



## **ACTIONS AND AGREEMENTS**

**Thursday 9 January 2020**

18 Smith Square, Westminster, London SW1P 3HZ

### **PRESENT**

Cllr Nikki Hennessy	Scheme Employer Representative (LGA)
Roger Hirst	Scheme Employer Representative (LGA)
Cllr Roger Phillips	Scheme Employer Representative (LGA)
Tristan Ashby	Scheme Member Representative (FRSA)
Brian Hooper	Scheme Member Representative (FBU)
Matt Lamb	Scheme Member Representative (FBU)
Glyn Morgan	Scheme Member Representative (FOA)
Des Prichard	Scheme Member Representative (FLA)
Sean Starbuck	Scheme Member Representative (FBU)

Jane Marshall	Legal Adviser
Helen Scargill	Technical Adviser
Craig Moran	First Actuarial
James Allen	First Actuarial
Amar Pannu	Home Office
Anthony Mooney	Home Office
Claire McGow	SPPA (observer)

Clair Alcock	LGA – Chair (substitute)
Claire Hey	LGA – Board secretariat (Minutes)

### **1. Apologies**

1.1 Apologies were received from Malcolm Eastwood, Cllr Nick Chard, Cllr Roger Price, Cllr Ian Stephens, and Dave Limer.

1.2 Clair Alcock (CA) chaired the meeting, as agreed with the Home Office, due to Malcolm Eastwood's unexpected ill-health absence. Nominations for a vice-chair were sought by email before the meeting, to cover any future unexpected absence and any gap between the current chair's term ending on 31 March 2020 and the appointment of a new chair.

1.3 Board members were asked to vote using the Slido app for one of three nominated candidates: Matt Lamb, Des Prichard, Cllr Roger Phillips.

## 2. Changes to membership

2.1 A vacancy remains for an employer representative from the Labour group to replace Fiona Twycross. A nomination has been requested from the group office and will be chased up by the secretariat.

2.2 Dave Limer has tendered his resignation and FBU will nominate a replacement.

## 3. Conflict of interest

3.1 All Board members completed a standard conflict of interest form. No interests were declared.

## 4. Minutes from previous meeting

4.1 The minutes of the meeting held on 3 October 2019<sup>1</sup> were agreed as an accurate record.

4.2 Sean Starbuck (SS) queried the status of the guidance on pensionable pay [Item 14.03.2019(10) of the action summary<sup>2</sup>] as he believes there continues to be some inconsistency in application at FRAs, either by lack of understanding or not following guidance, which might lead to IDRs if decisions are being made incorrectly. Jane Marshall (JM) confirmed that she has been commissioned by some FRAs to provide independent guidance on their specific duty systems and payments, but there is difficulty in providing central advice from the Board as each FRA operates different contractual arrangements.

4.3 CA explained that a factsheet<sup>3</sup> was issued following the Booth v MAWW High Court judgment outlining considerations for FRAs and a pensionable pay workshop took place in July 2019. This was followed by a working group meeting in September to consider written legal advice received on retrospective corrective action.

4.4 JM reiterated that it is not possible to issue definitive blanket guidance on pay elements. However, information on rectification and limitation could be provided.

<b>Action 09.01.2020(4) – Added to action 14.03.2019(10)</b>
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Subset of Board to determine pensionable pay issues and publish central guidance on principles and rectification.
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4.5 Claire Hey (CH) sought agreement from the Board that item 04.10.2018(5) on the establishment of an ill-health working group to consider the certificates and guidance be further postponed until more information on remedy is known. Cllr Roger Phillips (RP) agreed that it would be sensible to postpone and this was the consensus of the group. SS agreed, providing that this would not affect imminent cases being dealt with under the interim order.

<sup>1</sup> <http://www.fpsboard.org/images/PDF/Meetings/03102019/SAB-minutes-031019.pdf>

<sup>2</sup> <http://www.fpsboard.org/images/PDF/Meetings/03102019/Actions031019.pdf>

<sup>3</sup> <http://fpsregs.org/images/admin/Penpayv1.pdf>

4.6 CH confirmed that draft IDR guidance is in progress [Item 13.06.2019(8)] and asked the board whether they are happy to agree the guidance by email once circulated or wait until the March meeting to sign off. SS suggested that the draft is circulated by email for comment and ratified in March.

