

BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY
BUCKINGHAMSHIRE FIRE AND RESCUE SERVICE

Director of Legal & Governance, Graham Britten
Buckinghamshire Fire & Rescue Service
Brigade HQ, Stocklake, Aylesbury, Bucks HP20 1BD
Tel: 01296 744441 Fax: 01296 744600



Chief Fire Officer and Chief Executive
Jason Thelwell

To: Members of Buckinghamshire and Milton Keynes Fire Authority

9 October 2017

MEMBERS OF THE PRESS
AND PUBLIC

Please note the content of Page
2 of this Agenda Pack

Dear Councillor

Your attendance is requested at a meeting of the **BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY** to be held in Meeting Room 1, Fire and Rescue Headquarters, Stocklake, Aylesbury on **WEDNESDAY 18 OCTOBER 2017 at 11.00 am** when the business set out overleaf will be transacted.

Yours faithfully

A handwritten signature in black ink that reads 'Graham Britten'.

Graham Britten
Director of Legal and Governance

Councillors Brunning, Carroll, Exon, Glover, A Hussain, N Hussain, Irwin, Lambert, Marland, McCall, McDonald, Reed, Sullivan, Teesdale, Watson and Wilson



MAKING YOU SAFER

www.bucksfire.gov.uk



Recording of the Meeting

The Authority supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public. Requests to take photographs or undertake audio or visual recordings either by members of the public or by the media should wherever possible be made to enquiries@bucksfire.gov.uk at least two working days before the meeting.

The Authority also allows the use of social networking websites and blogging to communicate with people about what is happening, as it happens.

Adjournment and Rights to Speak – Public

The Authority may, when members of the public are present, adjourn a Meeting to hear the views of the public on a particular agenda item. The proposal to adjourn must be moved by a Member, seconded and agreed by a majority of the Members present and voting.

Prior to inviting the public to speak, the Chairman should advise that they:

- (a) raise their hands to indicate their wish to speak at the invitation of the Chairman,
- (b) speak for no more than four minutes,
- (c) should only speak once unless the Chairman agrees otherwise.

The Chairman should resume the Meeting as soon as possible, with the agreement of the other Members present.

Adjournments do not form part of the Meeting and should be confined to times when the views of the public need to be heard.

Rights to Speak - Members

A Member of the constituent Councils who is not a Member of the Authority may attend Meetings of the Authority or its Committees to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's division, with the prior consent of the Chairman of the Meeting which will not be unreasonably withheld. The Member's statement will not last longer than four minutes.

Petitions

Any Member of the constituent Councils, a District Council, or Parish Council, falling within the Fire Authority area may Petition the Fire Authority.

The substance of a petition presented at a Meeting of the Authority shall be summarised, in not more than four minutes, by the Member of the Council who presents it. If the petition does not refer to a matter before the Authority it shall be referred without debate to the appropriate Committee.

Questions

Members of the Authority, or its constituent councils, District, or Parish Councils may submit written questions prior to the Meeting to allow their full and proper consideration. Such questions shall be received by the Monitoring Officer to the Authority, *in writing or by fax*, at least two clear working days before the day of the Meeting of the Authority or the Committee.

COMBINED FIRE AUTHORITY - TERMS OF REFERENCE

1. To appoint the Authority's Standing Committees and Lead Members.
2. To determine the following issues after considering recommendations from the Executive Committee, or in the case of 2(a) below, only, after considering recommendations from the Overview and Audit Committee:
 - (a) variations to Standing Orders and Financial Regulations;
 - (b) the medium-term financial plans including:
 - (i) the Revenue Budget;
 - (ii) the Capital Programme;
 - (iii) the level of borrowing under the Local Government Act 2003 in accordance with the Prudential Code produced by the Chartered Institute of Public Finance and Accountancy; and
 - (c) a Precept and all decisions legally required to set a balanced budget each financial year;
 - (d) the Prudential Indicators in accordance with the Prudential Code;
 - (e) the Treasury Strategy;
 - (f) the Scheme of Members' Allowances;
 - (g) the Integrated Risk Management Plan and Action Plan;
 - (h) the Annual Report.
3. To determine the Code of Conduct for Members on recommendation from the Overview and Audit Committee.
4. To determine all other matters reserved by law or otherwise, whether delegated to a committee or not.
5. To determine the terms of appointment or dismissal of the Chief Fire Officer and Chief Executive, and deputy to the Chief Fire Officer and Chief Executive, or equivalent.
6. To approve the Authority's statutory pay policy statement.

AGENDA

Item No:

1. Apologies

2. Minutes

To approve, and sign as a correct record the Minutes of the meeting of the Fire Authority held on 7 June 2017 (Item 2) **(Pages 7 - 18)**

3. Disclosure of Interests

Members to declare any disclosable pecuniary interests they may have in any matter being considered which are not entered onto the Authority's Register, and officers to disclose any interests they may have in any contract to be considered.

4. Chairman's Announcements

To receive the Chairman's announcements (if any).

5. Petitions

To receive petitions under Standing Order SOA6.

6. Questions

To receive questions in accordance with Standing Order SOA7.

7. Recommendations from Committees:

Executive Committee – 12 July 2017

(a) 2015-20 Corporate Plan: Mid-Term Review & Refresh

'That the updated 2015-20 Corporate Plan be recommended to the Authority for approval' **(Pages 19 - 44)**

Overview and Audit Committee – 26 July 2017

(b) Review of Financial Regulations

'That the Financial Regulations as amended (Appendix A) be recommended to the Authority for approval' **(Pages 45 - 76)**

(c) Review of Standing Orders Relating to Contracts

'That the Standing Orders Relating to Contracts as amended (Appendix A) be recommended to the Authority for approval' **(Pages 77 - 96)**

8. The Policing and Crime Act 2017 and the Authority

To consider Item 8 **(Pages 97 - 118)**

9. Fire Reform - Collaborative Working update

To consider Item 9 (**Pages 119 - 138**)

10. The 2018-19 Local Government Finance Settlement: Technical Consultation Paper (the Consultation)

To consider Item 10 (**Pages 139 - 174**)

11. Update on Buckinghamshire and Milton Keynes Fire Authority Apprenticeship Programme

To consider Item 11 (**Pages 175 - 186**)

12. Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress

To consider Item 12 (**Pages 187 - 220**)

13. Scheme Managers Discretions for the Firefighters' Pension Scheme 2015

To consider Item 13 (**Pages 221 - 284**)

14. Update on Pay Negotiations

To receive a verbal update

15. Exclusion of Press and Public

To consider excluding the public and press representatives from the meeting by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as the report contains information relating to the financial or business affairs of any particular person (including BMKFA) and Paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as the report contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings; and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information:

16. Firefighters' Pensions Top-up Grant

To consider Item 16

17. Date of Next Meeting

To note that the next meeting of the Fire Authority will be held on Wednesday 13 December 2017 at 11am.

If you have any enquiries about this agenda please contact: Katie Nellist (Democratic Services Officer) – Tel: (01296) 744633 email: knellist@bucksfire.gov.uk

Minutes of the meeting of the BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY held on WEDNESDAY 7 JUNE 2017 at 11.00 am

Present Councillors Brunning (Part), Carroll, Exon, Glover, N Hussain, Irwin, Lambert, Marland, McCall, McDonald, Reed, Sullivan, Teesdale, Walters MBE, Watson and Wilson (Part)

Officers: J Thelwell (Chief Fire Officer), M Osborne (Deputy Chief Fire Officer), G Britten (Director of Legal and Governance), L Swift (Director of People and Organisational Development) D Sutherland (Director of Finance and Assets), N Boustred (Head of Service Delivery), J Parsons (Head of Service Development), K McCafferty (Head of Human Resources and Organisational Development), M Hemming (Deputy Director of Finance and Assets), F Mansfield (HR Services and Development Manager), C Turner (HR Projects Manager), A Burch (Operational Assurance Crew Commander), G Taylor (Service Delivery Manager Buckinghamshire), S Connelly (Station Commander Resilience and Business Continuity), T Brandon (Station Commander Buckingham and Co-Responder), K Nellist (Democratic Services Officer), F Pearson (Communication and Consultation Manager) and A McCallum (Executive Assistant to Chief Fire Officer)

2 FBU Representatives and 1 Member of the Public

Apologies: Councillor A Hussain

FA01 ELECTION OF CHAIRMAN

(Director of Legal and Governance presiding)

It was proposed and seconded that Councillor Reed be elected Chairman of the Fire Authority for 2017/18.

RESOLVED –

That Councillor Reed be elected Chairman of the Authority for 2017/18.

(Councillor Reed in the Chair)

FA02 APPOINTMENT OF VICE-CHAIRMAN

It was moved and seconded that Councillor McDonald be appointed Vice-Chairman of the Fire Authority for 2017/18.

RESOLVED –

That Councillor McDonald be appointed Vice-Chairman of the Authority for 2017/18.

FA03 MINUTES

Subject to the following amendments to the Minutes of the meeting held on 15 February 2017:

FA43 Executive Committee on 10 May 2017 not 14 March 2017.

RESOLVED –

That the Minutes of the meeting of the Fire Authority held on 15 February 2017, be approved and signed by the Chairman as a correct record.

FA04

CHAIRMAN'S ANNOUNCEMENTS

The Chairman wished to put on record his thanks from the Fire Authority to the previous Chairman Adrian Busby. The Chairman would write to Adrian Busby on behalf of the Fire Authority.

The Chairman welcomed the new Members, Councillors Arif Hussain, Niknam Hussain, Paul Irwin, Luisa Sullivan and Alan Walters MBE from Buckinghamshire County Council and Councillor Douglas McCall from Milton Keynes Council to the Authority.

The Chairman advised new Members that an Induction Day together with a tour of Aylesbury Fire Station on Monday 24 July 2017 had been arranged for them and that they should all attend.

The Chairman recommended that Members should undertake Fire Station visits and to contact the Democratic Services Officer in the first instance to organise.

Further Chairman's Announcements had been circulated in advance.

The Chairman advised that he had agreed that the meeting should consider as **a late urgent item** a letter received from the Deputy Police and Crime Commissioner addressed to the Chief Fire Officers of the three Thames Valley Fire and Rescue Services. **The reason for urgency** being that the letter was received on 31 May 2017 and requested a response by Friday 9 June 2017. The Chief Fire Officer had felt that a response should only be made after the Authority had had the opportunity to comment on the proposals contained in the letter.

FA05

MEMBERSHIP OF THE AUTHORITY

The Authority noted that the following Members had been appointed by the Constituent Authorities to serve on the Fire Authority for 2016/17:

Buckinghamshire County Council (11)

Councillors Carroll, Glover, A Hussain, N Hussain, Irwin, Lambert, Reed, Sullivan, Teesdale, Walters MBE and Watson

Milton Keynes Council (6)

Councillors Brunning, Exon, Marland McCall, McDonald and Wilson

FA06

COMMITTEE MATTERS

- (a) Local Government and Housing Act 1989 and Local Government (Committees and Political Groups) Regulations 1990

The Authority noted that the allocation of seats on the Authority was:

- (i) Conservative Group: 11 seats (64.71%)
- (ii) Liberal Democrat Group: 4 seats (23.53%)
- (iii) Labour Group: 2 seats (11.76%)

(b) Committee Matters – Committee Appointments

RESOLVED -

That the following Committees be appointed and seats allocated, as follows:

(a) Executive Committee (8 members):

- (i) Conservatives – 5 seats
- (ii) Liberal Democrats – 2 seats
- (iii) Labour – 1 seat

(b) Overview and Audit Committee (9 members):

- (i) Conservatives – 6 seats
- (ii) Liberal Democrats – 2 seat
- (iii) Labour – 1 seat

1. That the following Members be appointed to the Executive Committee:

Councillors Carroll, Lambert, Marland, McCall, McDonald, Reed, Sullivan and Walters MBE

2. That the following Members be appointed to the Overview and Audit Committee:

Councillors Brunning, Exon, Glover, A Hussain, N Hussain, Irwin, Teesdale, Watson and Wilson

FA07

CALENDAR OF MEETINGS

The Authority considered possible dates for its meetings and meetings of its committees during 2017/18.

RESOLVED -

1. That meetings of the Authority be held on Wednesday 18 October 2017, 13 December 2017, Wednesday 14 February 2018 and Wednesday 13 June 2018, all at 11 a.m.
2. That meetings of the Executive Committee be held on Wednesday 12 July 2017, Wednesday 20 September 2017, Wednesday 22 November 2017, Wednesday 7 February 2018, Wednesday 14 March 2018 and Wednesday 9 May 2018, all at 10 a.m.
3. That meetings of the Overview and Audit Committee be held on Wednesday 26 July 2017, Wednesday 15

November 2017, and Wednesday 7 March 2018, all at 10 a.m. (with the exception 26 July 2017 at 2 p.m.)

FA08 APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

The Authority considered the appointment of representatives to outside bodies:

RESOLVED –

1. That Councillor Reed be appointed as the Authority's representative (and Councillor McDonald as the Standing Deputy) to the Local Government Association Annual Conference.
2. That Councillor Reed be appointed as the Authority's representative (and Councillor McDonald as the Standing Deputy) to the Local Government Association Fire Commission.
3. That Councillor Reed be appointed as the Authority's representative (and Councillor McDonald as the Standing Deputy) to the Local Government Association Annual Fire Conference.
4. That Councillor Reed be appointed as the Authority's representative (and Councillor McDonald as the Standing Deputy) to the Combined Fire Authorities Conference.
5. That Councillors Reed and Carroll be appointed as the Authority's representatives on the Thames Valley Fire Control Service – Joint Committee.
6. That Councillors McDonald and Walters MBE be nominated as substitute members on the Thames Valley Fire Control Service – Joint Committee.

FA09 LEAD MEMBER RESPONSIBILITIES

The Authority considered the amendment of Lead Member Responsibilities and the creation of a new Lead Member role; and to appoint Members to those roles.

The Lead Member Responsibilities for 16/17 were follows:

Responsibility
Community Protection
Human Resources and Equality and Diversity
Finance, IT, Procurement and Control
Health and Safety and Corporate Risk
Property and Resource Management

To change, for 17/18, to:

Responsibility
Community Protection
(To lead on issues relating to prevention of, and protection

from, harm to our communities).
Human Resources People and Equality and Diversity
(To ensure that the right staffing solutions are in place to provide the best possible service to our communities).
Finance, IT, and Procurement and Control
(To lead on treasury management, MTFP and the longer term aspects of our finances to ensure that we can continue to deliver a high level of service to our community).
Health and Safety and Corporate Risk
(To ensure that measures and policies are in place to mitigate risks to the organisation and our staff).
Property and Resource Management
(To lead on the creation of the Blue Light Hub in Milton Keynes and other property issues and to also ensure that innovative, efficient and workable staffing solutions can be implemented to deliver the best possible service to our communities).
Collaboration and Transformation
(To lead on collaboration across the blue light services in line with the Policing and Crime Act 2017; and on transformation in partnership with the Royal Berkshire and Oxfordshire fire and rescue services).

A Member asked a question regarding entitlement to more than one Special Responsibility Allowance (SRA) and was advised that the Members' Scheme of Allowances 2017/18 allowed for a Lead Member to claim a Lead Member's allowance in addition to one other SRA payable.

RESOLVED –

1. that the respective areas of responsibility for Lead Member Responsibilities be approved;
2. that the role description of a Lead Members approved at its meeting on 8 June 2007 (minute FA13) be noted;
3. that Members be appointed as Lead Members for 2017/18 as follows:

Responsibility	Lead Member
Community Protection	Councillor Teesdale
People and Equality and Diversity	Councillor Lambert
Finance, IT and Procurement	Councillor McDonald
Health and Safety, Corporate Risk	Councillor Glover
Property and Resource Management	Councillor Carroll
Collaboration and Transformation	Councillor Reed

FA10

USAR CANINE CAPABILITY

The Head of Service Delivery introduced the report and advised Members that the Service has had an Urban Search and Rescue

(USAR) capability since 2006. This was one of a number of national capabilities developed and delivered in 2006-2007, and subsequently reviewed in 2014, when a Concept of Operations (ConOps) was introduced which set a bench mark for USAR team requirements and performance measures. The major change to the USAR capability provision was that each USAR team must have its own search dog capability.

The Head of Service Delivery advised Members that the current capability was delivered through a Memorandum of Understanding (MOU) with Hampshire Fire and Rescue Service, which was due to end on 1 February 2019. The Service was funded for this capability through a Section 31 grant for approximately £900k. The Service should be looking to have its own dog as if it doesn't commit to this capability, it may leave itself vulnerable to any subsequent Government review. This proposal was to invest to secure the future of the unit.

Group Commander Gary Taylor advised that for those Members not familiar with the Urban Search and Rescue Team, they were operational firefighters based here in Aylesbury, who crew the fire appliances but have a dual role as USAR technicians.

A Member asked if one dog was enough and was advised that as part of the ConOps the 20 Government funded USAR teams from across the UK were grouped into four zones, each comprising of five teams. Buckinghamshire had been placed in Zone 2 with Norfolk, Essex, West Midlands and Leicestershire. Each team would have a dog and would liaise with each other to provide cover when required.

A Member asked how often the Authority had used the Hampshire Fire and Rescue Service dog and was advised that it had been used most recently at a house explosion in Oxfordshire in February 2017 and the Didcot Power Station incident in February 2016.

A Member asked if the Authority paid Hampshire for the use of the dog and was advised that the Authority pay approximately £6k per year as part of the MOU.

A Member asked if the dog was not going to be used that often, what other benefit would it give to the Service and was advised that consistent with the principles of the duty to collaborate, capability could be developed to allow for multi-agency work with Police Search Teams to search for high risk missing persons such as dementia sufferers, vulnerable adults and children.

RESOLVED –

1. that the move to an In-Service USAR canine capability be implemented to become effective no later than 1 February 2019.

2. that the current MOU be terminated once the In-Service USAR capability is effective.
3. that an internal recruitment process for a suitable dog handler be undertaken.
4. that a suitable dog be procured.
5. that a suitable converted vehicle be procured.
6. that the Capital funding of £36,500 to procure the canine, vehicle, kennels and equipment as set out in the report be approved.

FA11

BUSINESS CONTINUITY DURING INDUSTRIAL ACTION

The Head of Service Delivery advised Members that during the last period of Industrial Action in 2013/14 documents were created and actions were recorded but there was no formal guidance written specifically relating to maintaining business continuity. This document had been created and had been updated to reflect changes implemented by the Trade Union Act 2016.

Members had an in-depth discussion on secondary employment and partial performance during industrial action.

Councillor Marland moved the following recommendation which was seconded by Councillor McCall:

That the wording on 8.2 be changed from 'where permission has been withdrawn, after each period of IA, employees who have taken part in IA will have to reapply via normal procedures, for permission to resume secondary employment' to 'where permission has been withdrawn, after each period of IA, it will be reapplied'

On being put to the vote the recommendation was declared lost.

RESOLVED –

1. that the Business Continuity during Industrial Action Guidance Document be approved; and
2. that it be noted that in approving the Guidance Document the Authority endorses that it shall always require a union to provide no less than 14 days' notice of intended industrial action.

FA12

SCHEME MANAGER DISCRETION FOR THE FIREFIGHTERS' PENSION SCHEME 2015

After a short discussion Officers withdrew the report to be resubmitted to Members at the next Fire Authority meeting on 18 October 2017.

FA13

THE AUTHORITY'S PEOPLE STRATEGY 2016 TO 2020 - ANNUAL

The Head of Human Resources and Organisational Development advised Members that people were an important asset and resource for the Authority and that there were serious choices to be made as to how the Authority invests in the future and how it communicates and engages with staff. Some Members may recall that the People Strategy was approved by the Executive Committee at its meeting on 3 February 2016. The aim last year was to produce a modern and interactive strategy that allowed staff across the service to have real examples of initiatives and to show how progressive the Authority's approach was.

The Head of Human Resources and Organisational Development advised Members that much of the development work had been completed through a task and finish approach which allowed staff outside of Human Resources to work on projects whilst being paid extra for their time and also allowed them to get involved in areas where they would normally otherwise not touch, which offered a great development opportunity. The contribution from staff under task and finish had been invaluable.

Station Commander Charlie Turner and Crew Commander Adam Burch gave Members an electronic demonstration of the People Strategy.

A Member asked if the People Strategy could be shared and it was agreed that a link would be provided for Members.

RESOLVED –

That the Service's People Strategy 2016 to 2020 main developments and achievements to date, set out in Annex A and the employee engagement outcomes in Annex B be noted.

FA14

LATE URGENT ITEM – PROPOSAL FROM THE THAMES VALLEY DEPUTY POLICE & CRIME COMMISSIONER

The Chief Fire Officer advised Members that the purpose of this late item was to bring to Members' attention a letter sent to the Chief Fire Officers of the three Thames Valley Fire and Rescue Services by the Thames Valley Deputy Police & Crime Commissioner received 31 May 2017, requesting a response by Friday 9 June 2017 and to seek direction from the Authority to the Chief Fire Officer for an appropriate response. The letter also asked the Authority to contribute financially for the work, although there was no budget for the work and there were no costings as to how much this would cost the Authority.

Members discussed the letter and the brief for consultative services to assess the scope for further police and fire and rescue collaboration and integration. Members were also concerned that as it was half way through the financial year, no budget had been allocated for this work and it did not take into account the budgets for each Authority when it suggested that they each paid an equal share.

The Chief Fire Officer advised Members that a lot of collaboration already took place, and indeed the Authority already shared premises with Thames Valley Police at Broughton Fire Station and was in discussions on various other locations. The Authority had also signed up to a Memorandum of Understanding (MoU) which encouraged collaboration and no decision could be made by the Authority, or one of its Committees, without the principles of collaboration having first been taken into account.

Members requested to receive a report about the aspects of collaboration at the next meeting of the Authority on 18 October 2017. It was also agreed that the Chief Fire Officer would invite the Police & Crime Commissioner to attend this meeting.

A Member asked if the Police & Crime Commissioner (PCC) could impose a change of governance on the Authority and was advised that the legislation was drafted in such a way that imposition was not the approach; it would be necessary for the PCC to prepare a business case with the assistance of the three fire and rescue authorities and the final arbiter of the business case would be the Home Secretary.

A Member asked if the PCC was under a statutory duty to undertake this exercise and was advised that this was not the case; the PCC was given an enabling power to undertake the preparation of a business case. A separate duty does arise, although related, and that was the duty on blue light services to consider if it is in the interests of efficiency and effectiveness and public safety to collaborate with other blue light services.

RESOLVED –

That the CFO be delegated to respond in writing to the Office of the Thames Valley Police & Crime Commissioner in consultation with the Chairman, taking into account the views of the Authority Members.

(Councillor Wilson left the meeting)

FA15 EXCLUSION OF PRESS AND PUBLIC

RESOLVED -

By virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as Annex 2 contains information relating to the financial or business affairs of any particular person (including BMKFA); and on these grounds it is considered the need to keep information exempt outweighs the public interest in disclosing the information.

FA16 BLUE LIGHT HUB FOR MILTON KEYNES

The Deputy Chief Fire Officer advised Members that this particular concept of an emergency service or blue light hub was something that for many years had been an aspiration of the

Authority in respect of putting its communities at the heart of everything it strived to achieve in making Buckinghamshire and Milton Keynes the safest places to live, work and travel.

The Deputy Chief Fire Officer advised Members that this project effectively brought the three blue light emergency services from five sites across Milton Keynes into one state of the art hub that would serve the communities for decades and even generations to come. In 2014 the Authority seized upon the opportunity presented to it by Government in the shape of a transformation fund that was made available for transformational projects with the emphasis upon collaboration with other blue light services. To this end, the Authority developed a bid in conjunction with Thames Valley Police, initially in order to meet the tight Government timescales but it was always the intention to broaden this out to involve South Central Ambulance Service (SCAS) so all three services could come together.

The Deputy Chief Fire Officer advised Members that there were many inherent benefits that would improve the service to the public:

- Operational benefits – the service already works very closely with its partners, but this makes those arrangements far more efficient.
- Ability to train more closely and frequently together.
- Sharing of information and data in respect of community safety issues and of course recent events have again highlighted the importance of the prevent agenda in respect of radicalisation.

(Councillor Brunning left the meeting)

The Director of Finance and Assets advised Members that the main purpose of the report today was to update Members on the outcome of the recent tender exercise held in respect of the construction contract for the Blue Light Hub in Milton Keynes. The recent procurement exercise had not produced a compliant bid. Research had been undertaken as to why this was and although the Government had said all major public sector projects should be Building Information Model (BIM) compliant, the construction market, in particular contractors and suppliers were not ready for it. Although a change of strategy in respect of the procurement process is recommended within this report, the BIM methodology was intended to remain in place to continue to drive the procurement process.

The Director of Finance and Assets advised Members there were a number of salient points, and one of which was affordability. The proposal is designed to ensure that the project remains

affordable to the Authority and will allow other vital investment to continue e.g. vehicles and equipment.

The Director of Finance and Assets updated Members on the position with South Central Ambulance Service (SCAS) and Thames Valley Police (TVP). SCAS would be combining their operations from Bletchley and Milton Keynes Hospital and including their patient transport services all on the one site. The TVP presence was slightly smaller but essential, as funding came with them.

The Director of Finance and Assets advised Members that the decision notice for planning was imminent and the Section 106 agreement had been sealed. All the pre planning conditions had been met. Members would note from the report that it was planned to build the second floor as there was a lot of interest in it. The Director of Finance and Assets was confident that it would be filled and there would be a good return for the Authority. As it was not guaranteed, it was not included in the figures, but if it was fully rented out, it could give over £100k per year, back to the Authority.

A Members asked for assurance that they would not need to ask for any more funding and was advised that it was not the intention to come back and ask for more.

A Member asked about the additional sprinklers and whether sprinklers were needed in a fire station and was advised that with the Authority promoting the fitting of sprinklers throughout facilities of a similar size and use across the county, it was recommended that sprinklers were fitted throughout this facility. This had the advantage of providing a working example to interested businesses within the community, that the Authority would encourage others to invest in such systems in future. It was also recommended for the Authority's own business continuity to have sprinklers.

A Member asked if the Authority would own the land and building and was advised that it would.

RESOLVED -

1. that a new proposal for a 'Develop and Construct' procurement process be approved;
2. that the additional funding as set out in Annex 2 be approved; and
3. that delegation be given to the Executive Committee to amend as appropriate the capital budget for the Blue Light Hub project should the tendered 'target price' exceed the approved capital budget.

THE CHAIRMAN CLOSED THE MEETING AT 14.12PM

DRAFT

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Executive Committee
DATE OF MEETING	12 July 2017
OFFICER	Julian Parsons, Head of Service Development.
LEAD MEMBER	Councillor Roger Reed
SUBJECT OF THE REPORT	2015-20 Corporate Plan: Mid-Term Review & Refresh
EXECUTIVE SUMMARY	<p>The 2015-20 Corporate Plan set out how we intended to equip and develop our organisation and its people to meet the challenges that we face over the five year period to March 2020, in particular the need to reshape our Service as envisaged by our 2015-20 Public Safety Plan.</p> <p>The purpose of this paper is to:</p> <ul style="list-style-type: none"> • Update Members on progress with the delivery of the plan; and, • propose updates and revisions to the current plan both to reflect progress made to date and changes to the Authority's operating context that have occurred since the plan was originally formulated and approved. <p>The outcomes of this mid-term review of the corporate plan and proposed revisions to the same are shown at Appendix 1.</p>
ACTION	Decision.
RECOMMENDATIONS	<ol style="list-style-type: none"> 1. that the progress achieved with the delivery of the 2015-20 Corporate Plan during the first two years to March 2017 be noted. 2. that the updated 2015-20 Corporate Plan be recommended to the Authority for approval.
RISK MANAGEMENT	<p>Alongside the Public Safety Plan and Medium Term Financial Plan, the Corporate Plan sets out how the strategic risks facing the Authority over the three year period to March 2020 will be managed.</p> <p>Risks to achieving the plan together with mitigating actions are identified at page 20 of the updated plan shown at Appendix 1.</p> <p>No privacy or equality, diversity and inclusion issues have been identified as a direct consequence of the updates to the 2015-20 Corporate Plan.</p>

FINANCIAL IMPLICATIONS	Successful implementation of the plan is critical to the achievement of the 2015/16 – 2019/20 Medium Term Financial Plan objectives.
LEGAL IMPLICATIONS	The Terms of Reference for the Authority require it to determine issues in respect of both the “Integrated Risk Management Plan and Action Plan” following recommendations from the Executive Committee.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	<p>The Policing and Crime Act 2017 introduced a statutory duty for emergency services to consider whether entering into a collaboration agreement with one or more other relevant emergency services in England could be in the interests of the efficiency or effectiveness of that Service and those other Services.</p> <p>The updated Corporate Plan has been aligned with the collaboration priorities agreed between the three Thames Valley Chief Fire Officers in February 2017 and also identifies other areas in which collaboration opportunities with other blue light Services are being pursued.</p>
HEALTH AND SAFETY	Some elements of the programme of activities set out in the Corporate Plan may have health and safety implications e.g. the Public Safety Plan reviews of emergency cover provision. Detailed assessments of any health and safety implications will be conducted within the scope of the individual projects and work streams.
EQUALITY AND DIVERSITY	Where required, detailed Integrated Impact Assessments will be undertaken within the scope of the individual projects and work streams identified in the Corporate Plan. Also the Plan has been updated to include the use of the Fire and Rescue Equality Framework in order to address the Authority’s requirements in relation to equality, diversity and inclusion for the workforce and the communities that the Authority serves and further pursue its equality objectives.
USE OF RESOURCES	<p>Communication with stakeholders</p> <p>Following workshops convened to obtain input from Service officers responsible for the delivery of the corporate plan, the updated plan has been reviewed by the following:</p> <ul style="list-style-type: none"> • Business Transformation Board at its 25 May Meeting; • Strategic Management Board at its 13 June Meeting. <p>Following recommendation of the updated Plan by the Executive Committee it will be published to the Service as a whole and will be available to all</p>

	<p>Authority Members and Service staff.</p> <p>The system of internal control Alongside the Public Safety Plan and Medium Term Financial Plan, the Corporate Plan provides the strategic frame of reference for controlling the Authority’s activities over the next three years (2017-20).</p> <p>The medium term financial strategy The Corporate Plan is aligned to and supports delivery of our Medium Term Financial Plan objectives.</p> <p>The balance between spending and resources The plan sets out the Service’s strategic objectives and the activities that will be undertaken to deliver these during the period 2017-20. These will be cascaded to directorate, team and individual levels and resourced from within the establishment and budgets set by the Workforce and Medium Term Financial Plans.</p> <p>The management of the asset base The 2015-20 Corporate Plan implies but does not specify specific changes to the Authority’s asset base. These will be identified through the relevant programmes of work contained in the plan and referred to the Authority for decision where required or appropriate depending on their nature.</p> <p>Environmental Environmental impact assessments of changes arising from implementation of changes specified in the Corporate Plan will be carried where required or appropriate. It is envisaged that many of these will be positive e.g. changes to the red fleet in favour of smaller, more economical vehicles, consolidation and modernisation of property assets.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>Background</p> <p>The 2015-20 Corporate Plan schedules the key work programmes arising out of the 2015-20 Public Safety Plan which was approved by the Fire Authority at its 17 December 2014 meeting. At that meeting, the Fire Authority determined that the Chief Fire Officer be granted discretion to determine the sequencing and timing of the work required to further progress the approved proposals:</p> <p>http://bucksfire.gov.uk/files/5414/1803/6075/ITEM_1_6_2015-20_PSP_Consultation_-_17_December_14_CFA_Paper_Annexes.pdf</p> <p>The 2015-20 Corporate Plan was first recommended by the Executive Committee at its meeting on 18 March 2015:</p> <p>http://bucksfire.gov.uk/files/6314/2564/4370/ITEM_1_3_2015-20_Corporate_Plan_-</p>

	<p>_Covering Exec Paper Annex.pdf</p> <p>It was subsequently approved by the Authority at its meeting on 10 June 2015:</p> <p>http://bucksfire.gov.uk/files/5514/3315/2727/ITEM_14b_2015-20_Corporate_Plan_-_Covering_Exec_Paper_Appendix_1.pdf</p>
APPENDICES	Appendix 1: Updated 2015–20 Corporate Plan
TIME REQUIRED	20 Minutes.
REPORT ORIGINATOR AND CONTACT	<p>Stuart Gowanlock, Corporate Planning Manager</p> <p>01296 744 435</p> <p>sgowanlock@bucksfire.gov.uk</p>



2015 – 20 Corporate Plan Mid-Term Review & Refresh

June 2017

Plan Contents	Page
1. Introduction	2
2. Overview of progress made to 31 March 2017	3
3. Changes to operating context	6
4. Main Revisions to the plan	8
5. Our Vision & Values	10
6. Our Strategic Objectives, Enablers and Performance Measures	11
7. Updated schedule of Key Projects and Tasks	12
8. Risk Management Plan	20
9. Plan Governance and Monitoring	21

1. Introduction

This document reflects the outcomes of a mid-term review and refresh of the 2015 – 20 Corporate Plan. It sets out how we intend to equip and develop our organisation and its people to meet the challenges that we face over the remaining years of the plan and continue to make progress towards the achievement of our vision and strategic objectives. It also sets out the remaining programme of work that will be needed to develop and implement the proposals approved by the Fire Authority following the outcomes of the public consultation on our 2015-20 Public Safety Plan. These were:

- To review capacity in each of five key geographical areas, starting with Milton Keynes, to ensure that the Service has:
 - The right balance between measures to prevent and protect against risks and the residual capacity needed to respond to emergencies;
 - The most appropriate crewing models relative to current and expected levels of demand and risk;
 - The right number of staff, fire engines and other specialist appliances required to fit with normal, day-to day-demand patterns;
 - The right number of, and location for, fire stations. This may involve moving, merging, closing or co-locating with other blue-light services.
- To identify and implement the level of capacity needed to respond to major local, regional and national emergencies and meet mutual assistance obligations to neighbouring fire and rescue services.
- To work with staff and other stakeholders to develop the very best resourcing models for both the Service and the people it serves and protects. This will embrace identifying and implementing changes to our employee proposition, staff terms and conditions of employment, skills development, crewing models and shift patterns.
- To continue to develop opportunities to increase the benefits and value that we deliver to the public by using our capacity, resources and assets to meet a wider range of community needs in partnership with others.

2. Overview of progress to 31 March 2017

From the inception of the plan in April 2015 the Service has made significant and innovative progress towards the achievement of its strategic objectives. These achievements have been recognised nationally in the form of ministerial visits, speeches and awards.

In particular the Service has delivered an innovative operational response and resourcing model which is unique in the UK Fire and Rescue Service. This has been supported by extensive workforce reform and a willingness of our staff to change and work more flexibly.

We have developed and established a model which balances our risk, demand and operational / financial capacity. This has been achieved with no redundancies, no station closures and without removing any fire appliances from stations. It has been common practice in other fire and rescue services to achieve savings by such cuts to services, including station closures, while we have achieved ours through workforce reform and service remodelling. However, our services to the public have not deteriorated and, in many circumstances, have improved and diversified (e.g. medical response). We are continuing to reduce the number of serious incidents we are attending and the incidence of deaths and injury remain low by historic standards against a backdrop of an increasing population. Also our average response time to incidents has improved in the last two years after a period of increase.

Key areas of progress to date with Corporate Plan Projects include:

Milton Keynes Reconfiguration

- Approval to proceed with the development of a new 'Blue Light Hub' facility at West Ashland, in partnership with Thames Valley Police and South Central Ambulance Service, was granted by the Fire Authority in February 2016 following the outcomes of a public consultation. This will enable resources from two existing stations, Bletchley and Great Holm, to be migrated to the new Hub alongside police and ambulance resources also being re-located from other sites across Milton Keynes. The existing station sites will then be vacated and made available for other purposes. Planning permission to proceed with the new site was granted by Milton Keynes Council in January 2017. Construction work is expected to begin in early 2018 following completion of the tender process with a view to the new facility becoming operational in 2019.

- Staff resourcing across the Milton Keynes West Area, which comprises the existing Bletchley and Great Holm fire stations, has already been reviewed, re-configured and placed within a single management structure in readiness for the move to the new facility at West Ashland.

Workforce Reform

- A 12 month pilot was conducted to test a new employment proposition for a flexible, mobile, more accountable firefighter with a range of enhanced skill sets to deliver a more diverse role including medical response. No strike clauses are included for organisational resilience. Following the success of the pilot, the new role type has been made part of the permanent establishment with effect from April 2017.
- A new resilience crewing model was introduced that delivered a more flexible way of working for On-Call staff following a review of our resource requirements which matched operational resourcing with risk and demand. We will continue to develop this model to meet future resourcing requirements as our operating environment changes.
- A new recruitment and training model for firefighters and support staff was developed and introduced based on the Government backed apprenticeship scheme. 22 firefighter and four support service apprentices were appointed over the summer of 2016, employed by an Apprentice Training Agency for a two year training period. This will provide the opportunity to directly employ qualifying participants at the end of the apprenticeship period in order to meet resourcing requirements identified by our Workforce Plan. Another intake of apprentices is planned for summer 2017. The Authority's progress with workforce reform was acknowledged by the then Minister for Policing and the Fire Service, Brandon Lewis, in a speech to the Chief Fire Officers Association (CFOA) conference on 13 September 2016:

"During a recent visit to Buckinghamshire I saw the strong progress that had been made in implementing alternative duty systems and how staffing is more closely aligned to risk, as well as the introduction of 22 firefighter apprentices into the Service providing a refreshed employment proposition. I am pleased to hear that learning is being shared with other services and I will watch this area with interest".

Further recognition was received in April 2017, in the annual 'iESE Awards', with a Bronze award in the 'Transforming through People' category for the Service's workforce reform programme.

The Authority was also recognised in 2016 by the Public Service People Managers' Association for its approach to staff health & wellbeing by the winning in this category of their annual awards.

Business and Systems Integration

- Development and implementation of key phases of new Human Resource Management, Payroll, Finance and Health and Safety systems were completed following successful user acceptance testing and parallel runs. The new systems went live from 3 April 2017 and offer a range of automated, self-service and work-flow driven features replacing a number of inefficient, manually intensive paper based processes and obsolete legacy systems.

3. Changes to operating context

Financial Context

Successful implementation of the Corporate Plan is critical to the achievement of the Medium Term Financial Plan. Since publication of the 2015-20 Corporate Plan in March 2015, the Authority's medium term financial forecast has significantly improved thanks to the cumulative effect of measures implemented to deliver savings and the decision to increase Council Tax by 2% each year. As a result of this the cumulative savings requirement by 2019/20 is now only expected to be £253k compared with £4,162k when the Plan was first published.

Medium Term Financial Plan Summary

	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000
Net Budget Requirement	28,323	28,186	27,812	28,641
Total Funding Available	28,323	28,186	27,793	28,407
Shortfall for Year	0	0	19	234
Cumulative Savings Requirement	0	0	19	253

Government Policy and Legislative Context

In September 2016, Minister for Policing and the Fire Service, Brandon Lewis, set out the government's strategic reform agenda for the Fire and Rescue Service in a speech to the Chief Fire Officers Association (CFOA) conference. He identified three distinct 'pillars of transformation':

- efficiency and collaboration;
- accountability and transparency; and,
- workforce reform.

The first two of these pillars were given legislative force with the passage into law of the Policing and Crime Act 2017 which, amongst other things:

- places fire, police and ambulance services under a statutory duty to collaborate where this improves efficiency or effectiveness;
- enables Police and Crime Commissioners to become involved in the governance of fire & rescue services in their area either by becoming a fire authority member or taking over the role of a fire authority completely and, as a potential further step, integrate fire and police within a single employer organisation with an integrated single management team;
- provides for the creation of the creation of a 'rigorous and independent inspection regime' for fire and rescue in England, with sufficient access to data and information to ensure robust inspections, and the ability to undertake joint inspections with HMIC.

In relation to workforce reform, the Minister also referred to the findings of the Independent Review of Conditions of Service for Fire and Rescue Staff in England (also known as the 'Thomas Review') which made a number of recommendations in relation to:

- The working environment;
- Documented conditions of service;
- Industrial relations;
- Duty systems; and,
- Management of fire and rescue services.

Technology Context

The Emergency Services Mobile Communications Programme (ESMCP) was launched by the Government to provide the next generation of mobile communications for emergency services which will replace the Airwave Tetra network introduced to fire services in 2009. The Programme is considered to be ground breaking and innovative and is designed to improve the integration of emergency services communications by taking advantage of 4G communications developments and by reducing costs to user organisations.

The current national Airwave contracts are due to be terminated at the end of December 2019. The period of transition for the South Central Region was originally planned to take place between November 2017 and November 2018. These dates are now under review and a revised plan is due to be released following completion of the review.

4. Main Revisions to the plan

This plan has been updated and revised to reflect:

- progress made during the first two years of the plan (to 31 March 2017); and,
- changes to our operating context.

Detailed changes are shown in section 7 of this document with an overview of the main changes set out below.

Duty to collaborate

Authority collaboration with other blue light services was already well underway prior to the imposition of a statutory duty to do so. Notably with South Central Ambulance Service in relation to co-responding and Thames Valley Police in relation to sharing of property and facilities. The plans to develop shared support service functions, and in particular, a shared finance function with Royal Berkshire Fire and Rescue (RBFRS) have been reprioritised and removed from the Corporate Plan as RBFRS have decided to maintain and develop their own separate support service functions. However, we will continue to explore the potential for collaboration in this area on an opportunistic basis. In February 2017, the three Thames Valley Chief Fire Officers agreed a new set of collaboration priorities including:

- Operational alignment - developing and implementing a single mobilising policy for the Thames Valley which will enable staff in the control room to streamline their responses and free up time and effort to ensure that the community gets the best possible response;
- Fire Protection – the services will work together to produce a single fire protection policy, succession plan and one way of working, providing consistency and opportunities for staff across the Thames Valley;
- Procurement – developing and implementing a common procurement timetable for the three Thames Valley Services and looking to buy the same equipment and appliances in all of our respective Authorities.
- Risk Modelling – developing a single risk modelling methodology to enable a consistent way of assessing risk whilst still allowing risk appetite to be defined locally.

- Workforce reform – The Services will work together on workforce reform, learning from each other and sharing best practice to enable our staff to have the best possible opportunities and also enable our staff to shape the future of our Service.
- Blue light collaboration – The work going on with SCAS and TVP needs to be accelerated and highlighted to enable the community to get the best possible service.

The plan has been updated to reflect and align with these collaboration priorities as shown in section 7.

Strategic Review of Operational Resourcing

This has been established to consolidate a number of interrelated projects that have been identified as having high levels of dependency on one another such that they would benefit from being integrated. In the original Public Safety Plan a number of key areas were identified to be reviewed. As we developed a new model for delivering operational services we started to realise that no single area could be taken in isolation and the real benefits of workforce reform are better realised through taking a holistic approach. The previously identified areas of work which are now incorporated into the Strategic Review of Operational Resourcing:

- The ongoing development of key areas of operational workforce reform such as the Flexi-Firefighter and On-Call Firefighter propositions;
- The further development of local operational terms and conditions of employment to better meet risk and demand;
- Ongoing and planned area reviews for Amersham / Chesham, Buckingham / Winslow, M40 corridor and Aylesbury Vale.

Emergency Services Mobile Communications Programme

Our Technology strategy and programme has been updated to align with and deliver the local requirements arising out of the ESMCP (see page 18.)

Strategic Objectives and Enablers

The fourth strategic objective has been amended (see page 11) and supporting projects added (shown at page 16) in order to prepare for the new and more rigorous inspection regime mandated by the Policing and Crime Act 2017 and government priorities in relation to equality, diversity and inclusion for the workforce and the communities that it serves.

5. Vision and Values

As important as what we do is how we do it and our values therefore form an integral part of our approach to planning and delivery of our services. These also translate through to individual objective setting and performance appraisal via the behavioural elements of our appraisal process, training needs assessments and annual workforce development plans.

Vision			
Buckinghamshire and Milton Keynes are the safest places in England in which to live, work and travel			
<p>Service to the community We will serve the community by:</p> <p>Working with all groups to reduce risk</p> <p>Treating everyone fairly and with respect</p> <p>Striving for excellence in all we do</p> <p>Being answerable to those we serve</p>	<p>People We practice and promote:</p> <p>Fairness and respect</p> <p>Recognition of commitment and the achievement of excellent service</p> <p>Honesty and trust</p> <p>Opportunities to develop and learn</p> <p>Co-operation and inclusive working</p>	<p>Diversity We value diversity in our service and in the community by:</p> <p>Treating everyone fairly and with respect</p> <p>Challenging prejudice and discrimination</p> <p>Creating opportunities to meet the different needs of people and the communities</p> <p>Promoting equal opportunities in terms of recruitment, promotion and retention</p>	<p>Improvement We value improvement at all levels of the service by:</p> <p>Accepting responsibility for our performance and actions</p> <p>Being open-minded and receptive to alternative approaches</p> <p>Learning from our experiences</p> <p>Supporting others to enable them to achieve their goals</p> <p>Encourage innovation and creativity</p>

Vision			
Buckinghamshire and Milton Keynes are the safest places in England in which to live, work and travel			
Strategic Objectives			
Prevent Incidents that cause harm from happening.	Protect homes, public buildings and businesses from the effects of fire.	To provide a timely and proportionate response to incidents by allocating our assets and resources in relation to risk and demand	To offer best value for money to our residents and businesses & ensure that the Service is compliant with regulatory requirements and recognised 'good practice' standards and can readily evidence this at all times.
Outcome Measures			
Number of accidental dwelling fires Numbers of primary fires in non-domestic buildings Number of deliberate fires Number of road traffic collision killed and seriously injured	Number of fire deaths Number of injuries in accidental dwelling fires Number of Injuries in non-domestic building fires. False alarms Real alarms	Emergency response time trends Appliance availability Customer satisfaction (After The Incident Survey) Co-Responding (incidents attended / lives saved) Number of persons rescued from fires, road traffic collisions and 'Special Service' calls.	Council Tax rates compared with family group and / or other Combined Fire Authorities Net expenditure per 1,000 population
Strategic Enablers			
People	To optimise the contribution and well-being of our people.		
Information Management Systems and Processes	To ensure that risk, performance, financial and management information is accurate, relevant and delivered to users in an efficient, timely and reliable way.		
Assets and Equipment	To provide high quality, cost effective assets and equipment with sufficient flexibility to adapt to changing requirements.		

