



Tuesday, 27 September 2022

(1) MEMBERS OF THE AVON FIRE AUTHORITY

Councillors B Massey, D Davies, A Ali, J Ashe, S Bromley, E Brown, N Butters, R Eddy, P Goggin, B Hopkinson, R Jacobs, P May, Y Mohamud, A.Monk, B Nutland, R Payne, S Smith, R Tucker, A Varney and D Wilcox
Independent Person: J Mason

(2) APPROPRIATE OFFICERS

(3) PRESS AND PUBLIC

Dear Member

You are invited to attend a meeting of the **Avon Fire Authority** to be held on **Wednesday, 5 October 2022** commencing at **14:00 hrs.**

The meeting will be held at **Hicks Gate Fire Station, Durley Hill, Keynsham, Bristol, BS31 2AF.** Parking is available on site.

In order to ensure COVID-19 guidance is adhered to risk assessments have been undertaken for live meetings to identify and put in place, the measures required ensuring that meetings take place safely. Further information is available on our website www.avonfire.gov.uk and Democratic Services.

Please note that this meeting will be video recorded and published on our YouTube channel (see the Notes on the next page).

Yours sincerely

Amanda Brown
Clerk to the Fire Authority

PROVIDING AVON FIRE & RESCUE SERVICE



Clerk to Avon Fire Authority
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Notes

Attendance Register – Attendance will be recorded by the Democratic Services Assistant and recorded within the Minutes of the Meeting.

Code of Conduct – Declaration of Interests: any Member in attendance who has a personal interest in any matter to be considered at this meeting must disclose the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent. A Member having a prejudicial interest must withdraw from the meeting room or meeting whilst the matter is considered.

Contact: for any queries about the Meeting please contact Democratic Services on 0117 926 2061 ext. 231; or by e mail at the.clerk@avonfire.gov.uk; or in person at Police and Fire HQ, Valley Road, Portishead, Bristol, BS20 8JJ (by appointment during normal office hours only).

Emergency Evacuation Procedures: these will be advised at the start of the Meeting if appropriate.

Exempt Items: Members are reminded that any Exempt Reports as circulated with this Agenda contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Clerk at the conclusion of the Meeting for disposal.

Inspection of Papers: any person wishing to inspect Minutes, Reports, or a list of the background papers relating to any item on this Agenda should contact Democratic Services as above.

Public Access: under Standing Order 21 and providing 2 clear working days' notice has been given to the Clerk (the.clerk@avonfire.gov.uk) any resident or representative of a business or voluntary organisation operating in Bristol, South Gloucestershire, Bath and North East Somerset or North Somerset Council may address the Fire Authority or one of its Committees (for no more than 5 minutes) by submitting a written petition, statement, or as leader a deputation which, due to COVID-19 restrictions, will be read by the Chair or Clerk. There is a time limit of 30 minutes for Public Access.

Reports: reports are identified by the relevant agenda item number.

Substitutes (for Committees only): notification of substitutes should have been received from Group Leaders by the Clerk prior to the meeting.

<u>A G E N D A - Avon Fire Authority Wednesday, 5 October 2022</u>		Pages
	<u>14:00</u>	
1.	Apologies for Absence	
2.	Emergency Evacuation Procedures	
3.	Declaration of Interests	
4.	Public Access	
5.	Chair's Business	
6.	Minutes of the Avon Fire Authority	
6.1	Draft Minutes of the Ordinary Meeting of Avon Fire Authority held on 22 June 2022	5 - 20
7.	Minutes of Committee Meetings	
7.1	Ordinary Meeting of the Audit, Governance & Ethics Meeting held on 11 February 2022	21 - 28
7.2	Ordinary Meeting of the Local Pension Board Meeting held on 25 February 2022	29 - 36
7.3	Ordinary Meeting of the People & Culture Committee held on 4 March 2022	37 - 48
7.4	Ordinary Meeting of the Performance, Review & Scrutiny Committee held on 21 April 2022	49 - 58
8.	Urgent Action by the Clerk under Standing Order 4.1	59 - 62
9.	Appointment of new Assistant Chief Fire Officer	63 - 66
10.	Revenue 2022/23 Budget Monitoring Report	67 - 74
11.	2022/23 Capital Programme Update	75 - 86
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13.	Local Pension Board Annual Report 2021/22	89 - 104
14.	Service Round-Up	105 - 114
15.	Immediate Detriment Update	115 - 132
16.	Date of next Meeting - 14 December 2022 at 14.00hrs	

17. Exclusion of the Press and Public

To resolve that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

18. Confidential Minutes of the Fire Authority

18.1 Draft Confidential Minutes of the Ordinary Meeting of Avon Fire Authority held on 22 June 2022 133 - 136

19. Confidential Minutes of Committee Meetings

Exempt Paragraph 3

19.1 Minutes of the Confidential Minutes of the ordinary Meeting of the Audit, Governance & Ethics Meeting held on 11 February 2022 137 - 138

20. Microsoft Licensing Contract Update

Exempt Paragraph 3

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21. Occupational Health Contract

Exempt Paragraph 3

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22. Stage Two Internal Dispute Resolution Procedure

Exempt Paragraph 1

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AVON FIRE AUTHORITY AND AGM

22 JUNE 2022

Present: Councillors N Butters, D Davies, B Hopkinson, R Jacobs, Y Mohamud, A Monk, B Nutland, R Payne, R Tucker, S Smith, A Varney and D Wilcox

The meeting began at 2 pm

1. RE-ELECTION OF CHAIR FOR THE MUNICIPAL YEAR

It was proposed by Cllr Davies and seconded by Cllr Jacobs that Cllr Massey be re-elected Chair of Avon Fire Authority for the 2022-2023 Municipal Year. There was a vote and it was:

RESOLVED – that Cllr Massey be re-elected Chair of Avon Fire Authority for the 2022-2023 Municipal Year.

2. RE-ELECTION OF VICE CHAIR FOR THE MUNICIPAL YEAR

It was proposed by Cllr Monk and seconded by Cllr Wilcox that Cllr Davies be re-elected Vice Chair of Avon Fire Authority for the 2022-2023 Municipal Year. There was a vote and it was:

RESOLVED – that Cllr Davies be re-elected Vice Chair of Avon Fire Authority for the 2022-2023 municipal year.

The Vice Chair advised that he would Chair the meeting in the absence of Cllr Massey. Best wishes were sent for a speedy recovery.

3. APOLOGIES FOR ABSENCE

Apologies were received from Cllrs J Ashe, S Bromley, E Brown, R Eddy, P Goggin, B Massey, P May and J Mason (Independent Person). Cllr A Ali did not send apologies or attend the meeting.

4. EMERGENCY EVACUATION PROCEDURE

Members were advised by the Chief Fire Officer (CFO) that in the event of an emergency, to exit the engine bay at the rear of the building and congregate in the car park.

Members were reminded that the meeting was being held in Weston-Super-Mare Fire Station, a working fire station and the crews may be called out at any time. The meeting would be paused in the event of a call out.

5. DECLARATION OF INTERESTS

None advised.

6. PUBLIC ACCESS

None received.

7. CHAIR'S BUSINESS

The Chair welcomed everyone to the meeting and AGM and drew attention to the following:

1. The Chair confirmed that the meeting would take place as a face-to-face meeting. Due to the continuing need to be sensible due to the continued prevalence of COVID-19 we were continuing to film meetings, and the meeting footage would be recorded and uploaded to the Avon Fire Authority (AFA) website.
2. The Chair offered a warm welcome to the new Members who have joined the Authority - Cllrs Steve Smith and Andrew Varney. The Chair also thanked Cllrs Andrew Brown and Chris Windows for their work on the Fire Authority and wished them luck for the future. Thank you letters had been sent.
3. The Chair thanked Station Manager Paul Incedon and the crews at Weston-Super-Mare Fire Station for their help in arranging the earlier demonstrations and for accommodating the meeting.
4. The Chair reminded Members that they had recently been emailed asking for their views/feedback on the recent White Paper Consultation. Please provide responses no later than 11 July 2022.
5. The Chair reminded Members that they were invited to become a Fire Station Champion. Details of vacant fire stations and positions were advised and Members were asked to contact the Democratic Services Assistant (DSA).
6. Members were also reminded to complete their Register of Interest Forms and return to the DSA.
7. The voting arrangements for the meeting were as follows:
 - The Chair to ask for any votes against.
 - The Chair to ask for any abstentions.
 - The Chair to ask for a show of hands for Members voting "for".

8. MINUTES OF THE MEETING OF AVON FIRE AUTHORITY HELD ON 30 MARCH 2022

The minutes were moved by Cllr Davies and seconded by Cllr Nutland.

RESOLVED that the minutes of the meeting of the Avon Fire Authority held on 30 March 2022 be signed by the Chair as an accurate record of the meeting.

9. MINUTES OF COMMITTEE MEETINGS

9.1 Ordinary Meeting of the Performance, Review & Scrutiny Committee held on 21 January 2022

The minutes were moved by Cllr Payne and seconded by Cllr Jacobs.

It was RESOLVED that the minutes of the Performance, Review & Scrutiny Committee held on 21 January 2022 be signed by the Chair as an accurate record of the meeting.

Items for Decision

10. APPOINTMENTS FOR THE MUNICIPAL YEAR 2022/23

The Clerk introduced the report which sought approval from Members to make appointments for the Municipal Year.

Appointments made by the Fire Authority generally lasted for a Municipal Year which runs from one Annual Meeting until the next. There are a range of appointments that the Fire Authority were required to appoint at the meeting.

The Clerk drew Members attention to the table of 20 elected Members on p30 of the pack along with the Committee structure on p31. The structure had been agreed by the political groups and new Members had moved into the vacant slots.

The recommendations were moved by Cllr Nutland and seconded by Cllr Butters.

It was RESOLVED that the Fire Authority:

- a) Allocated Members to the Fire Authority Committees (with the Committees to appoint their Chairs in accordance with paragraph 2.2 of Standing Orders). (Table at paragraph 3.2).**
- b) Appointed Cllr Brenda Massey as its representative on the Local Government Association.**
- c) Appointed Cllr Donald Davies as its representative on South West Councils.**
- d) Appointed Cllr Donald Davies as its representative on South West Councils' Employers' Panel.**
- e) Appointed Cllrs Steve Smith and Andrew Varney as Employer Representatives for the Local Pension Board.**

11. MEMBER INFORMATION 2021/22

The Clerk presented the report which provided details of Member attendance at meetings during the 2021/22 Municipal Year. It also provided information on the amount of Members' allowances and expenses paid in that Municipal Year.

The Clerk pointed out the table of expenses claimed did include the names of former Cllrs who had received payments during the 2020/2021 Municipal Year.

The recommendations were moved by Cllr Butters and seconded by Cllr Jacobs.

**It was RESOLVED that the Fire Authority:
Noted the report and authorised publication of the statistics at Appendices 1 and 2 on the Fire Authority website.**

12. RESERVE STRATEGY UPDATE

The Treasurer outlined the report to the AFA which provided an updated Reserve Strategy for the period 2022-2026. The updated strategy was based on the previously approved 2021-2025 Reserve Strategy and reflected movements in reserves and provisions which had taken place up to the end of 31 May 2022.

In accordance with the Fire and Rescue National Framework, the AFA were asked to review the updated Reserve Strategy on an annual basis and publish their Reserve Strategy on their website, once approved.

The Treasurer had undertaken a review with the Service Leadership Board (SLB) to ensure value for money and to maximise reserves to fund the 3-year capital programme.

A Member asked a question regarding the reserves forecast - the £16.4m spent on important projects had left a projected reserve balance of £3.3m, what were the Service's plans to replenish the reserves. The Treasurer drew Member's attention to Appendix 2 and the financial summary. SLB and the Treasurer had carried out a review in May, going through every legacy reserve to understand whether they were still required or appropriate. They were able to increase the earmarked capital reserve significantly. External funding for the capital programme will no longer be required in 2023/24, which is positive news. This will be reviewed at the next Capital Prioritisation and Steering Group meeting.

A Member enquired why the Service is carrying a reserve to mitigate the impact of Immediate Detriment (ID) but by 2026 were still expecting to be carrying that same reserve and not to have spent it. The Treasurer stated that she thought this particular item was undertaken on an optimistic view on the basis that this paper was brought to the Fire Authority at the same time as the ID paper and was not intended to make any assumptions in respect of the decision that the AFA would make today on the ID paper. Therefore, the Treasurer and Finance Team will consider the ID provision further outside of this meeting and bring back to the Avon Fire Authority October meeting.

The CFO asked Members to note Appendix 2, in respect of the PFI equalisation fund which equated to £1.2 of the £3.3m, this contract was not due to end until 2028. Therefore, this will remain in the reserve strategy.

The recommendations were moved by Cllr Tucker and seconded by Cllr Jacobs.

It was RESOLVED that Avon Fire Authority

a) Approved the 2022-2026 Reserve Strategy

b) Agreed for the approved 2022-2026 Reserve Strategy to be published on the website.

13. HMICFRS ACTION PLAN

The Assistant Chief Fire Officer, Service Delivery (ACFO, SD) presented the report to the Fire Authority on behalf of the HMICFRS Liaison Officer.

The four remaining outstanding actions from the Round 1 inspection action plan have been carried forward into the Round 2 action plan (two as standalone actions and two assimilated into new Round 2 actions) to ensure continued corporate focus on all agreed actions.

As the Round 2 inspection report did not include any new formal recommendations (as either a cause of concern or Area For Improvement), Avon Fire & Rescue Service (AF&RS) had not been subject to the formal 56 working day deadline to develop and submit a new action plan to HMICFRS. However, given the benefits of the process developed for monitoring and scrutiny of our HMICFRS inspection action plan during Round 1, these arrangements would be maintained during Round 2.

The Performance, Review & Scrutiny Committee (PRSC) approved the draft plan for publication at their meeting on 21 April 2022. The draft plan will again be on the agenda of the PRSC on 15 July for discussion.

It was noted that the HMICFRS had provided recognition for the progress that the Service had made and for the completion of actions from previous rounds.

A Member referred to p71 and the update on software and systems. He asked that an update on how the Service delivers on software and PORIS be considered by PRSC. Cllr Wilcox confirmed that he is the Member IT champion and is working closely with the IT team.

The recommendations were moved by Cllr Monk and seconded by Cllr Butters.

The Fire Authority:

Noted AF&RS' Round 2 HMICFRS inspection action plan.

14. 2022/25 TREASURY MANAGEMENT STRATEGY UPDATE

The Treasurer presented to the Fire Authority, the proposed Treasury Management Strategy for the period 2022/2025 as shown in Appendix 1. The strategy was based on the previously approved 2021/2024 Treasury Management Strategy and provided an updated position for the AFA.

The majority of the Treasury Management functions had been undertaken on behalf of the Fire Authority by Bristol City Council (BCC), working with the Head of Finance and Treasurer, in accordance with the terms of the Financial Services Contract. BCC provided all of the financial indices and financial forecasts which support this Treasury Management Strategy. Whilst BCC provided the Fire

Authority with its Treasury Management services, the Fire Authority has overall responsibility for the implementation and regular monitoring of its Treasury Management policies and practices.

The Treasury Management Strategy is largely driven by the approved 2022/2025 Capital Strategy, where external borrowings were expected to be required to fund the majority of the planned capital programme. The Treasurer will work with SLB to explore all other internal funding sources, including reserves and the updated position will be reported to the AFA during 2022/23.

The Treasurer thanked the Finance team and the BCC Finance lead for their help updating this strategy.

A Member asked for clarification of paragraph 25 of the Strategy, to leave deferred borrowing as late as possible or to use reserves first (unless there is a significant risk in a rise in interest rates). The Treasurer responded by advising that inflation had risen to 9.1%. It is necessary to balance resources where the Service had internal resources (reserves) which have no cost to the AFA and deciding which funds are available to support the 3-year capital strategy. This will be reviewed over the next 6 months, with assistance from SLB and the Finance Team and this will be reported back to Members.

Following a question about current loans and the repayment of loans in 2030 by earmarked reserves, the Treasurer confirmed that the Service does have available resources to repay these loans.

A Member referred to paragraph 34 of the Strategy concerning ethical investments and asked what progress had been made. The Treasurer advised that this was discussed at SLB last year and that it was important to look at the ethical issues which the AFA had signed up to. She has discussed this with BCC and feels in the main they are working ethically. However, she couldn't give a 100% re-assurance of their investments and lenders. The Treasurer asked for Members to email her if they had any specific questions and concerns, and she would contact BCC on their behalf.

The recommendations were moved by Cllr Smith and seconded by Cllr Monk.

**It was RESOLVED that the Avon Fire Authority:
Approved the Treasury Management Strategy for 2022/2025.**

15. FIRE AUTHORITY MEETING DATES AND FORWARD PLAN 2022/23

The Clerk presented the report to the AFA and asked Members to approve the proposed schedule of meetings for the Municipal Year 2022/23. In addition, the Clerk presented a revised Forward Plan of Key Decisions, which set out the anticipated major decisions which will need to be taken by Members in the immediate future.

It was clarified that AFA meetings would begin at 14.00hrs and committee meetings at 10.30hrs. It was also confirmed that meetings would take place

around the four Unitary Authorities, but also at Headquarters and in fire stations. If Members had an idea for a venue, please contact the DSA.

The recommendations were moved by Cllr Monk and seconded by Cllr Payne.

It was RESOLVED that the Avon Fire Authority:

- a) Approved the proposed Schedule of Meetings for the Municipal Year 2022/23.**
- b) Noted the revised Forward Plan 2022/23.**

16. ANNUAL REVIEW OF SERVICE CHARGES 2022/23

The Fire Authority received the report from the Head of Finance who asked for approval of proposed charges for 2022/23 requested in line with Section 18A of the Fire and Rescue Services Act 2004, which allows a Fire and Rescue Authority to charge a person for any action taken by the Authority (with limits on charging set out at section 18B).

The amount of charges is set by AFA for each financial year and must ensure that the Authority's income from charges does not exceed the cost to the Authority of taking the action for which the charges are imposed. The charges have been increased by 3% from 2021/22 to 2022/23 in line with our inflation assumptions within the Medium-Term Financial Plan.

The Head of Finance advised that the rate of charges had stayed the same for the last few years and AF&RS had increased charges due to inflation.

The Clerk drew Members attention to the recommendation in the report and that the changes took effect from 1 April 2022 and not 2021.

In response to Member's questions:

1. The Head of Finance advised that she had compared our charges with neighbouring authorities, which were mainly similar to Avon. There was little movement in charges generally.
2. The CFO advised that cost recovery was down to a Service's operational discretion and vulnerability aspect. A commercial business may be able to access other services but we may charge in certain circumstances.
3. In respect of whether the charges reflect the true cost of calling out an appliance, the CFO advised that the charges are set yearly, and fuel fluctuation and energy costs would be taken into account.
4. It was advised that BCC had recently purchased diesel in advance of the price increase. The CFO advised that fuel stocks around the Service area are mainly for business continuity purposes and that large stocks were not held.
5. The CFO advised that in respect of false alarms and auto dials requests, where there is no risk to life the Service would challenge the call. In the event of repeat calls, this will be referred to the Fire Protection Officer.

The recommendations were moved by Cllr Tucker and seconded by Cllr Mohamud.

**It was RESOLVED that the Avon Fire Authority:
Approved the charging structure set out in Appendices 1 and 2 with effect from 1 April 2022. That the charges be levied in full in all cases but power be delegated to the Chief Fire Officer/Chief Executive to remit the whole or part of the charge if, in all the circumstances, he considers it appropriate to do so.**

17. 2021/22 REVENUE FINANCIAL REPORT

The Fire Authority received a report from the Treasurer which provided the final Revenue budget results for 2021/2022.

In line with the 2021/2022 Annual Budget approved by AFA in February 2021, this report outlined the final revenue financial position as at 31 March 2022.

The Finance Department, worked closely with BCC, via the BCC Financial Services Contract, who were in the process of producing the draft Statement of Accounts for 2021/2022. The draft Statement of Accounts will be reviewed by the Treasurer, before sharing with the Audit, Governance and Ethics Committee (AGEC) on the 29 June 2022.

The Fire Authority's External Auditors will review these draft Statement of Accounts in detail from July to October 2022, to enable the audited Statement of Accounts to be presented to AGEC in November 2022, which is in line with the national accounts' deadline.

When the audited Statement of Accounts have been approved by AGEC, the accounts will be shared on the Fire Authority's website.

The Treasurer advised Members that Appendices 1 and 2 reflected a balanced position for the year. She thanked the Finance team for their contribution.

**It was RESOLVED that the Avon Fire Authority:
Noted the final Income and Expenditure position for the Revenue Budget.**

18. IMMEDIATE DETRIMENT UPDATE

This report was taken after Item 11 on the agenda.

The Director of Corporate Services (DoCS) briefly outlined the current position of the AFA on Immediate Detriment (ID).

The AFA had deferred a decision on whether to adopt the Local Government Association (LGA) and Fire Brigades Union (FBU) Memorandum of Understanding (MOU) and Framework pending further information and clarification of the financial implications. However, they had decided to continue processing ID for forthcoming retirees under the arrangements agreed by AFA in June 2021 after the Home Office removed support and funding in November 2021. Therefore, Members had agreed, as the scheme manager, to process ID for those coming up to retirement by adjusting their lump sum and annual pension back to legacy scheme levels. The next consideration of the AFA was due to be

Autumn 2022 where the Framework could be further reviewed and considered as some of the tax issues may have then been resolved through secondary legislation.

DoCS advised that she had brought ID back to Members earlier than planned as there had been some key developments since the AFA meeting in March. She added that the paper had also been jointly prepared by the Statutory Officers as the key developments are financial and legal in nature.

The DoCS then updated the AFA on ID developments since their meeting on 30 March 2022. In view of recent developments, the report provided Members with two potential options, a temporary cessation in ID processing, or a continuation of the current provision with a further review in the Autumn. The developments since the March AFA meeting were then outlined.

HM Treasury (HMT) had responded to the Scheme Advisory Board to clarify their concerns about the tax implications of progressing with ID in advance of the legislation, with those financial implications falling to the individuals and local budgets. These implications were set out in the paper. HMT also recognised the difficulty of the situation and that the decision rested with scheme managers. The DoCS advised that some aspects of the HMT note appeared less relevant to the current processing arrangement of AFA because they seemed to relate to those who have already retired, but some are particularly relevant to our current process for forthcoming retirees. There is also the issue of tax relief – HMT had established that they may deem members are not entitled to tax relief on their 2015 contributions scheme and this tax relief would be removed. Individuals would have to pay and the AFA would be required to compensate the difference in tax relief.

In addition, if the HMT considered that the lump sum should not have been paid tax free under the 2015 scheme, it could then become taxable. There could be tax liability on the individual which in turn could mean additional costs for the AFA.

It was also identified that both the LGA and HMT had added a caveat that there are other potential unidentified tax issues which will need to be compensated and paid from local budgets.

In addition, the National Fire Chiefs Council (NFCC) had indicated that the National Police Chiefs Council (NPCC) had received legal advice following the HMT update, but which has not been shared. The legal advice had been summarised by NPCC that scheme managers should not implement ID at this time as there is no legal mechanism to pay without undue risks.

