</b> Review of ill-health pension.			✓	Formal written IHR policy required
<b>Part 9, Rule 1, paragraph 2, and Rule 2:</b> Review of deferred pension paid early on ill-health grounds.			✓	Formal written IHR policy required
<b>Part 9, Rule 3:</b> Discretion to withdraw the whole or part of a pension during re-employment with a Fire and Rescue Authority.		✓		

<b>Part 9, Rule 4:</b> Discretion to disallow early payment of a deferred pension because of dismissal from employment.		✓		In conjunction with administrator
<b>Part 9, Rule 5, paragraphs 1 to 3:</b> Discretion to withdraw pension on a person's conviction of certain offences.		✓		In conjunction with administrator
<b>Part 9, Rule 5, paragraph 4:</b> Discretion to restore a withdrawn pension or to pay it for the benefit of a dependant.		✓		In conjunction with administrator
<b>Part 9, Rule 6:</b> Discretion to decide extent of forfeiture of award where person has been convicted of an offence under s34(6) of the Fire and Rescue Services Act 2004.		✓		In conjunction with administrator
<b>Part 10, Rule 4, paragraph 3:</b> Discretion for Fire and Rescue Authority to pay employer's contributions due for a period of unpaid absence.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 3, paragraph 2:</b> Discretion to deduct contributions from instalments of pensionable pay.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 4, paragraph 3:</b> Discretion to extend the time limit in which an election to pay contributions in respect of unpaid additional maternity, paternity, or adoption leave must be paid.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 4, paragraphs 6 and 7:</b> Discretion to deduct contributions in respect of unpaid additional maternity, paternity or adoption leave from death grant if member dies without giving notice within election time limit that he/she wishes to pay.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 5, paragraphs 5 and 6:</b> Discretions to allow a part-time regular firefighter, or a retained or volunteer firefighter member to purchase prorated additional service.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 5A:</b> Purchase of service during limited period (special retained firefighters).			✓	Matthews 2 exercise only
<b>Part 11, Rule 8:</b> Discretion to agree to firefighter's request to discontinue payment of additional contributions to purchase service where payment is causing financial hardship; decision as to timing of recommencement of deductions.			✓	Pensions & Payroll Teams
<b>Part 11, Rule 9, paragraph 4(c):</b> Payment of contributions in respect of periods of unpaid service or absence, and discretion to extend time limit for election to pay contributions in respect of unpaid leave.			✓	Pensions & Payroll Teams
<b>Part 12, Chapter 2, Rule 3, paragraph 6:</b> Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement within any 12 month period.		✓		In conjunction with administrator
<b>Part 12, Chapter 3, Rule 9(1)(c)(ii):</b> Discretion to extend time limit in which member may apply for a transfer value payment from a non-occupational pension scheme.			✓	In cases of maladministration only
<b>Part 12, Chapter 3, Rule 10, paragraph 1, and paragraphs 3 and 4:</b> Discretion to accept a transfer value.		✓		In conjunction with administrator
<b>Part 12, Chapter 5, Rule 14, paragraph 3:</b> Discretion to extend 12-month time limit for acceptance of a "mis-selling" transfer value payment.		✓		In conjunction with administrator
<b>Part 12, Chapter 5, Rule 14, paragraph 6:</b> Discretion to adjust "mis-selling" transfer value to take account of earlier service credit.		✓		In conjunction with administrator
<b>Part 14, Rule 3, paragraph 2(a):</b> Discretion to delay payment of award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.			✓	In conjunction with administrator

<b>Part 14, Rule 3, paragraph 2(b):</b> Discretion to pay an award at reasonable intervals other than standard monthly intervals.			✓	In conjunction with administrator
<b>Part 14, Rule 3, paragraph 5:</b> Discretion to recover all or part of an overpayment following a pensioner's death of which the Fire and Rescue Authority were not informed.			✓	In conjunction with administrator
<b>Part 14, Rule 3, paragraph 6:</b> Repayment of aggregate contributions.		✓		In conjunction with administrator
<b>Part 14, Rule 5, paragraph 1:</b> Discretion as to recipient of sum payable to a minor and directions as to application for minor's benefit.		✓		In conjunction with administrator
<b>Part 14, Rule 5, paragraph 2:</b> Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.		✓		In conjunction with administrator
<b>Part 14, Rule 6, paragraph 1:</b> Discretion as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.		✓		In conjunction with administrator
<b>Part 14, Rule 6, paragraphs 4 to 6:</b> Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of that person in connection with his/her employment.		✓		In conjunction with administrator
<b>Part 15, Rule 3:</b> Discretion to require a person who is or may be entitled to a pension or lump sum under the Pension Scheme to provide the Fire and Rescue Authority with evidence as to identity and continuing entitlement under the Scheme; discretion to withhold payment where person fails to comply with this requirement.			✓	In conjunction with administrator
<b>Part 15, Rule 4:</b> Decision as to date of issue of annual benefit statements and relevant date for pension illustration - <b>No longer a discretion - ABS must be published to members by the 31<sup>st</sup> August each year. This is now a statutory obligation.</b>				No longer relevant
<b>Annex 2, paragraph 1(2):</b> Discretion to extend 28 day time limit for medical appeal (to a period not exceeding 6 months).		✓		Head of HR/ Policy owner
<b>Annex 2, paragraph 6(5):</b> Discretion to decide the Fire and Rescue Authority's representative at Medical Appeal Board interview.		✓		Head of HR/Policy owner
<b>Annex 2, paragraph 7(1):</b> Discretion whether or not to submit written evidence or statement to Medical Appeal Board.		✓		Head of HR/Policy owner
<b>Annex 2, paragraph 10(2):</b> Discretion, where Medical Appeal Board determines an appeal in favour of Fire and Rescue Authority and reports that in its opinion the appeal was frivolous, vexatious, or manifestly ill-founded, to require the appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board.		✓		
<b>Annex 2, paragraph 10(3):</b> Discretion to require appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board where appellant withdraws appeal or requests cancellation of, postponement of or adjournment of date for medical interview/examination less than 22 days before the appointed date, or where the appellant's acts or omissions cause the Board to cancel, postpone or adjourn less than 22 days before the appointed date.		✓		

## The Firefighters' Pension Scheme 1992

Regulation	Explanation	SW Decision	Comments
<b>Rule B1(2)(b): Permission for a Chief Fire Officer, appointed on or before 1.7.2013, to retire before attaining age 55</b>	In the event that a Fire and Rescue Authority's Chief Fire Officer, appointed on or before 1.7.2013, should retire before attaining age 55, the Fire and Rescue Authority <b>must</b> decide whether or not to grant permission for the immediate payment of retirement benefits under Rule B1 of the Firemen's Pension Scheme 1992.	<b>Not relevant</b>	<b>At time of approval CFO appointment date is post 1.7.2013</b>
<b>Rule B5C: Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for the credit of Additional Pension Benefit to the firefighter member</b>	<p>The Fire and Rescue Authority have discretion to determine whether any Continual Professional Development payment or increase in pay for temporary promotion which comes into effect on or after 1 July 2013 should be treated as pensionable for the credit to the firefighter of Additional Pension Benefit.</p> <p>(In accordance with Rule G1(9), where an allowance or supplement paid to a firefighter was being treated as pensionable before 1 July 2013 but is not pensionable pay within the meaning of Rule G1(1)(a), it should continue to be treated as pensionable for so long as the firefighter continues to receive it without any break in payment.)</p>	<b>Yes</b>	<p><b>SW Rule B5C introduced retrospectively in 2018. Relevant until April 2022, implementation of 2015 Scheme.</b></p> <p>It is recommended to consider each allowance or supplement on a case by case basis.</p> <ul style="list-style-type: none"> <li>• CPD – pensionable APB</li> <li>• Temporary promotion – pensionable APB</li> <li>• Other temporary pensionable allowances – APB</li> </ul>
<b>Rule B7 (5a) Consent for one quarter pension to be commuted in the case of a firefighter who, upon retirement, would otherwise not be permitted to commute such portion of pension as would provide a greater lump sum than two and a quarter times the full amount of pension</b>	This proposal will allow employers the ability to permit those 1992 scheme members with less than 30 years' service and under age 55 years to commute the maximum of a quarter of their pension for a lump sum on retirement. Under the new provision, the employer would be liable for any additional cost which could be substantial should they exercise this discretion. A full business case would be needed demonstrating the economical, effective, and efficient management of its functions with associated costs.	<b>No</b>	<p><b>SW Not previously included</b></p> <p>The Authority will not normally consent to such requests.</p>