7. Updated schedule of Key Projects and Tasks

Key

New Objectives / Enablers / Projects / Tasks			
R	A	G	Current status of planned projects & tasks
			Original 2015-20 Plan project / task timescales
			Revised or new project / task timescales
Project / Task			Colour code for projects and tasks related to TV Collaboration Programme Priorities.

Strategic objective 1		Prevent Incidents that cause harm from happening.					
What we will do:		When we will do it:					
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	NOTES	
Implement Prevention Strategy.	COMPLETE						
Move to focussed Central Prevention Team. This team will reflect the strategy, support stations and be accountable against risk based agreed performance measures.	COMPLETE						
Effective partnership working to identify "at risk" groups to ensure a targeted approach to prevention initiatives.	G	G				No change to original plan	
Focus on community engagement, supporting both fire and the wider social health and well-being risks in the community.	G	G				No change to original plan	
Promote the installation of fire suppression systems in domestic premises to reduce the risk to life, property, the environment and the wider economy from fire.	G	G				No change to original plan	
Achieve reduction of RTC (road traffic collisions) KSI (killed or seriously injured) as a strategic priority for the Buckinghamshire and Milton Keynes Partnership Boards	G					Now embedded 'business as usual' activity	

Strategic objective 2	Protect homes, public buildings and businesses from the effects of fire.					
What we will do:	When we will do it:					
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	NOTES
Implement Protection Strategy	COMPLETE					Review & Refresh in light of inclusion in Thames Valley Collaboration programme priorities.
Protection structure review and implementation, including the involvement of station based personnel in providing business safety advice.	COMPLETE					
Support and maintain a risk based audit programme reconfigured to ensure a targeted approach to the provision of business safety advice and enforcement.	G	G				Now embedded 'business as usual' activity – continue to plan end date.
Promote the installation of fire suppression systems in non- domestic premises to reduce the risk to life, property, the environment and the wider economy from fire.	A	G				Now embedded 'business as usual' activity – continue to plan end date.

Strategic objective 3		To provide a timely and proportionate response to incidents by allocating our assets & resources in relation to risk & demand					
What we will do:		When we will do it:					
Initiative / Project / Key Task		2015/16	2016/17	2017/18	2018/19	2019/20	NOTES
Milton Keynes reconfiguration		G	G				Workforce reconfiguration elements complete in readiness for migration of resources to new location in 2019
Strategic Review of Operational Resourcing							Integrates previous Area Review Projects, On Call Duty Systems & workforce reform work. Planned end date unchanged
On-Call Duty System Pilot		G	G				Absorbed into Strategic Review of Resources.
Expansion of Co-Responding Scheme		G	G				Continue to develop and expand to end of Plan period.
Operational Alignment – Single Thames Valley mobilising policy							Agreed as Thames Valley Collaboration Priority
HS2 Preparation / Engagement							Engagement with project underway via HS2 Incident Response Group following Royal Assent. Contract expected to be awarded Summer 2017 followed by one year planning phase prior to construction commencing Summer 2018.
TV Risk Modelling							Currently underway via Thames Valley IRMP / Data Group
Prepare 2020 – 2025 Public Safety Plan							Public Consultation to take place in 2019. CFA to approve December 2019

Strategic objective 4	To offer best value for money to our residents and businesses & ensure that the Service is compliant with regulatory requirements and recognised 'good practice' standards and can readily evidence this at all times.					
What we will do:	When we will do it:					
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	NOTES
Implement legislated changes to Firefighter Pension Schemes	Complete					
Review of pension scheme administration to improve service.		Complete				
Management Structure Reviews	G	G				Various reviews undertaken in first two years of Plan. Timing of future reviews to be confirmed.
Collaborative procurement and contract negotiation	G	G				Agreed as a Thames Valley Collaboration Priority
Blue light collaboration (TVP / SCAS)						Agreed as a Thames Valley Collaboration Priority
Implement / Embed FRS Equality Framework						
Implement Operational Assurance Improvement Plan						
Prepare for new HM FRS Inspection regime						
General Data Protection Regulations (To be fully implemented by 25 May 2018)						In addition to stand alone work, a number of information and records management projects, within the Corporate Plan, will be affected by the need to ensure adequate security and privacy arrangements are put in place.

Strategic Enabler 1	To optimise the contribution and well-being of our people.					
What we will do:	When we will do it:					NOTES
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	
Adapt and refresh the workforce to improve service delivery, resilience and deliver PSP outcomes.	G	G				Absorbed into Strategic Review of Operational Resourcing from 2017/18
Move to flexible, affordable local terms and conditions where appropriate to support demand and risk led people resourcing.	G	G				Main elements absorbed into Strategic Review of Operational Resourcing from 2017/18
Ensure the People Strategy, employment policy, supporting contracts and building capacity & capability systems are established to support demand and risk led people resourcing.	G	G				Policy and procedure elements complete. Contracts to be revised as need arises. Regular reviews to reflect changes to legislation, 'best practice' and learning from case management.
Adapt employee proposition to optimise employee motivation, attract and retain right calibre, high performing people.	G	G				No change – proceeding as planned.
KIS Structure Review and implementation.	G	G				Structure revisited and revised in H2 2016/17 to improve focus and resilience of Information Team
Workforce evolution / collaborative reform						Explore further collaboration opportunities with Thames Valley partners and potential for other strategic alliances.

Strategic Enabler 2	Information Management Systems and Processes: to ensure that risk, performance, financial and management information is accurate, relevant and delivered to users in an efficient, timely and reliable way.					
What we will do:	When we will do it:					
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	NOTES
Knowledge & Information Services strategy implementation	Complete					
Business Systems Integration Programme	A	G				Work started later than planned but proceeding to revised schedule
Automation of Payroll Input	Complete					
Migration to electronic workflow to support key people business processes		G				New systems went live in April 2017 with further integrations planned for 2017/18.
ESMCP implementation planning						Dependency on national ESMCP Project (scope and timescales could change)
Implement localised elements of ESMCP						Dependency on national ESMCP Project.
Review / agree technology strategy			➔			Moved to 2018/19. Project name change to reflect restructure of former Knowledge and Information Department
Begin implementation of updated technology strategy				➔		Implementation to begin a year later to align with completion of review date.

Strategic Enabler 3	Assets and Equipment: To provide high quality, cost effective assets and equipment with sufficient flexibility to adapt to changing requirements.					
What we will do:	When we will do it:					NOTES
Initiative / Project / Key Task	2015/16	2016/17	2017/18	2018/19	2019/20	
MK Transformation Project (Build)		A	A			Delay to construction timetable due to need to re-run tender process.
Head Quarters / Unit 7 Reconfiguration	A	A				Dependency of MK Build Project. Landlord has agreed flexible lease extension for Unit 7.
PPE Review Project						Dependency on progress with national project – scheduled to deliver April 2018
Implement Red Fleet diversification (new appliance procurement)	A	A				Procurement of vehicles occurring later than originally planned
Evaluate Impact of Red Fleet diversification strategy			➔			Put back to last year of plan in light of later delivery of vehicles.

8. Risk Management Plan

Risk	Management actions & controls
Costs of implementing plan exceed current funding allocations	<ul style="list-style-type: none"> ▪ Budget Monitoring Process (officer and member scrutiny) ▪ Medium term financial planning process ▪ Earmarked Authority Reserves (see 2015/16 – 2019/20 Medium Term Financial Plan)
Staff competencies and / or capacity insufficient to deliver key tasks / projects.	<ul style="list-style-type: none"> ▪ Strategic Training Review ▪ Workforce Plan ▪ Resourcing, Retention and Remuneration strategies
Prolonged business continuity issue (e.g. pandemic flu, industrial action)	<ul style="list-style-type: none"> ▪ Peer reviewed business continuity plan in place and tested ▪ Employee relations engagement strategy in place ▪ Development of resilience arrangements and contractual incentives for staff.
Unexpected financial pressures	<ul style="list-style-type: none"> ▪ Budget Monitoring Process (officer and member scrutiny) ▪ Medium term financial planning process ▪ Earmarked Authority Reserves (see 2015/16 – 2019/20 Medium Term Financial Plan)
Dependencies on external parties	<ul style="list-style-type: none"> ▪ Contract / MOU monitoring ▪ Business continuity plan
Delay / failure of national ESMCP project	<ul style="list-style-type: none"> ▪ Resilience, maintenance and support of legacy systems.
Disruption to partnership working caused by political change e.g. potential move to a unitary council structure for Buckinghamshire	<ul style="list-style-type: none"> ▪ Appointment of lead officer to plan and manage mitigating actions ▪ Close liaison with transition project team

9. Plan Governance and Monitoring

The key activities and projects specified within this plan will each be supported and developed in more detail through annual Senior Management Board collective objectives. In turn these objectives are delivered by cascading them throughout the organisation via our objective setting and review process. New projects are costed and risk-assessed and submitted through our rigorous approval processes. Each activity or project will be cascaded to a department to deliver through its own individual departmental action plan.

Regular Monitoring

Directorates / Departments will review their performance against their action plans and assess progress of the key activities/projects and monitor their position against agreed performance indicators and risk treatments, updating their progress using our performance management system and its associated risk register.

This will be supported by monthly budget monitoring reports assessing actual/ projected spend against planned expenditure ensuring financial issues are appropriately raised in good time.

Quarterly Monitoring

At the Quarterly Performance Management Board meetings, Department Heads will discuss progress to ensure that any issues and risks arising are, where appropriate, highlighted to our Senior Management Team, and give assurances that any remedial actions will address the issues. On a quarterly basis, the Data Intelligence Team will produce quarterly performance reports bringing together performance, risk and financial management. These reports will then form the basis of performance reports to the Fire Authority.

Annual Monitoring

A summary of progress in relation to key Plan outcomes will be included in our annual Statement of Assurance which is scrutinised by Fire Authority Members at the Overview and Audit Committee. Our annual performance is also reported to the Authority in the form of our balanced scorecard which is aligned directly with our Corporate Plan strategic objectives and measures. An annual report is presented by the Chief Fire Officer to Buckinghamshire County and Milton Keynes councils. Finally, all staff receive an annual performance review based on their achievements against the corporate objectives.

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Overview and Audit Committee
DATE OF MEETING	26 July 2017
OFFICER	David Sutherland, Director of Finance and Assets
LEAD MEMBER	Councillor Peter McDonald
SUBJECT OF THE REPORT	Review of Financial Regulations
EXECUTIVE SUMMARY	<p>To present the revised Financial Regulations to the Overview and Audit Committee for recommendation on to the Authority.</p> <p>The Financial Regulations were last approved by the Authority in June 2014.</p> <p>All changes have been marked within Appendix A. Changes to the latest version include:</p> <ul style="list-style-type: none"> • Removed the requirement for the Executive Committee to approve a virement if it involves a transfer of resources from revenue to capital in excess of £10,000. (The same limits that apply to intra-revenue transfers as set out in Financial Instructions will then apply, so that transfers of £50,000-£150,000 will require approval by the Senior Management Board and transfers over £150,000 will require approval by the Executive Committee) • Removed references to obsolete policies, namely the Finance and Value for Money Strategy and the Invest to Save Policy. • Updated references to reflect current legislation • Replaced references to SAP with 'financial system' • Removed the glossary and contacts list • Minor formatting and typographical adjustments
ACTION	Decision.
RECOMMENDATIONS	That the Financial Regulations as amended (Appendix A) be recommended to the Authority for approval.
RISK MANAGEMENT	Financial Regulations establish the principles of financial control. They are part of the control framework and reflect the finance control hierarchy. They also attempt to underline the role of finance

	within the Authority, i.e. to provide the financial support and wherewithal to allow the Authority to function effectively, meet its statutory requirements and minimise the level of risk that is associated with financial transactions and exchequer activities.
FINANCIAL IMPLICATIONS	No direct impact.
LEGAL IMPLICATIONS	The terms of reference reserve to the Authority the power to vary the Financial Regulations, having considered any recommendations from the Overview and Audit Committee.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	No direct impact.
HEALTH AND SAFETY	No direct impact.
EQUALITY AND DIVERSITY	No direct impact.
USE OF RESOURCES	In reviewing the financial regulations and instructions the Authority can demonstrate accountability of its use of resources by updating in line with latest legislation and best practice guidance appropriate to the good governance of the Authority and the Service.
PROVENANCE SECTION & BACKGROUND PAPERS	<p>Background</p> <p>Review of Financial Regulations, Fire Authority, June 2014: http://bucksfire.gov.uk/files/7614/5572/2847/Review_ofFinancialRegulationsJune14.compressed.pdf</p> <p>Financial Instructions: http://bucksfire.gov.uk/files/4214/4472/8818/Financial_Instructions_Approved_May_2015.pdf</p>
APPENDICES	Appendix A.
TIME REQUIRED	10 minutes.
REPORT ORIGINATOR AND CONTACT	<p>Mark Hemming mhemming@bucksfire.gov.uk 01296 744687</p>

Financial Regulations



Table of Contents

Preamble	2
Introduction and overview	3
Financial Regulation A – Financial accountabilities and management	7
Financial Regulation B – Financial Planning	15
Financial Regulation C – Risk Management and Control of Resources	20
Financial Regulation D – Systems and Procedures	24
Financial Regulation E – External Arrangements	28

Preamble

Financial Regulations are the regulatory framework within which the financial affairs of the Authority operate; they apply to all the Authority's activities. The regulations identify responsibilities in full, but from a common sense point of view can be summarised as follows:

- Major financial decisions, including setting the annual revenue and capital budgets, must be taken by the Members of the Authority, as advised by the Chief Finance Officer.
- The Authority encourages the Chief Fire Officer and his staff to take day-to-day responsibility for financial management of the service within the agreed budget.
- The Chief Finance Officer (for financial matters) and the Director of Legal & Governance have statutory responsibilities and should be consulted on significant issues or where members or officers have any doubt about the correctness of a possible action.
- Spending must be regularly monitored to ensure that it stays within approved budgets.
- Members, as advised by the Chief Finance Officer, Director of Legal & Governance and Chief Fire Officer, are responsible for identifying significant risks to the Authority and for putting in place a strategy to deal with them.
- Payments, including to staff, can only be made through arrangements approved by the Chief Finance Officer and within the detailed procedures laid down.
- All partnership arrangements must take account of appropriate financial and legal matters.

Introduction and overview

1.1 What are the financial regulations?

These regulations identify the financial responsibilities of the Buckinghamshire and Milton Keynes Fire and Rescue Authority, Members, the Chief Fire Officer, the Monitoring Officer, the Chief Finance Officer and other officers.

Members and officers should maintain a written record of any decision-making that has been delegated to members of their staff, including seconded staff. When decisions have been delegated or have been devolved to other bodies or responsible officers, references to members or officers in the regulations should be read as referring to them.

1.2 Who should read this document?

The regulations and procedures apply to all staff (including temporary staff) and members of the Authority. The prime audience for financial regulations consists of:

- Members
- Chief Fire Officer
- Finance Officers
- Staff with financial responsibilities.

More detailed guidance on how the regulations should be implemented in practice is contained in The Financial Instructions, which apply to all Members and all staff and anyone acting on the Fire Authority's behalf.

1.3 Why have financial regulations?

Financial Regulations form part of the means by which the Fire Authority manages its business. They clarify responsibilities and provide a framework for decision-making. Where there are specific statutory powers and duties, the financial regulations seek to ensure that these are duly complied with, as well as setting out best professional practices and processes for all activities and decisions of the Fire Authority, its committees and staff.

In summary, financial regulations are the regulatory framework within which the financial affairs of the Authority operate.

Rather than a barrier to action they should be viewed as providing the framework within which action can be taken, setting out best practice throughout the Authority and ensuring a high quality of financial information, enabling better decision making and improved service delivery.

1.4 Corporate governance and financial regulations

All staff and Members must comply with the seven “principles of public life” as set out in the Committee on Standards in Public Life (the Nolan Committee):

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

These regulations also reinforce the corporate governance “standards”, as recommended by the Nolan Committee, governing:

- organisational structures and processes
- financial reporting and internal controls
- standards of behaviour.

1.5 What do financial regulations cover?

The regulations apply to all the Authority’s activities. In practice, this means all budgets, money and funds administered by Members and Officers in carrying out their duties across all the Authority’s services and activities. This also includes:

- funds managed on behalf of third parties such as trust funds, community accounts and unofficial funds
- partnership arrangements where the Authority is the accountable body

- external providers such as outsourced services, contractors and consultants are managed through the contract process. The contract document will set out the financial requirements. These include, for example, compliance with key control procedures; performance standards and statistics; attendance at service client meetings' and access to accounts.

1.6 Awareness and access

The Chief Fire Officer is responsible for ensuring that all staff with financial responsibilities are made aware of and have access to these regulations, and to the accompanying financial instructions that set out in more detail how they should implement and comply with the regulations.

Managers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them.

All members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Chief Finance Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, Officers and others acting on behalf of the Authority are required to follow.

1.7 Non-compliance with financial regulations

Failure to comply with these regulations and the accompanying financial instructions may have the following consequences:

- For staff, these regulations supplement the code of conduct for employees, so a breach will normally be considered a disciplinary offence that will invoke disciplinary procedures (and can lead to dismissal).
- For Members, these regulations supplement the code of conduct for Members, so a breach may be reported to the Monitoring Officer, which may lead to sanctions being imposed upon the Member.
- For the Authority, there is an overriding duty to secure value for money by conducting its business in an economical, efficient and effective manner. Failing to comply with the regulations will have wider implications which could result in the misuse or waste of funds received from tax payers and the Government.

These regulations provide clarity about the financial accountabilities of everyone acting on behalf of the Authority, individually or as a whole. To conduct its business efficiently, the Authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to.

1.8 Review of the financial regulations

The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Authority for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Authority.

1.9 Other rules

Apart from these regulations, all members and officers must comply with certain other rules. These include:

- standing orders
- scheme of delegation to officers
- contract standing orders
- human resources policies and procedures, e.g. employee code of conduct
- financial instructions, procedures and guidance notes
- counter-fraud and corruption policy
- [anti](#)-money laundering policy.

1.10 Further Assistance

Finance staff are ready and willing to provide assistance in all areas relating to financial management and financial control. In particular you must seek advice and authorisation if you wish to create a new financial procedure or amend an existing one.

The Chief Finance Officer welcomes feedback on the operation of the Financial Regulations and Financial Instructions to ensure they remain relevant and effective.

1.11 List of Financial Regulations

- A.** Financial accountabilities and management
- B.** Financial Planning
- C.** Risk management and control of resources
- D.** Systems and procedures
- E.** External arrangements

2 FINANCIAL REGULATIONS

Financial Regulation A – Financial accountabilities and management

A.1 Introduction

Financial management covers all financial accountabilities in relation to the running of the Service, including the policy framework and budget.

A.2 The Fire Authority

The Members of the Authority are responsible for:

- approving and adopting the Authority's pay policy and members' code of conduct
- approving the Corporate Strategy and budget (revenue and capital) within which all officers operate
- approving the Treasury Strategy and Prudential Borrowing Limits
- approving and monitoring compliance with the Authority's overall framework of accountability and control, monitoring compliance with the agreed policy and related executive decisions.

The Members are responsible for approving procedures for the delegation of powers to committees and procedures for recording and reporting decisions taken. These include decisions taken by the Authority or delegated by them. These delegations include any subsequently made to committee. The powers and duties of Committees are contained in the Authority's Standing Orders and Committees' Terms of Reference.

The Authority aims to delegate financial management to the Chief Fire Officer so that, as far as possible, the financial affairs are managed by Authority staff.

The Members of the Authority, advised by the Chief Finance Officer, must be satisfied that the Chief Fire Officer exercises delegated financial responsibilities in a proper and effective manner.

The Authority will:

- agree a budget requirement and set a precept after receiving the advice of the Chief Finance Officer
- approve the Chief Fire Officer's proposed allocation of resources as set out in a format agreed by the Chief Fire Officer and Chief Finance Officer
- monitor financial outcomes
- identify and agree indicative longer term spending commitments.

A.3 Executive Committee

The Terms of Reference of the Executive Committee

- to make recommendations to the Authority as to its revenue budget and capital programme
- to consider and determine the annual programme for the replacement of vehicles and other major capital schemes
- to consider and advise the Authority on the financial effects of significant development strategies, plans, major acquisitions, contracts etc.
- to oversee the use of land and property and other significant resources (e.g. information technology, vehicles and communications equipment)
- to deal with any other urgent business that cannot reasonably be held over to the next full meeting of the Authority
- to deal with such other matters of financial significance that the Authority or other committees may refer to it.

A.4 Overview and Audit Committee

The Terms of Reference of the Audit Committee

- to receive, consider and approve the Fire Authority's statutory final accounts
- to consider the Authority's arrangements for corporate governance and make recommendations to ensure compliance with best practice
- to monitor the Authority's compliance with its own and other published standards and controls
- to monitor the effective development and operation of risk management and corporate governance within the Authority
- to consider and make recommendations for action plans arising from internal and external audit reports, including arrangements to ensure that processes which deliver value for money are maintained and developed
- to oversee investigations arising out of fraud and corruption allegations
- to determine insurance matters not delegated to officers, or another committee
- to consider and determine as appropriate such other matters as are required in legislation or guidance and make recommendations to Executive Committee as appropriate.

A.5 Officers

A.5.1 The Chief Fire Officer:

The Chief Fire Officer of the Authority acting as the Chief Executive to the Authority together with the Monitoring Officer, is responsible for the system of record keeping in relation to all Authority decisions (see below); and

— is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Authority and its committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

A.5.2 The Monitoring Officer (Director of Legal & Governance):

The Monitoring Officer, together with the Chief Executive, is responsible for the system of record keeping in relation to all Authority decisions, and

- is responsible for promoting and maintaining high standards of conduct and therefore provides support to the Overview and Audit Committee
- has statutory duties to report to the Authority if it appears to him or her that any proposal decision or omission did or could cause the Authority to act unlawfully or in such a manner as to constitute maladministration and for ensuring that procedures for recording and reporting are operating effectively
- must ensure that all Authority decisions and the reasons for them are as transparent as possible. He or she must also ensure that Members are aware of decisions made by the Authority and those made by officers who have delegated executive responsibilities
- is responsible for advising all members and officers about who has authority to take a particular decision
- is responsible for advising all Authority Committees about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework
- is responsible (together with the Chief Finance Officer) for advising the Authority about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be “contrary to the budget” include:
 - initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring interdepartmental transfers above virement limits
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount

- the monitoring officer is responsible for maintaining an up-to-date constitution
- the Authority is required to provide the Monitoring Officer with sufficient staff, accommodation and other resources to carry out his or her duties
- all reports to the Authority and committees must set out the full financial and legal implications arising from the proposals contained within the report. The full legal appraisal must be agreed with the Monitoring Officer. He or she must be consulted on all legal matters and given sufficient opportunity to provide written comments on any report with legal implications
- The Monitoring Officer deals with all matters relating to the preparation and despatch of Authority and Committee agendas, reports and minutes and also the preparation and issue of Decision and Action summaries. The Monitoring Officer has the authority to affix the Common Seal to deeds and documents.

A.5.3 The Chief Finance Officer:

The Director of Finance and Assets acts as Chief Finance Officer of the Authority.

The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The duties arise from:

- The Local Government Act 1972
- Sections 112 -114 Local Government Finance Act 1988
- Local Government and Housing Act 1989
- The Accounts and Audit Regulations

~~2014~~2015. The Chief Finance Officer is

responsible for:

- The proper administration of the Authority's financial affairs
- Setting and monitoring compliance with financial management standards
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- Ensuring the provision of financial information
- Preparation of the revenue budget and capital programme
- Treasury management.

▪ The Authority's insurance arrangements

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the Authority and the external auditor:

- if the Authority or one of its committees or officers has made a decision or taken an action, or is about to do so, which involves incurring unlawful expenditure
- if it appears that the Authority's expenditure is likely to exceed available resources
- it also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform these duties. The Authority is required to provide the Chief Finance Officer with sufficient staff, accommodation and other resources to carry out the duties under section 114.

The Chief Finance Officer has a responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure disbursements made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety. The Chief Finance Officer shall discharge that responsibility in part by the issue and maintenance of Financial Instructions with which all staff of the Authority shall comply.

The Chief Finance Officer is responsible for advising the Authority on all financial matters. All reports to the Authority and committees must contain a financial appraisal setting out the full financial implications arising from the proposals contained within the report. The financial appraisal must be agreed with the Chief Finance Officer. He or she must be consulted on all financial matters and given sufficient opportunity to provide written comments on any report with financial implications.

A.5.4 Strategic Management Board (SMB):

Officers of the SMB are responsible for ensuring that Authority members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer.

It is the responsibility of SMB officers to consult with the Chief Finance Officer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

A.5.5 All Managers and Officers with financial responsibilities:

All Managers are responsible for the observance of Financial Regulations within their service area and for the training of staff to enable them to comply with these Regulations.

Each Manager is individually responsible for the proper financial management of resources allocated to his/her service area through the budget making process and for the identification of income arising from activities within his/her operational areas. This includes the control of staff and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores relating to his/her service area.

Managers, in consultation with the Chief Finance Officer, may delegate responsibilities to their staff. These shall be clearly documented and reviewed. The Manager will be responsible for ensuring that all staff are adequately trained prior to delegation, to carry out these roles. The competence of staff in these matters should be assessed as part of the Authority's performance management framework.

A.6 Other financial accountabilities

A.6.1 Virement

The Fire Authority is responsible for agreeing procedures for virements of expenditure between budget headings.

Executive Committee and/or Directors are responsible for agreeing in-year virements within delegated limits in consultation with the Chief Finance Officer. The Chief Finance Officer must sign off all virements.

A.6.2 Treatment of year end balances

The Executive Committee is responsible for agreeing procedures for carrying forward under and over-spending on budget headings.

A.6.3 Accounting policies, records and returns

The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently. He or she shall determine the accounting procedures and records for the Authority.

Accounting and other related records must be retained for periods which comply with relevant legislation.

A.6.4 Annual Statement of Accounts

The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared and certified in accordance with the Chartered Institute of Public Finance and Accountancy's 'Code of Practice on Local Authority Accounting in the United Kingdom: Based on International Financial Reporting Standards (the Code)'.

A.6.5 Grants and Other External Contributions

The Fire Authority is responsible for agreeing additional budgets over and above the approved budget for the year, including match-funding requirements.

The Executive Committee and/or Directors have delegated responsibility for ensuring that any funding conditions are compatible with the aims and objectives of the Authority prior to acceptance of the grant.

The Executive Committee and/or Directors delegated responsibility for agreeing additional expenditure budgets with 100% grant funding within delegated limits

in consultation with the Chief Finance Officer. The Chief Finance Officer must sign off all grant applications.

The Chief Finance Officer must examine and certify where required any submission, estimate or claim for payment of grant by a Government Department or funding from any other body. Officers responsible for the administration of such grants, funds and spending associated with them must ensure compliance with the conditions of the grant/funding and where appropriate adhere to the Authority's Minimum Standards for External Funding. (See regulation E, External Arrangements).

The Chief Finance Officer must examine and certify all financial returns to government departments or other bodies.

A.6.6 Pensions

It is the responsibility of officers preparing to outsource activities of the Fire Authority that involve the transfer of pension rights and liabilities to notify the Chief Finance Officer of any proposal prior to substantive negotiations taking place with third parties.

In consultation with the Chief Finance Officer the full cost and implication of the transfer of pension rights and liabilities must be disclosed in the financial appraisal that is prepared in relation to the outsourcing proposal.

The Chief Finance Officer must be consulted about and approve revised pension arrangements before formal agreements are made.

A.6.7 Use of capital receipts

All receipts from the sale of assets which were originally purchased from capital financing will be treated as capital receipts and must be notified to the Chief Finance Officer.

Financial Regulation B – Financial Planning

B.1 Introduction

The Authority is responsible for approving its policy framework and budget. In terms of financial planning the key elements are:

- The Medium Term Financial Plan
- The annual revenue budget
- The capital programme.

B.2 Policy Framework

The policy framework comprises the following plans and strategies of the Authority:

- Integrated Risk Management Plan (IRMP)/~~Public Safety Plan (PSP)~~
- ~~Public Safety Plan (PSP)~~
- Corporate Plan
- ~~Finance and Value for Money Strategy~~
- Medium Term Financial Plan, including the
- Capital Programme
- Treasury Management Strategy
- Prudential Indicators and Minimum Revenue Provision (MRP) Policy.

These strategy documents are underpinned by supplementary strategies:

- Asset Management Strategy
- ~~The~~ Property Strategy
- ~~Red~~ Fleet Strategy
- ICT Strategy
- Information Governance Strategy
- Equipment Strategy
- People Strategy - Workforce Plan.

They are also supplemented by other financial policies and guidance:

- Counter fraud and Corruption policy
- Anti - Money Laundering policy
- Whistle blowing procedure
- Standing Orders as to Contracts
- ~~Invest to Save Policy~~
- ~~Good Practice Guidance – Creditors~~
- ~~Good Practice Guidance – Budget Management and Monitoring~~
- Financial Instructions and other guidance.

In addition, there are procedure notes supporting the correct usage of the Financial System—~~(SAP)~~_{i,t} and financial training available from the Finance Department.

The Authority is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.

B.3 Integrated Risk Management Plan (IRMP) / Public Safety Plan (PSP) and Corporate Plan

The Chief Fire Officer is responsible for proposing these plans to the Executive Committee for consideration before submission to the Authority for approval.

B.4 Medium Term Financial Plan

The Chief Finance Officer is responsible for coordinating the four-year Medium Term Financial Plan each year for consideration by the Executive Committee before submission to the Authority. The Medium Term Financial Plan should be clearly linked to the Integrated Risk Management /Public Safety and Corporate Plans.

B.5 Budgeting

Budget Format

The Chief Finance Officer will determine the general format of the Medium Term Financial Plan and the budget. The draft budget should include allocation to different services and projects, proposed taxation levels (precept) and the nature and level of contingency funds and reserves.

Guidelines

The Chief Finance Officer will issue guidelines for the preparation of the annual revenue budget and capital programme. These will take account of

- Legal requirements
- Integrated Risk Management Plan (IRMP)
- ~~Public Safety Plan (PSP)~~
- Medium term financial planning prospects
- Available resources
- Spending pressures
- Best value, efficiency savings and relevant government guidelines
- Other internal policy documents.

Revenue Budget Preparation

The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Executive Committee and submission to the Authority. The Authority may amend the budget before approving it.

It is the responsibility of The Strategic Management Board (SMB), Directors, second tier managers and other budget holders to provide relevant information to the Finance Team, to ensure that budget estimates reflecting agreed service plans are submitted to the Executive Committee and that these estimates are prepared in line with the guidance issued by the Chief Finance Officer.

The precept has to be notified to the collecting authorities by February in respect of the ensuing financial year. It must be supported by a balanced budget approved by the Authority in consultation with the Chief Fire Officer and Chief Finance Officer.

Capital Programme Preparation

The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Executive Committee and submission to the Authority. This will include advice to the Authority in setting an affordable borrowing limit and an assessment of the impact on the Prudential Indicators as required by the Prudential Code (the CIPFA professional code of practice for local authorities in taking investment and borrowing decisions).

The draft capital programme for the ensuing year should be submitted to the Authority for approval and include:

Financial Regulations

- details of all schemes, showing the total cost and the phased cost to completion
- the proposed method of funding
- an estimate of the revenue implications and confirmation as to whether this can be contained within the agreed revenue budget.

Budget Monitoring and Control

It is the responsibility of cost centre managers to control and monitor income and expenditure within their area. They should also take any action necessary to avoid exceeding their budget allocation. The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.

Each month, in accordance with the budget monitoring timescales set out by the Chief Finance Officer, cost centre managers must provide the Chief Finance Officer with budget monitoring information. This will include any variances and problems within their areas and must include any proposals for actions to address these, together with a forecast of projected outturn.

The Chief Finance Officer is responsible for submitting regular reports to the Executive Committee on the budget monitoring position for both revenue and capital expenditure.

Virement

A virement does not create additional overall budget liability. It is a transfer of budget provision either within or between budget headings and can be used as an effective tool to assist in managing budgets effectively within a cash limit.

The Authority is responsible for agreeing procedures for virement. Cost centre managers and SMB are responsible for agreeing in-year virements within delegated limits and budget line restrictions. These are set out in Financial Instructions. The Chief Finance Officer must sign-off all virements.

The Executive Committee is required to approve a virement if:

- it involves resources not being used for the purposes approved by the Authority (a change in policy); or
- it results in an addition to commitments in future years; or
- ~~▪ it involves a transfer of resources from revenue to capital in excess of £10,000 (transfers from capital to revenue are not permitted); or~~
- the Chief Finance Officer requires it.

B.6 Maintenance of General Fund Balance and Reserves

It is the responsibility of the Chief Finance Officer to advise the Authority on prudent levels of reserves.

It is incumbent on the Authority to review the level of reserves each year before deciding the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained.

All requests for movements, transfers and changes to reserves must be formally approved by the Executive Committee on the advice of the Chief Finance Officer.

Financial Regulation C – Risk Management and Control of Resources

C.1 Introduction

It is essential that robust, integrated systems are in place and maintained for identifying and evaluating all significant operational and corporate risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

C.2 Risk Management

The Executive Committee is responsible for approving a Corporate Risk Management Policy statement and strategy and for reviewing the effectiveness of risk management, after considering recommendations from the Overview and Audit Committee.

The Chief Operating Officer is responsible for preparing the Authority's Corporate Risk Management Policy and for promoting it throughout the Authority. He/she is responsible for maintaining the corporate risk register, which will be reviewed annually by the Executive Committee.

The Strategic Management Board (SMB) is responsible for identifying and reporting corporate risks of the Authority to the Executive Committee and for monitoring and reviewing corporate risks on a regular basis. The Overview and Audit Committee is responsible for review of the Corporate Risk Management Policy. The Overview and Audit Committee is also responsible for the assurance on the robustness of the governance processes for the Corporate Risk Management Policy.

All managers are responsible for identifying and reporting to The Chief Operating Officer, risks in their area which need to be included in the corporate risk register and for risk management within their areas of responsibility.

The Chief Finance Officer is responsible for advising the Authority on insurance matters and for ensuring that proper insurance cover exists.

C.3 Internal Control

Internal Control refers to the systems of control implemented by management to help ensure achievement of the Authority's objectives in a way that promotes economical, efficient and effective use of resources. In addition, the systems of control ensure that the Authority's assets are kept secure and interests are protected.

The Accounts and Audit Regulations [2011/2015](#) require the Authority to conduct a review at least once a year of the effectiveness of its system of internal control and to include an approved Annual Governance Statement (previously the Statement on Internal Control), prepared in accordance with proper practices, with its statement of accounts.

The Chief Finance Officer is responsible for advising on effective systems of internal control.

These arrangements must ensure compliance with all relevant statutes and regulations and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Directors and second tier managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

C.4 Audit Requirements

The Accounts and Audit Regulations ~~2011~~2015 require the Authority to undertake an adequate and effective internal audit. A review of the effectiveness of the system of internal audit should be conducted at least once a year and the findings considered as part of the consideration of the system of internal control, referred to in C.3 above.

The Internal Audit function is provided through a Service Level Agreement with Buckinghamshire County Council. The Internal Auditors at Buckinghamshire County Council comply with codes and standards outlined in the CIPFA Code of Practice for Internal Audit in Local Government ~~(2006)~~—and International Standards on Auditing (ISA) set by the International Auditing and Assurance Standards Board (IAASB) of the Financial Reporting Council (FRC).

The Internal Auditors have the authority to enter land or any premises used by the Authority at any time and have access to all Authority correspondence, systems, documents, books, property or other records related to the Authority's business. The Chief Finance Officer shall be entitled to receive explanation as s/he considers necessary to establish the correctness of any matter under examination.

The basic duties of the external auditor are governed by section part 5 of the Local Audit and Accountability Act 2014. ~~Commission Act 1998.~~

The Authority may be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, who have statutory rights of access.

The Chief Finance Officer and the Monitoring Officer should be notified immediately of any financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of irregularities in any of the Authority's functions. Any investigation should be undertaken in accordance with the Authority's Counter-Fraud and Corruption Policy and Whistleblowing Policy.

C.5 Prevention of Fraud and Corruption

The Chief Finance Officer is responsible for the development and maintenance of the Authority's Counter Fraud and Corruption Policy. The Director of People and Organisational Development is responsible for the Authority's Whistleblowing policy.

Directors and second tier managers are responsible for establishing and implementing effective controls to help prevent and/or detect incidents of fraud or corruption, for addressing key business risks, for ensuring that staff are aware of their responsibilities and comply with the Authority's counter-fraud and corruption policy, and for creating an environment where all staff feel able to raise any concerns they may have.

C.6 Anti-Money Laundering Policy

The Chief Finance Officer is responsible for the development and maintenance of the Authority's Anti-Money Laundering Policy. All members of staff are required to comply with this policy in terms of reporting concerns regarding money laundering.

C.7 Separation of Duties

Financial procedures must be established whenever possible to ensure separation of duties. This means different members of staff should undertake different parts of a sequence of operations in order to ensure that no one individual authorises an entire series of transactions.

C.8 Assets

Directors and second tier managers should ensure that records and assets are properly maintained and securely held in a method approved by the Chief Finance Officer. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

C.9 Investments and Treasury Management

The Chief Finance Officer is responsible for the arrangements for managing the Authority's cash flow, its borrowing activities and its lending activities, in accordance with policies agreed by the Authority.

The Chief Finance Officer shall undertake Treasury Management activities in accordance with the CIPFA Code of Practice on Treasury Management in the Public Services.

At or before the start of each financial year the Chief Finance Officer will prepare a report on the Treasury Management Strategy for the coming year for consideration by the Executive Committee before submission to the Authority for approval. The Chief Finance Officer will also report to the Executive Committee and the Authority on the annual performance of the Treasury Management function following the end of the financial year.

The Chief Finance Officer will maintain the Treasury Management Policy Statement setting out the framework for Treasury Management within the Authority.

C.10 Staffing

The Chief Fire Officer is responsible for providing overall management to staff. S/he is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

The Strategic Management Board (SMB) is responsible for controlling staffing by:

- advising the Authority on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing to a level which can be funded within approved budget provision, varying the level as necessary within that budget constraint in order to meet changing operational needs
- the proper use of agreed appointment procedures
- maintaining staffing levels within the Workforce Plan.

Financial Regulation D – Systems and Procedures

D.1 Introduction

Sound systems and procedures are essential to an effective framework of accountability and control.

D.2 General

The Chief Finance Officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records.

Any changes made by Directors to the existing financial systems or the implementation of new systems must be approved by the Chief Finance Officer prior to any new developments or changes.

Directors are responsible for the proper operation of financial processes in their own departments. Any changes to agreed financial procedures by Directors to meet their own specific service needs must be agreed in advance with the Chief Finance Officer.

Directors should ensure that their staff receive relevant financial training that has been approved by the Chief Finance Officer.

Directors must ensure that, where appropriate, computer and other systems are registered in compliance with data protection legislation. Directors must also ensure that staff are aware of their responsibilities under any access to information legislation.

The Chief Fire Officer must ensure there is a corporate approach to systems development in line with the ICT and e-government initiatives.

D.3 Devolved Budget arrangements

The Chief Finance Officer will agree standards, systems and procedures for all budget-holding officers within the Service, and the Chief Fire Officer will ensure that all budget-holding officers are accountable to the Chief Finance Officer on all financial matters.

D.4 Procurement

Directors, second tier managers and cost centre managers must ensure that the Authority obtains value for money from procurement and that it is in compliance with the Authority's Standing Orders as to Contracts. The most effective method of procurement must be used including use of the Authority's corporate contracts and processes.

D.5 Income and Expenditure

The Executive Committee is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

As part of the overall control framework of accountability and control, the Chief Finance Officer is responsible for specifying procedures for ordering, making payments and for collecting income.

Directors, second tier managers and cost centre managers must ensure that all income due to the Authority is identified and charged correctly in accordance with the Authority's current charging policy. They must also ensure that all income due to the Authority is collected in a timely manner. It must also be receipted properly and banked (see Financial Instructions for further details).

Directors and second tier managers are responsible for ensuring compliance with procedures set out by the Chief Finance Officer on ordering, making payments and for collecting income.

The Chief Finance Officer is responsible for the payment of all accounts.

D.6 Payments to Staff and Members

The Director of People and Organisational Development is responsible for the preparation and input to ~~SAP~~the financial system of all payments for salaries and wages to all staff, including payments for overtime, for payment of allowances to members and for ensuring the accuracy and reasonableness of all output payroll files.

D.7 Taxation

The Chief Finance Officer is responsible for advising SMB and officers with financial responsibilities on all taxation issues that affect the Authority in the light of guidance issued by appropriate bodies and relevant legislation.

The Chief Finance Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

In accordance with advice received from HMRC and The Anti-Money Laundering Policy, the Authority will not accept settlement in cash in excess of prevailing limits set under the legislation for Anti-Money Laundering and Combating Terrorist Financing.

D.8 Stocks, stores and inventories

Inventories shall be kept ~~at each location by~~the relevant department of:

- all items of operational equipment
- all vehicles and plant with a purchase value of over £100
- all items of non-operational equipment and moveable furniture with a purchase value over £100. However, local managers should also include items (e.g. mobile phones) if required.

The Chief Fire Officer is responsible for maintaining proper security of all assets and should aim to achieve the maximum utilisation of such assets in the provision of services.

The advice of the Chief Finance Officer must be sought for the disposal of assets and be in compliance with the Standing Orders relating to Contracts (OC 53).

D.9 Leases

Any cost centre manager seeking to put in place lease arrangements must seek the advice of the Chief Finance Officer. All leases must be approved and signed by the Chief Finance Officer on behalf of the Authority.

D.10 Information technology systems

The Chief Fire Officer must ensure there is a corporate approach to systems development in line with the IT and e-government strategy.

Financial Regulation E – External Arrangements

E.1 Introduction

There are and will continue to be requirements to work collaboratively to further the efficiencies of the Authority's activities. The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

E.2 Partnerships

The Authority/Executive Committee is responsible for approving partnership arrangements/joint working initiatives with other local public, private, voluntary and community sector organisations to address local needs.

The Monitoring Officer and Chief Finance Officer are responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority. They must also consider the overall corporate governance arrangements and legal issues when contracts are being arranged with external bodies.

The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and that the risks have been fully appraised before agreements are entered into with external bodies.

Strategic Management Board (SMB) members are responsible for:

- ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies
- maintaining a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Finance Officer
- ensuring all partnerships entered into are evaluated and contribute to the achievement of the Authority's objectives
- ensuring that appropriate insurance arrangements are made
- ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Authority
- ensuring that all arrangements comply with any prevailing Partnership Policy and are registered on the Partnership Register
- ensuring that such agreements and arrangements have been properly risk-assessed and linked to the Risk Register.

E.3 External Funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

The Chief Finance Officer must be consulted on the financial and probity implications of all projects involving funding from external sources (e.g. Specific Government Grants, Lottery Grants, and European Social Funds etc).

In promoting or committing the Authority to any externally funded projects Directors must consult with the Chief Finance Officer, where;

- the additional income is likely to exceed the costs of delivering the outcomes required to qualify for that grant; or
- the acceptance of that new grant or contribution would result in costs being incurred prior to receipt; and/or
- the additional cost commitment exceeds the approved budget for the current or future years.

Once agreed, the Chief Finance Officer must approve a virement to correct the current budget, before the grant offer can be accepted.

All funding received from external bodies or associated parties must be properly recorded in the Authority's accounts.

Key conditions of funding and any statutory requirements must be understood and followed.

Any match-funding requirements must be given due consideration prior to entering into long term agreements and future revenue budgets must reflect those requirements.

E.4 Work for Third Parties

The Strategic Management Board (SMB) is responsible for approving the contractual arrangements for any work for third parties or external bodies, subject to any advice provided by the Chief Finance Officer and/or the Director of Legal & Governance.

E.5 Local Authority Companies

Prior to the Authority, or any officer on behalf of the Authority, taking an interest (e.g. membership, share-holding or directorship) in a company, advice should be sought from the Director of Legal & Governance and the Chief Finance Officer.

Any clauses required by the Chief Finance Officer and/or the Director of Legal & Governance to safeguard the Authority's position must be included in the company's constitutional documents.

E.6 Sponsorship and advertising

Prior to entering into any sponsorship arrangements, formal approval should be sought from the Strategic Management Board (SMB) who in turn has sought advice from the Chief Finance Officer and/or the Director of Legal & Governance.

This advice should also be sought for services in-kind arrangements where no or little money changes hands.

For advertising, there are rules set by HMRC for the recovery of VAT. If the advertising is in the form of promoting statutory duties for Fire and Rescue Services then there are no VAT implications. However, if the arrangement can be construed as commercial and in competition with other businesses in the private sector then we will be unable to recover the VAT on those transactions. This would effectively be an additional cost to the Authority and holds penalty risks if not dealt with correctly through the VAT return process. Advice from the Chief Finance Officer should be sought before entering into arrangements which advertise or promote services of the Authority.

