

**LOCAL PENSION BOARD**  
**23 June 2021**

**Present:**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson (MP)  
(Ch)

James Leslie (JL)

Caroline Gourlay (CG) (Rewards & Benefits  
Manager)

Satnam Singh Rai  
(SR)

Peter Redbourn (PR)

Zoe Smyth (ZS) (Rewards & Benefits Manager)

Helen Scargill (HS) (West Yorkshire Pension  
Fund)

Steve Yates (SY) (Note-taker)

**Apologies:**

*Scheme Member  
Representatives:*

Andy Hallam (AH)

Ben Redwood (BR)

<b>MIN NO.</b>	<b>ITEM TITLE</b>
<b>LPB/21/14</b>	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
<b>LPB/21/15</b>	<b><u>Topic of interest - Pension Law</u></b> (Clair Alcock [CA] [Senior Pension Adviser, Local Government Association - LGA] in attendance for this item). CA delivered a presentation on the knowledge and skills required of a Board Member and the resources available to assist Board Members discharge their role effectively and efficiently. The presentation covered, amongst other things: <ul style="list-style-type: none"><li>• the respective roles and responsibilities for firefighters pension schemes (Scheme Manager; Local Pension Board; Scheme Advisory Board; Pensions Administrator; and the Home Office [drafting of relevant legislation only, not interpretation]);</li><li>• the role of the Local Pensions Board, which was to secure compliance with relevant pensions legislation;</li></ul>

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	<ul style="list-style-type: none"> <li>• guidance (including e-learning modules) from the Pensions Regulator (tPR) – the Board should have sufficient knowledge and understanding - and the right questioning approach - to be assured of compliance. This involved having a reasonable (not exhaustive) knowledge of the law (most recent legislation; rationale for decisions made); understanding the risks (risk assessments; internal controls to monitor and assess risk); understanding the data; understanding about the collection of money at the right time; understanding breaches of law; acting without conflict; and where to find relevant information (e.g. <a href="#">LGA FF Pensions Scheme website</a>; <a href="#">FF Pensions Schemes Regulations and Guidance website</a>; <a href="#">Firefighters Pensions Scheme Members website</a>; <a href="#">Scheme Advisory Board website</a>).</li> </ul>
LPB/21/16	<p><b><u>Notes</u></b></p> <p>The Notes of the meeting held on 17 March 2021 were <b>AGREED</b>.</p>
LPB/21/17	<p><b><u>Review of Actions</u></b></p> <p><b>CONSIDERED</b> updated Action Log (at 9 June 2021) listing Open Actions. Progress against actions was indicated in the comments column. It was noted that:</p> <ul style="list-style-type: none"> <li>• work was ongoing with KPIs (see item LPB/21/21) below;</li> <li>• the final administration, management and governance strategy was still awaited. The Board had already agreed to adopt this, once issued;</li> <li>• McCloud/Sargeant. Immediate detriment cases were now being progressed in line with guidance issued (see item LBP/21/20 below). A copy of latest guidance from the government and the LGA had already been circulated to Board Members. Progression of remedy for people who had already retired was currently on hold pending further clarification;</li> <li>• appointments to the Board should be finalised following the Authority annual meeting on 29 June 2021;</li> <li>• the issue of incorrect deductions of retirement allowance relating to injury pensions was still being progressed;</li> <li>• the following actions were closed: <ul style="list-style-type: none"> <li>○ pensionability of fixed term contracts (see item LPB/21/20 below);</li> <li>○ Board Training Needs Analysis;</li> <li>○ Board Terms of Reference and roles/responsibilities review;</li> <li>○ annual review of internal controls;</li> <li>○ change of designated Scheme Manager;</li> <li>○ the Pensions Regulator (tPR) consultation on draft content for new Code of Practice;</li> <li>○ register of breaches of law; and</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ contractual overtime (Fire Brigades Union request). This item was now being addressed by the relevant Employment Relations Committee.</li> </ul>
<p><b>LPB/21/18</b></p>	<p><b><u>Training Log Update</u></b>  <b>NOTED</b> latest version of the Board Training Log (updated June 2021). All Board Members had completed tPR e-learning modules. New Board Members would be asked to undertake tPR e-learning modules.</p>
<p><b>LPB/21/19</b></p>	<p><b><u>Correspondence Update</u></b>  <b>NOTED</b> latest version of log listing all correspondence received and circulated to Board Members since the last meeting.</p>
<p><b>LPB/21/20</b></p>	<p><b><u>Scheme Manager Update</u></b>  <b>CONSIDERED</b> paper summarising current pension matters both locally and nationally which required input from the Service. In particular, the paper addressed:</p> <p><b><i>Pension Surveys and Annual Returns</i></b></p> <p>The annual Internal Dispute Resolution Procedure data return had been submitted to the Bluelight Pensions team at the LGA in May 2021.</p> <p>The LGA had requested completion of a remedy self-assessment survey, which is due by 30 June 2021. The survey sought to gain understanding of arrangements for managing the pension scheme and specifically implementing the age discrimination remedy. The Service had responded to this survey.</p> <p>The data required by the Scheme Administrator, West Yorkshire Pension Fund (WYPF), for the 2021 Annual Benefit Statements was submitted on 13 May 2021. The Service was fully up to date with the pension reporting required monthly by WYPF.</p> <p><b><i>Pension Communications</i></b></p> <p>An email communication setting out the Authority's decision on progressing immediate detriment cases had been circulated to all eligible staff on 23 April 2021.</p> <p>An intranet page had been created to provide updates regarding the pension reform and age discrimination remedy. This was communicated to staff by the Service communications team on 24 May 2021.</p> <p>Also on 24 May 2021, communication were issued on the launch of the first national website for Firefighters' pension scheme members, based on the scheme rules currently in place. Future content, including age discrimination remedy updates, would be added.</p> <p>The LGA had advised that 2021 Annual Benefit Statements (ABS) for protected members should not include projections beyond the current scheme year. This would be communicated in the ABS and the LGA acknowledged that, whilst this would be disappointing to members, it was due to the limitations within the software at present.</p>

