

**LOCAL PENSION BOARD**  
**17 March 2021**

**Present:**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson (MP)  
(Ch)

Andy Hallam (AH)

Caroline Gourlay (CG) (Rewards & Benefits  
Manager)

Satnam Singh Rai  
(SSR)

James Leslie (JL)

Helen Scargill (WYPF)

Amy Webb (AW)

Peter Redbourn  
(PR)

Steve Yates (SY) (Note-taker)

Cllr George Wheeler  
(GW)

Ben Redwood (BR)

<b>MIN NO.</b>	<b>ITEM TITLE</b>
<b>LPB/21/1</b>	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
<b>LPB/21/2</b>	<b><u>Notes</u></b> The Notes of the meeting held on 9 December 2020 were <b>AGREED</b> .
<b>LPB/21/3</b>	<b><u>Review of Actions</u></b> <b>RECEIVED</b> updated Action Log listing Open Actions. Progress against actions was indicated in the comments column. It was noted that: <ul style="list-style-type: none"> <li>• Local KPIs featured elsewhere on the agenda for the meeting;</li> <li>• Cyber security and WYPF Business Continuity Plan. MP had forwarded information on areas flagged by the Service as part of its review of the WYPF plan. MP would pursue a response from WYPF and then review the risk register accordingly;</li> <li>• Pensionability of Fixed Terms Contracts. This was addressed in the Scheme Managers Update. It had been confirmed that the Regulations clearly provided that fixed term contracts were not pensionable under the Firefighters' Pension Schemes. Pension benefits could be secured for those on fixed term contracts by joining the LGPS, for which automatic enrolment should apply. Clarity on this would be sought from HR;</li> <li>• the Training Needs Analysis (TNA) action was completed and could be closed;</li> <li>• Administration, governance etc. model strategy. The outcome of the LGA consultation on this was still awaited. MP would chase this response;</li> </ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• McCloud/Sargeant remedy. This was currently rated amber as it would involve a considerable amount of work for the Service. West Yorkshire FRS was looking to see whether there was appetite amongst FRAs to obtain collective legal advice on how to proceed. The LGA was co-ordinating this and the advice was still awaited.</li> </ul> <p>The FBU had instigated three High Court cases seeking application of the remedy to “pensions in payment” cases in advance of the final, legislated remedy, the outcome of which could have significant implications for fire and rescue serves. At present, the focus remained on collection of relevant data. This was an important issue for former FFs who had retired and those coming up to retirement. The O’Brien case related to a different matter and would have bearing in terms of how far back fire authorities had to go in terms of remedy. It was felt that in light of these uncertainties, it was felt that the McCloud/Sargeant remedy should probably be rated red on the Action Log and risk register;</p> <ul style="list-style-type: none"> <li>• JL asked whether the process for obtaining quotations for ill-health retirements could be accelerated. This was in reference to specific cases and CG undertook to look into this;</li> <li>• Progression of training from TNA featured elsewhere on the agenda. Board Members were asked to indicate areas for development;</li> <li>• Injury pension – incorrect calculation of allowances. Some state benefits were deductible from the injury pension. WYPF had indicated that some incorrect deductions may have been made. This still required clarification from Peninsula Pensions (the previous administrator) on the rationale for initially making the deductions. If the deductions were in error, compensatory payments would be made.</li> </ul> <p><b>(SEE ALSO NOTES LPB/21/5, LPB/21/6, LPB/21/7(b) AND LPB/21/10 BELOW)</b></p>
LPB/21/4	<b><u>GOVERNANCE ISSUES</u></b>
	<p><b>LPB/21/4a <u>Appointments to the Board 2021</u></b></p> <p><b>RECEIVED</b> paper identifying forthcoming Employer and Scheme Member Representative vacancies to the Board, in accordance with its Terms of Reference, and the process for appointments to each.</p>
	<p><b>LPB/21/4b <u>Review of Terms of Reference and Roles &amp; Responsibilities</u></b></p> <p><b>RECEIVED</b> paper on the annual review of these documents. It was felt that both continued to be fit for purpose and required no revision.</p>
LPB/21/5	<p><b><u>Scheme Manager Update</u></b></p> <p><b>RECEIVED</b> paper summarising current pension matters both locally and nationally which required input from the Service. In particular, the paper addressed:</p>

