



**DEVON &  
SOMERSET**  
FIRE & RESCUE SERVICE

## **LOCAL PENSION BOARD**

**Date of Meeting:** Wednesday 8 December 2021, at 3.00 pm via Microsoft Teams

### **A G E N D A**

| <b>ITEM NO.</b> | <b>ITEM TITLE</b>   |
|-----------------|---|
| 1.              | <b><u>Apologies</u></b>   |
| 2.              | <b><u>Conflict of Interest Declaration</u></b>  |
| 3.              | <b><u>Notes</u></b> (Pages 1 - 6)<br>of the meeting held on 15 September 2021 attached.                     |
| 4.              | <b><u>Review of Actions</u></b> (Pages 7 - 8)<br>Review of Actions of previous meeting attached.            |
| 5.              | <b><u>Training Log Update</u></b> (Pages 9 - 10)<br>Attached.   |
| 6.              | <b><u>Correspondence Update</u></b> (Pages 11 - 12)<br>Document attached.                                   |
| 7.              | <b><u>Website</u></b><br>To confirm that the website is up-to-date.   |
| 8.              | <b><u>Risk Register</u></b> (Pages 13 - 16)<br>To review the register (attached).                           |
| 9.              | <b><u>Key Performance Indicators</u></b> (Pages 17 - 20)<br>Paper attached.                                 |
| 10.             | <b><u>Scheme Manager Update</u></b> (Pages 21 - 24)<br>Paper attached.                                      |
| 11.             | <b><u>Age Discrimination Remedy</u></b><br>Update on arrangements for processing Immediate Detriment cases. |

| ITEM NO. | ITEM TITLE   |
|----------|--|
| 12.      | <p><b><u>Topic of Interest</u></b><br/>Deferred due to current shortage of LGA resources.</p>                                      |
| 13.      | <p><b><u>LPB Work Programme</u></b> (Pages 25 - 26)<br/>Attached. To review programme and items for LPB meeting in March 2022.</p> |
| 14.      | <p><b><u>Date of Next Meeting</u></b><br/>15.00hours, Wednesday 16 March 2022 via MS Teams.</p>                                    |

### **Board Membership**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson

Phil Gillbard

Zoe Smyth (Rewards & Benefits Manager)

Shayne Scott

Andy Hallam

Steve Yates

Satnam Singh Rai

James Leslie

Cllr. David Thomas

Ben Redwood

# Agenda Item 3

## LOCAL PENSION BOARD 15 September 2021

### Present:

*Scheme Manager  
Representatives:*

Mike Pearson (MP)  
(Ch)

Satnam Singh Rai  
(SSR)

Amy Webb (AW)

Cllr George Wheeler  
(GW)

*Scheme Member  
Representatives:*

Andy Hallam (AH)

James Leslie (JL)

Peter Redbourn  
(PR)

Ben Redwood (BR)

*Other Attendees:*

Steve Pope (SP) (Delegated Scheme Manager)

Caroline Gourlay (CG) (Rewards & Benefits  
Manager)

Steve Yates (SY) (Note-taker)

### Apologies:

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Andy Hallam (AH)  
James Leslie (JL)

| MIN NO.   | ITEM TITLE  |
|-----------|---|
| LPB/21/27 | <b><u>Inquorate Meeting</u></b><br>It was recognised that, in the absence of any Scheme Member representatives, this meeting was inquorate and could not proceed on a formal basis.<br><br>Given the importance of the subject matter, it was agreed that the agenda should be discussed informally. MP would contact the Scheme Member representatives to stress the importance of attendance at Board meetings. |
| LPB/21/28 | <b><u>Conflict of Interest Declaration</u></b><br>No new interests were declared.   |
| LPB/21/29 | <b><u>Notes</u></b><br>The Notes of the meeting held on 23 June 2021 were <b>AGREED</b> .   |
| LPB/21/30 | <b><u>Review of Actions</u></b><br><b>CONSIDERED</b> updated Action Log (at 6 September 2021) listing Open Actions. Progress against actions was indicated in the comments column. It was noted that:   |

| MIN NO.          | ITEM TITLE   |
|------------------|--|
|                  | <ul style="list-style-type: none"> <li>• there had been slow progress in development of Key Performance Indicators for the Board owing to other priorities (e.g. on the age discrimination remedy position);</li> <li>• the action on West Yorkshire Pension Fund (WYPF) Cyber Security was to remain open pending further progress;</li> <li>• the Local Government Association (LGA) had published the final Administration, Management and Governance Strategy for Local Pension Boards. <b>Action:</b> SY to assess against existing documents for this Pension Board with a view to producing a final document (based on the LGA final Strategy) for consideration at the December 2021 meeting;</li> <li>• work was ongoing in relation to the McCloud/Sargeant &amp; O'Brien/Matthews discrimination remedy;</li> <li>• Andy Hallam (Scheme Member Representative) had submitted three months' notice of his intention to resign as a Board Member. An appointments process would be commenced with a view to having a replacement Scheme Member Representative in place by March 2022;</li> <li>• the issue in relation to incorrect deduction of retirement allowance was still being explored. WYPF considered the stance currently adopted by the Service was incorrect in light of both advice issued by the [then] Department for Communities and Local Government (CLG) in 2010 and also in light of different treatment by the Police in relation to a similar allowance. A further meeting to explore this had been arranged for later in September and it was hoped to have reached a definitive conclusion by the next Board meeting in December. There were currently some 70 cases where corrective action might need to be taken.</li> </ul> <p>(See also Notes LPB/21/33 and LPB/21/34 below).</p> |
| <b>LPB/21/31</b> | <b><u>Board Training</u></b>   |
|                  | <p><b>LPB/21/31a <u>Board Training Log</u></b></p> <p><b>NOTED</b> latest version of Board Training Log (updated September 2021). Newly appointed Scheme Manager and Scheme Member representatives would be reminded to complete the Pension Regulator (tPR) e-learning modules at the earliest opportunity. On completion, training certificates would be published on the website.</p> <p>ZS had completed four of the seven modules.</p> <p>(See also Notes LPB/21/31(b) and LPB/21/37 below).</p>  |
|                  | <p><b>LPB/21/31b <u>Board Member Induction</u></b></p> <p>The LGA had advised that, as a result of staffing issues and other work priorities, it would not be in a position to deliver bespoke induction training for the current year.</p>  |

| MIN NO.   | ITEM TITLE  |
|-----------|---|
|           | <p>Instead, newly appointed Board Members were provided with an LGA PowerPoint presentation on the role and responsibilities of Local Pension Boards and individual Board Members. MP would arrange a “light-touch” induction based on these materials.</p> <p>Additionally, Board Members were reminded that the minimum expectation was that they would complete tPR e-learning modules.</p> <p>(See also Notes LPB/21/31(a) above and LPB/21/37 below).</p>  |
| LPB/21/32 | <p><b><u>Correspondence Update</u></b></p> <p><b>NOTED</b> latest version of log listing all correspondence received and circulated to Board Members since the last meeting.</p>  |
| LPB/21/33 | <p><b><u>Scheme Manager Update</u></b></p> <p><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>Governance &amp; Strategy</i></b></p> <p>As previously advised, the LGA had published the final Administration, Management and Governance Strategy for Local Pension Boards Administration. The Board had previously expressed consensus that this strategy should be adopted, once issued (Note LPB20/33 refers). Existing Board documents and toolkits would be adapted accordingly in line with the template.</p> <p><b><i>Pension Communications</i></b></p> <p>100% of benefits statements had been issued for the Service by the deadline of 31 August 2021.</p> <p>A staff update on pension reform (in light of publication of the Public Service Pensions and Judicial Offices Bill.</p> <p>The need for constant (minimum monthly) communications with staff on implications of the pension reforms was recognised, as was the importance of Scheme Member representatives being fully conversant with this issue so as to support and assist Scheme Members as required.</p> <p>The Local Government Association, working alongside the Fire Brigades Union, had commissioned Bevan Brittan to develop a framework for use by fire and rescue services in addressing immediate detriment cases. Communications on this would be issued as soon as practicable.</p> <p><b><i>Pension Projects (Transition Protection Judgement; O’Brien v Ministry of Justice)</i></b></p> <p>The Devon &amp; Somerset Fire &amp; Rescue Authority had resolved, at its ordinary meeting on 29 June 2021, <a href="#">to amend its discretionary policy on Voluntary Scheme Pays</a> to assist in addressing immediate detriment cases in line with the earlier Authority decision at its <a href="#">extraordinary meeting on 20 April 2021</a>.</p> |