As a consequence of these developments:

1. NFCC issued a letter to CFOs warning of significant financial consequences if Members and FAs continued to go ahead and the implications on local budgets. They also recognised that this was a scheme manager decision.

2. A number of services have temporarily suspended ID processing until the legal position and financial liability to local budgets becomes clearer, but some are continuing to process forthcoming retiree cases.
3. FBU have advised that they intend to raise claims if ID is not implemented rather than their members having to wait until October 2023 for this issue to be resolved.

All parties recognise that this is a difficult position for employees and also scheme managers and employers who are left carrying the legal and financial liability for both proceeding with ID, or for not proceeding.

The LGA had issued guidance on 20 June including a 'ready reckoner' which could be used by scheme managers to calculate the potential cost of adopting the LGA/FBU Framework. This guidance had been received after the papers for this AFA had been published. DoCS had briefly reviewed the LGA guidance and advised that this would be a considerable piece of work for the AFA to run and that the assumptions upon which this is based are heavily caveated. The 'ready reckoner' is based on the AFA adopting the LGA and FBU framework, which is not the current position in this Authority, and therefore it may need some adaption and modification. This will take some time to work through and the Head of Finance and Treasurer would also be involved.

The DoCS read out the recommendations for the paper and then outlined the impact on scheme members and numbers:

1. So far, 18 people had been able to retire on ID terms and 13 since the Home Office guidance and funding was withdrawn.
2. There are approximately 10 people who could request ID in the period between July and the end of October 2022, of which 4 had already given their intention to retire, with 2 due to retire in July. As 12 weeks' notice is required for an ID retirement, the majority of those wishing to retire in this period would have already given their notifications. This forecast was based on the pattern so far of ID retirements coming though for those age 50 with 30 years pensionable service. A worst-case scenario would be if those leaving after 25 years pensionable service were intending to retire under ID in this period, which would increase the number potentially impacted by the pause to around 30.
3. Impacted scheme members (retired and not retired) will have their pensions resolved and back dated by October 2023 and in the interim, they are in receipt of their pensions.
4. October 2023 was a long time away and it remained an important matter to staff.
5. Legal costs of any claims made against the Service in respect of ID would also be a financial burden to the Service.

The Clerk added for the benefit of the new Members, when the original AFA decision was taken in June 2021, the Fire Authority received a very detailed advice from a QC, which recommended a cautious approach.

The Clerk has not been able to go back to counsel for further advice as he had sadly passed away. However, there had been significant legal changes since his advice (set out at paragraph 7.3). Further advice had not been obtained as it was hoped that the NPCC would provide sight of their legal advice, but this has not been received.

The Treasurer added that the DoCS had provided a clear summary of the pertinent and financial issues. However, a robust methodology would be needed to be able to make future decision and costings.

Members agreed that it was correct to consider the financial risk to the AFA as the employer, and for the employees who may be liable for tax implications. The DoCS agreed that the situation was not the employees' fault and as such they would expect to be compensated for charges and costs which would have not otherwise occurred and the Home Office position meant those costs would now, very likely, fall to local budgets. She confirmed that the latest information was that secondary tax legislation would be advised in Autumn 2022 which may assist with resolving the tax implications ahead of the October legislation, but this was yet to be confirmed. By October 2023 all legislation was expected to be in place. In addition, there had been lobbying to encourage the Government to bring forward the timetable, but that had not yet resulted in any decision.

The DoCS clarified that, if the AFA took the decision to pause ID processing pending further financial information, the recommendation was to continue to process the 4 employees currently in the pipeline as they were advanced in the process and were taking their decision to retire based on legacy scheme retirement estimates. There could be potentially another 6 who could retire but had not declared their intentions, 12 weeks' notice should be given.

A Member asked for the financial difference for an individual between retiring with ID or not. DoCS explained that this had been set out in a previous paper to the Authority and that a firefighter retiring at aged 50 and after 30 years pensionable service without ID applied would receive their 1992 annual pension of £17,991 and a gross retirement lump sum of £143,932. In addition, in respect of the 2015 scheme, a deferred annual pension of £1,553 and a gross retirement lump sum of £6,215. If ID is applied, the pension would be paid fully under the 1992 scheme, and the increase would be a pension of £19,748 plus a gross retirement lump sum of £157,987. It was noted that this was an example for a firefighter and that each person's circumstances was individual.

The Clerk confirmed that the legislation due in October 2023 would fix the situation and everyone would receive what they were entitled to.

The CFO added that this was a complex, sensitive and emotive subject from an employee and industrial relations perspective. The AFA were in a difficult position and had a choice to make which complied with the determination of the tribunal and also the lack of legislative guidance. He would prefer to maintain our current procedures but there is a lack of clarity and a risk to the AFA. He would prefer that the AFA continues processing under ID for the four individuals mentioned. He suggested that a pause be put in place to allow for a review of the ready

reckoner to see if this would help but also allow us to review any tax changes or receive clarity around tax which is expected in the Autumn and would provide information to determine our next steps.

A Member asked for clarification that the legislation due in October 23 would not be delayed. It was explained that this remained the communicated intention of the Government at this time.

It was agreed that it was reasonable to continue to process the 4 individuals on ID as they had based their decision to retire on this.

The Clerk advised that she had not yet had an opportunity to read the documentation received, but it was very clear that the issues would be resolved by October 2023 at the latest.

A Member asked how many employees took their pension at full level in the last year. The DoCS advised that 18 forthcoming retirees in the ID group had been able to retire on legacy scheme annual and lump sum benefits due to the AFA decision to enable this, and of those 18, 13 were processed after the guidance and funding was withdrawn by the Home Office on the 29 November. In addition, there would have been routine retirements for those unaffected by previous transition to the 2015 scheme who would also have retired on full legacy scheme terms.

A Member enquired about neighbouring authorities. The Clerk advised that she had reached out to the Fire Lawyers Network. 5 responses had been received, 3 decided to pause all processing and 2 had decided to continue processing category 1 cases but not those who had already retired. The Treasurer had reached out to the Fire Treasurer Network. 4 responses were received, 3 had decided to defer and one Service had continued with category 1 cases.

A Member enquired how employees felt about the situation. The CFO advised that this was a sensitive topic, the Service is talking to staff and trying to resolve issues but there is a lack of clarity and information about the financial risks for the AFA. The Service was also trying to maintain positive industrial relations, but it is difficult to navigate through and determine the course of action.

A Member pointed out that the guidance received is changing frequently. If the Service can gain clarity on the financial implications for continuing ID processing prior to 5 October, then an extraordinary meeting should take place to move matters on.

The recommendations were moved by Cllr Nutland and seconded by Cllr Smith.

It was RESOLVED that the Avon Fire Authority:

- a. Noted the developments since the Fire Authority meeting on 30 March 2022. Those developments include (i) HM Treasury letter to Firefighters' Pensions (England) Scheme Advisory Board, dated 23 March 2022, and (ii) National Fire Chiefs Council letter to Chief Fire Officers dated 25 March 2022.**

- b. Decided to temporarily ‘pause’ the current arrangements for processing of Immediate Detriment cases until the Authority are better able to calculate the financial liability on local budgets, informed by the Local Government Association ready reckoner and guidance. The pause is with immediate effect, but the Fire Authority confirms that firefighters already in the pipeline to retire under Immediate Detriment between July and September 2022 are still able to do so. The number in the pipeline (and therefore having given notice to retire under ID) was advised to be four.**
- c. Once the cost liability has been estimated (and/or if there are further developments or clarity regarding the processing of Immediate Detriment cases which requires a reconsideration of this issue), Officers should arrange an Extraordinary Meeting of Avon Fire Authority, rather than wait for the next scheduled meeting in October 2022.**

19. 2021/22 CAPITAL PROGRAMME UPDATE

The Fire Authority received a report of the Treasurer which provided the final Income and Expenditure position on the 2021/22 Capital Programme to 31 March 2022.

The summary showed capital expenditure of £3.994m and a year-end underspend of £4.714m (54% of the total approved budget).

The majority of the underspend against the approved budget related to the Fleet Capital Budget (£2.879m – 61%). This underspend mainly related to delays in the build of Type B appliances (£2.465m) following global supply issues arising, in part due to, the COVID-19 pandemic. The spend for these fire appliances will now be incurred in later years as per the agreed 3-year Capital Programme.

The Premises budget showed a final underspend of £1.077m against a projected underspend of £634k. This was due to the ongoing work on the Bath and Weston developments in relation to further exploration of potential site relocation (Weston) and achieving a tri-service facility (Bath) with ambulance and the police. There was also a need to ensure the design of new stations would take future needs into account.

In response to a Member’s question, the temporary Assistant Chief Fire Officer, Service Delivery Support (t/ACFO SDS) confirmed that there were a number of reasons for the underspend in fleet. The appliance replacement programme showed that our average appliance was now 7.1 years old and we needed to replenish our type B appliances. There was a delay on all appliances due to issues manufacturing the vehicle chassis and then for completion of the remainder of the bodywork. A commitment of £410,000 had been made to our ancillary replacement programme. There had been a global shortage of semi-conductors which had impacted the delivery, but we had received 6 transit vans which are currently in our workshop. The Fleet manager had reported that there were significant delays experienced across fleet in all businesses.

The ACFO Service Delivery (ACFO SD) drew Members attention to Appendix 3 and advised as recently discussed in the recent Member Strategic Engagement Forum (MSEF), the reasons behind the premises underspend had been communicated by the Property manager. He reassured Members that it was anticipated that these projects would be back on track within this financial year.

He reported that Avonmouth fire station was due to be completed within this financial year. With regards to Weston-Super-Mare fire station, land searches were being made to source potential sites and analysis was expected to be brought back to the AFA later this year. Discussions were ongoing concerning a multi service venue at Bath fire station and the current design phase underspend will be used in this forthcoming year.

A Member asked about the involvement of the South West Ambulance Service (SWASFT) at Bath fire station. The CFO advised that the Service had been wanting to speak to SWASFT for some while. It appeared that their estate management timing does not meet ours.

A Member asked for an update on Bath and North East Somerset Council (B&NES) and the potential movement of their emergency planning capability. The CFO advised that the estates team were constantly in touch seeking collaboration and discussions are ongoing in respect of space requirements and whether space would be rented or part of the ongoing building discussions.

A Member commented that the Transformation team did not appear to be spending their budget. The t/ACFO SDS advised that the budget set aside in February 2021 by the AFA was to cover 3 years of spending from 2021-24. There would be a significant spend for the FireWatch programme coming up.

A Member asked whether Officers had been reassured by the Fleet Manager that the agreed price for appliance had been 'set in stone' and that there would be no variance in cost. The t/ACFO SDS advised that the vehicles are ordered at a set price up until the vehicles arrive.

A question was asked whether the delays could result in additional expenditure in the event of our current aging fleet, requiring repair work. The CFO re-confirmed that the average age of our fleet was 7.1 years and we could slightly extend this if required. The average age of appliances would be 7.5 years once the replacements arrive but we also have a reserve fleet if required.

A Member asked about the implications of cancelling our orders with the chassis and bodywork companies. It was also asked how reliable the companies used would be to deliver and if AFA were to go elsewhere would there be a cost implication. The CFO advised that this was a supply and demand concern and he had been assured by the Fleet Manager and the industry that this was a short-term issue. The chosen chassis was manufactured by Volvo who had not indicated that they would pause manufacturing. The body work had been ordered from Emergency One, who are used by many FRS. They are well-established coach builders with multiple orders on their books – the Service had not received any indication that there was a risk.

It was agreed that a report would be submitted by the Heads of Fleet and Procurement to the PRSC in Autumn/Winter 2022 to address the implications of fleet and equipment delays and costs along with any potential risks. Procurement and the Head of Fleet would provide this report.

The Fire Authority:

Noted the final income and expenditure position on the 2021/22 Capital Programme and reviewed key issues to provide the required assurance on the approved Capital Programme.

20. SERVICE ROUND UP

The Fire Authority received an information report from the ACFO, SD which highlighted areas of good work across Avon Fire & Rescue Service (AF&RS), which had taken place between March and May 2022 including:

1. In April, AF&RS took on a 48-hour challenge to run and cycle 1823km, which is the distance between the UK and Ukraine, to raise funds. £7,100 was raised towards the Red Cross Ukraine Appeal.
2. In May, the Vulnerable Adults team in conjunction with South Gloucestershire Council hosted a welcome event at Yate for refugees from Ukraine. This was a great success and headlined our services available to access.

Members thanked AF&RS staff for everything they do for their communities.

It was RESOLVED that the Avon Fire Authority note the report.

21. DATE OF NEXT MEETING

It was RESOLVED that Avon Fire Authority noted the date of the next meeting as being 5 October 2022 at 14.00hrs.

22. EXCLUSION OF THE PRESS AND PUBLIC

The recommendation was moved by Cllr Davies and seconded by Cllr Nutland.

It was RESOLVED that the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

23.1 CONFIDENTIAL MINUTES OF THE FIRE AUTHORITY MEETING HELD ON 30 MARCH 2022

23.1 - Confidential Minutes of the Ordinary Meeting of Avon Fire Authority held on 30 March 2022.

The minutes were moved by Cllr Payne and seconded by Cllr Wilcox.

It was RESOLVED that the confidential minutes of the Ordinary Meeting of Avon Fire Authority held on 30 March 2022 be signed by the Chair as an accurate record of the meeting.

24 CONTRACT AWARD - SOFTWARE RESELLER FOR THE PROVISION OF MICROSOFT LICENCES

The Fire Authority received a report from the Head of Procurement which outlined that the Fire Authority's contract for the provision of Microsoft Licencing was due for renewal in April 2022.

The meeting closed at 16.40hrs

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Chair



**AVON FIRE AUTHORITY
AUDIT, GOVERNANCE & ETHICS COMMITTEE (AGEC)**

11 FEBRUARY 2022

MINUTES OF MEETING

PRESENT: Councillors Ashe, E Brown, Butters, Goggin (Chair), Payne, Tucker and Wilcox and James Mason (Independent Person)

The meeting started at 11 am

41. APOLOGIES FOR ABSENCE

Apologies for absence received from Danielle Neale, Treasurer.

42. EMERGENCY EVACUATION PROCEDURES

Officers confirmed the emergency evacuation procedure for the venue.

43. DECLARATION OF INTERESTS

There were no declarations of interest.

44. PUBLIC ACCESS

None received.

45. CHAIR'S BUSINESS

Members and Officers introduced themselves.

1. The Chair outlined the continuing need for restrictions due to COVID-19. As there are limits on the numbers of press or public able to attend in person, the meeting would be recorded and uploaded to the Avon Fire Authority (AFA) website.
2. The specific conditions relating to the venue regarding emergency evacuation and duration of the meeting were explained.

3. The Chair explained the voting system for the meeting, i.e. votes against a motion would be recorded first, followed by abstentions, then votes in favour.

46. MINUTES

Cllr Goggin moved, and Cllr Wilcox seconded that the Minutes be approved as a correct record of the meeting.

Noted that the action under minute No. 35 (6) had been completed.

RESOLVED – that the Minutes of 24 November 2021 be approved as a true record and signed by the Chair.

47. EXTERNAL AUDIT – VALUE FOR MONEY REPORT

The Committee received the External Auditors (Deloitte) Annual report for 2020/21.

Deloitte informed the Committee that the annual auditor letter concluded the audit for this year and formed part of a formal report which had to be done each year. There had been some changes this year in relation to Value for Money (VFM) which meant it was a new style of report with a slightly different context, including highlighting several issues relating to generic significant audit risks.

Deloitte explained that their references to significant risk in these documents are standard audit terminology and every audit had to identify potential areas of significant risks, and how they could be mitigated. Therefore, these are potential generic risks for organisations, and not necessarily an indication of a specific issue in the Service. In terms of these risks Deloitte confirmed the AFA was consistent with other FA's and nothing unusual was identified in the controls around governance. In terms of VFM, AFA performance was consistent with the audit opinion and an unqualified opinion had been concluded. This meant that there were no problems found and that a positive outcome had been achieved.

In answer to a question regarding two misstatements, the External Auditor clarified that the key point was materiality, and, in these cases, it was found that both were immaterial and could remain uncorrected as they had no impact on the audit opinion. It was not unusual to find misstatements in audits.

RESOLVED – That the External Auditors Annual report for 2020/21 be noted.

48. EXTERNAL AUDIT – 2021/22 EXTERNAL AUDIT PLAN (Verbal update)

The Committee received a verbal update regarding the 2021/22 External Audit Plan from Deloitte.

Members were informed that the Plan was currently being drafted and that following discussions with AFA, the External Auditors were not expecting anything

unusual as no changes had been made to accounting policy, guidance, or accounting standards. It was expected that significant risks and materiality would be consistent with past performance and there was nothing likely to be found that could be considered unusual. When completed, the draft Plan would be shared and circulated before the next AGEC meeting.

RESOLVED – That the verbal update regarding the 2021/22 External Audit Plan from Deloitte be noted.

49. INTERNAL AUDIT UPDATE AND AUDIT REPORTS

The Committee received a report of the Internal Audit Manager and Head of Internal Audit summarising progress made against the Internal Audit Plan for 2021/22 to date, and Internal Audit assignments completed since the last AGEC meeting, for 2021/22 (by RSM Risk Assurance Services LLP, the Fire Authority's internal auditors).

Key points emphasised were –

Internal Audit Progress

1. Two audits had been concluded since the last AGEC meeting, one further audit training was at interim report stage.
2. Two further audits were underway regarding Transformation and Follow Up both of which would be presented to the next Committee meeting.
3. The training report was interim however delivery of the internal audit plan was otherwise running to the approved timetable with all fieldwork and reporting due to be completed by the year end.
4. The audit of processing of Immediate Detriment pension cases had been paused, as this was a dynamic situation and was unlikely to take place in the current financial year.

Training

5. Three medium and four low category actions had been agreed in principle with management, but the report remained interim because there was a need for further testing for clarification. This testing had also widened the original scope of the audit. That scope change was important for completeness but had extended the timescales. Therefore, further training and data quality testing would be undertaken in the coming weeks to provide an assurance opinion by the year end.

Fleet Management

6. A reasonable assurance opinion had been reported and three medium and two low category actions had been agreed with management.
7. The main finding related to a lack of centralised Fleet Management Policies, and processes, requiring manual work arounds due to limitations of the current systems. These were now in the process of being upgraded.

Devolved Budgets

8. A reasonable assurance opinion had been concluded and four low category actions agreed with management.
9. The Service was looking to further enhance budgetary control through the roll out of devolved budgets during 2022/23, which reflected good practice across the Public Sector and was above what was normally found in the Fire Service sector. The actions taken would support the development of good practice and ensure effective processes going forward with greater accountability across the Service.

In response to Members questions the following points were clarified –

1. A shortage of wi-fi in garages would be addressed in the ongoing upgrading of premises, the AFA's IT provider was aware of this, and it would be addressed during the upgrade process.
2. While the numbers needed further testing, there were several potential reasons for some operational staff being out of date with required training/qualifications and this did not necessarily mean they were not competent in these areas due to other types of training and development. For example, Maintenance Of Operational Skills processes (MOST) and experiential learning through local drills and on the job experience. Other reasons for being out of date could relate to absences from work (sickness for example) and/or the availability and cancellation of training courses which had been impacted by the pandemic. However, the Service await the final audit outcome and findings in this regard and are committed to making improvements. Going forward high-risk areas would be given special focus and the auditors and Members could be assured that this matter was being closely looked at. While interim, the training report had come to AGEK for transparency and to help demonstrate the commitment to making the recommended improvements asap rather than wait for the report finalisation.
3. Driver training was a longer-term issue to address as it could take up to 12 months for a driver to qualify, the People & Culture Committee would be considering this matter further at its next meeting when it received a quarterly update report on maintenance/shortage of skills across the workforce.
4. If they had capacity, Ambulance drivers would be unable to help AFA with driver shortages as they were LGV licensed whereas fire staff needed HGV licences.
5. Improved data recording and reporting of training data in Firewatch would be identified and addressed, with mechanism to ensure improvements were maintained.
6. Diversity and Inclusion issues were not part of the scope for this training audit, but the Diversity, Inclusion, Cohesion and Ethics (DICE) advisory audit had included some recommendations relevant to this area. Completion of

the DICE advisory management actions were monitored internally and by the Committee.

RESOLVED –

1. **That the Internal Audit Progress Report for the audit year 2021/22. (Appendix 1). b) be noted.**
2. **That the internal audit reports, the findings and agreed management actions for the following audits:**
 - **Training – Interim Report (Appendix 2)**
 - **Fleet Management (Appendix 3)**
 - **Devolved Budgets (Appendix 4) be noted.**

50. UPDATE ON INTERNAL AUDIT MANAGEMENT ACTIONS

The Committee received a report of the Deputy Director of Corporate Services updating Members on progress with completing key Internal Audit recommendations and management actions as of 2 February 2022. This date reflected the internal deadlines for paper completion.

Key updates emphasised were -

1. Audit Plan 2020-2021 - 36 Internal Audit recommendations were issued in the 2020/21 audit year of which 6 were low and 13 medium priorities. 17 were advisory. 21 recommendations had been completed or superseded, and 15 were in progress.
2. Audit Plan 2021-2022 - two further audit reports had been finalised since the last Committee, i.e., Fleet Management and Financial Controls – Devolved Budgets. A further audit on Training was almost complete, pending some final testing and confirmation of assurance rating. The assurance rating outcome of this audit would be confirmed formally at the next Committee meeting. A total of 11 Internal Audit actions were issued in the 2021/22 audit year of which 2 actions had been completed, and 9 actions were not yet due for completion.
3. Extension of completion dates - it had been agreed at the January meeting of the Service Leadership Team (SLT) that the target date for completion of some audit actions be extended in the following areas to realign with current internal capacity and resource pressures, and work prioritisation, which had in part been impacted by the pandemic
 - 4 x DICE actions (advisory audit only)
 - 2 x Risk Management audit
 - 2 x Follow-up
 - 4 x Business Continuity actions

Noted that, of the 4 DICE advisory actions, two were due to be completed in full or part during February 2022 and, of the 4 business continuity actions, two had been partially completed.

RESOLVED – That the progress made against Internal Audit recommendations and management actions be noted.

51. CORPORATE RISK REGISTER

The Committee received a report of the Deputy Director of Corporate Services regarding keeping the Corporate Risk Register (CRR) under review and seeking assurance of appropriate management action. The CRR was a key tool in the effective identification and management of organisational risk. Appendix 1 to the report provided a summary of the changes made to the Corporate Risk Register.

Members were reminded that SLT reviewed the CRR monthly, and the Service Leadership Board (SLB) reviewed the highest-level, and newly emerging, risks at their regular meetings.

