

HUMAN RESOURCES COMMITTEE

Minutes of the meeting of the
HUMAN RESOURCES COMMITTEE held
in the Fire and Rescue Headquarters,
Barmston Mere, Sunderland on MONDAY
17 OCTOBER 2011 at 10.30 am

Present:

Councillor Bell in the Chair

Councillors Haley, Mole, Stephenson and D. Trueman.

Part I

Apologies

Apologies for absence were submitted to the meeting on behalf of Councillors Renton and Watters.

Declarations of Interest

Councillors Bell, Haley and Stephenson declared a personal interest in item 9 "Pension Age" as an active member of the Local Government Pension Scheme.

Minutes

9. RESOLVED that the minutes of the Human Resources Committee held on 11 July 2011 (copy circulated) be confirmed as a correct record.

Community Relationship Building and Engagement Strategy

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a report (copy circulated) which outlined for Members the key elements of the Community Relationship Building and Engagement Strategy.

(For copy report – see original minutes).

The Deputy Chief Fire Officer stated that community engagement and relationship building was an intrinsic element of the Tyne and Wear Fire and Rescue Authority's core vision of 'Creating the Safest Community' and that it was intended to move the Strategy forward with existing budgets.

Shaun Kelly, Community Relations Manager then described the aims and objectives of the Strategy. A copy of which was attached to the report for Members' consideration and comment.

The Community Relations Manager explained that the Strategy was aimed towards striving towards improved community partnerships, better engagement, relationship building and more effective external communications and a cohesive service wide calendar of events.

This involved the Tyne and Wear Fire and Rescue Authority working closely with third sector agencies and voluntary groups, targeting hard to reach groups, those at risk in the community and keeping them safe. The Strategy focused particularly on those affected by drugs and alcohol, mental health sufferers, BME groups, those with sensory impairments, the elderly and the socially deprived.

Councillor Mole commented that as Gateshead Council's Champion for Older People he found the Strategy very pleasing, and was happy to fully support.

Councillor Haley agreed that it was important the Strategy was rolled out using existing budgets, however whilst budgets were being cut, he suggested that consideration may need to be given to protecting a certain amount in order to take the Strategy forward.

Councillor Bell stated that the Strategy was a good piece of work. Also, that it was testament to the excellent work that goes on behind the scenes at the Tyne and Wear Fire and Rescue Authority. The Strategy clearly set out the Authority's intention to do their best to bring communities and neighbourhoods together and keep them safe.

Consideration having been given to the report, it was:-

10. RESOLVED to:-

- (i) approve the Community Relationship and Building Strategy; and
- (ii) receive further reports as appropriate.

The Single Equality Strategy

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and Personnel Advisor submitted a report (copy circulated) informing Members of the development of the Single Equality Strategy for the Authority.

(For copy report – see original minutes).

The Deputy Chief Fire Officer advised that the Corporate Equality Plan (CEP) and Single Equality Scheme (SES) were to be reviewed taking into account the requirements of the Equality Act 2010 in order to produce a new Single Equality Strategy.

Members were advised that the Single Equality Strategy would be a four-year overarching document which would incorporate an equality action plan for the organisation, and progress on this would be reported on an annual basis.

The Strategy would also detail the statistical data required under the Public Sector Equality Duty. It was intended that this data would be refreshed on an annual basis in line with the action plan progress update.

The Deputy Chief Fire Officer stated that the Single Equality Strategy would be produced by the end of the year to ensure the Authority adhered to the requirements of the Equality Act 2010.

A further report on the matter was intended to be brought to the attention of the Human Resources Committee early in 2012.

Consideration having been given to the matter, it was:-

11. RESOLVED to:-

- (i) endorse the contents of the report; and
- (ii) receive further reports as appropriate.

Firefighter Pension Scheme Consultations

The Chief Fire Officer, the Clerk to the Authority, the Finance Officer and the Personnel Advisor submitted a joint report (copy circulated) proposing a response to two consultation documents covering changes to the Firefighter's Pension Scheme (FPS) and the New Firefighter's Pension Scheme (NFPS).

(For copy report – see original minutes).

The Deputy Chief Fire Officer explained that Government had commissioned Lord Hutton to chair the Independent Public Service Pensions Commission to review public service pensions and to make recommendations on how they could be made

sustainable and affordable in the long-term and be fair to both public sector workers and the taxpayer.

A report on the Local Government Pension Scheme would be taken to the Committee separately.

Lord Hutton had recommended that if Government wanted to make short term savings, then raising contribution rates would be the most effective way to achieve that objective.

The first consultation was expected to conclude on 26 October 2011 and the second consultation on the 2 December 2011.

Members were advised that the report covered changes in more detail and included a recommended response. The Deputy Chief Fire Officer outlined these briefly for Members of the Committee as follows: -

Removal of compulsory retirement in the Firefighters' Pension Scheme given that the means to compulsorily remove any employee from employment should be undertaken under employment law.

The Deputy Chief Fire Officer explained that the Tyne and Wear Fire and Rescue Authority had never used Rule 14 which permitted a fire and rescue authority to compulsorily retire a firefighter who was at least 50 years old and could reckon at least 25 years pensionable service. As such, the proposal did have some merit. The terms of the Firefighter's Scheme had never been clear with regards to the pension rights of a firefighter who was made redundant after age 50, therefore the Authority felt that it would be useful if this could be clarified.