~~**RESPONSIBLE OFFICERS GLOSSARY AND CONTACTS LIST**~~

~~**Directors**~~

~~Chief Fire Officer
Chief Operating Officer
Director of Legal & Governance
Director of People and Organisational Development
Director of Finance and Assets~~

~~**Contacts**~~

~~Head of Service Delivery Tel: 07979 747172
Head of Service Development Tel: 07736 336686
Head of Finance & Deputy Director Extn 175
Resources Manager Extn 182
Organisation Development Manager Extn 220
Chief Finance Officer — Extn 174 (Director of Finance and Assets)
Technical Accountant — Extn 140
Management Accountant — Extn 178
Head of Procurement — Extn 136
ICT Manager — Extn 150
Corporate Planning Manager — Extn 135
Business Continuity — Extn 165~~

~~**Second Tier Managers** — for contextual purposes only. Any manager who reports to a Director and/or has line management responsibilities for cost centre managers and staff handling cash and assets.~~

This page is left intentionally blank

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Overview and Audit Committee
DATE OF MEETING	26 July 2017
OFFICER	David Sutherland, Director of Finance and Assets
LEAD MEMBER	Councillor David Watson
SUBJECT OF THE REPORT	Review of Standing Orders Relating to Contracts
EXECUTIVE SUMMARY	<p>To present the revised Standing Orders Relating to Contracts to the Overview and Audit Committee for recommendation on to the Authority.</p> <p>The Standing Orders Relating to Contracts were last approved by the Authority in June 2013.</p> <p>All changes have been marked within Appendix A. Changes to the latest version include:</p> <ul style="list-style-type: none"> • Increasing the threshold for requiring three written quotations from £5,000 to £10,000 • Updating of the European Union thresholds • Updating procedures where relevant to facilitate the use of e-tendering • Revising the limit for asset disposals (other than land or property) to be £10,000 and for this to relate to net book value rather than 'estimated' value • Requirements for keeping contracts updated in line with the latest data transparency legislation • All references to 'Treasurer' have been replaced with 'Chief Finance Officer'
ACTION	Decision.
RECOMMENDATIONS	That the Standing Orders Relating to Contracts as amended (Appendix A) be recommended to the Authority for approval.
RISK MANAGEMENT	Standing Orders Relating to Contracts ensure that contracts are appropriate for their purpose, provide the right balance between price and quality, and are procured in an open way that demonstrates probity and compliance with the Authority's policies and relevant legislation.
FINANCIAL	No direct impact.

IMPLICATIONS	
LEGAL IMPLICATIONS	The terms of reference reserve to the Authority the power to vary the Standing Orders Relating to Contracts, having considered any recommendations from the Overview and Audit Committee.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	It is proposed to increase the threshold for requiring three written quotations from £5,000 to £10,000 to help facilitate further collaborative procurement with Royal Berkshire Fire and Rescue Service.
HEALTH AND SAFETY	No direct impact.
EQUALITY AND DIVERSITY	No direct impact.
USE OF RESOURCES	In reviewing the Standing Orders Relating to Contracts the Authority can demonstrate accountability of its use of resources by updating in line with latest legislation and best practice guidance appropriate to the good governance of the Authority and the Service.
PROVENANCE SECTION & BACKGROUND PAPERS	Background Approval of revisions to the Authority's constitutional documents (Item 16): http://bucksfire.gov.uk/files/2414/5555/2793/BMKFA12062013.compressed.pdf
APPENDICES	Appendix A – Review of Contract Standing Orders
TIME REQUIRED	10 minutes.
REPORT ORIGINATOR AND CONTACT	Mark Hemming mhemming@bucksfire.gov.uk 01296 744687



**BUCKINGHAMSHIRE AND MILTON KEYNES
FIRE AUTHORITY**

**STANDING ORDERS RELATING
TO CONTRACTS**

**BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY
STANDING ORDERS RELATING TO CONTRACTS**

CONTENTS

	Page
1. Basic Principles	3
2. Responsibilities of Officers	3 <u>4</u>
3. Partnerships	5
4. Exemptions	5
5. Requirements for all Contracts	5
6. Steps Prior to Letting a Contract	6 <u>7</u>
7. Requirements to Ensure Competition	7 <u>9</u>
8. Competitive Tendering Process	8 <u>11</u>
9. Creation and Maintenance of an Approved List	8 <u>11</u>
10. Standards and Award Criteria	9 <u>12</u>
11. Invitations to Tender/Quotations	9 <u>12</u>
12. Shortlisting	10 <u>12</u>
13. Submission, Receipt and Opening 13 of Tenders/Quotations	10
14. Clarification Procedures	11 <u>13</u>
15. Tender Evaluation	11 <u>13</u>
16. Award of Contract	11 <u>14</u>
17. Executing a Contract	11 <u>14</u>
18. Post Contract Monitoring	12 <u>14</u>
19. Termination of Contract	12 <u>15</u>
20. Land and Property	12 <u>16</u>
21. Asset Disposals (other than Land or Property)	14 <u>17</u>

1. Basic Principles

- 1.1 These Orders apply to all Authority contracts with the exception of employment contracts or any contract relating to the engagement of counsel.
- 1.2 Failure by an Officer to comply may result in disciplinary action being taken against that Officer.
- 1.3 These Orders set down the minimum requirements. A more detailed procedure may be appropriate for a particular contract.
- 1.4 In interpreting and applying these Orders, where there is a difference:
 - (a) EU Procurement Directives and EU case law take precedence over both English law and these Orders; and
 - (b) English law takes precedence over these Orders
- 1.5 A contract includes the following:-
 - (a) any contract for goods, works or services, including disposals
 - (b) any order for goods, works or services
 - (c) a grant given or received by the Authority
 - (d) a contract managed by consultants
 - (e) a contract appointing consultants
 - (f) any partnership arrangement
 - (g) contracts relating to the disposal or purchase of land and buildings.
- 1.6 Purchasing and disposal procedures must:
 - (a) Achieve best value for public money spent;
 - (b) Be consistent with the highest standards of integrity;
 - (c) Ensure fairness in allocating public contracts;
 - (d) Comply with legal requirements;
 - (e) Ensure that non-commercial considerations do not influence any contracting decision;
 - (f) Support the Authority's corporate and service aims and policies;
 - (g) Comply with Financial Regulations and Health and Safety requirements;
 - (h) Be able to demonstrate that the Authority's interests have not been prejudiced or exposed to undue or unmanaged risks; and
 - (i) comply with any monitoring arrangements required by the Authority from time to time.

2. Responsibilities of Officers

2.1. Officers

- (a) Every Officer dealing with contracts must have written authority to do so. This can be in their job description or in written delegated authority.
- (b) Officers responsible for purchasing and disposal must comply with these Standing Orders relating to Contracts, the Financial Regulations and the Employee Code of Conduct together with all UK and EU/EC legal requirements.
- (c) Officers must comply with any prevailing guidance issued by the ~~Treasurer~~Chief Finance Officer or his or her nominee.
- (d) Officers must use any relevant corporate contract which is already in place.
- (e) Officers must keep the records to show a clearly documented audit trail. The Officer has a duty to produce such records when requested to do so by the Monitoring Officer, ~~Treasurer~~Chief Finance Officer, or Chief Fire Officer and Chief Executive or their nominees.
- (f) Officers must ensure that agents and consultants acting on their behalf comply with the requirements referred to in Standing Order 2.1(b) above. Such consultants must not make any decision as to whether to award a contract or to whom a contract should be awarded.
- (g) Officers must take all necessary legal, financial and professional advice.

2.2 Chief Fire Officer and Chief Executive

The Chief Fire Officer and Chief Executive must:

- (a) Have delegated powers for the contract or ensure that the project has the formal approval of the appropriate Committee of the Authority;
- (b) Ensure that there is full budgetary provision for the contract and that the sources of funding are fully detailed before starting the contract process;
- (c) Ensure that no tender is accepted where it exceeds the approved budget/cash limit by more than 10% unless prior written approval is obtained from the relevant Committee of the Authority;
- (d) Ensure that expenditure is fully contained within the approved budget/cash limit unless prior approval has been obtained from the Committee of the Authority;
- (e) Ensure that he or she has given written delegation of the role that the appropriate Officer may take in the contracting process on behalf of the Authority;
- (f) Ensure that his or her staff complies with these Standing Orders relating to Contracts; and

- (g) Keep a register of contracts over with a value of £~~10,000~~5,000 or more showing:
- (i) ~~(i)~~—the ~~estimated value~~contract reference number;
 - ~~(ii)~~ (ii)—the contract title;
 - ~~(ii),(iii)~~ (iii) the name of the contractor;
 - ~~(iv)~~ (iii)—the ~~subject matter of~~total contract value;
 - ~~(v)~~ (v) the contract; ~~(iv)~~—contract start and end date
 - ~~(iii),(vi)~~ (vi) duration; ~~and of any option to extend~~
 - ~~(vii)~~ (v)—the contract review date
 - ~~(viii)~~ (viii) the name of the Officer responsible for the contract
 - ~~(ix)~~ (ix) the contract category/type

3. Partnerships

Officers considering a partnership arrangement must before starting the contract process obtain advice from the ~~Treasurer~~Chief Finance Officer or his or her nominee who will advise on the partnership options available to ensure a workable partnership including appropriate governance arrangements.

4. Exemptions

- 4.1 Exemptions are subject to the requirements set out in this Standing Order. An exemption allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with **Standing Order 8**. Exemptions under this Standing Order cannot be granted if EU Regulations apply.
- 4.2 If an Officer requires an exemption from one or more Orders in an emergency, the ~~Treasurer~~Chief Finance Officer can provide this. A report must be made to a Committee of the Authority subsequent to the award of the contract. An emergency means a situation involving risk of injury or loss of life or risk to the security or structural viability of a property.
- 4.3 If an Officer requires an exemption from one or more Orders where there is no emergency and the estimated value is below the European threshold, this requires the prior approval of the ~~Treasurer~~Chief Finance Officer if the value is up to £50,000; or prior approval of a Committee of the Authority if the value is over £50,000 or more. Approval will be given in exceptional circumstances only, such as:
- (a) special expertise or manufacturing capacity is required for which only one source has been identified. In this case a written quotation shall be obtained from that source; or
 - (b) special expertise or manufacturing capacity is required which is only available from such a limited number of sources that competitive tendering is not practicable. In this case all sources shall be invited to provide quotations.

5. Requirements for all contracts

- 5.1 Every contract must be in writing and must state:-

- (a) the goods, works or services to be provided;
- (b) the agreed programme of delivery;
- (c) the price and terms of payment
- (d) all other terms that are agreed;
- (e) exit procedures, for when the contract comes to its natural end, and
- (f) termination procedures for early termination of the contract including when the contractor has not fulfilled his contractual obligations.

5.2 Every contract must comply with Financial Regulations and corporate procurement guidance, including EU Procurement regulations, where necessary.

5.3 Every contract shall include standard clauses approved by the ~~Treasurer~~Chief Finance Officer or his or her nominee on:-

- (a) Anti Fraud and Corruption
- (b) Equal Opportunities
- (c) Health and Safety
- (d) Freedom of Information and Data Protection
- (e) Time of the Essence (for contracts for goods)
- (f) Liquidated Damages
- (g) Safeguarding

5.4 The ~~Treasurer~~Chief Finance Officer or his or her nominee shall be responsible for the safekeeping of all executed contracts.

6. Steps Prior to Letting a Contract

6.1 Before letting a contract, an officer must:

~~(a)~~ identify whether there is an existing corporate contract already in place;

(b) estimate the total value of the contract. For example, if the subject matter of the procurement is worth £15,000 over 5 years, the total value of the contract will be £75,000;

~~(b)~~(c) ensure that the contracting process is not used to create separate contracts in order to avoid the requirements of Contract Standing Orders or the requirements of the EU procurement regulations;

~~(e)~~(d) ensure that there is sufficient budgetary provision for the goods or services required;

~~(d)~~(e), if leasing arrangements are proposed, obtain prior approval from the Chief Finance Officer;
~~Treasurer;~~

~~(e)~~ identify whether there is an existing corporate contract already in place;

(f) take into account the outcome from any strategic service review, if appropriate;

- (g) define the objectives of the contract;
- (h) provide evidence in writing that the risks that are associated with the contract have been assessed and suitable arrangements have been or can be put in place to manage them;
- (i) evaluate what procurement method is most likely to achieve the Authority's objectives, including internal/external sourcing, sourcing through a public sector consortium, packaging strategy or collaboration with another organisation;
- (j) consult users as appropriate about the proposed procurement method and standards for the contract;
- (k) take into account the whole-life costs of the contract;
- (l) retain evidence that the above steps have been carried out for examination by internal or external auditors;
- (m) ensure confidentiality when dealing with contractual matters. Officers must not disclose any information regarding tenders to anyone who is not involved in the selection process; and
- (n) if in circumstances that it is likely that employees will transfer to a new employer as a result of a contract, seek legal advice from an appropriately qualified source with regard to the application of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006.
- (o) if the procurement is for the provision of services, consider how what is being procured might improve the economic, social and environmental well-being of Buckinghamshire and Milton Keynes, and in conducting the process of procurement, how that improvement might be secured in the procurement process taking into account any consultation that may have been undertaken by the Authority.

7. Requirements to Ensure Competition

7.1 Where the total value of the contract is less than £50,000, Officers may identify potential candidates using the most cost-effective and reasonable methods. This may include reference to advertising, catalogues, business directories etc.

7.2 Where the estimated value of a contract is:

(a) Up to and including **£510,000**

One written quotation is required. This can be a written confirmation by an Officer of an oral quotation. The aim of the Officer responsible for the contract shall be to obtain the best value for money for the Authority.

(b) Over **£510,000** and up to and including **£50,000**

Three written quotations must be requested. The aim of the Officer responsible for the contract shall be to obtain the best value for money

for the Authority.

(c) Over £50,000 and up to the European Union thresholds

The Officer responsible for the contract must ~~comply with one of the following options:- follow a publicly advertised competitive tender process (See Standing Order 8)~~

~~(i) follow a publicly advertised competitive tender process (See Standing Order 8)~~

~~or~~

~~(ii) select a contractor from an approved list of contractors by inviting bids from at least three. (See Standing Order 9)~~

~~In both (i) and (ii)~~ The Officer must use the Authority's conditions of contract or appropriate professional institute conditions of contract or a contract which has been approved by the ~~Treasurer~~Chief Finance Officer or his or her nominee.

(d) Over the European Union thresholds which as at 1 January ~~2012~~2016 net of VAT are:

	EUROS-
Works	€5,000,000
Supplies	€200,000
Services	€200,000

	£	Euros
Works	£4,104,394	5,225,000
Goods & Services	£164,176	209,000
Light Touch Regime for Social & Health Related Services	£589,146	670,620

Contracts must be advertised according to EU procurement law. The Officer responsible for the contract must before starting the contract process obtain advice from the ~~Treasurer~~Chief Finance Officer or his or her nominee

(e) Any Value

The Officer responsible for the contract may use a Framework or Consortium Agreement but before starting the contract process must seek advice from the ~~Treasurer~~Chief Finance Officer or his or her nominee.

EU procurement law requires compliance with the principles of the free movement of goods, the right of establishment the freedom to provide services, non-discrimination and equal treatment, transparency, proportionality and mutual recognition.

Contracts which fall outside of the Procurement Directives either by reference to value or type must still be let in accordance with the

guidance contained in the European Commission Interpretive Communication ~~(1/8/06)~~

~~http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/c_179/c_17920060801en00020007.pdf~~ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:JOL_2014_094_R_0065_01

8. Competitive Tendering Process

- 8.1 Where the total value of the contract is more than £50,000, Officers must ensure that potential candidates are asked to provide sufficient detail to:
- (a) ensure that they are financially stable;
 - (b) ensure that they have appropriate technical ability to undertake the sort of contract for which they wish to be considered; and
 - (c) check their health and safety record.
- 8.2 Officers must be able to demonstrate documentary evidence that (a) to (c) above have been checked.
- 8.3 Where the total value of the contract is more than £50,000 and there is no Approved List or Corporate Contract for the contract, Officers must invite tenders by public advertisement. ~~—The minimum requirement for advertisement is placing an advert on the public website.~~ All tenders will be released to the market electronically, via the Authority's E tendering system and advertised on the Government's procurement portal, Contracts Finder.
- 8.4 Unless a shorter period has been approved by the ~~Treasurer~~Chief Finance Officer a period of four weeks must be provided for potential tenderers to receive and submit their expressions of interest for the contract. Where EU Regulations apply, the relevant OJEU time limits apply.

9. Creation and Maintenance of an Approved List

- 9.1 As an alternative to advertising contracts, Officers may use approved lists to select tenderers. However, approved lists cannot be used where the total value of the contract exceeds the EU procurement threshold.
- 9.2 Where the ~~Treasurer~~Chief Finance Officer or his or her nominee decides that a select list of approved Contractors shall be maintained, at least four weeks before the list is compiled or reviewed Public Notice (as a minimum ~~in a trade newspaper or journal and via~~ the Authority's website and E tendering system) inviting applications for inclusion on the list must be given. In addition, each Contractor already included on any relevant list shall be asked whether they wish to remain on it.
- 9.3 The criteria for admission to and suspension from a select list shall be based upon the Authority's ~~corporate policy and~~ contract regulations and procurement procedural guidance, be specified in writing by the Officer and be approved by the ~~Treasurer~~Chief Finance Officer or his or her nominee.
- 9.4 Potential candidates for the list must be asked to provide details, which will enable the Authority to:
- (a) ensure that they are financially stable based upon the submission of statements of accounts for the last two years as a minimum
 - (b) ensure that they have appropriate technical ability to undertake the sort of contract for which they wish to be considered
 - (c) compliance with environmental, health and safety, equality and diversity standards as determined by legislation and as may be approved by the Authority

- 9.5 The standing list shall include the names and addresses of all the Contractors who meet the selection criteria and shall indicate the nature and value of Contracts for which each Contractor listed may be used.
- 9.6 Any Contractor may withdraw at any time from a standing list by giving written notice to the Authority.
- 9.7 Each list must be re-advertised at least every three years, and subject to competition in accordance with the Requirements to Ensure Competition contained within these Standing Orders relating to Contracts. Any necessary amendments including additions and deletions shall be made by the Officer responsible for the list.
- 9.8 An accredited government scheme subject to approval by the TreasurerChief Finance Officer or his or her nominee is also considered to be an approved list for the purpose of these Standing Orders relating to Contracts.

10. Standards and Award Criteria

- 10.1 Officers must ensure that the award criteria are selected which are appropriate to the contract.
- 10.2 Officers must design award criteria to ensure best value for money for the Authority.
- 10.3 The pre-agreed criteria for assessing the bid must not be changed after tender proposals have been opened.

11. Invitations to Tender/Quotations

- 11.1 The Officer must ensure that Invitations to Tender and Invitations to Quote include a specification. The specification must describe clearly the Authority's requirements in sufficient detail to ensure the submission of competitive bids which may easily be compared.
- 11.2 The Invitation to Tender or Invitation to Quote must state that the Authority is not bound to accept any Quotation or Tender.
- 11.3 All candidates invited to tender or quote must be issued with the same information at the same time and subject to the same terms. Any additional information or amendments to the specification must be provided to the candidates on the same basis.
- 11.4 In cases where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirements set out in **Standing Order 7**, all suitably qualified candidates must be invited.
- 11.5 The Invitation to Tender or Invitation to Quote must specify the award procedure
- 11.6 Unless the tendering process is by using an approved list, all Invitations to Tender must be advertised on the Authority's websiteE tendering system.

12. Shortlisting

- 12.1 Where approved lists are used, the responsible Officer in consultation with the TreasurerChief Finance Officer or his or her nominee may undertake the shortlisting in accordance with the relevant criteria.

- 12.2 Shortlisting must be undertaken with regard to financial and technical standards and other criteria relevant to the contract including the award criteria.
- 12.3 In the case of contracts let under the EU Procedure, the advice of the ~~Treasurer~~Chief Finance Officer or his or her nominee must be obtained.
- 12.4 Where appropriate, Officers may decide not to shortlist and to send Invitations to Tender and evaluate all submissions.

13. Submission, Receipt and Opening of Tenders/Quotations

- 13.1 Candidates invited to bid must be given adequate time in which to submit a quotation or tender. At least four weeks must be allowed for submission of tenders and the EU Procedure sets out specific time periods.

~~13.2 All tenders submitted to the Authority shall be in a sealed, plain envelope marked 'TENDER'. There must be no indication on the outside of the envelope of who the sender is. The envelope should be clearly addressed to the Treasurer and must indicate the subject of the contract.~~

~~13.3 The Treasurer shall be responsible for the safekeeping of tenders until opening. Receipt of each tender must be initialled and dated by the receiving Officer.~~

~~13.4 A record must be made at the time of opening the tenders showing the name and address of the tenderers, the date and time of opening and the amount tendered. All those present at the tender opening (who shall be two nominees of the Treasurer and one officer authorised by the Chief Fire Officer and Chief Executive) shall sign the record as evidence that it is correct.~~

~~13.5 At the discretion of the Treasurer, Requests for quotations and invitations to tender may will be either issued and/or received by electronic means. In circumstances where the Treasurer elects to either issue and/or receive tenders by electronic means the following conditions shall apply: electronically via the Authority's E tendering system. Tenders will be released to the market electronically.~~

~~(a) 13.3 The Treasurer~~Chief Finance Officer~~ shall ensure that evidence that be responsible for the transmission was successfully completed is obtained and recorded; and~~

~~(b) Electronic safekeeping of tenders received are kept in a separate secure folder under. All tender documentation will be held electronically within the control of the Treasurer or his or her nominee.E Tendering system.~~

14. Clarification Procedures

- 14.1 After the tender opening, it may become apparent that one or more of the potential contractors that have submitted bids have misinterpreted the specification. If it is clear that this is a result of an error or ambiguity in the specification, the responsible Officer must consult the ~~Treasurer~~Chief Finance Officer or his or her nominee as to whether all the contractors should be provided with revised specifications and given the opportunity to revise their tender.

15. Tender Evaluation

- 15.1 Confidentiality of tenders/quotations and the identity of tenderers must be maintained at all times. Information about one tenderer's response must not be given to another tenderer.
- 15.2 Officers must evaluate and award the contract in accordance with the award criteria in the Invitation to Tender. The Officer responsible for evaluating the tenders should complete a tender evaluation sheet recording the details of the tenders and the process for selecting the winner. This Officer must be someone other than the person who is going to sign the contract. Financial evaluation must be completed by the ~~Treasurer~~Chief Finance Officer or his or her nominee. Financing arrangements must be included in the evaluation.
- 15.3 The reasons for the selection of the successful candidate should be recorded on the evaluation report. The Officer carrying out the evaluation must sign the report. Authorisation to award the contract must be given in writing by an Officer who has written delegated authority to do so.

16. Award of Contract

- 16.1 All candidates must be notified in writing, simultaneously and as soon as possible, as to the outcome of the tender exercise.
- 16.2 In the case of those contracts which have been let using the EU procurement procedure, a statutory standstill of 10 days must apply between the notification of the tenderers and the successful candidate signing the contract, to allow for the decision to be challenged by the unsuccessful candidates.
- 16.3 The contract can only be signed by an Officer who has written delegation to do so.

17. Executing a Contract

- 17.1 Where a contract has a bond or guarantee or is over £150,000 it shall be sent to the Monitoring Officer and shall be sealed on behalf of the Authority.
- 17.2 Any contract under £150,000 shall be signed by the Chief Fire Officer and Chief Executive or an Officer with written delegated authority to sign by the Chief Fire Officer and Chief Executive, in accordance with approved levels, or may be executed by affixing the seal of the Authority in accordance with **SOA 15** (SOA 15 - Standing Orders for the Authority and its Committees)

18. Post Contract Monitoring

- 18.1 During the duration of a contract, the designated project manager, or, where no project manager has been appointed, the Officer signing the contract must monitor the contract/contractor in respect of:
 - (a) performance
 - (b) compliance with the specification and the contract
 - (c) cost
 - (d) user satisfaction
 - (e) risk management; and
 - (f) in accordance with any guidance issued by the ~~Treasurer~~Chief Finance Officer or his or her nominee.

18.2 Officers must seek advice from the ~~Treasurer~~Chief Finance Officer or his or her nominee if payments to a contractor are to be withheld or there is any other problem with the contract which may result in early termination.

19. Termination of Contract

19.1 An Officer shall not terminate a contract over £50,000 prior to its expiry date without first obtaining advice from the ~~Treasurer~~Chief Finance Officer or his or her nominee.

20. Land and Property

20.1 This Standing Order relates to the acquisition and disposal of land and property including leases which are for a fixed term of more than seven years.

20.2 All valuations and negotiations shall be the responsibility of the ~~Treasurer~~Chief Finance Officer or his or her nominee who must ensure that anyone undertaking valuations or negotiations on his/her behalf must have appropriate written delegation and must be a qualified Member of the Royal Institution of Chartered Surveyors or equivalent.

20.3 All valuations prepared for the purpose of a transaction must be accompanied by evidence of the values or comparable properties in the locality, where possible, or evidence of recent, similar transactions carried out the Authority.

Acquisitions

20.4 No purchase of land or property (freehold or leasehold) may be made without the prior approval of an Officer delegated to do so by the Authority's Scheme of Delegation. In order to do this the information detailed below must be provided for this Officer which must be retained for six financial years after the acquisition has been completed:

- (a) a complete description of the land or property that is being considered for purchase;
- (b) the reason for the purchase;
- (c) any information that may affect the value of the property or land, including structural and environmental reports;
- (d) the proposed purchase price or rental value together with evidence of the prices for similar properties in the location, and evidence that there is sufficient budget to cover all costs; and
- (e) any other terms and conditions.

Disposals

20.5 Land and buildings owned by the Authority shall not be disposed by lease or freehold without the prior approval of a Committee of the Authority.

20.6 Prior to approval being sought the following information must be provided:

- (a) a complete description of all the land and/or property to be included in the disposal;
- (b) confirmation that the title of the land and/or property is owned by the Authority;

- (c) the reason for the sale and any restrictions which this may impose;
- (d) a report on any information which is held by the Authority in the previous use of the land which may affect its value (eg if the site were contaminated);
- (e) the estimated value of the land and/or property together with evidence of comparable properties in the location or by reference to other recent, similar Authority transactions;
- (f) in cases where land and/or property is being sold as potential housing development, evidence that planning applications will be obtained prior to the completion of the disposal in order to obtain the best possible price for the land;
- (g) recommendations on the following:
 - (i) issues that need to be resolved before marketing the land and/or property can commence;
 - (ii) the preferred method of disposal (private treaty/public auction/formal tender);
 - (iii) the title to be transferred; and
 - (iv) the minimum price that the Authority is prepared to receive together with an asking price.

20.7 Where it has been decided that the disposal of the land and/or property will be by formal tender, **Standing Order 8** above relating to tenders shall be applied.

21. Asset Disposals (other than Land or Property)

21.1 A check must be made to determine whether there is a corporate policy or contract for the disposal of the stock. If a policy or contract is in place, this should be used.

21.2 Where the estimated net book value of the goods is no more than £2,500~~£10,000~~ the disposal will be authorised by the ~~Treasurer.~~Chief Finance Officer. If the estimated net book value is more than ~~£2,500~~ £10,000 a Committee of the Authority must approve the disposal.

21.3 Disposal must be either by public auction or by obtaining three quotes from suitable contractors.

21.4 The Officer responsible for the disposal must ensure that the Authority is receiving value for money; that the contractor used is reputable; and that the necessary anti-money laundering checks are in place by reference to the Treasurer.Chief Finance Officer.

This page is left intentionally blank



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	Graham Britten, Director of Legal and Governance
LEAD MEMBER	Councillor Roger Reed
SUBJECT OF THE REPORT	The Policing and Crime Act 2017 and the Authority
EXECUTIVE SUMMARY	<p>The purpose of this report (Annex) is to expand on the legal background provided to the Authority at its meeting on 7 June 2017 when it considered the proposal received from the Thames Valley Deputy Police & Crime Commissioner on 31 May 2017.</p> <p>It also provides an update on the matters discussed at that June meeting.</p> <p>The update provides an overview of the requirements introduced by the Policing and Crime Act 2017 relating to a) a Police & Crime Commissioner's interests in a fire and rescue authority and b) the duty for emergency services to collaborate. It is intended to be a companion paper to Item 9. The changes made by the Act to introduce the independent inspection regime for fire and rescue services are not part of this update.</p>
ACTION	Noting.
RECOMMENDATIONS	That the report be noted.
RISK MANAGEMENT	No issues arising from the recommendations.
FINANCIAL IMPLICATIONS	None arising from the recommendations.
LEGAL IMPLICATIONS	Covered in the report.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	The Policing and Crime Act 2017 requires the Authority to keep opportunities for collaboration with the police and ambulance services under review. The Authority has committed to a default position of collaboration with Thames Valley Fire and Rescue Authorities unless a clear business case favours an alternative collaborative option.
HEALTH AND SAFETY	No issues arising from the recommendations.

EQUALITY AND DIVERSITY	No issues arising from the recommendations.
USE OF RESOURCES	<p>At its meeting on 12 July 2017, the Executive Committee considered and recommended to the Authority for approval 2015-20 Corporate Plan: Mid-Term Review and Refresh (Agenda Item 7a, of today's meeting).</p> <p>The updated Corporate Plan has been aligned with the collaboration priorities agreed between the three Thames Valley Chief Fire Officers in February 2017 and also identifies other areas in which collaboration opportunities with other blue light Services will be pursued.</p>
PROVENANCE SECTION & BACKGROUND PAPERS	<p>Background</p> <p>Fire Authority 7 June 2017 Late Urgent Item Proposal from the Thames Valley Deputy Police Commissioner</p>
APPENDICES	<p>Appendix A Letter from CFO Thelwell to the Office of the Thames Valley Police and Crime Commissioner, 12 June 2017</p> <p>Appendix B 'Independent Assessment Process', the Home Office, August 2017</p> <p>Appendix C Letter from Nick Hurd MP to all Fire and Rescue Authority Chairs in England and All Police and Crime Commissioners in England, 31 August 2017</p> <p>Appendix D Announcement of the Thames Valley Police and Crime Commissioner, 16 August 2017</p> <p>Appendix E Letter from CFO Thelwell to the Home Office, 28 July 2017</p> <p>Appendix F Email from Matthew Watts, Police Strategy and Reform Unit to CFO Thelwell, 16 August 2017</p>
TIME REQUIRED	15 minutes.
REPORT ORIGINATOR AND CONTACT	<p>Graham Britten</p> <p>gbritten@bucksfire.gov.uk</p> <p>01296 744441</p>

Policing and Crime Act 2017 ('the Act')

1. At its June 2017 Meeting the Authority considered a proposal from the Thames Valley Deputy Police & Crime Commissioner ('TVDPCC').
2. The proposal from the TVDPCC was for the Authority to commit itself to contribute an equal quarter share of the costs of engaging consultants (split between the three Thames Valley fire and rescue authorities and the Police and Crime Commissioner) for "scoping work" for potential fire and rescue authority (FRA): Police and Crime Commissioner governance.
3. The proposed (uncosted) scoping work did not predetermine a governance model from the four options that the TVDPCC stated were to be considered:
 - i. The establishment of a Collaboration Board for the Thames Valley to provide a forum for discussion and agreement in areas of collaboration. As an informal body it would not exercise formal joint decision making;
 - ii. To formally merge the three existing fire and rescue services into one Thames Valley Fire & Rescue Service (and authority) and to establish bi-lateral collaboration with Thames Valley Police (and PCC);
 - iii. For the Police & Crime Commissioner to become the Police, Fire and Crime Commissioner (PFCC), taking on the responsibilities of the three fire and rescue authorities. The Chief Constable and Chief Fire Officer to be separately accountable to the PFCC; or
 - iv. For the PCC to become the PFCC as above (c) and to create a single employer organisation under the command and control of the Chief Constable.
4. Members were concerned that the proposal had been received in the financial year; no budget had been allocated for this work; and it did not take into account the budgets for each Authority when it suggested that they each paid an equal share.
5. The Authority resolved that the CFO be delegated to respond in writing to the Office of the Thames Valley Police & Crime Commissioner in consultation with the Chairman, taking into account the views of the Authority Members. A copy of this letter is attached. (**Appendix A**)

Provision for a police and crime commissioner to be a fire and rescue authority

6. A Member had asked if the Police & Crime Commissioner (PCC) could impose a change of governance on the Authority and was advised that the

legislation was drafted in such a way that imposition was not the approach; it would be necessary for the PCC to prepare a business case with the assistance¹ of the three fire and rescue authorities and the final arbiter of the business case would be the Home Secretary.

7. In respect of the latter, further detail is now available in the form of guidance published in August 2017 by the Home Office as to the 'Independent Assessment Process' that the Home Secretary would adopt. This is attached (**Appendix B**).
8. Further reference to the guidance was made in the letter from Nick Hurd MP, Minister of State for Policing and the Fire Service in his letter of 31 August 2017 to all FRA Chairmen and PCCs. (**Appendix C**).
9. The 'statutory tests' (referred to in paragraph 5 of the Home Office guidance) are those that are set out in amendments made by the Act to the Fire and Rescue Services Act 2004 ('FRSA').
10. The inserted section 4A(5) of the FRSA provides that the Home Secretary can only make an order creating a PCC-style FRA if it appears to him or her that the PCC's proposal would be in the interests of either a) economy, efficiency and effectiveness, or b) public safety. The test of economy, efficiency and effectiveness applies not just to the transferring FRA(s) but to the wider impact of the proposed transfer.
11. New section 4A(6) of the FRSA further provides that the Home Secretary cannot make an order on the grounds of economy, efficiency and effectiveness if it would have an adverse impact public safety. The Home Secretary could make an order on the basis of public safety alone (including where it might have a negative impact on efficiency, effectiveness or economy) where such a transfer were necessary; for example, in the case of a failing authority.
12. Paragraph 2(1) of the new Schedule A1 to the FRSA requires that the relevant FRA(s) must cooperate with the PCC and to provide any information that the PCC might reasonably require in order for an interested PCC to prepare his or her business case. Such information could include details on FRA budgets, spending commitments, liabilities and assets etc. Paragraph 2(3) provides that an FRA is not required to provide information if it would breach any restrictions on the disclosure of information, for example commercial confidentiality.
13. It should be noted in these regards that the Thames Valley Police and Crime Commissioner released an announcement on 16 August 2017 that "Following a meeting [...] between [him]self, the Deputy Police and Crime Commissioner and representatives from the fire and rescue authorities we

¹ Explained in more detail at paragraph 12 of this report.

have agreed that we will not be actively pursuing any governance changes in the foreseeable future” (**Appendix D**)

14.The proposal from the TVDPCC made reference that “Regulations are awaited to allow the PCC to become a member of Fire & Rescue Authorities.” It continued, “This is not considered to be of significant benefit in itself and is therefore not included as one of the governance models to be considered, notwithstanding it could be used as an enabler to bring about one of the options outlined.”

15.The Chief Fire Officer has been in recent correspondence with the Home Office with regard to the proposed consultation period in advance of the regulations required to make the necessary amendments to the Authority’s combination scheme. A copy of his letter is attached (**Appendix E**), together with a copy of the response (**Appendix F**).

Emergency services collaboration

16.At the June meeting of the Authority a Member asked if the PCC was under a statutory duty to undertake the business case preparation and was advised that this was not the case. The PCC was given an enabling power to undertake the preparation of a business case. A separate duty does arise, although related, and that was the duty on blue light services to consider if it is in the interests of efficiency and effectiveness and public safety to collaborate with other blue light services.

17.The Authority already collaborates with all the fire and rescue authorities adjoining its area for operational incidents.

18.Section 13 of the FRSA requires FRAs to enter into mutual assistance schemes with other FRAs and sections 15 and 16 enable FRAs to enter into agreements with other such authorities or other persons for that other authority or person to discharge certain of their statutory functions. Amendments made to the FRSA by the Localism Act 2011 give a broader discretion to consider collaboration if it were thought likely to be able to contribute to the Authority being able to discharge its functions.

19.The Thames Valley Fire Control Service is an example of FRA:FRA collaboration across the three Thames Valley FRAs². However it is the wider collaboration across and between the blue light services that is one of the features of the Act.

20.Section 2(1) of the Act imposes on each of the three emergency services a new **duty to keep collaboration opportunities under review** where it

² 1. Sections 22A to 23I of the Police Act 1996 make provision for collaboration agreements entered into either by two or more police services. Ambulance services can collaborate between themselves under, section 47 of, and paragraph 14 of Schedule 4 to, the National Health Service Act 2006.

would be in the interests of efficiency or effectiveness of at least two of the services, for those services to give effect to such collaboration.

21. Section 2(2) requires that where an emergency service identifies an opportunity to collaborate it has **a duty to notify** the other relevant emergency services of the proposed collaboration.
22. Section 2(3) then imposes **a duty to consider** whether the proposed collaboration would be in the interests of the efficiency or effectiveness of the proposed parties.
23. Where two or more of the emergency services consider it would be in the interests of their efficiency or effectiveness to collaborate, section 2(5) gives rise to **a duty to enter into a collaboration agreement**.
24. Section 2 does not require a relevant emergency service to enter into a collaboration agreement if the service is of the view that the proposed collaboration would have an adverse effect on public safety or otherwise have an adverse effect on its efficiency or effectiveness.
25. Specifically an ambulance trust is not required to enter into a collaboration agreement if the collaboration would, in its view, have a negative impact on its other wider functions, or the NHS more generally, even if the collaboration would improve the efficiency or effectiveness of the delivery of its emergency functions.³
26. Each of the services involved in collaboration is able to make payments for the purposes of the agreement.

³ Ambulance trusts have multiple functions and only one of these functions relates to emergency provision. For instance, ambulance services could provide other services such as non-emergency patient transport and NHS 111, which are separate from responding to 999 calls. This does not prevent the ambulance trust from voluntarily entering into a collaboration agreement in such a scenario, but it would not be required to do so.

Office of the Thames Valley Police and Crime
Commissioner
The Farmhouse
Thames Valley Police Headquarters
Oxford Road
Kidlington
Oxon OX5 2NX

Our ref: JTAM 0123.17
Enquiries to: Anneli McCallum
Ext no: 134
Direct line: 01296 744434
Date: 12 June 2017

Dear Sirs

Letter dated 30 May 2017 from the Deputy Police and Crime Commissioner

I am writing in response to the above letter (the letter) addressed to me to give an update on the current governance position of Buckinghamshire and Milton Keynes Fire Authority (the Authority).

I can confirm that Cllr Roger Reed was voted in as the new Chairman and this was decided by the Authority at its AGM on the 7 June 2017. I can also confirm that the Authority has 6 new Members out of a membership of 17.

At the meeting, as the letter requested a response by 9 June 2017, I am pleased to report that the Chairman agreed to my request that the proposals in the letter should be received as a late urgent item for consideration by the Authority. (A copy of the paper is enclosed).

There was a lot of debate on the matter and the Authority, as you are probably aware, welcomes collaboration with its blue light partners. The Authority has signed up to an MOU which encourages collaboration and no decision can be made by the Authority, or one of its committees, without the principles of collaboration having first been taken into account.

The Authority and Buckinghamshire Fire & Rescue Service have a proud record of working together with numerous examples of sharing properties with the police. We currently share facilities at Broughton Fire Station with the possibility of sharing at Princes Risborough, Waddesdon and Newport Pagnell also being looked into. We also share facilities with SCAS at Newport Pagnell, Buckingham and Marlow Fire Stations. We are also building a blue light hub in Milton Keynes which includes all 3 blue light services.

We provide emergency medical response with SCAS and have recently taken on the forced entry aspects in the event of a medical emergency for the ambulance service, releasing the police of this additional burden.

The Authority has invested in a drone which it shares with TVP and, under its MOU, collaborates with the police on a number of services within this area. Examples of which include using fire and rescue service resources to search for missing persons and continued commitment to the emergency and investigation phase which is co-ordinated through TVP following the tragic events at the Didcot Power Station collapse on 23 February 2016.

These are a few examples of how collaboration is progressing and the Authority is committed to further collaboration which benefits our communities.

During the meeting on the 7 June, the Authority undertook to receive a report about the aspects of collaboration and this report is to be considered by the Authority at its very next meeting on 18 October 2017.

I have been asked to invite the Police and Crime Commissioner to this meeting and as I discussed with him in our meeting the facility is always available for a representative from the PCC and indeed the PCC himself to attend any Authority meeting.

When considering the contents of your letter, the Authority asked a number of questions that I was unable to answer and your help with these would be appreciated:

1. How much would the Authority be required to contribute to any business case?
2. How was the methodology of cost apportionment arrived at?
3. How would the consultancy services be procured and how, and by whom, will tenders be evaluated?

As a general comment –

4. The costs arising from this commissioning have not been factored into the Authority's MTFP and there may have to be a diversion of budget from the front line to pay for this work. This would be challenging in the current financial climate.

The Authority wishes to give full and proper consideration to these proposals. However, because of these queries, I am unable to respond to your letter with any commitments on its behalf by the 9 June.

I will stress that this is due to the unfortunate timing of the letter clashing with the outcomes and re-constitution of the Authority. It is not that the Authority does not want to collaborate, as you can see there are plenty of examples where communities are benefitting from increased collaboration across the blue light services.

-3-
JTAM0123
12 June 2017

I enclose the contact details of the new Chairman, Cllr Roger Reed: 07818 007270, roreed@buckscc.gov.uk.

If you need any further assistance, then please do not hesitate to contact Cllr Reed, and for completeness I would welcome being copied into any correspondence.

Yours faithfully

A handwritten signature in black ink, appearing to read 'J Thelwell', written in a cursive style.

Jason Thelwell QFSM
Chief Fire Officer / Chief Executive
Buckinghamshire Fire & Rescue Service

This page is left intentionally blank

Independent Assessment Process

This note seeks to provide Police and Crime Commissioners (PCCs) and Fire and Rescue Authorities (FRAs) with further information about how the independent assessment process for PCC proposals to take on responsibility for local fire and rescue services will operate.

Policing & Crime Act 2017 provisions

1. The 2017 Act amends the Fire and Rescue Services Act 2004 and enables PCCs to take on governance of their local fire and rescue service where a local case is made. It is for individual PCCs to consider whether to bring forward such a proposal demonstrating how a transfer of governance would be in the interests of economy, efficiency and effectiveness, or public safety to do so (the “statutory tests”).
2. The legislation requires PCCs to consult on their proposal with the following parties; each relevant local authority¹, those who appear to the PCC to represent (i) employees who may be affected by the proposal and (ii) members of the police forces who may be affected by the proposal and seek the views of local people on that business case. If in response to a consultation a relevant local authority indicates an objection to the PCC’s proposal, the PCC can still submit their proposal, but the Secretary of State would be required to obtain an independent assessment of the proposal, and the PCC would be required to provide copies of the views expressed by the statutory consultees and their responses to them².
3. The Secretary of State must publish the independent assessment as soon as is reasonably practicable after making a determination in response to the proposal, and in such manner as the Secretary of State thinks appropriate.
4. For the avoidance of doubt, the independent assessment is not a substitute for the Secretary of State decision making process. The Secretary of State would not be properly discharging their duties by simply adopting the conclusions of an independent assessment, and anyone undertaking the independent assessment function is not discharging the role of Secretary of State in assessing whether the statutory tests have been met.
5. On considering whether a proposal meets the statutory tests, there are three options for the Secretary of State to decide:
 - i. approve proposal;

¹ “relevant local authority” is defined as the local authority whose area is the same as, or contains all of, the area of the fire and rescue authority proposed to be created, or the local authority where all or part of whose area falls within the area of that fire and rescue authority. “Local authority” here means; a) a county council, b) a district council for an area for which there is no county council, c) the Council of the Isles of Scilly, or d) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 which exercises the functions of a fire and rescue authority by virtue of section 105 or 105A of that Act.

² This includes; copies of each representation made by a relevant local authority, consultation materials; a summary of the views expressed by people in the commissioner’s police area and other statutory consultees and the commissioner’s response to those representations and views.

- ii. approve proposal with minor modifications, whereby the Secretary of State would be required to consult with the PCC and relevant local authority; or
- iii. reject proposal.

The Working Group

6. The Home Office formed a working group with representatives from the Local Government Association (LGA), Association of Police and Crime Commissioners (APCC) and Association of Policing and Crime Chief Executives (APACE) to consider how the independent assessment process could operate.
7. The objective has been to ensure that a PCC's local proposal is robustly and independently scrutinised and an assessment external to government is provided on the merits of the proposed transfer. As agreed by the working group, the process will be: robust and transparent; politically neutral; draw on professional expertise; be flexible, proportionate and timely; and provide value for money.

The Process

8. The process outlined below is a result of Home Office decisions following discussions at the working group.
9. The Secretary of State will decide who to approach as the independent assessor, taking into account the nature of the objections by the relevant local authority. In doing so, the Secretary of State will formally commission an organisation (see paragraph 16), setting out that they are being asked to review the proposal in its entirety, to advise on specific elements of the case where appropriate, and whether they consider it to be in the interests of economy, efficiency and effectiveness, or public safety, in so far as they think it possible to make that assessment.
10. If an independent assessor expresses there is a potential conflict of interest in undertaking an assessment, the Home Office will take this into account in considering whether to approach a different independent assessor. The organisation appointed as an independent assessor must provide assurance that they can identify an expert who is neutral to the proposal. The intention is that any independent assessor would need to be independent of the Home Office, not be acting in a political role, and have the relevant skills and expertise to carry out the role.
11. The independent assessment process outlined above will apply to any proposal where the relevant local authority has objected to the proposal and to all types of FRAs. This includes where fire is integrated in a county council (a County FRA transfer).
12. In the case of a County FRA transfer, an independent assessor with appropriate expertise may, depending on the nature of the objection, both

comment on the proposed split of assets, liabilities, budget and precept, and if appropriate and required, suggest an alternative split following engagement with both the PCC and county council.

13. Where a formal objection to a proposal is not received, no independent assessment will be undertaken, though Home Office officials will seek assurances from the PCC that they are not aware of any objection to the proposal from the relevant local authority.

Potential experts

14. Home Office officials have engaged with a number of organisations that the Secretary of State could seek an independent assessment from and each has expressed a willingness to be involved with the independent assessment process.

15. The Home Office will identify the appropriate assessor to carry out the assessment as described at paragraph 16, but will not fetter the discretion of the assessor in how they carry out their role.

16. The independent assessor may be an organisation listed below – Home Office officials may seek to add to this list where necessary and appropriate. In commissioning the assessor, the Secretary of State will provide details of other potential experts they can consult (should they wish) from the following areas to support them in making their assessment if necessary:

- Operational fire expertise: National Fire Chiefs Council (NFCC)
- Operational police expertise: National Police Chiefs' Council (NPCC)
- Public finance experts: The Chartered Institute of Public Finance and Accountancy (CIPFA)
- Others, dependent on nature of the objection/s: Society of Local Authority Chief Executives (SOLACE) or Association of Police and Crime Chief Executives (APACE)

17. The independent assessor may wish to speak to other experts to support them in coming to a view. This is for the assessor to determine themselves.