MIN NO.	ITEM TITLE
	<p><b><i>Pension Surveys and Annual Returns</i></b></p> <p>WYPF had submitted the annual return to the Pension Regulator by the deadline of 15 December 2020.</p> <p><b><i>Pension Communications</i></b></p> <p>A communication on the government consultation on the proposed response to the discrimination issues identified in the McCloud/Sargeant case had been issued to staff on 4 February 2021. The LGA was in the process of creating a central repository for Frequently Asked Questions (FAQs) on this issue.</p> <p><b><i>Pension Projects (Transition Protection Judgement; O'Brien v Ministry of Justice; Fixed-term contracts and eligibility to join the Firefighters' Pensions Schemes; Public Sector Exit Payments Regulations)</i></b></p> <p>The paper set out key points from the Government response to the consultation on proposals to remove the discrimination identified in the McCloud/Sargeant case. The LGA would be working with the relevant government departments to review the implications of the response and to support fire and rescue authorities with this issue (including with training and Member communications). While the Home Office had issued informal guidance on treatment of immediate detriment cases, this was far from definitive and the LGA was seeking additional input from the Treasury and the Home Office. Additionally, fire and rescue authorities would be seeking, collectively, legal advice on addressing immediate detriment cases. It was noted that the FBU had commenced legal action with a view to effecting immediate payments for retired members. The outcomes of these could impact progression of the immediate detriment remedy.</p> <p>MP commented that this Authority was keen to implement the remedy as soon as possible but required assurance that it would be doing so in a legally compliant way, avoiding any unauthorised payment ramifications. There were a number of significant issues to be addressed (including accurate comparisons of benefits between the two schemes; and personal taxation implications). The Authority was supportive of lobbying to secure the most expeditious resolution to these issues.</p> <p>O'Brien v Ministry of Justice was now referred to by the Scheme Advisory Board (SAB) as the Special Members of the FPS 2006 second options exercise. Further information, together with an information note, had been provided by the LGA.</p> <p>Following attendance at an SAB meeting on 10 December 2020, it had been confirmed that temporary appointments (including fixed term contracts) were not pensionable. SAB was intending to issue an advice note, setting out the legal position, for use by fire and rescue authorities but no timeline had been indicated for this.</p> <p>The Public Sector Exit Cap Regulations had been revoked by the Government after a review found implementation could have "unintended consequences".</p> <p><b><i>Reporting Breaches of Law</i></b></p> <p>There had been no breaches to report since last meeting</p>

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	<p><b><i>Internal Dispute Resolution Procedure (IDRP)</i></b></p> <p>There had been no new complaints under the Procedure since the last Board meeting.</p> <p><b><i>Pension Administrator Quality of Service</i></b></p> <p>The Service continued to have an excellent working relationship with WYPF, with both parties seeking to improve the arrangements in place.</p> <p><b><i>(SEE ALSO NOTE LPB/21/3 ABOVE)</i></b></p>
LPB/21/6	<p><b><u>Update on Potential Key Performance Indicators for the Service and Board</u></b></p> <p><b>RECEIVED</b> paper providing an update on development of Key Performance Indicators (KPIs) for both the Service and the Board. A KPI had already been established on monthly pension reporting to WYPF by the last day of the month. This target had been achieved for the last six months.</p> <p>Submission of ill-health early retirement forms to Occupational Health had been monitored since December 2020. Over the three month period, paperwork had been submitted to WYPF within an agreed timeframe of 6 weeks on three out of 13 occasions (23%). Part of the issue here was that, while staff were encouraged to provide more notice of retirement, they were only required to give 1 months' notice. Staff would be issued with a further reminder to submit notice of retirement at the earliest opportunity. The target of forwarding paperwork to WYPF within five days of receipt by Pay &amp; Conditions had been met for all but two of the 13 occasions, with the Christmas break being the factor.</p> <p>Work was progressing on the development of KPIs around:</p> <ul style="list-style-type: none"> <li>• ill-health retirement process and timescales;</li> <li>• timeframes for provision of information to WYPF to enable estimates to be made; and</li> <li>• number of follow-up queries of the Service from WYPF following submission of requests.</li> </ul> <p><b><i>(SEE ALSO NOTE LPB/21/3 ABOVE)</i></b></p>
LPB/21/7	<p><b><u>PENSION BOARD RISKS</u></b></p>
	<p><b>LPB/21/7a <u>Board Risk Management Procedure</u></b></p> <p><b>RECEIVED</b> proposed procedure on the identification, categorisation, evaluation, treatment (control measures) and monitoring of Board risks. The paper also identified roles and responsibilities associated with the procedure. This was in response to the tPR previous survey report advocating that Local Pension Boards had their own risk management procedures. The Board endorsed the proposed procedure, subject to the definition of "Risk Owner" being amended to read "senior person taking responsibility for the risk (i.e. who can control resources and determine what happens with the risk)".</p> <p>The procedure would be published on the pension page of the Service website.</p>