Members were advised of further updates and amendments –

1. Four CRR's scores had increased in January and two had decreased.
2. CR01 (Performance Targets) had increased from 12 to 15 primarily due to the Service being off target for working days/shifts lost to sickness, Return to Work (RTWI) completion within 15 days and community fire safety activities. The link between those performance areas and pandemic was discussed.
3. CR08 (Financial Capacity) had risen from 12 to 14 due to the impact of a team member leaving at a key point in the accounts and budget setting.
4. CR11 (Financial Systems) had increased from 13 to 18 because the team member leaving had a potential impact on the work to prepare for the end of financial services contract in March 2023, with that contract including the provision of the core finance system.
5. CR14 (Governance) had increased from 14 to 18 due to short term capacity issues and recruitment challenges in the Corporate Assurance team. In mitigation an interim post had been created pending a permanent appointment due to commence on 20 April 2022. Regarding maternity leave in the team, this had been backfilled to reduce the risk further.
6. CR15 (Pensions) risk remained high at 21 due to ongoing challenges related to the age discrimination and immediate detriment issues.
7. CR12 (Cyber Security) reduction in risk had been further reviewed since paper circulation and risk remained at 20, as opposed to 18, due to ongoing national cyber risks.
8. CR06 (Control & Mobilising) officers confirmed awareness of changes to ISDN & PSTN circuits in favour of IP/SIP technology over network for Telephony by 2025.
9. CR13 (Loss of IT systems) risk reduced from 20 to 18 due to ongoing improvements in infrastructure.

RESOLVED –

- 1. That the Corporate Risk Register and the controls and mitigation in place to manage the risks be endorsed and noted.**
- 2. That the appropriate management of the corporate risks be endorsed and noted.**

52. PUBLIC SECTOR AUDIT APPOINTMENTS (PSAA) INVITATION TO BECOME AN OPTED-IN AUTHORITY FOR EXTERNAL AUDIT SERVICES

The Committee received a report of the Head of Procurement and Deputy Director of Corporate Services regarding the Authority's current External Auditor's Deloitte LLP. They were appointed by Public Sector Audit Appointments (PSAA) following a procurement exercise run nationally by the PSAA and then allocated to this Authority. This appointment terminates on 31 March 2023.

Members were informed that -

1. PSAA had been re-appointed by the Secretary of State in the role of appointing person. This meant that they had the ability to appoint and allocate external auditors to eligible principal bodies for the period commencing April 2023.
2. The Fire Authority had the option to opt into the PSAA national scheme again with the PSAA then appointing an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.
3. If the Authority wished to opt-in this must be done by 11 March 2022.
4. The external auditor for the audit of accounts had to be appointed before the end of December 2022.
5. The relevant regulations required that the decision to accept the invitation and to opt in must be made by the Members of the Authority (meeting as a whole).
6. If the Authority opted out, there would need to be a locally run procurement process.
7. The risks and benefits for both approaches were outlined in the paper.
8. The recommendation of the Audit, Ethics and Governance Committee (AGEC) would need to be presented to the Fire Authority on the afternoon of the 11 February 2022 by the AGEC Committee Chair.

Members considered the options available open to them and noted the resource implications of not opting in to the PSAA national scheme and its associated risks. On balance, while comment was made about the potential for fuller information on both options and clarifications given about how the allocation process worked, the Committee favoured opting in.

The recommendation was moved by Cllr Goggin and seconded by Cllr Butters, and it was unanimously -

RESOLVED –

That the recommendation for the Fire Authority to become an opted-in Authority by joining PSAA's national scheme for the appointment of External Auditors be approved.

53. DATE OF NEXT MEETING

RESOLVED – that the date of the next meeting be held on 18 May 2022 at 10.30am.

54. EXCLUSION OF THE PRESS AND PUBLIC

The recommendation was moved by Cllr Goggin and seconded by Cllr Butters.

RESOLVED –

That the public be excluded from the meeting during the following items of business on the grounds that they contained exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

55. CONFIDENTIAL MINUTES

15.1 Confidential Minutes of the Meeting held on 24 November 2021.

RESOLVED – that the Confidential Minutes of 24 November 2021 be approved as a true record and signed by the Chair.

56. APPOINTMENT OF INTERNAL AUDITORS

Members considered a report regarding the provision of Internal Audit Services which was a statutory requirement and an essential part of good governance arrangements.

The meeting ended at 12.20 pm

Chair



LOCAL PENSION BOARD

25 FEBRUARY 2022 at 10.30 am

MEMBERS PRESENT:

Cllr Chris Windows (Chair), Cllr. Andrew Brown, Andy Cunningham

Scheme Members Representatives: Steven McGreavy & Mark Jacobson

Avon Fire Authority: Angela Feeney (Director of Corporate Services),
Amanda Brown (Monitoring Officer), Julie Pound (Finance Manager)

Avon Pension Fund (Bath and Northeast Somerset Council): Geoff Cleak (Pensions Manager), Anna Capp (Member Services Manager)

1. APPOINTMENT OF AN INDEPENDENT CHAIR OF THE LOCAL PENSION BOARD

The Clerk explained that the first item on the agenda was the appointment of a new Chair to the Local Pension Board (LPB) and asked for a proposer and seconder.

Councillor Windows proposed and Steve McGreavy seconded that Andy Cunningham be appointed as Chair of the LPB.

Andy gave a summary of his experience and background and that he currently worked for Wiltshire Pension Fund and had previous experience administering the Firefighters schemes on behalf of Wiltshire Fire Authority (prior to its merger with Dorset Fire Authority).

RESOLVED: That Andy Cunningham be appointed as Independent Chair to the Local Pension Board.

2. APPOINTMENT OF MARK JACOBSON AS NEW MEMBER REPRESENTATIVE

The Clerk advised the Board that in accordance with Paragraph 17 of the LPB Terms of Reference and following a recruitment campaign and interviews, Mark Jacobson (a serving Avon Fire & Rescue Service (AF&RS) Crew Manager) had been selected as the new Member representative as he had demonstrated at interview that he could support the effective delivery of the purpose of the LPB.

RESOLVED: That Mark Jacobson be appointed as the new member representative to the Local Pension Board.

3. APOLOGIES FOR ABSENCE

None received.

4. EMERGENCY EVACUATION PROCEDURES

The Director of Corporate Services (DoCS) confirmed the emergency evacuation procedure for the building.

5. CHAIR'S BUSINESS

1. The Chair made a statement regarding the continuing need for restrictions due to COVID-19. As no press or public were able to attend the meeting in person, it would be recorded and uploaded to YouTube for reference.
2. The Chair explained the voting system for the benefit of new Members. Votes against a motion are recorded first, followed by abstentions, then votes for.
3. The Chair advised Members that this was Councillor Chris Windows last meeting. Members thanked Chris for his work on the Board.
4. The Chair reminded Members that the LPB purpose was to ensure compliance and was not a decision-making body. Decision making was the role of the Avon Fire Authority (or their authorised officer delegates) as the Scheme Manager.

6. PUBLIC ACCESS

None received.

7. CONFLICT OF INTEREST DECLARATION

No declarations of a conflict of interest were made.

8. MINUTES OF THE LOCAL PENSION BOARD MEETING HELD ON 3 SEPTEMBER 2021

Cllr Windows proposed and Steve McGreavy seconded that the Minutes be approved as an accurate record of the meeting.

RESOLVED – that the Minutes of 3 September 2021 be approved as an accurate record of the meeting.

9. REGULATORY AND LEGISLATIVE UPDATE

The Board received a report from the Pensions Manager which provided updates on the latest regulatory updates concerning the Firefighters Pension Scheme (FPS) and any proposed regulatory matters that could affect the scheme administration.

The report provided a summary of the main regulatory updates since the last Local Pension Board meeting, including brief comment on what the implications were for the Avon Pension Fund (APF) and what the next steps would be.

A key update was on progress regarding the Public Sector Pensions and Judicial Offices Act 2022, a bill currently going through the Parliamentary process, to make provision about public service pension schemes, including retrospective provision to rectify unlawful discrimination in the way in which existing schemes were restricted and the transition to the 2015 scheme applied. It was hoped that this Act would be agreed in time for the deferred choice underpin to be implemented by October 2023.

Regarding the Department of Work and Pensions consultation on the Dashboard Regulations, the APF had drafted a response and would share it with AFA, and/or LPB, at the appropriate time.

Cllr Brown proposed, and Steve McCready seconded that the report be noted.

RESOLVED –

That the current position regarding the developments that could affect the administration of the fund be noted.

10. FIREFIGHTERS PENSION SCHEME - AVON PENSION FUND SCHEME ADMINISTRATOR REPORT

The Board received a report from the Pensions Manager about the performance of the Fund Administration for the period 1 June 2021 to 31 January 2022. The report also addressed the Fund's business operational position from an overall risk perspective.

The Pensions team was currently in temporary accommodation in Bath and had limited workstations that could be operated, and this had an impact on work output. It was anticipated that the team would return to the Keynsham office by the end of the year. Performance was generally in line with key performance indicators (KPIs). Additional resource had been found to address immediate detriment cases and any under-performing areas of work.

Following Member questions, the following points were clarified:

1. 99.5% of active member statements had been issued by the statutory deadline of 31 August 2021 with only three not received in this timeframe. This number was not considered to be materially significant, and it was noted that 100% had been produced on time but three had been returned undelivered as 'not known at this address'. Once correct addresses had been received from the scheme member or manager they would be re-issued.
2. The Pensions Regulator (TPR) Code of Practice 14 required the Fund to measure the accuracy of scheme member data. For the APF the main errors were incorrect/not updated addresses.

3. Seven Pensions Savings Statements (PSS) had been issued to active scheme members by the statutory deadline of 6 October 2021 including four with tax charges. All those scheme members were provided with written advice and guidance, but none had responded to date. No scheme members had exceeded their annual allowance in the last eighteen months.
4. Regarding APF performance on deaths payment target and the five-day notification period, APF were only aware of two pension scheme members cases but noted access to these historic records on microfiche had been an issue, due to current unavailability of microfiche equipment whilst at temporary office accommodation. The administrators had to wait for information from 3rd parties. This would be resolved when the administrators moved back to their own premises.

Cllr Brown proposed, and Steve McCreavy seconded that the report be noted.

RESOLVED –

That the Fund performance for the period 1 June 2021 to 31 January 2022 be noted.

11. SCRUTINY REVIEW AND TRAINING REPORT

The Board received a report from the Director of Corporate Services which provided information about the work needed to ensure compliance with the Firefighter Pension Schemes regulations, the effective and efficient governance, administration and application of those schemes and the management of risks.

The report focused on five key areas of scrutiny and provided information on them for the period 05 August 2021 to 14 February 2022. The report also included the pensions risk register as of 14 February 2022 and forward work plan.

Members noted the five key areas namely –

1. Discretions applied.
2. Breaches of law reported.
3. Complaints, disputes and appeals in progress.
4. Firefighter Pension Scheme risk register.
5. Compliance deadlines.

The key points highlighted were:

1. Since the last LPB no breaches of law had been identified and therefore none had required assessment or been reported to the Regulator and no new complaints under the Internal Dispute Resolution Procedure (IDRP) had been submitted.
2. For the two IDRP's in progress, one had been considered and a decision made, the other had a timetable for consideration and decision making.
3. One IDRP consisted of two complaints. One complaint relating to a delay in processing of pension payments had been recommended to be upheld however the complaint relating to the immediate detriment issue was recommended not to be upheld.

4. No discretions had been applied.

Following Member questions, the following points were clarified in respect of the risk register and work programme:

1. The Pension Advisor vacancy was largely due to a competitive job market and 'head hunting' in some cases for this type of role. Interviews were currently taking place and it was hoped that the post would be filled soon.
2. Regarding the LPB meeting its functions and contributions it was confirmed that information was being brought to the Board for scrutiny with the assistance of an external pension provider in accordance with a professional methodology. The work of LPB was then confirmed by the AFA on an annual basis through the Annual Report, and through the AFA consideration of any recommendations coming through the LPB. Both AFA and the external provider were audited. The Chair requested that confirmation of the outcome of relevant audit checks be reported to the LPB, for information, on a regular basis.
3. It was considered important for the LPB to have an oversight of delegations put in place, or being considered, by the AFA enabling officers to take certain day to day decisions on the application of the FFPS, including discretions such as paying back of missing service. It was noted that this work was included in the LPB work programme and the discretions, and delegated authority protocols, to be reviewed with recommendations made to the AFA by the LPB.
4. Whilst it was appreciated that details of the training completed by LPB members had yet to be reported to the Chair, it was considered essential that this was done for the future. It was noted that the LGA had started refresher training courses and it was agreed by Members that the most preferable method would be via an arranged session. It was suggested that this be arranged for July 2022 to coincide with the next LPB meeting with the added benefit that the new employer representative would be known by then.

Cllr Brown proposed, and Mark Jacobson seconded that the report be noted.

RESOLVED –

- 1. That the report and appendices about the work needed to ensure compliance with the Firefighter Pension Schemes regulations, the effective and efficient governance, administration and application of those schemes and the management of risks be noted.**
- 2. That the five key scrutiny areas and/or the risks set out in Appendix A be noted.**
- 3. That no further recommendations, additional actions, and controls to ensure compliance in the five areas was required to minimise the risks in the risk register.**
- 4. That LPB members should advise the LPB Chair of progress with training completion (in accordance with the Knowledge and Understanding Policy), including the self-assessment tool at**

Appendix B. This would enable the completion of the LPB training log at Appendix C.

- 5. That the amendments to the work programme in Appendix D be noted.**

12. IMMEDIATE DETRIMENT UPDATE AND OVERSIGHT

The Committee received a detailed report from the Director of Corporate Services regarding the complexities in respect of the Immediate Detriment (ID) issue. The matters were summarised in the report and were fully outlined in the 15 December 2021 report to the AFA. The Director of Corporate Services gave a detailed explanation of the issues being faced to the Board.

The Chair added that the LPB role was to assist the Scheme Manager in achieving compliance however that had to be understood in the context of conflicting government legislation which had created significant complexity.

Members were reminded of the AFA position to date which was as follows.

They had deferred a decision on formally adopting the Memorandum of Understanding (MOU) and framework, developed by the Local Government Association (LGA) and Fire Brigades Union, until further advice and clarification had been received, particularly on legal, tax and funding issues.

In the interim, the AFA decided to continue processing ID cases for forthcoming retirees under the arrangements the AFA had agreed in June 2021. Since then, six retirements had been completed under ID and were in payment and a further five had been processed and were due to retire by the end of March 2022.

The AFA had also decided to continue to delegate to the Local Pension Board (LPB) oversight of the administration and processing of ID cases, with the option to refer the matter back, as needed, to the AFA.

Members were then updated on the latest national developments (since the December 2021 AFA), with some of those developments increasing the complexity regarding ensuring compliance and financial liabilities for the Authority and scheme members. Further guidance and clarifications on these matters were expected by the Treasury, Local Government Association and a tax consortium but had not yet been received.

Following Member questions, the following points were clarified:

1. If AFA did not pay out ID payments, more claims of discrimination were potentially possible.
2. The Technical Working Group would continue to report its administrative processes to the LPB for their scrutiny and include in the risk register, noting the Scheme Advisory Board's (SAB) recommendations for LPBs to consider and gain assurances about compliant processing of ID and remedy including current arrangements, data, processes and impact, information, communication and coordination, and knowledge, capacity,

and capability. It was noted that due to the individual nature of cases personal information would need to be redacted.

3. The work to resolve the pension contribution holiday issue and complexity was welcomed, with the option to wait for the contribution holiday aspect to be resolved after their retirement as part of the wider Government remedy, preferred.
4. It was noted that ID processing was an ongoing balance between risks and costs.

The Board considered the options as recommended in the report.

The Chair explained that the MOU was produced before the existing Government guidance was withdrawn and that this was an important development. The Government had therefore withdrawn their support for processing ID cases due to uncertainty about tax and compensation issues. The Chair advised that this withdrawal of the guidance had led him to conclude, amongst other factors, that the MOU should not now be adopted in its entirety, however, the Chair confirmed that he did not have a vote and simply provided Members with advice.

Regarding the vote on option D, the outcome was three in favour and one against. The reason for three LPB members recommending reconsideration of MOU adoption at this point was cited as cost implications not being the primary focus of the LPB (and with costs incurred with or without adoption) and remaining keen to resolve ID matters for scheme members before the Government legislation. These members acknowledged they were recommending reconsideration of MOU without receipt of the anticipated guidance which could assist with compliance considerations, particularly on tax, or clarification of cost implications for scheme members and managers, but they had focused on compliance with the age discrimination outcome.

The reason for voting against, was cited as the situation on tax compliance (and cost implications for scheme members and local budgets), and other matters, were not yet considered to have become significantly clearer since the Fire Authority meeting in December 2021. That situation meant that, while the LPB member was supportive of MOU adoption in the near future, they would not recommend adoption of the MOU at this point without further clarity. They noted the Treasury position on tax seemed to be that these issues would not be resolved by the age discrimination provisions (but through tax legislation in the Autumn) and costs may be incurred by scheme members in the interim.

The Clerk undertook to provide appropriate wording for the decisions made by LPB Members and circulate to members after the meeting for their agreement.

Option e) Decide whether to request that the Internal Auditors reconvene the planned audit of ID processing and, if so, at what point in the next audit year. Members agreed that if no changes were made to the MOU the audit should go ahead, conversely if there were any changes the audit should be delayed.

On being put to the vote it was resolved -

RESOLVED THAT THE BOARD –

1. Options a) and b) were noted. The Board considered the processes in place to administer ID cases and did not raise any questions or concerns in respect of the governance, compliance, and administration of ID cases.
2. Having considered the complexities of ID cases with pension contribution holidays, it was agreed to refer a decision to AFA about processing ID cases with pension contribution holidays (the holiday period could be processed later). They were content for pension contribution holidays to be separated out from retirement benefits (lump sum and annual pension) enabling this group to retire under ID. They considered this within scope of the 30 June 2021 Fire Authority decision in that the calculation of their pensions under the 1992 scheme could be made without difficulties and/or uncertainties as confirmed by the pension administrators. The pension contribution holiday aspects would be determined later in accordance with remedying pension regulations (or the MOU should it be adopted, whichever applies first). Members agreed to request the Pension Administrator to approach cases flexibly and continue to process benefits now and deal with contributions later.
3. Decided by a majority, but not unanimous, to recommend to the Fire Authority that it further considers MOU adoption at this point. In turn this meant a decision not to recommend that the Fire Authority revisits continuing with ID processing, other than extending this provision through MOU adoption.
4. If the Fire Authority decides to make no changes to the approach of processing of ID cases, then request that the Internal Auditors reconvene the planned audit of ID processing, but if the Fire Authority decides to adopt the MOU which impacts on ID processing, then recommend that the Internal Audit be delayed pending new processes being put in place.

13. ANY OTHER BUSINESS

The Chair advised that in view of the previous discussion an additional LPB meeting might be necessary, if so the Clerk to AFA would initiate the process.

14. DATE OF NEXT MEETING

Cllr Brown proposed, and Steve McCreavy seconded.

RESOLVED that the next meeting take place on 20 July 2022 at 10.30am.

The meeting closed at 12.10 pm

Chair



**AVON FIRE AUTHORITY
PEOPLE & CULTURE COMMITTEE**

4 MARCH 2022

MINUTES OF MEETING

PRESENT: Councillors Bromley, A Brown, Davies, Hopkinson, Massey, Monk, Tucker, Wilcox (Chair).

The meeting started at 10.30am

42. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Jacobs.

43. EMERGENCY EVACUATION PROCEDURES

The emergency evacuation procedures were explained.

44. DECLARATION OF INTERESTS

There were no declarations of interest from Members.

1. With reference to Item 9/ Annual Review of Remuneration of Chief Fire Officer/Chief Executive (CFO/CEO), it was confirmed that all the Service Leadership Board (SLB) Officers and Statutory Officers had a declared interest as their salaries were directly linked to the pay of the CFO.
2. With reference to Item 15, Performance Appraisal of the CFO/CEO, it was confirmed that the item concerned the CFO and would be heard in exempt session.

45. PUBLIC ACCESS

No public access items had been received.

46. CHAIR'S BUSINESS

Members and Officers introduced themselves.

1. The Chair confirmed that the meeting would take place as a face-to-face meeting. Due to the continuing need for COVID-19 restrictions no press or public were able to attend in person, the meeting would be recorded and uploaded to the AFA website.
2. The Chair explained the voting system for the meeting, i.e. votes against a motion would be recorded first, followed by abstentions, then votes for.

47. MINUTES

Cllr Bromley moved, and Cllr Brown seconded that the Minutes be approved.

RESOLVED – that the Minutes of the People & Culture Committee 10 December 2021 be approved as a true record and signed by the Chair.

48. HUMAN RESOURCES AND RECRUITMENT UPDATE

The Committee received a report from the Head of HR updating on recruitment, establishment, and succession planning.

The key points emphasised were –

1. After initial disappointment that the Control Operator recruitment process generated only 22 applications for the 6 vacancies, officers had generated further publicity which had increased the applications to 60 with 40 deemed of quality to move forward to the next stage of the selection process.
2. The difficulty recruiting to Corporate Staff (including technical/specialist staff) was a local, regional and national issue and not unique to Avon Fire and Rescue Services (AF&RS). It was in part due to the general level of public sector pay which may be helped by the recent announcement of a national 1.75% pay increase (to be backdated to the 1 April 2021). Market rate supplements and other creative solutions were also explored, where appropriate.
3. The vacancies held had not affected statutory responsibilities, however, there had been some impact on improvement plans where teams had not been resourced as planned.
4. 24 Wholetime Firefighter trainees had started in January 2022 with another 24 due to commence on 25 April 2022. These had been 'on hold' applications. The next campaign was planned to launch at the start of May 2022.
5. Officers continued to work with community stakeholders to publicise vacancies, utilise key recruitment events and maximise online presence. Focus continued to be placed on the identification and removal of barriers for underrepresented groups.
6. Recruitment to 'on call' roles was constantly ongoing with the next training school in August 2022. Staff within stations were excellent at hosting successful events to act as engagement opportunities within the local communities.

7. Succession planning had indicated that 23 operational staff were predicted to retire between 1 January and 31 March 2022. Officers continued to work to ensure resilience including through internal recruitment and promotion opportunities.
8. At the next meeting of the People and Culture Committee (P&C), Officers planned to present an annual update of employment cases over the period 1 April 2021 to 31 March 2022. There would also be an update on work around welfare and wellbeing.

Arising from Members questions the following points were clarified:

1. Information derived from exit interviews and processes would be brought to P&C Committee in December 2022 and thereafter, an annual basis. It was important that staff knew how highly the 'exit process' was valued by AF&RS and that valuable information was gathered through the questionnaires and interviews.
2. It was suggested that Avon Fire Authority (AFA) Elected Members could help promote recruitment campaigns and events through their own social media and publicity channels in order to reach more people. Members were asked to confirm which channel of communication would be most appropriate to hear from Officers.
3. With reference to flexible working, Officers confirmed that although the Firefighter and Control Officer roles were geared to a standard shift system and working pattern, the Fire Service continued to work flexibility and use creative solutions to potentially alter the way they operate and continually assess ideas to reduce barriers to roles. The majority of Corporate Staff roles were offered for part time and flexible work patterns.
4. The development of remote working over the last two years had been one positive outcome of the pandemic which had widened the labour market and created different opportunities to fill roles in a more flexible way.
5. With reference to the vacancies among technical roles such as mechanics and electricians, Officers continued to benchmark salaries and look at creative opportunities such as market supplements.
6. The reintroduction of apprenticeship schemes was being considered to help grow talent from the ground up.
7. Requirements of roles were being evaluated to ascertain if any mandatory requirements for roles could be achieved whilst in post.
8. It was ultimately important to ensure the working environment was exemplary to help showcase the benefits of employment within AF&RS.