4.7 The Board agreed in October that a working group be convened to develop proposals for flexibility within the scheme to allow members to better manage their tax liabilities [Item 03.10.2019(6)]. While it was agreed that considerations on tax was a separate work stream from the remedy proposals for Sargeant, clarity on remedy would be useful for considering proposals. CH therefore asked whether this item should also be postponed.

4.8 Des Prichard (DP) stated that this group should be convened as soon as possible to discuss what flexibilities could be made available as this can be dealt with outside of remedy. Glyn Morgan (GM) agreed as concerns are long standing and will not be mitigated unless options are investigated. CA deferred further discussion to agenda item 8.

## **5. Chair's update**

5.1 No update was provided in Malcolm Eastwood's absence.

## **6. Scheme Advisory Board: April 2020 to March 2024 (Paper 1<sup>4</sup>)**

6.1 A paper was distributed to members for agreement on Board processes from 1 April 2020. CA explained that opportunity would be taken to review the current arrangements and whether any changes are needed to administrative processes in line with the chair term ending on 31 March.

6.2 Views were sought on the re-procurement for paid advisers (legal and actuarial) for a four year period. RP expressed support for the value that the advisers add to the Board. SS confirmed that FBU are also supportive and asked whether any detail around funding should have been included. CA advised that this forms part of the budget submission to the minister.

6.3 DP asked whether the technical group chair is a rolling appointment and therefore the practitioner adviser to the Board could be replaced. Helen Scargill (HS) confirmed that this is possible, but at the last vote there were no other nominees. The next vote will take place in 2021. DP commented that the Board have greatly benefitted from HS' knowledge and expertise.

6.4 CA asked Board members to consider whether the three committees<sup>5</sup> should continue in line with the next Board term and whether membership of the committees should be reviewed from 1 April 2020, in particular the balance of SAB members on each.

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<sup>4</sup> <http://www.fpsboard.org/images/PDF/Meetings/09012020/SAB-Item-6-090120.pdf>

<sup>5</sup> <http://www.fpsboard.org/index.php/board-committees>

- 6.5 SS commented that the committees work well as any decision comes back to full SAB for agreement, and there is no conflict within the current arrangements despite the imbalance. RP said that there is merit in balance, however, there is difficulty filling the employer representative vacancies. RP noted that the value of the committees is the opportunity to get into detail on issues, while membership can also increase knowledge. A close link to the SAB is needed to ensure common goals.
- 6.6 Roger Hirst (RH) asked whether the committees have terms of reference. CA explained that the membership and broad remit of these committees along with the minutes from these meetings are available on the [Board Committees](#) page of the website.
- 6.7 SS stated he would be comfortable to increase the balance, especially if it may improve Board members' knowledge and understanding. GM added that the committees should ideally have balanced representation, but this should not prevent them from functioning otherwise. CA agreed to pick up with employer representatives outside the meeting to discuss nominations.
- 6.8 CA proposed within the paper that the budget committee and adviser selection committees formed following the meeting on 30 November 2016<sup>6</sup> should be merged to form one joint panel to agree procurement of services. Nominations were requested from the Board for two employee and two employer representatives. CA highlighted that all panel business is dealt with by email or phone.
- 6.9 Nominations were received from Cllr Roger Phillips, Cllr Nikki Hennessey, Sean Starbuck, and Glyn Morgan, which were agreed by the board.

## **7. Sargeant – verbal update**

- 7.1 Amar Pannu (AP) explained that an interim declaration order was issued following the case management preliminary hearing which states that claimants are entitled to be treated as if they had remained a member of FPS 1992. A factsheet was issued via the LGA and wider work is now being undertaken around contribution rates and regulation changes.
- 7.2 The next step is for technical discussions to get informal views on government thinking. A paper on high level proposals is due from HM Treasury at the end of January. The discussions will consider whether the proposals work for FPS and whether any considerations have been excluded. It is expected that this stage will take around two and a half months and will be followed by formal consultation.
- 7.3 AP confirmed that discussions had taken place with administrators and software suppliers to understand the practicalities of applying remedy for claimants and ensuring equal treatment for non-claimants.