| MIN NO.   | ITEM TITLE  |
|-----------|---|
|           | <p>There were no further updates at present in relation to the Special Members of FPS 2006 – Second Options Exercise (previously referred to as the Matthews or O’Brien cases).</p> <p><b>Reporting Breaches of Law</b></p> <p>There had been no breaches to report since last meeting</p> <p><b>Internal Dispute Resolution Procedure (IDRP)</b></p> <p>There had been no new complaints under the Procedure since the last Board meeting.</p> <p><b>Pension Administrator Quality of Service</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>Board Membership</b></p> <p>Philip Gillbard, a Crew Manager at Middlemoor and retained Watch Commander at Tiverton, had replaced Peter Redbourn as a Scheme Member representative on the Board with effect from 1 July 2021.</p> <p>(See also Note LPB/21/30 above).</p>   |
| LPB/21/34 | <p><b><u>Update on Key Performance Indicators for the Service and the Board</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 eleven out of the twelve months that this KPI had been measured. It was acknowledged that, owing to other work pressures at the time of year in question, the standard KPI for the month of March may not be realistic. <b>Action:</b> ZS to explore development of a unique, extended timeframe for submission of March reports to WYPF; 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 wherever possible. However, paperwork for 18 (79%) of the 23 retirements that had taken place between 1 December 2020 and 31 July 2021 were submitted outside the SLA period (minimum of six weeks prior to retirement) as information was not submitted to the Pay and Conditions Team within this time frame. MP proposed reminding staff of the six week requirement. <b>Action:</b> ZS to explore the viability of an additional KPI (as suggested by HS) on retirement notifications received within two weeks of retirement date being submitted to WYPF within five working days of receipt.</li> </ol> <p>As previously indicated, work to develop a proposed KPI for the ill-health retirement process and timescales had not progressed as swiftly as desired owing to resourcing and workload pressures. Work was planned for later in the year to review the process for ill-health retirements, to include identification of appropriate timelines for KPIs.</p> |

| MIN NO.   | ITEM TITLE   |
|-----------|--|
|           | <p>Similarly, it was intended to progress the proposed 360 degree feedback process with WYPF in Q3 of the current financial year.<br/>(See also Note LPB/21/30 above).</p>   |
| LPB/21/35 | <p><b><u>Risk Register</u></b><br/> <b>CONSIDERED</b> latest version (v1.08) of the Board Risk Register. <b>Action:</b> MP and ZS to review and update the Risk Register to reflect changes in risk owners and to review impact scores of those risks where risk controls were either in development or completed.</p>   |
| LPB/21/36 | <p><b><u>Self-Assessment/Assurance</u></b></p>   |
|           | <p><b>LPB/21/36a <u>Website</u></b><br/> All Board Members were encouraged to check the website for currency/accuracy.</p>   |
|           | <p><b>LPB/21/36b <u>Public Service Governance and Administration Survey 2020-21</u></b><br/> The latest report was circulated with the agenda for the meeting. <b>Action:</b> report to be reviewed against current self-assessment, with consequent benchmarking report to be submitted to the next Board meeting.</p>  |
| LPB/21/37 | <p><b><u>Topics of Interest and Board Training</u></b><br/> As previously referenced, MP reported that the LGA had advised that, due to staffing issues and a focus on work related to the age discrimination remedy, it would be unable to deliver any bespoke training during 2021-22. MP would be arranging a “light-touch” induction session for new Board Members, using previous LGA materials.<br/> The topics of interest initially proposed for this Board meeting (Record Keeping) would be deferred to the December 2021 meeting. Similarly, the topic of interest initially proposed for the December 2021 meeting (Resolving Disputes) would be deferred to the March 2022 meeting.<br/> In the meantime, a further training needs analysis would be undertaken to inform both Topics of Interest and training sessions for the remainder of 2022. <b>Action:</b> MP and ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members.<br/> (See also Note LPB/21/31 above).</p> |

| MIN NO.   | ITEM TITLE  |
|-----------|---|
| LPB/21/38 | <p><b><u>LPB Work Programme</u></b></p> <p><b>NOTED</b> latest version of the Board work programme to December 2022. <b>Action:</b> MP to revise to:</p> <p>(a). add to those Board meetings those items discussed at this meeting i.e.:</p> <p>(i) Administration, Management and Governance Strategy for the Board [based on LGA final template]; benchmark report against Public Service Governance and Administration Survey 2021; Topic of Interest – Record Keeping for December 2021 Board meeting;</p> <p>(ii) Topic of Interest – Dispute Resolution to March 2022 meeting); and</p> <p>(b). extend the programme to 2023 to provide a rolling three-year view.</p> <p>(See also Notes LPB/21/30, LPB/21/36(b) and LPB/21/37 above).</p> |
| LPB/21/39 | <p><b><u>WYPF Staffing Structure</u></b></p> <p>(An item of any other business).</p> <p>HS provided an update on revisions to the WYPF staffing structure:</p> <ul style="list-style-type: none"> <li>• creation of Assistant Director for Pensions and Governance &amp; Business Development Manager posts;</li> <li>• creation of additional IT posts;</li> <li>• recruitment of two, new, senior pension officers and three pension officers to expand capacity to undertaken pension calculations (given the implications of the age discrimination remedy, for which an additional two officers may be required),</li> </ul>   |
| LPB/21/40 | <p><b><u>Date of Next Meeting</u></b></p> <p>15.00hours, Wednesday 8 December 2021 via Microsoft Teams.</p>   |