<p><b>Rule B8: Discretion to commute, for a “trivial commutation lump sum”, a small pension payable to a firefighter pensioner.</b></p>	<p>This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004.</p>	<p><b>Yes</b></p>	
<p><b>Rule B9 (2b) Allocation of a portion of pension for a dependant other than a spouse or civil partner</b></p>	<p>Rule B9 allows a member of FPS to allocate (give up) part of their pension during their lifetime, when they first become eligible to retire, to provide, on their death, a pension for a spouse, civil partner, or a dependant.</p>	<p><b>Yes</b></p>	<p><b>SW Not previously included</b></p> <p>Before giving consent to the allocation, it must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependent on the member. The Authority will consider financial evidence over a period of two years.</p>
<p><b>Rule B9(6) Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes</b></p>	<p>Where a Firefighter elects to give up part of their pension (under Rule B9), the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so.</p> <p>Rule B9 allows a member of FPS to allocate (give up) part of their pension during their lifetime, when they first become eligible to retire, to provide on their death a pension for a spouse, civil partner, or a dependant.</p> <p>This is a very old part of the FPS and has largely been replaced by better provision for spouse and civil partners, or dependants in the scheme. Rule B9(6) contains a requirement that the member has normal life expectancy, and this discretion allows consideration of whether that is so.</p>	<p><b>Yes</b></p>	<p>Where a Firefighter elects to give up part of their pension, the Authority requires them to undertake a medical examination to ensure they are in good health before permitting them to do so.</p> <p>The Authority will refer the individual to the IQMP, and the member maybe required to meet any additional costs incurred by the Service.</p>



<p><b>Rule D5(1) and (2): Cessation of payment of a child's pension.</b></p>	<p>Award of benefit to a child aged 17 or over who has had an interruption in whole-time education or vocational training. The FPS allows the payment of a child's pension when the child is in full time education. This provision allows the consideration of reinstatement of the pension when there has been an interruption in whole-time education or vocational training. In accordance with Rule D5(1) and (2) of the Firemen's Pension Scheme Order 1992, the Fire and Rescue Authority shall cease paying a child's pension when the child ceases to be eligible upon attaining a particular age, or ceasing full-time education and entering paid employment, or upon marriage or forming a civil partnership.</p>	<p><b>Yes</b></p>	<p><b>SW not previously included</b></p> <p>Reinstate benefits accordingly, once the Service is satisfied that the legislative requirements are met for payment of a child's pension.</p>
<p><b>Rule D5(3) and (9)(c): Determination of entitlement to a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement; review of that award, and the action taken if the Fire and Rescue Authority are satisfied that the child is no longer permanently disabled.</b></p>	<p>There is no direction here as to how the child's disablement should be established and so the Fire and Rescue Authority will have to determine an appropriate policy, e.g. an opinion from an IQMP. The policy should also set out how and when the disablement should be reviewed.</p> <p>The award will cease to be payable if the Authority are satisfied that the child is no longer permanently disabled and not entitled to a child's allowance under any other terms of eligibility.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p> <p>The assessment of disablement should be undertaken by an IQMP appointed by the Scheme Manager</p>
<p><b>Rule D5(5) to (8): Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.</b></p>	<p>The Fire and Rescue Authority may permanently withhold all of a child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>

<p><b>Rule E3: Discretion to make an award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the Firemen's Pension Scheme 1992 in respect of the same firefighter.</b></p>	<p>Having regard to the conditions of Rule E3 of the Firemen's Pension Scheme 1992, the Fire and Rescue Authority can consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award under the Firemen's Pension Scheme 1992 in respect of the same firefighter.</p>	<p><b>Yes</b></p>	
<p><b>Rule E5 and E6 subject to limitations in Rule E7 – Discretion for commutation of dependant's pension</b></p>	<p>If the total amount of any pension or child's allowance payable to a child, surviving spouse or civil partner under the provisions of the Firemen's Pension Scheme Order 1992, together with any increase under the Pensions (Increase) Act 1971, does not exceed the commutation limit for the purposes of Part 2 of Schedule 29 to the Finance Act 2004 (lump sum death benefit rules) or the "permitted amount" as defined in Rule E7(3), and</p> <p>(a) the deceased spouse or civil partner died before age 75, and</p> <p>(b) the Fire and Rescue Authority are satisfied that there are sufficient reasons, and</p> <p>(c) the surviving spouse or civil partner consents,</p> <p>the Fire and Rescue Authority have discretion to commute the whole of the surviving spouse's or civil partner's pension for a lump sum in accordance with the guidance of the Scheme Actuary at the time when the pension first becomes payable.</p>	<p><b>Yes</b></p>	<p>Consideration of commutation of a limited amount of a child, spouse, civil partner, or child's pension into a lump sum will be given in exceptional circumstances where financial hardship can be demonstrated. Each case will be considered on an individual basis.</p> <p>In normal circumstances the Service would not exercise this discretion. However, if raised by an individual and the circumstances are considered exceptional, the Scheme Manager would give consideration.</p>
<p><b>Rule E9(6): Decision to substitute a higher amount of child's flat rate award where neither of the child's parents is alive.</b></p>	<p>In the exceptional circumstances that this issue should come up for consideration, the Fire and Rescue Authority have discretion to make such an award.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of substitution of a higher amount than the child's flat rate when neither of the child's parents are alive.</p>



<p><b>Rule F5(1): Discretion to extend period in which a firefighter may make a payment to count as pensionable service a period during which an injury award was payable.</b></p>	<p>If a firefighter is entitled under Rule F5 to pay to the Fire and Rescue Authority the amount required in accordance with Schedule 6, Part I, paragraph 1 of the Firemen's Pension Scheme 1992 in respect of a period during which the firefighter was entitled to receive an injury pension, in order that it may count as pensionable service on re-employment, the Authority have discretion to extend the period in which the election to pay and payment must be made (within six months of resuming service).</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of an extension of the time limit for an election to pay for previous service where a Firefighter commences work with another Fire Authority after retiring without a pension.</p>
<p><b>Rule F6A(3)(b): Extension of 12-month time limit for acceptance of "mis-selling" transfer value payment.</b></p>	<p>The Fire and Rescue Authority have discretion to permit the extension of the 12-month time limit for the acceptance of a "mis-selling" transfer value.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Rule F6A (6): Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit.</b></p>	<p>The Fire and Rescue Authority can use a discretion to adjust the amount of transfer value they accept under the "mis-selling" transfer rules to ensure that there is no duplication of pensionable service credited.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Rule F7(1) subject to Rule F7(2) and (3): Discretion to accept a transfer value.</b></p>	<p>The Fire and Rescue Authority have a discretion to accept a transfer value from a firefighter's previous pension scheme but, with the passage of time, it is unlikely that anyone would now satisfy the requirement that the written request to the Authority should be made no later than 12 months after the date of taking up employment with the Authority.</p>	<p><b>Yes</b></p>	
<p><b>Rule F9(2): Extension of 6 month time limit for a former firefighter or serving firefighter who has opted out of the Firefighters' Pension Scheme 1992, to request payment of a transfer value to another pension scheme.</b></p>	<p>If a former firefighter or a serving firefighter who has opted out of the Firefighters' Pension Scheme 1992 becomes subject to another pension scheme and requests that the Fire and Rescue Authority should pay a transfer value to that other scheme, the written request must be made within 6 months of becoming subject to the other scheme. However, the Authority have discretion to extend this time limit.</p>	<p><b>Yes</b></p>	

<p><b>Rule F9(5): Extension of 12-month time limit after leaving in which a former firefighter must be subject to a new scheme if a transfer value based upon a returned refund of pension contributions or gratuity is to be permitted.</b></p>	<p>If a former firefighter has received a refund of pension contributions or a gratuity under Part B of the Firemen's Pension Scheme 1992 and wishes to return the contributions/gratuity to reinstate pensionable service for the purposes of a transfer value to a new scheme, he/she must have become subject to that scheme within 12 months of ceasing to serve as a regular firefighter. The Fire and Rescue Authority have discretion to extend this 12-month time limit.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of the situation of a Firefighter who has received a gratuity or a refund of contributions requesting a transfer value instead. The refund of contributions or gratuity must also be paid back.</p>
<p><b>Rule G2(2): Discretion to deduct pension contributions from instalments of pensionable pay.</b></p>	<p>Contributions are normally deducted from instalments of pay but the Fire and Rescue Authority have discretion to collect the contributions due by other means should the need arise.</p>	<p><b>Yes</b></p>	
<p><b>Rule G2A (3) - Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity, paternity or adoption leave must be made.</b></p>	<p>The Fire and Rescue Authority have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect of maternity, paternity or adoption leave which would not otherwise count as pensionable service.</p>	<p><b>Yes</b></p>	<p>Late applications will be considered up to a maximum of 90 days.</p>
<p><b>Rule G6(4): Discretion not to accept a firefighter's election to purchase increased benefits through the payment of additional contributions unless the firefighter has undergone a medical examination at his/her own expense and satisfied the Fire and Rescue Authority as to his/her good health.</b></p>	<p>If a firefighter member of the Firefighters' Pension Scheme 1992 wishes to purchase increased benefits through the payment of additional contributions, the Fire and Rescue Authority have discretion to require the person to satisfy them as to his/her normal life expectancy at the time of the request by undergoing a medical examination at his/her own expense. If the Fire and Rescue Authority use this discretion they will have to give consideration as to the provider of the medical opinion, e.g. the firefighter's GP, or the Authority's Occupational Health Physician, or from an IQMP.</p>	<p><b>Yes</b></p>	<p>Delegated to Head of HR</p> <p>This assessment would be undertaken by the IQMP appointed by the Scheme Manager</p>