RESOLVED –

That the update on recruitment, establishment, and succession planning be noted.

49. CULTURAL CHANGE UPDATE 2022

The Committee received a report from the Assistant Chief Fire Officer (Service Delivery Support) (ACFO(SDS)) which updated Members on the focus groups to be held from February and March 2022 aimed at gaining in-depth understanding of behaviours, attitudes and motivations in order to assist the targeted improvement process.

Key points highlighted were –

1. The Parliamentary Select Committee ‘State of the Fire and Rescue Services’ recently had mentioned the cultural change and improvement of AF&RS and Sir Tom Windsor paid credit to the “virtually unprecedented” jump of two gradings.
2. Following the quantitative cultural staff survey in summer 2021, key themes had been identified which had been developed into the qualitative use of focus groups. The focus groups would explore key themes to identify where to focus attention to make improvements for the workforce.
3. Quarterly snap surveys would reach out to the organisation for live feedback from staff.
4. Officers were investigating why some staff did not respond to the survey and consider those reasons. It was important to promote the opportunities to engage and give views.
5. An additional element of Equality, Diversity and Inclusion (EDI) had been embedded from the beginning of training for new Firefighters and the Service continued to work with SARI (Stand Against Racism & Equality) to help engage with new entrants about the cultural journey.
6. Programmes such as Stepping Up and Strive Internship were work experience opportunities with the organisation for people within the Black and Minority Ethnic (BAME) communities.
7. The online e-learning EDI package was being refreshed and was now mandatory for all new or newly promoted staff.

Arising from Members questions the following points were clarified:

1. Further work would take place to ascertain why the 35% response rate was lower than previous surveys in order to understand if there was a reluctance to engage. Officers reported that some emails had not even been opened but confirmed that reminders had been sent and messages disseminated through line management. Ideas such as incentives for completed responses had not yet been explored.
2. It would be helpful to engage with those who had previously voiced negative experiences to capture their current views and see if they see improvement. It was hoped that this would be captured through the focus groups. For example, those 10 years or more into their employment were an important cohort to engage with.
3. Members of the Committee requested sight of a copy of a blank questionnaire.

4. The CFO highlighted that although the Service would like a higher response rate, the response rate of 70% in the first round had been exceptional and the company engaged to run the survey had indicated that 30% was still a good response compared with the rest of the public sector and the market. The focus groups and programme of work to pulse test the organisation with key issues would capture further information and opinions.

RESOLVED –

That the Cultural Change Update be 2021 be noted.

50. ANNUAL REVIEW OF REMUNERATION OF CHIEF FIRE OFFICER/ CHIEF EXECUTIVE OFFICER

The Committee received a report of the Clerk which invited the Committee to review the pay of the CFO/CEO and make a recommendation to the Avon Fire Authority (AFA) for approval.

The report, which was presented annually, invited the Committee to make a recommendation to AFA that the CFO/CEO salary for 2022/3 include the National Joint Council (NJC) 2021 1.5% pay increase announced on 24 June 2021. The pay award announcement for January 2022 had not yet been announced.

As outlined in paragraph 3.2 of the report, the CFO salary followed conditions of service set out in the Gold Book with one part of two-tiered system being the pay award set nationally by the NJC and the second part which could be awarded locally. The CFO/CEO and Service Leadership Board (SLB) had not requested that a local pay award be pursued.

All Members of the SLB and Statutory Officers were paid a set percentage of the CFO/CEO salary. ACFO Simon Shilton had recently been appointed CFO/CEO for AF&RS from 1 April 2022 following the retirement of the current CFO/CEO.

Under the Localism Act 2011 the AF&RS were required to publish a Pay Policy Statement by 31 March each year which would include the information in the report if agreed.

Arising from Members questions the following points were clarified:

1. Deviation from the NJC award was not in the gift of the Committee. The Committee were specifically being asked to agree not to pursue a local increase to the award at this time.
2. To provide context, Members were advised that the salary had originally been set at an average of all UK CFOs and it had been historically considered appropriate to track the average salary of UK CFOs.
3. Although Officers did not have the figures to hand for how many F&RS had sought a local uplift, an example of local circumstances was given as where

there were differences in the role and responsibilities, such as a CFO who is also a director of the local council.

4. Officers confirmed that AF&RS had 1 x Chief Officer, 2 x Assistant Chief Officers, 1 x Director of Corporate Services and 2 x Statutory Officers supporting the Fire Authority which were the Treasurer and the Clerk/Monitoring Officer.

The recommendation was proposed by Cllr Massey and seconded by Cllr Monk.

RESOLVED –

That the Committee recommend to the Fire Authority that there be no local pay increase in the CFO/CEO's salary

51. PAY POLICY STATEMENT 2022/23

The Committee received a report which presented the Committee with the proposed Pay Policy Statement for the financial year beginning 1 April 2022 and recommended its approval to the Fire Authority.

The key points highlighted were:

1. The Gender Pay Gap statement would be presented to the Committee at its next meeting in June 2022 following the snapshot date of 31 March 2022.
2. The Pay Policy Statement stated the Fire Authority's policy with regards to a range of issues relating to the pay of its workforce and in particular the ratio between the highest and lowest paid employees.
3. The Pay Policy Statement (Appendix A) outlined how the salaries were structured for Chief Officers as per the NJC award (outlined in the previous item on the agenda), the uniformed/operational staff (known as 'Grey Book') and the Corporate Services Staff (known as 'Green Book'). The negotiations for each pay award were considered separately by NJC and announced separately at different times of the year.
4. With reference to page 25 of the pack, the Committee were advised that the remuneration of Corporate Services Staff would be updated as those negotiations had reached agreement on 1 March 2022. The AF&RS had received notification that an agreement had now been reached for a 1.75% pay award backdated to the 1 April 2021. The document would be updated prior to the presentation of the report to the AFA meeting on 30 March 2022 to reflect the updated position.
5. The current ratios between the CFO/CEO and basic pay, competent fire-fighter pay and the lowest paid employee, were outlined on page 30 of the pack

In answer to Members questions the following points were clarified –

1. It was confirmed that although not a statutory requirement under this process, a comparison of BAME pay comparisons and ratios was presented annually to the PRSC.
2. Officers confirmed AF&RS commitment to the Real Living Wage and Voluntary Living Wage and that salaries were not at risk of falling below the latest levels. The report and Pay Policy Statement would be updated to show the current ratios when presented to the AFA on 30 March 2022.
3. The Real Living Wage was currently embedded into the procurement process criteria within AF&RS which meant that the supply chain also met the Real Living Wage obligations.
4. Officers agreed to ensure the website was up to date with regards to the current Gender Pay Gap information.
5. In response to a question, the CFO clarified that a past recommendation within the National Framework from the Secretary of State was that a Fire Authority should fully consider whether they re-appoint or re-engage past employees who had retired. There could be unintended inequities as well as operational implications of this policy, and AF&RS were in the process of re-evaluating their position. It was possible that the current Secretary of State and Home Office may hold a different view now compared to in 2018 and a new framework document and an expected White Paper on Reform of the Fire and Rescue Service may provide more guidance. Members would be kept informed of any relevant information about the White Paper and a report could be brought to the PRSC as appropriate.
6. AF&RS did not have a separate specific target for the ratio between the highest and lowest employed but if there was any concern in the future that could be reviewed.
7. The Chair requested additional information about the number of people on the lowest pay grade and what percentage of employees that was compared to the wider AF&RS.

The report was proposed by Cllr Brown and seconded by Cllr Monk.

RESOLVED –

- a) **Recommend to the Fire Authority approval of the proposed Pay Policy Statement 2022-23 subject to the amendment to reflect the Green Book Pay award and also the additional ratio requested by the Chair.**
- b) **Noted that Gender Pay Gap reporting for 2022 would be reported to the next People and Culture Committee meeting after the ‘snapshot date’ of 31 March 2022.**

52. HEALTH, SAFETY AND WELLBEING ANNUAL REPORT 2021

The Committee received a report which presented the Health, Safety and Wellbeing Annual Report 2021 covering the reporting period between January and December 2021.

Key points emphasised were –

1. There had been a lot of change since 2018 including the departmental structure for Health, Safety and Wellbeing department structure which now included mental health, wellbeing and fitness elements. The team worked closely with HR to ensure that incidents were entered onto the OSHENS/ Wellworker System so that data can be collected and analysed.
2. Figures showed that the total number of incidents reported in 2017 was 301 compared to 364 in 2021. Officers considered that the reason for the increase could be due to an increase of the number of workplace incidents or alternatively, an increase in reporting.
3. Looking at more of a breakdown of data, the number of 'Near Miss Incidents' (incidents which had the potential to have injury and harm) had increased from 64 in 2020 to 108 in 2021. Staff awareness in terms of reporting could have increased which was encouraging from a health and safety perspective and the role of a proactive and preventative reporting structure. Alternatively, it could be surmised that the number of near misses had increased.
4. 'Lost Time Incidents' (LTI) were where staff had incurred illness or injury resulting in at least one day absence from work. From 2017 to 2021 LTI's had decreased from 32 to 24. Less LTI's could be the result of the increase in preventative reporting as root causes have been identified with actions put in place to prevent actual incidents.
5. With reference to stress and mental wellbeing, there had been a 50% decrease in work related stress since 2019 compared to 2021. The 'Start the Conversation, Ask Twice' campaign had been launched to help staff get the right support at the right time.
6. Operational staff were required to complete a fitness test to evaluate aerobic capacity at least once every 12 months. In July 2019 there were 236 members of staff reported as overdue for their test and this had been significantly reduced to 108 at the end of 2021. These tests were recorded on a separate system (Firewatch) which did have administrative limitations and was open to duplication. Officers continued to mitigate those difficulties in order to facilitate accurate reporting.
7. When considering the impact of the COVID-19 pandemic, the decrease in the total number of incidents in work could be attributed to more people working from home. Welfare referrals had increased during the timeframe.

In answer to Members questions the following points were clarified –

1. Officers and the team were thanked for their hard work in the development of the HR function including Health, Safety and Wellbeing and the improvement in how AF&RS looked after their staff.

2. With regards to the longer-term impact of COVID-19 on staff, it was important to remember that there was likely be a longer term impact of the pandemic on mental health. Members indicated that they would be interested in the report when it returned the following year.
3. The 'Security/Theft' bracket of type of incidents reported related in the main to where equipment had been left at an incident or had gone missing – which meant it may be picked up by another emergency service or by a member of the public.
4. It was difficult to disentangle the triggers and reasons for stress and staff worked to identify potential stressors both inside and outside of the workplace. It was important to ensure that those not feeling 100% were assisted as once in the workplace stress can affect people in different ways.
5. It was confirmed that all figures were reflective of the whole organisation (both operational staff and corporate staff). Operational staff were more likely to feature in 'Near Miss' reporting which was reflective of their work environment and risk environment.

RESOLVED –

That the findings of the report and specifically the incident data and trend analysis detailed within the Health, Safety and Wellbeing Annual Report 2021 contained within Appendix 1 be noted.

53. LEARNING AND DEVELOPMENT QUARTERLEY REPORT

The Committee received a report which provided an update on Operational Training and Organisational Development within AF&RS. The Training Manager outlined the work of the Learning and Development Team to deliver 1700 training events every year.

The following key points were highlighted:

1. Operational training was delivered at two main locations; Hicks Gate Fire Station and Severn Park. Severn Park was in its 20th year of operation and continued to deliver high quality fire and rescue training with partner organisations in controlled environments ensuring regional excellence. Each year financial contribution was converted into training points to be spent at the centre.
2. These courses now followed the apprenticeship model and planning ensured that the recruitment and training strategies were fully aligned.
3. From April 2022, the team at Hicks Gate would deliver the Breathing Apparatus (BA) re-qualifier. The venue provided greater flexibility to arrange short notice courses based on service needs.
4. The Hicks Gate team also provided training for new and emerging themes such as the current course in response to the Grenfell Tower Inquiry outcomes.
5. In line with National Operational Guidance, all new drivers would attend a 2-week course, extended from the 1 week. The course would have 80 contact

- hours including night driving and there was an aspiration for 100% of firefighters to become qualified drivers.
6. The Organisational Development department provided development opportunities for all Green and Grey Book staff including leadership and management qualifications. Further leadership courses existed through partnerships with the Police and Bristol City Council.
 7. Maintenance of Skills and Training (MOST) monitored the competencies whole-time and on-call firefighters must maintain in order to remain competent in role.

In answer to Members questions the following points were clarified –

1. The training venue at Hicks Gate predominantly reacted to new and emerging themes. This did not necessarily mean that other training ceased to make way, but that learning needs and practices evolved as different knowledge and practices were shown to have been embedded in the Service. The requirement to maintain a vast array of skillsets was complicated. Watch based trainers were also utilised to provide training and create capacity within the centralised team.
2. The Navigator and Springboard leadership courses had essentially the same content, however they were focused separately for men and women. It had been found that the segregation often enabled shared learning, challenges and experiences from a perspective of gender.
3. The Fleur Lombard Bursary Trust invested in junior members of staff who had an idea and research area to pursue and bring back to the Service.
4. Currently the aim was for 60% coverage of firefighters to have driver training which usually ensured a driver on any watch at any time. A lesson from experiences during COVID-19 pandemic had led to an increased aspiration of 100%.

RESOLVED –

That the quarterly Learning and Development report be noted.

54. DATE OF NEXT MEETING

The date of the next meeting would take place on 9 June 2022 at 10.30am, venue to be confirmed.

55. EXCLUSION OF THE PRESS AND PUBLIC

The Chair moved, Cllr Davies seconded and it was:

RESOLVED - that the public be excluded from the meeting during the following items of business on the grounds that they contain exempt information pursuant to Schedule 12A, Part 1 of the Local Government Act 1972 and that in accordance with Schedule 12A, Part 2, paragraph 10 of the

Local Government Act 1972 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Cllr Davies left the meeting before the exempt session.

The meeting ended at 12.10 pm

Chair

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PERFORMANCE REVIEW AND SAFETY COMMITTEE

21 APRIL 2022 at 10.30 am

MEMBERS PRESENT:

Councillors Eddy, May, Monk, Nutland, Payne (Chair), Wilcox (sub. for Cllr Davies)

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Davies.

Noted that Cllr Ali was not in attendance.

2. EMERGENCY EVACUATION PROCEDURES

The ACFO explained the emergency evacuation procedures for the room/building.

3. DECLARATION OF INTERESTS

There were no declarations of interest.

4. PUBLIC ACCESS

None received for this meeting. However, a public access statement had been received from a member of the public at the Fire Authority meeting on 30 March 2022. A response to that statement, prepared by the Director of Corporate Services, was read out to Committee Members. A copy of the statement would be circulated to AFA Members.

5. CHAIR'S BUSINESS

1. The Chair made a statement regarding the continuing need for restrictions due to COVID-19. As no press or public were able to attend in person, the meeting would be recorded and uploaded to the AFA website.
2. The Chair explained the voting system for the meeting i.e., votes against a motion would be recorded first, followed by abstentions, then votes in favour.

Members and Officers introduced themselves.

6. MINUTES OF THE MEETING OF THE PERFORMANCE REVIEW AND SCRUTINY COMMITTEE HELD ON 26 JANUARY 2022.

It was moved by Cllr Payne and seconded by Cllr May that the Minutes be approved as a correct record.

RESOLVED – that the Minutes of 26 January 2022 be approved as an accurate record of the meeting.

7. PERFORMANCE REPORT

The Committee received a report of the Corporate Performance Manager (CPM) outlining the performance of the organisation against targets for the period April to February for the financial year 2021/22.

The key points summarised in the report were –

1. Fires – all four fire indicators were on target.
2. Alarms – 17 out of the 123 malicious false alarms received had been successfully call challenged meeting the 5% target. Attendance at alarms in commercial premises had reverted to normal after the blip in October. Currently only six incidents were above target.
3. Deaths and injuries – there had been two fatalities due to fire and 36 injuries due to fire and requiring hospital treatment.
4. Call handling –18,894 calls for emergency assistance had been received and 9,402 (49.8%) were attended under emergency conditions.
5. Community Fire Safety activity – completed 3,545 Home Fire Safety Visits (HFSVs) compared to the target of 7,242 (49% of the target). The proposed Service Plan for 2022/23 set out a more realistic target of 5,000, it was anticipated that robust processes would be in place to meet the target.
6. People – the goal was to reduce sickness absence by end of 2021/22 to align with the average performance of other fire and rescue services. A realistic target had been set for each of the three years to measure progress against. After 11 months of the current year, the AFA had remained off target with spikes in November and December, though numbers had reduced since. Overall, the main issue remained long term sickness (28 days or more) which accounted for 68.1% of the total.
7. A range of measures and updated communications had been issued to all staff and line managers to ensure sickness is reported and managed appropriately. This included ensuring sick notes were provided promptly for all absences, recorded welfare checks/return to work conversations were held following every absence, appropriate contact arrangements were in place during all periods of long-term sickness absence and increasing the amount of training and coaching provided for line managers to help them fulfil their responsibilities in relation to staff welfare and attendance management.
8. Return to Work Interviews (RTWI) completion in target had dropped to 84%. 549 out of 655 required interviews had been completed within target.

9. There was a change to the metric about completing a RTWI within 15 days for absences of four or more days to a more useful but challenging target of completing a Welfare Check for all absences on the first day of return. For the first year of the metric, it was proposed not to set a target but to monitor internally to allow the FA to gauge progress before setting a published target for 2023/24.
10. Performance and Development Reviews (PDRs) were in date for 92% of staff (647/704) and short of 95% target showing amber.
11. A revised format of the Scorecard had been completed for next year to link each metric under the key aims of Safer Communities and a Stronger Service and secondly under the seven key objectives of Prevention, Protection, Response, Resilience, Improve the Service, Invest in Staff, Transformation.

Following questions from Members the following points were made/clarified –

1. Appendix 2 of the report should refer to 2022 not 2021.
2. Community Fire Safety target had been reduced to 5,000 (para 5.6) but not clear why as referrals were likely to increase post COVID-19; the CPM agreed to find out and update Members after the meeting.
3. Service Delivery vehicle accidents seemed high, CPM agreed to investigate this and provide a more detailed analysis for the next meeting.
4. Community Fire Safety, more priority should be given to schools and community buildings as more people could be reached, than a visit to one small household. CPM agreed to ask the Community Fire Safety Manager about this and feedback to Members.
5. PDR/Appraisals remained below target and was a concern given AFA's goal of culture change, as these should be non-miss events, as they provide an opportunity for staff to feel valued. CPM confirmed that it was recognised that the Service needed to do better.
6. It was noted that the Scorecard included a measure for 'No. of vehicle incidents (low speed with fixed/stationary) and at fault', but no recording of vehicle incidents involving high speed. It was confirmed that there were no known incidents that had taken place involving high speeds. The CPM agreed to bring further information on vehicle incidents to the next meeting, including type of vehicle involved.
7. Reduction of carbon emissions in FA vehicles was ongoing and it was understood that a recent report on environmental targets had updated the full AFA meeting. The Clerk undertook to confirm this and provide a copy to Members as soon as possible.
8. The carbon reduction target of 20% for 2021/22 had been met.
9. Regarding metrics and changes to the RTW process the CPM confirmed that for the first-year figures would only be reported internally to enable the FA to gauge progress before setting a published target for 2023/24.
10. A Member felt that in addition to reporting performance figures, a link should be made with the findings of the HMICFRS inspection and the transformation process, to show progress with the HMICFRS areas of improvement and progress with the Service achieving excellence. CPM confirmed that the work would try to form a link between the separate areas of work.

The report recommendations were moved by Cllr Payne and seconded by Cllr Eddy.

RESOLVED –

- 1. That the Performance Report for April to February 2021/22 be noted and approved.**
- 2. That the Scorecard metrics for 2022/23 be noted and approved.**

8. TRANSFORMATION PROGRAMME UPDATE

The Committee received a report of the Area Manager, Head of Service Transformation Team (HST) which provided a fourth update on the AFA Transformation Programme.

Members were reminded that at its meeting on 10 February 2021, AFA had approved the funding and expenditure for the Transformation Programme until March 2023.

The key points highlighted were:

1. At the end of year two of the Programme, progress had been made by the IT, Policy, Firewatch and Process project teams. This was shown in the dashboard illustration in the report and illustrated the number of work packages identified to date that had been commenced or had been completed.
2. The number of work packages had increased with new work packages being identified by the appointment of a Digital Project Manager. This would allow significant change and improvement to the digital infrastructure and governance.
3. Significant work had taken place regarding the Firewatch upgrade and had resulted in identification of a more significant timeline to achieve potential goals and aspirations.
4. The Workplace Transformation page, Twitter, the FA's Newsletter, and reports to various committees/meetings continued to ensure that messages were shared as widely as possible. Station and workplace visits had continued with all activities receiving positive feedback.
5. A draft audit report had been received, which provided 'reasonable assurance' and this would be shared with the Transformation Programme Board (TPB) when the final version was ready.
6. Budgetary predictions provided to the Treasurer for the Capital Strategy 2022- 2024 indicated that the Programme was on budget notwithstanding the potential future revenue costs for the Service post Transformation Programme.
7. Transformation Programme risks were recorded in the Corporate Risk Register (CRR 19 - Change and Transformation). The current Risk Rating was 12, however when the predicted risk mitigations were in place the Risk Rating was expected to be lower at 9. The Transformation Programme Management Team also carried out regular internal risk reviews of the Transformation Programme which influenced the overall rating of the Programme as reported within the CRR.

Following questions from Members the following points were made/clarified –

1. A Member felt that the link between Transformation and Performance should be clearer but noted that the scope of the Transformation Programme was already linked with the HMI report
2. The Programme had a 'Benefit Realisation Strategy' policy which would help ensure that maximum benefits would be realised for AFA.
3. A new role for the Transformation Team had been advertised for a Policy Administration Coordinator which would bring essential support to the policy owners.
4. A Project Plan was being worked on and feedback on its progress would be provided to Members.

RESOLVED – that the report be noted.

9. ROUND 2 HER MAJESTY'S INSPECTORATE OF CONSTABULARY AND FIRE & RESCUE SERVICES (HMICFRS) INSPECTION ACTION PLAN

The Committee received a report of the Service Liaison Officer (SLO) providing an update on HMICFRS Inspection Action Plan. The second 'round 2' HMICFRS inspection report was formally tabled following its publication on 15 December 2021 and presentation was made to AFA on the same date. The covering letter and press release were also included as appendices.

The key points highlighted were –

1. At its meeting of 30 March 2022, the FA had re-confirmed its previous decision (originally taken at its meeting held on 26 March 2019) to delegate authority to the PRSC to approve the final draft of the Round 2 HMICFRS inspection action plan for initial publication and provide Member led scrutiny of progress against the action plan. The FA also requested that the Round 2 action plan be briefed to the full Fire Authority at its Annual General Meeting in June.
2. The four remaining outstanding actions from the Round 1 inspection action plan had been carried forward into the Round 2 action plan (two as standalone actions and two assimilated into new Round 2 actions) to ensure continued corporate focus on all agreed actions.
3. As the Round 2 inspection report did not include any new formal recommendations, the FA was not subject to the formal 56 working day deadline to develop and submit a new action plan to HMICFRS. However, given the benefits of the process developed for monitoring and scrutiny of the HMICFRS inspection action plan during Round 1, the same arrangements would be maintained into Round 2.