The Meeting started at 3.00 pm and finished at 4.22 pm



## Copy of Pension Action Log - Open Actions

| Date Raised | Source | Action Lead  | Status      | Pension Work Activity            | Action   | Comments  | RAG |
|-------------|--------|--------------|-------------|----------------------------------|--|---|-----|
| 30-Oct-19   | Board  | Zoe Smyth    | In progress | LPB Governance and Effectiveness | <p><b>Local KPIs for Board Effectiveness</b></p> <p>WYPF suggested that consideration to be given to development of Board KPIs to assess Service effectiveness in information transmission to WYPF (e.g. time taken to notify WYPF of death in service; pay awards etc.)</p> <p>05/06/20: Action now is to develop KPI dashboards for Scheme Manager and for LPB</p>               | <p>11/12/19: CG asked to consider any KPIs that might assist the LPB monitor scheme manager effectiveness. Consider what WYPF think is key and also look at audit reports for possible indicators.</p> <p>12/02/20: CG researching what other LPBs do.</p> <p>06/03/20: Work in progress</p> <p>28/04/20: CG considering dashboard approach. Now pending - Covid-19</p> <p>05/06/20: Action remains pending because of Covid-19 arrangements.</p> <p>17/08/20: CG to circulate thoughts on KPIs</p> <p>09/09/20: Paper taken to LPB. CG to progress development of the KPIs.</p> <p>15/10/20: CG looking at collecting relevant data to support measures.</p> <p>25/11/20: CG making progress on this - update to follow.</p> <p>09/12/20: KPI on time taken for ill-health retirements to be developed</p> <p>07/01/21: Work ongoing, reporting on small dashboard for Feb</p> <p>04/02/21: Dashboard produced. CG to set up additional measure and action comms around retiree notice periods. Impact on performance to be monitored</p> <p>03/03/21: 2 KPIs in place, 3 further in progress. Comms to be actioned.</p> <p>13/04/21: Comms issued 22.03.21. CG to speak to union reps.</p> <p>12/05/21: Further comms to be actioned. Three further KPIs in progress.</p> <p>09/06/21: Proposal to LPB 23rd June on 2 KPI's, ill-health KPI pending.</p> <p>12/07/21: Slow progress on development of dashboards due to HMI resourcing priorities. Likely to be Autumn.</p> <p>12/10/21: As reported previously this is unlikely to be looked at until autumn.</p> <p>24/11/21: Action will be superseded by other action. <b>ACTION CLOSED</b></p> | RAG |
| 18-Mar-20   | Board  | Mike Pearson | In progress | Risk Management                  | <p><b>WYPF Cyber Security</b></p> <p>WYPF business continuity plan to be reviewed by MP/SP/CG, specifically with regard to cyber attack.</p> <p>Feedback given, WYPF asked to consider and respond.</p> <p>MP to review risk register to asses impact of gaps in WYPF BCP</p> <p>Aon free cyber questionnaire - consider benefit of using it (see email from Satnam 14/07/20).</p> | <p>28/04/20: Action pending because of Covid-19 arrangements.</p> <p>05/06/20: Action remains pending because of Covid-19 arrangements.</p> <p>17/08/20: Action remains pending because of Covid-19 arrangements.</p> <p>15/10/20: MP to ask PP and SB to comment on WYPF BCP (done 16 Oct)</p> <p>25/11/20: MP to write to WYFP with feedback on its BCP</p> <p>09/12/20: WYPF asked to respond to issues raised</p> <p>07/01/21: MP to review risk scores and consider using Aon free questionnaire</p> <p>24/11/21: No further progression.</p>  | G   |
| 09-Sep-20   | Board  | Zoe Smyth    | Pending     | Administration and Compliance    | <p><b>Administration, Management and Governance Strategy</b></p> <p>Board agreed to adopt the template strategy developed by the LGA/SAB and that Board documentation and toolkits should be adapted accordingly subject to outcome of the LGA/SAB consultation.</p>   | <p>15/10/20: Awaiting outcome of LGA/SAB consultation.</p> <p>12/05/21: Still awaiting response. CG to contact CA/CH.</p> <p>09/06/21: LGA anticipate issuing response by end of June.</p> <p>12/07/21: LGA hope to publish with July bulletin.</p> <p>06/09/21: No update in July or August bulletin. ZS to chase Claire Hey for update.</p> <p>12/10/21: Draft strategy produced, circulated for comments.</p> <p>24/11/21: draft, "Devonised" version of Strategy in production. Intention is to submit to Board early in 2022 for adoption and subsequent publication on the Pensions page of the Service website.</p>  | G   |

Page 7

Agenda Item 4

## Copy of Pension Action Log - Open Actions

| Date Raised | Source         | Action Lead              | Status      | Pension Work Activity            | Action   | Comments  | RAG |
|-------------|----------------|--------------------------|-------------|----------------------------------|--|---|-----|
| 07-Jan-21   | Scheme Manager | Zoe Smyth                | In progress | Administration and Compliance    | <b>Injury Pension - Incorrect deduction of Retirement Allowance</b><br>WYPF had identified possible incorrect deduction from a deceased pensioner dating back to 2010 and was reviewing other similar potential cases. Guidance issued by CLG October 2010 advised that RA should not be deducted but not clear if there was any further clarification or legal opinion. Further evidence required to establish whether WYPF assessment should be applied. <b>Also need to consider whether incorrect deduction is a breach of the law and if so whether it is reportable.</b> | 07/01/21: CG to request further evidence/guidance from LGA/WYPF<br>04/02/21: WYPF expects full picture by end March. CG to speak with Peninsula Pensions for view on deduction rationale and any implication for LGPS.<br>03/03/21: CG to chase Peninsula Pensions for rationale and ensure audit trail.<br>13/04/21: CG waiting for info from Peninsula Pensions. WYPF report being worked on.<br>12/05/21: Info received from Peninsula Pensions - A 2011 internal audit report referred to for further clarity. CG to progress sourcing report.<br>09/06/21: Still locating DAP 2011 report. Awaiting WYPF potential remedy.<br>12/07/21: ZS to chase DAP report. MP to discuss decision with SS.<br>06/09/21: A meeting would be scheduled between MP, ZE and SS to discuss further<br>20/09/21: Decision made that deduction of this allowance was incorrect. WYPF asked action cases and identify quantum. <b>ACTION CLOSED</b> |     |
| 12-Jul-21   | Chair          | Mike Pearson             | In progress | LPB Governance and Effectiveness | <b>New Member Induction</b><br>To ensure new board members receive adequate induction training   | 12/07/21: LGA considering future training plans. ZS to contact Avon/D&W FRS ref collective induction session that we ask LGA to run.<br>06/09/21: Induction training to be delivered by MP for SS, Cllr Thomas and Philip Gilbard<br>12/10/21: Scheduled for the 12th November.<br>24/11/21: Rescheduled for 1st December   | G   |
| 12-Oct-21   | Board          | Zoe Smyth                | In progress | LPB Governance and Effectiveness | <b>Recruitment of Replacement Scheme Member Representative</b><br>Andy Hallam stepping down from the Board after the Dec meeting. Recruitment process for replacement to be conducted.   | 12/10/21: Recruitment process will be conducted in anticipation of the March 2022 meeting.<br>24/11/21: Will be reviewed after Christmas  | G   |
| 15-Sep-21   | Board          | Zoe Smyth                | In progress | LPB Governance and Effectiveness | <b>Development of KPIs</b><br>Three KPI's together with any additional potential KPI's from Governance Strategy to be considered and reviewed  | 24/11/21: Will be scheduled when possible, age discrimination remedy work taking priority.  | G   |
| 15-Sep-21   | Board          | Mike Pearson & Zoe Smyth | In progress | Administration and Compliance    | <b>Risk Register</b><br>MP and ZS to review and update the Risk Register to reflect changes in risk owners and to review impact scores of those risks where risk controls were either in development or completed.   | 12/10/21: Meeting between MP, SS and ZS to be scheduled<br>24/11/21: Meeting to be rescheduled  | G   |
| 15-Sep-21   | Board          | Zoe Smyth                | In progress | LPB Governance and Effectiveness | <b>Public Service Governance and Administration Survey 2020-21</b><br>Current self-assessment to be reviewed against survey findings   | 12/10/21: Will be scheduled when possible, age discrimination remedy work taking priority.<br>24/11/21: Self-assessment scheduled for January release   | G   |
| 15-Sep-21   | Board          | Mike Pearson             | In progress | LPB Governance and Effectiveness | <b>Revision of the training needs analysis</b><br>MP and ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members.  | 24/11/21: Will be scheduled when possible, age discrimination remedy work taking priority. Pending appointment of new member early 2022.  | G   |
| 20-Sep-21   | Chair          | Zoe Smyth                | In progress | Administration and Compliance    | <b>Injury Pension - Incorrect deduction of Retirement Allowance</b><br>Decision is that deduction of this allowance was incorrect. Now need to consider whether incorrect deduction is a breach of the law and if so whether it is reportable.   | 12/10/21: ZS asked to consider and report back to MP/SS.<br>24/11/21: Decision made reduction of retirement allowance on several pensioner cases has been deemed to be incorrect. WYPF are working through the necessary cases to make adjustments. <b>ACTION CLOSED</b>  |     |
| 24-Nov-21   |                | Zoe Smyth                | New Action  | Administration and Compliance    | <b>Amendments to the firefighters' pension regulations consultation</b><br>Response to be submitted to consultation on the amendments to the firefighters regulation, due by 02 January 2022   |   | G   |