<p><b>Rule G7(3): Discretion of Fire and Rescue Authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, the firefighter financial hardship.</b></p>	<p>If the Fire and Rescue Authority are satisfied that the payment of periodical contributions for increased benefits is causing, or likely to cause, the firefighter financial hardship they may give consent to the discontinuance of payment for such period as they think fit.</p>	<p><b>Yes</b></p>	<p>This discretion is to allow a Firefighter to cease making additional contributions.</p>
<p><b>Rule H2(4)(c): Discretion to extend the time limit for appeal against a Fire and Rescue Authority's decision based on a medical opinion.</b></p>	<p>If a person, who wishes to appeal under Rule H2 of the Firemen's Pension Scheme 1992 against a decision based on a medical opinion, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority have discretion to extend the 28 days.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Rule H3: Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by the Fire and Rescue Authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of the Authority's determination under Rule H1, and the disagreement does not involve an issue of a medical nature.</b></p>	<p>The Fire and Rescue Authority must apply the requirements of Rule H3 of the Firemen's Pension Scheme 1992 and Section 50 of the Pensions Act 1995 with two-stage Internal Dispute Resolution Procedures. However, they have discretion to decide who the Stage One and Stage Two decision makers will be.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p> <p>Written IDRPs detailing decision makers and panel members needs to be maintained and reviewed regularly.</p> <p>IDRP process and supporting documentation in line with WG regulations.</p>



<p><b>Part IA: Pension credit members.</b></p>	<p>The Fire and Rescue Authority shall provide pension valuations, and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of Pension Sharing Orders, the Scheme member's pension rights will be apportioned in accordance with the directions of the Court, divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme 1992, and factors provided by the Scheme Actuary; a pension credit member's pension entitlement will be administered in accordance with Part 1A.</p> <p>At the time that the pension credit pension becomes payable, the pension credit member will be informed of the commutation option and rights of appeal.</p> <p>The Authority can determine the charges to be made for administration.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p>
<p><b>Rule IA2 (1) – Commutation of pension credit benefits</b></p>	<p>To commute the whole of a pension to which a pension credit member is entitled for a lump sum.</p>	<p><b>Yes</b></p>	<p><b>Not previously included</b></p> <p>The Authority will consider each case on an individual basis.</p>
<p><b>Rule K1(1) and (2): Requirement to decide, at such intervals as a Fire and Rescue Authority think proper, whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of undertaking regular employment.</b></p>	<p>Although there is a requirement to review entitlement to an ill-health pension in accordance with this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.</p> <p>Review of deferred pensions paid early on ground of ill health are also included here.</p>	<p><b>Yes</b></p>	<p>Requirement to review ill health pensions under 10 years of retirement.</p> <p>IHR formal written policy required setting out timelines for review and IHR process</p>

<p><b>Rule K3(1): Discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default.</b></p>	<p>The Fire and Rescue Authority can consider using the powers contained in Rule K3 of the Firemen's Pension Scheme 1992 to reduce an ill-health award where the firefighter is permanently disabled and has brought about or contributed to the infirmity by his/her own default if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule K3.</p> <p>The amount of the reduced pension would be increased to the level of a notional deferred pension when the person attains age 60.</p>	<p><b>Yes</b></p>	<p>The Authority will consider each case on an individual basis.</p> <p>This discretion permits the reduction of a Firefighter pension to not less than half the amount due where it is considered that they have contributed to an infirmity by their default.</p>
<p><b>Rule K4 Withdrawal of a pension whilst employed by a fire and rescue authority (abatement)</b></p>	<p>To amend the 1992 scheme to widen the employers discretion to abate a pension paid to a member who is reemployed in any role by any fire and rescue authority; and to require the employer that is paying the pension to pay into the pension fund the amount of pension that is paid that could have been subject to abatement under the scheme rules. The requirement for the employer to be liable for the costs where they do not exercise the discretion to abate a members' pension would apply to both the 1992 and 2007 schemes.</p> <p>Amendment Order 2013 requires the employer to reimburse the pension fund in the instance where they do not exercise the discretion to abate a member's pension on re-employment.</p>	<p><b>Yes</b></p>	<p>The abatement of pension, on a £ for £ basis, will apply where earnings plus pension payments in the new role exceed earnings in the previous role.</p> <p>This discretion allows abatement of a pension where the employee has been re-employed, as per the regulations, and an abatement assessment would need to be formally undertaken.</p>
<p><b>Rule K5(1): Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.</b></p>	<p>The Fire and Rescue Authority have discretion to use powers contained in Rule K5 of the Firemen's Pension Scheme 1992 to withdraw a pension in whole or in part where a pensioner has been convicted of an offence (in the case of a spouse or civil partner this means an offence committed <u>after</u> the death of the member) if they feel it appropriate according to the circumstances of any case which falls within the terms of Rule K5 and subject to the certification of the Secretary of State where required.</p> <p>The offences include those which are considered to have been gravely injurious to the interests of the State (including the offence of treason or an offence under the Official Secrets Acts 1911 to 1989) or liable to lead to serious loss of confidence in the public service.</p>	<p><b>Yes</b></p>	<p>This discretion only applies in the case of treason or a serious offence under the Official Secrets Act.</p>

<p><b>Rule K5(5): Discretion to restore, at any time and to such extent as the Fire and Rescue Authority think fit, a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner.</b></p>	<p>If the Fire and Rescue Authority withdraw a pension under Rule K5(1) of the Firemen's Pension Scheme 1992, subject to the circumstances of the case they may at any time, and to such extent as they think fit, consider applying it for the benefit of any dependant of the pensioner or restoring it to the pensioner.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision in Rule K5(1).</p>
<p><b>Rule L3(1): Determination of intervals at which instalments of pension or allowance shall be paid.</b></p>	<p>The Fire and Rescue Authority have discretion to determine the intervals at which instalments of pension or allowance should be paid.</p> <p>(There is no longer a requirement to pay in advance.)</p>	<p><b>Yes</b></p>	<p>This discretion allows the arrangement of normal monthly payments of annual pension, or should the need arise, at other intervals the Scheme Manager sees fit.</p>
<p><b>Rule L3(1): Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.</b></p>	<p>The Fire and Rescue Authority can use their discretion under Rule L3(1) of the Firemen's Pension Scheme 1992 to delay payment of an award to the extent necessary for determining any question as to their liability.</p>	<p><b>Yes</b></p>	<p>This discretion allows the Fire Authority to delay the payment of an award sum until they are satisfied as to the eligibility of an award.</p>
<p><b>Rule L3(7) and (8): Discretion to decide an earlier payment date for survivors' benefits than the date prescribed (the first anniversary of the date of death) where the deceased received a gratuity or lump sum, and an option to pay a gratuity in instalments rather than as a single lump sum.</b></p>	<p>The Fire and Rescue Authority have discretion to determine the payment date and discretion as to payment in the above circumstances.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of earlier payment of survivor benefits which are normally paid one year after the date the member deceased. There is also the option to pay a smaller amount in regular instalments where this would be of advantage to the person entitled.</p>

<b>Rule L3(9): Repayment of aggregate pension contributions.</b>	If a person is entitled under Rule B6 of the Firemen's Pension Scheme 1992 to the repayment of aggregate pension contributions, the Fire and Rescue Authority are not obliged to make the payment until one year from the date of the person's retirement unless the person makes an earlier request for payment, or the Authority use their discretion to make an earlier payment.	<b>Yes</b>	<b>Not previously included</b>
<b>Rule L5(1): Payment of awards – minors.</b>	The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine. They may give directions to that person as to the application of the pension for the minor's benefits.	<b>Yes</b>	This discretion allows the payment of any sum due to a minor to any appropriate person.  This will be determined on a case by case basis.
<b>Rule L5(2): Payment of awards – discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.</b>	If it appears to the Fire and Rescue Authority that a person entitled to the payment of an award is, by reason of mental disorder or otherwise, incapable of managing his/her affairs, the Authority may use their discretion to: a) pay the benefits or any part of them to a person having care of the person entitled, or such other person as the Authority may determine, or b) apply the benefits in such manner as the Authority may determine for the benefit of the person entitled, or his/her dependants.	<b>Yes</b>	This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs or in a manner that is determined as being in the best interests of the individual.
<b>Rule L5(3): Payment of awards – discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965.</b>	Upon the death of a person to whom there was due an award and before the award was paid, the Fire and Rescue Authority have discretion as to the recipient of the sum due if it is less than the amount specified in the Administration of Estates (Small Payments) Act 1965 (currently £5,000).	<b>Yes</b>	This discretion deals with awards of less than £5,000 and enables the Scheme Manager to decide who should receive this amount.