Following questions from Members the following points were made/clarified –

1. To meet the requirements of the HMI the 22 actions identified would be monitored and scrutinised by Committee Members and senior managers of the FA.

2. The FA also had the option to call upon the LGA to peer review its processes of quality control. In addition, the HMI had provided a list of expectations which the FA was using to benchmark progress.
3. The Cultural Change Plan completion target of April 2022 would need to be amended to allow for more work to be finalised.
4. The strive for excellence was reflected in the FA's Service Plan and this aspiration would be considered in more depth by the People & Culture Committee.
5. Members would be kept informed of progress by regular update reports.
6. A Member development briefing regarding 'Fire Watch' would be arranged to aid Members understanding on this.
7. Special Protection out of hours was not aligned to HMI expectations. Discussions with HMI had taken place and measures had been put in place to strengthen the FA's position on this. HMI was aware of the discrepancy and would give its feedback, but it was considered that the FA had already given a measured response to this.

RESOLVED –

- 1. That the AF&RS Round 2 HMICFRS inspection report (Appendix 2 of the report), the covering letter from HMI Wendy Williams (Appendix 3) and the accompanying HMICFRS press release (Appendix 4) be noted.**
- 2. That the Round 2 HMICFRS Inspection Action Plan be approved for publication.**
- 3. That following initial approval for publication, further progress reports to be tabled to each subsequent meeting of PRSC for Members' scrutiny with the first iteration of the Round 2 HMICFRS Inspection Action Plan to be briefed to the Fire Authority meeting on 22 June 2022.**

10. 2021/22 CAPITAL PROGRAMME UPDATE

The Head of Finance presented the report which provided a summary of the third quarter update (as of 30 November 2021) on the 2021/22 Capital Programme.

The key points highlighted were –

1. Capital expenditure was £3.7m from April to February 2022, with a forecast expenditure projected at £4.4m and a year-end forecast outturn position of £4.3m underspend (49% of the total approved budget), projected, compared to a £3.455m forecast underspend as of November 2021.
2. Most of the forecast underspend related to the Fleet Capital Budget (Appendix 2).
3. The spend for fire appliances was now expected to be incurred in later years and this would need to be reviewed for the updated 3-year Capital Programme. Ancillary vehicles were showing higher expenditure against the original budget due to the introduction of electric vehicles and £493k of ancillary vehicles that were expected to be purchased in 2022/23 and 2023/24, had now been brought forward into the current year, as approved

by the Service Leadership Board. A number of these vehicles had been delayed and would now be received in early 2022/23.

4. Bath and Weston design costs had been included within the forecast figures for this financial year.
5. The Bedminster design phase and Avonmouth building project were expected to be completed in early 2022/23 and all other premises projects remained on track, including the projects relating to the Public Sector Decarbonisation Grant (£824k) received in year. A general update for the Bedminster and Avonmouth projects was provided by the Operational Manager within Appendix 3.
6. Recruitment delays had meant that the Transformation capital budget was unlikely to be spent in the current year and expenditure was likely to start being incurred early in 2022/23. This was reflected within the updated 3-year Capital Strategy, which was shared with the FA in March 2022.
7. Operational equipment was expected to be slightly lower than the allocated annual budget of £169k, with year-to-date expenditure totalling £116k and an end of year underspend of approximately £28k.
8. The operational lead advised the ICT capital expenditure had been delayed in line with the delays to the ICT Infrastructure Project and the supply chain issues around IT equipment relating to COVID-19 and the situation in the Ukraine. This would result in an underspend in year and as the allocation for future years had been increased to account for these issues, this amount would not be carried over into 2022/23.
9. The sale of a house owned by the Authority was planned to take place in the 2021/22 financial year, with sale proceeds estimated around £125k. Unfortunately, this sale would not now proceed within the current financial year, as the tenant had indicated they were not able to proceed with the purchase at this time.

Arising from discussion Members were advised that supply related issues for fire appliances would be kept under review and that while Officers would continue to monitor the development of alternative fuel options, there were no plans to change fire appliances to electric vehicles at this time, this only applied to ancillary vehicles.

RESOLVED:

That the latest expenditure position on the 2021/22 Capital Programme be noted.

11. GRENFELL TOWER INQUIRY PROGRESS UPDATE

The Committee received a detailed update report on the progress that had been made in respect of the Grenfell Tower Inquiry Phase 1 report and recommendations.

In summary members noted that:

1. Progress had been made in relation to the formal recommendations documented in the Grenfell Tower Inquiry (GTI) Phase 1 report.

2. The previous progress report had been presented to the Committee on 26 January 2022.
3. Of the 29 internal actions documented in the updated action plan (Appendix 1), 16 had been completed and 13 remained in progress. This meant that a further 2 internal actions had been completed since the last progress update. These were internal actions 1 and 11. Internal action 1 was the recommendation to train personnel, in the risk of fire taking hold in the external walls of high-rise buildings. Internal action 11 was the recommendation to develop policies, for handling large numbers of fire survival guidance calls simultaneously.

In response to the report Members were advised that target dates had been revised and were included within the report. It was agreed that these would be added to the spreadsheet going forward.

RESOLVED – That the report be noted.

Cllrs Eddy and Monk left the meeting at this point.

12. BUILDING SAFETY BILL UPDATE

The Committee received a comprehensive and detailed report regarding the Building Safety Bill and the work for Fire and Rescue Services (FRSs) that flowed from its introduction. Appendix 1 contained a Glossary of terms and Appendices 2 and 3 included summaries of the Building Safety Bill and the Fire Safety Act 2021, as outlined at the Members Briefing on 11 March 2022.

Following questions from Members the following points were made/clarified –

1. The AFA was quite confident that the 18 metres height limit was the Government's determinant of risk going forward despite some concerns that had been expressed about height not being an effective determinant of risk and that care homes under 18 metres should be included in the new regulations.
2. There were several buildings in the AFA area that would still need to be inspected and that this might add to the existing workload.
3. There was a shortage of fire safety expertise both inside the FRS and in private industry, including but not confined to the shortage of fire engineers. This aspect would be considered further by the People & Culture Committee.
4. A shortage of Fire Safety Officers had been exacerbated by recent retirements and although recruitment had taken place to replace them there was a concern about newly qualified staff lacking the experience needed to be fully effective.
5. The FA would look to re-engage retired staff on a fixed term basis in the short term whilst newly appointed staff gained valuable experience. It was anticipated that this could be funded via the Home Office Protection Uplift Grant.
6. The financial burden falling on FRS's could have a significant impact on AFA although it was not anticipated to be an issue for the 2022/23 financial year. This was being kept under close review and mitigation was being sought by lobbying government for more funding, along with other FA's.

RESOLVED: That the report be noted.

14. DATE OF NEXT MEETING

RESOLVED - That the next meeting of the PR&SC take place on 15 July 2022 at 10.30am.

The meeting closed at 12.15 pm

Chair

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13 July 2022

Delegated Decision

Pursuant to Paragraph 4.1 of Standing Orders of the Fire Authority's Constitution, and, after consultation with the Chair of the Fire Authority, it was noted that at the Fire Authority Annual General Meeting on 22 June 2022 the Fire Authority approved the award of a Microsoft Licencing Contract to the preferred bidder, Bechtle Ltd. During the work to award that contract it became apparent that Bechtle Ltd had made an error with their bid price and were unable to hold to their original offer. A re-scoring exercise took place and the procurement team recommended that the contract be awarded to a new supplier. Due to the urgent need to award this contract and the delay caused by the need for a re-scoring exercise, approval for the award of this contract by the Clerk to the new preferred supplier was given by the Fire Authority Chair, Fire Authority Vice Chair and Chair of the Performance Review and Scrutiny Committee.

It was agreed that this emergency decision and an updated Microsoft Licencing Contract Paper would be presented to the next meeting of the Fire Authority on Wednesday 5 October 2022.

Yours sincerely,

Cllr Brenda Massey
Chair of Avon Fire Authority

Amanda Brown
Avon Fire Authority Clerk/
Monitoring Officer

PROVIDING AVON FIRE & RESCUE SERVICE



Chair of Avon Fire Authority – Councillor Brenda Massey
Avon Fire & Rescue Service, Police & Fire HQ, Valley Road, Portishead, BS20 8JJ
Telephone 0117 926 2061 Extension 233 Fax 0117 927 2908

Working in partnership with the Gambia Fire & Rescue Service (GF&RS)



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16 September 2022

Delegated Decision

Pursuant to Paragraph 4.1 of Standing Orders of the Fire Authority's Constitution, and, after consultation with the Chair of the Fire Authority and the Chief Fire Officer/Chief Executive, and reading the report scheduled for the Avon Fire Authority Extraordinary meeting of 16 September 2022, which meeting was postponed due to the period of official mourning following the death of Her Majesty The Queen, and due the urgent need to award the contract, and having received no objections from the Elected Members of the Fire Authority, I hereby agree to award the Occupational Health Contract in accordance with the recommendation made in that exempt report.

This decision will be reported to the next meeting of the Fire Authority on Wednesday 5 October 2022.

Yours sincerely,

Cllr Brenda Massey
Chair of Avon Fire Authority

Amanda Brown
Avon Fire Authority Clerk/
Monitoring Officer

PROVIDING AVON FIRE & RESCUE SERVICE

Chair of Avon Fire Authority – Councillor Brenda Massey
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AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	The Clerk
SUBJECT:	Appointment of new Assistant Chief Fire Officer

1. **SUMMARY**

This report summarises the recruitment process for a new Assistant Chief Fire Officer which process concluded on 9 August 2022 and seeks Fire Authority ratification of the appointment made by the People and Culture Committee.

2. **RECOMMENDATIONS**

Avon Fire Authority is asked to formally appoint Mr Richard Welch as the new Assistant Chief Fire Officer for Avon Fire & Rescue Service, such appointment to take effect on 17 October 2022.

3. **BACKGROUND**

- 3.1 On 11 February 2022, the Fire Authority formally appointed Simon Shilton as the new Chief Fire Officer/Chief Executive of Avon Fire and Rescue Service (AF&RS) with effect from 1 April 2022. His appointment created a vacancy for a new Assistant Chief Fire Officer (ACFO).
- 3.2 The People and Culture Committee Terms of Reference include: “*To undertake the recruitment and appointment of SLB members and Statutory Officers*”. The full Fire Authority is then collectively responsible for formally appointing members of the Service Leadership Board and Statutory Officers (paragraph 2.1(g) of the Constitution on page 8).

4. **FINANCIAL IMPLICATIONS**

- 4.1 The salary for the new Assistant Chief Fire Officer is set out in the Pay Policy Statement 2022/23 recommended by the People and Culture Committee on 4

March 2022 and approved by the full Fire Authority on 30 March 2022. The salary for an ACFO is set at 75% of the salary of the Chief Fire Officer/Chief Executive and is currently £111,179.

5. KEY CONSIDERATIONS

- 5.1 At an extraordinary meeting of the People & Culture Committee on 18 May 2022, Members of People and Culture Committee ratified temporary appointments to the role of ACFO and approved the recruitment process for a substantive ACFO. On 19 May 2022 an advert went live inviting applications for the role of ACFO by 21 June 2022. Shortlisting of candidates took place by Elected Members of People and Culture Committee on 1 July 2022. Four candidates were taken forward to participate in a stakeholder engagement forum, business continuity exercise and briefing/presentation to elected Members. Of those candidates, People & Culture Committee decided to invite three candidates to a final interview.
- 5.2 Following final interviews on 9 August 2022, the People & Culture Committee unanimously decided to appoint Richard Welch, Deputy Assistant Commissioner for South East Area Operations at London Fire Brigade. During his career Richard has worked across a wide diversity of roles within London Fire Brigade and brings a wealth of experience and knowledge to the Service Leadership Board. He has attended many large-scale incidents including Incident Commander at Grenfell Tower and Parsons Green terrorist attack, declaring Major Incidents at both. He has received several awards and commendations both for operational incidents, community engagement, leadership and partnership working.

6. RISKS

- 6.1 There are risks to operational cover for the Authority should a substantive ACFO appointment not be undertaken by the Authority.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 An advert on the National Chief Fire Officers (NFCC) Jobs web page attracted several good quality applicants from both within and outside the Service. The recruitment process followed ensured equality of opportunity and fairness in selecting the successful candidate.

8. BACKGROUND PAPERS

Paper for the Extraordinary People and Culture Committee meeting entitled 'Ratification of temporary appointments to the role of Assistant Chief Fire

Officer (ACFO) and appointment process for a substantive ACFO'. Dated 18 May 2022.

9. APPENDICES

None.

10. REPORT CONTACT

Amanda Brown, Clerk and Monitoring Officer, extension 347.

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AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	The Treasurer
SUBJECT:	Revenue 2022/23 Budget Monitoring Report

1. **SUMMARY**

This report provides the Fire Authority with an update on the 2022/23 Revenue Budget and other key financial information for the period 1 April 2022 to 31 July 2022.

2. **RECOMMENDATIONS**

The Avon Fire Authority is asked to:

- a) Note the latest Income and Expenditure forecast on the Revenue Budget

3. **BACKGROUND**

- 3.1. Further to the 2022/23 Annual Budget which was approved by the Fire Authority in February 2022, this report outlines the revenue financial position as at 31 July 2022 and the associated forecast annual variance.

4. **FINANCIAL IMPLICATIONS**

- 4.1 The July 2022 revenue budget results projects there will be no annual forecast variance. This is a positive financial position for the Authority and the details are shown within **appendices 1 and 2**.

5. **KEY CONSIDERATIONS**

- 5.1. Although the current position is break-even there are a number of cost pressures which are yet to be quantified that should be considered when reviewing this information. These are:

- Pay awards are budgeted at 2% per year for all staff groups, however, the probability of these being in the region of 4-6% is high which would equate to a significant ongoing pressure on current and future budgets
- Increased costs across all areas of non-pay and uncertainty of prices when reviewing contracts for procurement - current non-pay assumptions within budgets are that inflation would average at 3%, however, current inflation is considerably higher and this is beginning to be reflected in new purchases.
- Impact of future capital projects on revenue - the current approved Capital Programme does not include build costs for the Bath and Weston projects and is yet to take into account potential changes to usage of JTC which could then incur borrowing and an increase in charges relating to these additional costs.
- Uncertainty with regard to funding – the level of funding for 2023/24 is yet to be confirmed as in 2022/23 a one year deal was announced, therefore it has been assumed that the same level of increase will be possible in future years, however, this may change once funding is reviewed by Central Government.

Modelling of the impacts of these potential issues is being undertaken by the Finance team in order to inform the 2023/24 budget setting progress and related financial information including the Medium-Term Financial Plan, Capital Strategy and Reserves Strategy.

6. RISKS

- 6.1 This report primarily relates to Corporate Risk 20 (Funding and Resource Pressures Risk), within the Corporate Risk Register. The financial forecast, based on the results to the 31 July 2022, is showing a well-managed financial position, which reduces the financial risk to the Fire Authority.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 None

8. BACKGROUND PAPERS

- a) AFA Paper: 30.03.2022 – Paper 11: 2021/22 Revenue Financial Report
- b) AFA Paper: 11.02.2022 – Paper 7: 2022/23 Budget Setting & Precept
- c) AFA Paper: 30.03.2022 – Paper 9: 2022/23 to 2025/26 Medium Term Financial Plan

9. APPENDICES

1. Revenue Financial Summary – 1 April 2022 to 31 July 2022
2. Detailed Revenue Financial Summary – 1 April 2022 to 31 July 2022

10. REPORT CONTACT

Claire Bentley, Head of Finance,

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AVON FIRE AUTHORITY**Revenue Financial Summary - 1st April 2022 to 31st July 2022**

Income and Expenditure	2022/23 Original Annual Budget	2022/23 Revised Annual Budget	Movement on Annual Budget	2022/23 Forecast Expenditure	2022/23 Forecast Variance
	£'000	£'000	£'000	£'000	£'000
Income from Councils	-34,803	-34,803	0	-34,803	0
Income from Central Government	-17,215	-17,215	0	-17,215	0
Other Income	-399	-399	0	-399	0
Total Income	-52,418	-52,418	0	-52,418	0
Employees	38,770	38,770	0	38,770	0
Premises	2,735	2,735	0	2,735	0
Transport	1,465	1,465	0	1,465	0
Supplies and Services	6,671	6,671	0	6,671	0
Investment Fund	1,000	1,000	0	1,000	0
Capital Financing Costs	741	741	0	741	0
Collection Fund Deficit	765	765	0	765	0
Contingency	690	690	0	690	0
Reserve Transfers	-419	-419	0	-419	0
Total Expenditure	52,418	52,418	0	52,418	0
TOTAL UNDERSPEND/OVERSPEND					0

Note: A minus refers to Income budgets and denotes an underspend

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AVON FIRE AUTHORITY**Detailed Revenue Financial Summary - 1st April 2022 to 31st July 2022**

Income and Expenditure	2022/23 Original Annual Budget	2022/23 Revised Annual Budget	Movement on Annual Budget	2022/23 Forecast Expenditure	2022/23 Forecast Variance
	£000s	£000s	£000s	£000s	£000s

SECTION A: INCOME:

Income from Councils	-34,803	-34,803	0	-34,803	0
Income from Central Government	-17,215	-17,215	0	-17,215	0
Other Income	-399	-399	0	-399	0
TOTAL INCOME	-52,418	-52,418	0	-52,418	0

SECTION B: EXPENDITURE:**1. EMPLOYEE COSTS**

Full-time Firefighters	25,425	25,425	0	25,425	0
Retained Firefighters	2,842	2,842	0	2,842	0
Auxiliary Firefighters	39	39	0	39	0
Control Room Staff	1,922	1,922	0	1,922	0
Corporate staff	5,318	5,318	0	5,318	0
Fire Authority and Chief Executive Office	1,163	1,163	0	1,163	0
Transformation	419	419	0	419	0
Ill Health Retirement Pension Costs	1,607	1,607	0	1,607	0
Other employee costs - Inc Relocation, Medical Intervention, CRB Checks, Long Service Gratuities	35	35	0	35	0
	38,770	38,770	0	38,770	0

2. PREMISES COSTS

Property Repairs, Fees and Security	804	804	0	804	0
Rent and Rates	903	903	0	903	0
Cleaning and refuse	329	329	0	329	0
Utilities	654	654	0	654	0
Property Insurance	45	45	0	45	0
	2,735	2,735	0	2,735	0

3. TRANSPORT COSTS

Vehicle maintenance, fuel, tyres and testing	995	995	0	995	0
Vehicle hire	16	16	0	16	0
Travel costs, inc subsistence & public transport	25	25	0	25	0
Insurance - Vehicles	112	112	0	112	0
Car Allowances	317	317	0	317	0
	1,465	1,465	0	1,465	0

4. SUPPLIES AND SERVICES

Equipment and supplies	1,093	1,093	0	1,093	0
Fees and Services	1,410	1,410	0	1,410	0
Communications & ICT	2,732	2,732	0	2,732	0
Expenses and allowances	65	65	0	65	0
Scrap Cars & Extrication Challenge	50	50	0	50	0
Training Costs	691	691	0	691	0
Other supplies and services	630	630	0	630	0
	6,671	6,671	0	6,671	0

5. OTHER COSTS

Investment Fund	1,000	1,000	-	1,000	-
Capital Financing Costs	741	741	-	741	-
Collection Fund Deficit	765	765	-	765	-
Contingency	690	690	-	690	-
Transfers to/from Reserves	- 419	- 419	-	- 419	-
	2,777	2,777	0	2,777	0

TOTAL EXPENDITURE	52,418	52,418	0	52,418	1
TOTAL UNDERSPEND / OVERSPEND				0	1

Note: A minus refers to Income budgets and denotes an underspend

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AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	The Treasurer
SUBJECT:	2022/23 Capital Programme Update

1. **SUMMARY**

- This report provides an update on the 2022/23 Capital Programme and operational updates and additional context information for 2022/23 projects.

2. **RECOMMENDATIONS**

The Fire Authority is asked to:

- a) Note the latest expenditure position on the 2022/23 Capital Programme and to review any key issues to provide the required assurance on the approved Capital Programme.

3. **BACKGROUND**

- 3.1. The Fire Authority Chair requested reports on the Capital Programme be forwarded to the Performance Review and Scrutiny Committee (PRSC), to enable review and scrutiny on an ongoing basis. However, the sequencing of meetings has meant that this report is being provided to the Fire Authority to consider first and then PRSC on 7 October 2022.
- 3.2. Capital spend is monitored continuously throughout the financial year and reported to each meeting of the PRSC. Finance staff have continued to work closely with capital operational leads to strengthen capital reporting. Quarterly Capital Review Meetings are being held with Premises, Fleet, Information and Communication Technology (ICT) and Operational Equipment Budget Holders to review progress and agree forecasts.
- 3.3. The Capital Programme approved for 2022/23, including adjustments for the final 2021/22 carry over, is £7.741m.

4. **FINANCIAL IMPLICATIONS**

- 4.1 The table below shows a summary of the year-to-date financial position, including a projection for the year end annual expenditure and the forecast variance at the year-end. **Appendix 1** shows the detail of the 2022/23 Capital Programme.

Capital Programme 2022/23

Capital Programme 2022/23	2022/23 Final Capital Budget £'000	Spend to date (Apr-Aug 2022) £'000	Forecast Expenditure £'000	Forecast Variance £'000
Capital Funding	7,741			
Capital Expenditure	7,741	1,725	7,291	-450

NB: A minus sign denotes an underspend financial position.

5. **KEY CONSIDERATIONS**

- 5.1 Detailed operational updates for Fleet and Premises capital projects can be found in **Appendices 2 and 3**.
- 5.2 The Control function projects currently within the capital programme for the Dispatch Communication Server (DCS) and replacement of the mobilising system hardware and software are now expected to be higher than those indicated in the initial requests (£450k of which £350k is for mobilising hardware and software refresh, and £100k for DCS) which were based on initial costings provided by the supplier. No formal proposals have been provided by the supplier however from recent meetings costs are likely to be significantly higher, for example, in the case of DCS by 50% (£50k) while overall project costs, potentially, could more than double. These projects are also subject to delay as a result of national issues with supply of equipment so it is not yet possible to confirm whether any expenditure will be incurred within 2022/23 as previously planned. This will mean that the funding will be carried over into future years in order to complete the project as required.
- 5.3 Operational equipment expenditure is expected at approved levels.
- 5.4 The Transformation capital allocation will be used to fund the purchase of PORIS (Provision of Operational Risk Information System) hardware, with an estimated value of £110k, to support this project and the procurement process

is now underway. The remaining Transformation allocation will be available to support ongoing work throughout the project.

