

NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AUTHORITY LOCAL FIREFIGHTER PENSION BOARD (LFPB) CONSTITUTION	 NOTTINGHAMSHIRE Fire & Rescue Service <i>Creating Safer Communities</i>
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1. Statement of Purpose

The purpose of the Board is to assist Nottinghamshire and City of Nottingham Fire and Rescue Authority (The Fire Authority) in its role as the Scheme Manager of the Fire Fighters Pension Schemes (1992, 2006, 2015 and Retained Modified (2006 Special Members Scheme). Such assistance is to:

- a) secure compliance with the Scheme's regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.
- b) ensure the effective and efficient governance and administration of the Scheme.

2. Duties of the Board

The Board should, at all times, act in a reasonable manner in the conduct of its purpose. In support of this duty Board Members:

- a) should act always in the interests of the Scheme and not seek to promote the interests of any stakeholder group above another.
- b) should be subject to and abide by the Fire Authority's Codes of Conduct for Members and Employees.

3. Membership

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

4. Scheme Member Representatives

- 4.1. Two Scheme Member representatives shall be appointed to the Board by the two largest trade unions recognised by the Fire Authority who represent Scheme Members i.e. the Fire Brigade Union (FBU) and the Fire Officers Association (FOA) but in default of any such appointments being made the Fire Authority shall invite expressions of interest from Scheme Members and appoint such Scheme Member representatives who it regards as best suited to the role of Board Member.
- 4.2. Scheme Member representatives shall be current Scheme Members.

- 4.3. Scheme Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 4.4. The two largest trade unions may also appoint a substitute Scheme Member each, whose attendance shall be governed by paragraph 8 below.

5. Employer Representatives

- 5.1. Two Employer representatives shall be appointed to the Board by the Fire Authority.
- 5.2. Employer representatives shall be one Fire Authority Member and one Principal Officer provided that neither the Officer nor the Member shall exercise delegated responsibility for discharging the Scheme Manager function of the Fire Authority.
- 5.3. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- 5.4. Employer representatives shall be appointed by the Fire Authority in a manner which it considers best promotes the purpose of the Board.
- 5.5. The Fire Authority may also appoint a substitute Fire Authority Member and substitute Principal Officer whose attendance shall be governed by paragraph 8 below.

6. Appointment of Chair

- 6.1. The Board shall appoint its own chair for a period of 12 months rotating the appointment between scheme member representatives and employer representatives.
- 6.2. The duties of the Chair should be in accordance with the duties of a committee chair under the Fire Authority's Constitution or other defining document approved by the Fire Authority

7. Term of Office

- 7.1. The term of office for Board Members shall be 2 Municipal Years and there shall be no restriction on reappointment at the expiry of a Board Member's term.
- 7.2. Board membership shall be terminated prior to the end of the term of office due to:
 - a) A Scheme Member representative ceasing to be a Scheme Member.
 - b) An Employer representative ceasing to be a Fire Authority Member or Principal Officer
- 7.3. Board membership may be terminated prior to the end of the term of office by a resolution of the Fire Authority where the Board Member is no longer able to

demonstrate their capacity to attend and prepare for meetings or to participate in required training.

8. Substitute Board Members

- 8.1. The Board will accept substitute representatives who have been appointed in accordance with paragraphs 4 and 5 above. . Substitute representatives can take part in Board meetings only in the place of an appointed representative of the same group who cannot attend a meeting.
- 8.2. A substitute representative may attend, and participate in, any training events for Board members.
- 8.3. A substitute representative may attend a Board meeting as an observer even if all representatives of the same group are attending that meeting. In this situation, the substitute representative must not participate in the business of the meeting.

9. Notification of Appointments

On appointment to the Board the Fire Authority shall publish the names of all the appointees, the process followed by the Fire Authority for the appointment of the employer representatives together with the way in which the appointments support the effective delivery of the purpose of the Board.

10. Conflicts of Interest

- 10.1. All members of the Board must declare to the Chief Fire Officer and the Monitoring Officer on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
- 10.2. On appointment to the Board and following any subsequent declaration of potential conflict the Chief Fire Officer in consultation with the Monitoring Officer shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Fire Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.

11. Knowledge and understanding (including Training)

- 11.1. Knowledge and understanding must be considered in light of the role of the Board to assist the Fire Authority in line with the requirements outlined in paragraph 2 above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board Members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
- 11.2. Board Members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.

- 11.3. Board Members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

12. Meetings

- 12.1. The Board shall meet quarterly, as recommended by the Pensions Regulator.
- 12.2. The Chair, with the consent of the other Board Members, may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.
- 12.3. Meetings shall be conducted in accordance with the Fire Authority's constitution as regards to the attendance of the public at meetings. Meetings will be advertised on the Service website at least one week prior to the date of the meeting with a link to the agenda, papers and minutes of the previous meeting.
- 12.4. If there are any reports or papers containing confidential matters these will not be published. In this case the Board meeting will consist of part one for all non-confidential items, open to the public, and part two for all confidential items, closed to the public. Matters will be deemed confidential by reference to the personal data provisions of the Data Protection Act.

13. Quorum

A meeting is only quorate when 50% of both Scheme Member and Employer representatives are present.

14. Voting

- 14.1. The Board shall as far as possible make any decisions by consensus but where this proves not to be possible the Board may vote upon an issue.
- 14.2. Each Board Member shall have one vote and in the event of an equality of votes the Chair shall have a casting vote.

15. Support to the Board

- 15.1. The Chief Fire Officer shall provide such support to the Board as it requires to discharge its functions.
- 15.2. The Board may request information from the Chief Fire Officer with regard to any aspect of the Scheme Manager function. Any such a request should be reasonably complied with in both scope and timing.

- 15.3. The Board may make recommendations to the Chief Fire Officer which should be considered, and a response made to the Board on the outcome within a reasonable period of time.

16. Relationship with Firefighters Pension Scheme Advisory Board (SAB)

- 16.1. The national Firefighters Pension Scheme Advisory Board (SAB) has been established in accordance with the Public Service Pensions Act 2013, and its objectives include the provision of advice to the Secretary of State, scheme managers (Fire and Rescue Authorities) and Local Pension Boards regarding the effective and efficient administration of the pension scheme.
- 16.2. Local Pension Boards are established under the Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015 to actively assist the Fire Authority with regulatory compliance. The Chair of the Local Pension Board should work directly with the Scheme Manager (the Fire Authority) to ensure these standards are maintained.
- 16.3. Communications from the Scheme Advisory Board are made via the Scheme Manager and also the Chair of the Local Pension Board who must ensure that the Fire Authority, as Scheme Manager, is kept informed of any new requirements.

17. Reforms and Updates

- 17.1. The legal foundation for firefighter pensions in England is formally outlined in the Firefighters' Pension Scheme (England) Regulations 2014. These regulations are subject to ongoing consultations and updates, such as member contribution restructurings and the ongoing McCloud/Sargeant remedy.

18. Regulatory Compliance

- 18.1. Oversight is reinforced by the Pensions Regulator. This means that both the SAB and the Local Pension Board must follow stringent governance and administration standards.