<p><b>Rule L5 (6) to (9): Withholding of pension in cases of fraud, theft, or negligence</b></p>	<p>To withhold all or part of any payments due to a firefighter in respect of pension where there has been fraud, theft, or negligence on the part of the firefighter in connection with their employment resulting in loss to the funds of the Authority.</p>	<p><b>Yes</b></p>	<p>The Authority will consider each case on an individual basis.</p> <p>This discretion allows the Authority to reclaim sums lost as a result of fraud, theft, or negligence on the part of that person in connection with their employment.</p>
<p><b>Schedule 6, Part 1, paragraph 1(4): Discretion to deduct from an award any outstanding balance of payments in respect of previous service.</b></p>	<p>In the event that any firefighter member still has payments in respect of previous service outstanding at the time of retirement, the Fire and Rescue Authority have discretion to deduct the outstanding amount from the payments of award made to him/her.</p>	<p><b>Yes</b></p>	<p>This discretion relates to where a member has elected to pay additional sums in respect of previous pension service and then retires before completing the payments. The scheme provides that they will receive a pension as if they have completed the payments. This discretion allows the recovery of the payments not made.</p>
<p><b>Schedule 9, Part I, paragraph 1(2): Discretion to extend 28-day time limit in which a person must lodge any medical appeal, to a period not exceeding 6 months from the date of issue of the documents referred to in Rule H2(4) to that person, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 28 days was not due to his/her own default.</b></p>	<p>The Fire and Rescue Authority have discretion to extend the period for lodging a medical appeal, as outlined above.</p>	<p><b>Yes</b></p>	<p>Delegated to Head of HR</p>

<p><b>Schedule 9, Part 1, paragraph 4(5): Discretion to decide the Fire and Rescue Authority's representation at a Medical Appeal Board interview.</b></p>	<p>Discretion to decide the Fire and Rescue Authority's representation at a Medical Appeal Board interview.</p>	<p><b>Yes</b></p>	<p>Delegated to Head of HR</p>
<p><b>Schedule 9, Part 1, paragraph 5: Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.</b></p>	<p>The Fire and Rescue Authority can decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.</p>	<p><b>Yes</b></p>	<p>This discretion allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.</p> <p>Delegated to Head of HR</p>
<p><b>Schedule 9, Part 1, paragraph 8(2): Discretion, where Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay to the Authority such sum as the Authority think fit, not exceeding the total amount of fees and allowances payable to the Board as determined by the Secretary of State.</b></p>	<p>If the Medical Appeal Board decides an appeal in favour of the Fire and Rescue Authority and reports that in its opinion the appeal lodged by the appellant was frivolous, vexatious or manifestly ill-founded, the Authority have discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board under Schedule 9, Part 1, paragraph 7(1) of the Firemen's Pension Scheme 1992 as determined by the Secretary of State.</p>	<p><b>Yes</b></p>	

<p><b>Schedule 9, Part 1, paragraph 8(2A): A Fire and Rescue Authority's discretion to require the appellant to pay the Authority a sum not exceeding the total amount of fees and allowances payable to the Board, where the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, or the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn less than 22 working days before the appointed date.</b></p>	<p>If the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, or if the appellant's acts or omissions cause the Board to cancel, postpone or otherwise adjourn the date appointed under Schedule 9, Part 1, paragraph 4(2) of the Firemen's Pension Scheme 1992 for the interview less than 22 working days before the date so appointed, the Fire and Rescue Authority have discretion to require the appellant to pay the Authority such sum as is equal to, but not greater than, the total amount of fees and allowances payable to the Board.</p>	<p><b>Yes</b></p>	
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# Firefighters' Pension Scheme 1992

## Authorised Delegations

### Authorised Delegations

**Key (illustrative) – each authority to determine appropriate level of decision making.**

- A: The Fire and Rescue Authority/Commissioners or appropriate Committee under delegated powers.
- B: The relevant Director of the Fire and Rescue Authority/Commissioners under delegated powers and in accordance with the policy statements set out in the Scheme of Delegations.
- C: The relevant Manager of the Fire and Rescue Authority/Commissioners (Human Resources, Finance or Payroll), or by Rhondda Cynon Taff as the provider of pension administration services to the Authority. This would be under delegated powers and in accordance with:
- the policy statements set out in these discretions
  - the direction of the Fire and Rescue Authority /Commissioners for an individual case (Level A)
  - the direction of a relevant Director (Level B).

Where a decision/action has to be taken at Levels B or C in respect of a person who would normally be the decision-maker at that Level, the Level at which the decision/action will be taken will be "A".

Where a decision/action has to be taken at Level C, the allocation of responsibilities and duties is set out in these discretions



## FIREFIGHTERS' PENSION SCHEME 1992

Provision of Firemen's Pension Scheme 1992 (as amended)	Level of decision			Comments
	A	B	C	No longer relevant
<b>Rule B1(2)(b):</b> Permission for Chief Fire Officer, appointed on or before 1.7.2013, to retire before attaining age 55.	✓			No longer relevant
<b>Rule B5C:</b> Pensionable status of payments, not otherwise pensionable, for Additional Pension Benefits. From 1 <sup>st</sup> July 2013			✓	Pension/Payroll Teams
<b>Rule B7(5A):</b> Consent for one quarter commutation where not otherwise permitted by Scheme rules.	✓			
<b>Rule B8:</b> Discretion to commute, for a "trivial commutation lump sum" a small pension payable to a firefighter pensioner.			✓	In conjunction with administrators
<b>Rule B9(2)(b):</b> Discretion to permit allocation for a dependant other than a spouse or civil partner.		✓		In conjunction with administrators
<b>Rule B9(6):</b> Proof of life expectancy for allocation purposes.		✓		In conjunction with administrators
<b>Rule B12:</b> Pension debit members.		✓		In conjunction with administrators
<b>Rule C8(6):</b> Discretion to increase award to surviving spouse/civil partner were living apart from firefighter at date of death.		✓		In conjunction with administrators
<b>Rule C8(7):</b> Discretion to pay a gratuity to surviving spouse/civil partner were living apart from firefighter at date of death.		✓		In conjunction with administrators
<b>Rule D5(1) and (2):</b> Cessation of payment of a child's pension.		✓		In conjunction with administrators
<b>Rule D5(3) and (9)(c):</b> Review of disabled child's pension.		✓		In conjunction with administrators
<b>Rule D5(5) to (8):</b> Withholding of child's pension on conviction of manslaughter of the deceased firefighter.		✓		In conjunction with administrators
<b>Rule E3:</b> Discretion to make payment of a dependent relative's gratuity to a dependent relative not entitled to any other award		✓		In conjunction with administrators
<b>Rules E5 and E6:</b> Discretion to commute a surviving spouse's/civil partner's pension of limited amount, for a lump sum.			✓	In conjunction with administrators
<b>Rule E6, Rule E7, Schedule 5 Part III:</b> Discretion to commute a child's pension of limited amount, for a lump sum.			✓	In conjunction with administrators
<b>Rule E9(6):</b> Decision to substitute a higher amount of a child's flat rate award where neither of child's parents is alive.		✓		In conjunction with administrators
<b>Rule F2(5):</b> Discretion for Fire and Rescue Authority to pay employer's contribution during a period of absence.			✓	Pension/Payroll Teams
<b>Rule F4(3)(c):</b> Discretion to extend 6-month time limit for election to make payment to count earlier service on rejoining.			✓	Pension/Payroll Teams
<b>Rule F5(1):</b> Discretion to extend 6-month time limit for election to make payment to count period during which injury award was paid.			✓	In conjunction with administrators
<b>Rule F6A(3)(b):</b> Extension of 12-month time limit for acceptance of "mis-selling" transfer value payment.		✓		In conjunction with administrators

<b>F6A (6):</b> Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit.		✓		In conjunction with administrators
<b>Rule F7(1), Rule F7(2) and (3):</b> Discretion to accept a transfer value.		✓		No longer relevant
<b>Rule F9(2):</b> Extension of time limit in which a request for a transfer value payment to another pension scheme must be made.		✓		In conjunction with administrators
<b>Rule F9(5):</b> Extension of time limit in which a request for a transfer payment based upon a returned refund of pension contributions or gratuity must be made.		✓		In conjunction with administrators
<b>Rule G2(2):</b> Discretion to deduct contributions from instalments of pensionable pay.			✓	Pensions/Payroll Teams
<b>Rule G2A (3):</b> Discretion to extend 30-day time limit in which an election to pay additional maternity, paternity or adoption leave contributions must be made.			✓	Pensions/Payroll Teams
<b>Rule G6(4):</b> Discretion not to accept election to purchase increased benefits unless firefighter demonstrates good health.		✓		
<b>Rule G7(3):</b> Discretion to agree that a firefighter who has elected to purchase increased benefits should discontinue payment on grounds of financial hardship.			✓	Pensions/Payroll Teams
<b>Rule H2(4)(c):</b> Discretion to extend the time limit for appeal against Fire and Rescue Authority's decision based on a medical opinion.		✓		Head of HR/IHR policy owner
<b>Rule H3:</b> Internal Dispute Resolution Procedures.		✓		As per IDRP policy
<b>Part IA:</b> Pension entitlement for pension credit members.		✓		In conjunction with administrators
<b>Part IA2(1):</b> Discretion to commute a small pension due to a pension credit member.			✓	In conjunction with administrators
<b>Rule K1(1) and (2):</b> Review of ill-health pensions.			✓	As per IHR Policy
<b>Rule K3(1):</b> Discretion to reduce ill-health pension where firefighter contributed to infirmity by own default.		✓		In conjunction with administrators
<b>Rule K4:</b> Discretion to withdraw the whole or part of a pension during a period of re-employment with a Fire and Rescue Authority.			✓	In conjunction with administrators
<b>Rule K5(1):</b> Discretion to withdraw pension on a person's conviction of certain offences.		✓		In conjunction with administrators
<b>Rule K5(5):</b> Discretion to restore a pension withdrawn under Rule K5(1).		✓		In conjunction with administrators
<b>Rule L3(1):</b> Determination of intervals at which instalments of pension or allowance shall be paid.			✓	In conjunction with administrators
<b>Rule L3(1):</b> Discretion to delay payment of an award to the extent necessary for determining any question as to the Fire and Rescue Authority's liability.			✓	In conjunction with administrators
<b>Rule L3(7) and (8):</b> Discretion to decide earlier payment date for survivor's benefits where the deceased received a gratuity or lump sum, and an option to pay a gratuity in instalments rather than as a single lump sum.			✓	In conjunction with administrators
<b>Rule L3(9):</b> Repayment of aggregate pension contributions.			✓	In conjunction with administrators
<b>Rule L5(1):</b> Payment of awards – children.		✓		In conjunction with administrators
<b>Rule L5(2):</b> Payment of awards – person incapable of managing his/her own affairs.		✓		In conjunction with administrators
<b>Rule L5(3):</b> Payment of awards – discretion as to recipients of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965.		✓		In conjunction with administrators