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<sup>6</sup> <http://www.fpsboard.org/images/PDF/Meetings/30112016/Minutes30112016.pdf>

- 7.4 SS highlighted that FBU want to ensure that immediate cases for both claimants and non-claimants are dealt with, without further delay. SS added that the interim declaration gives members eligibility immediately and further delay may generate additional compensation and injury to feelings claims..
- 7.5 HS supported the need for prompt guidance, as the current situation is causing uncertainty for administrators around payment of benefits. GM added that while technical discussions are planned, there is a lack of clarity and consistency in how cases should be treated. Anthony Mooney (AM) confirmed that ill-health is being treated as a priority, however, there are complex issues to consider around contribution rates, added pension, and tax. AM added that all public service schemes are working together, but FPS is more complicated than others.
- 7.6 CA agreed that the Board wanted to support the request for guidance to ensure that administrators and employers had the necessary information, and that in order to do that the Board should consider what information they would want to understand quantum to make the business case with the necessary parties.
- 7.7 SS pointed out that the FBU did not accept that claimants and non-claimants should be treated differently. JM explained that she had received a letter shortly before the meeting from the union's legal representative, Ivan Walker. CA explained that the timing of the letter meant that it had not yet been shared with the full SAB and therefore the Board were unable to comment, however this will form part of the technical discussions and the Board may wish to take legal advice as part of their response.
- 7.8 SS commented that there appears to be some confusion on how claimants and non-claimants should be treated, leading to member reports that there will be different timescales for different cohorts which is considered unacceptable. AP reiterated that ill-health retirements (IHR) and those who have already retired since transition are being treated as a priority for claimants and non-claimants alike.
- 7.9 RP said it is positive that the LGA and Home Office are working with administrators and software suppliers, and added that HMT are meeting schemes at the end of the month so hopefully these discussions will be fed back.

## **8. Technical discussions and Board's role (Paper 2<sup>7</sup>)**

- 8.1 CA explained that the government is working across public service schemes at HMT level. In order for the Board to respond to the proposals in the best way possible, formation of a working group to hold the technical discussions is necessary, as a smaller group may reach decisions more quickly. The group will comprise Board members and other FPS stakeholders, and may be further divided into implementation and policy workstreams. CA requested comments on the paper and suggested stakeholders.
- 8.2 RP confirmed that in order to respond to the technical discussions, LGPS SAB would be forming a policy group and an implementation group.

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<sup>7</sup> <http://www.fpsboard.org/images/PDF/Meetings/09012020/SAB-Item-8-090120.pdf>

- 8.3 It was noted that there appeared to be an imbalance between employee and employer SAB representatives. CA explained that this was because the employers would struggle to fill four places and would be assisted by senior officers representing the employers.
- 8.4 SS agreed that the roles of the suggested stakeholders would add value, however, the descriptors of the stakeholders were not helpful and suggested an imbalance between employer and employee advisers. It was agreed that the roles should stay, but the descriptors removed. RP agreed and re-iterated that as the group will discuss the practicalities of implementation, it needs relevant stakeholders who can provide sound advice. RP stressed that the group must be able to have open discussions which are kept fully confidential.
- 8.5 SS promoted the need for a terms of reference for the group to clarify the remit and impact of any decisions. SS noted this group would not be a decision making body as all information would be conveyed to the full SAB.
- 8.6 CA acknowledged the difficulty around the size of the group and the naming of the stakeholders and highlighted the need to ensure that the group is as robust and practically equipped as possible to respond to the proposals in the best interests of members. CA raised a point around devolved governments and whether there would be value in a UK-wide group, being mindful that the group is not static.
- 8.7 JM pointed out that there is limited timescale in which to respond to the HMT paper. SS said that it could be problematic to combine with the devolved nations due to differences in FPS 2015 provisions. The England SAB has the advantage of a budget and advisers, so it is likely that the devolved Boards will await the outcomes from England in any case. RP added that he would be content for the chair and secretariat to maintain contact with the other Boards to share learning.
- 8.8 DP suggested that meeting dates be established for the technical discussions which need to take place within six weeks. AP clarified that the paper is HMT led so an exact timescale cannot be given, although this should be available in late January. AP reiterated that this is an informal consultation on government proposals.
- 8.9 CA stated that a date consultation would be held. A room had been provisionally booked at Smith Square for 26 February and the Board may need to agree use of the budget for venues due to a lack of other availability. JM and AM agreed to look for rooms at their organisations.
- 8.10 CA summarised that the Board need to ensure they are in the best possible position to respond to the proposals. The stakeholders will be amended to a list of names and if the Board are content with the SAB balance, a list of employer nominations should be provided to CA by 13 January 2020. On the employee side, there is one representative from each body plus SS for FBU.
- 8.11 CA asked the Board to collate examples and scenarios to illustrate the complexity of applying remedy and forward these by email. This will help determine how Treasury thinking can be applied to real life membership. Also to provide quantum to assess impact and if possible to get an indication of the number of members who need to be fast-tracked.