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	<p>A communication was issued on 21 April 2021 signposting FPS members to their online pension accounts, where members will be able to view their ABS.</p> <p>In March 2021, the National Audit Office (NAO) published a report into public service pensions. Whilst it was reported that the introduction of the 2015 scheme helped contain rising costs, it contained five key recommendations on issues the Government should look to address soon, including the impact of age discrimination remedy and how the cost control mechanism works.</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; Ill health Injury Pension and State benefits)</i></b></p> <p>The paper set out:</p> <ul style="list-style-type: none"> <li>• the Authority decision, at its Extraordinary Meeting on 20 April 2021, to seek to remedy "immediate detriment" cases in light of transition protection judgement and subsequent advice from the government and the LGA. Nine requests had been received for immediate detriment quotations for retirement before 1 April 2022. Linked to this issue, the Authority would be invited to revise its policy on Voluntary Scheme Pays at its meeting on 29 June 2021. The LGA had released a set of remedy data collection tools. Additionally, both the government and the LGA had issued updated guidance on immediate detriment cases. The Scheme Advisory Board had written an open letter to the Treasury requesting further clarity on associated specific policy issues – contribution adjustments for 2006 Scheme members; decisions for taper members; and contingent decisions;</li> <li>• that there were no new updates on the O'Brien v Ministry of Justice case (Special Members of the 2006 Scheme – Second Options Exercise);</li> <li>• that the Scheme Advisory Board (SAB) had confirmed its earlier advice that temporary employments were not pensionable. The SAB would issue fire and rescue authorities with an advice note to enable them to obtain bespoke legal advice on this matter as required;</li> <li>• that WYPF was engaged in work to assess the interaction between State benefits and pension payments in relation to the treatment of Retirement Allowance benefits for a number of people who retired with an ill health injury on duty.</li> </ul> <p><b><i>Reporting Breaches of Law</i></b></p> <p>There had been no breaches to report since last meeting</p> <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>