<b>Rule L5(6) to (9):</b> Payment of awards – discretion to withhold sums where there has been a loss to the funds of the Fire and Rescue Authority as a result of fraud, theft, or negligence on the part of the person in connection with his/her employment.		✓		In conjunction with administrators
<b>Schedule 6, Part 1, paragraph 1(4):</b> Discretion to deduct from award any outstanding balance of payments in respect of previous service.			✓	In conjunction with administrators
<b>Schedule 9, Part 1, paragraph 1(2):</b> Discretion to extend time limit for medical appeal.		✓		Head of HR/IHR Policy Owner
<b>Schedule 9, Part 1, paragraph 4(5):</b> Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board.		✓		Head of HR/IHR Policy Owner
<b>Schedule 9, Part 1, paragraph 5:</b> Discretion to decide whether or not to submit written evidence or written statement to Medical Appeal Board.		✓		Head of HR/IHR Policy Owner
<b>Schedule 9, Part 1, paragraph 8(2):</b> Discretion, where Medical Appeal Board decides an appeal in favour of Fire and Rescue Authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board.		✓		
<b>Schedule 9, Part 1, paragraph 8(2A):</b> Discretion to require appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board where appellant withdraws appeal or requests cancellation of postponement of, or adjournment of, date for medical interview/examination less than 22 days before the appointed date, or where the appellant's acts or omissions cause the Board to cancel, postpone or adjourn less than 22 days before the appointed date.		✓		

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**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE SERVICE**AGENDA ITEM NO 7  
25 FEBRUARY 2025

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE REPORT OF THE ASSISTANT CHIEF OFFICER, PEOPLE SERVICES

**REVIEW OF KEY PERFORMANCE INDICATORS****THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY IAN TRAYLOR, HEAD OF SERVICE - PENSIONS, PROCUREMENT AND TRANSACTIONAL SERVICES, RHONDDA CYNON TAF CBC (SCHEME ADMINISTRATOR)

**SUMMARY**

The Service Level Agreement (SLA) between South Wales Fire & Rescue Service and Rhondda Cynon Taf Country Borough Council sets out the manner in which certain duties and responsibilities are expected to be carried out. A key element of the SLA is the reporting on actual performance activity against the agreed key delivery Service Standards. The following report is intended to provide Members with an update on key activity undertaken during the reporting period and shares the performance data for the periods September 2024 to December 2024.

**RECOMMENDATIONS**

1. That Members of the Local Pension Board note the performance data included at Appendix 1 attached to the report.
2. That Members note the relevant pension administrative overview and update included at Appendix 2 attached to the report.

**1. BACKGROUND**

- 1.1 The ongoing monitoring of the key performance indicators / service standards and activity, is intended as a measurement to help evaluate the success or otherwise of the service provided to the South Wales Fire & Rescue Authority on behalf of its scheme members, by the RCT Pension Service.

## 2. ISSUES

2.1 There are no issues to report.

## 3. IMPLICATIONS

### 3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

### 3.2 Regulatory, Strategy and Policy

Legal	No	Data Protection / Privacy	Yes
Financial	Yes	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	Yes
Corporate Risk	No	Service Policy	Yes
Information Management	Yes	National Policy	No

### 3.3 Resources, Assets and Delivery

Human Resource and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	Yes
Procurement	No
Budget Revenue/Capital	Yes

## 4. EVALUATION & CONCLUSIONS

4.1 Members are asked to review the outturns in the Appendices attached to the report with a view of discussing them at the meeting.

## 5. RECOMMENDATIONS

5.1 That Members of the Local Pension Board note the performance data included at Appendix 1 attached to the report.

5.2 That Members note the relevant pension administrative overview and update included at Appendix 2 attached to the report.

<b>Contact Officers:</b>	<p>ACO Alison Reed Director of People Services</p> <p>Ian Traylor Service Director Pensions, Procurement &amp; Transactional Services, Rhondda Cynon Taf CBC (Scheme Administrator)</p>
<b>Background Papers</b>	<p>Appendix 1 – Current Year Key Performance</p> <p>Appendix 2 – Overview and Update of Administrative Activity</p>

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MONTHLY SERVICE STANDARDS																Relates to last Month	
Scheme 90 (Protected 92 Scheme and Transitioned members)																Completed	
STANDARD MEASURED		TARGET	INTER' VENTION	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Comments	2024/2025 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% Divorce Estimates processed within 10 days	Statement	100	95	100%	100%	-	100%	100%	-	-	50.00%	-				No cases completed.	75.00%
% Preserved Benefits processed within 10 days	Statement	100	90	-	-	-	-	-	-	-	100.00%	-				No cases completed.	100.00%
% Employer requests for retirement estimates processed within 5 days	Statement	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% Retirements from Active membership processed within 5 days	Payment	100	95	100%	100%	100%	100%	100%	100.00%	100.00%	100.00%	-				No cases completed.	100.00%

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95	-	100%	100%	-	-	-	-	100.00%	-				No cases completed.	100.00%
% Transfers In processed within 10 days	Statement	100	90	-	-	-	-	-	-	-	-	-				No cases completed.	-
% Transfers Out processed within 10 days (Monthly)	Payment	100	95	-	-	100%	-	-	-	-	-	-				No cases completed.	100.00%
% death grant for active members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% death grant for pensioner members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-

MONTHLY SERVICE STANDARDS Scheme FIR (2006 Scheme and Transitioned members)															Relates to last Month Completed		
STANDARD MEASURED		TARGET	INTER' VENTION	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Comments	2024/2025 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% Divorce Estimates processed within 10 days	Statement	100	95	-	100%	-	-	-	-	-	-	-	-	-	-	No cases completed.	100.00%
% Preserved Benefits processed within 10 days	Statement	100	90	100%	-	-	100%	-	-	-	-	-	-	-	-	No cases completed.	100.00%
% Employer requests for retirement estimates processed within 5 days	Statement	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% Retirements from Active membership processed within 5 days	Payment	100	95	100%	-	100%	-	-	-	100.00 %	100.00 %	100.00 %	-	-	-	One case completed. On time.	100.00%

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95	-	100%	-	-	100%	-	-	-	-				No cases completed.	100.00%
% Transfers In processed within 10 days	Statement	100	90	-	-	-	100%	-	-	-	-	-				No cases completed.	100.00%
% Transfers Out processed within 10 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% death grant for active members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% death grant for pensioner members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-

**MONTHLY SERVICE STANDARDS**  
Scheme F15 (2015 only members)

Relates to last Month Completed

<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APR</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	Comments	2024/2025 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100	95	-	-	-	-	-	100.00%	-	-	-				No cases completed.	100.00%
% Divorce Estimates processed within 10 days	Statement	100	95	100%	-	-	-	-	-	-	-	-				No cases completed.	100.00%
% Preserved Benefits processed within 10 days	Statement	100	90	100%	91.66%	100%	100%	100%	100.00%	100.00 %	100.00%	-				No cases completed.	98.36%
% Employer requests for retirement estimates processed within 5 days	Statement	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-
% Retirements from Active membership processed within 5 days	Payment	100	95	-	-	-	-	-	-	-	-	-				No cases completed.	-

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% Transfers In processed within 10 days	Statement	100	90	100%	-	100%	100%	-	-	-	-	-	-	-	-	No cases completed.	100.00%
% Transfers Out processed within 10 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% death grant for active members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% death grant for pensioner members within 5 days (Monthly)	Payment	100	95	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-

The following information is intended to provide Members of Pensions Board with an overview and update on key administrative activity:

### **Member Self-Serve Statistics**

Member Self-Serve (MSS) take-up as 27<sup>th</sup> January 2025

	Status 1 (Actives)	Status 2 (Pending leavers)	Status 4 (Deferred)	Status 5 (Pensioners)	Status 6 (Dependants)
<b>92 Scheme</b>	<b>89.53%</b>	<b>80.00%</b>	<b>77.34%</b>	<b>59.63%</b>	<b>18.84%</b>
Total Membership	258	4	128	1241	207
<b>2006 Scheme</b>	<b>76.69%</b>	<b>71.43%</b>	<b>48.36%</b>	<b>68.31%</b>	<b>12.5%</b>
Total Membership	266	14	732	183	16
<b>2015 Scheme</b>	<b>39.22%</b>	<b>33.33%</b>	<b>31.65%</b>	<b>66.67%</b>	<b>0%</b>
Total Membership	742	18	496	2	0

### **Scheme Member Complaints**

- There have been no formal complaints this period.