Additional pension benefits: long service increment, and continual professional development (Change in indexation from Retail Price Index to Consumer Price Index)

Members were advised that the change in the retail price index would mean that the value of pensions would be less. The Authority was of the view that it may be premature to consider such changes until the outcome of the Judicial Review was known.

Provide fire and rescue authorities with a discretion to uplift the commutation limit to one quarter of their pension for a Firefighters' Pension Scheme member eligible for retirement.

The Deputy Chief Fire Officer explained that should the discretion be available, this could be beneficial to the Authority in that it could assist towards encouraging staff to leave the Service should the Authority deem it appropriate. Members of the Committee were asked to note that exercising this discretion could result in an additional cost for the Authority.

Redefinition of pensionable pay and average pay for “final salary” arrangements in the fire service schemes, in particular in relation to how allowances and emoluments are dealt with.

Members discussed that it was proposed to adopt additional pension benefit arrangements for temporary allowances and emoluments to be pensionable on a time limited basis, at the Authority’s discretion, similar to those introduced in 2007 for Continued Professional Development.

The Deputy Chief Fire Officer stated in relation to other temporary emoluments, the Authority had always treated temporary promotion as pensionable, therefore if the proposal was enacted the Authority would need to consider whether or not future temporary promotions would remain pensionable.

Exemption from payment of pension contributions – 30 years pensionable service before age 50 (Age Discrimination) an exemption from payment of employees’ pension contributions between 30 years’ service being achieved and the age of 50.

Members were advised that the proposal was to allow members under the age of 50 who had accrued 30 years’ service to take a contributions holiday from the time they attained 30 years’ reckonable service until they reach age 50.

The Deputy Chief Fire Officer stated that as the policy approach neutralises the effect of the current Scheme Rules which required members to remain in the scheme and pay contributions without accruing any further pensionable service could be supported. Members were asked to note that there would be an increase in administration costs as a result of this change.

Improve the efficiency of the medical appeals process by providing Independent Qualified Medical Practitioners and Boards of Medical Referees with the power to review previous decisions where further medical evidence is presented.

Members were advised that under existing arrangements, if an Independent Qualified Medical Practitioner provided an opinion in an ill-health case, they were unable to review the case should further medical evidence be identified. Where the member wished to appeal the original decision, the full process of determination must be undertaken again, with a second, impartial Independent Qualified Medical Practitioner.

The Authority supported the proposals outlined within the report to amend the procedures for the consideration of medical questions. The intention was to reduce instances where appeals occur unnecessarily.

To ensure that the appeal for a non-medical award claim, or payment, is undertaken through the appropriate mechanism (Pension Ombudsman rather than Crown Court)

The Authority supported a proposal to substitute the provision for appeal to the Crown Court if the Authority did not admit a person’s claim to an award or any payment in respect of an award, with the provision for appeal through the Pensions

Ombudsman. This would be the most appropriate mechanism for appeal and was regarded a quicker resolution.

Withdrawal of pension during service as regular firefighter (abatement)

The Department's proposal was to expand the definition of re-employment, so that abatement of pension may apply to a member re-employed in any role by any authority, including non-operational and retained firefighter roles. It was also proposed to require an authority that elected not to exercise the discretion to abate a member's pension, to pay the amount of pension paid to the member within the financial year into the pension fund.

The Deputy Chief Fire Officer stated that this could reduce the overall cost to the Fund however it would be extremely difficult to monitor and control, especially for individuals who were re-employed by another Authority entirely. The proposal could also be a disincentive to work, and directly contradicted Lord Hutton's recommendation to discontinue abatement. The Authority took the view that existing arrangements were appropriate.

Councillor Haley in referring to the separate LGPS consultation exercise enquired whether the timescale of the consultation would allow Members of the Human Resources Committee to respond. The Deputy Chief Fire Officer replied stating that the consultation would be submitted to the Full Authority for consideration in December 2011.

Councillor Bell considered the blanket increase in pension contributions to be unfair.

Councillor Stephenson supported the comments made by Councillors Haley and Bell, and also the responses set out within the report.

Members having discussed the matter, it was:-

12. RESOLVED that:-

- (i) consideration had been given to the contents of the report;
- (iii) approval be granted for the Chief Fire Officer to submit a response to the consultation in line with the comments contained within the report; and
- (iv) to receive further reports as appropriate.

Local Government (Access to Information) (Variation Order) 2006

At the instance of the Chairman, it was:-

13. RESOLVED that in accordance with Section 100(A)4 of the Local Government Act 1972, the public be excluded during consideration of the remaining business as it was considered to involve information relating to any individual or information which is likely to reveal the identity of an individual, or a likely disclosure of exempt information relating to any consultations or negotiations, in connection with any labour relations matter arising between the Authority and employees of the Authority (including the Authority holding that information) (Local Government Act 1972, Schedule 12A, Part I, Paragraphs 1, 2 and 4).

(Signed) J. BELL,
Chairman.

Note:-

The above minutes comprise only those relating to items during which the meeting was open to the public.

Additional minutes in respect of other items are included in Part II.