Independent Assessment Timeline

18. Where a proposal has been received by the Home Office, where the relevant local authority objects to the proposal, the independent assessment is triggered:

- Weeks 1 and 2 – Home Office determines the nature of the objection/s and approach assessor to lead an independent assessment
- Weeks 3 to 5+ – Appointed independent assessor carries out assessment and engages with other experts as they see necessary – followed by submission to Ministers.

19. It is envisaged that the overall process may take at least 2 months, though this might need to be elongated depending upon the complexity of the proposal and the nature of the objection. To allow for this, an element of flexibility has been factored into the proposed timeframe to allow the independent assessor additional time to undertake their role as they see fit.

Home Office
August 2017



Home Office

Nick Hurd MP
Minister of State for Policing
and the Fire Service

2 Marsham Street
London SW1P 4DF
www.gov.uk/home-office

All Fire and Rescue Authority Chairs in England

All Police and Crime Commissioners in England

31 August 2017

POLICING AND CRIME ACT 2017: POLICE AND FIRE COLLABORATION

The Policing and Crime Act 2017 introduced a range of measures to enable closer collaboration between the emergency services. This includes amending the Fire and Rescue Services Act 2004 to provide the option for police and crime commissioners (PCCs) to take responsibility for fire and rescue services where a local case is made. In doing so, they must set out how the transfer is in the interests of the statutory tests of economy, efficiency and effectiveness, or public safety. Only where it appears to the Home Secretary that these statutory tests have been met, and that in the case of a proposal based on the interests of economy, efficiency and effectiveness the transfer will not have an adverse impact on public safety, will it be approved. This provides an opportunity to drive innovative reform across both services and bring the same direct accountability to fire as exists for policing.

I am encouraged by the progress that has already been made by PCCs to develop local business cases. I am aware that a number of you have recently, or will shortly, finish local consultations, and several others are actively considering the opportunities available in legislation. I expect the pace and ambition of this work to continue and look forward to seeing the final business case submissions and the benefits a change in governance will bring to our local communities.

I am equally aware that in the majority of circumstances, this good progress has been underpinned by good examples of joint working between PCCs and fire and rescue

authorities (FRAs). I appreciate that the business case process can be more complex in certain areas, in particular where the FRA is part of a county council. It will, of course, be important that county councils and PCCs engage closely with one another to include an assessment of the financial impact of the transfer in the proposal so it can be assessed against the statutory tests. This will include any transition costs for a PCC style FRA and residual costs for a county council and how this financial impact will be managed. However, it is my view that these challenges are not insurmountable and should not prevent local leaders seeking to develop a business case for a transfer of governance. My officials will continue to engage local areas and provide support on this process, where appropriate.

Where relevant local authorities do not agree with the PCC's proposal, the Act provides for an independent assessment process which the Home Secretary must have regard to when making her decision whether to approve the business case. Further information on this process was circulated by officials on 18 August.

A handwritten signature in blue ink that reads "Nick Hurd". The signature is written in a cursive, slightly slanted style.

NICK HURD MP

No current plans for governance changes for fire and rescue services in the Thames Valley

16 August 2017

Please see below for a statement from the Police and Crime Commissioner for Thames Valley and from representatives of each of the fire and rescue services in the Thames Valley:

Statement from Anthony Stansfeld, Police and Crime Commissioner for Thames Valley:

“At the beginning of this year the Policing and Crime Act received Royal Assent. As well as reforms in policing, the Act allowed for changes in the governance of fire and rescue services and enabled Police and Crime Commissioners, where a local case is made, to take on responsibility for them.

“Within the Thames Valley we are in the complex and unique position of having three fire and rescue services and over the last few months I have had regular discussions with fire and rescue authority representatives and local authority stakeholders to consider potential collaboration and governance change options and developing a possible joint way forward.

“Following a meeting last week between myself, the Deputy Police and Crime Commissioner and representatives from the fire and rescue authorities we have agreed that we will not be actively pursuing any governance changes in the foreseeable future.

“I recognise that the three Thames Valley fire and rescue services have already achieved a high level of operational collaboration, not only between themselves and other public sector partners but with Thames Valley Police as well. This collaboration can be seen in the many combined Police and Fire Service joint hubs that have been set up in several towns within the Thames Valley. We will, of course, continue to work closely together and seek to explore and develop more collaboration options between the police and fire services to deliver operational and financial benefits to the public.”

Berkshire

Royal Berkshire Fire Authority Chairman, Cllr Colin Dudley, said: “We are proud of the excellent work we’ve done so far to collaborate with the other Thames Valley Fire and Rescue Services, police, ambulance and other colleagues.

“In just the last few weeks and months, we’ve presented frontline crews with brand new fire engines, which we jointly procured and equipped with the other fire and rescue services, and

reopened Hungerford Community Fire Station following major refurbishment – transforming it into a state-of-the-art hub for firefighters as well as police and ambulance staff and the community.

“These are some of the very noticeable achievements we’ve made by working together to benefit the communities we serve. We will continue striving to identify and develop other opportunities that allow us to collaborate and better support the people of Royal Berkshire to lead safe and fulfilling lives.”

Buckinghamshire

Councillor Roger Reed, Chairman of Buckinghamshire & Milton Keynes Fire Authority, said: “Collaborating with all of our partners in order to provide better safety services for the communities within the Thames Valley is at the top of our agenda. We will continue to engage fully in supporting and driving the provision of integrated services.”

Oxfordshire

Councillor Judith Heathcoat, deputy leader of Oxfordshire County Council said: “I welcome the opportunity to look for further collaboration opportunities going forward for Oxfordshire Fire and Rescue Service, Royal Berkshire Fire and Rescue Service, Buckinghamshire and Milton Keynes Fire and Rescue Service and Thames Valley Police to serve the people of Oxfordshire and help them lead safe and fulfilling lives.”

Appendix E

Chloe Dunnett
Head of Fire Strategy and Reform Unit
Home Office
2nd floor Fry Building
2 Marsham Street
London SW1P 4DF

Our ref: JTAM 0138.17
Enquiries to: Anneli McCallum
Ext no: 134
Direct line: 01296 744434
Date: 28 July 2017

Dear Chloe

Representation Model: PCCs with voting rights on combined FRAs

I hope that you are well, and I look forward to catching up with you very soon.

I write with reference to your recent communication that was circulated to all chief fire officers via Steven Adams from the NFCC on 25 July 2017.

I note that progress is being made by the Home Office in drafting the secondary legislation required in order to give effect to the intentions in the Policing and Crime Act 2017 to enable a PCC to participate as a voting member on a combined FRA (subject to the combined FRA agreeing to a request to do so from the relevant PCC).

Incidentally, my Authority amended its constitution in February 2015 to enable it to co-opt the Thames Valley PCC onto its committees as a non-voting member, and there has been a standing invitation for him to attend its full Authority meetings in place before then.

You indicate that there will be a period of consultation prior to the necessary amendments to combination schemes being made; and that the Home Office's intention is for the new amended combination schemes to be laid before parliament in Autumn.

I accept that the changes will be technical and procedural in nature and are likely to be 'enabling' rather than 'mandatory'. However the proposals in the consultation will be essentially on matters about which the respective FRA themselves, considering the matters as a full Authority, must be the respondents rather than officers.

I therefore wish to flag with you that many combined FRAs only convene meetings quarterly. The next meeting of my full Authority, for example, is not until 18 October.

-2-
JTAM 0138.17

I felt that I should bring this to your attention so that the Home Office can take it into account when it sets the consultation period.

If I can assist further do let me know. Alternatively my Director of Legal and Governance, Graham Britten gbritten@bucksfire.gov.uk would be happy to liaise directly with Steven Polly in your team on such matters.

Kindest Regards

A handwritten signature in black ink that reads "J Thelwell". The signature is written in a cursive, slightly slanted style.

Jason Thelwell QFSM
Chief Fire Officer / Chief Executive
Buckinghamshire Fire & Rescue Service

Appendix F

From: Watts Matthew

Date: 16 August 2017 at 10:14:14 BST

Subject: Representation Model - correspondence with Chloe Dunnett.

Dear Chief Thelwell,

Thank you for your recent correspondence to Chloe Dunnett (28 July) regarding the representation model of the Policing and Crime Act 2017, which has been forwarded to me.

As you highlight, this enables PCCs to be represented on an FRA, with voting rights, where the FRA agrees. While these provisions immediately apply to County and Metropolitan FRAs as of 3 April 2017, combined fire and rescue authorities established under sections 2 and 4 of the Fire and Rescue Services Act 2004 must have their combination schemes amended before these provision will apply – you will have seen the previous Minister for Policing and Fire Services letter of 6 April 2017 which set out our intention to carry out a period of consultation with those affected stakeholders.

As a result of the general election purdah period, we are now looking to run this consultation later this year, subject to Ministerial agreement. Our intention had been that this would be a fairly short consultation period in light of the enabling nature of the provisions. We hope to provide further information on the consultation dates in due course to ensure local areas are able to prepare for when the consultation is likely to run, and to consider how they could best respond.

I hope to provide you, and other Chief Fire Officers and FRAs further information in due course. Please don't hesitate to contact me if you have any further queries.

Kind regards

Matthew Watts

Police Strategy and Reform Unit | Policing Directorate
6th Floor Fry, 2 Marsham Street, SW1P 4DF
Phone 020 7035 5521 / 07833 082289
Email matthew.watts@homeoffice.gsi.gov.uk

This page is left intentionally blank



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	Lynne Swift, Director of People and Organisational Development
LEAD MEMBER	Councillor Roger Reed
SUBJECT OF THE REPORT	Fire Reform - Collaborative Working update
EXECUTIVE SUMMARY	<p>At the 7 June 2017 Fire Authority meeting, Members requested a report on a range of aspects of collaboration. This report is a companion report to Item 8.</p> <p>Since the previous collaboration update to the Authority on 14 December 2016, collaboration between the three Thames Valley Fire Authorities (TVFRAs) and in addition with Thames Valley Police (TVP) and other emergency services continues at pace, progressing effective initiatives and new ways of working which aim to deliver improved outcomes for our communities.</p> <p>Part of the rationale for the new Fire and Rescue Service Inspectorate (Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service – HMICFRS) will be to ensure better outcomes for the public. The Authority's approach to collaboration will work towards this aim and also provide evidence for this improvement.</p> <p>The Buckinghamshire and Milton Keynes Fire Authority (BMKFA) approach to fire and rescue collaboration was formalised by a Memorandum of Understanding (MOU) '<i>Fire and Rescue Collaboration in the Thames Valley</i>' approved with Oxfordshire and Royal Berkshire Fire Authorities in June 2015. This MOU commits each fire and rescue service to consider collaboration within the Thames Valley as a first option to improve quality, improve resilience and reduce costs.</p> <p>A further MOU covering Property Sharing and Co-Location of Police and Fire and Rescue Services in the Thames Valley was approved at the July 2015 BMKFA Executive Committee and also by Royal Berkshire Fire Authority, Oxfordshire County Council and the Police and Crime Commissioner (PCC) for the Thames Valley.</p> <p>Annex A sets out the main collaborative work programmes across the Thames Valley Fire and</p>

	<p>Emergency Services.</p> <p>Annex B provides updates on national collaborative programmes which support the Authority's reform agenda and which enhance aspects of the Thames Valley collaborative outcomes.</p>
<p>ACTION</p>	<p>Noting.</p>
<p>RECOMMENDATIONS</p>	<ol style="list-style-type: none"> 1. That the collaborative work in progress across the Thames Valley Fire and Emergency Services as set out in Annex A be noted. 2. That the range of BMKFA supported national and regional collaborative working programmes set out in Annex B be noted.
<p>RISK MANAGEMENT</p>	<p>Maintaining resilience and focus on day to day service delivery is enhanced by ensuring that collaborative projects proactively evaluate resource utilisation.</p> <p>The Thames Valley Fire and Rescue Services collaboration programme was reviewed and refocused in June 2017 to match priorities to capacity. Each programme has its own risk register which are subject to standard risk management and escalation procedures.</p> <p>External factors such as local government and potential governance model reviews within the Thames Valley may impact on senior management capacity to maintain the required pace of progressing Thames Valley and broader collaborations. This risk will be monitored and programmes adjusted accordingly.</p> <p>The major national and regional collaboration programmes also maintain appropriate risk registers and these are managed through defined project management guidelines.</p>
<p>FINANCIAL IMPLICATIONS</p>	<p>The financial benefits of collaboration will naturally vary depending upon the type of service or procurement arrangements. Major collaboration projects are subject to normal officer and member approval protocols.</p> <p>The recent collaborative work on Appliances between the Thames Valley Fire Authorities produced savings on collective budgets of well over £700k over the four years in which vehicles will be procured. This in itself has generated a move toward standardising the equipment on those vehicles which in turn will generate more savings and incidentally will be a significant aid toward using standard operating procedures.</p> <p>National and regional collaborations that require funding are either covered within existing budgets or for Fire-Fire by established National Fire Chiefs</p>

	Council (NFCC) funding mechanisms.
LEGAL IMPLICATIONS	None arising from the recommendations. The broader legal context of the recommendations is set out in Agenda Item 8.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	<p>The Policing and Crime Act 2017 requires the Authority to keep opportunities for collaboration with the police and ambulance services under review. The Authority has committed to a default position of collaboration with Thames Valley FRAs unless a clear business case favours an alternative collaborative option.</p> <p>The progress updates in Annexes A and B demonstrate significant collaborative working.</p>
HEALTH AND SAFETY	Collaborative working options to deliver health, safety and welfare services are included within the Thames Valley Collaboration programme, for consideration.
EQUALITY AND DIVERSITY	Considerations of equality and diversity issues are built into the individual collaboration programmes. For example the Thames Valley Fire and Rescue Services collaborative recruitment and apprenticeships programmes set out processes which seek to increase the diversity of the workforce.
USE OF RESOURCES	<p>Strategic context – BMKFA refreshed Corporate Plan 2015 to 2020</p> <p>In September 2016, Minister for Policing and the Fire Service, Brandon Lewis, set out the government’s strategic reform agenda for the Fire and Rescue Service in a speech to the Chief Fire Officers Association (CFOA) conference. He identified ‘three distinct pillars of transformation’; efficiency and collaboration; accountability and transparency; and workforce reform.</p> <p>The Authority’s approach to collaborative working aligns well with the government reform agenda and is well defined to support the strategic aims set out within the Corporate Plan 2015 to 2020.</p> <p>Communication with stakeholders;</p> <p>Joint communication plans are developed which are specific to each collaboration project to optimise stakeholder engagement and employee involvement. Timings of any key communications are coordinated.</p> <p>BMKFA communications are via normal reporting and cascade mechanisms.</p> <p>The system of internal control;</p> <p>A Thames Valley Collaboration Programme Board covering the three Fire and Rescue Services is in place represented by the Chief Fire Officers. They are</p>

	<p>supported by a Steering Group with a director lead from each service, accountable for delivering the programme.</p> <p>Arrangements to incorporate Police and other Emergency Services are being considered. Each national programme has its own governance arrangements.</p> <p>The management of the asset base;</p> <p>Collaborative opportunities will always be actively sought that allow for efficient use of property and equipment assets between authorities, whether that be shared use, shared procurement or shared back office resources and systems in respect of asset management.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>Background</p> <p>Fire Reform – Collaborative Working update CFA 14 December 2016: http://bucksfire.gov.uk/files/9214/8068/6630/ITEM_1_3_FIRE_REFORM - COLLABORATIVE WORKING cover report 14122016 CFA Annexes.pdf</p> <p>The 2017 Police and Crime Act: https://www.gov.uk/government/collections/policing-and-crime-bill</p> <p>Property Sharing and Co-Location of Police and Fire and Rescue Services in the Thames Valley – Executive Committee 29 July 2015: http://bucksfire.gov.uk/files/5614/3740/2436/ITEM_1_2_Memorandum_of_Understanding_with_PCC_occ_rbf_a_2_with_appendix.pdf</p> <p>Memorandum of Understanding with (MOU) with Royal Berkshire and Oxfordshire Fire and Rescue Services – Fire Authority 10 June 2015: http://bucksfire.gov.uk/files/7314/5563/7856/ITEM_1_5_Memorandum_of_Understanding_with_Royal_Berks_hire_and_Oxfordshire_Fire_and_Rescue_Services.com_pressed.pdf</p> <p>Minister for Policing and the Fire Service, Brandon Lewis, addresses audience at the 2016 Chief Fire Officers Association (CFOA) conference: https://www.gov.uk/government/speeches/fireminister-speaks-at-cfoa-conference</p>
<p>APPENDICES</p>	<p>Annex A - Collaborative Working Programmes across the Thames Valley Fire and Emergency Services.</p> <p>Annex B - BMKFA supported National Collaborative Initiatives.</p>
<p>TIME REQUIRED</p>	<p>10 Minutes.</p>

REPORT ORIGINATOR AND CONTACT	Lynne Swift Director of People and Organisational Development lswift@bucksfire.gov.uk 01296 744679
--	--

This page is left intentionally blank

Annex A

Collaborative Working Programmes across the Thames Valley Emergency Services

1. Background

This Annex provides Members with an update on progress relating to the collaborative working programme across the three Thames Valley Fire and Rescue Services (FRS) and other emergency services including Police and Ambulance.

The Thames Valley Collaboration programme focuses on the achievement of the shared key objective:

“Sharing resources on a fair and equitable basis, to support achievement of excellent outcomes for communities across Buckinghamshire and Milton Keynes, Oxfordshire and Royal Berkshire.”

This key objective is supported by three critical success factors:

- Deliver better outcomes for the communities of Buckinghamshire and Milton Keynes, Royal Berkshire and Oxfordshire.
- Make changes that result in more effective and efficient services.
- Increase resilience levels across all the Thames Valley Fire and Rescue Services.

2. Government Policy and Legislative Context

In September 2016, the then Minister for Policing and the Fire Service, Brandon Lewis, set out the government’s strategic reform agenda for the Fire and Rescue Service in a speech to the Chief Fire Officers Association (CFOA) conference. The Minister identified three distinct ‘pillars of transformation’.

- efficiency and collaboration;
- accountability and transparency;
- workforce reform.

The first two of these pillars were given legislative force with the passage into law of the Policing and Crime Act 2017 which, amongst other things:

- places fire, police and ambulance services under a statutory duty to collaborate where this improves efficiency or effectiveness;
- enables Police and Crime Commissioners (PCCs) to become involved in the governance of fire and rescue services in their area either by becoming a fire authority member or taking over the role of a fire authority completely and, as a potential further step, integrate fire and police within a single employer organisation with an integrated single management team;
- provides for the creation of a ‘rigorous and independent inspection regime’ for fire and rescue in England, with sufficient access to data and

information to ensure robust inspections and the ability to undertake joint inspections with Her Majesty's Inspectorate of Constabulary (HMIC).

The Authority has been collaborating with other Thames Valley Fire and Rescue Services for several years. Collaboration with other emergency services was already well underway prior to the imposition of a statutory duty to do so. For example with South Central Ambulance Service (SCAS) in relation to co-responding and Thames Valley Police in relation to sharing of property and facilities.

This report provides updates on the current strategic, significant and emerging collaboration projects within the Thames Valley. Historical and already embedded collaborations are now considered to be business as usual and not covered in this report.

3. Agreed Collaboration priorities

In February 2017, the three Thames Valley Chief Fire Officers agreed an updated set of collaboration priorities which were fine-tuned in June 2017 and include:

Operational alignment

Building on the success of the Joint Thames Valley Fire Control Service; developing and implementing a single mobilising policy for the Thames Valley which will enable staff in the control room to streamline their responses and free up time and effort to ensure that the community gets the best possible response.

In addition, developing and implementing a common procurement timetable for the three Thames Valley Fire Services to buy the same equipment and appliances.

Fire Protection

The services will work together to produce a single fire protection policy, succession plan and one way of working, providing consistency and opportunities for staff across the Thames Valley.

Risk Modelling

Developing a single risk modelling methodology to enable a consistent way of assessing risk whilst still allowing risk appetite to be defined locally.

Workforce reform

The Services will work together on workforce reform, learning from each other and sharing best practice to enable our staff to have the best possible opportunities and also enable our staff to shape the future of our Service.

Section 4 provides updates on each Fire–Fire collaborative priority.

Emergency Services 'Blue light' collaboration

The work going on with SCAS and TVP needs to be accelerated and highlighted to enable the Thames Valley community to get the best possible service.

Sections 5, 6 and 7 provide updates on priority programmes underway with TVP and SCAS.

The Authority's Corporate Plan 2015 to 2020 has been revised to reflect and align with these reaffirmed collaboration priorities.

4. Collaboration across the Thames Valley Fire and Rescue Services.

a) Thames Valley Fire Control Service (TVFCS)

Two Gateway reports were completed into the TVFCS programme and it was recommended that a Transition plan was established consisting of three phases:

Phase 1 - Operational: transitioning the service into 'steady state'

Phase 2 - Optimise: to enhance the current ways of working for the Service

Phase 3 - Expand: moving the service forward

Governance is via a TVFCS Joint Committee and the most recent meeting took place in September 2017. As the Thames Valley collaboration programme continues to develop with the TVFCS Phase 2 Transition Plan driving key aspects of the operational alignment work stream, it is planned that the TVFCS Phase 2 Transition plan will become part of the wider collaboration agenda.

Phase 2 of the Transition plan will cover five specific areas:

- Governance, Leadership and Management
- Resilience and Business Continuity
- Performance Management
- Data and Management Information
- Branding, Culture and Identity

Work within these areas will then form specific projects and will be managed using the approved project management processes.

b) Operational alignment

The overarching objective is to align all operational policies, procedures and practices across the three Thames Valley Fire Services. This includes consistent and standard training packages and joint procurement of equipment and appliances. The current focus is on aligning policy and procedures and procuring appliances.

A project has been recently scoped out to set out the timetable for this work.

The benefits include:-

- more effective and efficient service delivery to the public
- more efficient, effective and economic use of resources
- economies of scale and efficiencies through joint procurement of equipment and appliances

This programme builds on the work originally started within the Thames Valley Fire Control project. A joint Thames Valley project team has been working with the aim of creating standardised procedures and incident response across the Thames Valley Services using National Operational Guidance recommendations. Initial recommendations cover incident responses, training and the provision of equipment that will support alignment from original call to incident closure.

This project is a critical aspect of the collaboration work programme and will influence future business requirements for training, procurement and operational alignment.

c) Appliances and equipment

Standardised Type B Appliances

Following a joint procurement process, all Services will now be buying the same type B appliance. Over the next four years, 37 Volvo appliances, all built to a standard specification will be procured. During this period, savings are estimated to be £720,704.

This successful fleet collaboration between the Thames Valley fire services is now bearing fruit with Oxford FRS and Royal Berkshire FRS each having seen four new Volvo appliances delivered this financial year and Buckinghamshire FRS have taken delivery of three of the eight pumps due to them during 2017/18. Further deliveries are due to all three Authorities in 2018/19.

The new appliances are aimed to be placed at stations which most frequently cross borders to improve deployment efficiency. This programme is an excellent example of how joint working can improve service delivery and reduce our service costs.

Standardised Inventory

The three Fire Services have reached agreement regarding a standardised inventory to be carried on the Thames Valley standard fire appliance. This will maximise the benefit of the standard appliance as well as support the introduction of common operating procedures across the region.

The success of the appliance collaboration is also driving forward joint work on procuring equipment and several initiatives are in hand between the 3 authorities to make the most of our united purchasing power, with the added advantage of standardising equipment across the Thames Valley services.

d) Integrated Risk Mapping and Modelling

The aim of this project is to implement a simple risk mapping and modelling methodology across the three Thames Valley Fire Services which is flexible enough to take account of local risk and demographics.

This project builds on collaborative work which has been underway in this area since 2015 with a proof of concept model for the three services developed in 2016.

Identified benefits include more effective and efficient use of response assets across the three services and sharing of resources. This project will also support the operational alignment work stream and assist harmonisation of systems of work.

The re-defined project has been scoped out, Oxfordshire and Royal Berkshire have identified an opportunity for a shared resource to embed the model and add resilience. A data sharing and processing agreement is being developed to facilitate this project.

e) Fire Protection

The purpose of this project is to create a single approach to Fire Protection across the Thames Valley, including a single policy, processes, and systems within one function.

This is a newly identified project and recently scoped out. Identified benefits include:

- More effective use of data to identify premises which require an audit; supporting evidence led re inspection programmes.
- Increasing the number of audits being undertaken due to increased capacity created through collaborative working.
- Increased out of hours availability of Fire Protection Officer skills across the Thames Valley.

In addition it is envisaged that additional resources within Fire Protection may be required to meet an increase in demand following the Grenfell Tower enquiry and the review of Building Regulations. Progressing Fire Protection collaborative working now will ensure the Thames Valley is well placed to respond to any increasing or new demands.

f) Workforce Reform

The current priority focuses on introducing consistent approaches to refreshing the workforce to maintain resilience and ensure the three Fire Services are in a position to resource and continually develop the skills for the future.

There are two new inter-dependent projects underway within one work stream which are:

To develop a single recruitment process for Whole time and On Call Firefighters across the Thames Valley and to:

Develop a project to deliver a joint Thames Valley recruit course in April 2018 with new entrants employed on the Buckinghamshire apprenticeship model.

The projects are scoped out and builds on informal joint work already underway covering sharing general workforce plans. Identified benefits of these workforce reform initiatives include:

- Best practice, modern, fit for purpose and consistent approach to recruitment across the Thames Valley.

- Increased diversity of the workforce which positively supports culture change.
- A more cost effective and efficient shared recruitment service achieved through pooling internal and external resources when required.
- Joint approach to apprenticeships recruitment optimises opportunity to draw down the levy on Thames Valley apprenticeships training. The current annual apprenticeships levy paid by the three services is in the order of £280K.
- Future proofed processes flexible enough to accommodate diversification of services.
- Sets the foundation for future workforce reform projects which deliver positive benefits.

g) Shared Resources

A new project currently being scoped out is considering possibilities of creating a single Principal Officer/Level 4 Operational Command Officer rota. The first stage would be to establish a method of showing availability of all Level 4 officers across the three services.

This project seeks to explore maintaining resilience, providing capacity for major protracted incidents, unplanned shortfalls in cover and working towards improved interoperability across the Thames Valley.

5. Collaboration with Thames Valley Police (TVP)

a) Effecting Entry

Alongside Cardiac Arrest Response (CAR) Buckinghamshire FRS joined Royal Berkshire and Oxfordshire in May 2017 for a six-month trial to support SCAS by responding on behalf of TVP to effect entry where patients are suspected or known to be inside a locked property which cannot be accessed by ambulance crews. Historically, responsibility for effecting entry has lain with the police but pressures on resources and a lack of appropriate equipment on front-line police vehicles was routinely resulting in lengthy delays which tied up SCAS and police resources. The trial, which sees all three Thames Valley Fire and Rescue Services responding on behalf of Thames Valley Police (TVP) to assist SCAS, has a number of aims:

- To improve patient outcomes by allowing ambulance crews to get to casualties more quickly.
- To reduce the amount of time wasted by SCAS crews awaiting the attendance of TVP to effect entry.
- To ease pressure on TVP resources.
- To reduce repair and boarding-up costs by using our expertise rather than brute force.

Since the go-live date 22 May 2017, Buckinghamshire FRS appliances have been mobilised to 22 'Effecting Entry' incidents, of which, 11 required crews to gain access for SCAS at the scene.

With an average incident duration of 26-minutes (from mobilising to stop), it is clear that crews are making rapid interventions to achieve the first two objectives. Also, as none of the incidents required boarding-up, the signs are promising that the fourth objective is being achieved – stop messages indicate that on seven occasions, short extension ladders were used to gain access.

b) Missing Persons

BFRS and TVP are running a 6 month pilot project whereby TVP can call upon a range of BFRS assets to assist TVP in searching for medium and high risk missing persons. This is an extension of our current 'Assist Other Agency' incident arrangements that cover the provision of thermal imagery, the Drone, boats and Urban Search and Rescue (USAR) and provides specialist assistance that also offers fire crews as an asset to assist with ground searching.

c) Estates

The Authority is continuing to work with TVP on co-location at Princes Risborough, Newport Pagnell and Waddesdon Fire Stations. These are TVP led projects with the Princes Risborough project likely to be first to commence.

6. Collaboration with SCAS

a) Memorandum of Understanding (MOU)

A new MOU between SCAS and the three FRSs, signed in March 2017, sees SCAS taking responsibility for clinical governance in the fire services across the Thames Valley. This will ultimately lead to greater standardisation, with SCAS delivering all of our Immediate Emergency Care (IEC) training and providing standardised equipment for emergency response vehicles. This common training and equipment enables ambulance and fire crews to work much more effectively alongside each other at any incident involving casualties whether at a medical emergency or a fire incident.

b) Co-responding (CR)

The Authority currently has four co-responder cars based at High Wycombe, Aylesbury, Buckingham and Olney. The High Wycombe car is positively crewed while the rest are operated on an on-call basis. With more and more staff being IEC trained the pool of potential co-responders continues to grow with the only challenge to further recruitment of volunteers being the requirement to undertake a five day blue-light driving course. At Buckingham co-responding is undertaken on the frontline fire appliance by the duty crew.

There are some challenges regarding the future impact on Co-Responding of the Ambulance Response Programme (ARP), which will see the response targets shift for SCAS to focus on a timely attendance of ambulances at incidents where patients are likely to need transportation to hospital. However, there is likely to remain a significant demand for fire resources to support SCAS at incident types where a rapid intervention is critical such as cardiac arrest, stroke and major trauma.

c) Cardiac Arrest Response (CAR)

Alongside Oxfordshire FRS, Buckinghamshire has initiated a six-month trial in May 2017 to deliver CAR in support of SCAS from all of our frontline fire engines. With a patient's chances of survival dropping by around 10 per cent with every minute that passes following a cardiac arrest, the initiative aimed to mobilise fire resources in support of SCAS to get the earliest possible intervention and maximise the chances of survival for the patient. Unfortunately, the SCAS mobilising system is not currently able to show the location of fire resources to the control operators who despatch resources. This is not ideal, and as a result there has yet to be a mobilisation under CAR in Buckinghamshire or Oxfordshire since the trial commenced. However, Hampshire FRS have commissioned some software which will allow the SCAS and fire control mobilising systems to communicate in the near future and this could be a future fix for the current issues that are being experienced.

d) Future plans

The CAR and Effecting Entry initiatives will both be evaluated in November and recommendations made on whether these ways of working should be permanently adopted.

Regular meetings between representatives of the three TVFRSs and SCAS continue to seek and discuss further opportunities for collaboration.

Discussions with Hampshire FRS and SCAS are underway to identify collaborative practices to be shared in future – most notably the software mentioned above in the CAR section above.

7. Fire Police and SCAS Collaboration

a) Milton Keynes Hub

Thames Valley Policy (TVP) and South Central Ambulance Service (SCAS) are confirmed partners for the Blue Light Hub in Milton Keynes and a number of other public sector partners are expressing interest in co-locating to the second floor of the new building. The process of securing a construction contract is well under way with announcement of the successful contractor due in early October 2017. There will then be a joint client/contractor process to award the build lots in the period up to January 2018, at which time it is anticipated the full construction build contract will be signed off. Construction is due to start in March 2018 with completion due around 18 months later.

b) Joint Emergency Services Interoperability

Drone Collaboration

The use of the Buckinghamshire Fire and Rescue Service drone is increasing, with benefits ranging from the gathering of aerial imagery for risk information and pre-planning purposes, to assisting partner agencies in the search for missing persons. Operationally they have provided significant benefits to the Incident Commander and partner agencies by informing their decision making processes. The use of drone imagery for collapsed structures has assisted fire investigation officers to determine the likely origin and cause of the fire, whilst providing structural engineers with the data they require to make informed

decisions about the structural integrity of a building. In terms of building fires, they provide critical information such as the location of previously unseen gas cylinders, or the direction and speed of fire spread in buildings and large open areas. It is used as an asset for all three Thames Valley FRS and the information gained influences an Incident Commander's tactical plan, making fire ground operations safer and more efficient.

This page is left intentionally blank

Annex B

BMKFA supported National and Regional Collaborative initiatives

Introduction

This Annex provides Members with an overview of a range of national and regional collaborative initiatives that support the Authority's reform agenda and align with and will enhance elements of the Thames Valley collaborative outcomes set out in Annex A.

A number of factors are considered when determining the Authority's role in national and regional initiatives. These include:

- Increasing value for money for the tax payer.
- Increasing capacity, sustainability and resilience.
- Working towards consistent methodologies and sector specific standards.
- Initiatives agreed by the National Fire Chiefs Council (NFCC).
- Improved effective and efficient use of resources.
- Initiatives which facilitate increasing the pace of delivering workforce reform.

The initiatives set out in this Annex align with the government's Fire Reform agenda; specifically the 'Three Pillars of Reform' explained in the background section of Annex A.

1. Efficiency and Collaboration

UK Research and Development Function

This project seeks to deliver a research and development capability centrally for UK Fire and Rescue Services (FRS). Buckinghamshire Fire and Rescue Service (BFRS) are currently members of the implementation board alongside Tyne and Wear and Hampshire FRSs, however our involvement is under review now that the programme has moved to 'business as usual' and is scheduled to deliver a research programme based on priorities agreed by the National Fire Chiefs Council (NFCC).

Procurement

This organisation is in early discussions with Thames Valley Police to identify and deliver collaborative opportunities. A joint contract register has been established, supported by a three year collaborative procurement work plan to be delivered by each professional procurement service.

Buckinghamshire procurement team have worked collaboratively with Royal Berkshire and Oxfordshire Fire Services to deliver collaborative contracts for Fire Appliances, Hydraulic Equipment, Ladders, PPV Fans, Power Tools, Tyres and Light Portable Pumps.

A joint outsourced Occupational Health service provision has recently been procured with Northamptonshire and Oxfordshire Fire Services.

2. Accountability and Transparency

Legal and Governance

Buckinghamshire and Milton Keynes Fire Authority (BMKFA) has worked since 2012 with Milton Keynes Council, Luton Borough Council and Central Bedfordshire Council to pool arrangements for shared Independent Persons to achieve low cost and effective regulatory compliance. This has enabled the advertising and recruitment processes to be undertaken at no cost to BMKFA. The retaining fee is shared amongst the authorities and the Independent Persons maintain their competencies and interest in a wider caseload than would otherwise be the case.

There is an agreement in place with Buckinghamshire County Council for reciprocal deputy monitoring officer arrangements to enable regulatory compliance and resilience.

3. Workforce Reform

Fire Professional Framework (FPF)

The aim of the FPF is to deliver a 'fit for purpose' National Learning and Development Strategy, supported by a framework based on relevant national standards and a 'one stop shop' web portal for all staff employed within the sector to easily access from any device. A cross directorate national Steering Group oversees five focused FPF work streams with Buckinghamshire FRS leading on the overall programme.

All UK FRSs and a number of wider fire sector employers actively support the framework through providing funding and a significant and increasing number provide resources to continue to develop and populate the portal.

The aims of this initiative are:

- Easy access to the tools to translate the relevant standards and qualifications into competency frameworks and training specifications covering current and future roles, skills and attributes required across the FRS sector.
- Provide supporting tools to enable FRSs to embed the FPF in to all aspects of their training, development, organisational design, resourcing, workforce planning and career path management to fit with their risk and demand profiles.
- Support a culture of collaboration, sharing information and notable best practice reducing 'reinvent the wheel' syndrome.
- Provide a 'one-stop-shop', accessible by all employees and from all devices and networks, addressing the development needs and career guidance for all employees. This is increasingly important with a wider and diverse range of duty systems, flexible working arrangements, partnerships and increased menu driven learning.

The FPF is designed to be well placed to support the future Independent Standards Body and Inspectorate arrangements as well as compliment any Programme management office (PMO) protocols being set up to manage NFCC work plans.

National Operational Guidance programme (NOG)

The NOG Programme will deliver new on line operational guidance that is consistent, easily accessible and can be easily revised and updated. The Authority is committed to this programme and will wherever possible adopt NOG as its primary source of information to support our operational procedures, mobilising arrangements, information, training specifications and packages. The NOG programme also forms part of the Thames Valley operational alignment work stream covered in Annex A of this report.

National Procurement of Fire Fighter Personal Protective Equipment (PPE)

Throughout 2016/17, the Authority has been actively engaged in a national collaborative PPE procurement project for a complete fire fighter PPE ensemble solution, led by Kent FRS on behalf of the NFCC, but with direct involvement from Buckinghamshire Fire and Rescue Service.

The project has explored ways of providing fire fighters with the next generation of fire fighter PPE which fully considers the work streams of a modern reformed workforce, delivering a wider range of public services whilst providing best value through collaborative working.

Menu driven E-Learning

Buckinghamshire FRS (BFRS) actively support the national e learning work programme which seeks to build a learning platform for all UK based Fire and Rescue Services and share design costs and resources for core e learning packages rather than each FRS develop similar programmes.

The e learning work stream was launched nationally in autumn 2016 and it was agreed that the key aim was to determine how the sector could best progress e learning collaboration to align with the National Operational Guidance (NOG) programme to optimise procurement options and move towards a 'Do it once' culture.

BFRS have played a lead in the design of the e learning platform known as 'FRS Learn'.

Discussions are also planned nationally with the police to explore joint emergency services e learning possibilities.

Apprenticeships

BFRS are members of an employer consortium led by Staffordshire FRS to develop a new firefighter Trailblazer standard for apprenticeships. This will replace the existing framework being phased out. BFRS's approach to recruiting 22 firefighter and 4 support services apprentices in 2016 continues to attract

significant interest. BFRS presented at the CFA national apprenticeships workshop in late September 2016 and January 2017 and has also hosted a shared learning event for twelve FRSs.

BFRS and Thames Valley FRSs are now working in collaboration with Police, Health, Ambulance and other Fire and Rescue services to developing an emergency services contact handler trailblazer apprenticeship.

BFRS is also represented in employer consortia led by Greater Manchester and London to develop Community Safety Advisor and Business Fire Safety Advisor trailblazer standards and most recently supporting the development of a Fire Engineering career pathway which seeks to improve the sector's ability to attract and retain Fire Engineers.

These sector specific trailblazer standards are critical to have in place for all Fire and Rescue Services to be able to recruit apprentices and maximise drawing down the apprenticeship levy, which for the 45 English FRS is in the order of £5.5million annually.

Employment Related Policy

BFRS is part of a national Human Resources Collaborative group that has agreed to develop new employment related policy templates once rather than have over 40 variations nationally. This group already includes over two thirds of fire services nationally and members have launched the first phase of policy and guidance templates. The initial policy guidance focused on new legislation and complex outcomes from employment appeal tribunal cases. The current phase of the work programme is supporting apprenticeships policy, new legislation which impacts on employment policy and broader workforce reform topics.



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	David Sutherland, Director of Finance and Assets
LEAD MEMBER	Councillor Peter McDonald
SUBJECT OF THE REPORT	The 2018-19 Local Government Finance Settlement: Technical Consultation Paper (the Consultation)
EXECUTIVE SUMMARY	<p>The Consultation seeks views on two key elements of the local government finance settlement:</p> <ul style="list-style-type: none"> i. Maintaining the certainty of the four-year settlement offer (Question 1) ii. Council tax referendum principles and additional flexibilities (Questions 9 and 10) <p>The Consultation also seeks views on a number of other areas not directly relevant to the Authority, so a response of 'no comment' is proposed in relation to those questions.</p> <p>The proposed response to Question 1 is that the Authority is in favour of maintaining the certainty provided by the four-year offer. Our existing Medium Term Financial Plan is based on these known amounts and the certainty will aid with planning for the years up to and including 2019/20.</p> <p>The current proposal within the Consultation is that the council tax referendum limit for fire and rescue authorities will be less than 2%. The proposed response to this is that the Authority would recommend that fire and rescue authorities have the flexibility to increase council tax by [less than 2% or] up to and including £10, whichever is higher. The rationale and supporting evidence for this response is contained within the proposed response (see Appendix B, Questions 9 and 10).</p> <p>The deadline for responses to the consultation is 26 October 2017.</p>
ACTION	Decision.
RECOMMENDATIONS	That the proposed response to the consultation be approved.
RISK MANAGEMENT	No direct impact.

<p>FINANCIAL IMPLICATIONS</p>	<p>In 2017/18 Buckinghamshire and Milton Keynes Fire Authority (BMKFA) had the lowest precept of any non-metropolitan combined fire and rescue authority. The band D equivalent charge is £60.88. The total council tax receivable for 2017/18 (excluding prior years' surpluses) is £18.1m.</p> <p>The current medium term financial plan assumes that council tax will be increased by 1.99% every year. For 2018/19 this would result in total council tax receipts of £18.4m (ignoring the effects of any growth in the council tax base).</p> <p>If the band D equivalent was increased by £10 for 2018/19 the total council tax receipts (ignoring any increases in the council tax base) would be £21.0m.</p>
<p>LEGAL IMPLICATIONS</p>	<p>None arising from the recommendation.</p>
<p>CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE</p>	<p>No direct impact.</p>
<p>HEALTH AND SAFETY</p>	<p>No direct impact.</p>
<p>EQUALITY AND DIVERSITY</p>	<p>No direct impact.</p>
<p>USE OF RESOURCES</p>	<p>See Financial Implications.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>2017-18 Local Government Finance Settlement: Technical Consultation, Fire Authority, 19 October 2016:</p> <p>http://bucksfire.gov.uk/files/8015/0649/9823/ITEM_8_2017-18_Local_Government_Finance_Settlement_Technical_Consultation_-_Final_Appendices.pdf</p>
<p>APPENDICES</p>	<p>Appendix A - The 2018-19 Local Government Finance Settlement: Technical Consultation Paper</p> <p>Appendix B – Proposed Response to the Consultation</p>
<p>TIME REQUIRED</p>	<p>15 minutes.</p>
<p>REPORT ORIGINATOR AND CONTACT</p>	<p>Mark Hemming mhemming@bucksfire.gov.uk (01296) 744687</p>



Department for
Communities and
Local Government

The 2018-19 Local Government Finance Settlement

Technical Consultation Paper



© Crown copyright, 2017

Copyright in the typographical arrangement rests with the Crown.

You may re/use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, <http://www.nationalarchives.gov.uk/doc/open-government/licence/version/3/> or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

This document/publication is also available on our website at www.gov.uk/dclg

If you have any enquiries regarding this document/publication, complete the form at <http://forms.communities.gov.uk/> or write to us at:

Department for Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

For all our latest news and updates follow us on Twitter: <https://twitter.com/CommunitiesUK>

September 2017

ISBN: 978/1/4098/5103/5

Contents

Scope of the consultation	4
About this consultation	6
1 Summary of proposals	7
2 The multi-year settlement offer	9
3 New Homes Bonus	11
4 Council tax referendum principles	15
5 The business rates revaluation adjustment	17
6 Mayoral Combined Authorities	18
7 Transfer of Fire functions from County Councils to Police and Crime Commissioners	19
8 Equalities impacts of these proposals	21
Annex A – Planning Appeals methodology for adjusting New Homes Bonus payments	22
Annex B: Methodology for adjusting for the 2017 business rates revaluation	23
Annex C: Summary of consultation questions	26
Annex D: Glossary of technical terms	28

Scope of the consultation

Topic of this consultation:	This consultation covers proposals for the local government finance settlement for 2018-19.
Scope of this consultation:	This consultation seeks views on proposals for the local government finance settlement for 2018-19, in particular from representatives of local government.
Geographical scope:	These proposals relate to England only.
Impact Assessment:	Since the Government does not envisage that the proposals within this consultation document will have an impact on business, no impact assessment has been produced.

Basic Information

To:	The consultation will be of particular interest to local authorities, and representative bodies for local authorities.
Body/bodies responsible for the consultation:	Local Government Finance Directorate within the Department for Communities and Local Government.
Duration:	This consultation will last for 6 weeks from 14 September 2017 to 26 October 2017.
Enquiries:	For any enquiries about the consultation please contact Roger Palmer Roger.Palmer@communities.gsi.gov.uk or 0303 444 3130
How to respond:	<p>You may respond by completing an online survey at: https://www.surveymonkey.co.uk/r/lqsettlement1819</p> <p>In addition, you can respond to the questions in this consultation by email to: LGFConsultation@communities.gsi.gov.uk</p> <p>If you are responding in writing, please make it clear which questions you are responding to.</p> <p>Written responses should be sent to:</p> <p>Roger Palmer Department for Communities and Local Government 2nd floor, Fry Building</p>

2 Marsham Street
London SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including postcode),
- an email address, and
- a contact telephone number.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Communities and Local Government will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact DCLG Consultation coordinator.

Department for Communities and Local Government
2 Marsham Street
London
SW1P 4DF

Or by e-mail to: consultationcoordinator@communities.gsi.gov.uk

1 Summary of proposals

1.1 Background

- 1.1.1 The proposed 2018-19 settlement is framed in the context of the overall Spending Review package, announced in 2015, which addressed the particular pressures experienced by councils which provide adult social care.
- 1.1.2 In addition, in the Spring Budget 2017, a total of £2.021 billion was announced, as supplementary funding to the improved Better Care Fund (iBCF) (£1.01 billion in 2017-18, £674 million in 2018-19 and £337 million in 2019-20).
- 1.1.3 The 2016-17 settlement offered local authorities an historic four year deal, giving greater certainty over their funding. This was accepted by 97% of local authorities. The proposed 2018-19 settlement funding is therefore allocated in accordance with the agreed methodology announced by the Secretary of State at that time. This ensures that local councils delivering the same set of services receive the same percentage change in settlement core funding for those services.
- 1.1.4 This consultation paper describes the Government's intended approach for the third year of the multi-year settlement. In broad terms, this offers the certainty to councils which will allow them to plan ahead and implement reform with greater confidence.