### **Key Administration Activities**

- Remedial Service Statements statutory timescale for provision to member 31<sup>st</sup> March 2025. 410 members in scope.
- Immediate Choice Remediable Service Statements (IC-RSS) –statutory timescale for provision to members 31<sup>st</sup> March 2025. RCT Team continue to work on cases. LGA originally categorised cases depending on original benefit taken and whether HMRC legislation is in place to be able to administer remedy. All categories can now be processed and Death and Ill Health cases across all categories are being prioritised.
  - Green – can be processed - 180 cases (including 33 death and ill health cases which are being prioritised).
  - Amber – can now be processed, legislation clarified. 135 cases (including 10 Ill Health cases)
  - Red – can now be processed, legislation clarified. 28 cases (including 9 Ill Health cases)
- Legislation required to process Divorce cases not yet available – RCT Team have chased LGA and Welsh Government.
- 23/24 Pension Savings Statements (PSS) and Remediable Pension Savings Statements (R-PSS) were issued by 6 October 2024 deadline.
- Annual Benefits Statements statutory deadline 31<sup>st</sup> August 2025.
- All pensioners with backdated pay increases have now been processed.
- Current retirements continue to be paid to time.
- Member tax amendments being updated to HMRC via new process.
- Regular meetings with SWFRS Pensions Team continue.

- RCT Team attended regular drop-in sessions with Heywood to feedback any issues with pensions administration software to improve ability to administer benefits quickly and accurately.
- RCT Team regularly attend LGA Technical Briefing Sessions.
- RCT and SWFRS teams continue to liaise regarding Matthew's 2<sup>nd</sup> Options Exercise. Pensions Software to be updated to accommodate administration requirements.
- RCT Team Member has joined LGA Matthews forum.
- RCT to join collaborative meetings with SWFRS and other Welsh Administering Authorities to review LGA bulletins and guidance.
- 2024 Valuation Data provided to GAD by 01<sup>st</sup> December 2024 Deadline.
- Pension Dashboard onboarding deadline is October 2025, RCT have contracted with Heywood (current software provider) to be their ISP (Integrated Service Provider), and testing has commenced.
- Preparation for 2025 Pension Increase Exercise commenced.
- Data scores and membership data provided to SWFRS for inclusion in The Pensions Regulators Annual Return.

	1992 Scheme	2006 Scheme	2015 Scheme
Common Data	99%	94%	99%
Specific Data	96%	94%	92%



**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE SERVICE**AGENDA ITEM NO 8  
25 FEBRUARY 2025

LOCAL PENSION BOARD COMMITTEE

**PUBLIC SECTOR PENSION SCHEME LEGISLATION – MCCLOUD & O'BRIEN  
REMEDY EXERCISES AND THE PENSIONS DASHBOARD PROJECT****THIS REPORT IS FOR INFORMATION**REPORT OF THE FIREFIGHTERS' PENSIONS TECHNICAL LEAD FOR SWFRS  
& NWFRS, KIMBELY JEALREPORT PRESENTED BY ASSISTANT CHIEF OFFICER PEOPLE SERVICES,  
ALISON REED**SUMMARY**

To set out the statutory timelines imposed by the changes to Public Sector Pension Scheme legislation and more specifically Firefighter Pension Schemes. These are more commonly known as the McCloud and O'Brien (Matthews 2) pension remedy exercises.

In addition, the Pensions Dashboard Project, which is being implemented by the Department for Work and Pensions (DWP), is now gathering pace and Pension schemes in the Fire Sector, have been given a connection date of October 2025.

**RECOMMENDATIONS**

1. Note the content of the report and,
2. Note the statutory obligation placed on the Scheme Manager to ensure that these timelines are met for all 3 national projects.

**1 BACKGROUND - MCCLOUD**

- 1.1 Following Lord Hutton's 2011 review of public sector pensions, the Public Service Pensions Act (2013) provided the legal framework to reform public sector pension schemes. Reforms included restricting existing final salary schemes, extending retirement ages, and introducing CARE (Career Average Revalued Earnings) Schemes.

- 1.2 In 2015 the majority of public service pension schemes were reformed to provide defined benefits, on a CARE basis, and extended the normal retirement age of members. Amended regulations provided protections for certain members of existing final salary schemes, based on age. Members reaching the normal pension age of 55 by 31 March 2012, were afforded full protection with others receiving protection on a tapered basis depending on their age. Members who did not qualify for protection (unprotected), were moved out of their legacy schemes, into the new 2015 Firefighters Pension Scheme on the 1st April 2015.
- 1.3 In 2018 the Court of Appeal ruled that the transitional protection element, of the 2015 public service pension reforms, constituted unlawful age discrimination. This is now referred to as the McCloud/Sargeant case and on the back of this decision, the Government confirmed that it would remove the difference in treatment across all public service pension schemes.
- 1.4 In October 2020 Home Office undertook to consult on the way forward. The outcomes of the consultation were published on 4 February 2021, with an option called 'the Deferred Choice Underpin' being adopted, meaning that members would make their decision between benefit options shortly before retirement. In the meantime, members would be deemed to have accrued benefits in their legacy schemes rather than reformed schemes, for the remedy period 1st April 2015 to 31st March 2022.
- 1.5 The Public Service Pensions and Judicial Offices Act 2022 (PSPJO) was given Royal Assent on 10 March 2022 and provides an overarching framework to allow public service pension schemes to remedy the impact of unlawful age discrimination.
- 1.6 There were 2 distinctly separate elements to the changes in legislation, the first came into effect on 1st April 2022 and is known as Prospective Remedy, which meant that from that date all members of the FPS would be members of the Reformed Scheme. The 2nd is known as Retrospective Remedy, which came into effect on the 1st October 2023 and means that those that had membership, in a Public Sector Scheme, during the remediable period, would be deemed to have accrued it wholly in their legacy pension scheme.

- 1.7 The timelines are set out in the new legislation, and dictate that Active/Deferred pension scheme members, those that have already retired and member dependents must have received a Remedial Service Statement, setting out their options, no later than March 2025.
- 1.8 In order to facilitate progress through the project, members have been grouped into cohorts, with different milestones set and support provided nationally, by the LGA. The first cohort, which are those that retired on the grounds of Ill Health or member beneficiaries, initially had a milestone of 31st March 2024. Unfortunately, due to difficulties in processing these retrospective cases and clarity being sort from HMRC, on the application of tax and interest payments, the LGA negotiated an extension to 30th June 2024. **SWFRS have 55 individuals that fall into this first cohort. The Service is seeking confirmation from its administrators as to when it can expect that these now overdue RSS will be processed.** See Appendix 1 for IC RSS Timetabling.
- 1.9 In addition to the above group, members that need a retrospective calculation (**Retirees 276**), may incur additional tax charges, based on current legislation. This may impact members that previously incurred a Scheme Sanction Charge when they retired. HMRC have confirmed that changes to legislation are required, in order to ensure that no member is adversely affected but these will not be in place until 31st March 2025. In the meantime, Scheme Managers and Administrators have confirmation that they can use the “Offsetting” principal in order for revised Annual Allowance calculations to be applied correctly. This does require manual intervention, by Administrators, and as such will extend the amount of time needed to process these cases. **The Service is seeking confirmation from its administrators as to when it can expect these RSSs to be processed.** See Appendix 1 for IC RSS Timetabling.
- 1.10 Running alongside the above work for those that have already retired, is an additional exercise which provides the same information, **for Active (639) and Deferred (128) members.** The milestones that have been attributed to these cohorts are distinctly separate and have been prioritised based on those most likely to be at financial detriment. **The Service is working closely with its Administrators to ensure that these RSSs are also processed.** See Appendix 2 for Deferred Choice RSS (DC RSS).
- 1.11 There was a requirement for 2024 Annual Benefit Statements to show a members roll back position, for the remedial period (April 2015 to March

2022) included in the members legacy scheme. **The statutory requirement, for the above to be achieved, was met and all pension scheme members received their Annual Benefit Statement by the 31<sup>st</sup> August 2024, as required.**

- 1.12 The Service continues to work alongside its colleagues at RCT Pension Administrators, to ensure that affected members receive the necessary Remediable Service Statements before the statutory deadline of 31st March 2025, however, given the volume of complex calculations and data collection, it is unlikely that this deadline will be met, in full. **The Service is working with its Administrators to minimise the number of members likely to receive an RSS post 31st March 2025.**

## **2 BACKGROUND – O'BRIEN**

- 2.1 In April 2006, the Firefighters Pension Scheme 1992 (FPS 1992) was closed to new members, and the New Firefighters Pensions Scheme 2006 (NFPS 2007 in Wales), came into force, which enabled On Call Firefighters to become pension scheme members from that date.
- 2.2 Historically, On-Call firefighters were excluded from the FPS 1992, which was challenged under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000. This resulted in a determination that enabled certain On-Call firefighters, with service between 1 July 2000 and 5 April 2006, to become members of a pension scheme.
- 2.3 Between 2014 and 2015 an options exercise was undertaken, which gave those, that were eligible, the opportunity to join the NFPS 2007 (Wales). This was the first options exercise, which is often now referred to as Matthews 1.
- 2.4 More recently, this judgment was challenged, at the European Court of Justice. The Court ruled, that service going back to the start of employment should be considered and applied for certain On-Call firefighters.
- 2.5 As a result, a second options exercise is now taking place to allow eligible On-Call firefighters to buy pension service, as a special member of the NFPS 2007 (Wales), backdated to the start date of their employment. As part of this exercise the following individuals are eligible for the second options exercise:

