

NORTHERN IRELAND FIRE & RESCUE SERVICE BOARD

MINUTES OF A MEETING (HYBRID MEETING)

27 SEPTEMBER 2022

1.30 PM

PRESENT: Mr R Irvine, Chairperson presiding
Ms C McKinney (*via video link*)
Mr A Hearn, Interim Chief Fire & Rescue Officer
Ms B Anley (*via video link*)
Mr J Craig (*via video link*)
Mr C Enright (*via video link*)
Mr R Irvine (*via video link*)
Mr T O'Hanlon (*via video link*)
Mr J Quinn (*via video link*)
Mrs H Singleton (*via video link*)
Ms L Smith (*via video link*)

APOLOGIES: Mr K Henning

IN ATTENDANCE: Mr P Harper, Deputy Chief Fire & Rescue Officer
(*in the room*) Mr D Rooney, T/Assistant Chief Fire & Rescue Officer
Mrs P White, Director of Corporate Services
Mrs T Ramsay, Director of People & Culture
Miss D Reynolds, Head of Planning, Performance &
Governance
Ms I Hill, Governance & Business Support Services Advisor
Ms A McNally, DoH Observer (*via video link*)

Prior to the commencement of Business, Ms McKinney advised why she would not be chairing the meeting on that occasion. She proposed Mr Irvine to step in. Agreed by Members.

Mr Irvine referred to Item 3 – LDC Coosktown Energy Sustainability – and noted that this item was being deferred. He advised Members of discussions regarding the paper and advised on the need for further discussions with the author of the paper around a number of points. He felt there was a need to dedicate the necessary time to consider the matter within the Board. Agreed by members.

Referring to the briefing for the Board held prior to the Service Delivery Committee Meeting on 21 September updating Members on the pay negotiations, Mr Irvine highlighted that no decisions had been taken. He suggested that Members who were unable to avail of this briefing liaise with the Governance & Business Support Services Advisor should they wish this to receive an update on this from the Director.
Action – Members to liaise with Irene Hill to arrange if requested.

Ms McKinney stated the pay negotiations is a priority issue for the Board and acknowledged that it is very important that Members are kept up-to-date on any new developments. She noted that NJC representatives were awaiting confirmation of a date for meeting with the Minister at which she and the Interim Chief Fire & Rescue Officer would also be in attendance. She further stated that, in the interim, she would liaise with the Interim Chief Fire & Rescue Officer to ensure information flows in to the Board continued.

She noted that an update will be brought back to the full Board by the Interim Chief Fire & Rescue Officer after the Meeting with the Minister.

During discussion regarding LDC Cookstown Energy Sustainability, Members concurred with the need for additional information and for the updated paper to be brought back to the Board as soon as practicable . **Action – iCFRO and ELT**

Mr Irvine updated Members on discussions at the LDC Cookstown Programme Board noting that the Interim Chief Fire & Rescue Officer and Assistant Chief Fire & Rescue Officer Jennings had been asked to take on the Members' concerns. Noted by Members.

Item 1: Apologies

Apologies from Members were noted.

Item 2: Conflicts of Interest

Mr Irvine enquired as to whether any Members of the Board wished to declare any potential conflicts of interest with any of the business items on the Agenda. There were no other apparent conflicts of interest declared.

Temporary Assistant Chief Fire & Rescue Officer Rooney declared an interest with respect to Item 5: Pension Matters noting that he would leave the Meeting for this item.

Item 3: LDC Cookstown Energy Sustainability

Action - This item was deferred to a future Meeting. Date to be agreed and circulated to Members.

Item 4: Minutes of Board Meetings

Special Board Meeting – 5 July 2022

Members noted that the Minutes would be presented to a future Board Meeting.

Board Meeting – 30 August

The Minutes of the Board Meeting held on 30 August 2022, having been printed and circulated, were taken as read and signed as a true record, on the motion of Ms Anley, seconded by Mr Craig.