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	<p><b><i>Board Membership</i></b></p> <p>Peter Redbourn's term as a Scheme Member representative on the Board would expire at the end of June 2021. Peter would be replaced, from 1 July 2021, by Philip Gillbard, a Crew Manager at Middlemoor and retained Watch Commander at Tiverton who has been with the Service 1991.</p> <p>Additionally, this would be Caroline's last meeting in support of the Board. The Board asked to have placed on record its thanks to:</p> <ul style="list-style-type: none"> <li>• Peter for his valuable contribution since the Board's inception in 2015;</li> <li>• Caroline for her support to the Board.</li> </ul>
<p><b>LPB/21/21</b></p>	<p><b><u>Board KPI Report</u></b></p> <p><b>CONSIDERED</b> paper providing an update on development of Key Performance Indicators (KPIs) for both the Service and the Board. This detailed progress against the two established KPIs:</p> <ol style="list-style-type: none"> <li>1. submission of monthly pension reporting to WYPF by the last day of the month – secured on eight out of the nine months that this KPI had been measured. In future years, an extended timeframe would be applied for submission of reports in March; and</li> <li>2. notifications of normal retirement and timeframes for submission – the Pay and Conditions Team had continued to submit notifications of normal retirements to WYPF within the service level agreement of five days of receipt. The issue still remained, though, of the Service receipt of notification of normal retirements in sufficient time. A potential solution for this could be discussed further as necessary, informed by what other fire and rescue services might be doing. This would in part, however, depend on individual service notice requirements.</li> </ol> <p>Work was ongoing on development of a proposed KPI for the ill-health retirement process and timescales.</p> <p>Two further KPIs were proposed and accepted, for measurement quarterly by way of 360 degree feedback from WYPF and subject to review at the next Board meeting:</p> <ol style="list-style-type: none"> <li>(a). The timeframe for estimates to be processed: from the request being made by the staff member to WYPF having all of the necessary information to process each one; and</li> <li>(b). Quality of data: the number of follow up queries needed by WYPF following initial submission of the request for an estimate/quote.</li> </ol>
<p><b>LPB/21/22</b></p>	<p><b><u>Risk Register</u></b></p> <p><b>CONSIDERED</b> latest version (v1.08) of the Board Risk Register. There had been no changes since the Board last viewed the Register. The Register was, however, a "live" document and could be updated at any stage. It would also be necessary to measure the effectiveness of the control measures to mitigate the risks as indicated in the Register.</p>

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LPB/21/23	<p><b><u>LPB Annual Report</u></b></p> <p>The Annual Report covering work undertaken by the Board during 2020 would be prepared for submission to the Authority's Audit &amp; Governance Committee on 30 July 2021. The draft report would be circulated to Board Members for comment prior to finalisation and submission to the Committee.</p>
LPB/21/24	<p><b><u>Self-Assessment/Assurance - Website</u></b></p> <p><b>NOTED</b> that the website was considered up-to-date at this time. Membership of the Board would be revised in due course. The website could also be revised as necessary to include links to other, useful source websites (as per CA's earlier presentation – see LPB/21/15 above).</p>
LPB/21/25	<p><b><u>LPB Work Programme</u></b></p> <p><b>NOTED</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.</p> <p>MP would consider production of a corresponding programme for Topics of Interest for consideration at individual Board meetings.</p>
LPB/21/26	<p><b><u>Date of Next Meeting</u></b></p> <p>15.00hours, Wednesday 15 September 2021 (venue to be confirmed).</p>

The Meeting started at 3.00 pm and finished at 4.20 pm