- a. On-Call firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive).
  - b. On-call firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive) as well as on any date between 1 July 2000 and 5 April 2006 (inclusive).
  - c. On-call firefighters employed on any date between 1 July 2000 and 5 April 2006 (inclusive), but not on any date between 7 April and 1 July 2000, who were eligible to take part in the first options exercise but were not given opportunity to do so.
- 2.6 Of note, On-Call firefighters employed on any date between 1 July 2000 and 5 April 2006 (inclusive), but not on any date between 7 April and 1 July 2000, who were given the opportunity to take part in the first options exercise but did not choose to do so previously, are not eligible for the second options exercise.
- 2.7 On 31st March 2023, a formal consultation was launched with legislative changes enacted, in England, on the 1st October 2023, with 18 months to implement. However, Welsh Government did not launch its consultation until 14th July 2023 and changes to the NFPS 2007 (Wales) scheme did not come into force until 1st February 2024. The implementation deadline is 31st July 2025.
- 2.8 The Service has written out to **478** On Call or previously On Call staff, to inform them that they are eligible for an O'Brien/Matthews remedy and as of 23<sup>rd</sup> January 2025, **236** individuals had formally responded, requesting calculations on their benefits, should they decide to buy back. The relevant periods linked to this project can range from the individuals original start date with the Service, to date of retirement or if still active employees, 31st March 2015. Some start dates go back as far as the 1960s. For some individuals there are also interdependencies with the McCloud Remedy Exercise.
- 2.9 GAD have provided a calculator that enables the provision of information, for those that meet the criteria set out. This process is very complex and requires historic salary and employment history data, calculation of contributions owed, tax and interest considerations, alongside the benefits that those individuals would be entitled to receive should they proceed in buying back this service. To date, the Service has sent out **124 Statements**, setting out the benefit entitlements and the cost of buying back Service. These individuals have 6 months in which to make an

election to agree to buy this Service back. **To date, 39 individuals have taken up this offer.**

- 2.10 On the 23rd December 2024, Home Office launched a consultation on “Amendments to the Firefighters’ Pension Scheme: Retained Firefighters”. This seeks responses on a number of issues relating to survivor benefits, conversion of service from standard to special, as well as the possibility of an extension to the March 2025 deadline by a further 12 months. We understand that it is Welsh Governments intention to follow suit with a similar consultation, however no details or timelines have emerged as yet. This brings the possibility of an extension to the deadline, set out in the Welsh regulations, which currently stands at 31st July 2025.

### **3 BACKGROUND – THE PENSIONS DASHBOARD PROGRAMME**

- 3.1 The Pensions Dashboard Programme is a national programme that is being driven forward by the Department for Work and Pensions (DWP) and has been on the horizon since as far back as 2017. Pensions dashboards are digital services – apps, websites, or other tools – which savers will be able to use to see all of their pension information in one place. Additionally, a saver will be able to use dashboards to search the records of all pension schemes to confirm whether or not they are a member. This will also include information on their State Pension. This programme applies to all pensions schemes across the UK, whether public sector or private sector.
- 3.2 Local Pension Boards and Scheme Managers will need to ensure that it can connect with and supply pensions information to savers through dashboards, which is a duty required by the Pensions Dashboards Regulations 2022.
- 3.3 The Department for Work and Pensions (DWP) has set out a staged timetable for schemes to connect to the dashboard digital architecture. Schemes are being asked to connect over time according to their size and type. All schemes in scope must be connected by 31 October 2026 at the latest, although the Fire Sector has been given a connection date of 31<sup>st</sup> October 2025.
- 3.4 There is significant work involved to comply with dashboards duties and there may be a need to engage third-party suppliers to help with this work, such as administrators and/or an integrated service provider (ISP). The Service will need to work closely with its Pension Scheme Administrators

(RCT) to assess the impact of the changes and plan how it will meet the dashboard duties.

- 3.5 There may be a need to procure new services, update supplier contracts or Service Level Agreements, once the impact on provisions has been assessed and agreed. Any changes may have a financial cost to the organisation, but this is still unknown at this time.
- 3.6 The TPR have also been given new powers to issue compliance notices and penalties to LPBs and scheme managers if they fail to comply with pensions dashboards requirements. These include connecting and maintaining their connection with dashboards, and complying with technical, data and other standard. The TPR can also issue compliance notices and penalties to third parties where they have caused non-compliance. This may include administrators, integrated service providers and employers.
- 3.7 The Service is seeking assurances, from its Administrators, on its ability to meet the October 2025 deadline and where needed will provide support to ensure this is met.

## 4 IMPLICATIONS

### 4.1 Community and Environment

4.1.1 Regular dialogue with the Representative Bodies and Service wide communications has commenced and will continue on a regular basis going forward.

Equality, Diversity, and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	Yes
Impact Assessment	Yes

## 4.2 Regulatory, Strategy and Policy

Legal	Yes	Data Protection / Privacy	No
Financial	Yes	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	Yes
Corporate Risk	Yes	Service Policy	No
Information Management	No	National Policy	Yes

## 4.3 Resources, Assets, Delivery

4.3.1 Following audit of the 2021/22 accounts by the Wales Audit Office, no concerns were expressed regarding the legality or accounting methodology adopted by the Service in respect of the Category 1 ID cases (McCloud) previously processed between October 2021 and September 2023. In total 50 cases were processed under this principal.

4.3.2 The long term financial liabilities of implementing these remedies is still yet to be quantified with estimated costs being provided by the Government Actuary Department (GAD) and included in the Authority's Balance Sheet. It is impossible to accurately assess the final impact until the remedy exercise has been finalised. As a result, the future revenue implications for the Service cannot yet be determined.

4.3.3 Additionally, administrative and software costs that directly relate to these exercises do not currently form part of the Service Level Agreement and RCT Pension Scheme Administrators will pass on these linked costs as and when they are presented by the software suppliers etc.

Human Resource and People Development	Yes
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	Yes





## 5 RECOMMENDATIONS

- 5.1 Note the content of the report and,
- 5.2 Note the statutory obligation placed on the Scheme Manager to ensure that these timelines are met for all 3 national projects.

<b>Contact Officer:</b>	ACO Alison Reed
Background Papers	
<b>Appendices</b> Appendix 1	McCloud Immediate Choice RSS Timetabling
Appendix 2	Deferred Choice RSS Timetabling

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## Appendix 1 – McCloud Immediate Choice RSS Timetabling

### IC cohort timetabling

**October 2023 to March 2024 (Priority)**

- Ill-health retirements (including re-assessments)
- Death in service beneficiaries

**October 2023 to May 2024**

- Ill-health retirement beneficiaries
- Unprotected and taper protected beneficiaries

**October 2023 to November 2024 (Largest cohort)**



- Unprotected and taper protected pensioners

**January 2024 to July 2024**

- Contingent decision (opt out)

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### IC cohort timetabling contd.

**May 2024 to January 2025**

- Protected FPS 2006 pensioners\*
- \*N.B: May be more likely to elect for new scheme

**August 2024 to March 2025**

- Protected beneficiaries (FPS 1992\* and FPS 2006)
- \*N.B: FPS 2015 may provide better family benefits

**October 2024 to March 2025 (less likely to elect for new scheme)**



- Protected FPS 1992 pensioners

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## Appendix 2 – Deferred Choice RSS Timetabling



# DC cohort timetabling

- October 2023 to October 2024**
  - Active unprotected and taper protected members
  - Deferred unprotected and taper protected members
- April 2024 to July 2024**
  - Contingent decision (opt out)
- September 2024 to March 2025**
  - Protected active and deferred members

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**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE SERVICE**AGENDA ITEM NO 9  
25 FEBRUARY 2025

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE DIRECTOR OF PEOPLE SERVICES

**PENSIONS DASHBOARDS****THIS REPORT IS FOR INFORMATION**REPORT APPROVED BY THE DIRECTOR OF PEOPLE SERVICES  
PRESENTING OFFICER ASSISTANT CHIEF OFFICER, ALISON REED**SUMMARY**

Pensions dashboards allow individuals to see their pensions information, including their State Pension, for free in one place online at a time of their choosing. Pensions dashboards also reunite savers with lost or forgotten pensions. This report provides further detail on the Pensions Dashboards programme and sets out the onboarding timetable and shares the preparation checklist for use by employers.

**RECOMMENDATIONS**

Members note the content of this report including the preparation checklist at Appendix 1.

**1. BACKGROUND**

- 1.1 A duty of Authorities/Scheme Managers set out in the Pensions Dashboards Regulations 2022 is to connect with and supply pensions information to savers through dashboards.
- 1.2 The Department for Work and Pensions (DWP) has set out a staged timetable for schemes to connect to the dashboard digital architecture. Schemes are asked to connect over time according to their size and type. All schemes in scope must be connected by 31 October 2026 at the latest. The Fire Sector has been informed that it needs to onboard by 31 October 2025.
- 1.3 The Service is working with its Pensions Administrator to assess the impact of the changes and plan how the Service will meet its dashboard duties.