Arising out of the Minutes:

Members sought an update on the appointment of an independent Pension Board Chair.

The Director of Corporate Services updated Members on the current position explaining that a formal date of commencement had not been set for the successful candidate. She noted, however, that in the interim key documents had been shared and that arrangements to shadow the HSC Pensions Board were currently being progressed. The Director of Corporate Services informed Members that the inaugural meeting of the Pensions Board would be held before the end of the financial year. Noted by Members.

Annual Report & Statement of Accounts 2021/22

The Head of Planning, Performance & Governance updated Members on the current position with respect to the laying of NIFRS Annual Report & Statement of Accounts 2021/22 explaining that it is hoped that the Accounts will be signed off next week.

Referring to Business Planning, the Head of Planning, Performance & Governance noted that this information will be presented at the Away Day.

Official Opening – Larne Fire Station

Members were reminded that the Official Opening of Larne Fire Station was taking place on 5 October 2022. All Members invited to attend.

Item 5: Reports from Board Committees, Noting of Committee Minutes and Adoption of Committee Recommendations

Service Delivery Committee - Minutes - 24 March 2022

The Minutes (amended) of the Service Delivery Committee Meeting held on 24 March 2022 were noted.

Service Delivery Committee - Minutes - 18 May 2022

The Minutes of the Service Delivery Committee Meeting held on 18 May 2022 were noted.

Service Delivery Committee - Meeting - 21 September 2022

A Meeting of the Service Delivery Committee was held on 21 September 2022. The Minutes of the Meeting will be presented for noting at the next Meeting of the Board.

Mr Irvine provided an overview of the business discussed at the Meeting, particularly with regard to a NIFRS Service Medal, and noted the recommendations emanating from the Meeting. He answered Members' questions relating to the proposal to submit a bid for a NIFRS Service Medal.

Ms McKinney enquired as to when the full Board would have sight of the proposal. Mr Irvine explained that the Interim Chief Fire & Rescue Officer and Assistant Chief Fire & Rescue Officer Jennings were developing the proposal further in light of Members' comments at the Committee Meeting. **Action - Members to be sighted on the proposal bid when prepared**

Mr Irvine proposed that the Committee's recommendations, as detailed below, be adopted by the Board. Mr Craig seconded the proposal.

Service Delivery Committee – Recommendations

- Approval to support, in principle, the proposal to submit a bid for a NIFRS Service Medal subject to wider Board approval;
- That NIFRS sign up to the Emergency Services Environment and Sustainability Group Charter.

People & Culture Committee - Minutes - 18 May 2022

The Minutes of the People & Culture Committee Meeting held on 18 May 2022 were noted.

Ms Smith drew attention to the discussions at the Meeting with regard to Attendance Management and resourcing issues. She noted that the issue of super numerary posts had been escalated to the Board.

People & Culture Committee - Meeting – 21 September 2022

It was noted that a Meeting of the People & Culture Committee Meeting had been held on 21 September 2022 and the Minutes of the Meeting will be presented for noting at the next Meeting of the Board.

Ms Smith provided a synopsis of the business discussed at the Meeting noting that there were no recommendations emanating from same.

Special Service Delivery Committee - Minutes – 14 April 2022

The Minutes of the Special Service Delivery Committee held on 14 April 2022 were taken as read and signed as true record on the motion of Mr Enright, seconded by Mr Quinn.

Mr Irvine apologised for the delay in circulating these Minutes to Members.

**Item 6: Standalone Strategic Items
Pension Matters**

At this point, T/ACFRO Rooney
left the Meeting

Firefighters' Pension Scheme - Matthews / Second Options Exercise

Members noted a Briefing Paper relating to Matthews / Second Options Exercise – Legislative Change.

The Director of Corporate Services explained that purpose of this paper is to brief Members on a recent court case affecting the Modified Scheme for Retained Firefighters and inform a Board decision on whether or not to endorse the terms of settlement that have been agreed by counterparts in England.