8.12 AM asked for an idea on the number of cases. SS confirmed that FBU have examples but not numbers. HS agreed to ask WYPF's 15 FRA clients. CA stated that the December FPS bulletin<sup>8</sup> asked FRAs to start gathering information on immediate cases for claimants and non-claimants, and asked if there was a role and value for the SAB to issue a statement asking FRAs for data on their numbers. SS felt that this would be helpful and that FRAs should have this information.

8.13 HS confirmed that experience shows FPS 1992 transition members are still retiring at 30 years' service, although they are unable to access the FPS 2015 element.

**Action 09.01.2020(8)**

Secretariat to draft statement and circulate to Board for review, asking FRAs to provide their data on immediate remedy cases, with a reminder that an IQMP assessment for IHR is obtained under both schemes (noting that this does not guarantee payment) for claimants and non-claimants.

**9. Administration and Benchmarking review – recommendations update**

9.1 Following the presentation<sup>9</sup> given in October, CH gave brief verbal update against Aon's recommendations in seven key areas.

**I. Reduce complexity**

9.2 It is widely acknowledged by all stakeholders that the FPS is a complex scheme, particularly given the framework of 45 separate decision makers (FRAs) and up to 17 administrators. However, at the previous meeting, the Board did not have any appetite to recommend changes to this framework. CA explained that Leicestershire County Council had attended to discuss the potential risks around administration and were terminating their three FRA contracts in 2020 on this basis. As the SAB had indicated no desire to make suggestions for change, the secretariat were looking at options to assist with procurement.

9.3 Actions agreed to reduce complexity were:

- i. Establish a working group to simplify discretions. CH asked if this should continue alongside remedy as a separate workstream or whether it could be embedded within the technical discussions. RH commented that remedy would be complex enough without adding further considerations. RP added that the Board should be mindful of capacity and budget. It was agreed to defer this recommendation.
- ii. Support and professionalise administration via FPS specific qualification and accreditation of existing training for CPD. CH confirmed that this is a long-term aim and options are being considered.

<sup>8</sup> <http://fpsregs.org/images/Bulletins/Bulletin-27-December-2019/Bulletin-27.pdf>

<sup>9</sup> <http://www.fpsboard.org/images/PDF/Meetings/03102019/ITEM8-031019.pdf>

- iii. Continue to support senior leaders in understanding the role of the scheme manager. CH noted that CA has developed a short high-level training session to be delivered to new senior managers highlighting the importance of managing the scheme. In 2020, the team will be running a lunchtime fringe session at the LGA Fire conference, and attending the LGA Leadership Essentials course for elected members.
- iv. Implementation of a dedicated national member website to improve communication and engagement. CH explained that this has been under discussion for some time with Avon Pension Fund and work is now underway to launch the framework of the site during 2020, bearing in mind that content will be subject to remedy timescales.
- v. An online glossary of terms to improve consistency in communication. CH confirmed that this is in progress. A glossary is currently available on [www.fpsregs.org](http://www.fpsregs.org) which explains terms used on Annual Benefit Statements. However, the functionality is not as expected, so this will be revisited as part of the member website project.