MIN NO.	ITEM TITLE
	<p><b>LPB/21/7b <u>Risk Register</u></b></p> <p><b>RECEIVED</b> latest version (v1.08) of the Board Risk Register. The Risk Register was a “live” document and could be updated at any stage. The controls had not changed since the last Board meeting and further work was required for some risks to secure an accurate net risk score.</p> <p><b>(SEE ALSO NOTE LPB/21/3 ABOVE)</b></p>
<b>LPB/21/8</b>	<b><u>SELF-ASSESSMENT/ASSURANCE</u></b>
	<p><b>LPB/21/8a <u>Website</u></b></p> <p><b>NOTED</b> that the website was considered up-to-date at this time.</p>
	<p><b>LPB/21/8b <u>tPR Public Service Governance and Administration Survey 2019 Results</u></b></p> <p><b>RECEIVED</b> Research report on the results as prepared for the Pensions Regulator (tPR). 55% reported that they had all relevant Board processes in place, a reduction from last year (63%). These results were still being assessed to see whether there were matters that this Board would need to address.</p>
	<p><b>LPB/21/8c <u>tPR Public Service Governance and Administration Survey 2020 Submission</u></b></p> <p><b>RECEIVED</b> submission made to tPR on behalf of the Board to the 2020 survey.</p>
	<p><b>LPB/21/8d <u>Annual Review of Internal Controls</u></b></p> <p><b>RECEIVED</b> latest Board review against tPR checklist for public services.</p>
	<p><b>LPB/21/8e <u>tPR Self-Assessment</u></b></p> <p><b>RECEIVED</b> latest version which now provided a narrative rationale for the RAG ratings used. It was noted that all areas of the self-assessment were now green. The self-assessment would be reviewed twice each year.</p>
<b>LPB/21/9</b>	<p><b><u>TOPICS OF INTEREST - Split (Two) Pensions Rule</u></b></p> <p>This had been identified as a Topic of Interest from the Training Needs Analysis. The Board was provided with a copy of the guidance note produced by the LGA, which HS then went on to elaborate.</p> <p>The entitlement to two pensions (colloquially referred to as a “split pension”) is triggered by a reduction in pensionable pay <b>before</b> a member was moved to the Firefighters’ Pension Scheme 2015 (FPS 2015) and is intended to prevent any financial disadvantage that might otherwise result from moving to a lower paid role (attracting a lower final salary pension) having previously paid greater pension contributions associated when undertaking a higher paid role.</p>

MIN NO.	ITEM TITLE
LPB/21/10	<b><u>TRAINING</u></b>
	<p data-bbox="336 280 742 315"><b>LPB/21/10a <u>Training Log</u></b></p> <p data-bbox="336 338 1430 409"><b>NOTED</b> latest version of the Board Training Log (updated January 2021). All Board Members had completed tPR e-learning modules.</p>
	<p data-bbox="336 436 1295 472"><b>LPB/21/10b <u>Training Needs Analysis (TNA) and Training Plan</u></b></p> <p data-bbox="336 495 1461 678"><b>RECEIVED</b> paper setting out the results of the Training Needs Analysis completed by seven of the eight Board Members and identifying areas of common development need for consideration. Potential delivery methods for development work, together with indicative timescales for 2021, were set out in the paper. Potential areas for future focus included:</p> <ul data-bbox="384 696 1453 952" style="list-style-type: none"> <li>• June meeting – pensions law;</li> <li>• September meeting – publishing Scheme information; record keeping; risk management and internal controls (possible training package developed by Clair Alcock); and</li> <li>• December – resolving disputes; annual and lifetime allowance; rules on abatement.</li> </ul> <p data-bbox="336 969 1326 1005">MP would also be discussing training needs with individual members.</p> <p data-bbox="336 1023 1422 1095">Correspondence circulated to the Board might also generate other areas for further exploration – either individually or collectively.</p> <p data-bbox="336 1113 1469 1256">JL commented that it would also be useful to the process for calculation of ill-health pensions. It was agreed to add this to the work programme as a Topic of Interest. HS could provide information on the relevant Regulations and benefit calculation aspects. The LGA may also have useful supportive information.</p> <p data-bbox="336 1274 895 1310"><b>(SEE ALSO NOTE LPB/21/3 ABOVE)</b></p>
LPB/21/11	<p data-bbox="336 1337 716 1373"><b><u>Correspondence Update</u></b></p> <p data-bbox="336 1391 1358 1462"><b>RECEIVED</b> latest version of log listing all correspondence received and circulated to Board Members since the last meeting.</p>
LPB/21/12	<p data-bbox="336 1485 684 1520"><b><u>LPB Work Programme</u></b></p> <p data-bbox="336 1538 1493 1753"><b>RECEIVED</b> latest version of the Board work programme to December 2022. This would, though, be a rolling work programme, with indicative items subject to change. Other items could be incorporated as required. MP would add potential Topics of Interest and Board Training to the next iteration. The TNA would be refreshed annually and the review date would feature on the next iteration of the Work Programme.</p>

MIN NO.	ITEM TITLE
LPB/21/13	<p data-bbox="336 219 660 257"><b><u>Date of Next Meeting</u></b></p> <p data-bbox="336 286 1246 324">15.00hours, Wednesday 23 June 2021 (venue to be confirmed).</p> <p data-bbox="336 338 1445 409">In closing the meeting, the Board thanked AW for all her work on behalf of the Board and wished her well in her new employment.</p>

The Meeting started at 3.00 pm and finished at 4.43 pm