1.2 Summary of proposals

- 1.2.1 The remaining sections of this document set out our proposed approach to the 2018-19 settlement. It:
- outlines the third year of the multi-year settlement offer for those councils that accepted the offer, and arrangements for those that did not
 - outlines the method for distributing New Homes Bonus funding following implementation of reforms announced at the time of the 2017-18 provisional settlement and a proposal for further incentives to support the delivery of housing growth
 - outlines the Government's proposals for the council tax referendum principles for 2018-19
 - confirms the approach being taken for adjusting business rates tariff and top-ups to cancel out, as far as is practicable, the impact of the 2017 business rates revaluation on local authorities' income

- outlines the approach to Mayoral Combined Authorities precepts in 2018-19
- outlines the approach for allocating settlement funding where a fire authority transfers from a county council in accordance with the provisions of the Fire and Rescue Services Act 2004, as amended by the Policing and Crime Act 2017 and the implications for the Adult Social Care council tax precept.

2 The multi-year settlement offer

2.1 Certainty of funding

2.1.1 The 2016-17 settlement announced the opportunity for councils to accept a multi-year settlement offer, which would give greater certainty of funding until the end of the spending period. The offer included:

- Revenue Support Grant
- business rates tariff and top-up payments, which will not change for reasons relating to the relative needs of local authorities
- Rural Services Delivery Grant and
- Transition Grant.

2.1.2 We have also published individual local authority allocations for the improved Better Care Fund until 2019-20, which total £1.5 billion in 2018-19 and £1.8 billion in 2019-20.¹

2.1.3 97% of councils accepted the multi-year offer, giving councils the confidence to implement reforms.

2.1.4 Government will need to take account of future events such as the transfer of functions to local government, transfers of responsibility for functions between local authorities, mergers between authorities and any other unforeseen events. However, barring exceptional circumstances and subject to the normal statutory consultation process for the local government finance settlement,² the Government intends to present these figures to parliament as part of the 2018-19 provisional local government finance settlement in due course.

2.1.5 Those councils who did not accept the original offer made in 2016-17 will be subject to the existing annual process for determining the level of central funding that they will receive.

Question 1: Do you agree that the government should continue to maintain the certainty provided by the 4-year offer as set out in 2016-17 and accepted by more than 97% of local authorities?

¹ The Secretary of State for Health, in his written statement to parliament on Monday 3rd July, set out a package of measures for reducing delays in transfer of care. This included considering a review, in November, of 2018/19 allocations of the social care funding provided at Spring Budget 2017 for areas that are poorly performing. This funding will all remain with local government, to be used for adult social care.

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/commons/>

² As prescribed in sections 78 and 78A of the Local Government Finance Act 1988.

2.2 100% business rates retention pilots

- 2.2.1 The Government is committed to working with local government to consider how best to implement its manifesto commitments to continue to give local government greater control over the money they raise and address concerns about the fairness of current funding distributions. We have recently launched a prospectus that invites local authorities to submit proposals to pilot 100% business rates retention in 2018 to 2019. This can be found at:
<https://www.gov.uk/government/publications/100-business-rates-retention-pilots-2018-to-2019-prospectus>
- 2.2.2 We intend that the impact on the settlement calculations of existing and any new pilots will be approached in broadly the same way as for the first wave of pilots in 2017-18. Further details will be provided at the time of the provisional settlement.

3 New Homes Bonus

3.1 Background

3.1.1 Since its introduction in 2011 the New Homes Bonus has been successful in encouraging authorities to promote housing growth. Over £6 billion has been allocated to local authorities through the scheme to reward housing supply. Since the New Homes Bonus was introduced over 1,200,000 homes have been delivered. This includes new homes, conversions and long term empty properties being brought back into use.

3.1.2 In 2015-16 the Government consulted on a number of possible reforms to the Bonus to sharpen the incentive for housebuilding and provide £800m for Adult Social Care. The outcome of the consultation was announced alongside the provisional local government finance settlement 2017-18. The Government decided to:

- reduce the number of years for which legacy payments are made from 6 years to 5 years in 2017-18 and then to 4 years from 2018-19 and
- set a national baseline for housing growth to sharpen the incentive for councils to deliver more new homes.

3.1.3 The Government chose to set the initial baseline in 2017-18 at 0.4% below which the Bonus will not be paid. This level is significantly below the average growth rate in the 10 years before the introduction of the New Homes Bonus scheme. The Government also retained the option of making adjustments to the baseline in 2018-19 and future years in the event of significant and unexpected housing growth.

3.2 Baseline 2018-19

3.2.1 As New Homes Bonus calculations are based on additional housing stock reported through the council tax base, decisions on the baseline for 2018-19 will be made following a review of the data when it is published in November. Confirmation of the baseline to be used for 2018-19 allocations will be made at the time of the provisional settlement. Any funding intended for New Homes Bonus payments that is not used for this purpose will be returned to local government.

3.3 New Homes Bonus and Planning Effectively

- 3.3.1 The Government decided not to take forward proposals linking the New Homes Bonus to planning reforms in 2017-18 but confirmed that it would consider withholding the part of the Bonus from authorities not planning effectively for new homes from 2018-19. Government has considered the position and has decided to consult on revised proposals. We also intend to go further in 2019-20. This could include linking payment of the bonus to the housing delivery test or the standard approach to local housing need. We would consult on any further changes to the Bonus before implementation in 2019-20.
- 3.3.2 As noted in the 2015 consultation, under the current scheme, councils receive the same reward for homes granted permission by the authority as they do for development granted on appeal by the Planning Inspectorate (PINS). We consulted on a 'by unit' methodology in 2015. This method, in which we would reduce the New Homes Bonus payment in line with the number of homes allowed on appeal, is still under consideration. We would now like to gather views on further proposals to ensure the Bonus is focussed on recognising those homes the authority has approved.
- 3.3.3 An alternative approach, instead of linking a reduction in the Bonus to the number of homes granted on appeal or tracking specific appeals, looks at the quality of decision making by planning authorities, as set out in the Planning Live tables P152 and P154³.
- 3.3.4 This approach would link Bonus allocations to the ratio of successful appeals to residential planning decisions⁴ (major and minor) over an annual period using data collected by PINS. At the time the allocations are made, the number of successful appeals/appeals allowed by PINS divided by the number of decisions made, in the last financial year, would result in a percentage reduction to be applied to the New Homes Bonus allocation for the following financial year, so:

$$\frac{\text{Residential appeals allowed by PINS}}{\text{Residential decisions made by the LPA}} \times 100 = \% \text{ reduction in NHB allocation}$$

³ Live tables on planning application statistics: Table P152 and P154
<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

⁴ Live tables on planning application statistics: Table P135
<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>

3.3.5 The number of units involved in the decisions is not considered in this methodology, nor is there a link drawn with specific appeal outcomes on specific developments, rather it is a more general approach to link the quality of decision making within the authority over a period of time. A hypothetical worked example is set out at annex A.

3.3.6 Under the proposal, PINS would produce a new dataset each year drawing on the data contained within the published Planning Live tables P152 and P154 to which the formula would be applied. Authorities would then be given an opportunity to comment on this dataset through the same process currently used to make representations on New Homes Bonus allocations. There is usually one calendar month between the announcement of provisional allocations and confirmation of final allocations.

Question 2: Do you agree with the New Homes Bonus allocation mechanism set out above?

Question 3: Do you agree that the approach should be based on data collected by the Planning Inspectorate? If you disagree, what other data could be used?

Question 4: Do you agree with the proposed appeal/challenge procedure for the dataset collated by Planning Inspectorate? If you disagree, what alternative procedure should be put in place?

Question 5: Are there alternative mechanisms that could be employed to reflect the quality of decision making on planning applications which should be put in place?

Question 6: Which of the two mechanisms referenced above do you think would be more effective at ensuring the Bonus was focussed on those developments that the local authority has approved?

3.4 National parks, development corporations and county councils

3.4.1 National Park Authorities (and the Broads Authority) are responsible for decisions on planning applications in their areas; whereas New Homes Bonus payments for the homes built are made to the relevant district and county councils. This reflects the fact that local authorities are responsible for many of the services that would be affected by increased population in their areas.

3.4.2 The original scheme design for the New Homes Bonus made clear that billing authorities were expected to discuss with National Park Authorities and the Broads Authority the use of Bonus receipts in their areas. They could, for example, conclude an agreement to split New

Homes Bonus funding between them at a locally determined rate, or reach an agreement on funding a specific community project.

- 3.4.3 Government is seeking views on whether, in such areas, the Bonus paid to local authorities should be removed or reduced in line with the proposals set out above, that is, whether the decision making by the National Park Authority or Broads Authority should be reflected in Bonus allocations.
- 3.4.4 The same considerations apply where development corporations are established – whether Urban Development Corporations, or Mayoral Development Corporations in London. These bodies are again the local planning authority for decisions on planning applications but not the recipients of the New Homes Bonus.
- 3.4.5 Government has also considered the position of county councils in two tier areas, who receive 20% of Bonus payments, but are not the planning authority for decisions involving residential development. The Government is again seeking views on whether county councils should be included in the calculation of any adjustments.

Question 7: Do you think that that the same adjustments as elsewhere should apply in areas covered by National Park Authorities, the Broads Authority and development corporations?

Question 8: Do you think that county councils should be included in the calculation of any adjustments to the New Homes Bonus allocations?

4 Council tax referendum principles

4.1 Council tax referendum principles for local authorities

4.1.1 The Government aims to balance the need to keep council tax low with ensuring that councils and others such as fire and rescue authorities, police and crime commissioners and combined authority mayors can raise sufficient funds. The Government's election manifesto re-affirmed that the Government will continue to ensure that local residents can veto high increases in council tax via a referendum. The Government therefore seeks views on the following referendum principles for 2018-19:

- a core principle of less than 2%. This would apply to shire counties, unitary authorities, London boroughs, the Greater London Authority, fire authorities, and Police and Crime Commissioners except those whose Band D precept is in the lower quartile of that category (see below)
- the Government is considering whether a 2% principle would apply to the precepts set for the general functions of Mayoral Combined Authorities (see section 6). It is anticipated that the relevant police principle would apply to the Greater Manchester Combined Authority's police functions (see below)
- a continuation of the Adult Social Care precept of an additional 2% with additional flexibility to increase the precept by 1% to 3% in 2018-19, provided that increases do not exceed 6% between 2017-18 and 2019-20. This would apply to County Councils, unitary authorities and London boroughs (including the Common Council of the City of London and the Council of the Isles of Scilly), subject to consideration of the use made of the Adult Social Care precept in the previous year
- shire district councils would be allowed increases of less than 2% or up to and including £5, whichever is higher
- Police precepts in the lowest quartile would be allowed increases of less than 2% or up to and including £5, whichever is higher.

4.1.2 Following consideration of responses, the Government intends to provide an update on its proposals alongside the provisional local government finance settlement later in the year.

Question 9: Do you have views on council tax referendum principles for 2018-19 for principal local authorities?

Question 10: Do you have views on whether additional flexibilities are required for particular categories of authority? What evidence is available to support this specific flexibility?

4.2 Council tax referendum principles for town and parish councils.

4.2.1 Last year, the Government issued a challenge to town and parish councils to demonstrate restraint when setting precept increases that are not a direct result of taking on additional responsibilities, and to make precept decisions more transparent to local tax-payers. The continuation of this position in 2018-19 is contingent upon the Government receiving clear evidence of how the sector is responding to this challenge. The Government expects parishes, in setting their precepts, to consider all available options to mitigate the need for council tax increases, including the use of reserves where they are not already earmarked for particular purposes or for “invest to save” projects which will lower on-going revenue costs. Any revised proposals will be set out at the time of the provisional local government finance settlement later in the year.

5 The business rates revaluation adjustment

5.1 Background

- 5.1.1 The most recent business rates revaluation took effect from 1 April 2017. Revaluation is a revenue neutral exercise so the total rates bill stays the same at the England level in real terms, after allowing for appeals. At the local authority level, overall bills will increase or fall depending upon whether rateable values in that area have performed above or below the average for England, after allowing for appeals.
- 5.1.2 This creates change in business rates revenues outside the control of local authorities. When the Government introduced the 50% business rate retention scheme it signalled that it would adjust each authority's tariff or top-up following a revaluation to ensure, as far as is practicable, that their retained income is the same after revaluation as immediately before. This will ensure that the growth incentive created by the rates retention scheme and the delivery of public services will not be weakened by losses of income outside the control of authorities.
- 5.1.3 The Government has confirmed a methodology for adjusting the tariffs and top-ups following consultation at the 2017-18 provisional settlement (see Annex B).

5.2 Business rate retention levy

- 5.2.1 Following the recalculation of tariffs and top-ups, as set out in Annex B, we will use the resulting business rates baselines to recalculate the levy rate for each authority for 2017-18 and subsequent years.

6 Mayoral Combined Authorities

6.1 Background

6.1.1 Devolution Deals have led to the creation of 6 Mayoral Combined Authorities with powers such as transport and planning. Combined Authorities are currently funded by their constituent councils through a levy for transport functions, and contributions agreed and provided by constituent local authorities in their area.

6.2 Establishing a precept

6.2.1 From 2018-19 elected Combined Authority mayors can raise additional resources through a precept (or additional charge) on local council tax bills, unless an Order is made that prevents them from doing so (such as in West of England). The precept may only be set with the agreement of the Combined Authority. The new Mayoral Combined Authorities of Cambridgeshire & Peterborough, Liverpool City Region, Tees Valley and West Midlands may set a precept for mayors' general functions, and the Greater Manchester Combined Authority may set a precept with two separately identified elements for the mayor's general functions and for his police and crime commissioner functions.

6.2.2 The Government is considering applying referendum principles to Mayoral Combined Authorities that are setting precepts. Local authorities are required annually to determine whether their proposed council tax increase exceeds the threshold set by the Secretary of State, thereby triggering a referendum. Since newly established MCAs' mayoral precepts will have no Band D amount from the previous year on which such calculations can be made, it would be necessary to set notional figures or Alternative Notional Amounts (ANAs) for all authorities concerned to enable this determination to take place.

6.2.3 In assessing the level of ANA, the Government would engage with mayors and authorities to discuss the level of any required ANA, taking account of any conferral of functions, including additional mayoral functions and the need to limit pressure on council tax bills.

Question 11: What factors should be taken into account in determining an Alternative Notional Amount for Combined Authority mayors?

7 Transfer of Fire functions from County Councils to Police and Crime Commissioners

7.1 Background

- 7.1.1 The Fire and Rescue Services Act 2004, amended by the Policing and Crime Act 2017 enables police and crime commissioners (PCCs) to take responsibility for fire and rescue services in their local area where a local case is made setting out that to do so would be in the interests of economy, efficiency and effectiveness or public safety (the statutory tests). The Home Secretary can only give effect to such a proposal when it appears, in her view, to meet these statutory tests.
- 7.1.2 PCCs developing such a proposal will need to propose an allocation of the Settlement Funding Assessment (Revenue Support Grant and Baseline Funding levels) and council tax precept that will be transferred to the PCC Fire and Rescue Authority.
- 7.1.3 We would expect the allocation of settlement funding and council tax precept to be a fair and proportionate amount considering the funding requirements and financial sustainability of both the PCC Fire and Rescue Authority and county council.
- 7.1.4 Where a proposal is approved by the Home Secretary, funding will be allocated for 2018-19 and 2019-20 according to the Settlement Funding Assessment included in the proposal.
- 7.1.5 Both the PCC Fire and Rescue Authority and the county council will require an Alternative Notional Amounts report to be approved by the House of Commons alongside the settlement in order to set the council tax precepts for the first year of the new arrangements in accordance with the agreed referendum principles. Any draft ANA reports will be published for representations alongside the provisional settlement.

7.2 Implications for collecting the Adult Social Care Precept

- 7.2.1 The Adult Social Care council tax precept was established in 2016-17 and enabled social care authorities such as county councils to charge an additional 2% on top of up to 2% core increase without triggering a referendum, specifically to fund Adult Social Care services. In 2017-18 and 2018-19 they are permitted to increase council tax by up to 3% each year, provided that the total increase in the years 2017-18 to 2019-20 does not exceed 6%.
- 7.2.2 Any transfer of the fire function and associated precept from the county council will result in it having a lower Band D council tax level due to a

decrease in its council tax baseline. Whilst this is a natural consequence of the change, it will mean that the additional funding which can be collected through the Adult Social Care precept will be lower than originally assumed. This also impacts adversely on assumptions made in allocating funding through the improved Better Care Fund.

7.2.3 We propose to adjust the county's ANA to restore the element of council tax Band D which is attributable to previous use of the ASC precept. For the avoidance of doubt, there would be no equivalent negative change to the council tax baseline of the PCC Fire and Rescue Authority, which does not charge the ASC precept. It is anticipated that the adjustment will not result in local taxpayers paying any additional council tax than they would have done under present arrangements.

7.2.4 The level of the ASC adjustment will depend upon the size of the county's remaining precept once agreement has been reached about the financial implications of the transfer of its fire function. However, it is intended that in calculating the adjustment, a comparison will be made between:

- the total amount of Adult Social Care precept in its council tax baseline in the financial year immediately prior to the transfer of its fire function (i.e. the amounts of ASC precept collected in the years 2016-17 and 2017-18) and
- the total amount of ASC precept it would be able to charge in 2018-19 using its reduced council tax baseline following the transfer of the fire function.

7.2.5 The cash difference will be converted into an amount of Band D council tax using the county's 2016 council tax level, and added to the county's ANA. All future council tax increases will be based upon the starting point provided by this ANA figure, thereby locking in the ASC precept adjustment for future provision of Adult Social Care services.

Question 12: Do you agree with the proposed approach to correcting the reduction in relevant county councils' income from the Adult Social Care precept?

8 Equalities impacts of these proposals

- 8.1.1 A draft equality statement for the 2017-18 local government finance settlement was published in February 2017. Any representations made in response to this consultation will be used to inform the equalities statement to be published at the time of the 2018-19 provisional settlement.

Question 13: Do you have any comments on the impact of the proposals for the 2018-19 settlement outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

Annex A – Planning Appeals methodology for adjusting New Homes Bonus payments

The following example shows the impact of reducing a local authority’s New Homes Bonus payment according to the ratio of successful appeals to total planning decisions in a given time period.

The proposed approach is illustrated below using hypothetical figures for clarity.

Example

- A local planning authority (LPA) makes decisions on 100 residential planning applications during the course of the relevant year. Ten of these decisions were to refuse permission for new homes.
- Five developers involved decide to appeal the decisions, and those appeals are then considered by PINS.
- Three of the appeals are subsequently successful and two unsuccessful.
- The impact of the new mechanism would be to reduce the authority’s New Homes Bonus payment for that year by 3%.

Worked example		
i	Applications to LPA	100
ii	Rejected by LPA	10
iii	Appeals to PINS	5
iv	Dismissed by PINS	2
v	Allowed by PINS	3
vi	Reduction to NHB allocation (v/ i)	3%

Annex B: Methodology for adjusting for the 2017 business rates revaluation

1 2017-18 tariff and top-up as calculated in the settlement

1.1 The tariff and top-up amount for 2017/2018 was calculated as:

$$(A + B) \times (C / D)$$

where:

A is the tariff or top-up amount for the authority for 2016/2017, calculated in accordance with Section 6 of the Local Government Finance Report (England) 2016/2017;

B is calculated as follows:

$$E \times (1 - F / G) \times H$$

C is the value of the September 2016 RPI, which is 264.9;

D is the value of the September 2015 RPI, which is 259.6;

E is the sum of:
an authority's income from business rates; plus the amount of section 31 grants paid to the authority in 2015/2016 to compensate for loss of business rates income multiplied by 0.484/0.480 to bring it up to 2016-17 values;

F is:
the sum of rateable value in all of the draft 2017 local rating lists covering the authority's area using the draft lists published on 28 September 2016⁵; multiplied by the 2017/2018 small business rates multiplier adjusted for revaluation, which is 0.436;

G is:
the sum of the rateable value in all of the 2010 local rating lists covering the authority's area published on 28 September¹; multiplied by the 2016/2017 small business rates multiplier, which was 0.484;

⁵ <https://www.gov.uk/government/statistics/non-domestic-rating-high-level-estimates-of-change-in-rateable-value-of-rating-lists>

H is the authority's local share as set out in paragraph 1.2 below.

1.2 The table below sets out the local share for each class of authority.

Class of authority	Local Share
Non-metropolitan district councils which do not have the functions of county councils	0.40
London borough councils Common Council of the City of London	0.30
Metropolitan district councils Non-metropolitan district councils which have the functions of county councils County councils which have the functions of district councils but which do not have responsibility for the provision of fire and rescue services	0.49
County councils which have the functions of district councils and which have responsibility for the provision of fire and rescue services Council of the Isles of Scilly	0.50
County councils which do not have responsibility for the provision of fire and rescue services	0.09
County councils which have responsibility for the provision of fire and rescue services	0.10
Metropolitan county fire and rescue authorities, Combined fire and rescue authorities	0.01
Greater London Authority,	0.20

2 Recalculation of 2017-18 tariff and top-up

2.1 The adjusted tariff and top-up amount for 2017/2018 will be calculated as:

$$(A + I) \times (C / D)$$

where:

I is calculated as follows:

$$J \times (1 - K / L) \times H$$

J is the sum of:

an authority's income from business rates; plus the amount of section 31 grant paid to the authority in 2016/2017 to compensate for loss of business rates income;

K is:

the sum of the rateable value in all of the 2017 local rating lists covering the authority's area for 1 April 2017 and measured on that day; multiplied by the 2017/2018 small business rates multiplier adjusted for revaluation, which is 0.436;

L is:

the sum of the rateable value in all of the 2010 local rating lists covering the authority's area for 31 March 2017 and measured on 1 April 2017; multiplied by the 2016/2017 small business rates multiplier, which was 0.484.

3 2017-18 tariff and top-up adjustment

3.1 The adjustment is calculated as the difference between the adjusted tariffs and top-ups (see para 2.1) and the original 2017-18 tariffs and top-ups (see para 1.1).

4 2018-19 tariff and top-up

4.1 The tariff and top-up amount for 2018/2019 will be calculated as:

$$(A + I) \times (M / D)$$

M is the value of the September 2017 RPI.

5 2019-20 tariff and top-up

5.1 The tariff and top-up amount for 2019/2020 will be calculated as:

$$(A + I) \times (N / D)$$

N is the value of the September 2018 RPI.

Annex C: Summary of consultation questions

Question 1: Do you agree that the government should continue to maintain the certainty provided by the 4-year offer as set out in 2016-17 and accepted by more than 97% of local authorities?

Question 2: Do you agree with the New Homes Bonus allocations mechanism set out above?

Question 3: Do you agree that the approach should be based on data collected by the Planning Inspectorate? If you disagree, what other data could be used?

Question 4: Do you agree with the proposed appeal/challenge procedure for the dataset collated by Planning Inspectorate? If you disagree, what alternative procedure should be put in place?

Question 5: Are there alternative mechanisms that could be employed to reflect the quality of decision making on planning applications which should be put in place?

Question 6: Which of the two mechanisms referenced above do you think would be more effective at ensuring the Bonus was focussed on those developments that the local authority has approved?

Question 7: Do you think that that the same adjustments as elsewhere should apply in areas covered by National Park Authorities, the Broads Authority and development corporations?

Question 8: Do you think that county councils should be included in the calculation of any adjustments to the New Homes Bonus allocations?

Question 9: Do you have views on council tax referendum principles for 2018-19 for principal local authorities?

Question 10: Do you have views on whether additional flexibilities are required for particular categories of authority? What evidence is available to support this specific flexibility?

Question 11: What factors should be taken into account in determining an Alternative Notional Amount for Combined Authority mayors?

Question 12: Do you agree with the proposed approach to correcting the reduction in relevant county councils' income from the Adult Social Care precept?

Question 13: Do you have any comments on the impact of the proposals for the 2018-19 settlement outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

Annex D: Glossary of technical terms

Baseline funding level

The amount of an individual local authority's Start-Up Funding Assessment for 2013/14 provided through the *local share* of the Estimated Business Rates Aggregate updated each year by the change to the small business multiplier (in line with RPI).

Local share

The percentage share of locally collected business rates that is retained by local government. This is set at 50%.

Revenue Support Grant

Billing and most major precepting authorities receive Revenue Support Grant from central government in addition to their local share of business rates Aggregate. An authority's Revenue Support Grant amount plus the local share of the Estimated Business Rates Aggregate will together comprise its Settlement Funding Assessment.

Tariffs and top-ups

Calculated by comparing at the outset of the business rate retention scheme an individual authority's business rates baseline against its baseline funding level. Tariffs and top-ups are self-funding, fixed at the start of the scheme and index linked to RPI in future years.

Tariff authority

An authority with, at the outset of the scheme, a higher individual authority business rates baseline than its baseline funding level, and which therefore pays a tariff.

Top-up authority

An authority with, at the outset of the scheme, a lower individual authority business rates baseline than its baseline funding level, and which therefore receives a top-up.

Appendix B – Proposed Response to the Consultation

Question 1: Do you agree that the government should continue to maintain the certainty provided by the 4-year offer as set out in 2016-17 and accepted by more than 97% of local authorities?

The Authority agrees that the government should maintain the certainty provided by the four-year offer as set out in the 2016-17.

Question 2: Do you agree with the New Homes Bonus allocations mechanism set out above?

No comment.

Question 3: Do you agree that the approach should be based on data collected by the Planning Inspectorate? If you disagree, what other data could be used?

No comment.

Question 4: Do you agree with the proposed appeal/challenge procedure for the dataset collated by Planning Inspectorate? If you disagree, what alternative procedure should be put in place?

No comment.

Question 5: Are there alternative mechanisms that could be employed to reflect the quality of decision making on planning applications which should be put in place?

No comment.

Question 6: Which of the two mechanisms referenced above do you think would be more effective at ensuring the Bonus was focussed on those developments that the local authority has approved?

No comment.

Question 7: Do you think that that the same adjustments as elsewhere should apply in areas covered by National Park Authorities, the Broads Authority and development corporations?

No comment.

Question 8: Do you think that county councils should be included in the calculation of any adjustments to the New Homes Bonus allocations?

No comment.

Question 9: Do you have views on council tax referendum principles for 2018-19 for principal local authorities?

The Authority recommends that additional flexibilities are required for fire and rescue authorities (see Question 10 for further detail).

Question 10: Do you have views on whether additional flexibilities are required for particular categories of authority? What evidence is available to support this specific flexibility?

The Authority recommends that fire and rescue authorities should be allowed increases in council tax of less than 2% or up to and including £10, whichever is higher.

There are a number of pressures on the finances of fire and rescue authorities:

- Although there has been a long term downward trend in the number of incidents attended, there has been an increase in the last two years, largely driven by the increase in non-fire incidents.
- Between 2015-16 and 2016-17 the total incidents attended nationally increased by 6%. Underlying this figures was an increase in non-fire incidents of 14%. 2016-17 was the first year that FRSs attended more non-fire incidents than fires¹.
- Fire and rescue authorities also need to be resourced based on risk, not just demand. Recent terrorist incidents and large scale fires such as the Grenfell fire demonstrate that authorities need to be able to respond to a range of incidents. During the current year the UK national threat level has been raised to critical on two occasions to date². It is also likely that a number of recommendations will come from the Grenfell enquiry that will place additional financial burdens on fire and rescue authorities.
- There is a recruitment and retention issue with retained/on-call firefighters and additional resources are needed to help with this issue.
- The amount of Revenue Support Grant provided to fire and rescue authorities has decreased significantly since 2015-16. For Buckinghamshire & Milton Keynes Fire Authority (BMKFA) the decrease between 2015-16 and 2019-20 is 57%. Beyond 2019-20 the Authority has no certainty over the level of grant it will receive.
- The government produces an analysis of core spending power to measure the impact of funding reductions on authorities. However, these figures ignore the fact that capital grant funding previously provided to fire and rescue authorities was removed after 2014-15. The total amount provided to the sector in 2014-15 (and also 2013-14) was £70m. The amount relating to BMKFA was £1.2m per annum³. This equates to over 4% of BMKFA's budget and this amount now has to be found from revenue each year in order to provide essential property, fleet, equipment and IT infrastructure. This is not sustainable longer-term.
- The current level of inflation is creating increased pressure on budgets. As of August 2017, the Retail Price Index (RPI [All Items]) shows that prices have increased by 3.9% over the past twelve months⁴. This is almost double the 2% referendum limit.
- BMKFA has budgeted for pay awards of 1% per annum for the duration of the four-year settlement offer. However, the most recent offer to firefighters is 2% for 2017-18 and a further 3% in April 2018 (subject to funding being available). For BMKFA a 2% pay award costs almost exactly the same as a 2% council tax increase would generate, leaving no funding available to deal with

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/636456/fire-and-rescue-incident-1617-hosb1317-infographic.pdf

² <https://www.mi5.gov.uk/threat-levels>

³

<http://webarchive.nationalarchives.gov.uk/20140505105840/http://www.local.communities.gov.uk/finance/1314/capgrants/index.htm>

⁴ <https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czbh/mm23>

any other cost pressures. The cumulative effect of the proposed pay award (i.e. 5%) would therefore require a 5% increase in council tax, even before other cost pressures are taken into account.

Although the 2% referendum limit is not a 'cap' the cost of holding a referendum is prohibitive for fire and rescue authorities. The one referendum held so far, by Bedfordshire's Police and Crime Commissioner, is estimated to have cost £600,000⁵. BMKFA would have to increase its band D equivalent council tax by over 3% just to cover the cost of a referendum.

A number of other authorities currently have significant additional flexibility not available to fire and rescue authorities⁶.

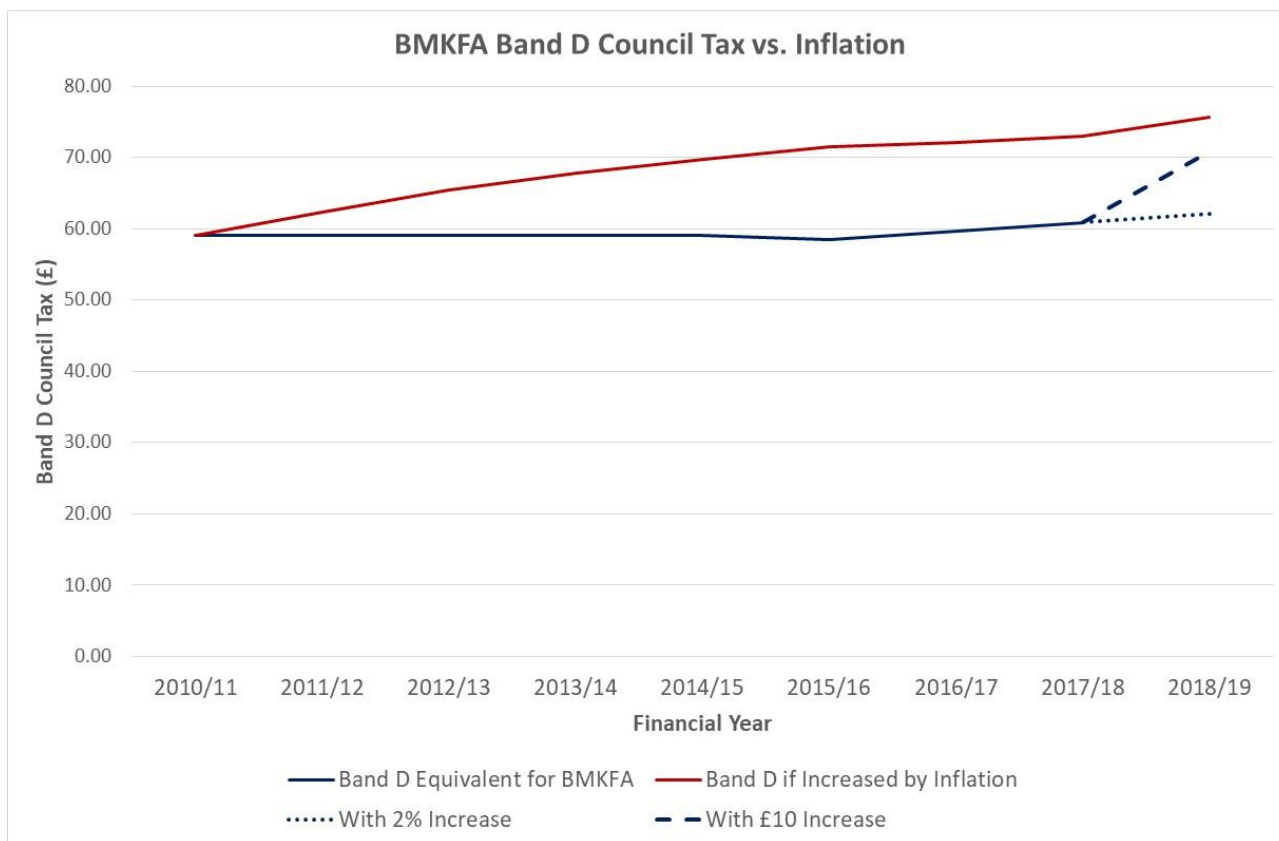
- All shire districts are able to raise council tax by less than 2% or up to and including £5, whichever is higher. Since 2010-11 shire districts have on average increased their band D equivalent by £10.33.
- Lower quartile PCCs are able to raise council tax by less than 2% or up to and including £5, whichever is higher. Since 2010-11 PCCs have on average increased their band D equivalent by £18.61.
- Authorities with social care responsibility are able to increase council tax by up to 6% between 2017-18 and 2019-20, in addition to increases allowed in previous years. This has resulted in an average band D equivalent increase of £31.77.
- Parish councils currently have no referendum limit. Since 2010-11, parish councils have on average increased their band D equivalent by £16.10, which is a 36% increase.

By way of comparison, fire and rescue authorities have increased their average band D equivalent over the same period by between £5.95 and £8.11 (depending on type of authority).

BMKFA has shown significant restraint regarding the level of council tax, increasing its band D equivalent by only £1.75 over the same period (an increase of approximately only 25p per year). Even if BMKFA was to increase council tax by £10 in 2018-19, the band D equivalent amount will still be significantly below the precept payable had it increased by the level of inflation each year:

⁵ <http://researchbriefings.files.parliament.uk/documents/SN05682/SN05682.pdf> (page 7)

⁶ All council tax statistics sourced from <https://www.gov.uk/government/collections/council-tax-statistics>



BMKFA also had the option to increase council tax by up to £5 in 2013-14 but showed significant restraint in not taking the option to do so at the time. It seems inequitable that this financial prudence means we are penalised in the future.

BMKFA has already achieved significant savings over a number of years without closing a single fire station or removing a single operational appliance. However, this situation cannot continue without additional funding.

Fire and rescue authorities generally make up a very small percentage of the overall council tax bill for the area. In Buckinghamshire and Milton Keynes it is less than 4% of the total bill. A £10 increase for a fire and rescue authority would be dwarfed by any increases to the county/unitary, district, police and even some parish precepts. BMKFA has a lower precept (£60.88) than the average precept for a parish council (£61.03).

Also, restricting rises in council tax to percentage terms disproportionately disadvantages those with smaller precepts. If BMKFA was to increase their precept by £10 we would still be below the average for a combined fire and rescue authority.

The cost to the tax payer of a £10 increase for fire and rescue authorities will be on average less than 20p per week. In Buckinghamshire and Milton Keynes, 47%⁷ of dwellings will pay even less than this.

This proposal has the support of local MPs.

⁷ Based on tax base data from https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/587691/LA_Drop_down_-_revised_Jan.xlsx

Question 11: What factors should be taken into account in determining an Alternative Notional Amount for Combined Authority mayors?

No comment.

Question 12: Do you agree with the proposed approach to correcting the reduction in relevant county councils' income from the Adult Social Care precept?

No comment.

Question 13: Do you have any comments on the impact of the proposals for the 2018-19 settlement outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

No comment.

This page is left intentionally blank



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	Lynne Swift, Director of People and Organisational Development
LEAD MEMBER	Councillor Steven Lambert
SUBJECT OF THE REPORT	Update on Buckinghamshire and Milton Keynes Fire Authority Apprenticeship Programme
EXECUTIVE SUMMARY	<p>This report is presented to Members of Buckinghamshire and Milton Keynes Fire Authority (the Authority) as an update on the Authority's apprenticeship programme and relevant national developments.</p> <p>Delivering three million apprenticeships by 2020 is a key priority for the government reform agenda; as well as introducing a new style of apprenticeship that has been designed to meet the changing needs of employers, learners and providers.</p> <p>The introduction of the levy set at 0.5 per cent of an employer's pay bill above £3million and the 2.3 per cent public sector target for new apprenticeships starts annually, has allowed the Fire and Rescue Sector to focus on utilising apprenticeships to meet future skills requirements and address identified workforce diversity issues.</p> <p>The Authority approved its apprenticeship programme in July 2015, ahead of the levy and targets being introduced and therefore already had plans in place to embed apprenticeships within the workforce.</p> <p>By the end of 2017/18, the Authority will have 50+ apprentices working to a number of different apprenticeship standards, including:</p> <ul style="list-style-type: none"> • Firefighter • Business & Administration • Information Communication Technology • Management & Leadership <p>These apprentices will be a blend of new starts and upskilling existing members of staff.</p> <p>Appendix 1 provides a full update on the Authority's</p>

	<p>apprenticeship programme.</p> <p>Appendix 2 details the government’s reform agenda and its impact on the fire and rescue sector.</p>
ACTION	Noting.
RECOMMENDATIONS	That the content of the update be noted.
RISK MANAGEMENT	<p>The following risks have been mitigated as an outcome of the Authority’s apprenticeship programme:</p> <ul style="list-style-type: none"> • Reputation – due to the Authority’s pro-active approach to implementing apprenticeships, it is well established with regards to utilising the levy payment and meeting the public sector targets. • Resourcing – increasing the number of firefighter apprentices recruited in 2016 and the subsequent 2017 intake has improved the Authority’s resilience, helping to maintain minimum crewing levels.
FINANCIAL IMPLICATIONS	<p>All costs associated with the apprenticeship programme are budgeted for in the Medium Term Financial Plan (MTFP).</p> <p>Any financial impact of subsequent decisions taken or impacts on the Authority would be factored into the Medium Term Financial Planning process and would be scrutinised and challenged as appropriate prior to any implementation.</p>
LEGAL IMPLICATIONS	None arising from the recommendation.
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	<p>We continue to work with our Thames Valley, other fire and emergency service partners on workforce reform and support national and regional events, sharing best practice.</p> <p>A current priority relevant to this update is to determine a collaborative approach to firefighter and apprenticeship recruitment across the three Thames Valley Fire Services. This project is currently being scoped out and target date for implementation is Summer 2018.</p> <p>Royal Berkshire are named on our contract with the Apprenticeship Training Agency and therefore are able to call off of it should they wish to do so.</p> <p>The Authority is also working with other fire and rescue services and the Police to develop an Emergency Call handler apprenticeship standard and is part of the employer consortia to develop fire sector specific new apprenticeship trailblazer standards.</p>
HEALTH AND SAFETY	No Health and Safety implications have been

	<p>identified.</p> <p>The Health and Safety department have recruited a business and administration apprentice.</p>
<p>EQUALITY AND DIVERSITY</p>	<p>Integrated impact assessments have and will continue to be completed for any change programme which relates to the Authority's apprenticeship programme.</p> <p>The apprenticeship programme provides an excellent opportunity to improve the diversity make-up of the Authority; with particular reference to age and gender. Targeted "have a go" days were organised for female and ethnic minority applicants, the recent intake has a significant increase in females being appointed, albeit as yet from a low base.</p>
<p>USE OF RESOURCES</p>	<p>The arrangements for setting, reviewing and implementing strategic and operational objectives; Performance monitoring, including budget monitoring; achievement of strategic objectives and best value performance indicators;</p> <p>Setting, reviewing and implementing strategic and operational objectives;</p> <p>The Authority's apprenticeship scheme contributes to achieving it's people strategic enabler set out in the Corporate Plan 2015 to 2020:-</p> <p>'To optimise the contribution and well-being of our people.'</p> <p>By using the opportunity provided by apprenticeship schemes to 'adapt and refresh the workforce to improve service delivery and resilience'. This is especially prevalent when considered in regard to the steadily increasing age of the operational workforce and the need to develop new skills in the Authority as services diversify.</p> <p>Communication with stakeholders;</p> <p>A range of methods are used to communicate on workforce reform across the Service. For example via employee engagement sessions, People and Organisational Development Director's blogs, the leadership group to cascade and the I:drive. The success of the Authority's apprenticeship programme is showcased internally and externally at visits from other services and national events. The Authority has had an increased presence at schools and career events promoting the apprenticeship programme to potential applicants.</p> <p>The system of internal control;</p> <p>All significant changes impacting on the Authority will follow an agreed process, including governance and approval.</p>

<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>Background: Apprenticeship Scheme: Executive Committee – 29 July 2015 http://bucksfire.gov.uk/files/7114/5527/6772/EXECUTIVE_COMMITTEE_PACK_290715.compressed.pdf</p>
<p>APPENDICES</p>	<p>Appendix 1: Update on Buckinghamshire and Milton Keynes Fire Authority Apprenticeship Programme. Appendix 2: Government reform agenda and its impact on the fire and rescue sector.</p>
<p>TIME REQUIRED</p>	<p>10 Minutes.</p>
<p>REPORT ORIGINATOR AND CONTACT</p>	<p>Anna Collett acollett@bucksfire.gov.uk 01296 744468</p>

The Authority's Apprenticeship Programme:

As announced in the summer 2015 budget, the Government introduced a UK wide apprenticeship levy from April 2017. This levy was to help fund the increase in the quantity and quality of apprenticeship training and give employers greater control of apprenticeships.

The levy rate is set at 0.5% of an employer's pay bill and is collected via PAYE and applies to both the public and private sectors. The levy is only paid on any pay bill in excess of £3 million. A growth bid of £60,000 was approved by Members on the 24 October 2016 to prepare for the introduction of the levy and details of how it will be utilised and re-invested back into the Authority are below.

Delivering three million apprenticeships by 2020 is a key priority for the Government. In order to meet the three million starts commitment, it was announced that the public sector needed to improve from its current position of delivering comparatively fewer apprenticeships than the private sector. A target was set that organisations must meet a minimum 2.3% new apprenticeship starts each year based on the headcount of employees working for a body in England.

The Authority's apprenticeship programme will deliver enough new apprenticeship starts to meet this target, this equates to 12 new apprenticeship starts per year (based on headcount at April 2016). Our current recruitment campaign for Support Services staff plus the planned uptake of management apprenticeships for existing staff will more than meet the target for 2017.

The Governments reform agenda has significant impacts on the fire and rescue sector, these are set out in Appendix 2.

The Authority's apprenticeship programme supports its strategic aims regarding resourcing, this includes:

- Effective profiling and forecasting
- Refreshing the workforce
- Flexible working
- Collaboration
- Supporting equality and diversity through engagement

Trailblazer Standards Update:

Apprenticeships in England are in the process of undergoing a dramatic transformation. As a result of Government reforms, a new style of apprenticeships has been designed to meet the changing needs of employers, learners and providers.

Trailblazer Developments underway:

- Firefighter – led by Staffordshire FRS
- Business Fire Safety led by Greater Manchester
- Community Safety Advisor led by Greater Manchester
- Discussions are underway regarding Fire Safety/Fire Engineering Career Pathways led by London/NFCC Protection Lead

The Authority has been, and continues to be, involved with other fire and rescue authorities in developing these standards. Representation is given on the trailblazer development groups for Firefighter and Community Safety.

Apprenticeship Training Agency:

As part of the approval of the Authority's apprenticeship programme at the Executive Committee meeting held on the 29 July in 2015, Members opted to use the apprenticeship training agency (ATA) model for the recruitment of our apprentices.

The ATA is an employment agency for apprentices, it directly employs and manages individuals who undertake their apprenticeship whilst being placed into our workplace.

The flexibility of the ATA model, means the Authority has a continuous talent pipeline being developed and can decide at the end of the apprenticeship programme, if the establishment can offer full time, substantive positions to the apprentices.

Our ATA is Encompass Select and the contract commenced in April 2016 and lasts for four years plus an optional one year extension.

There was a steep learning curve for both ourselves and Encompass at the beginning of the contract, being the first fire and rescue service (FRS) to introduce the Firefighter programme using this model meant there was some learning to do along the way, however we are now in a position where the contract is working well for both parties.

As part of the development of the relationship with Encompass, it was identified some dedicated resource was required to undertake learner progress reviews, apprentice and line management support visits, the necessary checks to meet funding requirements and provide welfare to the apprentices on station and in their various departments. A member of staff from the Authority's learning and development team has been seconded to Encompass to undertake this role on an initial one year contract. This support function has proven invaluable in the progress being made by the apprentices.

Current Establishment:

The original apprenticeship paper which went to Executive Committee meeting on the 29 July 2015, set out a three year firefighter (FF) apprenticeship recruitment programme, recruiting 10 FFs per year. Based on workforce planning data, during the initial recruitment campaign it was identified that front loading in the first year would help meet resource requirements, therefore 22 firefighters were recruited during that first campaign.

In addition, a subsequent Growth Bid was approved for the recruitment of 3 Business Fire Safety and 3 Community Safety apprentices in 2016/17 and this is now deferred to 2018/19 due to the availability of apprenticeship frameworks to recruit against and the pending review of the relevant departments.

2016/17 Recruitment:

Support Services staff:

- 1 x Information Communication Technology
- 1 x Health & Safety (Business & Administration)
- 1 x People & Organisational Development (Business & Administration)
- 1 x Fleet Services

Operational:

- 22 x Firefighters

Leavers:

Of the 22 apprentice firefighters that started their apprenticeships in August 2016, three have left before completing the full apprenticeship. As part of the first year evaluation, these reasons were looked at and some improvements were made to future recruitment intakes to reduce the risk of this happening again – further details are contained later in this report.

Current apprenticeship recruitment for 2017/18 includes:

Support Services staff:

- 1 x Operations Assurance (Business & Administration)
- 1 x Procurement (Business & Administration)
- 1 x Data Intelligence (Business & Administration)
- 1 x Central Admin (Business & Administration)

Operational:

- 12 x Firefighters

The positivity surrounding the firefighter and support services staff apprenticeships implemented in 2016 was evident across the organisation and presented an opportunity to use this momentum to carry us into 2017/18

The 12 Firefighter apprentices commence their training on the 25 September 2017 and their graduation date from the Fire Service College is confirmed as Thursday 7 December 2017.