The Director of Corporate Services provided a synopsis of the background to the matter. She noted that, following a recent court case relating to the application of part-time workers legislation, legislative change is required to the Modified Scheme for Retained Firefighters which will allow eligible Firefighters to buy pension entitlement backdated to the beginning of their employment. She explained that the exercise is essentially the extension of a previous exercise which took place in 2014/15. The terms of the exercise have been negotiated and agreed in England in the form of a Memorandum of Understanding (MoU), and it is normal practice that Scotland, Wales and Northern Ireland adopt the English approach.

Referring to the Employment Tribunal Case lodged against NIFRS, the Director of Corporate Services noted that the case is currently stayed on the basis of the discussion and agreement progressing in England; as it is normal practice that Northern Ireland will follow their outcome. She informed Members that a case management hearing has been listed for October 2022 and it is anticipated that a continued stay will be supported, pending implementation of agreed legislative change.

The Director of Corporate Services provided an overview of the Memorandum of Understanding (MoU) which has been agreed by all affected parties to the Matthews case to clarify the scope of the remedy. She explained that the MoU for the second options exercise requires an 18 month implementation deadline. She further explained that this exercise will be larger in scale as there is no cut off point to when eligible Firefighters can buy back, ie, the second options exercise extends back to the beginning of service and projects forward to current day (previously 2015).

The Director of Corporate Services noted the current position with respect to the implementation of the legislative changes highlighting that it is anticipated that the legislation will come into force in October 2023. She stated that, based on NIFRS' experience of the first exercise, it is anticipated that the exercise will place significant pressure on both NIFRS and HSC Pension Service's resources. She added that the position will be exacerbated by the timing of the McCloud remedy which is anticipated to run at the same time. She further stated that It is management's view that implementation of both remedies in parallel is not realistically achievable without significant injection of dedicated resource. The Director of Corporate Services gave an overview of the challenges associated with the implementation of the remedy particularly with respect to resources and timing.

The Director of Corporate Services explained that it is recommended that the Board endorses the terms of the MoU and the forthcoming legislative change to implement the second options exercise with the exception of the proposed implementation timeline of 18 months post legislative change which is not going to be achievable based on current level of resourcing and experience. She stated that while the NIFRS Board and Scheme Manager does not have the authority to make the relevant legislative decisions, it is recommended that NIFRS explores the possibility of reaching agreement with relevant stakeholders to an alternative, achievable implementation timeline and method of delivery.

During a full and frank discussion, the Interim Chief Fire & Rescue Officer and the Director of Corporate Services answered Members' questions relating to the information presented. Members acknowledged that the implementation of both remedies is a complex and daunting task particularly given the difficulty of resourcing.

Members expressed concern regarding the issue of resourcing and stressed the need to consider this issue urgently particularly given the McCloud remedy would be running in parallel. Members acknowledged the pressures on the Pension Department but expressed concern regarding the lack of a timeline to address same. Mr Quinn stressed the need to look at resources and pointed out the need for an in-house Pensions Department. He noted the frustrations of personnel as processes are elongated. He suggested consideration be given to what preparatory work could be progressed to mitigate the extension of timelines. He stressed the need to ensure NIFRS personnel were treated the same as personnel across the UK.

The Director of Corporate Services noted Members' comments and explained that HSC Pensions had submitted a business case for additional resources to deal with the McCloud remedy. She noted that there will always be issues around legislative challenge.

Mr Irvine referred to the timeframe for implementation of the Legislation and pointed out that the Board had a year to plan for readiness. He suggested that the plan for an IT solution be progressed in parallel to this preparatory work. The Director of Corporate Services outlined the position with respect to the implementation of a software solution and also provided an update with regard to resourcing. In response to a query from Mrs Singleton regarding the Pension Board, she explained that the Pension Board would discuss these issues initially prior to bringing same to the Board.