Update on current situation regarding risks to supply chain and ongoing pressures

- 5.5 The supply chains of multiple markets are challenging at present caused by a number of factors, including Brexit, COVID-19, inflation, transportation and the Ukraine/Russia conflict. This is causing increased costs, volatility of supply and extended delivery times. Areas that are particularly challenging at present that may impact the Service are:
- **Construction** – unprecedented increases in costs for steel, timber and concrete products due in the main to the Ukraine/Russia conflict but also due to increased fuel and energy prices. The Service is also seeing increased costs in paints and ceramic tiles/sanitary ware. This will mean substantial increased costs to building and refurbishment projects and suppliers wanting to fix prices at the point of order.
 - **Fleet**
 - Large vehicles have a minimum lead time of 12 months for a chassis across all suppliers. Other parts required for vehicle build especially requiring microchips are also experiencing delays but not as long as 12 months. This will likely impact delivery times for fleet replacement programme.
 - Electric vehicles are also experiencing an average of 12 months lead time depending on the vehicle make and model. This is already impacting the delivery of replacement vehicles which were expected in March 2022.
 - **ICT** – The Service is experiencing increased costs and shortages in certain products or long lead times. In the main caused by worldwide microchip shortage and exasperated by recent COVID-19 lockdowns in China.
- 5.6 The existing mitigations which are in place are being put to good use, there are robust procurement processes and governance. The Service is working with NFCC nationally to keep aware of the national picture and work together to ensure continued supply. In addition, collaborative working with our major contractors and Service colleagues is being undertaken to understand the pressures being experienced and how these can be addressed by working together, this includes placing orders much earlier due to long lead times and considering alternative products. The procurement team is working closely with the Head of Premises to establish possible ways to approach governance/award papers to enable factoring price changes following award. The Service Leadership Team (SLT) and the wider Service are being regularly updated to ensure awareness of potential challenges and impacts.

The procurement pipeline is regularly reviewed to ascertain any potential knock-on effects on resources and planned procurements. Regular contract meetings are held with key providers to understand any potential impacts to pricing and deliveries.

Responses to specific questions raised

- 5.7 There were several questions raised at the recent Fire Authority Annual General Meeting for which the following responses have now been collated:

Query raised regarding on-going costs for maintenance of older vehicles, whilst we await the delayed new vehicles.

- The delayed access to new vehicles has impacted the volume of older vehicles needing to be maintained. The Authority currently operates 18 vehicles over 15 years old.
- The planned maintenance cost has generally increased by approximately 18% across parts because of supply limitations and inflation. The increased need for parts outside of Service items for older vehicles such as body fabric and structure components has resulted in delays that can cause considerable impact to the vehicle return to service time.
- The annual cost relating to the older vehicle standards maintenance needs has risen more generally when vehicles exceed 10 years of age, these vehicles cost approximately 23% more than their more recent counterparts.
- Fleet workshops apply engineering and commercial decision making and all vehicles remain operationally capable and although an overall increase in revenue spend will occur the cost remains managed within current budgets.
- Major component failures such as an engine, gearbox or axle may result in greater supply difficulties specifically in the older vehicles, however such failure remains unlikely. To mitigate these risks further the older vehicles are operated across the reserve vehicle and training vehicle provision in order that such failures or repair delays would have minimal impact.

Request for reassurance about prices being fixed and the suppliers not being able to increase prices due to price increases in the supply chain.

- This will depend on the contract terms in place and the type of product/service being provided. A number of contracts have contracted annual increases aligned to indices such as RPI or CPI. Whereas some suppliers would have chosen or the procurement team may have negotiated not to implement an increase in the past, it has been noted that suppliers are instigating the increases that they are entitled to under contract as CPI is 10%, currently, which is increasing costs.
- With regards to fixed price contracts, in the main, suppliers are adhering to the contract agreement. There have been a couple of suppliers who have advised that they will not be able to provide at the agreed fixed rates, in

these instances legal advice has been obtained to determine the best way to proceed for each individual circumstance.

Concern raised regarding the implications of a contracted supplier not being able to supply at all i.e., contracts being frustrated and the potential impact on Avon Fire & Rescue Service.

- It will be a rare circumstance that a supplier is unable to supply under an agreed contract, they may not be able to supply as per the original pricing or timeline due to supply chain issues, but all suppliers will work with the Service to communicate and mitigate these impacts. As well as working with the supplier to mitigate impacts the procurement team will research other options such as terminating the contract and placing orders elsewhere or understanding whether alternative products may be more widely available.

6. RISKS

This report primarily relates to CR20 (Funding and Resource Pressures), CR17 (Building Asset Condition & Physical Security) for the Premises programmes, CR19 (Change and Transformation) and CR13 (Loss of IT Systems) for the ICT programme.

7. LEGAL/POLICY IMPLICATIONS

None

8. BACKGROUND PAPERS

- a) AFA report: 22.06.2022 (paper 19)
- b) PRSC report: 15.07.2022 (paper 11)

9. APPENDICES

1. 2022-23 Capital Financial Summary
2. 2022-23 Fleet Capital Operational Update
3. 2022-23 Premises Capital Operational Update

10. REPORT CONTACT

Claire Bentley, Head of Finance, ext. 235

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2022-23 Capital Financial Summary

Funding and Expenditure	Approved 2022/23 Programme £'000	Actual Expenditure (Apr - Aug 22) £'000	Forecast Expenditure Apr 2022-Mar 2023 £'000	Forecast Variance Apr 2022-Mar 2023 £'000	Director Lead
Capital Reserve	4,489				
Capital Receipts (from sale of HQ)	3,102				
Capital Receipt from house sale	125				
Capital Receipt from fleet disposals	25				
Prudential borrowing	0				
Total Funding	7,741	0	0	0	0
Premises	3,588	1,008	3,588	0	Angela Feeney
Fleet	3,056	698	3,056	0	David Pike
Control	450	0	0	-450	Steve Imrie
ICT	300	13	300	0	Angela Feeney
Transformation	285	0	285	0	Simon Shilton
Operational Equipment	62	6	62	0	David Pike
Total Expenditure	7,741	1,725	7,291	-450	0

NB: A minus denotes an underspend

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2022/23 Fleet Capital Operational Update

Investment Area	Fleet
Lead Director	David Pike
Lead Manager	Brian Harwood
Period	1/4/2022 – 31/08/2022

Financial Summary

Capital Programme 2022/23	2022/23 Annual Budget £'000	Spend to date (April-Aug 2022) £'000	Forecast Expenditure £'000	Forecast variance £'000
Fleet				
Appliance Replacement Programme	2,646	610	2,646	0
Ancillary Vehicles	410	88	410	0
	3,056	698	3,056	0

NB: A minus denotes an underspend

Operational Summary

Appliance Replacement Programme: Due to supply chain constraints the expenditure for the replacement of the Type B appliances was delayed to 2022/23 and the figures included reflect the costs for 4 Type B appliances that are now expected to be delivered in this financial year. These figures also include the replacement of an Environmental Response Unit (ERU) progression which has been impacted by delays on supply of build materials with remaining build cost of £126k now expected in 2022/23.

Ancillary Replacement Programme: The ancillary vehicles purchased in 2021/22 have been subject to delay so the remaining budget has now been allocated in 2022/23. The first of these vehicles have now been delivered and the remainder are expected within this financial year.

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2022/23 Premises Capital Operational Update

Investment Area	Premises
Lead Director	Angela Feeney
Lead Manager	Simon Richards
Period	1/4/2022 – 31/08/2022

Financial Summary

Capital Programme 2022/23	2022/23 Annual Budget £'000	Spend to date (Apr-Aug 2022) £'000	Forecast Expenditure £'000	Forecast variance £'000
Premises				
Bedminster Refurbishment	1,400	185	1,400	0
Avonmouth	750	605	750	0
Bath	100	60	100	0
Weston	200	0	200	0
General	1,138	158	1,138	0
	3,588	1,008	3,588	0

*NB: A minus denotes an underspend
Budgets within the overall premises allocation have been amended to align with in year requirements as approved by SLT/SLB as appropriate.*

Operational Summary**i) Reinvesting for the Future:**

- **Avonmouth:** The expenditure to date is £1,988. Phase 2 has now been completed and the site is fully operational. The remaining budget allocation covers retention and latent defects. Defect rectification and seasonal commissioning will be ongoing for the next 6 – 12 months.

Weston: This project is in the design phase with no expenditure year to date. The final site search report has identified no additional relocation opportunities and the preferred option at this stage is to redevelop the existing site. The scope of the development will be reviewed in conjunction with the work on our Strategic Training Facilities requirements, and assessment of the Severn Park PFI site options at end of contract. The forecast expenditure for the remainder of this Financial Year will cover additional design work following this review of scope.

- **Bath:** This project is also in the design phase additional expenditure has been incurred to review designs with Avon & Somerset Constabulary following the decision from South West Ambulance to take no further part in the development of a Tri Service Project at this

stage. A revised design covering the scope of Fire and Police Requirements only on the footprint of the Fire Station has been agreed and will now be reviewed with planners.

ii) Bedminster refurbishment:

The Bedminster refurbishment is currently out to tender and work is now focussing n the cost proposal from the preferred bidder. Construction is anticipated to commence in Q3 of 2022/23.

iii) Premises General:

Replacement Training Towers for Pill and Blagdon have now been agreed and work is progressing on the final design and procurement. Costs are expected to be in the region of £200K. Additional priorities include On Call refurbishment and further Renewable Energy and Carbon Reduction Work in line with our Estates Strategy.

Avon Fire Authority

Forward Plan 2022-23 - Key Decisions

1. Fire Authority

Meeting Date	Item / issue requiring decision	Exempt Item? (Yes/No/Part)	Contact Officer for Further Details
14 Dec 22	Final Audited 2021/22 Statement of Accounts and Narrative Report	No	Treasurer
	Service Plan overview and key assumptions	No	Chief Fire Officer/Chief Executive
	Budget setting 2023/24 and key assumptions	No	Treasurer
	Fire Authority meeting dates and 2023/24 Forward Plan	No	Clerk
	AF&RS Training Estate and Delivery Options	No	ACFO Service Delivery Support
	Immediate Detriment – LGA and FBU Memorandum of Understanding and Framework Adoption	No	Director of Corporate Services
	Service Round-Up	No	Chief Fire Officer/Chief Executive
	IT Services Contract award	Yes	Director of Corporate Services

2. Audit, Governance & Ethics Committee

The lead Director for this Committee is Angie Feeney, Director of Corporate Services, who is the contact for reports, unless stated in the final column below.

Meeting Date	Item / issue requiring decision	Exempt Item? (Yes/No/Part)	Contact Officer for Further Details
22 Nov 22	Final Audited 2021/22 Statement of Accounts and Narrative Report	No	Treasurer
	Final Annual Governance Statement	No	
	External Audit Final Report (ISA 260)	No	
	Statement of Assurance	No	
	Update on Internal Audit recommendations	No	

	Internal Audit Report: Business Cases and Benefits Realisation	No	
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3. People & Culture Committee

The lead Director for this committee is ACFO David Pike, Director Service Delivery Support, who is the contact for reports, unless stated in the final column below.

Meeting Date	Item / issue requiring decision	Exempt Item? (Yes/No/Part)	Contact Officer for Further Details
09 Dec 22	HR & Recruitment update	No	
	AF&RS Ethnicity Pay Gap 2022	No	
	DICE - Strategy (2022/2024)	No	
	Quarterly Training Report	No	

4. Performance, Review & Scrutiny Committee

The lead Director for this committee is ACFO Steve Imrie, Director Service Delivery, who is the contact for reports, unless stated in the final column below.

Meeting Date	Item / issue requiring decision	Exempt Item? (Yes/No/Part)	Contact Officer for Further Details
7 Oct 22	Performance Report	No	Chief Fire Officer/Chief Executive
	Transformation Programme Update	No	
	Round 2 HMICFRS Inspection Action Plan	No	
	2022/23 Capital Programme Update	No	Treasurer and Directors
	Grenfell Tower Inquiry Progress Update	No	

AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	Chief Fire Officer/Chief Executive
SUBJECT:	Local Pension Board Annual Report 2021-22

1. **SUMMARY**

At its meeting on the 20 July 2022, the Local Pension Board (LPB) approved a draft Annual Report summarising the work of the Board over the previous year. This report provides details of this document attached in the **Appendix** for information as the Scheme Manager.

2. **RECOMMENDATIONS**

The Fire Authority is asked to:

- a) Note the Local Pension Board Annual Report 2021-22, prior to its publication.

3. **BACKGROUND**

Local Pension Board Annual Report 2021-22

- 3.1. At its January 2021 meeting, the Local Pension Board (LPB) agreed the recommendation to produce an annual activity report and the inclusion of this annual report in LPB's terms of reference.
- 3.2. The production of an annual report is good practice. Its purpose is to ensure that the Fire Authority (as Scheme Manager) is kept informed about the activities of the LPB over the previous year. It serves to communicate to the Fire Authority the activities of delegated officers and the Local Firefighter Pension Board and provides transparency and information to scheme members and the public.
- 3.3. The LPB also agreed the key content of the annual report in line with requirements of the Pension Act 2014 (the Act) and taking account of the Code of Practice for the governance and administration of public service pension schemes, and the published six key processes which the Pensions Regulator monitor as part of their regulatory oversight.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no additional financial implications directly arising from this report.

5. KEY CONSIDERATIONS

- 5.1 This report attaches at **Appendix 1** the second Annual Report of this Board, which reflects the agreements made in the January 2021 meeting with reference to content. This are no material changes to the structure since the 2020-2021 report.

6. RISKS

- 6.1 The specific Firefighter Pension Scheme risk register informs the overarching Corporate Risk Register at CR15 Pensions and, when applicable, CR04 People resources, capacity, capability, and resilience.
- 6.2 The Corporate Risk Register is regularly reviewed and scrutinised by the Service Leadership Team, Board and the Audit, Governance and Ethics Committee with scrutiny applied to ensure the controls and planned mitigations are sufficient to reasonably manage the level of risk.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 The Local Pension Board's terms of reference include the production of an Annual Report to Avon Fire Authority as Scheme Manager.
- 7.2 The Clerk to the Authority has access to this report for any observations on legal implications.

8. BACKGROUND PAPERS

The previous annual report entitled Local Pension Board Annual Report 2020-21 is available at

<https://www.avonfire.gov.uk/documents/category/194-local-pension-board>

9. APPENDIX

Appendix 1 – Draft Local Pension Board Annual Report 2021-22

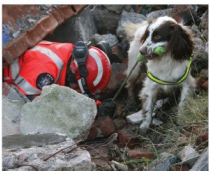
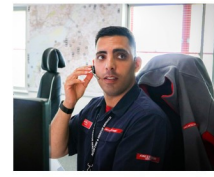
10. REPORT CONTACT

Andy Cunningham, Chair of the Local Pension Board, by email
Angie Feeny, Director of Corporate Services, extension 284



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Annual Report of the Local Pension Board 2021-2022

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Introduction

Welcome to the second formal Annual Report of the Avon Fire Authority Local Pension Board (LPB).

In accordance with Section 5 and s.30 (1) of the Public Service Pensions Act 2013 and Regulation 4A of the Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015, the Avon Fire Authority LPB was established in July 2015 to provide advice on the effective and efficient administration and management of the various firefighter pension schemes. Full details of the purpose of the Local Pension Board are available in the Avon Fire Authority Constitution accessible at:

[Document Avon Fire Authority Constitution 2022 - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

The purpose of this Annual report is to provide a source of information about the work of the LPB for members of the Firefighter Pension Schemes, the Fire Authority as the Scheme Manager, and any other interested parties. This report is also accessible to the public by way of publication on the Avon Fire Authority website.

The Local Government Pension Scheme for corporate staff has separate and different governance and monitoring arrangements and does not form part of this Annual Report.

While it is not a decision-making body, the LPB has an important function to assist Avon Fire Authority in its role as Scheme Manager. Such assistance helps secure compliance with the regulations and the effective governance and administration of the Scheme.

The Report includes information and commentary on the work of the LPB during the year 2021-22 including:

- Membership and meetings of the Board
- Any conflicts of interest and how these were managed
- A summary of the work undertaken by the LPB during 2021 – 22
- Legislative updates considered by the Board
- Identified key risks and areas of potential concern
- Scrutiny and review
- Training for Board members
- Any expenses and costs incurred by the Board
- Gifts and hospitality received by members of the Board
- Forward Work Plan for 2022-23

As Chair, I am pleased to see the appointment of an internal pension's adviser role during the year as I believe this additional specialist resource has become essential due to the current legislative complexity and other regulatory developments on the horizon. Furthermore, the Firefighters Schemes are an important and valued part of remuneration package and therefore the role provides significant additional support to

scheme members on pensions generally and at key times in their career from joining, to retiring and, where needed, during times of ill health and medical retirement.

In respect of the McCloud-Sargeant case, I note the differing challenges caused to the Authority and scheme members by the significant delays in the Government implementing the necessary legislative remedies. One of the key roles of the Board is to help the Authority, as Scheme Manager, to achieve compliance with relevant pensions legislation which is not possible to do in its entirety whilst the legislative remedy remains outstanding.

In terms of the Board's supporting role within this context, officers have provided the Board with updates and draft proposals at its respective meetings during 2021-2022 and, as Chair, I have also helped provide opinion to key officers between meetings and to Authority members at Avon Fire Authority meetings. Due to the ever-changing nature of this matter during the year, certain decisions have needed to be made at speed and outside of the Board's normal meeting cycle, although the Board has been kept abreast of all developments and has had the opportunity to voice its opinion on key decisions. The Board was also tasked with overseeing the processing arrangements for immediate detriment cases being taken forward by the working group and have received papers to assist in this scrutiny role.

The challenges resulting from the McCloud-Sargeant legal case remain very complex, but it is expected that final legislation will be in place during 2023, which will allow a much clearer way forward and for all existing issues to be resolved.

Finally, I would also like to thank Cllr Windows, as the outgoing Chair, and to thank him for his service to the Board and I look forward to welcoming the new employer representatives.



Andy Cunningham
Chair of LPB

Membership and meetings of the Local Pension Board

For the year 2021-22 The Avon Fire Authority Local Pension Board comprised of four, and then, five members as follows:

An Independent Chair – Andy Cunningham. The introduction of an independent chair is a new development for the Board and this post has been active since November 2021, but with the first meeting under this new approach taking place in in February 2022. Prior to this meeting, the Chair role was always performed by one of the Employer Representatives.

Two Scheme Manager/Employer representatives - Councillor Chris Windows (Chair up to and including the 03 September 2021 meeting – noting the August 2021 meeting was adjourned and rescheduled to this date) and Councillor Andrew Brown. Should an Employer Representative be unable to attend, two substitute members are available: Cllr Eddy and Cllr Mohamud.

Two Scheme Member representatives – Gary Spindler (FBU) and Steven McGreavy (FBU). Gary Spindler (FBU) stood down as a scheme member representative following the August/September 2021 meeting and he was replaced by Mark Jacobson at the February 2022 meeting. The LPB thanked Gary for his contribution to the Board.

The two Scheme Member and two Employer representatives are all voting roles while the independent chair position is a non-voting role.

The Board met on two occasions in 2021 – 2022 (03 September 2021 and 25 February 2022). There was an attendance of 100% by Scheme Manager and Scheme Member representatives during this period.

While not members of the Board, the LPB is also regularly attended by the Authority's Pension Administrators (BANES), the Director of Corporate Services and members of the Human Resources, the internal pension adviser and Finance teams who present reports and papers, provide information and professional advice, and respond to questions posed by the LPB in their scrutiny role. The Board may also request information from the Chief Fire Officer.

Conflicts of Interest

As statutorily required, all members of the Local Pension Board must declare on appointment, and at such a time as their circumstances change, any potential conflict of interest because of their position on the Board. Board members must also declare any potential interest in the items to be discussed at the start of each Board meeting. A register of conflict of interests is maintained by the Avon Fire Authority Democratic Services Officer. The Clerk reviewed their Declarations in the preparation of this report.

However, the Public Services Pensions Act 2013 clarifies that a conflict does not arise solely by virtue of membership of the scheme or any connected scheme but ‘means a financial or other interest likely to prejudice the person’s exercise of functions as a member of the Board’.

During 2021-22 the following declarations were made by a member, adviser, or attendee at any meeting of the Board during the relevant period:

August 2021 - Gary Spindler declared an interest as an individual affected by “immediate detriment”.

Work undertaken by the Avon Fire Authority Local Pension Board during 2021-2022

The work undertaken by the Board during the year has been in accordance with the extant Terms of Reference, standing agenda items and defined within the LPB work programme.

During the period 1 April 2021 – 31 March 2022 the following work was carried out by officers and considered by the LPB with recommendations then made to, and approved by, the Fire Authority as the Scheme Manager:

- a) An addition to the Voluntary Scheme Pay policy (in relation to the tax rules pertaining to Annual Allowance). The proposed amendment provided warnings to members about possible charges if the member made their election late.
- b) The production and approval of the 2020-2021 Local Pension Board Annual Report.
- c) An amendment to the immediate detriment policy to include members who were entitled to pension contribution holidays.

The Board also gave its opinion, and (where relevant) recommendation, to the Scheme Manager on matters pertaining to Immediate Detriment, in particular (in February 2022) whether the Authority should be asked to reconsider the adoption of a Framework developed by the Local Government Association (LGA) and Fire Brigades Union in respect of Immediate Detriment processing.

In addition, the Board:

- Considered the processes in place to administer immediate detriment cases in accordance with the decisions made by the Scheme Manager.
- Agreed for the Pledge and guidance to avoid pension scams to be further publicised to scheme members through the Authority’s website, intranet, and social media.
- Approved the draft Avon Fire Authority Local Pension Board Knowledge and Understanding Policy including its Annex (Training analysis and expectations).

- Approved the appointment of an Independent Local Pension Board chair (including the job description and person specification).

As a statutory requirement, members of the LPB have been provided with regular legislative and guidance updates including:

- McCloud/Sargeant judgement: Including the position of non-statutory guidance (and its later withdrawal)
- Cost cap mechanism.
- Revisions to the production of transfer Values: The regulations introduce further legal restrictions on a member's statutory right to transfer.
- The introduction of the Pension Dashboard
- Equalising GMPs and their impact on past transfer values
- Special Members of FPS 2006: Second Options Exercise (Matthew case)
- The introduction of a new tPR (the Pension Regulator) Single Code of Practice

Members are required to scrutinise areas relevant to the administration of the Firefighters' Pension Schemes. The Board receives information and scrutinises performance in respect of:

- Annual benefit statement production (by the statutory deadline)
- Administrative Key Performance Indicators
- Performance against the Pension Regulator Common Data score (with the conditional score to be available in the future).
- Pension Risk Register.
- Administrators' audit reports (at an overview level)
- The issuance of Pension Savings Statements (by the statutory deadline).
- Completion of the Pension Regulator Scheme Return (a statutory requirement).

As well as any: discretions made by the Scheme Manager, or delegate, IDRPs stage 1 and 2 complaint cases or regulatory breaches.

No breaches of law were reported to the Board during 2021-2022.

Identified Risks and areas of concern

The Board maintain, consider, and scrutinise a risk register specifically looking at firefighter pension scheme risks in respect of governance, scrutiny, and controls. Risks are given a Red, Amber, or Green rating based on a combined assessment of their likelihood and impact. This specific LPB risk register feeds into the overarching Avon Fire and Rescue Service Corporate Risk Register (CRR). The CRR is also scrutinised by the Audit, Governance and Ethics Committee.