Leadership & Management Apprenticeships:

From June – September 2017, the organisation piloted an Aspiring Leaders Pathway (ALP), a new personal development process which all staff were invited to apply for. This process assisted the organisation in identifying future leaders, replenished development pool for promotional purposes and produced personal development plans which will aid the individual's development, signposting opportunities including lateral moves and secondments.

In addition, one of the proposed outcomes from the ALP was that a number of staff members would be identified and offered the opportunity to pilot a Management Apprenticeship Programme, with the aim of having apprenticeships embedded across all levels within the organisation.

Management Apprenticeships blend leadership and management theory with on the job training to develop staff that have a real and immediate impact.

There are four levels of Management Apprenticeships standards:

Level	Standard
3	Team Leader/Supervisor
4	Associate Project Manager
5	Operations/Departmental Manager
6	Chartered Manager Degree Apprenticeship
7	Senior Leader Master's Degree Apprenticeship

The organisation is able to draw down funding from its levy (up to a cap which will depend upon the standard that is being trained against) to cover the costs of training, including English and Maths (if the individual doesn't already possess these), assessment and certification.

The current costs for the varying levels of Management Apprenticeships are:

Sector	Apprenticeship Standard	Level	Funding band maximum	Programme Length	Classroom sessions
Leadership & Management	Senior Leader	7	TBC	TBC	TBC
Leadership & Management	Chartered Manager	6	£27,000	48 months	TBC
Leadership & Management	Operations/Departmental Manager	5	£9,000	24 months	12
Leadership & Management	Team Leader/Supervisor	3	£4,500	12-18 months	10

The government has committed to top up an organisation's "levy pot" by funding any apprenticeships procured over and above their levy by 90%, meaning the Authority will only need to fund the other 10% if we spend more than the required levy. This government initiative is helpful to support the Authority's attraction and retention aspects of our people strategy.

The indicative costings to run a pilot Management Apprenticeship Programme, require a tender process to be commissioned. This is due to the value of the contract that would be awarded to the Training Provider delivering the apprenticeship programme. The tender document will be published in September, with a planned start from the programme in January 2018.

Notable ongoing improvements to the Authority's apprenticeship programmes:

Since the 2016/17 recruitment, evaluations have taken place and a number of changes made to the recruitment process and terms and conditions for Support Services staff apprentices. These changes have been implemented in an attempt to reduce the number of leavers, increase the number of applications and ensure fairness and consistency across the programmes we deliver.

Driving Licence & Postcode Restriction:

To encourage applications from the local community, during the recent firefighter recruitment, we applied a postcode restriction that applicants must live within 20 miles of the border of Buckinghamshire and Milton Keynes.

Training Agreements:

We are reviewing the option of introducing a training agreement for future apprenticeship recruitment, which will allow the organisation to re-coup some of the funds invested in an individual, should they leave to join another fire and rescue service within a certain timescale. The training agreement is common practice across the Authority when investing in staff for other training costs, therefore it is proposed it is introduced for apprenticeship training as the Authority fund the full cost of initial firefighter training at the Fire Service College – circa £5k per person.

Support Services Staff Pay scales:

Support Services staff apprentice pay scales were brought in line with the firefighter pay scales, with regards to performance related elements of pay. Both staff groups attract the national living wage, however the firefighters were programmed to receive pay increments every 6 months, based on satisfactory performance. This pay structure ended at the 2 year point where if appointed into employment with the Authority, the firefighters would move on to national pay scales/local terms and conditions. Support Services staff were not originally receiving the same timely increments, however a revised structure has been introduced which meant at the end of the apprenticeship they could move on to the Authority's administrator pay scales.

The Authority's On-Call Apprenticeship:

As part of the paper approved by Members in July 2015, an initiative to pilot an apprenticeship programme for on-call firefighters, engaging with local employers, was agreed. After some initial contact with local employers, the initiative has been temporarily deferred whilst other resourcing areas (detailed above) have taken priority. This will be revisited in 2018/19 as part of the On-Call review.

Collaboration Opportunities:

A current priority relevant to this update is to determine a collaborative approach to firefighter and apprenticeships recruitment across the three Thames Valley Fire Services.

This page is left intentionally blank

Apprenticeships; National Developments Government Reform Agenda:

The Governments reform agenda has significant impacts on the fire and rescue sector. These are:

- Apprenticeship levy equates to a cost of £5.5 million per annum total for 45 English FRSs.
- The 2.3 per cent public sector target equates to 1043* new fire service apprenticeships starts annually.
- Over the four year period this aggregates to a total levy of up to £20 million and 4000 new apprenticeship starts.
- Public Sector services that meet the set criteria operate a Digital Apprenticeships Services Account to pay the levy monthly at 0.5 per cent of payroll and also to draw down the levy.
- The levy applies to the 23 Combined Fire Authorities (CFAs), 6 Metropolitan Authorities, London and 15 County FRSs.
- The 15 County FRSs will set up digital accounts as part of their Local Authority.
- Department of Education require annual progress reports from 30 September 2018 as set out in the attached link <https://www.gov.uk/government/publications/public-sector-apprenticeship-target>.
- Home Office and Cabinet office also require regular stats and progress updates, likely to be quarterly following initial meetings in August 2017.

* 1043 estimated based on the most recent published Home Office FRS statistics (2016). This 2.3 per cent target number includes 512 for CFAs, 325 Mets and London and 206 for County FRSs.

This page is left intentionally blank



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	Lynne Swift, Director of People and Organisational Development
LEAD MEMBER	Councillor Steven Lambert
SUBJECT OF THE REPORT	Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress
EXECUTIVE SUMMARY	<p>Against a back drop of the Fire Reform Agenda set out by the then Home Secretary Theresa May MP in May 2016 and continued by the then Minister for Policing and the Fire Service Brandon Lewis MP; the Authority determined a new focus on Equality, Diversity and Inclusion (EDI) and refreshed the EDI objectives in June 2016.</p> <p>The Authority recognises that having a diverse flexible workforce which better reflects the community it serves can enhance performance and understanding of these diverse communities as well as improve our services to those communities.</p> <p>The Authority's philosophy is to embed Equality and Diversity into everything we do internally and externally.</p> <p>Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is subject to the specific duties as laid out in the Equality Act (Specific Duties) Regulations 2011. This is in addition to the general equality duty as laid out in the Equality Act 2010. These duties together are commonly known as the Public Sector Equality Duty (PSED), the aim of which is to ensure that fairness is at the heart of public bodies' work and that public services meet the needs of different groups.</p> <p>The purpose of this paper is to update on the progress made in year 1 of our four year plan (Annex A) and to provide an update on workforce diversity in the form of charts in comparison to the census data for the population of Buckinghamshire and Milton Keynes (Annex B).</p> <p>This report contains updates on the key achievements in our internal year one priority performance areas including:</p> <p>Workforce Strategy, Workforce Monitoring, Equality Impact assessment, Employee Engagement, Promoting an Inclusive Working Environment, Equal</p>

	<p>Pay, Anti- Harassment and Bullying, Appraisal and Training Learning and Development.</p> <p>The report also contains an update on the key external performance areas;</p> <p>Working with our Communities as follows: Knowing Communities, Involving Communities and Responsive Services and Customer Care.</p>
ACTION	Noting.
RECOMMENDATIONS	That the contents of the report Annex A and Annex B be noted.
RISK MANAGEMENT	<p>A significant identified risk is the Authority’s ability to deliver a more diverse workforce within the funding and recruitment constraints against a background of changing demographics. This report and the objectives contained within the appendices and proposed monitoring aim to mitigate these risks.</p> <p>Discrimination in the workplace may give rise to a claim through the employment tribunal. In general, failure to comply with the statutory duties may give rise to a claim for compensation for injury to feelings and costs may be awarded on such a claim if it is successful. There is also a risk to reputational damage.</p> <p>The Authority’s People Strategy and well developed policies and procedures aim to mitigate these risks wherever possible.</p>
FINANCIAL IMPLICATIONS	The Equality and Diversity action plan for 2016/20 will be delivered from within existing budgets and will help to move the provision of equality and diversity to a more integrated provision within public safety work.
LEGAL IMPLICATIONS	<p>The Fire Authority is subject to the general and specific duties set out in the Equality Act 2010. The general duty requires the Authority when carrying out its functions, to have due regard to the need to: 1) eliminating unlawful discrimination, harassment and victimisation; and 2) the advancement of equality of opportunity between different groups and foster good relations between different groups.</p> <p>Specific duties are set out in regulations made under Equality Act 2010 bringing together existing race, disability and gender duties and also covering sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment. The specific duties are intended to help public bodies to meet the requirements of the general duty.</p> <p>The Equality Act 2010 (Specific Duties) Regulations 2011 (SI 2011/2260) requires, since 31 January 2012, the Authority to: 1) publish information to</p>

	<p>demonstrate compliance with the general duty (above); and to prepare and publish one or more equality objectives that should achieve one or more of the aims set out in the general duty. Guidance on how and what to publish is provided in the "Equality information and the equality duty: A guide for public authorities" (ECHR, Revised (second) edition, 19 December 2011).</p>
<p>CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION</p>	<p>As part of the Thames Valley Memorandum of Understanding (MOU), each collaboration programme is assessed to determine if there are any EDI matters that can be implemented through collaboration. The three Thames Valley Fire Services are scoping a common approach to Apprentice recruitment aiming to maximise the diversity of this group.</p> <p>The Employee Relations and Engagement Manager takes the role of Buckinghamshire FRS Equality Lead at the National Fire Chiefs Council Equality and Diversity Professionals Group meetings on behalf of the Thames Valley Fire Services.</p> <p>The service has fully participated in the National Joint Council Inclusive Fire Service Initiative which recommended Improvement Strategies for Fire and Rescue Services to use.</p>
<p>HEALTH AND SAFETY</p>	<p>There are no implications with regards to health and safety.</p>
<p>EQUALITY AND DIVERSITY</p>	<p>The service has a statutory obligation under equality legislation to eliminate unlawful discrimination. The Authority's people strategy, policies and procedures aim to support us in meeting our requirements. If our policies and practices are fair and consistent then our service users will approach us and have greater levels of satisfaction. If we have greater representation of our diverse communities then we will be able to find solutions to barriers in relation to employment and accessing services.</p> <p>The relevant workforce equality data is included in Annex B.</p>
<p>USE OF RESOURCES</p>	<p>Communication with stakeholders; A comprehensive communication and consultation programme has been initiated both internally and with external partners to ensure the Authority is best placed to move this agenda forward in a positive and co-ordinated way. EDI is updated and discussed regularly at the Joint Consultation Forum.</p> <p>We have set up an EDI Advisory Group chaired by the Director of People and Organisational Development and attended by Councillor Steven Lambert, Lead Member for People and Equality and Diversity. The group's terms of reference include supporting the</p>

	<p>Authority to strive for future improvements in EDI and developing networks to enable the sharing of best practice.</p> <p>The relevant workforce equality data at Annex B is to be published on the external website in line with the PSED.</p> <p>The system of internal control;</p> <p>Monitoring arrangements will include a six monthly update to the Performance Management Board and annually to the Strategic Management Board and Fire Authority.</p> <p>The medium term financial strategy;</p> <p>It is intended that the achievement of the objectives for 2016/20 can be met within the existing budget.</p> <p>The balance between spending and resources;</p> <p>There are no cost implications of this report. The Authority’s philosophy is to embed EDI in everything we do internally and externally and to work in partnership to ensure a consistent approach to delivering equality and diversity, where possible reducing and sharing the cost of activities. Much of the work described in this update involves other public service providers, the voluntary and community sector and the communities themselves.</p> <p>The arrangements to promote and ensure probity and propriety;</p> <p>This report promotes Equality and Diversity and is intended to comply with the Public Sector Equality Duty.</p> <p>This report fulfils the Authority’s legislative requirements under the Equality Act (Specific Duties) Regulations 2011 and complements the Authority’s strategic objectives.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>Background</p> <p>Paper to Fire Authority 8 June 2016 - Equality and Diversity Objectives 2016-20, Public Sector Equality Duty and Review of 2012-16 Objectives: http://bucksfire.gov.uk/files/3614/9563/2194/small_FIRE_AUTHORITY_AGENDA_AND_REPORTS_7_JUNE_2017.pdf</p> <p>Paper to Executive Committee 3 February 2016 - The Authority’s People Strategy 2016 to 2020. Optimising the contribution and well-being of our people: http://bucksfire.gov.uk/files/3614/5528/0478/ITEM_8_People_Strategy_Executive_paper_final_Appendices.compressed.pdf</p> <p>The Equality Act 2010</p> <p>“Equality information and the equality duty: A guide for public authorities”(ECHR, Revised (second)</p>

	<p>edition, 19 December 2011): http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf</p> <p>Fire and Rescue Service Equality Framework: https://www.local.gov.uk/sites/default/files/documents/fire-and-rescue-services--50b.pdf</p> <p>Equality and Human Rights Commission Guidance; Equality information and the equality duty: A guide for public authorities: http://www.equalityhumanrights.com/sites/default/files/documents/EqualityAct/PSED/ehrc_psed_equality_information_web.pdf</p> <p>Office of national statistics Integrated Household Survey: http://www.ons.gov.uk/ons/rel/integrated-household-survey/integrated-household-survey/january-to-december-2012/stb-integrated-household-survey-january-to-december-2012.html#tab-Sexual-identity</p> <p>Gender Identity Research and Education Society: http://www.gires.org.uk/prevalence.php</p>
APPENDICES	<p>Annex A – Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress. Annex B - Equality monitoring data – charts.</p>
TIME REQUIRED	10 Minutes.
REPORT ORIGINATOR AND CONTACT	<p>Mark Ridder, Employee Relations and Engagement Manager mrigger@bucksfire.gov.uk 01296 744634</p>

This page is left intentionally blank

Equality, Diversity and Inclusion Objectives 2016-20, Review of Year 1 progress

Introduction

Buckinghamshire and Milton Keynes Fire Authority (BMKFA) is fully committed to Equality and Diversity. The Authority recognises that we must make fairness and inclusion fundamental to everything we do in order to achieve our vision of making Buckinghamshire and Milton Keynes the safest areas in England in which to live work and travel.

The Authority believes that a workforce which better reflects the diversity of the local working population will create a stronger, more enriched and well informed organisation, able to meet the expectations for a modern Fire and Rescue Service. This is a key aspect of our People Strategy. The Authority's philosophy is to embed Equality and Diversity in everything we do internally and externally.

The Authority recognises that having a diverse flexible workforce which better reflects the community it serves can enhance performance and understanding of these diverse communities and improve our services to those communities.

Under the Equality Act 2010, Public Sector organisations are expected to use this understanding to demonstrate 'due regard' to the Public Sector Equality Duty (PSED) to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by, or under, the Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

The aim of the PSED is to embed equality considerations into the day to day work of public authorities so that they tackle discrimination and inequality and contribute to making society fairer.

The Equality duty covers the following protected characteristics: Age, Disability, Gender reassignment, Pregnancy and maternity, Race, Religion or belief, Sex and Sexual orientation.

The duty applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

The Fire and Rescue Service Equality Framework (FRSEF) provides a structured approach to best practice EDI nationally and we are benchmarking ourselves against this framework.

Executive Summary

The Authority is subject to the specific duties as laid out in the Equality Act (Specific Duties) Regulations 2011. This is in addition to the general equality duty as laid out in the Equality Act 2010. These duties together are commonly known as the Public Sector Equality Duty (PSED), the aim of which is to ensure that fairness is at the heart of public bodies' work and that public services meet the needs of different groups.

The PSED requires public bodies to publish, at least annually, data on equality in the workforce and to set objectives to further one or more of the aims set out in the general equality duty. This paper aims to comply with this duty by publishing the data and to update on the progress of our Equality, Diversity and Inclusion (EDI) objectives set in 2016.

The Authority approved the four yearly objectives at the Fire Authority Meeting of 8 June 2016. The main aim of year one has been to improve our data and planning and to put in place the infrastructure to support and embed EDI in to all management practices. Progress against the objectives is reported via the normal internal governance boards. In January 2017 the way forward was determined; the main decisions taken were:

The Performance Management Board (PMB) are monitoring the progress of the Authority's EDI Objectives and progress towards achieving 'Excellent' status in the Fire and Rescue Services Equality Framework (FRSEF) six monthly and onwards annually to the Strategic Management Board (SMB) and Fire Authority (CFA). A key aspect of this is that our performance management tool 'Viper' is in the final stages of development to capture evidence towards meeting the various organisation wide elements of the FRSEF. This evidence will then be used for audit and future inspection purposes.

To ensure that there is stakeholder scrutiny an EDI Advisory Group has been set up and convened. This group has direct access to Strategic Management Board (SMB) members and therefore have real voice and influence in EDI for the organisation.

The Advisory Group is made up of people with particular interest and understanding and supports and promotes inclusion and employee engagement within Buckinghamshire Fire and Rescue Service. The group and its members are liaising with all colleagues to develop a working environment where individual diversity is valued, creating an inclusive workplace free from discrimination. The group and its members support delivery of the Authority's agreed objectives in Equality and Diversity and Inclusion (EDI).

EDI remains on the agenda for every meeting of the Joint Consultation Forum attended by all representative bodies and continue to be a key aspect of all Authority reports.

Annex B displays the workforce diversity in the form of charts and tables in comparison to the 2011 census data for the population of Buckinghamshire and Milton Keynes.

This report contains an update on the key internal performance areas as follows: Workforce Strategy, Workforce Monitoring, Equality Analysis/Impact assessment, Employee Engagement, Promoting an Inclusive Working Environment, Equal Pay, Anti- Harassment and Bullying, Appraisal and Training Learning and Development.

The report also contains an update on the key external performance areas working with our Communities as follows:

Knowing Communities, Involving Communities, Responsive Services and Customer Care.

For the purpose of consistency this paper follows the same structure and headings as the paper submitted to the Fire Authority on 8 June 2016 entitled **Equality and Diversity (E&D) Objectives 2016-20, Public Sector Equality Duty and Review of 2012 -16 Objectives** and this paper should be read for background.

Workforce Diversity

In order to comply with the PSED, following the Fire Authority meeting, the intention is to publish the information contained in **Annex B**.

The latest public data available is from the Buckinghamshire County Council and Milton Keynes Council Census Profiles from 2011. The charts in **Annex B** provide a comparison of the diversity within Buckinghamshire and Milton Keynes Fire Authority (BMKFA) in August 2017 to the census data of the communities it serves within Buckinghamshire and Milton Keynes. The key aspects in the comparison are highlighted below:

Ethnicity census data compared to BMKFA employees (Annex B, Charts 1 & 5)

Proportionally Black and Minority Ethnic (BME) employees remain under-represented within BMKFA compared to the population ethnicity of both Milton Keynes and Buckinghamshire.

Black and ethnic minority community employees are under-represented within Support employees, On Call and Whole-time employees.

There is no significant change in the number of BME's employed. More work is being undertaken to tackle this with a new recruitment plan, the EDI Advisory Group BME action sub group and the work of the National Joint Council for Fire and Rescue Services Inclusive Fire Services Group planned national diversity marketing campaign are aimed to reach out to help with improving this.

Age census data compared to BMKFA employees (Annex B, Charts 2 & 6)

86 per cent of BMKFA employees are between 30 and 59 years of age in comparison to 43 per cent of the Milton Keynes population and less for Buckinghamshire.

Under 30 year olds are under-represented within Support employees, On Call and Whole-time employees.

The recruitment of 22 new Apprentices are all under 29 years, this bodes well for changes in the age profile of Buckinghamshire Fire and Rescue Service (BFRS) when they begin filling any vacancies that arise in future.

Religion and belief (Annex B, Chart 3 & 7)

The predominant religion in both Buckinghamshire (60 per cent) and Milton Keynes (52 per cent) is Christian.

'Other religions' Muslim: Milton Keynes (4.8 per cent) and Buckinghamshire (5.1 percent). Hindu: Milton Keynes (2.8 per cent) and Buckinghamshire (1.2 per cent).

The number of unknowns and no religion (58 per cent) within the workforce data makes objective setting problematic in this area. Again, as part of phase 2 of the implementation of the new HR Information system efforts will be made to encourage those that have not declared to do so.

Gender census data compared to BMKFA employees (Annex B, Chart 4 & 8)

Our workforce now has 2 per cent more females than a year ago (17 per cent in 2016; 15 per cent in 2016) compared with 49 and 51 per cent of Milton Keynes and Buckinghamshire respectively.

Females account for 56 per cent of Support employees, remaining the same as 2016.

Females are still under represented within On Call employees (6.8 per cent) and Whole-time employees (3.4 per cent). However, there has been a .5 per cent increase in female Whole time staff and a 4 per cent increase in female On Call staff.

Sexual orientation and gender reassignment

Data around sexual orientation (heterosexual, lesbian, gay, bisexual) and gender reassignment was not collected as part of the Census 2011. However, there are a number of national pieces of research which can help understand potential population statistics:

The Integrated Household Survey data collected from January 2012 – December 2012 indicated that 1.1 per cent of those that were surveyed identified themselves as Gay or Lesbian with 0.4 per cent as Bisexual.

GIRES (the Gender Identity Research and Education Society) puts the number of people living with some form of 'gender variance' in the UK as approximately 13 per cent.

Many employees at BMKFA have not provided equality information which has resulted in a high percentage of unknowns. However as part of phase 2 of the implementation of the new HR Information system efforts will be made to encourage those that have not declared to do so confidentially.

People Strategy

Our aim is to maintain a skilled and committed workforce and to have a diversity of employees to more closely reflect the diverse communities we serve.

Our overall strategic objective is to employ the best people. We will do this by:

- Recruiting, engaging and retaining the most high-performing, highly motivated people regardless of race, age, sex, gender, disability, sexual orientation, gender reassignment, pregnancy/maternity and marriage/civil partnership.
- Aiming, over time, to employ a workforce that is more representative of the County's working-age population.

We recognise much more is needed to attract women and Black and Minority Ethnic (BME) employees into our service so station based employees have commenced a pilot project in Milton Keynes to engage these communities to promote the service as an employer of choice. The learns from this project will be fed back through our engagement forums with an aim of spreading good practice throughout Milton Keynes and Buckinghamshire Fire and Rescue Service.

In support of our workforce strategy we are developing a Recruitment Plan with a particular priority to attract and retain a diverse workforce by encouraging and actively promoting employment applications from all groups in the community. As part of this plan our aims are as follows;

- Review recruitment and selection practices to attract and appoint from a diverse applicant pool, ensuring we reach candidates regardless of gender, ethnicity, sexual orientation, disability or socioeconomic background.

- Concentrate on improving community engagement, offering role models to positively market careers in the Fire service.
- Implement a modern recruitment process to allow easier access to information about the service, the roles available and a modern candidate experience, which reduces time and is efficient and cost effective.
- Improve our diversity data (declarations) across all parts of the existing workforce.

The responsibility for this work falls across the whole organisation, not with any single directorate. We will need to work together to achieve successful outcomes, and undertake new initiatives to achieve different results.

Achieving diversity at senior levels is generally more challenging than sourcing diverse candidates for less senior positions. This highlights the importance of creating a talent pipeline which is inclusive.

Our local strategy is supported by national initiatives which we are fully engaged with. Example initiatives such as the National Fire and Rescue Service People Strategy is being finalised with the full input of our People and Organisational Development Director and the National Joint Council for Fire and Rescue Services. Inclusive fire service initiative has been supported and contributed to fully with the local Fire Bridges Union and our Equality Lead participation.

Workforce Monitoring

A data cleansing exercise is part of the introduction of Phase 2 of the HR System in 2017 and this will happen in conjunction with an employee census. It is expected to result in a number of changes to equality self-declarations.

We understand that we have a duty under the Equality Act and PSED to monitor our workforce. To do this effectively we plan to develop and improve monitoring systems for race, gender (including sex, marital status and gender reassignment), age, disability, sexuality and religion or belief.

In order to meet our legislative requirements and ensure that no group is disadvantaged in applying and undertaking employment, we currently monitor:

- Recruitment and selection
- Numbers of employees in post
- Training
- Promotions
- Harassment and discrimination complaints and other grievances
- Disciplinary proceedings
- Starters and leavers
- Performance management

Our new Human Resources information System will enhance our reporting capabilities in this area in 2018.

Equality Analysis/Impact assessment

People Impact Assessment (PIA) are an essential criteria (i.e. added to meeting paper template) for all papers submitted to management board meetings.

A PIA is a systemic way of finding out whether any of the Authority's policy, procedure or activities, or proposed policy, procedure or activities affects different groups of people in different ways.

PIAs look at both service delivery and workforce matters and will be undertaken for:

- Services we provide
- Policy we implement
- Strategy we write
- Procedure we follow

The aim of the PIA process is to ensure that any negative consequences for a particular group or sector of the community are identified early and eliminated, minimised or counterbalanced by other measures.

Impact assessments can also be used to establish good practices as a result of positive consequences and can be the starting point for establishing equality objectives and measures.

Our target is to achieve 100 per cent PIA compliance for change programmes, management board papers and procedural implementation or amendment. We have updated the PIA procedure as required to reflect up to date best practice and this will be held under review. We are currently setting up monitoring procedures and to review this area and action as required.

Employee Engagement

We carry out on going communication and consultation with employee groups and Trade Union representatives. We will use the views and experiences of employees and respond sensitively to employees needs and to inform policy development.

We actively oppose all forms of discrimination in the workplace and seek to promote best practice initiatives wherever possible.

Engagement with the trade unions occurs on a regular basis via informal meetings and discussions and more formal meetings including the Joint Consultation Forum. EDI is a standing item at the Joint Consultation Forum and

Trade unions and Employee Representatives are regularly consulted on new and updated policies and projects and engaged in equality analysis.

We are undertaking an Employee Engagement and culture Survey in September 2017, the results of which will be examined and initiatives developed based on the findings.

Promoting an Inclusive Working Environment

Our Code of Conduct clearly sets out Buckinghamshire & Milton Keynes Fire Authority's required standards as a publicly accountable body which manages Buckinghamshire & Milton Keynes Fire and Rescue Service on behalf of the communities it serves.

The Authority aims to;

- Ensure that all employees are aware of the vision, values and behaviours expected within the workplace;
- Improve the Authority's performance through building the skills of a diverse workforce that reflect the community;
- Ensure employees have an understanding of how the Service operates, in order to be as effective as possible within their role.

We aim to provide a safe and accessible working environment that values and respects the identity and culture of each person. We insist on a culture and working environment that is free from discrimination, harassment and violence.

We challenge behaviours that are not consistent with the Authority's values and take appropriate action in line with internal procedures, such as the Anti-Bullying and Harassment Procedure when inappropriate behaviours are identified. Analysis of Grievance and Discipline cases that arise are reported to the Performance Management Board routinely.

We are promoting EDI by recognising exceptional contribution to positive values as a category award for employees in the annual SAFE Awards process.

We have set up an EDI Advisory Group chaired by Lynne Swift, Director of People and Organisational Development and attended by Councillor Steven Lambert, Lead Member for People and Equality and Diversity. The EDI Group is made up of a balance inclusivity with members who have an active interest in EDI. The group's terms of reference include challenging the Authority to strive for future improvements in EDI and developing networks to enable the sharing of best practice.

It is early days for the EDI Group, having three meetings so far however a number of priorities have been identified for the group:

- Cultural survey – communication, implementation and outcomes.

- Improve Networks to increase awareness of the diversity needs of the communities we serve.
- Recruitment and induction – Increasing the number of Females and BME's employed and ensuring an inclusive culture.

Positive outcomes arising from the EDI Group include improvements in LGBT Networking and events and consensus on Service priorities and BME promotional activities mentioned earlier in the paper.

The EDI Lead for BFRS also represents all three of the Thames Valley Fire and Rescue Services at the National Fire Chiefs Council EDI Professionals Group where best practice EDI is discussed and initiatives undertaken. These learns and the associated support is available to the BFRS EDI Advisory Group such as the networks of other Fire and Rescue Services and best practice support materials that have been developed by the group of EDI professionals.

Ageing Workforce

Our new physical fitness testing procedure has become embedded throughout the service and this provides support to maintain fitness in all workers along with new gym equipment and physical training time. Supporting injured employees with arranged Physiotherapy is proving helpful in maintaining the operational availability of firefighters.

Through more developed stress audits, risk assessments and wellness action plans this year we have focussed on psychological wellbeing. A key focus has been to mitigate the impact of our employee's exposure to traumatic events through Critical Incident Stress Debriefing and support with funded specialist counselling through our Employee Assistance Programme. A key aspect of our new Occupational Health contract contains mental wellbeing initiatives being implemented during 2017.

We have set up a focus group to examine and implement support through the menopause, particularly for operational employees.

Our policies and procedures support employees with responsibilities for both children and elderly parents with increased flexible working arrangements.

We will consider the outcomes of ageing workforce research which will shape the content of future policies and procedures.

Developing and engaging younger employees.

Having an ageing operational workforce is an emerging concept for us, as traditionally firefighters and officers have been financially tied to leave the Service after 30 years. The introduction of an Authority wide Apprenticeship Scheme has led to the recruitment of 22 Apprentices. The age profile of these are all below 30 years. This bodes well for the talent pipeline as vacancies arise in the future.

Equal Pay

An Equal Pay Audit of support employees was completed in 2013. The outcome was not a risk to the Authority. We will publish the gender pay gap reporting requirements within BMKFA in line with the outcome of the Government Equality Office, Consultation on Mandatory Gender Pay Gap Reporting for the public sector. It is planned to carry out a pilot on the new legislation and prepare a draft report in December 2017, so that any issues can be identified in advance of the requirement to publish from April 2018.

The support staff pay and grading system is also currently under review, in line with best practice as it has been three years since its introduction. This will include examination to ensure that it is equality compliant.

Harassment and Bullying

We have embedded Anti-Bullying and Harassment, Whistleblowing and Code of Conduct procedures which set out how to deal with grievances and discipline cases that may arise from time to time.

We monitor cases relating to the Discipline, Dignity at Work and Grievance procedures to ensure that the full abilities and attributes of all employees are recognised based on their competence, not who they are and to ensure that we tackle discrimination and inequality. The Authority's policies and procedures make it clear that discrimination is totally unacceptable and must be eliminated.

Appraisal

To develop and support employees, recognise achievement and as part of the process, encourage them to become role models across the organisation, all employees are required to undergo an annual appraisal where their commitment to E&D is an essential element. The appraisal process contains an evaluation to ensure employees are delivering an improvement on equality and diversity, based on individual annual performance reviews. Individual and specific EDI objectives are now a requirement for all employees and we expect to see positive results when end of year reviews take place in Quarter 4 2017/18.

Training Learning and Development

Our approach is to mainstream equality and diversity issues into all training programmes, including management development activities. For employees undertaking reviews and impact assessments of policies, specific training and support will be offered.

Current training programmes include:

- A range of self-managed E learning resources such as workbook and computer-based learning resources and the testing of knowledge following the use of such resources.

- Unconscious bias workshops for the leadership group delivered by Adrian Thomas who is the author of The Independent Review of Conditions of Service for Fire and Rescue staff, published in November 2016.
- Interview training for HR staff including unconscious bias awareness.

We strive to eliminate all forms of discrimination taking place during any development opportunity and:

- Ensure that any alternative access needs are identified before the individual arrives for training.
- Ensure that training material does not contain any biased assumptions.
- Ensure that language used is not racist, sexist, homophobic, or offensive to anybody.
- Take responsibility to positively promote equal opportunities in all situations.
- Provide alternative language training materials if appropriate.
- Challenge discriminatory language or behaviour during training events.
- Implement any reasonable adjustments required through the identification and assessment of disability.

All training courses are evaluated using feedback from attendees, and this is used to inform future training and development programmes.

The start and finish times of courses are selected to enable the fullest amount of training to take place in the time available. We appreciate the course programme times can sometimes cause problems for participants, particularly those with care responsibilities. We will however provide advance notice of course arrangements to allow employees to make alternative plans for the duration of the course.

We ensure all line managers complete performance management training in appropriate procedures and best practice in; Discipline, Anti Bullying and Harassment, Grievance and Capability.

Working with our Communities

Knowing communities

We are increasing our understanding of our communities and use this knowledge to inform our decision making, strategy and procedures.

We are building the necessary infrastructure to help us identify where we can best deliver services to improve inequalities and mitigate risk from fire. On a routine basis we are increasingly sharing data with partners to improve general and specific knowledge gaps across the communities. All of this is aimed at supporting local delivery of appropriate services to the most vulnerable people.

The tragic Grenfell Tower incident has forced us to question how well we know our communities and how well we balance the enforcement of fire safety legislation whilst supporting businesses which want our support and guidance.

'Knowing your communities' includes three elements within the framework. These are:

- *Collecting information*
We have been collecting data from Home Fire Risk Checks, operational incidents and other initiatives which helps understand our communities and their needs. We are developing a new database which will enable the Service to store all relevant information in one place so trend analysis will be much more straight-forward.
To improve our support for businesses we have purchased a commercial database which gives us far greater data on all commercial premises within Buckinghamshire and Milton Keynes. This allows us to create a more informed risk assessed approach on how best to support businesses; whether that might be delivering advice and guidance or targeting where best to ensure compliance through enforcement processes.
- *Analysing and using information*
The information we have gathered is used to target our resources most in need of our support. The Home Fire Risk Check approach has enabled the Service to improve the fire safety of thousands of households but now we need to access those people who would not actively request our help. We appreciate that we can help beyond delivering fire safety advice; to support those at risks and our partners we have developed a Safe & Well visit which will identify those at risk from falls, those with unhealthy living choices and also those carers who may need support. Although these areas are not traditionally core fire service work areas, we appreciate that these factors can increase an individual's risk from fire, whilst supporting partners in achieving wider community safety objectives. As we progress we will be able to analyse more data to inform and develop our processes.
- *Sharing information between partners*
We know that vulnerability to fire comprises a number of complex and inter-connected factors e.g. social isolation, smoking, use of alcohol and drugs, mobility, etc. and whilst we hold a great deal of information, we need to share information with partners to gain as full a picture as possible. This is a reciprocal process where the information we share with others helps ameliorate wider health inequalities. The Safe & Well visits will enable us to share information with partners. As this process grows and our crews become more skilled in its delivery, we will look to expand into other causes of health inequality, where there is a demonstrable link back to increased risk from fire. We are working closely with partners to ensure we are not setting unrealistic expectations for the communities,

our staff or partner organisations. Working with partners to prevent people falling in their homes has led to further discussions around how the fire service might best support other areas e.g. consideration for the fire service to conduct home visits so patients can be discharged from hospital earlier than might otherwise be the case.

Involving communities

We appreciate that in the past we delivered services to the communities without always asking for their views or their feedback. We are developing processes and links to ensure that the views of our communities are considered throughout our service delivery. Service users are represented on the Bucks Safeguarding Adults Board and we host their meetings on fire service premises. This allows our teams to interact with service users and establish how best we can play our part in supporting them.

We have positioned ourselves to work with partners and involve the public to help us understand community needs and the best methods for service delivery. The Fire Service is a trusted 'brand' and this allows us privileged access to our communities and we accept that we have to maximize these opportunities, to mitigate fire risk as well as support our partners in the wider public sector.

'Community engagement and satisfaction' comprises three main elements within the framework:

- *Engagement structures*
We are developing appropriate methods to capture the views of the public. Whilst we have always gained feedback through surveys and 'after the fire' questionnaires, we have never established ongoing discussions with the public. We are creating a framework to support this approach in Milton Keynes, working with MK Community Action and the Open University. We want to be able to demonstrably evaluate levels of community engagement currently and measure progress over time. The 'Blue Light Hub' presents an excellent opportunity to measure community engagement and allows us to consider how best we can engage in an ongoing basis. We have recognised this and are starting to capture data and information now to create a 'base level'.
- *Effective engagement*
We ensure communities are actively participating in and influencing decision making. We have worked with Bucks Community Impact to deliver a 'Handy Helper' scheme, supporting people to live well in their own homes. We will use this as a trial to see if the scheme could prosper elsewhere and use the opportunity to engage with communities on how the fire service can best support them. We have hosted meetings for the young people who act as representatives on the MK Safeguarding Children's Board and listened to their views.

- *Participation in public life*
We are starting to ensure people feel they have been listened to. We are delivering programmes with people and not merely delivering them to people. This area is a priority for the Prevention team and we are creating a structure and processes to gather the feedback from the various projects we are involved with across Buckinghamshire and Milton Keynes.

Responsive services and customer care

We appreciate that communities and their needs are dynamic and we know that we need to have a flexible approach mixing short, medium and long-term objectives. The tragic fire at Grenfell Tower has brought this issue into sharp focus; we need to better understand how to best support our varied communities.

We feel we always treat our communities with dignity and respect and we are establishing methods to ensure this is actually the case. Our station based employees are key in building positive and pro-active relationships with our communities and our partners so that lessons learned can be fed back into the organisation. It is for this reason that station open days now involve our partners. These are opportunities for us to engage differently with our communities.

'Responsive services and customer care' within the framework comprises the following main elements:

- *Equality analysis/impact assessment*
In delivering the Safe & Well visits we will gather information on the people we visit to ensure we support all communities equally, dependent on their level of risk. The targeting approach takes account of actual fire data so we can match our interventions to those people most at risk. We are developing a database which will capture ethnicity data for the first time.
- *Integration into business planning and delivery*
The use of integrated impact assessments will ensure that our planning and delivery have considered and evaluated equality issues before we start a programme. This is a cultural change for an organisation which traditionally focused more on delivery rather than evaluating demonstrable outcomes.
- *Accessible services*
In the past we have delivered services to the public, whereas in the future we will listen so that communities can better access our services in ways that better suit their needs. Our youth intervention programmes mean that by working with schools and colleges, young people who would never

have previously attended fire service courses will do so. The intention is that this will lead to those people accessing further programmes with us or appropriate programmes led by partner organisations.

- *Human rights*
We work closely with our Information Manager to ensure we hold and share data appropriately and lawfully. We will only gather data that supports our approach and helps make communities safer.

This page is left intentionally blank



Annex B - Equality and Diversity Data



Telford, Valerie

Buckinghamshire Fire and Rescue Service

The Authority currently employs 496 people. Although we have experienced staff turnover mainly from planned retirements, since 2009 there has been a Wholtime Firefighter recruitment freeze, and a decline in the overall numbers of operational staff employed. The workforce has therefore been relatively static, and consequently it has been historically difficult to change the composition of the workforce in terms of diversity in order to reflect the communities serviced. The advent of Apprentices and more active recruitment across Wholtime and On Call now presents us with opportunities to begin to change the diverse make up of our workforce.

Chart 1: Ethnicity compared to County

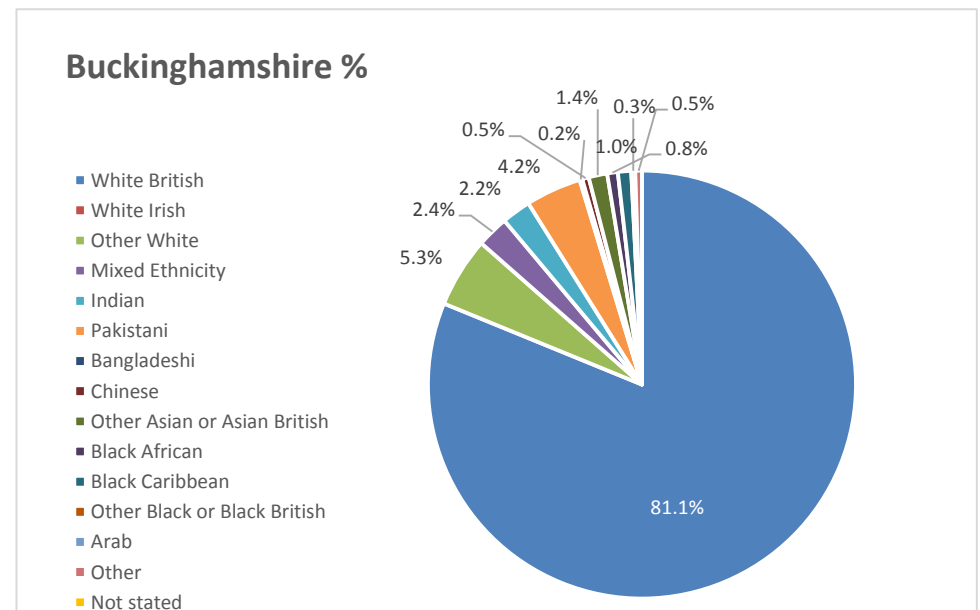
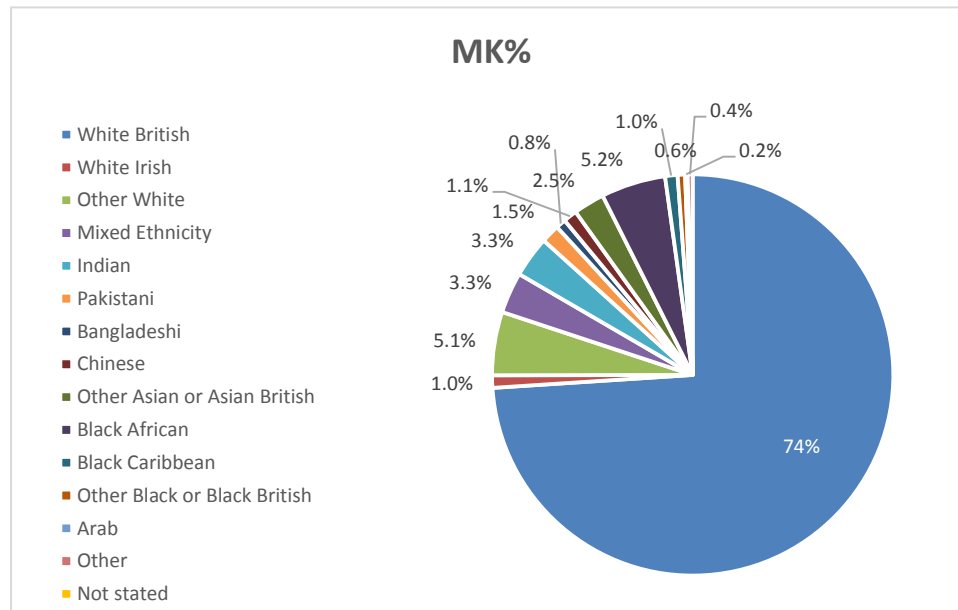
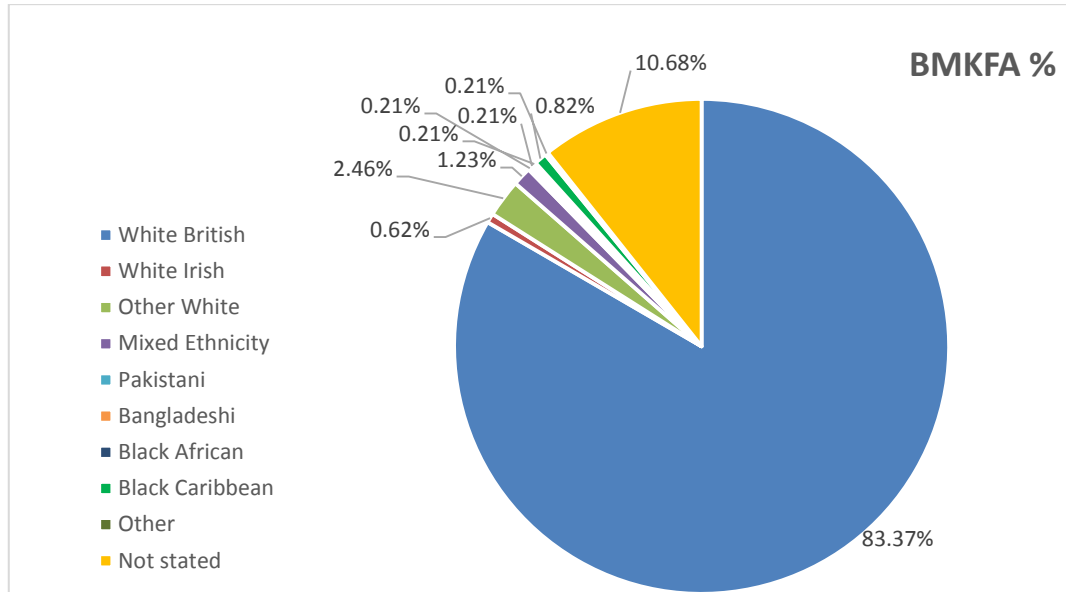