9.4 Cllr Nikki Hennessy (NH) queried a timescale for the member site. CH confirmed that the initial proposal was April 2020, although this may now be delayed for remedy.

9.5 DP said that FPS administration has been an issue for many years, impacting on the finance and efficiency of FRAs. DP queried whether a recommendation could be made through NFCC for HMICFRS to add a data subset to the next round of inspections. RP stated that this is TPR's role and the inspectorate is on the fringes of the SAB remit. RP added that the inspectorate is new in role and some fundamental errors have been observed, therefore they would need to evidence added value.

## II. Address data issues

9.6 As good data is already a priority for the SAB, the agreed actions on the data recommendation were to continue to highlight the importance of data improvement and for the SAB to promote monthly postings.

9.7 CH outlined some of the work which has already taken place, including the publication of guidance on measuring data<sup>10</sup> and weighting data scores for accuracy<sup>11</sup>; the annual national data conference which this year will focus on data requirements for remedy; and planned engagement with software suppliers. The importance of data is also embedded into training sessions.

9.8 SS highlighted that data is key for accurate scheme valuations. CA noted that TPR have an expectation that SAB's would issue guidance on reporting of common and scheme-specific data to set out markers and best practice. RP added that data must be prioritised as part of remedy and stakeholders should be signposted to the Board's actions and recommendations.

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<sup>10</sup> <http://fpsregs.org/images/admin/TPR-data-scoring-2019-clean.pdf>

<sup>11</sup> <http://fpsregs.org/images/admin/Data-score-weighting.xlsx>



### **III. Add clarity to timescales**

9.9 To address variances in performance reporting, the SAB agreed that national performance measures should be introduced. CH explained that work on this had commenced with a workshop<sup>12</sup> held at the 2019 annual conference, chaired by HS. CH asked the Board for views on whether this should continue parallel to remedy as a separate workstream, be embedded within the technical discussions, or postponed.

9.10 CA said that this was a long term aim and Sargeant needs to be the priority at this time. GM added that this would be an administrative burden and should be postponed. All agreed.

### **IV. Improve engagement between administrator and FRA**

9.11 SS remarked that remedy will provide a good opportunity for engagement between parties to be strengthened. Actions agreed were:

- i. Develop a template administration strategy. CH explained that the administration strategy would standardise expectations and service levels between administrators and FRAs, and could include the national performance measures. A draft has been started and will be progressed through the Fire Communications Working Group (FCWG)
- ii. Help FRAs identify value for money. CH noted that procurement routes are being researched, with engagement taking place with the wider public sector market.

9.12 CA said that procurement for FPS administration is challenging as there is no framework in place. Options are to delegate through public sector, undertake a time-consuming full tender, or use the national framework which offers a lack of competition. However, the LG framework is due to expire in 2020, so there is opportunity to add a Fire lot when it is renewed. Additionally, CA is attending a wider public sector policy group looking at value for money when implementing remedy solutions and highlighting examples of good practice.

### **V. Ensure resource plans in place**

9.13 CH described the following forums which help to ensure that FPS administration is adequately supported and appropriately resourced: national technical group; FCWG; regional pension officer groups which feed into the national meetings; new working groups for remedy. Where there is a lack of clarity around resources and specialist knowledge needed to implement special projects, these groups offer consistency to FRAs.

### **VI. Breaches**

9.14 As both the benchmarking review and TPR's annual surveys indicated a low level of breach reporting, the agreed course of action is continued promotion of the breach assessment template<sup>13</sup> through training. CH confirmed that further guidance has recently been issued within the TPR six key processes factsheet<sup>14</sup>.

<sup>12</sup> <http://www.fpsboard.org/images/PDF/Events/AGM2019/AGM2019W1.pdf>

<sup>13</sup> <http://www.fpsboard.org/images/LPB/Resources/Breachassessment210119.docx>

<sup>14</sup> <http://fpsregs.org/images/admin/TPR-6-key-processes.v1.pdf>

9.15 CA added that remedy will increase the potential for breaches of the law, and TPR are aware of this. Breaches will be a topic considered for a workshop at the 2020 annual conference.