During further discussion, Ms McKinney suggested that the Board empower the Interim Chief Fire & Rescue Officer and his Team to explore options to cover the points raised by Members.

Following discussion, Mrs Singleton proposed that the Board endorse the terms of the MoU in principle subject to an options paper for the implementation of same being brought to the Board for consideration. As a side issue, she proposed that an update on the IT solution; detail regarding the timeline for recruitment of personnel, along with quantification of resourcing required to deal with both the McCloud and this remedy, be brought to the Board. Ms Anley seconded this proposal.

Action - Options paper to be brought to the Board by iCFRO and his Team to include the elements requested within the proposal. Date to be agreed.

Firefighters' Compensation Scheme - Retained Injury Issue

A Briefing Paper updating Members on a change to calculation of injury pensions, along with a copy of the Barrister's opinion was noted.

The Director of Corporate Services explained that the paper provided an update on an issued which the Board had previously discussed in February 2022 regarding a legislative issue affecting the calculation of Retained injury pensions under the Firefighters' Compensation Scheme. Members noted that, to date, NIFRS has been paying Retained injury pensions which are generally significantly higher than those paid by English counterparts.

The Director of Corporate Services provided a synopsis of the background to the issue and the Board's request for Counsel Opinion. She gave Members a detailed overview of the barrister opinion, noting the options for going forward, and a change to calculation of injury pensions which has been implemented with immediate effect.

The Director of Corporate Services explained that NIFRS is now strictly applying the legislation as written and interpreted by the barrister. This means that injury pensions being paid from the NFPS will continue to be disproportionately high and injury pensions paid from the CARE scheme will be disproportionately low compared to that paid by English counterparts.

The Director of Corporate Services further explained that this approach potentially exposes NIFRS to risk of challenge for being in contravention of part-time workers legislation and the Equality Act; however it ensures that NIFRS makes payments in accordance with the statutory instruments governing the pension scheme (for which DoH is the Responsible Authority).

The Director of Corporate Services noted that NIFRS had written to DoH formally and will redouble its efforts to have the relevant legislation reviewed by DoH. She also noted that members of the Pension Scheme will have right of appeal through the Internal Dispute Resolution Procedure (IDRP) which is now an entirely internal matter and does not involve DoH. Once a member has exhausted the IDRP, then they have right of appeal to the Pensions Ombudsman.

During discussion, Members welcomed the barrister opinion and the Director of Corporate Services answered Members' questions relating to same. In response to a question as to whether any members will be at a detriment, the Director of Corporate Services advised Members that NIFRS is in discussion with DoH regarding the retrospective implementation of legislation. **Action - Members to be kept informed**

Finance Report

The Finance Report updating Members on the financial position for the period ended 31 August 2022 was noted.

The Director of Corporate Services noted that a letter had been received from the Permanent Secretary regarding financial pressures and asking ALBs to critically examine their 22/23 budget and bring forward proposed reductions to spending for the current financial year.

Members enquired how NIFRS proposed to respond to the Permanent Secretary's letter and enquired if there was anyway to introduce full-year projections. The Director of Corporate Services explained that NIFRS had made a submission for £2.3m following an exercise commissioned by DoH in August. This was not a standard monitoring round in that it is not a general exercise to bid for additional funding, but focussed only on those pressures that are clearly identifiable as inescapable. NIFRS submitted bids to cover the impact of abnormal inflation as well as the additional cost of the remedy required with regard to the Development to Competent case.

The Director of Corporate Services provided a synopsis of the salient points within the information presented noting the August Revenue position was showing a year-to-date underspend of £661k. She provided an explanation of same.

With respect to Capital performance, the Director of Corporate Services updated Members on the Capital spend at 31 August 2022.

The Director of Corporate Services answered Members' questions on the information presented.

Members noted the position with respect to Prompt Payment Performance and also noted that there were no new Business Case approvals.