Chart 2: Age ranges compared to County

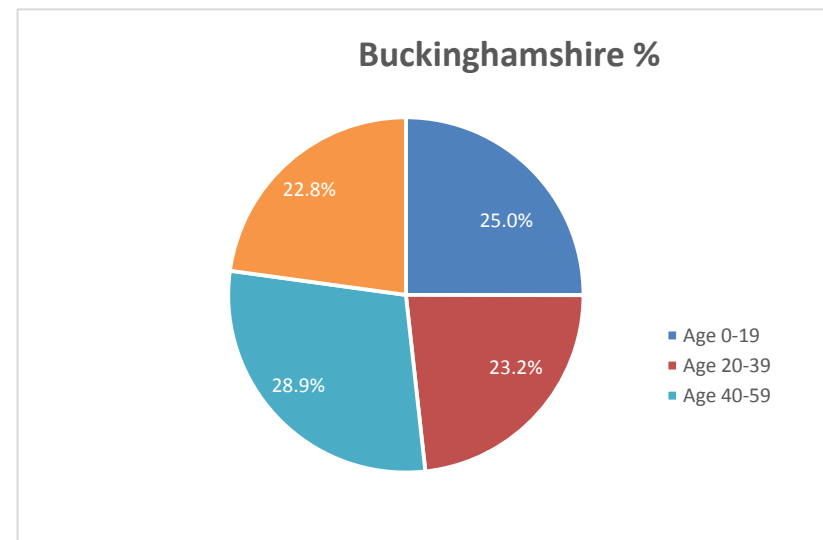
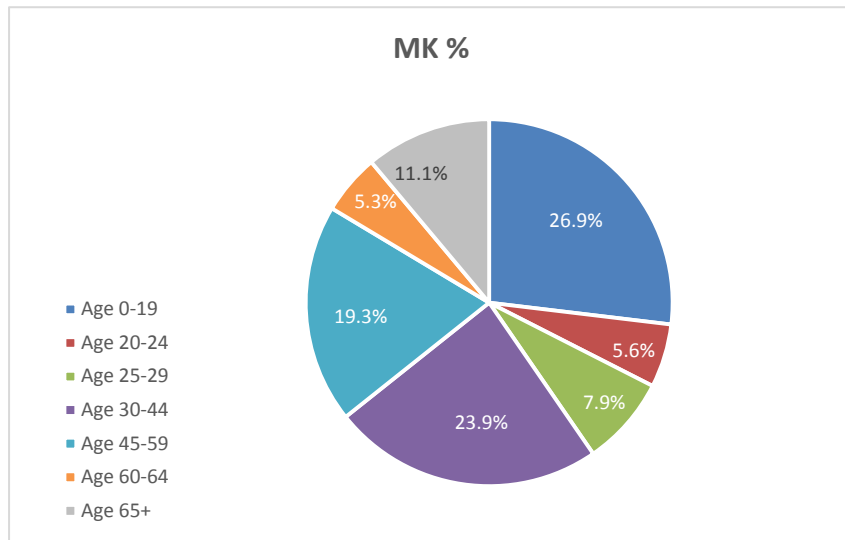
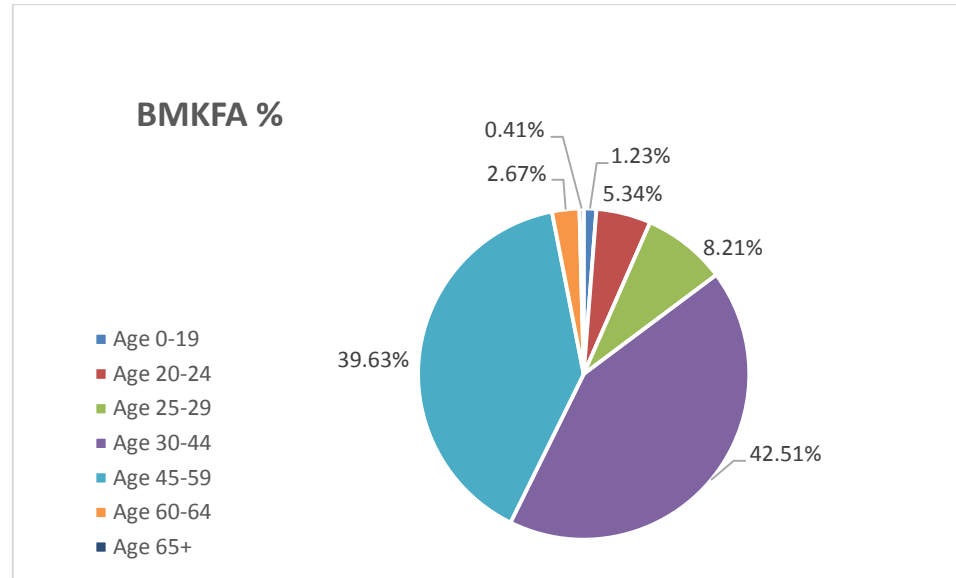


Chart 3: Religious Denomination compared to County

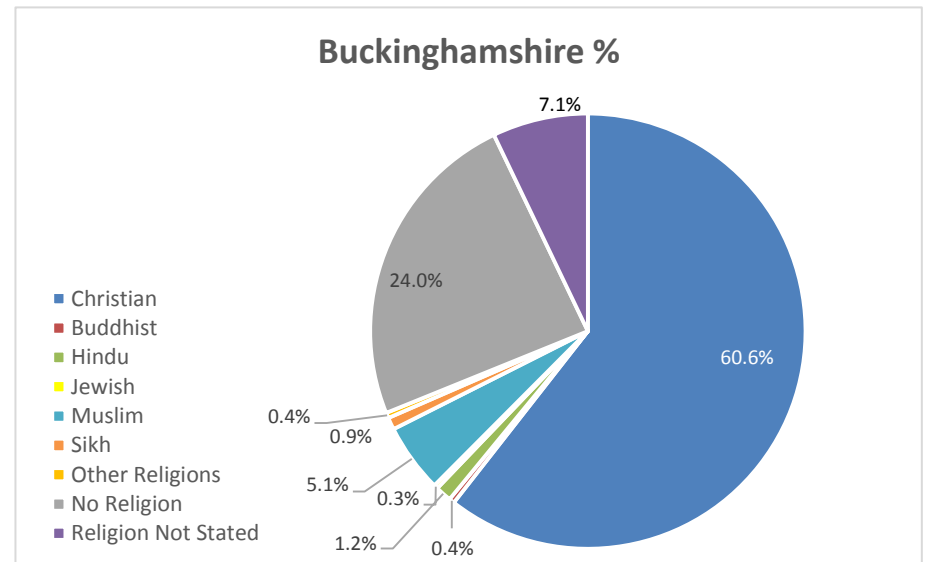
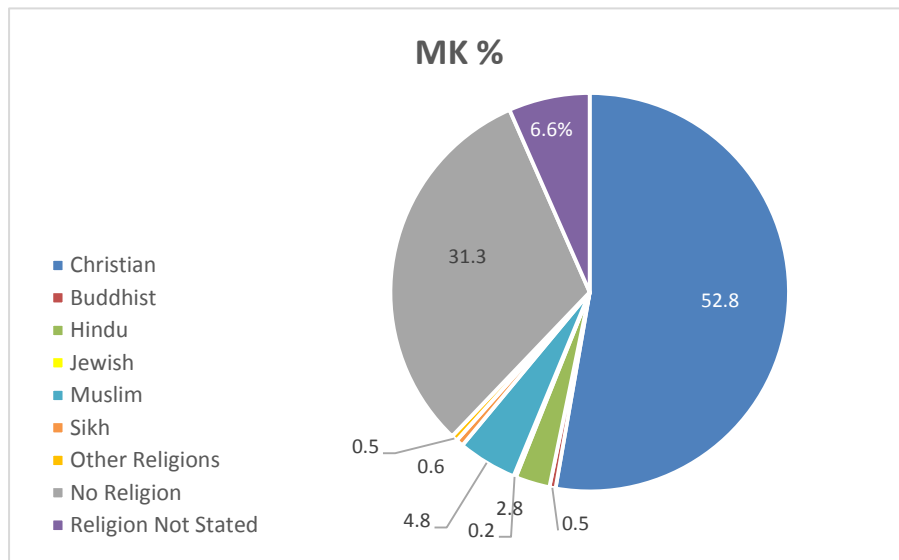
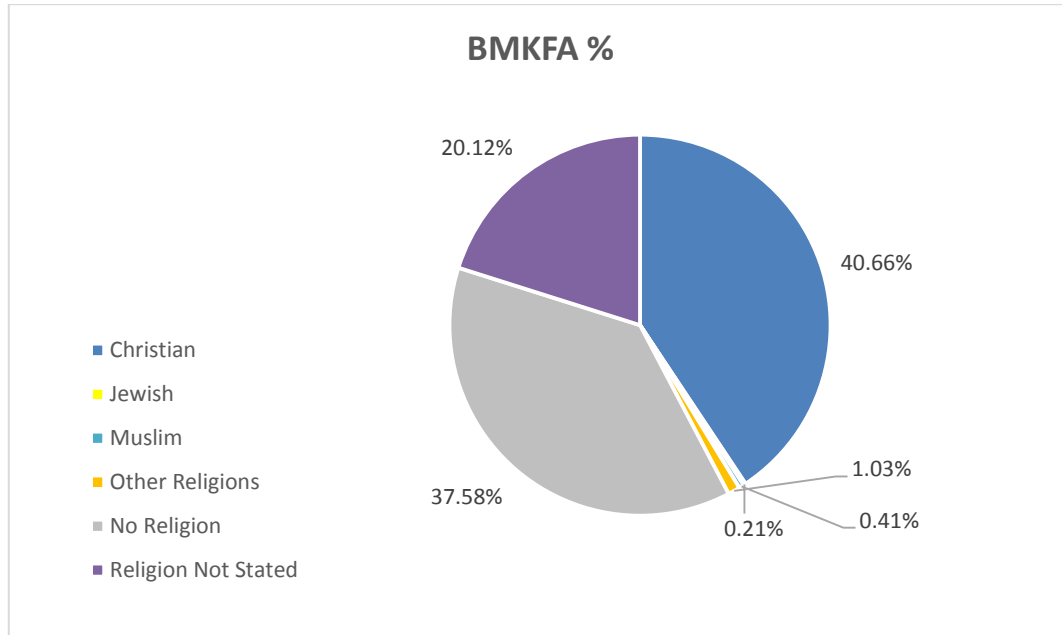


Chart 4: Gender compared to County

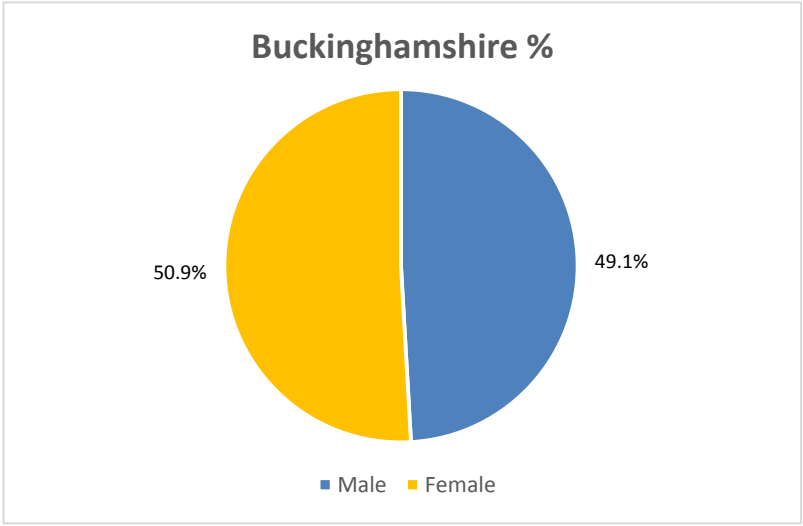
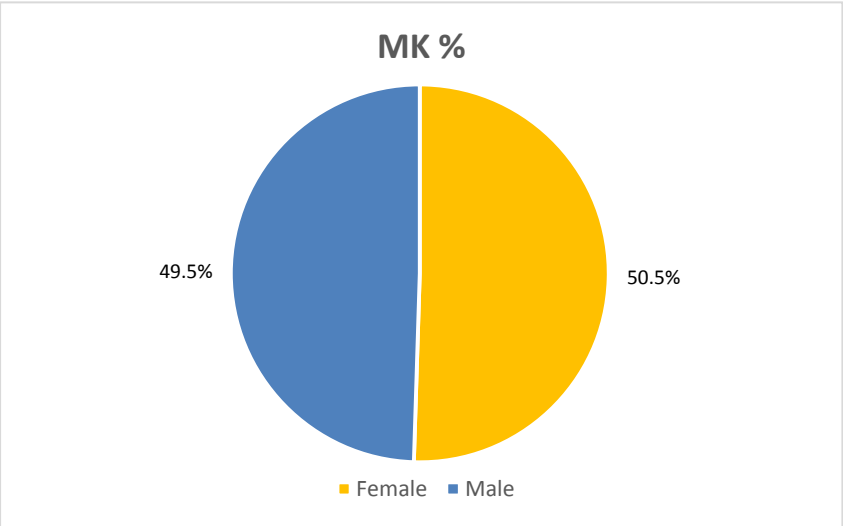
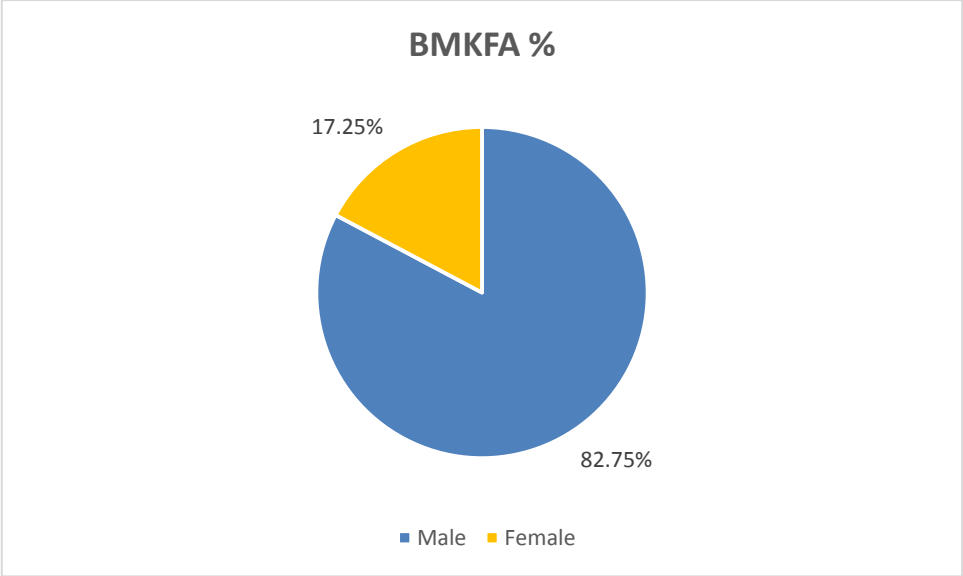


Chart 5: Ethnicity compared to County

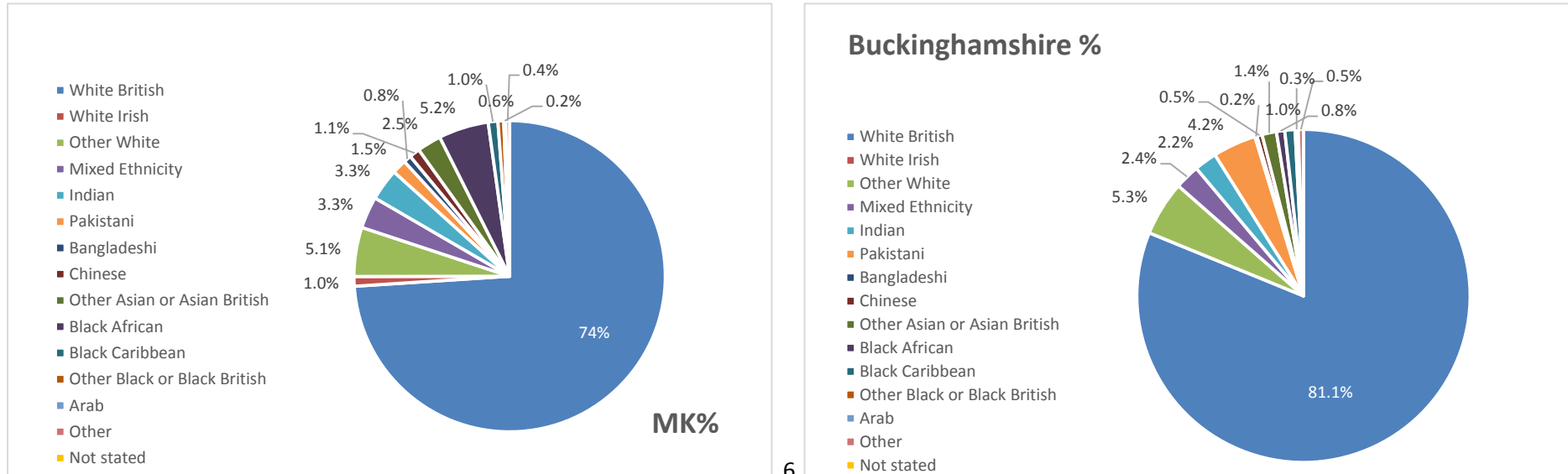
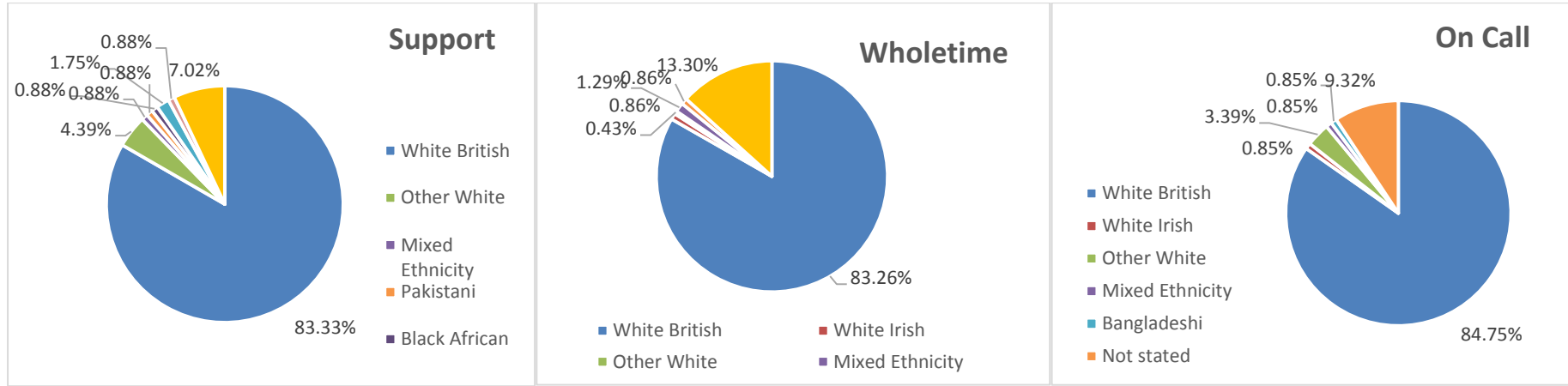


Chart 6: Age ranges compared to County

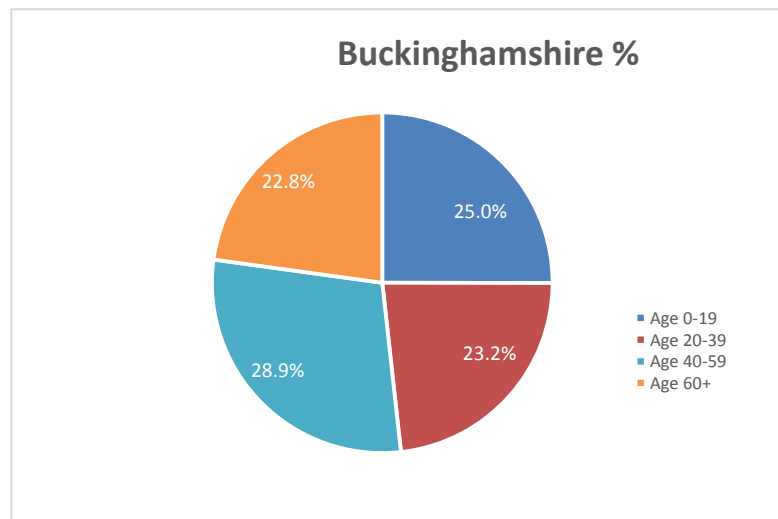
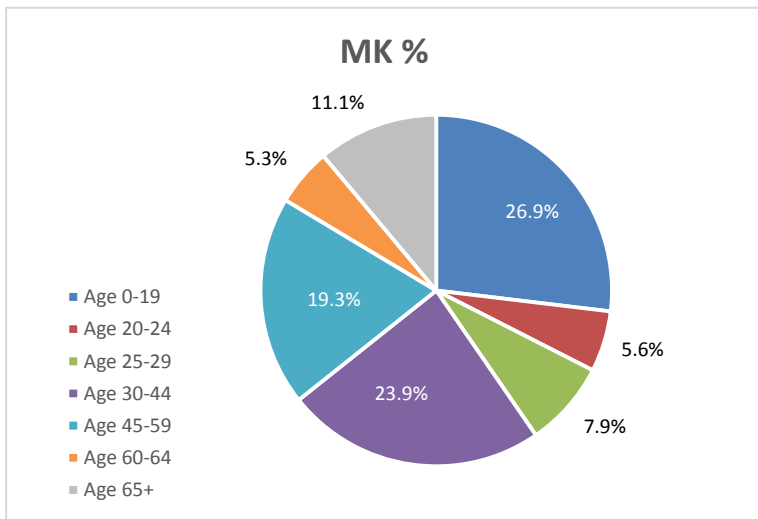
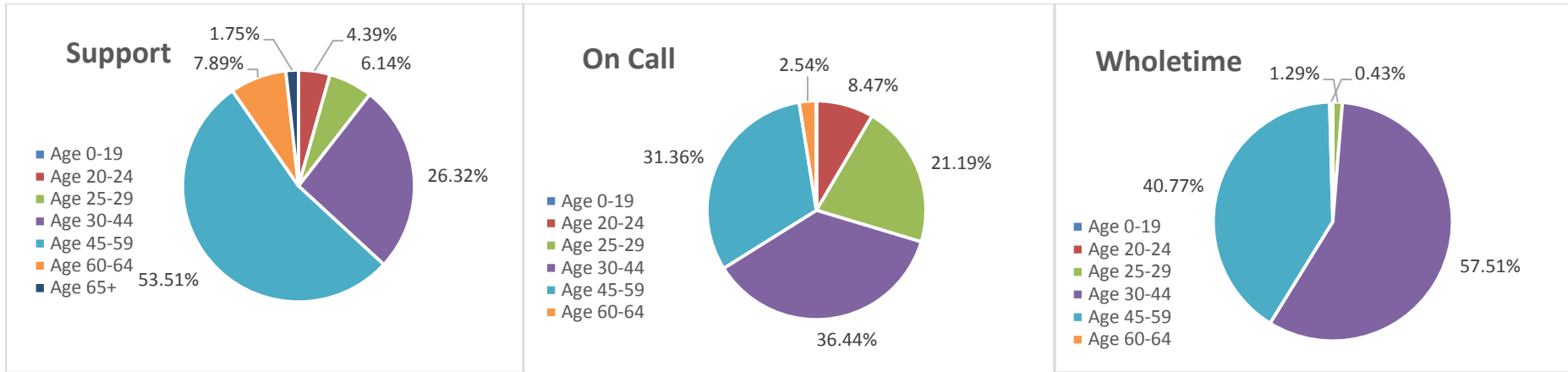


Chart 7: Religious Denomination compared to County

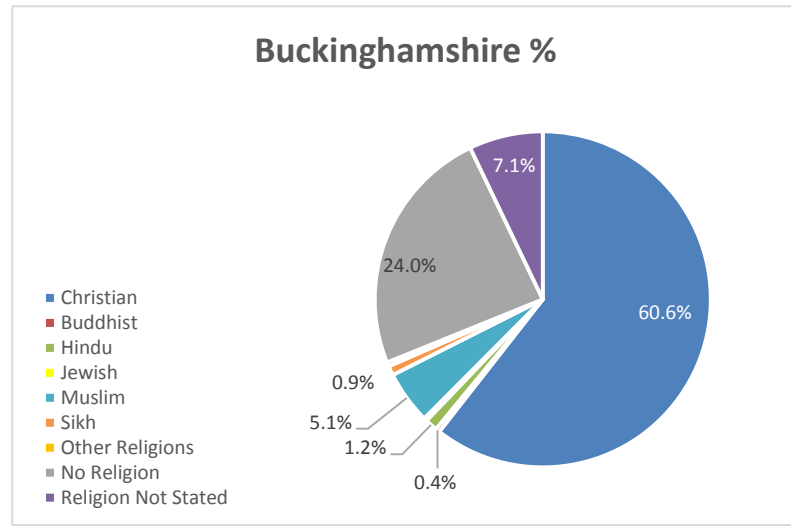
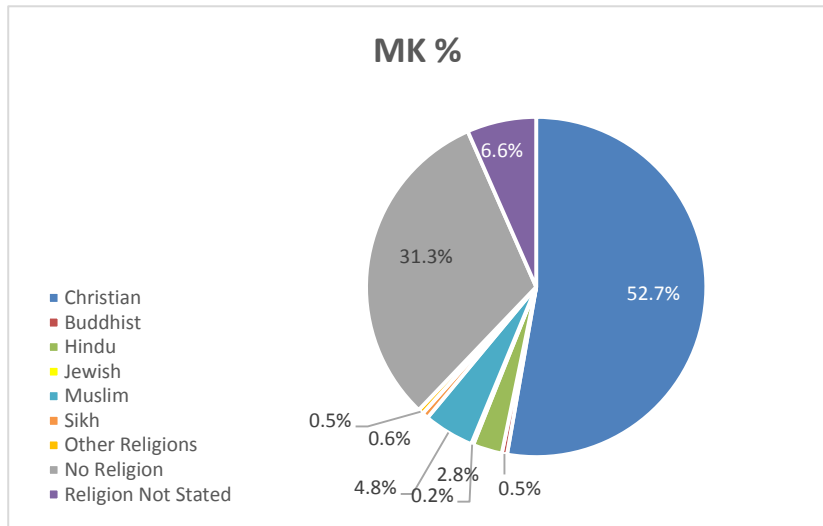
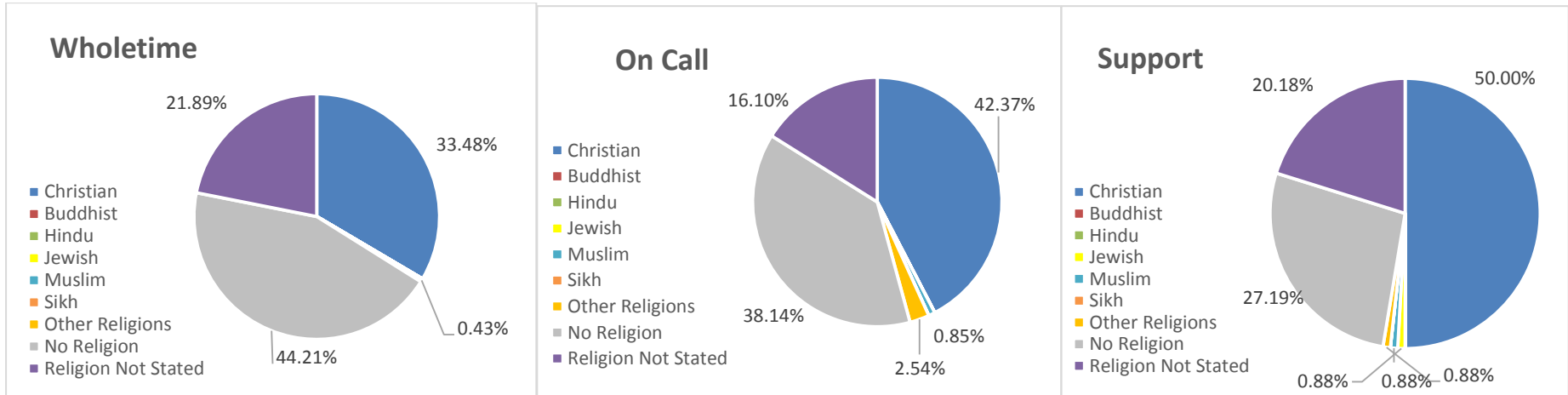


Chart 8: Gender compared to County

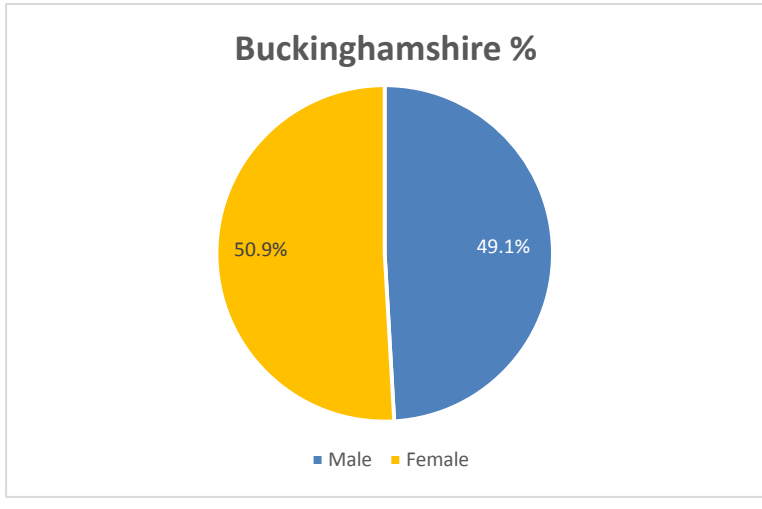
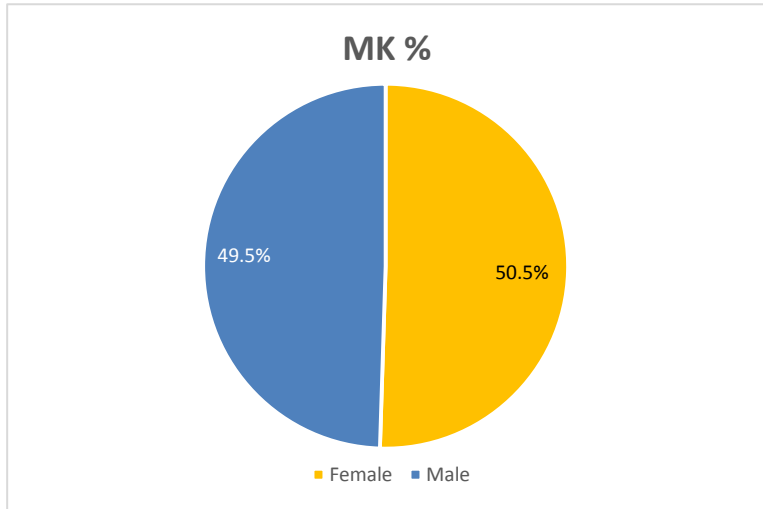
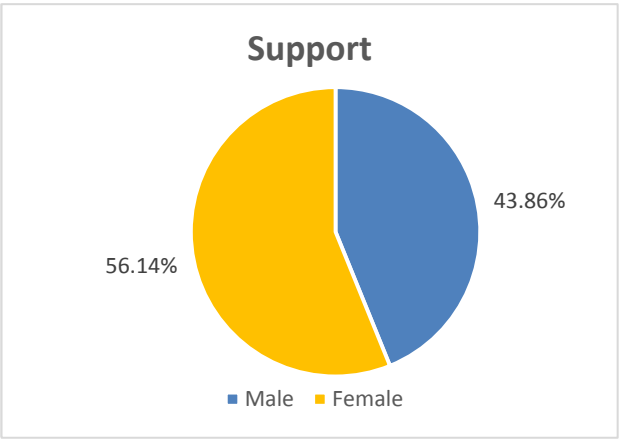
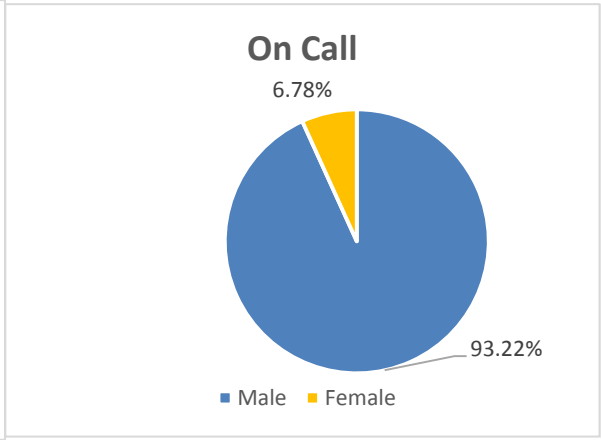
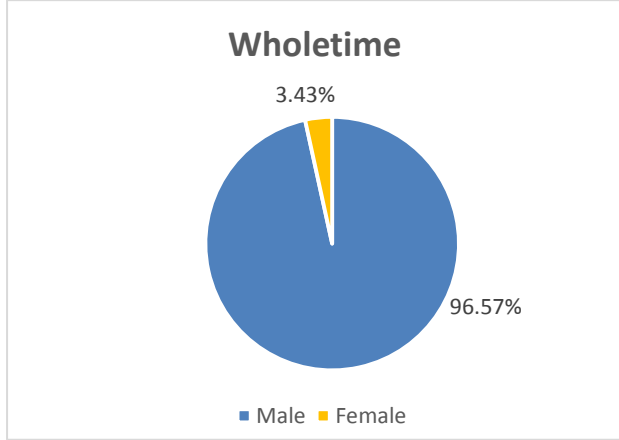
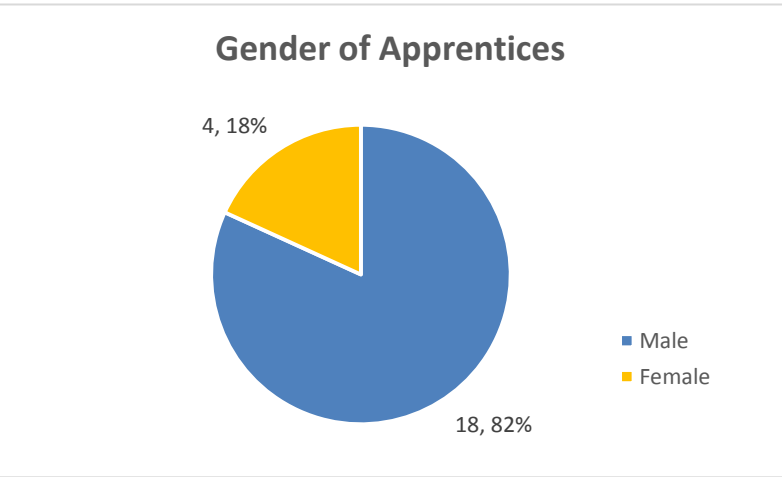
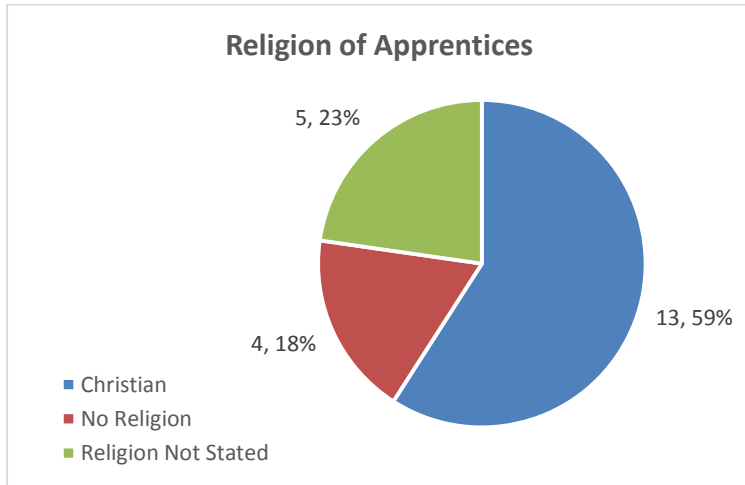
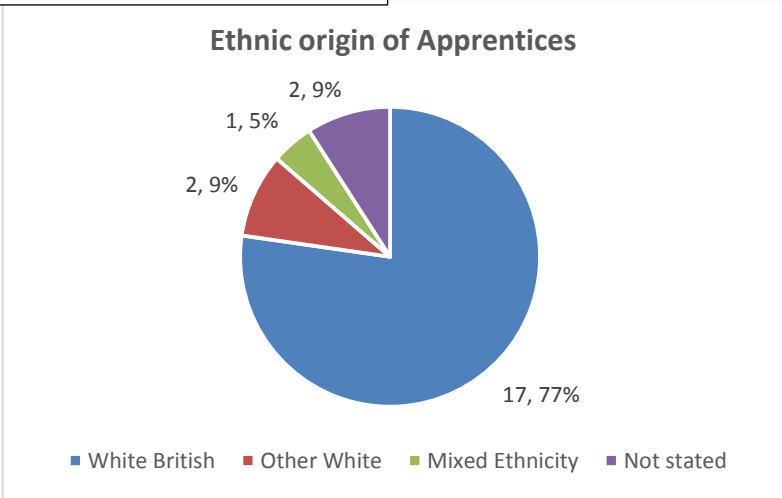
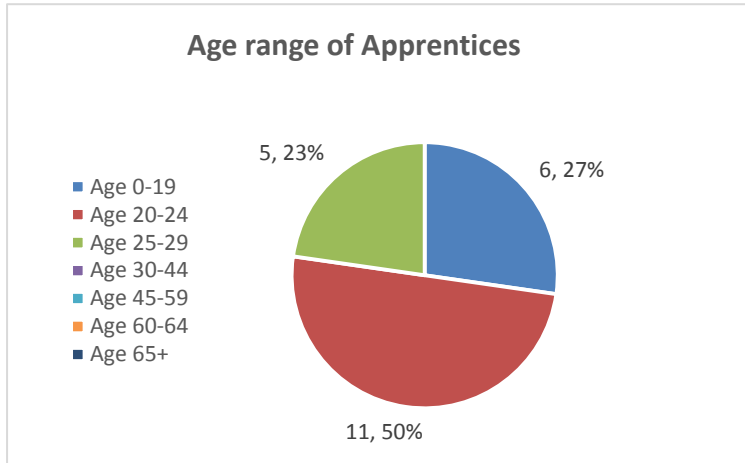


Chart 9: Characteristics of Apprentices



Breakdown of BMKFA data

* Less than 10

Age	Wholetime	% of Wholetime	On Call	% of On Call	Support	% of Support	ALL BMKFA	%
Age 0-19		0.0%		0.0%		0.0%		
Age 20-24		0.0%	12	9.3%	*	6.3%	19	3.8%
Age 25-29	*	3.5%	23	17.8%	*	5.4%	38	7.6%
Age 30-44	149	58.2%	53	41.1%	31	27.7%	233	46.9%
Age 45-59	97	37.9%	39	30.2%	59	52.7%	195	39.2%
Age 60-64	*	0.4%	*	1.6%	*	7.1%	11	2.2%
Age 65+		0.0%		0.0%	*	0.9%	*	0.2%

* Less than 10

Ethnic Origin	Wholetime	% of Wholetime	On Call	% of On call	Support	% of Support	ALL BMKFA	%
White British	214	83.6%	108	83.7%	92	82.1%	414	83.3%
White Irish	*	1.2%	*	0.8%	*	0.9%	*	1.0%
Other White	*	0.8%	*	3.1%	*	3.6%	10	2.0%
Mixed Ethnicity	*	1.2%	*	0.8%	*	0.9%	*	1.0%
Indian		0.0%	*	0.8%		0.0%	*	0.2%
Pakistani		0.0%		0.0%	*	0.9%	*	0.2%
Bangladeshi		0.0%		0.0%		0.0%		0.0%
Chinese		0.0%		0.0%		0.0%		0.0%
Other Asian or Asian British		0.0%		0.0%		0.0%		0.0%
Black African		0.0%		0.0%	*	1.8%	*	0.4%

Annex B

Ethnic Origin	Wholetime	% of Wholetime	On Call	% of On call	Support	% of Support	ALL BMKFA	%
Other Black or Black British		0.0%		0.0%		0.0%		0.0%
Arab		0.0%		0.0%		0.0%		0.0%
Other		0.0%		0.0%	*	0.9%	*	0.2%
Not stated	32	12.5%	14	10.9%	*	8.0%	55	11.1%

* Less than 10

Religion	Wholetime	% of Wholetime	On Call	% of On Call	Support	% of Support	ALL BMKFA	%
Christian	87	34.0%	58	45.0%	55	49.1%	200	40.2%
Buddhist		0.0%		0.0%		0.0%		0.0%
Hindu		0.0%		0.0%		0.0%		0.0%
Jewish		0.0%		0.0%		0.0%		0.0%
Muslim		0.0%		0.0%	*	0.9%	*	0.2%
Sikh		0.0%		0.0%		0.0%		0.0%
Other Religions	*	0.8%	*	1.6%		0.0%	*	0.8%
No Religion	107	41.8%	46	35.7%	32	28.6%	185	37.2%
Religion Not Stated	60	23.4%	23	17.8%	24	21.4%	107	21.5%

* Less than 10

Gender	Wholetime	% of Wholetime	On Call	% of On Call	Support	% of Support	ALL BMKFA	%
Male	247	96.5%	125	96.9%	50	44.6%	422	84.9%
Female	*	3.5%	*	3.1%	62	55.4%	75	15.1%



Buckinghamshire & Milton Keynes Fire Authority

MEETING	Fire Authority
DATE OF MEETING	18 October 2017
OFFICER	Lynne Swift, Director of People and Organisational Development
LEAD MEMBER	Councillor Steven Lambert
SUBJECT OF THE REPORT	Scheme Manager Discretions for the Firefighters' Pension Scheme 2015
EXECUTIVE SUMMARY	<p>The Authority runs five different pension arrangements; 1992 Firefighters' Pension Scheme, 2006 Firefighters' Pension Scheme, 2006 Modified Firefighters' Pension Scheme, 2015 Firefighters' Pension Scheme and the Local Government Pension Scheme. As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes (1992, 2006, 2006 Modified and 2015).</p> <p>The main Regulations (Statutory Instrument 2014 No.2848 Public Service Pensions) introduced a new Firefighters' Pension Scheme, effective from 1 April 2015 and laid before Parliament on 28 October 2014.</p> <p>The Firefighters' Pension Scheme Regulations 2014 set out fifty-two pension discretions available to the Authority to consider. Appendix one provides a position on all discretions applicable under the 2015 Firefighters' Pension Scheme and Appendix two details a proposed Scheme Manager Pension Discretions (FPS 2015) document based on the recommendations made in Appendix one.</p> <p>An immediate position was required on three pension discretions within the Firefighters' Pension Scheme (England) Regulations 2014 (Regulations 5, 17 and 111) and a report was presented at the Fire Authority on 10 June 2015. The agreed position on these discretions has not been amended. The remaining forty-nine pension discretions have been added to the Scheme Manager Pension Discretions document, therefore bringing together all the discretionary elements as contained within the Firefighters' Pension Scheme (England) Regulations 2014.</p>
ACTION	Decision.
RECOMMENDATIONS	That the forty-nine Scheme Manager Pension Discretions applicable to the 2015 Firefighters' Pension Scheme be approved and adopted with immediate

	effect.
RISK MANAGEMENT	<p>Regulations: The Authority is required to have a position on the fifty-two pension discretions. By adopting a position on all discretions it will support future decision making.</p> <p>Agreeing a position on where and how to exercise discretion will be essential to managing any future risk.</p> <p>The majority of the pension discretions will be dealt with on a case by case basis and any financial implications will be addressed at the time by appropriate Committee prior to any approval.</p> <p>Administration: The Scheme Manager Pension Discretions (FPS 2015) has been formulated using advice provided by the Authority's pension administrator and subject matter experts; West Yorkshire Pension Fund.</p> <p>Having a position on the fifty-two pension discretions is essential for sound administrative purposes and ensures a consistent approach on pension related matters.</p> <p>Consistency: Where appropriate, consideration has been given to the pension discretions under the 1992 and 2006 Firefighters' Pension Schemes and the Local Government Pension Scheme. This is to ensure a consistent approach where appropriate.</p>
FINANCIAL IMPLICATIONS	There are no immediate financial implications to the Authority adopting the remaining forty-nine pension discretions applicable to the 2015 Firefighters' Pension Scheme. However, as cases arise in the future there may be financial implications which will be dealt with at the time and on a case by case basis.
LEGAL IMPLICATIONS	The Authority is required to have a position on the fifty-two pension discretions applicable to the 2015 Firefighters' Pension Scheme and will continue to comply with Scheme Regulations and other legislation relating to governance and administration of the Scheme along with The Pension Regulator's requirements.
CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION	The Authority collaborated with Royal Berkshire Fire Authority on the provision of a new pension administration service for the Firefighter Pension Schemes, effective April 2016. The Authority continues to collaborate with Royal Berkshire Fire Authority on pension related matters and recommendations within this report have been made in collaboration, and are in the main, the same as those pension discretions agreed by Royal Berkshire Fire Authority at its

	meeting on 18 April 2017.
HEALTH AND SAFETY	There are no health and safety implications arising from this report.
EQUALITY AND DIVERSITY	<p>The Authority is exercising their discretionary powers available under the Regulations and has acted with due prudence and propriety and considered the equality and diversity implications of applying the discretions.</p> <p>No direct equality implications arise from this report, however it should be noted that the application of rules within each pension Scheme may vary. For recommended discretions where 'case by case' applications apply an impact assessment will be completed as appropriate.</p>
USE OF RESOURCES	<p>Communication with stakeholders: Stakeholder communication will remain a significant element of the successful implementation of the Firefighters' Pension Scheme 2015. Communication will be via the normal process.</p> <p>The system of internal control: Regular reports will be provided to the Strategic Management Board, Executive Committee and Fire Authority as necessary. In addition, the Local Pension Board have a statutory responsibility to oversee the governance of the Firefighters' Pension Schemes.</p> <p>The Scheme Manager Discretion (FPS 2015) document will be monitored by Human Resources and will normally be reviewed every three years unless there is a need to review earlier due to Legislation or Pension Regulation changes. In addition an annual review will be undertaken to ascertain any impact on the Authority. Any issues will be raised with the appropriate Committee.</p> <p>The balance between spending and resources: Adoption of the pension discretions will contribute to the Authority achieving its strategic aim to 'manage all our resources to provide the best value for the residents and businesses of the communities we serve' as it contributes to managing workforce size to achieve a balanced budget.</p>
PROVENANCE SECTION & BACKGROUND PAPERS	<p>Background</p> <p>21 September 2016 Executive Committee paper; Pensions update: http://bucksfire.gov.uk/files/1414/7879/2916/EXECUTIVE_COMMITTEE_AGENDA_231116_compressed.pdf</p> <p>18 November 2015 Executive Committee paper; Pensions update: http://bucksfire.gov.uk/files/4514/5529/0139/Executi</p>

	<p>ve Committee 181115.compressed.pdf</p> <p>10 June 2015 Fire Authority; Report on Scheme Manager Discretions for the Firefighters’ Pension Scheme 2015:</p> <p>http://bucksfire.gov.uk/files/8314/5529/1579/Fire_Authority_AGM_10_June_2015.compressed.pdf</p> <p>The Firefighters’ Pension Scheme (England) Regulations 2014:</p> <p>http://www.legislation.gov.uk/uksi/2014/2848/contents/made</p> <p>Scheme Manager Discretions; The Firefighters’ Pension Scheme (England) Regulations 2014 SI 2014/2848:</p> <p>https://www.ddfire.gov.uk/sites/default/files/attachments/Item%208%20Appendix%20A.pdf</p>
APPENDICES	<p>Appendix one: Table of recommendations and additional comments</p> <p>Appendix two: Proposed Scheme Manager Pension Discretions (FPS 2015)</p>
TIME REQUIRED	10 minutes.
REPORT ORIGINATOR AND CONTACT	<p>Faye Mansfield, HR Services & Development Manager</p> <p>fmansfield@bucksfire.gov.uk</p> <p>01296 744623</p>

Regulation	Recommendation	Comments
<p>1.0 Delegation (Regulation 5)</p> <p>The Scheme Manager must ensure that delegated powers are appropriate and current. [Regulation 5 (2)]</p>	No action required	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>Under the Scheme of Delegation to Officers (June 2013) the Chief Fire Officer has discretion from the Authority “within the approved budgets and policies, [to] exercise all matters of day-to-day administration and operational management of the services and functions”. This discretion was applied to all Firefighters’ Pension Schemes unless expressly reserved to the Executive Committee or the Authority under existing or future adopted policy discretions.</p>
<p>2.0 Opting into this scheme (Regulation 12)</p> <p>An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the Scheme Manager to vary the date on which the person becomes an active member, to such other time as the Scheme Manager considers appropriate. [Regulation 12 (5)]</p>	Decision	<p>There is no rationale behind the Authority undertaking this discretion.</p> <p>An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised.</p> <p>This is recommended with advice from the pension administrator.</p>

Regulation	Recommendation	Comments
<p>3.0 Opting out after the first three months (Regulation 16)</p> <p>An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the Scheme Manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the Scheme Manager does consider appropriate. [Regulation 16(2) (b)]</p>	Decision	<p>There is no rationale behind the Authority undertaking this discretion.</p> <p>An optant-out will cease to be an active member of the Scheme with effect from the first day of the first pay period following the date on which the option is exercised.</p> <p>This is recommended with advice from the pension administrator.</p>
<p>4.0 Pensionable Pay (Regulation 17)</p> <p>The Scheme Manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17 (1) (d)]</p>	No action required	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>Continuing professional development (CPD) is treated as pensionable pay.</p>
<p>5.0 Active membership (Regulation 19)</p> <p>A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period (this Regulation links to Regulation 111(4) and subject to the member paying the appropriate contributions). [Regulation 19 (c)]</p>	Decision	<p>It is recommended this discretion is applied and during a period of unpaid authorised absence the Scheme Manager will determine on a case by case basis if the member is to be treated as active in the Scheme during that period. If this is permitted this will be subject to the member paying the appropriate contributions in order to be considered active in the Scheme.</p>

Regulation	Recommendation	Comments
		<p>On a case by case basis the Scheme Manager will determine whether the individual or the employer pays the employer contributions.</p> <p>For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).</p> <p>Any period where nil pay applies and an individual does not make good a deficit will be treated as a break for pension purpose and thus reduces a member's entitlement for pension benefit purposes.</p>
<p>6.0 Establishment of pension accounts: general (Regulation 28)</p> <p>The Scheme Manager must establish and maintain pension accounts for Scheme members, but they may be kept in such form as the Scheme Manager considers appropriate. [Regulation 28 (2)]</p>	To note	The Fire Authority should note that pension accounts for Scheme members will continue to be kept in accordance with Pension Regulations.
<p>7.0 Closure and re-establishment of active member's account (Regulation 37)</p>	To note	The pension administrator has confirmed this would be carried out as part of normal practice.