## Local Pension Board – Training Log

Updated November 2021

|                                   | Conflicts of interest | Managing risk and internal controls | Maintaining accurate member data | Maintaining member contributions | Providing information to members and others | Resolving internal disputes | Reporting breaches of the law |
|-----------------------------------|-----------------------|-------------------------------------|----------------------------------|----------------------------------|---|-----------------------------|-------------------------------|
| <b><u>Scheme Manager Reps</u></b> |                       |                                     |                                  |                                  |   |                             |                               |
| Mike Pearson                      | June 2020             | June 2020                           | June 2020                        | June 2020                        | June 2020                                   | June 2020                   | June 2020                     |
| Satnam Singh Rai                  | June 2020             | June 2020                           | June 2020                        | June 2020                        | June 2020                                   | June 2020                   | June 2020                     |
| Cllr David Thomas                 | November 2021         |                                     |                                  |                                  |   | November 2021               | November 2021                 |
| Shayne Scott                      | October 2021          | October 2021                        | October 2021                     | October 2021                     | October 2021                                | October 2021                | October 2021                  |
| <b><u>Scheme Member Reps</u></b>  |                       |                                     |                                  |                                  |   |                             |                               |
| Andy Hallam                       | June 2020             | June 2020                           | June 2020                        | June 2020                        | June 2020                                   | June 2020                   | June 2020                     |
| Phillip Gilbard                   |                       |                                     |                                  |                                  |   |                             |                               |
| James Leslie                      | March 2020            | March 2020                          | March 2020                       | March 2020                       | March 2020                                  | March 2020                  | March 2020                    |
| Ben Redwood                       | October 2020          | October 2020                        | October 2020                     | October 2020                     | October 2020                                | October 2020                | October 2020                  |
| <b><u>Support Officers</u></b>    |                       |                                     |                                  |                                  |   |                             |                               |
| Zoe Smyth                         | September 2021        | September 2021                      | September 2021                   | September 2021                   | September 2021                              | September 2021              | September 2021                |

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**DEVON & SOMERSET FIRE & RESCUE AUTHORITY LOCAL PENSIONS BOARD**

**Updated Pension Correspondence Log – Correspondence received and circulated since last LPB meeting**

**(NOTE: a copy of the correspondence listed in this log has already been sent to all Board Members. If you are missing any of the correspondence, please contact Democratic Services specifying the missing correspondence. This will then be sent to you)**

| <b>Date</b>       | <b>Description</b>  | <b>Purpose</b>   | <b>Source</b> |
|-------------------|---|------------------|---------------|
| 13 September 2021 | West Yorkshire Pension Fund Monthly Update September 2021                               | Information Only | WYPF          |
| 30 September 2021 | FPS Bulletin 49 – September 2021  | Information Only | LGA           |
| 18 October 2021   | West Yorkshire Pension Fund Monthly Update October 2021                                 | Information Only | WYPF          |
| 29 October 2021   | FPS Bulletin 50 – October 2021  | Information Only | LGA           |
| 15 November 2021  | Issue of suite of letters for use by Scheme Administrators on age discrimination remedy | Information Only | LGA           |
| 18 November 2021  | West Yorkshire Pension Fund Monthly Update November 2021                                | Information Only | WYPF          |
| 29 November 2021  | Information on withdrawal by Home Office of informal guidance on immediate detriment    | Information Only | LGA           |
| 30 November 2021  | FPS Bulletin 51 – November 2021   | Information Only | LGA           |

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### Copy of Local Pensions Board - Risk Register v1.09

| Ref    | Context/Causational trigger                         | Hazard<br>(anything that may cause harm)  | Impact<br>(who/what may be harmed and how)  | Gross<br>Impact | Gross<br>Likelihood | Gross Risk<br>Score | Controls in place   | Net<br>Impact | Net<br>Likelihood | Net Risk<br>Score | Further controls required                       | Target<br>Impact | Target<br>Likelihood | Target Risk<br>Score | Control Owner   | Risk Owner   |
|--------|---|---|---|-----------------|---------------------|---------------------|---|---------------|-------------------|-------------------|---|------------------|----------------------|----------------------|---|--------------|
| LPB001 | Cyber attack  | Complete loss of systems  | Catastrophic loss of capability   | 5               | 4                   | 20                  | 1. Technological security tested in recent Pen Test<br>2. Cyber attack plan<br>3. BC plans (incl ICT)<br>4. Staff awareness<br>5. Additional comms to staff<br>6. BC exercise 2 Dec 2019  | 4             | 3                 | 12                | 7. Evidence of BC plan for WYPF                 | 3                | 3                    | 9                    | 1. Head of ICT<br>2. Head of ICT<br>3. HR R&B Mngr & HoICT<br>4. HR Reward & Benefits Manager<br>5. HR Reward & Benefits Manager<br>6. HR R&B Mngr & HoICT<br>7. HR Reward & Benefits Manager   | Mike Pearson |
| LPB002 | System failure                                      | Temporary loss of systems   | Systems unavailable until recovered and potential loss of data  | 4               | 3                   | 12                  | 1. BC Plan (incl ICT)<br>2. Departmental BC plans reviewed<br>3. Additional comms to staff<br>4. BC exercise 2 Dec 2019   | 3             | 3                 | 9                 | 5. Evidence of BC plan for WYPF                 | 3                | 3                    | 9                    | 1. HR R&B Mngr & Ho ICT<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR R&B Mngr & HoICT<br>5. HR Reward & Benefits Manager  | Mike Pearson |
| LPB003 | Power supply failure                                | Temporary loss of systems   | Systems unavailable until recovered   | 3               | 3                   | 9                   | 1. BC Plan (incl ICT, HR & Finance)<br>2. Departmental BC plans reviewed<br>3. Access to alternative locations<br>4. Back-up generator available  | 2             | 3                 | 6                 | None at this time                               | 2                | 3                    | 6                    | 1. Heads of ICT, Finance & HR R&B Mngr<br>2. Heads of ICT, Finance, Estates & HR R&B Mngr<br>3. Head of Estates<br>4. Head of Estates   | Shayne Scott |
| LPB004 | Loss of premises                                    | Loss of utilities or access to premises due to industrial action  | Inability for staff to undertake work   | 3               | 3                   | 9                   | 1. BC Plan (incl ICT)<br>2. Departmental BC plans reviewed<br>3. Access to alternative locations and working from home  | 2             | 3                 | 6                 | None at this time                               | 3                | 2                    | 6                    | 1. Head of ICT & HR R&B Mngr<br>2. Heads of ICT; Finance; Estates & HR R&B Mngr<br>3. Ho ICT/Estates  | Shayne Scott |
| LPB005 | Member data incomplete or inaccurate                | Incorrect pension calculations and Annual Benefit Statements and incorrect reporting to Home Office and The Pension Regulator               | Pensioners may receive incorrect pensions Breaches of pension regulations   | 3               | 4                   | 12                  | 1. Payroll data for active members is provided by Pay & Conditions on a monthly basis to WYPF<br>2. Active members, deferred members and pensioners have an online account and can check their information<br>3. A data reconciliation exercise has been undertaken with GAD.<br>4. Address data cleanse completed annually and any address found to be incorrect or not known are investigated using a tracing agency. | 2             | 2                 | 4                 | None at this time                               | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager  | Zoe Smyth    |
| LPB006 | Administration process failure/ maladministration   | Pension administration not undertaken to the required standard  | Pensioners may receive incorrect pensions Breaches of pension regulations Fraud by admin staff Fraudulent payments Failure of bank account to make payment Incorrect taxation of benefits | 3               | 4                   | 12                  | 1. Pension SLA in place with KPIs<br>2. Scheme of delegation in place<br>3. Regular communication with administrator<br>4. WYPF have significant experience of administering a number of Fire Authorities.<br>5. Within P&C, we have a settled team who are competent in role.<br>6. Trend lines within WYPF monthly reports for key measures<br>7. WYPF to report on the agreed KPIs                                   | 2             | 2                 | 4                 | 8. Review Pension Administrator's audit reports | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager<br>5. HR Reward & Benefits Manager<br>6. HR Reward & Benefits Manager<br>7. HR Reward & Benefits Manager<br>8. Head of Finance | Shayne Scott |
| LPB007 | Annual Benefit Statement (ABS) not produced in time | There are required deadlines for a pension administrator to complete the Annual Benefit Statements in line with required timescales by TPR. | ABS not received by member and likely to be a reportable breach   | 3               | 4                   | 12                  | 1. Pension data from P&C now available on a monthly basis including yearend data<br>2. WYPF developing an automated system for ABS statements for the Modified Pension Scheme   | 2             | 2                 | 4                 | None at this time                               | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager  | Zoe Smyth    |
| LPB008 | Excessive charges by Pension Administrator          | Unplanned increases in charges  | Additional pressure on the budgetary efficiency of the Service  | 3               | 4                   | 12                  | 1. Contracts are controlled by OJEU rules and the contract is subject to renewal on a 5 year basis with the option for an extension for 1-2 years.<br>2. Contract prices and any adhoc scenarios where additional charges may be incurred are included in the contract terms.   | 2             | 2                 | 4                 | None at this time                               | 2                | 2                    | 4                    | 1. Head of Finance<br>2. Head of Finance  | Shayne Scott |