The Director of Corporate Services provided a brief overview of the contents of the the Permanent Secretary's letter regarding financial pressures and the request proposed reductions to spending for the current financial year.

During discussion, Members acknowledged the challenges in responding to the letter given NIFRS' potential inability to break-even. The Director of Corporate Services stated that it was unlikely that the submission for £2.3m of funding for inescapable pressures would materialise. Members stressed the need to clearly articulate to DoH the evidence to show why it was the case that NIFRS can not live within its current budget allocation. Members referred to the HMI review and stated that it will hopefully be clear from that report that investment will be required. NIFRS also needed to reflect there will be funding challenges into the future.

The Interim Chief Fire & Rescue Officer acknowledged the awareness of NIFRS' position and noted the potential benefits post HMI review as it was commissioned by DoH and post CRMP. He accepted that the in-year position was difficult and explained that it was his view that NIFRS needed to allow the HMI review to conclude and consider the recommendations emanating from same given the potential for some elements to be in the context of invest to save.

During further discussion, Ms McKinney noted that the Board welcomed and embraced the Review. She questioned if resources will be set aside to allow improvements identified to be addressed. She expressed concern that the funding to effect the changes might not be available. Members agreed that the Board Chairperson should liaise with the Interim Chief Fire & Rescue Officer to craft the response to the Permanent Secretary's letter. Ms McKinney proposed that the Board support the Interim Chief Fire & Rescue Officer and his Team to take this forward with DoH, the Board would support them from its position. Mr Quinn seconded the proposal. **Agreed.**

Action - iCFRO to liaise with Board Chairperson to submit letter to Mr May. iCFRO and Team to take forward the suggestions from Members.

The Meeting adjourned at 3.50 pm
for a comfort break

the Meeting reconvened at 4.00 pm

Members also stressed the need to make clear that if there were any more reductions to funding the impact on keeping people safe. Members reiterated the need to focus on the safety of Firefighters and the public, if DoH decides not to fund, the risk is, in their view, transferred to DoH.

Ms McKinney deferred to Ms McNally (DoH Observer) for comment. Ms McNally noted everyone's frustrations and added that she supported the bid for additional funding. She noted the Minister's commitment to the HMI review but pointed out that DoH has no budget and there was no Assembly. She stated that DoH would support the recommendations from the Review and address as far as possible. Noted by Members.

Performance Management

Members noted the Annual Business Plan Progress Updates and Performance Updates at 31 March 2022.

The Head of Planning, Performance & Governance provided a synopsis of the key points within the Annual Business Plan Progress Reporting Summary.

During discussion regarding the information provided, the Head of Planning, Performance & Governance answered Members' questions relating to aspects of the information presented.

The Interim Chief Fire & Rescue Officer referred to previous discussions and the need to bear in mind that the Plan could change post the HMI review. Members agreed.

Item 6: Chairperson’s Business

There was no Chairperson’s business.

Item 7: Relevant Correspondence

The following correspondence was noted:

- Letter from Permanent Secretary – ALB Budgets – Review of 2022/23 Budgets and 2023-2025 Planning.

Item 8: Documents for Sealing

Members noted the undernoted documents for sealing:

Northern Ireland Fire & Rescue Service with –

- Newry Mourne & Down District Council – Lease Extension and Variation – Office Accommodation, Downpatrick District;
- CPD – NI Emergency Services Design Team Framework.2022-26.

Item 9: Schedule of Future Meetings, etc

A Schedule of Meetings, etc, was noted.

Members were asked to note that a date for the rescheduling of the September Audit, Risk & Governance Committee Meeting will be confirmed in due course.

Members noted that a date for a briefing with regard to Industrial Action will be confirmed as soon as possible.

Members thanked iCFRO Hearn and his Team.

THIS CONCLUDED THE BUSINESS
AND THE MEETING TERMINATED
AT 4.20 PM