- 1.4 Pensions dashboards are digital services – apps, websites or other tools that allow savers to see their pension information in one place. This includes information on their State Pension. Dashboards will not show pensions that are already being paid.
- 1.5 An individual can use dashboards to issue a search of the records of all connected pension schemes, to confirm whether or not they are a member.
- 1.6 Dashboards aim to help members plan for retirement by:
  - finding their various pensions and reconnecting them with any lost pension pots
  - understanding the value of their pensions in terms of an estimated retirement income
- 1.7 Dashboards duties will apply to the trustees or scheme managers of:
  - registrable occupational pension schemes with 100 or more relevant members
  - public service pension schemes

## **2. ISSUES**

- 2.1 There are no immediate issues to report. Members should note the timeline of 31 October 2025 for onboarding to the dashboard.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 None arising directly.

## **4. EQUALITY RISK ASSESSMENT**

- 4.1 The impact assessment can be found here:

<https://www.legislation.gov.uk/ukia/2022/81>

## **5. REPRESENTATIVE BODY CONSULTATION**

- 5.1 The consultation and responses on this national project can be found here:

<https://www.gov.uk/government/consultations/pensions-dashboards-consultation-on-the-draft-pensions-dashboards-regulations-2022/pensions-dashboards-consultation-on-the-draft-pensions-dashboards-regulations-2022>



## 6. RECOMMENDATIONS

- 6.1 Members note the content of this report including the preparation checklist at Appendix 1.

<b>Contact Officer:</b> ACO Alison Reed Director of People Services	<b>Background Papers:</b> Appendix 1 – The Pensions Regulator Preparation Checklist
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Preparation checklist	Relevant guidance	Your status comments	Complete
<b>Start now: general tasks</b>			
Establish pensions dashboards as a regular agenda item at board meetings	Overview – your role and legal duties		<input type="checkbox"/>
Check your ‘connect by’ date	When your scheme needs to connect with dashboards		<input type="checkbox"/>
Discuss pensions dashboards with your administrator and other relevant parties (such as software provider, actuary, legal adviser, employer, additional voluntary contribution provider) to develop and agree practical delivery plan according to your scheme-specific situation	Overview – working with advisers and providers		<input type="checkbox"/>
Explore your route to connection – either building own interface or using a (new or existing) third-party solution	Connecting to pensions dashboards – choosing a digital interface		<input type="checkbox"/>
Decide when to connect your scheme, taking relevant guidance into consideration, and assessing the risks associated with your decision	When your scheme needs to connect with dashboards		<input type="checkbox"/>
If required, appoint new suppliers or revise contracts for existing suppliers	Connecting to pensions dashboards – choosing a digital interface		<input type="checkbox"/>

Preparation checklist	Relevant guidance	Your status comments	Complete
<b>Start now: data tasks to match people with their pensions</b>			
Understand what personal data you will receive from the digital architecture to help you match members to their pensions	Matching people with their pensions		<input type="checkbox"/>
Assess the quality and digital accessibility of personal data in your records	Matching people with their pensions		<input type="checkbox"/>
Consider which data items you will use to confirm matches are made or that there are possible matches	Matching people with their pensions		<input type="checkbox"/>
Where your member personal data needs improving, put plans in place to deliver the improvements	Matching people with their pensions		<input type="checkbox"/>

Preparation checklist	Relevant guidance	Your status comments	Complete
<b>Start now: data tasks to provide information to members</b>			
Understand what data you will need to return to members and by when	Information to provide to members		<input type="checkbox"/>
Assess the quality and digital accessibility of the data that will be provided to your members	Information to provide to members		<input type="checkbox"/>
Consider how you will calculate the value data so that it is provided in line with dashboard requirements – calculated in line with ASTM1 or scheme rules, and sufficiently recent	Information to provide to members		<input type="checkbox"/>
Where value data is not in line with dashboard requirements, put plans in place to ensure you can meet your dashboard duties	Information to provide to members		<input type="checkbox"/>

Preparation checklist	Relevant guidance	Your status comments	Complete
<b>Ongoing actions</b>			
Stay up to date with developments to the regulations, Money and Pensions Service standards and relevant guidance	Stay in touch with developments		<input type="checkbox"/>
Check that your team and suppliers are on track to deliver	Overview – working with advisers and providers		<input type="checkbox"/>
Record key decisions and progress as per your existing governance processes	Ongoing connection and record-keeping requirements		<input type="checkbox"/>
Review and update your Data Protection Impact Assessment (DPIA) in line with your data improvement plan	Matching people with their pensions – preparing your data for matching		<input type="checkbox"/>

**THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN****SOUTH WALES FIRE & RESCUE SERVICE**AGENDA ITEM NO 10  
25 FEBRUARY 2025

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE DIRECTOR OF PEOPLE SERVICES

**PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)****THIS REPORT IS FOR INFORMATION**REPORT APPROVED BY THE DIRECTOR OF PEOPLE SERVICES  
PRESENTING OFFICER ASSISTANT CHIEF OFFICER, ALISON REED**SUMMARY**

This report shares relevant publications, updates and information relating to pension matters, with Members of the Local Pension Board

**RECOMMENDATIONS**

That Members review and note the publications which are shared for information and awareness purposes. These are attached to the report as Appendix 1.

**1. BACKGROUND**

- 1.1 To support Local Pension Board Members discharge their duties, this report shares recent relevant publications in relation to pension matters. These are not limited to fire pensions.

**2. ISSUES/IMPLICATIONS**

- 2.1 There are no issues arising as a result of this report.

**3. RECOMMENDATIONS**

- 3.1 That Members review and note the publications which are shared for information and awareness purposes. These are attached to the report as Appendix 1.

<b>Contact Officer:</b>	Alison Reed Director of People Services
<b>Background Papers</b>	Appendix 1 (FPS Bulletins 85, 86, 87 & 88)



## APPENDIX 1

## PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)

<https://www.fpsregs.org/images/Bulletins/Bulletin-85-September-2024/FPS-Bulletin-85-September-2024.pdf>

<https://www.fpsregs.org/images/Bulletins/Bulletin-86-October-2024/FPS-Bulletin-86-October-2024.pdf>

<https://www.fpsregs.org/images/Bulletins/Bulletin-87-November-2024/FPS-Bulletin-87-November-2024.pdf>

<https://www.fpsregs.org/images/Bulletins/Bulletin-88-December-2024/FPS-Bulletin-88-December-2024.pdf>

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### Forward Work Programme for Local Pension Board Committee

<b>Expected Date of Report</b>	<b>Report Name</b>	<b>Purpose of Piece of Work</b>	<b>Information or Decision</b>	<b>Lead Director/ Contact Officer</b>	<b>Progress</b>
25 February 2025	Review of Key Performance Indicators	A review of the KPIs agreed with our Pensions Administrator, RCT.	Information	Ian Traylor, RCT	On Agenda
25 February 2025	Update on National Exercises	Update on progress in relation to McCloud and O'Brien.	Information	Kim Jeal	On Agenda
25 February 2025	Standard item – recent publications, newsletters, information	To update Members	Information	Alison Reed	On Agenda
18 June 2024	Appointment of new Chair and review of Terms of Reference	To appoint a new Chair to the LPB and also review the Terms of Reference for the LPB	Decision	Alison Reed	Completed
18 June 2024	Review of Key Performance Indicators	A review of the KPIs agreed with our Pensions Administrator, RCT.	Information	Ian Traylor, RCT	Completed

18 June 2024	Update on National Exercises	Update on progress in relation to McCloud and O'Brien.	Information	Kim Jeal	Completed
18 June 2024	Public Sector Toolkit	Discuss the toolkit and agree timetable for completion of training	Decision	Alison Reed	Completed
18 June 2024	Standard item – recent publications, newsletters, information	To update Members	Information	Alison Reed	Completed
24 October 2024	Review of Key Performance Indicators	A review of the KPIs agreed with our Pensions Administrator, RCT.	Information	Ian Traylor, RCT	Completed
24 October 2024	Update on National Exercises	Update on progress in relation to McCloud and O'Brien.	Information	Kim Jeal	Completed
24 October 2024	Internal Dispute Resolution Procedures	Update on IDRPs cases	Information	Alison Reed	Completed
24 October 2024	Scheme Advisory Board Wales	Verbal update	Information	Alison Reed	Completed

24 October 2024	Standard item – recent publications, newsletters, information	To update Members	Information	Alison Reed	Completed
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## AGENDA ITEM NO 12

**To consider any items of business that the Chairperson deems urgent  
(Part 1 or 2)**

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## AGENDA ITEM NO 13

**Any items to report back to the Board of Commissioners Committee**

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1.	Apologies for Absence	
2.	Declarations of Interest	
	Attendees are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024 and the Local Government Act 2000.	
3.	Chairperson's Announcements	
4.	To receive the minutes of;	
	Local Pension Board Committee held on 24 October 2024	3
5.	Update on Outstanding Actions	9
	<b>REPORTS FOR DECISION</b>	
6.	Review of Firefighter Pension Schemes Discretions	11
	<b>REPORTS FOR INFORMATION</b>	
7.	Review of Key Performance Indicators	85
8.	Public Sector Pension Scheme Legislation – McCloud & O'Brien remedy exercises and the Pensions Dashboard Project	97
9.	Pensions Dashboards	111
10.	Publications, Updates, Information (Standard Item)	119
11.	Forward Work Programme for Local Pension Board Committee 2024/2025	123
12.	To consider any items of business that the Chairperson deems urgent (Part 1 or 2)	127
13.	Any items to report back to the Board of Commissioners Committee	129