## **VII. Develop template for collecting cost data**

9.16 CH stated that one area of the survey causing particular difficulty for FRAs was the collection of costs for administration. The SAB agreed the recommendation that a template be developed for collection of cost data on an annual basis, and that this should be carried out with the Fire Finance Network.

9.17 CH confirmed that this action would be postponed due to remedy and concern over resource available to analyse the data. While collection of the information would be relatively straightforward, analysis can be time consuming and require specialist skills.

9.18 CA summarised that the above recommendations are to determine the best way for the SAB to support FRAs and administrators in managing the scheme.

## **10. Governance**

### **TPR supervisory visits**

10.1 CA confirmed that TPR is to undertake supervision of four Fire and Police schemes. The four FRAs have been selected and have identified themselves to the Board as suggested by the Regulator. TPR attended the last meeting<sup>15</sup> of the LPB effectiveness committee to discuss this work. The findings will be anonymous and provided only to each FRA, but the secretariat will ask authorities for key points to be fed back.

10.2 While the committee were supportive of the process, they were disappointed to note that the selection of schemes had been made based on size alone, as this equated to a greater number of affected members. The committee recommended that selections should be based on different types of authority governance and administration. However, two of the authorities selected are similar in structure and membership, so learning for the Board may be limited.

10.3 Although TPR were responsive to views and the meeting was very positive, Tristan Ashby (TA) commented that it would have been helpful to meet earlier in the process.

10.4 RP noted that this engagement is different to the cohort work with ten LGPS funds and agreed it is unfortunate that two similar schemes have been chosen, as TPR must accept that schemes are different and that difference can be positive. RP stressed that there needs to be an ongoing dialogue with the Regulator and TPR should be invited to engage with the wider Board to increase the profile of their supervision work.

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<sup>15</sup> <http://www.fpsboard.org/images/PDF/LPBsub/LPB-draft-minutes-141119.pdf>

10.5 CA agreed to invite TPR to the June SAB meeting to talk about supervision and the results of the 2019 governance and administration survey.

### Data scoring guidance

10.6 CA reiterated that revised guidance was issued for 2019 and visits to software suppliers are planned, as one provider is not utilising the suggested data specification. However, scheme-specific requirements are likely to change following remedy. CA requested the SAB's continuing support on data issues.

### Training

10.7 CA confirmed that the LGA team continue to ensure adequate training is available to FRAs and LPBS, and new or updated resources are regularly provided. DP asked how boards are bedding in. CA advised that the same individuals frequently attend events, but it is challenging to engage with some boards. The LPB effectiveness committee are looking at a peer review mechanism to improve engagement.

10.8 Additionally, 2020 will see the LPB wrap-up training session held across two regional locations for the first time. Further engagement has been planned through the FSMC with a lunchtime fringe session at the LGA Fire conference and attendance at Leadership Essentials.

10.9 HS noted that there has been a marked improvement within the last 12 months, in the frequency of board meetings and sharing of resources.

## 11. Update on actions summary/ items delivered

11.1 Items highlighted in yellow indicate completed actions since the last meeting:

20.04.2016 (4G)	Action: Board Policies to be drafted for – Knowledge and Understanding, Code of Conduct and Conflicts Policy	Ongoing. Complete before current chair term ends.
26.05.2016 (3)	Action: To note that past service costs are potentially a risk to the cost ceiling	Standing item.
30.11.2016 (9)	Risk Strategy for Board, to be used to provide guidance to Local Pension Boards: Secretariat to seek proposals from appropriate parties to assist.	In progress. Board was presented with a draft SAB risk register, secretariat to progress.
04.10.2018 (5)	LGA to establish working group on behalf of SAB to consider ill-health regulations and processes	Working group to wait for impact of Sargeant remedy to be clear.
04.10.2018 (10)	Further tax training sessions and materials to be procured – tax awareness refresher and administrator training	Secretariat to open bid process.