Based on the risk scoring agreed by LPB, and the papers presented to the LPB in February 2022, the top risk considered by the Board during 2021-22 is as follows, together the controls and mitigations in place and planned:

<p>LPB 13 – McCloud judgement (Age Discrimination Remedy Deferred choice underpin), Immediate Detriment (ID) and underpinning tax complexities. Risk of failure to comply with all legislation.</p>	<p>The risk increased due to challenges of meeting conflicting legislation, and when legislation remains pending.</p> <p>The controls stated within the risk register attempt to limit the risk included consideration of increasing the frequency of LPB meetings, using internal audit to review the process of immediate detriment cases.</p> <p>Other mitigations which occurred were seeking advice from a QC, the LGA, PSTax and other Fire Authorities and as well as considering the guidance from Her Majesty’s Treasury (HMT) and the Home Office (HO)</p>
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As discussed in the Chair’s forward, this risk is likely to remain high until remedying legislation comes into effect.

Training

It is a statutory requirement of the Public Service Pensions Act 2013 that members of the Local Pension Board should have the capacity to become conversant with, and develop knowledge of, detailed related issues to effectively carry out their duties in respect of the firefighter pension schemes.

The following information has been provided to Local Pension Board members during the year 2021-22.

- A Regulatory and Legislative Update at each LPB meeting including key headlines from bulletins from LGA Pension Advisory Service
- Access to the bulletins from the LGA Pension Advisory Service
- Through the standing items on the Local Pension Board agendas, further legislative updates have been provided including consideration of relevant Pension Ombudsman cases. The summaries provided and Ombudsman decisions serve as a learning tool for LPB members to enhance and update their knowledge.

In addition, all LPB Members have committed to ensure they have completed, and/or refreshed themselves, on the TPR’s on-line learning programme called the Public Service toolkit. This toolkit comprises five core modules, but also a module setting out what steps the industry needs to take to protect savers from scammers. Following its

cessation during the pandemic, the LGA National training programme has resumed, and this training will be arranged for members in due course. This update / refresher training includes the following topics: recent scheme news; a background to the Firefighters' Pension Schemes; management of the pension schemes; scheme manager and Local Pension Board roles; six key principles of good governance and admin (based on TPR six key processes) and wider landscape

Expenses and Costs

Generic information on Members allowances can be found on Avon Fire Authority website through the following link.

[Document Member Allowances 2021-22 - Modern Council \(modern.gov.co.uk\)](https://modern.gov.co.uk/document/member-allowances-2021-22)

As indicated in the forward plan for 2021-2022, during the year the Authority appointed an independent, specialist Chair. This appointment has created an additional cost, but it was considered prudent in view of the increasing complexity of the firefighter pension schemes and the technical nature of current issues (for example immediate detriment).

The in-house pension adviser is within the baseline revenue budget of the Service approved by the Authority as part of the Medium-Term Financial Plan (MTFP).

Gifts and Hospitality

There have been no declarations of gifts or hospitality received by Members of the Local Pension Board during the relevant period. Information about gifts and hospitality can be found on our website at:

[Library folder - Gifts and Hospitality - Modern Council \(modern.gov.co.uk\)](https://modern.gov.co.uk/library/gifts-and-hospitality)

Forward Work Plan for 2022

The forward plan is considered by the LPB at each meeting. The information below records the formal plan considered and agreed by the LPB at their last meeting in February 2022. The red highlighting on this forward plan indicates the tasking which has been delayed due to the high workload associated with immediate detriment.

The latest copy of the forward plan for LPB is published with the papers of each LPB meeting on the Authority's website at:

[Browse meetings - Local Pension Board - Modern Council \(modern.gov.co.uk\)](http://modern.gov.co.uk)

Routine Reports to LPB

Subject	Action Owner	Feb 22	July 22	Comments
Conflict of Interest Declaration	Local Pensions Board	X	X	Standing agenda item
Regulatory and Legislative Update	BANES	X	X	Standing agenda item
Scheme Administrator Report including KPIs.	BANES	X	X	Standing agenda item
Scrutiny and Review Report including Breaches	Director of Corporate Services (DoCS)	X	X	Standing agenda item
Risk Register	DoCS	X	X	
Training, Learning & Development – Update	DoCS	X	X	Standing agenda item
Fraud notifications	DoCS and BANES	X	X	If and when they occur
Work Programme	DoCS	X	X	Standing agenda item

Specific Work Programme for 2022/23

Subject	Action Owner	February 22	July 22	Comments
Annual Report	Local Pension Board and Scheme Manager		X	Complete for year 20/21. Draft report for 21/22 scheduled for July 22.
Terms of Reference – annual review	Local Pension Board	X	X	Reviewed in 2020. Annual review moved from Feb to July 22 meeting.
National Scheme Advisory Board – Update	DoCS BANES	X	X	Rescheduled from Feb to July 22 meeting.
Pledge to Protect Scheme Members from pension scams	BANES			Complete. Remove from 22/23 plan.
FPS benchmark exercise	DoCS and BANES	X	X	Benchmarking discussion in report item 12 to the February LPB regarding ID. Further general discussions with LPB how our individual results compare with the national picture added to July 22.

Subject	Action Owner	February 22	July 22	Comments
Review of VSP application of Scheme Manager decision to adopt and the minimum trigger agreed ref personal tax liability	Scheme Manager			Complete. Remove from 22/23 plan.
Implications of age discrimination case	DoCS	X	X	August 21 report completed, and further reports scheduled for Feb and July 22 meetings.
Consideration of independent, specialist LPB Chair	Clerk			Complete. Remove from 22/23 plan.
Authority's IDRP procedure	DoCS	X	X	Clarification of Authority procedure following revised TPR factsheet and current Constitution with recommendation to AFA. Delayed due to Pension Advisor vacancy.
Review of FPS statutory discretions and decision-making process	DoCS	X	X	Authority has agreed which statutory FFPS discretions they will consider. LPB to consider proposal for updating and clarification of decision-making process with a recommendation to AFA. Delayed due to Pension Advisor vacancy

Subject	Action Owner	Feb 22	July 22	Comments
Confirmation of Authority's scheme manager and the delegations for day to day running	DoCS	X	X	Delayed due to Pension Advisor vacancy and ID workloads.
Full review of pension risk register and scoring to ensure the relevant risks and current controls and mitigations are accurately reflected. Revised register should align with updated Corporate Risk Management Strategy and example risk register published by TPR.	DoCS	X	X	Corporate Risk Management Strategy being reviewed by AGECE and refresher training to be provided to Members and all relevant staff. Delayed for AGECE and all staff due to the purchase of a new system which will also form part of the training.
LPB review of business continuity arrangements	DoCS BANES Bristol City Council	X	X	Links to control measure in the risk register. Delayed due to ID workloads.

Any other matters to report

None

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AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	Chief Fire Officer/Chief Executive
SUBJECT:	Service Round-Up

1. **SUMMARY**

This report is to highlight the areas of good work across Avon Fire & Rescue Service (AF&RS), which has taken place between June and September 2022.

2. **RECOMMENDATIONS**

The Avon Fire Authority is asked to note the report.

3. **BACKGROUND**

- 3.1 This report aims to give an overview of the work across Service Delivery, Service Delivery Support, Corporate Services and other proactive communications activity, project or teamwork.

4. **FINANCIAL IMPLICATIONS**

- 4.1 This report has no financial implications.

5. **KEY CONSIDERATIONS**

The death of Her Majesty The Queen

- 5.1 Following the sad announcement of Her Majesty The Queen's death on Thursday 8 September, the Service joined The King and the rest of the world in a period of mourning.
- 5.2 During this time, Union Flags were raised and lowered in line with protocol, all community events ahead of The Queen's funeral were cancelled and staff were encouraged to follow protocol as a sign of respect to the Royal Family.

- 5.3 On Sunday 11 September, members of the Service attended Proclamation events in Bristol, Bath, Weston-super-Mare and Kingswood to mark the incoming monarch, King Charles III.

Transformation

- 5.4 The Digital Project Manager has been working closely with HR to redesign the Return-to-Work Interview and Self Certification forms/processes. Smart forms have been created and launched on a new dedicated Forms group on Microsoft Teams, making the process more accessible and easier for all.
- 5.5 A new Combined Scoping Impact assessment tool has been designed and launched following extensive in-house consultation and testing. This tool, launched as a Microsoft Teams Form, combines initial scoping questions at the early planning stage on subjects such as Health, Safety and Wellbeing, Diversity, Inclusion, Cohesion and Equality, Environment, Data protection and safeguarding and informs whether a full impact assessment is required.
- 5.6 The Transformation Programme Scope has been revised to have a much stronger emphasis on digital transformation and improvements that will make the biggest difference to making our Service stronger between now and the end of the programme in March 2024.

Business Fire Safety (BFS)

- 5.7 A new video has been launched highlighting the measures business owners and responsible persons can put in place to keep safe from fire and comply with the law. The video is aimed at small and medium sized local businesses, including takeaways, retail outlets, guest houses and others and is being adopted by the National Fire Chiefs Council (NFCC).
- 5.8 The 5-9 September was Business Fire Safety Week, which saw the Service host many events and campaigns, including providing 'fire door advice' and 'dangers of wedging doors'. Content was shared across social media including the promotion of the online fire safety toolkit, an interactive tool to help business owners understand their legal duties for fire safety in the workplace.
- 5.9 A review and update of the West of England housing protocol Memorandum of Understanding (MOU) is underway, to ensure a consistent approach to fire safety compliance, where AF&RS collaborate with unitary housing associations.
- 5.10 An internal audit of BFS and more specifically the Risk Based Inspection Programme has recently been completed. The feedback from this process was overwhelmingly positive, highlighting much good work that has been done by the team.

Vulnerable Adults (VA)

- 5.11 Following on from the success of the Ukraine Welcome Event, the Service and local crews were invited to the Ukraine Independence Day in Yate; an excellent day enjoyed by all.
- 5.12 The VA team arranged and hosted an event for the Chinese Wellbeing Society, initially to provide fire safety advice to society members. However, working together we extended the event into the afternoon for the families. The event saw internal departments working together, allowing information to be provided around Business Fire Safety and Children and Young Persons information. We were also able to connect with other local agencies and partners including the Community Cohesion Team at South Gloucestershire Council, Public Health England, local vaccination team and SARI (Stand Against Racism and Inequality). The event was a real success with people signing up for home fire safety visits.
- 5.13 The VA team continue to provide training to our crews, including to the new recruits during their training school. More recently, an input on VA, Children and Young Persons and Safeguarding to the Firefighter in Development Phase 3 course.
- 5.14 The VA team also attended a community engagement event in Patchway, led by the local police team and the Violence Reduction Unit.

Children and Young Persons (CYP)

- 5.15 The CYP team delivered a series of Summer of Safety Sessions at Weston-super-Mare, Yate, Southmead, Patchway, Kingswood stations, including a quiet session designed for children with additional needs. The focus was on fire safety, water safety and keeping active with Fido Fire Fitness Exercises. Sessions were suitable for children in primary school (Key Stage 1 and 2, ages 5-11).
- 5.16 Following on from the Marcus Rashford initiative in summer 2021, the CYP team worked in collaboration with South Gloucestershire Council's education department to attend 13 Holiday Activity and Food Programme sessions. Held at schools across the local authority area, approximately 60 children attended per session, with Yate, Kingswood and Patchway stations delivering messages on water safety and fire safety.
- 5.17 A new young person's safety tool has been made available online. The CYP team has released a new online resource for teachers, parents and carers to use with Key Stage 1 children. The new tool was signposted to during the Summer of Safety Sessions and will be officially launched to teachers, youth groups, parents and carers later this year. Using the resource children can evaluate their safety skills, identify hazards and recognise how they can stay safe from fire and safety risks in their lives.

- 5.18 The CYP team attended Fresher's Week events across the Service area meeting with students and delivering water safety messages focusing on hidden dangers and float to live; and fire safety messages focusing on personal electronic devices (such as not leaving laptops on charge on beds etc).
- 5.19 The National Fire Chiefs Council (NFCC) Fire Setters working group, made up of staff from six Fire and Rescue Services including AF&RS, have created a national training course about fire setting which has already been delivered to most fire services around the country. The course is currently being refreshed, ready for it to become a recognised qualification.

Cost of Living

- 5.20 The Chief Fire Officer (CFO) has released a statement following the latest announcements on increased cost of living and in light of the ongoing national pay award negotiations for fire Service employees.
- 5.21 The statement outlines the CFO's concerns for the welfare of staff and the measures they are resorting to due to the increased cost of living, in particular the rise in gas and electricity bills and the disproportionate pay they are receiving.

Summer heatwave

- 5.22 Between 11-18 July 2022, Fire Control received 418 calls where 'fire' was mentioned in the narrative, topping the 330 calls of the same nature received in the previous week.
- 5.23 The calls came as more bonfires, barbecues and other deliberate fires spread out of control due to soaring temperatures. Working alongside our local partners, guidance on how to barbecue safely was issued to local communities.
- 5.24 The heatwave that continued into August 2022, also saw our crews travelling to Norfolk to support Norfolk Fire & Rescue Service following a call for national assistance to tackle the desperate conditions they were facing.
- 5.25 Between 8-14 August 2022, the Service responded to 212 fires, 155 false alarms, 101 non-fire calls, alongside other incidents. A total of 1,306 calls were taken by Fire Control, an increase of 658 calls compared to the previous week.

Supporting Pride

- 5.26 As part of this year's LBGTQ+ Pride celebrations, the Service unveiled two new fire engine designs in celebration. One of the fire engines is based in Weston-super-Mare and the other at Temple in Bristol.
- 5.27 The artwork features a rainbow stripe representing the different groups in the LBGTQ+ community and a skyline silhouette unique to each station's location.

Also featured are the messages: 'Celebrating with Pride' and 'Fire doesn't discriminate and neither do we'.

- 5.28 Throughout July staff attended local Pride events in Weston-super-Mare and Bristol. In Bristol, staff hosted a healthy Big Pride Breakfast for over 100 local people and visitors who came along and fuelled up ahead of the day.

Stepping Up Programme

- 5.29 The Service has been recognised for its outstanding contribution to Bristol's Stepping Up Programme, a programme that the Service has supported since its inception in 2018.
- 5.30 The Service was presented with the 'Outstanding Contribution to Diversity Award' and Richard Stokes, AF&RS Diversity and Inclusion Manager, also received a Rising Star Award for his work in changing the face of diversity both within the fire Service and in the wider local community.

6. RISKS

- 6.1 This report has no operational, financial or reputational risks.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 This report has no legal or policy implications.

8. BACKGROUND PAPERS

This report has no background papers.

9. APPENDIX

Appendix 1 - Press releases and incident report of note June 2022 – September 2022

10. REPORT CONTACT

Amber Foreman, Head of Corporate Communications

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Press releases and incident reports of note

Press releases

- The death of Her Majesty The Queen – *8 September 2022*
- Fire Authority meeting postponed – *8 September 2022*
- AF&RS Chief Fire Officer comments on effects of cost of living on staff – *7 September 2022*
- New video launched to help local businesses stay fire safe – *5 September 2022*
- Firefighters and paramedics share expertise on joint training exercise – *2 September 2022*
- Keep your home fire safe with new Home Fire Safety Checker – *1 September 2022*
- Six new AF&RS Control Firefighters celebrate at graduation ceremony – *31 August 2022*
- Big Jeff urges all to remember: Stop, Drop and Roll – *23 August 2022*
- How safe is your home? Check today with new online tool – *22 August 2022*
- Firefighters share important safety advice as water-related incidents rise across the Avon area – *19 August 2022*
- Resilience shown by fire service as local area swelters in second summer heatwave – *17 August 2022*
- Assistant Chief Fire Officer for Service Delivery Support appointed – *15 August 2022*
- Chief Fire Officer marks first 100 days in new role – *15 August 2022*
- Help us prevent fires in the hot weather – *10 August 2022*
- Remembering Roy Hackett MBE – *5 August 2022*
- Preventing fraud in our communities – *5 August 2022*
- Staff enjoy demonstration of state-of-the-art electric fire appliance – *4 August 2022*
- Performance report highlights 17% increase in emergency calls – *3 August 2022*
- Soaring temperatures see Avon fire crews journey east to Norfolk to provide firefighting support – *2 August 2022*
- AF&RS welcomes graduating crews: the new firefighters serving in your area – *1 August 2022*
- Avon Fire Authority Audit of Accounts Year Ended 31st March 2022 Notice of Public Rights – *27 July 2022*
- #RespectTheWater on World Drowning Prevention Day – *25 July 2022*
- Heatwave fire calls: crews attend over 80 more fires than previous week – *19 July 2022*
- Enjoy the water safely this heatwave – *14 July 2022*
- That's a wrap – AF&RS reveal rainbow wrapped fire engines in support of pride – *4 July 2022*
- Get involved: firefighter raises money for Bristol Children's Hospital with scarecrow competition – *1 July 2022*
- AF&RS launch Easy Read Service Plan – *23 June 2022*
- AF&RS gender pay gap cut in latest report – *22 June 2022*

- AF&RS recognised for contribution to changing the face of diversity – *21 June 2022*
- Welcoming UK's first British Sign Language 999 Service – *21 June 2022*
- Ten top tips for drowning prevention week – *17 June 2022*
- Home Fire Safety Week 2022: How fire safe is your home? – *13 June 2022*
- Nova Way Technical Centre to showcase job opportunities at open evening – *9 June 2022*
- Child Safety Week 2022: Have you planned your escape route - *6 June 2022*
- Former AF&RS Chief Fire Officer awarded Queen's Fire Service Medal – *2 June 2022*
- Celebrating 70 years at AF&RS – *1 June 2022*

Incident reports

A total of 215 incident reports were uploaded to the website during this period.

- Crews mobilised to office building fire in Bristol City Centre – Canons Way, Bristol City Centre - *26 August 2022*

Crews from Temple, Bedminster, Southmead, Avonmouth, Hicks Gate, Kingswood, Pill, Portishead and Weston-Super-Mare were called at 09:38 to reports of a fire in an office building. On arrival, firefighters evacuated the building including one person trapped in a lift and located the fire in the basement. In total, 15 fire appliances attended the scene, including 10 fire engines, the breathing apparatus support unit, a turntable ladder, the command unit and welfare unit. 30 firefighters wore breathing apparatus and crews used two 45mm jets, two high pressure hose reels and small gear to extinguish the blaze. The cause of the fire is thought to be accidental.

- Combine harvester and wheat fire extinguished – Horton, South Gloucestershire - *8 August 2022*

Crews from Bath, Yate, Kingswood, Temple, Thornbury, Portishead, Avonmouth and Southmead, supported by Gloucestershire Fire and Rescue Service, were called at 12:11 to reports of a combine harvester well alight. On arrival, crews found a combine harvester and 30 acres of cut straw alight. Firefighters used one high pressure hose reel, three 45mm jets, foam and a number of beaters to extinguish the blaze. The cause of the fire is thought to be accidental.

- Firefighters extinguish house fire – Griggfield Walk, Hengrove – *22 June 2022*

Crews from Hicks Gate, Temple, Nailsea, Bath, Portishead and Kingswood were called to reports of a house fire. On arrival, firefighters found a fire involving sheds and fencing that had spread to four terraced homes. Crews used four jets, three hose reels, a turntable ladder, small gear and gas monitors to extinguish the blaze. Six firefighters wore breathing apparatus for safety. In total, 10 fire appliances attended with 33 firefighters on the scene. On Thursday 23 June, fire investigations officers joined CSI at the scene on Griggfield Walk, Hengrove to investigate the cause of the fire affecting sheds,

fencing and four residential properties. Following fire investigation, the cause of the fire has been determined as accidental, due to electrical overloading in a shed.

- Crews called to burst water main – Queen Charlton Lane, Keynsham – 16 June 2022

Our Control room received a call from police at 11:15, alerting us to a large water leak on Queen Charlton Lane near Keynsham. Crews from Hicks Gate, Temple, Avonmouth, Portishead, Kingswood and Nailsea responded to the incident. On arrival, crews found a significant water leak affecting multiple properties and the roadway at Queen Charlton Lane. Crews worked alongside police and Bristol Water to create a dam across Charlton Lane using soil and hardcore. Pumping operations then took place, with crews working with Bristol Water to stem the flow of water which was causing the leak. The incident was left in the hands of Bristol Water.

- House fire extinguished – Langford Road, Langford – 4 June 2022

Crews from Winscombe, Blagdon, Yatton, Weston-super-Mare, Bedminster, Clevedon, Nailsea and Avonmouth were called to reports of a house fire. On arrival, crews found a fire affecting two homes. Firefighters used a turntable ladder, three high pressure hose reels and two 45mm jets to extinguish the blaze. Three firefighters wore breathing apparatus for safety. The cause of the fire is thought to be accidental, due to electrical fault.

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AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 5 October 2022
REPORT OF:	Chief Fire Officer/Chief Executive
SUBJECT:	Immediate Detriment Update

1. **SUMMARY**

Following receipt of information from the HM Treasury in April 2022 about the potential tax costs (for scheme members and managers) of continuing with Immediate Detriment (ID) processing before the legislation is in place, at its meeting on 22 June 2022 the Authority decided to pause ID for forthcoming retirees pending information on the financial implications on Authority budgets. This report, and its appendices, provide the following to assist Members with decision making:

- The risks and implications of pausing, or resuming, ID processing.
- Based on the 'ready reckoner' provided by the Local Government Association (LGA), an estimate of ID cost liability for the Authority so far, and the further cost of resuming ID processing.
- How these costs could be funded, with implications.
- A general update on any further developments on ID since the June 2022 Fire Authority meeting.
- A forward look to potential further ID decisions at the December 2022 Fire Authority meeting.

2. **RECOMMENDATIONS**

Avon Fire Authority is asked to:

- a) Review the potential implications and costs of pausing or resuming ID processing for forthcoming retirees, together with the funding options and noting the caveats contained in this paper.
- b) Decide whether to resume ID processing with immediate effect by utilising the pension reserve and further revising the current legal agreement (COT3 at Appendix 1) signed in ID cases to ensure employees understand, and accept, the potential tax liability if they choose not to wait for the Government resolution.

- c) Or, in the alternative, decide to continue pausing ID processing pending any changes (legislative or otherwise) which would reduce the financial impact on local budgets and, in the interim, signpost forthcoming retirees to how they raise exceptional issues, such as severe financial hardship, for the initial consideration of the Chief Fire Officer/Chief Executive Officer (CFO/CEO) and Director of Corporate Services (DofCS) on a case-by-case basis.
- d) Note the developments since the Fire Authority meeting on 22 June 2022, most notably the factsheet from the Pensions Ombudsman (dated July 2022) which outlines their approach to ID cases.