Page 13

Agenda Item 8

## Copy of Local Pensions Board - Risk Register v1.09

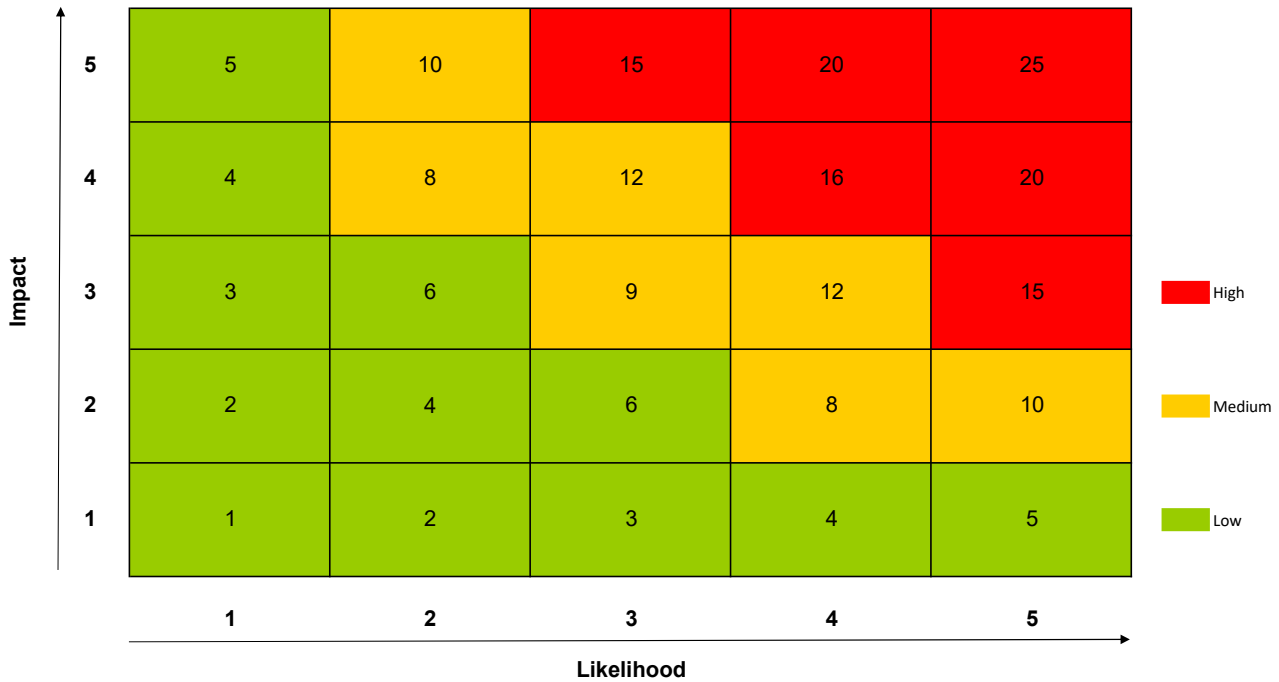
| Ref    | Context/Causational trigger  | Hazard<br>(anything that may cause harm)   | Impact<br>(who/what may be harmed and how)  | Gross<br>Impact | Gross<br>Likelihood | Gross Risk<br>Score | Controls in place  | Net<br>Impact | Net<br>Likelihood | Net Risk<br>Score | Further controls required   | Target<br>Impact | Target<br>Likelihood | Target Risk<br>Score | Control Owner   | Risk Owner   |
|--------|--|--|---|-----------------|---------------------|---------------------|--|---------------|-------------------|-------------------|---|------------------|----------------------|----------------------|---|--------------|
| LPB009 | Officers or Members acting outside of delegated responsibility   | Officers or Members either deliberately or unknowingly acting outside of their delegated responsibility                                | Additional financial implications for the pension schemes or breach of the pension regulations  | 3               | 4                   | 12                  | 1. Authority Members have agreed an approved Scheme of Delegation and financial limits for decisions associated with the pensions.<br>2. A Pensions Discretions Policy is in place.<br>3. Officers are competent in pension matters and receive CPD training<br>4. Support and advice is available through the WYPF Client Manager and the LGA Pension Advisors  | 2             | 2                 | 4                 | None at this time   | 2                | 2                    | 4                    | 1. Dem Services Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager  | Mike Pearson |
| LPB010 | Employer fails to deduct correct pension contributions from members  | Incorrect pension contribution being recorded and collected  | Active pensioners and DSFRS have to backdate pension contribution arrears   | 3               | 4                   | 12                  | 1. Pension deductions and rules are set within the payroll system based on earnings<br>2. New joiners are entered into the applicable pension scheme<br>3. Staff who have opted-out are auto-enrolled into the applicable pension scheme unless they opt-out again<br>4. Reconciliation of deduction carried out by Finance on a monthly basis<br>5. Internal audit review deductions as part of audit scope | 2             | 2                 | 4                 | None at this time   | 2                | 2                    | 4                    | 1. Head of Finance<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. Head of Finance<br>5. Head of Finance  | Shayne Scott |
| LPB011 | Failure by the Pension Administrator to interpret rules or legislation correctly   | Incorrect pension calculations and estimates   | Incorrect pensions received and either backdated employer and employee contributions required or overpayments collected.  | 3               | 4                   | 12                  | 1. Regular attendance at pension training and update events by WYPF.<br>2. Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.<br>3. DSFRS have regular client meetings with WYPF and scrutinise pension changes   | 2             | 2                 | 4                 | None at this time   | 2                | 3                    | 6                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager   | Zoe Smyth    |
| LPB012 | Annual Statutory Accounts criticised by external auditors / The Pension Regulator  | Major issues exist with the Management and Administration, and/or accounting for the Firefighter Pension Schemes                       | Reputational damage to the Service. Dissatisfaction from staff in the service they receive.   | 3               | 4                   | 12                  | 1. Trained, experienced officers produce the accounts to a detailed timescale.<br>2. Pension data for the accounts is provided by the Governments Actuary Departments (GAD).<br>3. Advice available from the Fire Finance network, LGA and Pension Administrator   | 2             | 2                 | 4                 | None at this time   | 2                | 2                    | 4                    | 1. Head of Finance<br>2. Head of Finance<br>3. Head of Finance  | Shayne Scott |
| LPB013 | Failure to communicate with staff concerning significant changes to pension arrangements   | Pension members not receiving correct information  | Members could make key pension decisions with inadequate information available to them  | 3               | 4                   | 12                  | 1. Regular attendance at LGA pension training events.<br>2. Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.<br>3. Client meetings with WYPF and scrutiny of pension changes<br>4. Ensure information on the impact of promotions to the Annual Allowance is made clear to staff.   | 1             | 2                 | 2                 | None at this time   | 1                | 2                    | 2                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager  | Zoe Smyth    |
| LPB014 | Court of Appeal decision on unlawful discrimination from Transitional arrangements for transfer from the 1992 to 2015 (McCloud/Sargent case) | 2015 scheme members will need to be transferred back to their preferred pension scheme   | Significant pension administration in making back-dated adjustments to pensions. Implementation of the remedy may be problematic due to data gaps following transfer of payroll and pensions providers  | 3               | 5                   | 15                  | 1. Employers will be represented at the ET.<br>2. Ensuring that historic data that might be required is retained to help manage any potential remedy<br>3. Pension reserve in place to support administration costs<br>4. Accessing information from LGA to ensure we are fully informed<br>5. Receiving updates from Fire Finance Network and national reps   | 2             | 5                 | 10                | 6. Consideration of data retention pending remedy<br>7. Ability to take on additional staff to support administration (pending reserve) | 2                | 5                    | 10                   | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. Head of Finance<br>4. HR Reward & Benefits Manager<br>5. Head of Finance<br>6. HR Reward & Benefits Manager<br>7. HR Reward & Benefits Manager | Shayne Scott |
| LPB015 | Court of Appeal decision on unlawful discrimination for Part-time workers prior to 2000 (O'Brien/Matthews case)                              | Pension entitlement prior to 2000 will need to be calculated and a repayment scheme made available (similar to 2006 modified exercise) | Significant pension administration in making back-dated adjustments to pensions. Implementation of the remedy may be problematic due to data gaps following transfer of payroll and pensions providers (and potential to go back to 1976 service) | 3               | 5                   | 15                  | 1. Employers will be represented at the ET.<br>2. Ensuring that historic data that might be required is retained to help manage any potential remedy<br>3. Pension reserve in place to support administration costs<br>4. Accessing information from LGA to ensure we are fully informed<br>5. Receiving updates from Fire Finance Network and national reps   | 2             | 5                 | 10                | 6. Consideration of data retention pending remedy<br>7. Ability to take on additional staff to support administration (pending reserve) | 2                | 5                    | 10                   | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. Head of Finance<br>4. HR Reward & Benefits Manager<br>5. Head of Finance<br>6. HR Reward & Benefits Manager<br>7. HR Reward & Benefits Manager | Shayne Scott |