11.2 CH asked the Board for views on whether this item should be combined with 03.10.2019(6) and progressed in line with a pensions tax working group. HS stated that all information is available for members and FRAs should be aware of this. However, training on resources and communications for different scenarios would be useful. JM agreed that there is a lack of understanding. HS added that communications do not always reach the most appropriate person at each FRA.

11.3 GM suggested that standard paragraphs be included in job adverts. CA referenced the Pensions Ombudsman case<sup>16</sup> which determined that employers have a duty of care to ensure their employees are aware of possible tax implications. This was supported by similar High Court judgments, with trigger points for providing information being retirement and re-engagement.

04.10.2018 (12)	Monitor data <a href="#">guidance</a> .	Revised guidance and weighting criteria issued. Engagement with software suppliers planned.
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14.03.2019 (10) – replaces previous items on pensionable pay	Secretariat to work with legal adviser on pensionable pay issues to progress guidance to FRAs.	Ongoing.
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11.4 JM outlined that any guidance would be a summary of case law to give explanation and context, rather than a list of pensionable elements which would be dependent on contractual arrangements. JM asked if a summary document would be helpful to lay out the background and how to deal with retrospection.

11.5 SS noted that there is a pending appeal in the MAWW case on the determination of USAR as a temporary payment and reiterated that there is a lack of consistency in application of allowances. DP commented that guidance should also focus on the increasing scheme cost of including pay as pensionable.

11.6 JM suggested that pensionable pay could be seen as additional discretion and asked whether this sits outside the Board's remit. RH agreed that it is not the Board's role to provide clarity and consistency, when the position will always be unsatisfactory using principles of case law. CA said that most importantly FRAs should ensure that they have robust justification to evidence clear and transparent decision making.

11.7 Pensionable pay resources to be collated and added to a dedicated menu in member-restricted area of the Regulations and Guidance website.

14.03.2019 (12)	Board to collect data on patterns of IDRP's to establish where advice and guidance is needed. Secretariat to progress.	Ongoing. 03.10.2019 Launch in October bulletin.
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<sup>16</sup> <https://www.pensions-ombudsman.org.uk/determinations/2015/po-7096/police-pension-scheme/>

11.8 SS agreed that it would be useful to obtain numbers as members usually complete stage one and representative bodies only become involved at stage two. CA proposed an annual request for information at the end of each scheme year, on numbers in each stage and what they relate to. An article will be included in the January FPS bulletin.

13.06.2019 (6)	Aon recommendations: secretariat to progress the continuing support and guidance to scheme managers, a pension administration strategy, and simplification of discretions.	See minutes [Item 9]
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13.06.2019 (8)	IDRP guidance to be updated to offer greater flexibility on persons to hear each stage and recommend maximum timescale for resolution. Secretariat to produce draft for review.	Draft to be circulated to members by email, to be signed off at March meeting.
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03.10.2019 (6)	Pensions tax: Working party/ work stream to be convened with remit of pursuing evidence and developing proposals for flexibility.	
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11.9 As the Board had agreed at 4.8 that a working party should be convened without delay, Craig Moran (CM) raised the Home Office's consistent message that flexibilities will only be considered if impact on frontline services can be evidenced. AP clarified that the evidence needs to show how proposed flexibilities would address unique issues within the FPS workforce. SS suggested that HMT are also conscious of the impact on yield.

03.10.2019	Future of pensions administration: More information to be sought via consultation on the market place and risk.	Further research to be undertaken.
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## 12. Future meeting dates and venues

12.1 All meetings to be held at 18 Smith Square from 10:30 to 14:30. The following dates have been agreed:

Tuesday 17 March 2020 - amended  
 Thursday 11 June 2020  
 Thursday 17 September 2020  
 Thursday 10 December 2020

12.2 All meeting dates are held on the Board member log-in page of [www.fpsboard.org](http://www.fpsboard.org).

12.3 Cllr Roger Phillips and Matt Lamb were voted in as joint vice-chairs.

## 13. AOB

13.1 SS raised two items of AOB. Firstly, whether HMRC advice would be needed as part of the technical discussions on remedy, based on learning on tax relief from the special members exercise. Secondly, to note that FBU have written to the Government to advise that a judicial review will be requested if the cost-cap pause is not lifted.