Regulation	Recommendation	Comments
<p>If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the Scheme Manager has discretion to choose. [Regulation 37 (3), (4) and (5)]</p>		
<p>8.0 Closure of deferred member's account after gap in pensionable service not exceeding five years (Regulation 49)</p> <p>If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the Scheme Manager must make the choice for them. [Regulation 49 (3) and (4)]</p>	To note	<p>The pension administrator has confirmed this would be carried out as part of normal practice.</p>
<p>9.0 Employer initiated retirement (Regulation 62)</p> <p>An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may</p>	Decision	<p>The Scheme Manager will not normally allow for immediate payment of retirement pension without the early payment reduction unless there are exceptional circumstance and on a case by case basis. This would be after a full</p>

Regulation	Recommendation	Comments
<p>only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62 (1) and (2)]</p>		<p>consideration of the business case stating a clear financial and organisational advantage to be gained by the Authority. This approach allows for consideration of this exit route in order for the organisation to have flexible exit strategies to support efficiencies in exceptional circumstances and where necessary.</p> <p>It is recommended that the Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis. Final approval will be via the Executive Committee based on the recommendations of the Chief Fire Officer/Chief Executive.</p>
<p>10.0 Exercise of partial retirement (Regulation 63)</p> <p>An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable</p>	Decision	<p>It is recommended that a partial retirement date most suitable for the Authority is agreed and appropriate notice periods applied, taking account of business requirements and on a case by case basis.</p>

Regulation	Recommendation	Comments
<p>service. The person concerned must give appropriate notice to the Scheme Manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63 (5)]</p>		<p>This will be part of the standard pension administration practice when a case of this nature arises.</p> <p>For information, The 2015 Firefighters’ Pension Scheme Regulations does not provide for abatement and therefore anyone retiring solely under the 2015 Scheme will not be subject to abatement.</p>
<p>11.0 Review of ill health award or early payment of retirement pension (Regulation 68)</p> <p>The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68 (1) and (2)]</p>	<p>To note</p>	<p>In an Independent Qualified Medical Practitioner (IQMP) assessment report a date will be specified when the case should be reviewed. Ill-health pension benefits will be subject to a review until such time as the pension has been in payment for a period of 10 years or the Scheme member reaches State Pension Age.</p>
<p>12.0 Consequences of review (Regulation 69)</p> <p>If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; the employer must consider whether or not to make an offer of re-</p>	<p>Decision</p>	<p>To provide for the maximum opportunity to reduce financial burden on the pension scheme it is recommended an offer of re-employment is made in circumstances where the individual is capable of undertaking the role from which the</p>

Regulation	Recommendation	Comments
employment. [Regulation 69 (3)]		<p>person retired on grounds of ill health.</p> <p>This will be determined on a case by case basis, depending on the current vacancy and resourcing position of the Authority, and as advised by the Director of Finance and Assets and Director of People and Organisational Development.</p>
<p>13.0 Commencement of pensions (Regulations 70)</p> <p>If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the Scheme Manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70 (7)]</p> <p>If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made. [Regulation 70 (8)]</p>	Decision	<p>The discretion in these cases is the date on which the pension payments commence. This will be agreed on a case by case basis where there are grounds to justify it and will be part of the standard pension administration practice.</p>
<p>14.0 Allocation election (Regulation 72)</p> <p>The Scheme Manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil</p>	Decision	<p>The discretion in these cases is to identify, at the time, if it is necessary to withhold consent. The Authority will determine this</p>

Regulation	Recommendation	Comments
partner or cohabiting partner of an active or deferred member (consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member). [Regulation 72 (3) (b) and (4)]		on a case by case basis and will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member.
<p>15.0 Adjustment of allocation benefit (Regulation 75)</p> <p>If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's Scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75 (1) and (2)]</p>	To note	The discretion in these cases is to review the allocation of the amount of allocated pension qualified as a dependant's scheme pension and this must be actioned on a case by case basis.
<p>16.0 Meaning of "surviving partner" (Regulation 76)</p> <p>A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76 (1) (b) (v) and (2)]</p>	Decision	It is recommended this discretion is agreed on a case by case basis, therefore providing flexibility for the Scheme Manager to view cases on personal circumstances, taking into account any exceptional circumstances.
<p>17.0 Person to whom lump sum death benefit payable (Regulation 95)</p> <p>The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]</p>	Decision	It is recommended this discretion is applied on a case by case basis and taken on payment of the death benefit.

Regulation	Recommendation	Comments
<p>18.0 Payment of pensions under Part 6 "Death Benefits" (Regulation 100)</p> <p>If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100 (2)]</p>	Decision	It is recommended this discretion is applied on a case by case basis and taken on payment of the death benefit.
<p>19.0 Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)</p> <p>A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). [Regulation 101 (2) and (3)]</p>	Decision	It is recommended this discretion is applied on a case by case basis and recovery of any payment made in respect of a pension where false declarations or deliberately suppressed facts have been identified in relation to payment of an award to surviving partners or eligible children.
<p>20.0 Provisional awards of eligible child's pensions: later adjustments (Regulation 102)</p> <p>If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no</p>	Decision	This discretion provides for adjustments when there are eligibility issues which are later determined after payment has been put in place for eligible children. This discretion will be applied on a case by case basis with full details of the circumstances required.

Regulation	Recommendation	Comments
<p>payment has been made, or that a child born after the member's death is an eligible child, the Scheme Manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). Regulation 102 (2) and (3)]</p>		
<p>21.0 Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)</p> <p>If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's Scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Scheme Manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. Regulation 104 (1) (a) and (2)]</p>	Decision	<p>This discretion is how the benefit is adjusted, so it must be completed on a case by case basis. Failure to do so would result in a breach of the Finance Act 2004.</p>
<p>22.0 Member contributions (Regulation 110)</p> <p>Where there is a change in Scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the Scheme Manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it</p>	To note	<p>This has been standard practice and contribution rates will be determined in line with Regulations and based on individual pensionable pay at the time of change. Contribution rates and any subsequent changes will be brought to the attention of Scheme members.</p> <p>This is in line with the agreed discretion in</p>

Regulation	Recommendation	Comments
<p>is to be applied. [Regulation 110 (5)]</p> <p>When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110 (7) (h)]</p>		<p>the Local Government Pension Scheme (LGPS).</p>
<p>23.0 Contributions during absence from work due to illness, trade dispute or authorised absence (Regulation 111)</p> <p>Where an active member is absent from Scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the Scheme employer may require that they should also pay employer contributions. [Regulation 111(2) (3) and (4)]</p>	<p>No action required</p>	<p>This discretion was agreed by the Fire Authority on 10 June 2015.</p> <p>For illness and injury and authorised unpaid absence the Authority agreed to delegate the authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.</p> <p>For trade disputes the Authority's policy applicable to the 1992 and 2006 Firefighters' Pension Schemes was applied to the 2015 Scheme. Members are required to pay the employers contributions in accordance with</p>

Regulation	Recommendation	Comments
		<p>Regulation 117(3) in all cases of active member pension buy back involving trade dispute(s).</p> <p>For all cases where regulations 111 paragraphs 2,3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).</p> <p>In addition to the agreed discretion, it is recommended an additional point of clarification is made in that any period where nil pay applies and an individual does not make good a deficient will be treated as a break for pension purpose and thus reduces a member's entitlement for pension benefit purposes.</p>
<p>24.0 Deduction and payment of contributions (Regulation 114)</p> <p>Member contributions due under Regulation 110 may be deducted by the Scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the Scheme Manager and</p>	Decision	<p>Where contributions are due the employer will calculate and agree an individual payment plan on a case by case basis.</p>

Regulation	Recommendation	Comments
<p>the member. [Regulation 114 (1)]</p> <p>Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulation 114 (2)]</p> <p>Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the Scheme Manager. [Regulation 114 (3)]</p>		
<p>25.0 Statement of entitlement (Regulation 135)</p> <p>The Scheme Manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement.</p> <p>The Scheme Manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the Scheme Manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135 (4)]</p>	Decision	<p>It is recommended this discretion is agreed on a case by case basis and only extended to within six months of the date of the member's application. This is an area the pension administrator will deal with on the Authority's behalf.</p>

Regulation	Recommendation	Comments
<p>26.0 Request for acceptance of a transfer payment (Regulation 141)</p> <p>There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The Scheme Manager has the discretion to extend this period. [Regulation 141 (3)]</p>	Decision	<p>It is recommended this discretion is not adopted and there is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension.</p> <p>The agreed discretion in the Local Government Pension Scheme is to extend the twelve months when exceptional circumstances apply, where employer consent would be required. The basis for allowing this in the LGPS would be different due to it being a funded Scheme.</p>
<p>27.0 Transfer statement (Regulation 142)</p> <p>The Scheme Manager can require an active member to ask the Scheme Manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142 (2)]</p>	To note	No decision required - statement for note.
<p>28.0 Club transfer value statement (Regulation 144)</p> <p>The Scheme Manager can require an active member to ask the Scheme Manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the</p>	To note	No decision required - statement for note.

Regulation	Recommendation	Comments
<p>member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144 (2)]</p>		
<p>29.0 Appeal concerning entries on the certificate (Regulation 148)</p> <p>If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146* they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148 (1)]</p> <p><i>*Regulation 146 identifies the requirements to be undertaken when calculating the amount of a transfer value or club transfer value</i></p>	To note	The Scheme Manager will follow the Internal Disputes Resolution Procedure.
<p>30.0 Determinations by the Scheme Manager (Regulation 151)</p> <p>It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]</p>	Decision	The determination for this Regulation requires the consideration to be on a case by case basis.
<p>31.0 Role of IQMP in determinations by the scheme manager (Regulation 152)</p>	Decision	This determination is currently in place for 1992 and 2006 Schemes.

Regulation	Recommendation	Comments
<p>The Scheme Manager must select an IQMP to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152 (1)]</p> <p>If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152 (7)]</p>		<p>The Scheme Manager will consider all medical evidence available to make a determination should a member wilfully or negligently fail to engage with the IQMP process.</p>
<p>32.0 Review of medical opinion (Regulation 153)</p> <p>Where a member requests a review of an IQMP's opinion in the light of new evidence received by the Scheme Manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion.</p> <p>Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.</p>	<p>Decision</p>	<p>It is recommended a determination is made on a case by case basis, in order to ensure all evidence is considered and to reduce the likelihood of a formal appeal where evidence is provided in line with the time frames in Regulation 153.</p>
<p>33.0 Notice of appeal (Regulation 155)</p> <p>If a member wishes to appeal against a determination made by the Scheme Manager and their grievance lies in the medical opinion upon which the determination was based, they can</p>	<p>Decision</p>	<p>It is recommended a determination is made on a case by case basis to minimise the necessity for appeal and with consideration that it may not be a member's fault.</p>

Regulation	Recommendation	Comments
<p>appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the Scheme Manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the Scheme Manager has a discretion to extend the time limit for such period as the Scheme Manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155 (2)]</p>		
<p>34.0 Reference of appeal to the board (Regulation 156 - See also Regulation 161)</p> <p>Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the Scheme Manager who must, in turn, send a copy of it to the Scheme member advising that if their appeal is unsuccessful, the member may be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or</p>	To note	<p>This is a statement of requirements and actions will be specific to each case as necessary.</p>

Regulation	Recommendation	Comments
withdraw, the appeal. [Regulation 156 (8) to (12)]		
<p>35.0 Procedure where appeal to be pursued (Regulation 157)</p> <p>The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157 (6) to (9)]</p>	To note	This is a statement of requirements and actions will be specific to each case as necessary.
<p>36.0 Expenses of each party (Regulation 161)</p> <p>If the medical appeal board determines in favour of the Scheme Manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the Scheme Manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (2)]</p> <p>If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers</p>	Decision	It is recommended this discretion is applied on a case by case basis. To not pursue some payment where a member has been unsuccessful at appeal could result in a high proportion of frivolous cases being submitted, resulting in increased costs to the Authority.

Regulation	Recommendation	Comments
<p>appropriate. [Regulation 161 (3) (a)]</p> <p>If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (b)]</p>		
<p>37.0 Appeals on other issues (Regulation 163)</p> <p>If a member disagrees with a Scheme Manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the Scheme Manager to deal with the disagreement under requirements which the Scheme Manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]</p>	To note	The Scheme Manager will follow the Internal Disputes Resolution Procedure.
<p>38.0 Commutation of small pensions (Regulation 167)</p> <p>If the pension entitlement of a member of the Scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the Scheme</p>	Decision	It is recommended this discretion is applied on a case by case basis. Having the ability to pay a one off lump sum offers the opportunity to reduce the ongoing pension administration costs of

Regulation	Recommendation	Comments
<p>Manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167 (3)]</p>		<p>maintaining a small annual pension.</p>
<p>39.0 Payments for persons incapable of managing their affairs (Regulation 168)</p> <p>If it appears to the Scheme Manager that a person other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the Scheme Manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the Scheme Manager may determine, to be applied for the benefit of the person entitled. If the Scheme Manager does not pay the benefits in this way, the Scheme Manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]</p>	<p>Decision</p>	<p>It is recommended this discretion is taken on payment of Scheme benefits on a case by case basis when a person, other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs.</p>
<p>40.0 Payments due in respect of deceased persons (Regulation 169)</p> <p>If, when a person dies, the total amount due to that person's personal representatives under the Scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the Scheme Manager can pay the whole or part of the amount due to the personal representatives or any person or persons</p>	<p>Decision</p>	<p>It is recommended this discretion is not applied and evidence is provided to ensure that all payments are correctly paid.</p>

Regulation	Recommendation	Comments
<p>appearing to the Scheme Manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]</p>		
<p>41.0 Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)</p> <p>If a member, surviving partner or eligible child is convicted of a relevant offence, the Scheme Manager can withhold pensions payable under the Scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171 (1) (2) (3) and (5)]</p> <p>Where a pension is withheld, the Scheme Manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171 (4)]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.</p>
<p>42.0 Forfeiture of pensions: offences committed by other persons (Regulation 172)</p> <p>If a surviving partner or eligible child is convicted of the murder</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis with full</p>

Regulation	Recommendation	Comments
<p>of a Scheme member from whose benefits their pension would be derived the Scheme Manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the Scheme Manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172 (1) to (5)]</p>		<p>details of the circumstances required.</p>
<p>43.0 Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)</p> <p>If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the Scheme Manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the Scheme Manager may, to such extent and for such duration as it thinks fit, restore to the</p>	<p>Decision</p>	<p>It is recommended this discretion is applied on a case by case basis with full details of the circumstances required.</p>

Regulation	Recommendation	Comments
<p>person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]</p>		
<p>44.0 Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)</p> <p>If a member has a relevant monetary obligation or has caused a relevant monetary loss, the Scheme Manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Scheme Manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis, thus enabling the recovery of funds where they meet the requirements of the Regulation.</p>
<p>45.0 Set-off (Regulation 175)</p> <p>A Scheme Manager has a discretion to set off a "relevant</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis, thus</p>

Regulation	Recommendation	Comments
<p>monetary obligation" against a member's entitlement to benefits under the Scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]</p>		<p>enabling the possible set-off of funds where they meet the requirements of the Regulation.</p>
<p>46.0 Payment on behalf of members of lifetime allowance charge (Regulation 178)</p> <p>At a Scheme member's request, the Scheme Manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Scheme Manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178]</p>	Decision	<p>It is recommended this discretion is applied on a case by case basis at the Scheme member's request. In this circumstance the Authority may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Authority will only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the Scheme at the same time as the event occurs.</p>
<p>47.0 Evidence of entitlement (Regulation 184)</p> <p>The Scheme Manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the Scheme to provide such supporting evidence as the Scheme Manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to</p>	Decision	<p>It is recommended this discretion is applied therefore providing the Scheme Manager with a course of action should a member fail to comply with a reasonable request.</p>

Regulation	Recommendation	Comments
<p>the payment of any amount under the Scheme.</p> <p>If a person fails to comply with the Scheme Manager's requirements in this respect, the Scheme Manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.</p>		
<p>48.0 Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)</p> <p>The total amount of accrued added pension must not exceed a certain limit. If it appears to the Scheme Manager that a member who has elected to make periodical contributions will exceed the limit the Scheme Manager may cancel the election (by written notice to the member). [Schedule 1 Part 1 Paragraph 4]</p>	Decision	It is recommended the Scheme Manager is permitted to assert its discretion to cancel member elections for periodic contributions. It is a requirement to ensure extra pension limits are not exceeded and this provides a mechanism to prevent that.
<p>49.0 Member's election to make periodical contributions for added pension (Schedule 1 Part 1, Paragraph 7)</p> <p>If a Scheme member wishes to make periodical payments for added pension, the Scheme Manager can set a minimum amount which must be paid. [Schedule 1 Part 1 Paragraph 7 (3)]</p>	Decision	It is recommended that if a member wishes to make a periodic payment for added pension a minimum payment of £50 per month is set. To set this amount any lower would cost too much to administer.
<p>50.0 Periodical payments (Schedule 1 Part 2, Paragraph 8)</p> <p>If a Scheme member wants to make periodical payments for</p>	Decision	It is recommended that if a member wishes to make periodic payment for added pension this payment must be deducted from pensionable pay. The

Regulation	Recommendation	Comments
<p>added pension, but does not want them to be deducted from pensionable pay, the Scheme Manager may agree another method of payment. [Schedule 1 Part 2 Paragraph 8 (3)]</p>		<p>administration of any alternative payment methods would result in increased administration burden for the Authority with no added benefit.</p>
<p>51.0 Periodical payments during periods of assumed pensionable pay (Schedule 1 Part 2, Paragraph 10)</p> <p>After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the Scheme Manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The Scheme Manager can extend this period of six months. [Schedule 1 Part 2 Paragraph 10 (4)]</p>	Decision	<p>It is recommended that this discretion is not applied. A clear end date for members to make payments is necessary and ensures a more streamlined administration process. However, in exceptional circumstance and where the payments would exceed £200 per month this six month period may be extended up to a maximum of twelve months.</p>
<p>52.0 Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)</p> <p>The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the Scheme Manager. [Schedule 2 Part 1</p>	Decision	<p>It is recommended this discretion is made at the time a member returns to pensionable service, subject to paragraph 9(5) or 21 applying.</p>

Regulation	Recommendation	Comments
Paragraph 3 (3); Schedule 2 Part 2 Paragraph 9 (5); and Schedule 2 Part 3 Paragraph 21]		

This page is left intentionally blank



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	1 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

To:	Document Type:	✓	Document Summary:
All members of the 2015 Firefighters' Pension Scheme.	Policy	✓	This policy statement outlines the fifty-two Scheme Manager Discretions for the Firefighters Pension Scheme (England) Regulations 2014 SI 2014/2848, effective from 1 April 2015.
	Assessment		
	Procedure		
	Guidance Note		
	Technical Note		
	Information		
	Safety Critical		

Keyword: Firefighters' Pension Discretion, Firefighters' Pension Scheme 2015, FPS 2015, Regulations 2014, illness and injury, trade dispute, authorised unpaid leave, CPD, pensionable pay

Please note that as Documents are frequently updated, if you print a document, its accuracy cannot be guaranteed, always check for latest version.

Document history:

- V1.0** First issued June 2015 following approval at the Fire Authority on 10 June 2015
- V2.0** Document reissued with a position made on all fifty-two discretions

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	2 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

Introduction

As Scheme Manager the Authority is responsible for delivery of the Firefighters' Pension Schemes.

The main Regulations (Statutory Instrument 2014 No.2848 Public Service Pensions) introduced a new Firefighters' Pension Scheme, effective from 1 April 2015 and was laid before Parliament on 28 October 2014.

This document lists the Scheme Manager pension discretions as contained in the Firefighters' Pension Scheme (England) Regulations 2014;
<http://www.legislation.gov.uk/uksi/2014/2848/contents/made>

The Firefighters' Pension Scheme Regulations 2014 set out fifty-two pension discretions available to the Authority to consider and within this document a position is made on all discretions applicable under the 2015 Firefighters' Pension Scheme. The three pension discretions within the Firefighters' Pension Scheme (England) Regulations 2014 which the Authority required an immediate position on where:

1. Delegation (Regulation 5)
2. Pensionable pay (Regulation 17)
3. Contributions during absence from work (Regulation 111)

The agreed position made in June 2015 has not been amended and the remaining discretions have been added to the pension discretions as applicable to the 2015 Firefighters' Pension Scheme.

Scope

This document is applicable to all members of the 2015 Firefighters' Pension Scheme.

Review

This document will be monitored by Human Resources; it will normally be reviewed every three years unless there is a need to review it earlier due to Legislation or Pension Regulation changes.

It is important that the reader refers to the most recent version of this document and does not print and store a copy for reference, which may be out of date.

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	3 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

The Firefighters’ Pension Scheme (England) Regulations 2014 Part 2: Power to Delegate

1.0 Delegation (Regulation 5)

The Scheme Manager must ensure that delegated powers are appropriate and current. [Regulation 5 (2)]

POLICY DECISION (*agreed June 2015*)

Under the current Scheme of Delegation to Officers (June 2013) the Chief Fire Officer has discretion from the Authority “within the approved budgets and policies, [to] exercise all matters of day-to-day administration and operational management of the services and functions”.

It is intended that discretions of that nature shall continue in relation to the 2015 Scheme as under the 1992 and 2006 Schemes unless expressly reserved to the Executive Committee or the Authority under existing or future adopted policy discretions.

The Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 2: Pensionable Service

2.0 Opting into this Scheme (Regulation 12)

An optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the Scheme Manager to vary the date on which the person becomes an active member, to such other time as the Scheme Manager considers appropriate. [Regulation 12 (5)]

POLICY DECISION

The Scheme Manager has resolved that an optant-in will become an active member of the Scheme with effect from the beginning of the first pay period following the date on which the option is exercised.

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	4 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

The Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 2: Pensionable Service

3.0 Opting out after the first three months (Regulation 16)

An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the Scheme Manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as the Scheme Manager does consider appropriate. [Regulation 16(2) (b)]

POLICY DECISION

The Scheme Manager has resolved that an optant-out will cease to be an active member of the Scheme with effect from the first day of the first pay period following the date on which the option is exercised.

Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 3: Pensionable Pay

4.0 Pensionable Pay (Regulation 17)

The Scheme Manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17 (1) (d)]

POLICY DECISION *(agreed June 2015)*

Continuing professional development (CPD) will be treated as pensionable pay.

Eligibility for CPD payments, administration arrangements, application processes, assessment criteria and review at appraisal are outlined in the Authority’s Continuing Professional Development (CPD) Procedure.

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	5 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 3 Chapter 4:
Membership**

5.0 Active membership (Regulation 19)

A person who is on unpaid authorised absence can count the period as active membership if the Scheme Manager permits them to be treated as an active member during that period (this Regulation links to Regulation 111(4) and subject to the member paying the appropriate contributions). [Regulation 19 (c)]

POLICY DECISION

During a period of unpaid authorised absence the Scheme Manager will determine on a case by case basis if the member is to be treated as active in the Scheme during that period, if this is permitted this will be subject to the member paying the appropriate contributions in order to be considered active in the Scheme.

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 4 Chapter 4:
Pension Accounts: General**

6.0 Establishment of pension accounts: general (Regulation 28)

The Scheme Manager must establish and maintain pension accounts for Scheme members, but they may be kept in such form as the Scheme Manager considers appropriate. [Regulation 28 (2)]

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	6 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

POLICY DECISION

The Scheme Manager has resolved to ensure that pension accounts for Scheme members are kept in accordance with Pension Regulations.

Firefighters' Pension Scheme (England) Regulations 2014 Part 4 Chapter 5

7.0 Closure and re-establishment of active member's account (Regulation 37)

If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the Scheme Manager has discretion to choose. [Regulation 37 (3), (4) and (5)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice.

Firefighters' Pension Scheme (England) Regulations 2014 Part 4 Chapter 7

8.0 Closure of deferred member's account after gap in pensionable service not exceeding five years (Regulation 49)

If a deferred member re-enters pensionable employment after a gap of five years or less, the Scheme Manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment - which one should close. If they fail to make a selection, the Scheme Manager must make the choice for them. [Regulation 49 (3) and (4)]

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	7 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

POLICY DECISION

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice.

Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 2: Retirement Benefits

9.0 Employer initiated retirement (Regulation 62)

An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62 (1) and (2)]

POLICY DECISION

The Scheme Manager has resolved to not normally allow for immediate payment of retirement pension without the early payment reduction unless there are exceptional circumstance and on a case by case basis.

This would be after a full consideration of the business case stating a clear financial and organisational advantage to be gained by the Authority. This approach allows for consideration of this exit route in order for the organisation to have flexible exit strategies to support efficiencies in exceptional circumstances and where necessary.

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis. Final approval will be via the Executive Committee based on the recommendations of the Chief Fire Officer/Chief Executive.

Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 3:

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	8 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

Partial retirement benefits

10.0 Exercise of partial retirement option (Regulation 63)

An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the Scheme Manager and the partial retirement option is taken to be exercised on a date agreed between the member and the Scheme Manager. [Regulation 63 (5)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice and the employer will agree a partial retirement date most suitable for the Authority, taking account of business requirements and on a case by case basis in line with Regulation 63.

Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 4 III: Health benefits

11.0 Review of ill health award or early payment of retirement pension (Regulation 68)

The Scheme Manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68 (1) and (2)]

POLICY DECISION

The Scheme Manager has resolved to determine, in line with Regulation 68, ill-health awards are reviewed as detailed within the Independent Qualified Medical Practitioner (IQMP) ill-health report for the member.

Ill-health pension benefits will be subject to a review until such time as the pension has been in payment for a period of 10 years or the Scheme member reaches State Pension

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	9 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

Age.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 4:
Ill-Health benefits**

12.0 Consequences of review (Regulation 69)

If, following the review of a lower tier ill-health pension under Regulation 68, the Scheme Manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health; the employer must consider whether or not to make an offer of re-employment. [Regulation 69 (3)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion subject to the individual being capable of undertaking the role, on a case by case basis and as advised by the Director of Finance and Assets and Director of People and Organisational Development.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 5:
Payment of retirement benefits**

13.0 Commencement of pensions (Regulations 70)

If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the Scheme Manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70 (7)]

If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the Scheme Manager will decide the payment date after the claim for payment has been made. [Regulation 70 (8)]

POLICY DECISION

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	10 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

The Scheme Manager has resolved to assert this discretion as part of the standard pension administration practice and delegates the action to the employer to agree the date of payment on a case by case basis in line with Regulation 70.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 6:
Allocation of part of pension**

14.0 Allocation election (Regulation 72)

The Scheme Manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member (consent can be withheld if the Scheme Manager is not satisfied that the person nominated is not substantially dependent of the active member). [Regulation 72 (3) (b) and (4)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis and will withhold the payment if they cannot be satisfied that the person nominated is substantially dependent on the member.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 5 Chapter 6:
Allocation of part of pension**

15.0 Adjustment of allocation benefit (Regulation 75)

If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's Scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the Scheme Manager. [Regulation 75 (1) and (2)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 1:

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	11 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

Interpretation

16.0 Meaning of "surviving partner" (Regulation 76)

A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The Scheme Manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76 (1) (b) (v) and (2)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis therefore providing flexibility for the Scheme Manager to view cases on personal circumstances, taking into account any exceptional circumstances.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 4:
Lump sum death benefits**

17.0 Person to whom lump sum death benefit payable (Regulation 95)

The Scheme Manager has absolute discretion as to the recipient of any lump sum death benefit payable. [Regulation 95]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis and taken on payment of the death benefit.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5:
Payment of death benefits**

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	12 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

18.0 Payment of pensions under Part 6 "Death Benefits" (Regulation 100)

If a child's pension is due in respect of an eligible child under age 18, the Scheme Manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit. [Regulation 100 (2)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis and taken on payment of the death benefit.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5:
Payment of death benefits**

19.0 Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101)

A Scheme Manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the Scheme Manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). [Regulation 101 (2) and (3)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis and recovery of any payment made in respect of a pension where false declarations or deliberately suppressed facts have been identified in relation to payment of an award to surviving partners or eligible children.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5:
Payment of death benefits**

20.0 Provisional awards of eligible child's pensions: later adjustments

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	13 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

(Regulation 102)

If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the Scheme Manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively (this does not affect the Scheme Manager's right to recover a payment or overpayment under any other provision where the Scheme Manager considers it appropriate to do so). Regulation 102 (2) and (3)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

Firefighters' Pension Scheme (England) Regulations 2014 Part 6 Chapter 5: Payment of death benefits

21.0 Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104)

If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's Scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules), the Scheme Manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act. Regulation 104 (1) (a) and (2)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1: Member Contributions

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	14 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

22.0 Member contributions (Regulation 110)

Where there is a change in Scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the Scheme Manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied. [Regulation 110 (5)]

When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the Scheme Manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110 (7) (h)]

POLICY DECISION

The Scheme Manager has resolved to re-determine contribution rates during the course of the year, taking account of changes in Scheme employment or material changes that affect pensionable pay.

Contribution rates and any subsequent changes will be brought to the attention of all members and will be published on the Authority's intranet. Pay slips will also show the individual contribution rate in payment at each pay period.

The Scheme Manager has resolved to determine any additional circumstances where a reduction in pensionable pay will be disregarded and this will be dealt with on a case by case basis in line with Regulation 110.

Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1: Member Contributions

23.0 Contributions during absence from work due to illness, trade dispute or authorised absence (Regulation 111)

Where an active member is absent from Scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the Scheme employer may require that they should also pay employer contributions.

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	15 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

[Regulation 111(2) (3) and (4)]

POLICY DECISION (agreed June 2015)

Illness and injury (Regulation 111(2))

For periods of absence due to illness and injury where the active Scheme member is not entitled to receive pensionable pay, the employee may pay member contributions in accordance with regulation 111(2).

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

Trade dispute (Regulation 111(3))

For periods of absence from Scheme employment by an active Scheme member on a trade dispute, the member may elect to pay member contributions in accordance with Regulation 111(3).

The Authority's current policy applicable to the existing 1992 and 2006 Firefighters' pension Schemes will also be applied to the 2015 Scheme. Members will be required to pay the employers contributions in accordance with Regulation 117(3) in all cases of active member pension buy back involving trade dispute(s).

Authorised unpaid absence (Regulation 111(4))

For periods of authorised unpaid absence where the active Scheme member is not entitled to receive pensionable pay, the employee may pay member contributions in accordance with Regulation 111(4).

The Authority agrees to delegate authority to the Chief Fire Officer/Chief Executive as advised by the Director of Finance and Assets and Director of People and Organisational Development to consider each case on an individual basis to determine whether the individual or the employer pay the employer contributions.

For all cases where Regulations 111 paragraphs 2, 3 or 4 apply contributions must be paid before the end of six months from the date on which the employee is treated as receiving assumed pensionable pay Regulation 111(5).

Firefighters' Pension Scheme (England) Regulations 2014 Part 8 Chapter 1:

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	16 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

Member Contributions

24.0 Deduction and payment of contributions (Regulation 114)

Member contributions due under Regulation 110 may be deducted by the Scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the Scheme Manager and the member. [Regulation 114 (1)]

Contributions due in respect of absence from work on reserve forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulation 114 (2)]

Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the Scheme Manager. [Regulation 114 (3)]

POLICY DECISION

The Scheme Manager has resolved to arrange for payment of pension contributions under Regulations 110,111,113 on a case by case basis.

Firefighters' Pension Scheme (England) Regulations 2014 Part 10 Chapter 2: Transfers out

25.0 Statement of entitlement (Regulation 135)

The Scheme Manager must specify in a statement of entitlement the "guarantee date" date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement.

The Scheme Manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the Scheme Manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135 (4)]

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	17 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

POLICY DECISION

The Scheme Manager asserts the discretion to extend the “guarantee date” to within six months of the member’s application, on a case by cases basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3:
Transfers in**

26.0 Request for acceptance of a transfer payment (Regulation 141)

There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The Scheme Manager has the discretion to extend this period. [Regulation 141 (3)]

POLICY DECISION

The Scheme Manager has resolved not to extend the twelve month deadline.

**27.0 Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3:
Transfers in**

27.0 Transfer statement (Regulation 142)

The Scheme Manager can require an active member to ask the Scheme Manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 142 (2)]

POLICY DECISION

The Scheme Manager notes this discretion.

**28.0 Firefighters’ Pension Scheme (England) Regulations 2014 Part 10 Chapter 3:
Transfers in**

Club transfer value statement (Regulation 144)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	18 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

The Scheme Manager can require an active member to ask the Scheme Manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144 (2)]

POLICY DECISION

The Scheme Manager notes this discretion.

Firefighters' Pension Scheme (England) Regulations 2014, Part 10, Chapter 4: Transfer of pension account entries to another Scheme Manager

29.0 Appeal concerning entries on the certificate (Regulation 148)

If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146* they can require the Scheme Manager to deal with their disagreement under arrangements implemented by the Scheme Manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The Scheme Manager must have these arrangements in place. [Regulation 148 (1)]

**Regulation 146 identifies the requirements to be undertaken when calculating the amount of a transfer value or club transfer value*

POLICY DECISION

The Scheme Manager has resolved to follow the Internal Disputes Resolution Procedure.

Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 1: Independent Qualified Medical Practitioner (IQMP)

30.0 Determinations by the Scheme Manager (Regulation 151)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	19 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

It is the Scheme Manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151]

POLICY DECISION

The Scheme Manager has resolved to consider each entitlement on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 1:
Independent Qualified Medical Practitioner (IQMP)**

31.0 Role of IQMP in determinations by the Scheme Manager (Regulation 152)

The Scheme Manager must select an IQMP to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152 (1)]

If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Scheme Manager can make the determination based on such medical evidence as the Scheme Manager thinks fit, or without medical evidence. [Regulation 152 (7)]

POLICY DECISION

The Scheme Manager has resolved to appoint an IQMP to provide a written opinion in line with Regulation 152

The Scheme Manager has resolved to consider all medical evidence available to make a determination, if a person wilfully or negligently fails to submit to a medical examination by the selected IQMP and the IQMP is unable to provide an opinion, based on the medical evidence available.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 1:
Independent Qualified Medical Practitioner (IQMP)**

32.0 Review of medical opinion (Regulation 153)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	20 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

Where a member requests a review of an IQMP's opinion in the light of new evidence received by the Scheme Manager within 28 days of the member having received the opinion, the Scheme Manager may agree to giving the IQMP the opportunity of reviewing the opinion.

Upon receiving the IQMP's response the Scheme Manager must confirm or revise its original determination and advise the member accordingly.

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis, in order to ensure all evidence is considered and to reduce the likelihood of a formal appeal where evidence is provided in line with the time frames in Regulation 153.

Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2: Appeals to Board of Medical Referees

33.0 Notice of appeal (Regulation 155)

If a member wishes to appeal against a determination made by the Scheme Manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154(4). If the appeal is not made within this time limit and the Scheme Manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the Scheme Manager has a discretion to extend the time limit for such period as the Scheme Manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied. [Regulation 155 (2)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis, taking consideration of the failure to give notice within the required period not being

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	21 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

due to the person's own fault

**Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2:
Appeals to Board of Medical Referees**

34.0 Reference of appeal to the board (Regulation 156 - See also Regulation 161)

Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the Scheme Manager who must, in turn, send a copy of it to the Scheme member advising that if their appeal is unsuccessful, the member may be required to pay the Scheme Manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156 (8) to (12)]

POLICY DECISION

The Scheme Manager notes their responsibilities under this Regulation.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 12 Chapter 2:
Appeals to Board of Medical Referees**

35.0 Procedure where appeal to be pursued (Regulation 157)

The Scheme Manager must decide which persons will attend the interview as its representatives. The Scheme Manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157 (6) to (9)]

POLICY DECISION

The Scheme Manager notes their responsibilities under this Regulation and will determine which persons attend the interview and the nature of any written evidence or

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	22 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

statement on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 2:
Appeals to Board of Medical Referees**

36.0 Expenses of each party (Regulation 161)

If the medical appeal board determines in favour of the Scheme Manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the Scheme Manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (2)]

If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (a)]

If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the Scheme Manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the Scheme Manager considers appropriate. [Regulation 161 (3) (b)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 12 Chapter 3:
Appeals on other issues**

37.0 Appeals on other issues (Regulation 163)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	23 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

If a member disagrees with a Scheme Manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the Scheme Manager to deal with the disagreement under requirements which the Scheme Manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. [Regulation 163]

POLICY DECISION

The Scheme Manager has resolved to follow the Internal Disputes Resolution Procedure.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:
Payment of pensions**

38.0 Commutation of small pensions (Regulation 167)

If the pension entitlement of a member of the Scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the Scheme Manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167 (3)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:
Payment of pensions**

39.0 Payments for persons incapable of managing their affairs (Regulation 168)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	24 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

If it appears to the Scheme Manager that a person other than an eligible child who is entitled to benefits under the Scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the Scheme Manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the Scheme Manager may determine, to be applied for the benefit of the person entitled. If the Scheme Manager does not pay the benefits in this way, the Scheme Manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 1:
Payment of pensions**

40.0 Payments due in respect of deceased persons (Regulation 169)

If, when a person dies, the total amount due to that person's personal representatives under the Scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the Scheme Manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the Scheme Manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169]

POLICY DECISION

The Scheme Manager has resolved not to assert this discretion and requires the production of grant of probate or letters of administration in order to pay monies due.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:
Forfeiture**

41.0 Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171)

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	25 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

If a member, surviving partner or eligible child is convicted of a relevant offence, the Scheme Manager can withhold pensions payable under the Scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld. [Regulation 171 (1) (2) (3) and (5)]

Where a pension is withheld, the Scheme Manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171 (4)]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2: Forfeiture

42.0 Forfeiture of pensions: offences committed by other persons (Regulation 172)

If a surviving partner or eligible child is convicted of the murder of a Scheme member from whose benefits their pension would be derived the Scheme Manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the Scheme Manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172 (1) to (5)]

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	26 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:
Forfeiture**

43.0 Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173)

If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the Scheme Manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the Scheme Manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173]

POLICY DECISION)

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters’ Pension Scheme (England) Regulations 2014 Part13 Chapter 2:
Forfeiture**

44.0 Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174)

If a member has a relevant monetary obligation or has caused a relevant monetary loss, the Scheme Manager may, to such extent and for such duration as it considers

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	27 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the Scheme Manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis with full details of the circumstances required.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 2:
Forfeiture**

45.0 Set-off (Regulation 175)

A Scheme Manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the Scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 3:
Payment and deduction of tax**

46.0 Payment on behalf of members of lifetime allowance charge (Regulation 178)

At a Scheme member's request, the Scheme Manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	28 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

of the Finance Act 2004. The Scheme Manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.
[Regulation 178]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion on a case by case basis at the Scheme member's request. In this circumstance the Authority may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The Authority will only comply with the request if the member pays the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the Scheme at the same time as the event occurs.

**Firefighters' Pension Scheme (England) Regulations 2014 Part 13 Chapter 4:
General**

47.0 Evidence of entitlement (Regulation 184)

The Scheme Manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the Scheme to provide such supporting evidence as the Scheme Manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the Scheme.

If a person fails to comply with the Scheme Manager's requirements in this respect, the Scheme Manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.

POLICY DECISION

The Scheme Manager has resolved to assert this discretion and will withhold the whole or part of any amount that it otherwise considers to be payable under the Scheme should a member fail to comply with a reasonable request.

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	29 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

**Firefighters’ Pension Scheme (England) Regulations 2014, SCHEDULE 1
Payments for added pension, PART 1 Interpretation**

48.0 Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1 Part 1, Paragraph 4)

The total amount of accrued added pension must not exceed a certain limit. If it appears to the Scheme Manager that a member who has elected to make periodical contributions will exceed the limit the Scheme Manager may cancel the election (by written notice to the member). [Schedule 1 Part 1 Paragraph 4]

POLICY DECISION

The Scheme Manager has resolved to assert its discretion to cancel member elections for periodical contributions should they exceed the overall limit of extra pension.

**Firefighters’ Pension Scheme (England) Regulations 2014 SCHEDULE 1
Payments for added pension, PART 2, Chapter 1, Exercising the added pension election**

49.0 Member’s election to make periodical contributions for added pension (Schedule 1 Part 2, Chapter 1 Paragraph 7)

If a Scheme member wishes to make periodical payments for added pension, the Scheme Manager can set a minimum amount which must be paid. [Schedule 1 Part 1 Paragraph 7 (3)]

POLICY DECISION

The Scheme Manager has resolved that if a Scheme member wishes to make a periodical payment for added pension the minimum amount which must be paid is £50 per month.

**Firefighters’ Pension Scheme (England) Regulations 2014, SCHEDULE 1
payments for added pension, PART 2, Chapter 2, Periodical payments for added pension**

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	30 of 31

Policy Statement:

**Scheme Manager Pension Discretions
(FPS 2015)**

50.0 Periodical payments (Schedule 1 Part 2, Paragraph 8)

If a Scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the Scheme Manager may agree another method of payment. [Schedule 1 Part 2 Paragraph 8 (3)]

POLICY DECISION

The Scheme Manager has resolved that if a Scheme member wishes to make a periodical payment for added pension the payment must be deducted from pensionable pay.

**Firefighters’ Pension Scheme (England) Regulations 2014, SCHEDULE 1
Payments for added pension, PART 2, Chapter 2, Periodical payments for
added pension**

**51.0 Periodical payments during periods of assumed pensionable pay
(Schedule 1 Part 2, Paragraph 10)**

After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the Scheme Manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The Scheme Manager can extend this period of six months. [Schedule 1 Part 2 Paragraph 10 (4)]

POLICY DECISION

The Scheme Manager has resolved not to assert this discretion, however in exceptional circumstances and where payments would exceeds £200 per month, the six month period may be extended up to a maximum of twelve months.

**Firefighters’ Pension Scheme (England) Regulations 2014 SCHEDULE 2
Transitional provisions, PART 1, General**

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		



Information Asset Owner:	Director of People & Organisational Development
Protective Marking:	
Page :	31 of 31

Policy Statement:

Scheme Manager Pension Discretions (FPS 2015)

52.0 Meaning of "tapered protection closing date" (Schedule 2 Part 1, Paragraph 3)

The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the Scheme Manager. [Schedule 2 Part 1 Paragraph 3 (3); Schedule 2 Part 2 Paragraph 9 (5); and Schedule 2 Part 3 Paragraph 21]

POLICY DECISION

The Scheme Manager has resolved to assert this discretion and will determine the taper protection date for FPS 2006 members returning to pensionable service, subject to paragraph 9(5) or 21 applying.

Draft

Version:	2.0	Status of document:	Draft
Author:	Human Resources		
Issue Date:	TBC	Review Date:	TBC
File Name	Scheme Manager Pension Discretions (FPS 2015)		

This page is left intentionally blank