

PENSION FUND COMMITTEE

MINUTES of the meeting held on Friday, 12 November 2021 commencing at 10.00 am and finishing at 10.35 am

Present:

Voting Members: Councillor Bob Johnston – in the Chair

Councillor Kevin Bulmer (Deputy Chair)
Councillor Imade Edosomwan
Councillor Nick Field-Johnson

Non-Voting Members: Steve Moran (Scheme Member Rep (Remotely attended) and Alistair Fitt (Brookes University Representative) (Remotely attended)

By Invitation: Grahame Mitchell (Deputy Chief Fire Officer)

Officers: Sean Collins (Finance), Rachael Salsbury (Remotely attended) (Finance), Sukdave Ghuman and Khalid Ahmed (Law and Governance)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

49/21 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

An apology for absence was received from District Councillor Jo Robb.

50/21 AGE DISCRIMINATION CASES IN THE FIREFIGHTERS PENSION SCHEME

(Agenda No. 4)

The Service Manager for Pensions reminded Members that at the June meeting of this Committee, it was reported that there had been a number of legal challenges to Fire and Rescue Authorities across the Country, supported by the Fire Brigades Union (FBU) in respect of the failure of the authorities to address the age discrimination resulting from the Government's changes to the firefighters' pension schemes.

In the June report, a number of complex issues were set out involved in addressing the discrimination in advance of the Government passing new legislation. Reference was made to the Local Government Association (LGA) and the Fire Brigade Union (FBU) who were working to develop a framework which would enable decisions to be made in advance of the new legislation.

The Committee was informed that the LGA and FBU had published a joint letter and a Memorandum of Understanding and Framework, which set out the agreed way forward until the implementation of new legislation. Each Fire and Rescue Authority had been invited to consider the documentation and adopt the Framework.

The FBU had confirmed that they would not support any further legal action against any Authority who had adopted and adhered to the Framework. The LGA had recommended that all authorities adopt the Framework to mitigate any legal challenge as it was likely that the FBU would win any legal challenge.

Members were informed that because payments were being made outside the change of legislation, there were a number of areas where compensation was being paid rather than pension. These payments were not funded through the pension fund which meant these payments may not be retrieved from the Government. In addition, where lump sums were increased more than 12 months after the initial payment, these payments would be deemed to be unauthorised payments as they would be outside the regulatory framework.

HRMC had issued a consultation paper on how they were going to resolve this issue of unauthorised payments from 6 April 2022, the start of the new tax year. The issue here was regarding a number of payments before this date.

Grahame Mitchell, Deputy Chief Fire Officer, informed the Committee that he had just attended the National Fire Chiefs Council meeting which discussed unauthorised payments. Members were informed that there were two issues. This was an informal framework and was not Government policy and compensation was not paid on items which were not Government policy. Secondly, in relation to unauthorised payments, it was recommended that any pension scheme manager should look to adopt an interim position whilst the matter was discussed further with Government.

Members were informed that the Oxfordshire Fire Service agreed in principle with the ethos of the framework but would want to fully understand the financial risks involved in making unauthorised payments.

Discussion took place on the information reported and it was agreed that the Committee should adopt the framework in principle and agree a final implementation date once the financial implications were clear.

RESOLVED - The Committee noted the latest legal position on the age discrimination cases in the firefighters' pension schemes and agreed in principle to adopt the Immediate Detriment Framework as published by the Local Government Association and Fire Brigades Union.

..... in the Chair

Date of signing