Copy of Local Pensions Board - Risk Register v1.09

| Ref    | Context/Causational trigger  | Hazard<br>(anything that may cause harm)   | Impact<br>(who/what may be harmed and how)   | Gross<br>Impact | Gross<br>Likelihood | Gross Risk<br>Score | Controls in place  | Net<br>Impact | Net<br>Likelihood | Net Risk<br>Score | Further controls required  | Target<br>Impact | Target<br>Likelihood | Target Risk<br>Score | Control Owner  | Risk Owner   |
|--------|--|--|--|-----------------|---------------------|---------------------|--|---------------|-------------------|-------------------|--|------------------|----------------------|----------------------|--|--------------|
| LPB016 | COVID-19 Pandemic  | Pension scheme administration cannot be undertaken   | Increase in administration of pensioner records and administrator absence due to illness   | 3               | 5                   | 15                  | 1. Working at home arrangements<br>2. HR Business continuity plans<br>3. Government guidance on healthy workplaces   | 2             | 3                 | 6                 | 4. WYPF business continuity arrangements (received not yet reviewed) | 2                | 3                    | 6                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager   | Zoe Smyth    |
| LPB017 | Loss of Key Staff  | Single points of failure   | Pensioners may receive incorrect pensions<br>Breaches of pension regulations   | 3               | 4                   | 12                  | 1. Head of HR supported by Rewards and Benefits Manager<br>2. Pension SLA in place with KPIs<br>3. Scheme of delegation in place<br>4. WYPF has an experienced team<br>5. P&C has an experienced team.<br>6. WYPF to report on the agreed KPIs   | 2             | 2                 | 4                 | None at this time  | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager<br>5. HR Reward & Benefits Manager<br>6. HR Reward & Benefits Manager | Zoe Smyth    |
| LPB018 | GDPR Breach  | Failure to comply with GDPR  | Prosecution, fines, enforcement notices, civil action, reputational damage.  | 3               | 4                   | 12                  | 1. GDPR impact assessments conducted by DSFRS as part of GDPR prep<br>2. GDPR requirements included in pensions administration contract<br>3. Data sharing agreements in place with WYPF<br>4. Staff induction and CPD includes GDPR   | 2             | 2                 | 4                 | None at this time  | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager   | Zoe Smyth    |
| LPB019 | Failure of LPB members to maintain knowledge and understanding to required level | Failure of LPB to discharge its statutory functions  | Breaches of the law.<br>Action by TPR.<br>Reputational damage  | 3               | 3                   | 9                   | 1. LPB induction includes: TPR CoP 14; TPR e-learning; and LGA training<br>2. Attendance at LGA Annual Fire Pensions Conference<br>3. Regular LPB meetings<br>4. LPB meetings include a training topic to reinforce learning or generate debate  | 2             | 2                 | 4                 | 5. TNA and individual training plans                                 | 2                | 1                    | 2                    | 1. HR Reward & Benefits Manager<br>2. HR Reward & Benefits Manager<br>3. HR Reward & Benefits Manager<br>4. HR Reward & Benefits Manager<br>5. HR Reward & Benefits Manager                                    | Mike Pearson |
| LPB020 | Employer incorrectly enrolls an employee into the Firefighter's Pension scheme   | Failure to auto enrol in an appropriate pension scheme resulting a breach of the law from incorrect application of pension rules and incorrect deductions from pay | Fines or other action by the Pension Regulator.<br>Reputational damage.<br>Staff dissatisfaction and complaints take up management time. | 3               | 4                   | 12                  | 1. P&C staff informed that only FF on permanent contracts can be enrolled in the FFPS.<br>2. P&C staff informed to not include the FFPS in the offer letter for FF on FTCs but to include the LGPS.<br>3. Auto enrolment for FF on temporary contacts will only be applied under the LGPS. | 2             | 2                 | 4                 |  | 2                | 2                    | 4                    | 1. HR Reward & Benefits Manager  | Zoe Smyth    |

## RISK MEASUREMENT MATRIX



### Likelihood

| Score | Likelihood Description |                               |
|-------|------------------------|-------------------------------|
| 1     | Not likely             | 0-10% chance of occurring     |
| 2     | Possible               | 11to 20% chance of occurring  |
| 3     | Quite possible         | 21 to 50% chance of occurring |
| 4     | Likely                 | 51 to 80% chance of occurring |
| 5     | Very likely            | >81% chance of occurring      |

### Impact

The explanation as to the appropriate level of impact will be different depending upon the type of work undertaken. It is not appropriate to have a score of 5 in all aspects, i.e. a project that protects heritage should not have an impact as high as a project that potentially prevents multiple fatalities. The different explanations are provided under four headings below.

| Community life risk, health and safety |                |   |
|--|----------------|---|
| Score                                  | £              | Impact Description  |
| 1                                      | £Nil to £1,000 | Negligible risk of injury                                 |
| 2                                      | £10,000        | Minor illness or injury requiring little or no treatment  |
| 3                                      | £100,000       | Temporary injury or damage requiring extended treatment   |
| 4                                      | £1 million     | Critical, death/serious injury or damage                  |
| 5                                      | £2 million     | Catastrophic, single or multiple fatalities, extreme loss |

| Environment and heritage |                |   |
|--------------------------|----------------|---|
| Score                    | £              | Impact Description  |
| 1                        | £Nil to £1,000 | Negligible risk to the environment/heritage   |
| 2                        | £10,000        | Minor damage to habitat or heritage site, localised pollution with no loss of life, effects short term  |
| 3                        | £100,000       | Restricted loss to habitat or heritage site, localised environmental pollution with loss of animal life, effects short term                     |
| 4                        | £1 million     | Critical, total loss of habitat or heritage site, extensive environmental pollution with loss of animal life, effects long term or irreversible |

| Use of resources and organisational effectiveness |                |   |
|---|----------------|---|
| Score   | £              | Impact Description  |
| 1   | £Nil to £1,000 | Negligible loss of service delivery or departments/function's effectiveness   |
| 2   | £10,000        | Minor loss of resources impinging on efficiency and effectiveness from one department/function                                  |
| 3   | £100,000       | Loss of resources disrupting service delivery from one or more departments  |
| 4   | £1 million     | Critical, loss of resources preventing aspects of service delivery from one or more departments/functions                       |
| 5   | £2 million     | Catastrophic, significant or total loss of resources preventing intervention or prevention service delivery, loss of reputation |

| Corporate Governance |                |   |
|----------------------|----------------|---|
| Score                | £              | Impact Description  |
| 1                    | £Nil to £1,000 | Negligible risk of contravening procedures  |
| 2                    | £10,000        | Minor non-compliance with legislation, enforcement action, audit requirements, national targets involving the identification of Recommended Actions, or non compliance with local procedures, good management practice or local performance targets |
| 3                    | £100,000       | Non-compliance with legislation, enforcement actions or audit requirements involving government intervention, prosecution, significant fines or loss of reputation  |

## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

### LOCAL PENSIONS BOARD

|                          |   |
|--------------------------|---|
| <b>DATE OF MEETING</b>   | <b>08 December 2021</b>   |
| <b>SUBJECT OF REPORT</b> | <b>UPDATE ON KEY PERFORMANCE INDICATORS FOR THE SERVICE AND BOARD</b>   |
| <b>REPORT AUTHOR</b>     | <b>Human Resources Reward &amp; Benefit Manager</b>   |
| <b>EXECUTIVE SUMMARY</b> | This paper provides an update on the Key Performance Indicators (KPI's) for the Scheme Manager and the Board. |

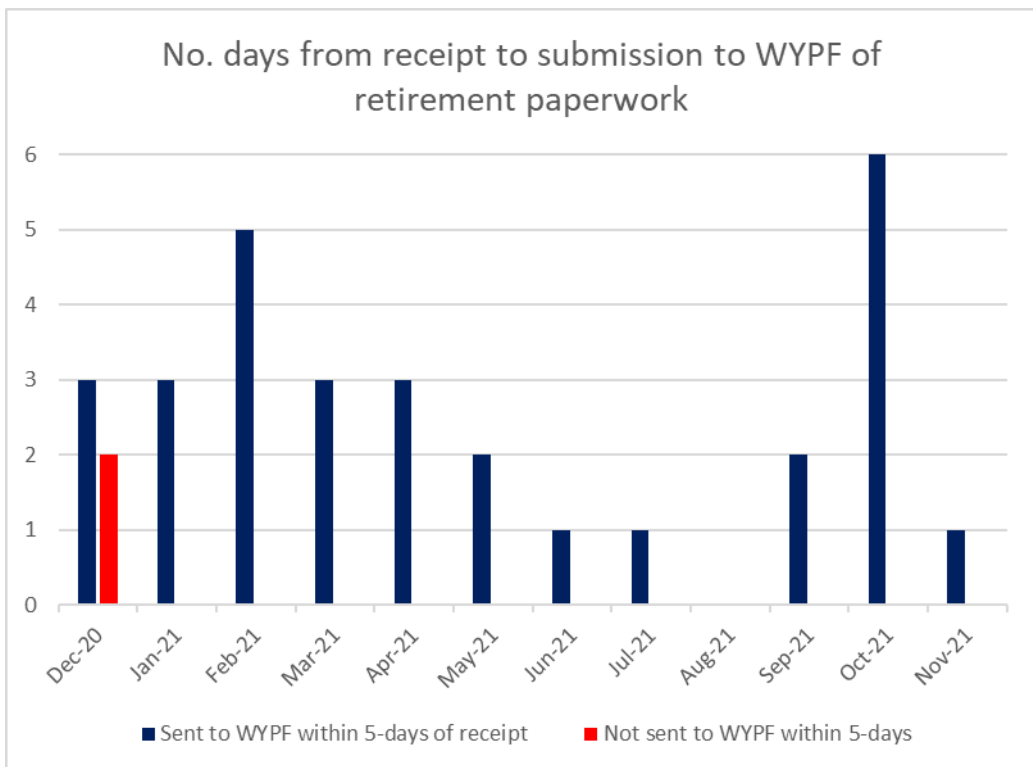
1.1. Below is a progress report on the established KPIs.

(a) **Submission of monthly pension reporting to WYPF by the last day of the month:**

For 11 out of the last 12 months, we have achieved this KPI, as detailed below.

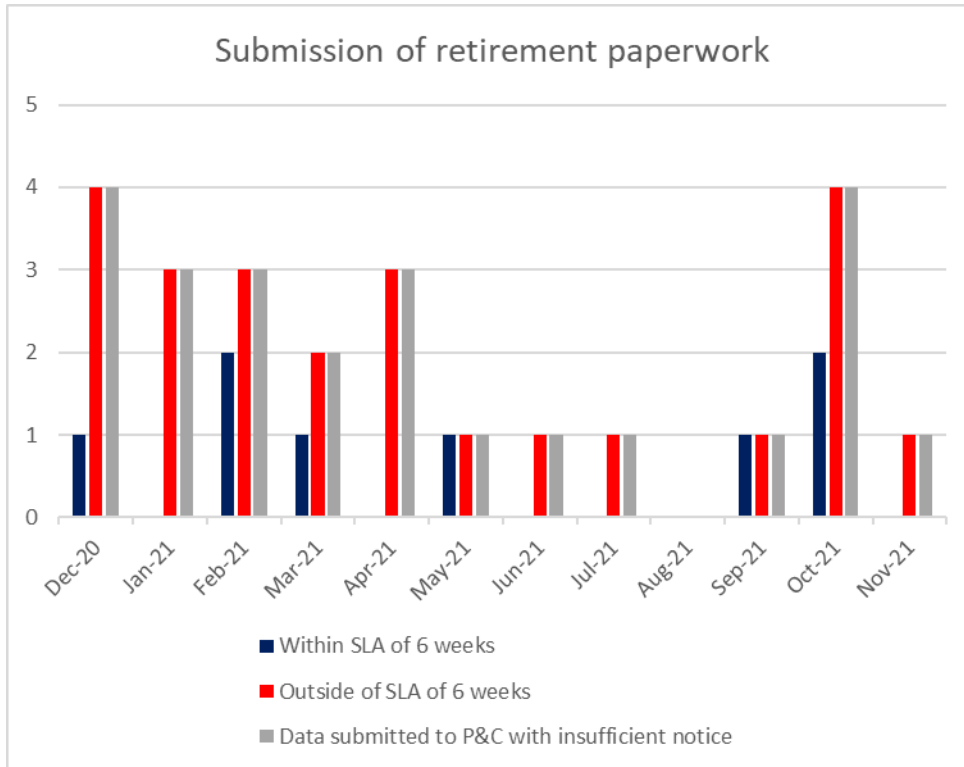
| Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 |
|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 27-    | 10-    | 23-    | 20-    | 19-    | 26-    | 13-    | 28-    | 25-    | 26-    | 26-    | 23-    | 25-    | 26-    |
| Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | May-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 | Nov-21 |
| 20     | 20     | 20     | 21     | 21     | 21     | 21     | 21     | 21     | 21     | 21     | 21     | 21     | 21     |

(b) **Notifications of normal retirement and timeframes for submission**



During the period since the last report, the Pay & Conditions team have continued to submit notifications of normal retirement to WYPF within the SLA of 5-days of receipt.

- 1.2. Paperwork for 24 (75%) of the 32 retirements that have taken place between the period 1 December 2020 and 30 November 2021 were submitted to WYPF outside of the 6-week SLA. This continues to be because information is submitted to the Pay & Conditions team with insufficient notice, as illustrated below.