3. BACKGROUND

- 3.1. The Government is taking steps to address the age discrimination arising from the method of transition from the 1992 firefighter pension scheme to the new scheme in 2015, and with full retrospective effect. However, the Government continues to indicate that this resolution will not be in place until October 2023 because of the primary and secondary legislation required, the need for changes to pension administration systems, the development of software to process remedy electronically and the need to provide detailed information to scheme members about options.
- 3.2. In most cases there is not an adverse financial impact of waiting for the Government resolution but in some situations, for example those likely to retire before October 2023, there is a financial impact in the interim. The group who are impacted in this interim period are within a category known as Immediate Detriment (ID).
- 3.3. The financial impact doesn't mean those affected have retired, or are retiring, without a pension but it does mean that, through an issue which is not of their making, they receive a lower pension until the Government resolution and that can impact on decision making about retirement and family income in the interim.
- 3.4. As reported to the March 2022 meeting of the Authority, the pension administrator has provided example figures to demonstrate the difference in pension received by a firefighter retiring at age 50 after 30 years with, and without, ID applied as follows. These are example figures as there are several variables. A firefighter retiring at 50 (with 30 years' service) receives the following pension without ID applied at the point of retirement:
 - 1992 scheme annual pension (after 25% commutation) of **£17,991.57** and gross retirement lump sum of **£143,932.32**
 - 2015 scheme deferred annual pension (after 25% commutation) of **£1,553.84** plus a gross retirement lump sum of **£6,215.28**
- 3.5. If ID is applied, under the 1992 scheme, these figures increase as follows: annual pension after (25% commutation) of **£19,748.53** plus a gross retirement

lump sum of **£157,987.92** (firefighter scheme maximum lump sum before any relevant deductions).

- 3.6. The approach applied to ID by this Authority has, to date, enabled 22 firefighters/pension scheme members to retire under legacy scheme provisions in respect of the annual pension and lump sum. This number includes the pipeline cases Members agreed to continue to process during the pause. 17 of the 23 retirements which have been processed under ID were completed after the Home Office withdrew its guidance on 29 November 2022 and issued the following statement on funding:

“... As the Government does not advise that ID cases should be processed in advance of the legislation coming into force, they would not be in a position to provide any additional funding for those costs paid outside of the pension account. These costs include payments that are not considered to be legitimate expenditure under the pension scheme regulations and any associated administration costs including any charges from your pension administrator. These will need to be funded locally by the fire and rescue authority from local budgets. In relation to ID costs paid from the pension account while processing pipeline cases, FRAs will need to ensure that these payments comply with the financing regulations of the pension scheme. If they are considered to be legitimate expenditure, then they will be considered for payment as part of the established processes for claiming the AME top up grant.”

- 3.7. There has been no change to date on the Home Office position on funding.
- 3.8. Immediate Detriment is a complex and dynamic matter and the full detail of the situation and matters considered by AFA (as the Scheme Manager) at their 15 December 2021, 30 March 2022 and 22 June 2022 meetings are available on the Avon Fire Authority website. It is recommended that Members revisit these reports, and appendices:

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

4. FINANCIAL IMPLICATIONS

- 4.1 Until the required legislation is in place, there is no legal mechanism to pay ID pension cases without potential financial risk to both firefighters and the Fire Authority. It is also not currently possible to undertake a fully accurate or robust assessment of the likely financial implications, until the relevant legislation and associated guidance is in place and therefore any estimates contained in this paper are heavily caveated.
- 4.2 The Government have advised ID cases should not be processed in advance of the legislation coming into force because of the major practical issues (particular on tax) in dealing with ID cases in advance of the rollout of a remedy.

- 4.3 Both HMRC and HMT have issued documents with particular concern about tax liabilities if pension adjustments, and other payments, are made before the secondary legislation is in place. The extant HMT guidance (dated 23 March 2022) has been previously provided to Members. These tax liabilities may occur for scheme members/firefighters and scheme managers/employers.
- 4.4 The Government has confirmed it will not provide any additional funding for costs paid outside of the pension account. Therefore, should AFA agree to resume processing ID cases these costs are likely to fall to local budgets and be non-recoverable. That directly, or indirectly, creates an additional budget pressure for AFA and potentially puts the organisation at financial risk.
- 4.5 The Local Government Association (LGA) has produced a financial assessment calculator (a 'ready reckoner') to assist scheme managers to review the potential ID costs based on a series of underpinning assumptions which are caveated. It is LGA's understanding that for forthcoming retirees there are 3 areas of potential financial risk to scheme manager/Authority budgets and the ready reckoner contains the formula to calculate the potential cost:
- compensation for a contribution holiday
 - possible compensation arising should the HMRC deem that the scheme member is no longer entitled to tax relief on their FPS 2015 contributions where these contributions are offset against the arrears of FPS contributions
 - Where applicable, additional charges to be paid to the administrator to process these cases.
- 4.6 The 'ready reckoner' has been used by this Service to estimate the potential cost liability to the Authority of ID processing so far, and of resuming ID processing for forthcoming retirees up to, and including, 31 October 2023. These costs are outlined in the table overleaf, together with potential funding options. While the figures are based on worst case scenarios, they are potentially significant.
- 4.7 In addition, there is an added financial risk that, when the legislation is passed, ID cases will need to be re-assessed as there is likely to be a difference between the assumptions being made about what the legislation may contain, with what it does contain once enacted. While there are legal agreements (COT3s) in place to mitigate this risk, it is possible that further compensation claims from ID firefighters whose pensions have been processed outside of the legislation will occur which would also not be funded by Government. The current COT3 being used in ID cases is at **Appendix 1**.
- 4.8 However, the financial assessment of whether to pause or resume ID should also consider the risk of considerable legal fees if cases are brought against Fire Authorities not processing ID cases and therefore not having interim arrangements to address the age discrimination, and its financial impact on employees, in a reasonable period. Claims are being raised against some other Fire Authorities and, while it would be difficult to provide an estimate, legal

processes are costly, and the risk of claims in this Authority will increase if no ID processing is taking place. A blanket pause is also likely to give rise to multiple individual complaints under the Internal Dispute Resolution Procedure (IDRP), or collective complaints to The Pensions Ombudsman, both of which are costly to progress in terms of Member and officer time.

- 4.9 Therefore, there are financial risks and implications of both continuing to pause, or resuming, ID and it will be important for Members to weigh up the relative merits of both options, with a consideration of the potential impact, directly or indirectly, on local budgets and future precepts. It is noted that other considerations also factor in decision making, for example employee relations.

<u>A. Cost liability based on the estimates in the LGA ready reckoner*:</u>		Total
Revenue:		
Cost liability <u>already incurred</u> for ID cases processed since Home Office withdrew funding in November 2021.	Non-recurrent expenditure	£84,046
Plus, cost of future ID processing based on retirements at age 50 and length of service 30 years (44 people)	Non-recurrent expenditure	£470,028
	Total revenue expenditure	£554,074
Additional cost if those age 50, with 25 years' service also retired under ID (14 people)	Non-recurrent expenditure	£129,664
Total potential cost liability for ID if processing is resumed	Non- recurrent expenditure	£554,074 to £683,738
<u>B. Proposed funding:</u>		
Baseline Budgets		N/A
Reserves		£577, 000
Other – please specify		
Total funding available:		£577,000
Total deficit		£0 - £106,738

5. KEY CONSIDERATIONS

Costs

- 5.1 The costs identified in the financial table in section 4 have been generated by inputting the data held by payroll and the Service regarding the retirement profiles and salaries into the LGA's financial assessment calculator ('ready reckoner').
- 5.2 The spreadsheets and guidance are complex but available to Members on request. The calculations take the individuals tax rate into account (for example the tax relief on contributions will be affected by the tax rate of the individual so potential unauthorised tax relief will be calculated as tax rate multiplied by contributions paid into the FPS 2015). Therefore, the level of taxpayer (20% or 40%) has a considerable impact on the cost liabilities.
- 5.3 It is noted that, of the 44 people in the ID category reaching age 50 with 30 years-service before October 2023, 17 are 40% taxpayers which contributes significantly to the figures.
- 5.4 It is however important to note the figures present a worse-case scenario of the tax concerns raised by HMT, which may or may not end up being applied. The compensation arising from the use of offsetting of contributions paid in the 2015 scheme to the 1992 scheme is a particular area the LGA are discussing centrally because, if an agreement on approach can be reached in advance, this would considerably reduce liabilities.
- 5.5 It is also difficult to predict how many staff (with either 30 or 25-years' service) may decide to retire and, of those, how many are in the 40% tax bracket. However, based on ID processing to date, it is less likely that those without 30 years' service will decide to retire in this period.
- 5.6 To date, the Service has received two requests to retire under ID after 06 October 2022 should the pause be lifted, and they are both within the age 50 and 30-years' service category.

Funding

- 5.7 The potential funding identified in the financial table in section four, is the pension reserve of £577k. However, it should be noted that, while the Authority have not needed to use the pension reserve in recent years, £230k of this reserve has already been allocated to cover additional ill health retirement costs. The £230k is the average cost of an additional ill health retirement to the Authority. While the revenue budget each year includes a forecast of ill health retirements, the number and costs of ill health retirements are difficult to forecast due to the number of variables.

- 5.8 Therefore, if the majority (or all) of the pension reserve is set aside to cover the cost of ID and it is utilised due to a high number of ID retirements and HMT applying the full range of tax costs and charges, there is a potential knock-on impact on revenue budgets if there are additional ill health retirement costs. There is also little resilience in respect of additional pension costs arising from other pension matters, and no ability to redirect this reserve for other purposes within a very volatile financial environment of rising costs.
- 5.9 The Authority receives a pension administration grant each year, but this has already been utilised on the administration of ID for 2022/23 and, due to the Government position on funding, ongoing receipt is uncertain. Therefore, this grant has not been factored into the funding.
- 5.10 The Service has contingency built into the baseline revenue budget but, in view of the potential newly arising pressures, it is considered more appropriate to consider the pensions reserve for this cost pressure which is, in comparative terms, more foreseeable and within the Authority's control.

Employee Relations and Workforce Planning

- 5.11 This pension matter is of course about more than finance and it remains of significant importance to scheme members impacted. In addition, while pay is set nationally, it is a sensitive time in employee relations in view of the pay disputes, rising cost of inflation and the cost of living.
- 5.12 The FBU's position has long been that it will pursue legal action if Immediate Detriment issues cannot be resolved in a timely manner including using the [MoU and Framework](#) jointly agreed by the LGA and MOU in October 2021. While the Authority has not yet received a claim, the possibility exists that claim(s) will be received, and it is more likely to occur if ID processing continues to be paused for forthcoming retirees especially when others have been processed since the withdrawal of funding last November.
- 5.13 In addition to the FBU, the LGA state they continue to apply pressure to Government seeking an earlier resolution to this matter and enactment of secondary legislation.
- 5.14 It has been confirmed that a decision to cease, or continue, current Immediate Detriment processing is manageable within the current workforce plan model and the Service has the flexibility on how many candidates it takes from future training schools.

Other developments

- 5.15 Since the Authority meeting in June 2022, there have been few further developments but in July 2022 the The Pensions Ombudsman (TPO) issued a fact sheet setting out their approach to McCloud Sargeant age discrimination complaints.

5.16 The TPO fact sheet is attached in **Appendix 2** confirms that, if a scheme member has a complaint or dispute about remedy or immediate detriment, they should first raise it with their scheme informally, and then, if they remain unhappy, they can complain under the scheme's Internal Dispute Resolution Procedure (IDRP) and, if still unresolved, contact TPO. The Fire Authority already apply this approach to ID related complaints and consideration of special circumstances. Therefore, in the event of an ongoing pause, raising an IDRP would remain a potential option for forthcoming retirees if, for example, there was a particular hardship issue.

5.17 In the event of scheme member contact with the TPO their approach is confirmed as follows:

'TPO recognises that: the Government is taking steps to address the discrimination with retrospective effect; interest will be payable on any underpayments; schemes need time to change their administrative systems and provide detailed information to members about their options; and in most cases, members will not be adversely affected financially such as would require immediate action. Bearing in mind the above, presently TPO's general starting position, is that it would not investigate complaints or disputes relating to remedying age discrimination in public sector schemes, but it will carefully look at the facts of each case before making any decision. Examples of where TPO may investigate include, allegations of maladministration, like, failure to explain what is going on and/or engage properly with the member; or investigate where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements to address the injustice within a reasonable period. Any complaint or dispute will be subject to TPO's usual jurisdictional checks, for example, whether court proceedings have started which are the same as the complaint.'

5.18 With reference to the LGA/FBU Framework, the LGA's stated position is that they are continuing to explore with the FBU and respective legal representatives, what, if any, amendments could be agreed to the Framework to minimise risk to Fire and Rescue Authorities (FRAs) and scheme members due to the recent statements from the Home Office and HM Treasury. At the time of report writing, there has been no confirmation of changes to the Framework or the timescale for these discussions to conclude.

5.19 Due to the work involved in assessing the cost liability of resuming ID for forthcoming retirements, the costs of assessing adoption of the full Framework is now more likely to come forward for consideration at the December 2022 Fire Authority meeting. The potential cost of adopting the full Framework are anticipated to be considerably higher because the compensatory elements for existing retirees are wider, including, for example interest.

5.20 There has been no national update regarding the secondary legislation on tax which was due in Autumn/October 2023 and when this may be applied, noting that this could considerably reduce tax liability for ID processing for scheme

members and managers once available.

6. RISKS

- 6.1 The Firefighter Pension Scheme risk register informs the overarching Corporate Risk Register at CR15 Pensions and, when applicable, CR04 People, Resources, Capacity, Capability and Succession Planning. The risk rating of CR15 is currently high due to the issues regarding compliance, funding, and employee relations.
- 6.2 The Corporate Risk Register is regularly reviewed and scrutinised by the Service Leadership Team, Service Leadership Board and the Audit, Governance and Ethics Committee with scrutiny applied to ensure the controls and planned mitigations are sufficient to reasonably manage the level of risk.
- 6.3 The Fire Authority already carries some potential legal risk of claim because it has not yet adopted the full LGA and FBU Framework, including the processing of retirees. The ongoing pausing of processing Immediate Detriment cases creates an enhanced risk of litigation from firefighters who may pursue claims for discrimination on the basis of being 'denied' pension benefits fully under their legacy pension schemes. Any litigation is costly to the Fire Authority in terms of staff time and external legal fees.
- 6.4 The substantive risks are therefore legal and financial (as set out in the relevant paragraphs), and in respect of employee relations.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 The Clerk obtained detailed legal advice for the Fire Authority on the Immediate Detriment issue from a QC, which was considered in exempt session on 22 June 2021. That advice was that AFA should be cautious and only make Immediate Detriment payments in the 'clearest and least controversial claims' and advised that claims should not be processed as they had been identified within Home Office guidance as being more complex cases to resolve.
- 7.2 Unfortunately, since the QC's advice the legal landscape has changed significantly, and the following changes suggest that the financial risks are now clearer:
- HMRC Policy document dated 27 October 2021.
 - HM Treasury Information note issued on 29 November 2021 which included the words: '*Therefore, HMT and HO do not advise that schemes process pipeline immediate detriment cases before the legislation is in place*'
 - The withdrawal in November 2021 of previous Home Office informal guidance on ID.

- LGA's advice by letter dated 17 December 2021 that the legal basis for making payments under the MOU/Framework remains valid but recognises the significant financial risks and uncertainties now facing FRAs.
- HM Treasury's letter to SAB dated 23 March 2022 which states '*Government's view remains that processing immediate detriment cases before all of the necessary legislation is in place could give rise to significant consequences for schemes and members*'.
- NFCC's letter to CFOs of 25 March 2022 summarising HM Treasury's letter and NPCC legal advice that '*scheme managers should not be implementing immediate detriment at this time, as there is no legal mechanism to pay without undue risks to both members and the force*'.

8. **BACKGROUND PAPERS**

- Fire Authority Papers - 30 June and 15 December 2021; 30 March and 22 June 2022:

[Browse meetings - Avon Fire Authority - Modern Council \(moderngov.co.uk\)](https://www.moderngov.co.uk)

9. **APPENDICES**

1. COT3 form currently signed by recipients of ID.
2. TPO factsheet July 2022

10. **REPORT CONTACT**

Angela Feeney, Director of Corporate Services,

DRAFT

1. This COT3 is made between [the individual member] and Avon Fire Authority (“AFA”).

2. (1) [the individual member]/was a firefighter employed by AFA. He/she wishes to retire on his/her full pension with effect from [] 2021.

(2) [the individual member] became, on his/hers appointment, a member of the FPS 1992. However, he/she did not qualify for full protection from being transferred into the FPS 2015 and was so transferred on [] under the age discriminatory protection provisions purportedly contained in Schedule 2 of S.I. 2014/2848 which Regulations were made under powers contained in the Public Service Pensions Act 2013.

(3) The effect of the Judgment of the Court of Appeal of 20 December 2018 in the case of Sargeant and McLoud and of the Judgment of the EAT of 12 February 2021 in the FRAs’ appeal in regard to Schedule 22 of the Equality Act 2010 is that those age discriminatory protection provisions are disapplied by law on the basis of the effect of Section 61 of the Equality Act 2010.

- (4) [the individual member's] circumstances arise in and out of the context of the multiple litigation known by the name of Sargeant and McLoud and the Government has committed itself to applying the effects of that litigation to all similarly affected pension scheme members whether they are actual Claimants or not.
- (5) As a result of the above, all who belonged to the FPS 1992 are deemed to be protected from transfer into the FPS 2015 and are therefore deemed never to have ceased to belong to the FPS 1992.
- (6) [the individual member] is an "immediate detriment" case within the Home Office Guidance of 21 August 2020 and the further Home Office Guidance dated 10th June 2021 and under that Guidance FRAs such as AFA are entitled if they wish during the period of 1 April 2015 to 31 March 2022 to allow those who had originally been members of the FPS 1992 to retire on pensions pursuant to the terms of the FPS 1992.
- (7) AFA does wish to allow [the individual member] to do so but only on the condition that [the individual member] enters into the terms of this COT3 and [the individual member] is agreeable to the above course.
3. AFA agrees to authorise payment of the full pension due to [] under the terms of the FPS 1992 when he/she retires after his final day of active service on []. However, AFA agrees so to act on the basis that, and in consideration of the fact that, [the individual member] agrees in exchange that he/she accepts and agrees to the fact that:-

- (1) the Government has made clear that its plans for reform of public service pensions and remedying the past age discrimination have not been finalised and it may be that that finalisation will entail that previous agreements and undertakings as to pension benefits will need to be revised and changed including, potentially, involving the reduction, or deferment, of benefits;
- (2) there are a number of issues that do or might arise in terms of seeking to treat those who had in fact been transferred into the FPS 2015 for a period as if they had always remained in the FPS 1992, such as is the case with [the individual member], that are unresolved and are uncertain, for example in regard to future tax liabilities or the need for members to make further pensions contributions or to repay monies into the FPS 2015 or FPS 1992 or make interest payments and it may be that [the individual member] will be subject to liabilities in regard to the above or in regard to similar, as yet unidentified, liabilities; and where an overpayment of pension contributions have been made or monies owed, then [the individual member] will be reimbursed.
- (3) further, there are some outstanding issues that, if they are found to apply to a particular case, may make it impractical at present for the intention to return members who had in fact been transferred into the FPS 2015 into the FPS 1992 and to treat them as if they had always remained in the FPS 1992 to be achieved. The above might apply to [the individual member] and/or might entail that existing calculations in

terms of pensions have to be modified and possibly reduced or deferred;

- (4) [the individual member] may be the party who is found to be liable to make the above payments or face the above liabilities or be subject to the above potential changes to, or deferment of, arrangements and payments in connection with pensions; (This should also make it clear that if the any calculations and payments may have to be modified and increased, then these payments will be
- (5) further, [the individual member] agrees that he/she will not seek to claim against AFA that it is AFA who is liable to make the above payments or to face the above liabilities and agrees that he/she will not bring proceedings against AFA in connection with any of the above matters and [the individual member] agrees that by this COT3 [the individual member] fully and finally settles any claims he/she might have against AFA in connection with the above. He/she does so in exchange for, and in consideration of, AFA agreeing to authorise payment of [the individual member's] pension under the FPS 1992 from [] as set out above. For the avoidance of doubt [the individual member's] agreement as set out above is given notwithstanding the terms set out at paragraph 3(3) above.
- (6) Any subsequent agreement/ or MoU reached between the FBU and Avon Fire Authority supersedes this local agreement and any such

agreement or MoU would be abided by in full by Avon Fire Authority,
including timescales.

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The Pensions Ombudsman's (TPO) approach to McCloud and Sargeant age discrimination complaints

The Government is legislating to remedy the age discrimination in public sector pension schemes which was identified by the Court of Appeal judgments in the McCloud and Sargeant cases. That remedy is expected by October 2023.

This note sets out: a brief background of the issues; TPO's view on what affected members and schemes can do now; and TPO's present approach to complaints and disputes concerning these issues.

1. Background

Impact of McCloud and Sargeant age discrimination cases

The 2015 public sector pension scheme changes included transitional arrangements to mitigate the impact on older members who were nearer retirement. The McCloud and Sargeant judgments held that these transitional arrangements in the judicial and firefighters' schemes were directly age discriminatory and could not be objectively justified.

The Government accepted that steps should be taken to remedy the age discrimination for all statutory public sector schemes, for the period between April 2015 and April 2022 (the **remedy period**). Therefore, most public sector schemes are allowing members (or their dependants if the member has died) the choice of whether the legacy scheme or the replacement scheme should provide benefits for the remedy period. Some schemes differ, for example, in the Local Government Pension Scheme an underpin over a different period will be applied.

Immediate detriment cases

Meanwhile, some members whose pensions or death benefits are due or have already come into payment, for example, members in ill health, or dependants of deceased members, could potentially suffer detriment before the rollout of the remedy under legislation expected in October 2023 (**immediate detriment** cases).

HM Treasury and Home Office guidance originally acknowledged that the police and firefighters' schemes could use their powers under the Equality Act 2010 to address discrimination in certain types of immediate detriment cases. However, that guidance was withdrawn because it was considered that there are major practical issues (particularly on tax) in dealing with immediate detriment cases in advance of the rollout of the remedy.

Therefore, individual schemes will need to decide how to address immediate detriment cases (after taking appropriate advice). Not all schemes are taking the same approach. For example, each individual Police Force and Fire & Rescue Authority is directly responsible for managing its scheme, and it is for those scheme managers to decide how to deal with immediate detriment cases.

2. What you can do now

What can members do now?

Many members will be comfortable waiting until the remedy is rolled out and will not need to take any action.

If a member has a complaint or dispute, they should first raise it with their scheme. If the member remains unhappy, they can complain under the scheme's internal dispute resolution procedure (**IDRP**). A member can then complain to TPO if the matter is still not resolved but should note *TPO's present approach* set out below.

What can schemes do now?

Schemes should communicate with affected members about the steps they are taking to address the discrimination and signpost members to their scheme's IDRPs and/or TPO if the matter cannot be resolved. Schemes may review and decide (taking appropriate advice) whether it is practicable for a remedy to be made available earlier for those members that may suffer immediate detriment.

Schemes should contact TPO, for example, if they receive a large number of similar or grouped complaints, and they think there is a reasonable chance those complaints will be referred to TPO.

3. TPO's present approach

TPO recognises that: the Government is taking steps to address the discrimination with retrospective effect; interest will be payable on any underpayments; schemes need time to change their administrative systems and provide detailed information to members about their options; and in *most* cases, members will not be adversely affected financially such as would require immediate action.

Bearing in mind the above, presently TPO's general starting position, is that it would not investigate complaints or disputes relating to remedying age discrimination in public sector schemes, but it will carefully look at the facts of each case before making any decision. Examples of where TPO may investigate include, allegations of maladministration, like, failure to explain what is going on and/or engage properly with the member; or investigate where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements to address the injustice within a reasonable period. Any complaint or dispute will be subject to TPO's usual jurisdictional checks, for example, whether court proceedings have started which are the same as the complaint.

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