**ZOE SMYTH**  
**HR Reward and Benefits Manager**

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## DEVON & SOMERSET FIRE & RESCUE AUTHORITY

### LOCAL PENSIONS BOARD

|                          |  |
|--------------------------|--|
| <b>DATE OF MEETING</b>   | <b>8 December 2021</b>   |
| <b>SUBJECT OF REPORT</b> | <b>SCHEME MANAGER UPDATE</b>   |
| <b>REPORT AUTHOR</b>     | <b>HR Rewards &amp; Benefits Manager</b>   |
| <b>EXECUTIVE SUMMARY</b> | <p>This report provides a summary of current pension matters both nationally and locally which have required input from the Service. This report should also be considered in conjunction with the regular monthly Bulletins which are issued by the Firefighters' Pensions Scheme Advisory Board.</p> |

## **1. INTRODUCTION**

- 1.1. This is the update report from the Devon & Somerset Fire & Rescue Authority (the Authority) delegated Scheme Manager for the Authority's Local Pension Board (the Board). The Scheme Manager is defined as being the Fire and Rescue Authority under The Firefighters' Pension Scheme (England) Regulations 2014. However, the Scheme Manager may delegate any functions under these Regulations. The Authority has set out in the Discretions Policy where decisions will need to be taken by the Authority. The day-to-day managing and administering of the pension schemes and any statutory scheme that is connected with them, is delegated to the HR Rewards & Benefits Manager.
- 1.2. The Board provides a number of functions as set out in the Terms of Reference, which include:
- assisting the Scheme Manager to ensure compliance with the relevant regulations and the efficient and effective management of the pension administration;
  - advising on member communications; and
  - monitoring complaints.
- 1.3. This report provides a summary of current pension matters both nationally and locally and further updates will be provided at subsequent Board meetings.

## **2. GOVERNANCE & STRATEGY**

- 2.1. Further to the last Board meeting, this is to report that the review of the governance strategy template (provided by the LGA) is currently underway with a view to publication on the Pensions section of the DSFRS website in early 2022.

## **3. PENSION COMMUNICATIONS**

- 3.1. To note that HM Treasury (HMT) published its response to the cost control mechanism (CCM) consultation on 4 October 2021. The full response to the CCM consultation is available online and the hyperlink is included in FPS Bulletin 50.
- 3.2. Since the last board meeting, the Pensions Ombudsman (TPO) has launched a new page on its website called 'How to avoid the Ombudsman'. It contains 'top tips', links to case studies, key determinations, and new frequently asked questions.
- 3.3. An internal announcement via 'Shout Out' was included in early November to acknowledge the publication of the Immediate Detriment Framework, to remind staff of the 4-month timeframe to process retirements under Immediate Detriment and also to reiterate that any pensionable service accrued in the 1992 scheme up to and including 31 March 2022 will continue to remain protected for those who remain in service as active FPS members.



- 3.4. A new section has been added to the FPS member website, [www.fpsmember.org](http://www.fpsmember.org), titled 2015 Remedy. This section provides a background to the McCloud/ Sargeant age discrimination ruling and a series of frequently asked questions. The communications team have been asked to include a link to this on the pensions section of the intranet.
- 3.5. It has been noted that WYPF is now advising members who contact them directly that they can process up to *“two estimates per scheme member in a rolling 12-month period, and each estimate must be based on a leaving date within 12 months of the date of request”*. The pensions section of the intranet is being updated to reflect this change.

#### **4. PENSION PROJECTS**

##### ***2015 Remedy (Sargeant)***

- 4.1. On 8 October 2021, the FBU and LGA published a joint statement to announce the agreement of a Memorandum of Understanding and Framework for managing immediate detriment cases arising from the McCloud/ Sargeant age discrimination judgment. The LGA also published a guidance document to assist FRAs in adoption of the Immediate Detriment Framework. Due to the subsequent publication of an HMRC policy document and the Finance (No.2) Bill (which both now indicate a move towards making payments of lump sums paid more than 12 months after retirement authorised), an additional joint statement was published on 19 November 21 and accompanied by a revised set of guidance notes from the LGA.
- 4.2. Since the last report, the Service has received a further 6 requests for immediate detriment quotations for retirement before 1 April 2022 (22 in total to date, excluding 2 submitted in August from protected 92 scheme members).

#### **5. REPORTING BREACHES OF LAW**

- 5.1. Within the Board’s Reporting Breaches Procedure, Section 70 of the Pensions Act 2004 (the Act) is referenced. This requires that, where a person has reasonable cause to believe that:
- (a) a duty which is relevant to the administration of the scheme in question, and is imposed by virtue of an enactment or rule of law, has not been or is not being complied with; and
  - (b) the failure to comply is likely to be of material significance to the Regulator in the exercise of any of its functions then they must give a written report on the matter to the Regulator as soon as is reasonably practicable.
- 5.2. There have been no breaches reported since the last Local Pension Board meeting.

**6. INTERNAL DISPUTE RESOLUTION**

- 6.1. Within the Firefighters' Pension Scheme formal complaints are made via the Internal Disputes Resolution Procedure (IDRP). There have been no new complaints under this procedure since the last Local Pension Board meeting.

**7. PENSION ADMINISTRATOR QUALITY OF SERVICE**

- 7.1. The Service continues to have an excellent working relationship with WYPF and both sides are continuing to collaborate and periodically review the arrangements that are in place to identify potential improvements that can be made.

**8. BOARD MEMBERSHIP**

- 8.1. Thank you to Andy Hallam for his participation as a Scheme Member representative. A recruitment process will commence in the New Year for his replacement.

**ZOE SMYTH**  
**HR Rewards & Benefits Manager**

Devon and Somerset Fire and Rescue Authority - Local Pension Board Work Programme 2020 - 2022 v1.02

| Theme              | Activity  | SI | 15-Feb-19 | 29-May-19 | 08-Aug-19 | 30-Oct-19 | 18-Mar-20 | 24-Jun-20 | 16-Sep-20 | 09-Dec-20 | 17-Mar-21 | 23-Jun-21 | 15-Sep-21 | 08-Dec-21 | 16-Mar-22 | 22-Jun-22 | 14-Sep-22 | 07-Dec-22 |
|--------------------|---|----|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Administration     | Confirmation website up to date   | Y  |           |           |           | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Administration     | Correspondence  | Y  | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Administration     | Scheme Manager's Report   | Y  | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Risk and Assurance | KPIs  | Y  | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Risk and Assurance | LPB Action Log  | Y  | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Risk and Assurance | Risk Register   | Y  | X         |           |           | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Training           | Training Log  | Y  | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         |
| Administration     | ABS Feedback  |    |           |           |           | X         |           |           | X         |           |           |           | X         |           |           |           |           | X         |
| Administration     | WYPF attendance at LPB meeting  |    |           |           |           | X         |           | X         | X         |           | X         |           | X         |           | X         |           |           | X         |
| Governance         | Annual Report   |    |           |           |           |           |           | X         |           |           |           | X         |           |           |           |           |           |           |
| Governance         | Appointments to the Board   |    | X         |           |           |           | X         |           |           |           | X         |           |           |           | X         |           |           |           |
| Governance         | LPB Work Plan   |    |           |           | X         |           |           | X         |           |           |           | X         |           |           |           | X         |           |           |
| Governance         | Review of Breaches  |    | X         |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |
| Governance         | Review ToR  |    |           |           |           |           | X         |           |           |           | X         |           |           |           | X         |           |           |           |
| Governance         | Roles and Responsibilities  |    |           |           | X         |           | X         |           |           |           | X         |           |           |           | X         |           |           |           |
| Governance         | Adoption of Administration, Management and Governance Strategy (based on LGA Model) |    |           |           |           |           |           |           |           |           |           |           |           |           | X         |           |           |           |
| Governance         | TPR Annual Survey Return  |    |           |           |           |           | X         |           |           |           | 25/02/21  |           |           |           | 2021      |           |           |           |
| Risk and Assurance | Annual review of internal controls  |    |           |           |           |           | X         |           |           |           | X         |           |           |           | X         |           |           |           |
| Risk and Assurance | LPB Audit Report  |    | X         |           |           |           |           |           |           |           |           |           |           |           |           |           |           |           |
| Risk and Assurance | TPR Self Assessment   |    | X         |           | X         |           |           | 12/06/20  |           |           | 29/01/21  |           |           |           | X         |           |           |           |
| Training           | Annual Training Needs Analysis  |    |           |           |           | X         |           |           |           |           | 05/03/21  |           |           |           | X         |           |           |           |
| Training           | Induction for new members   |    |           |           |           | X         |           |           | X         |           |           |           | X         |           |           |           | X         |           |

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