



**DEVON &  
SOMERSET**  
FIRE & RESCUE SERVICE

## **LOCAL PENSION BOARD**

**Date of Meeting:** Wednesday 21 June 2023, at 1.00 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>Appointment of Chair</u></b> To appoint a Chair for this meeting.
3.	<b><u>Conflict of Interest Declaration</u></b>
4.	<b><u>Notes</u></b> (Pages 1 - 6) Notes of the meeting held on 7 December 2022 attached
5.	<b><u>Review of Actions</u></b> (Pages 7 - 10) Latest Action Log attached.
6.	<b><u>Training Update</u></b> (Pages 11 - 12) Document attached...
7.	<b><u>Scheme Manager Update</u></b> (Pages 13 - 18) Paper attached.
8.	<b><u>Key Performance Indicators</u></b> Please note that this is covered in the Scheme Managers report at agendum 6 above.
9.	<b><u>Risk Register</u></b> (Pages 19 - 22) To review the register (attached).

10.	<b><u>Self-Assessment/Assurance</u></b>
	(a) <b><u>Website</u></b> To confirm that the website is up-to-date.
	(b) <b><u>tPR Self-Assessment</u></b> Update at the meeting.
11.	<b><u>Topics of Interest</u></b> Update at the meeting.
12.	<b><u>LPB Work Programme</u></b> To review programme and items for LPB meeting in 2023-24.
13.	<b><u>Date of Next Meeting</u></b> 13 September 2023 at 10:00hours.

### **Board Membership**

*Scheme Manager  
Representatives:*

Vacancy (Maria  
Sibson tbc)

Shayne Scott

Satnam Singh Rai  
Cllr. Jeff Trail BEM

*Scheme Member  
Representatives:*

Phil Gillbard

James Leslie

Ben Redwood  
Greg Webb

*Other Attendees:*

Zoe Smyth (Rewards & Benefits Manager)

Mareena Anderson-Thorne (HR Officer –  
Pensions)

Sam Sharman

# Agenda Item 4

## LOCAL PENSION BOARD 7 December 2022

### Present:

*Scheme Manager  
Representatives:*

Mike Pearson (MP) (Ch)

Satnam Singh Rai (SSR)

Shayne Scott (SS)

Cllr David Thomas (DT)

*Scheme Member  
Representatives:*

James Leslie (JL)

Ben Redwood (BR)

*Other Attendees:*

Zoe Smyth (ZS) (Rewards and Benefits  
Manager/Delegated Scheme Manager)

Mareena Anderson-Thorne (MAT) (HR Officer,  
Pensions)

Helen Scargill (HS) (West Yorkshire Pension Fund)

Steve Yates (SY) (Note-taker)

### Apologies:

*Scheme Member  
Representatives:*

Philip Gillbard (PG)

Greg Webb (GW)

MIN NO.	ITEM TITLE
LPB/22/40	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
LPB/22/41	<b><u>Notes</u></b> The Notes of the meeting held on 7 September 2022 were <b>AGREED</b> .
LPB/22/42	<b><u>Review of Actions</u></b> <b>CONSIDERED</b> latest version of Action Log listing Open Actions. Progress against actions was indicated in the comments column. The following were noted: <ul style="list-style-type: none"><li>Action LPB044: West Yorkshire Pension Fund (WYPF) Cyber Security Business Continuity Plan. A response from WYPF was still awaited. <b>Action:</b> MAT to contact WYPF to specify what assurance, both in terms of cyber and broader business continuity aspects, the Service was seeking;</li><li>Action LPB055: the Administration, Management &amp; Governance Strategy was drafted but was still awaiting publication;</li><li>Action LPB070: development of KPIs. Work was still progressing, albeit that it had been necessary for other issues to take priority. The WYPF report for November was still awaited;</li></ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• Action LPB072: revision of training needs analysis. Board Members were encouraged to complete and return these to MAT. Completed forms would help inform the future training plan for the Board;</li> <li>• Action LPB076: a watching brief was being maintained. It was expected that revised tPR training modules would be issued once the new Code of Practice was published. In the meantime, Board Members were encouraged to complete the existing e-learning modules (if out of date) at the earliest opportunity and provide evidence of completion in due course;</li> <li>• Action LPB081: the Pensions Discretions Policy had been approved but was yet to be published. The policy would be in force 28 days after publication. The retirement and re-employment (including abatement) policy had been drafted but, as with the Discretions Policy, there were issues in relation to publication. MP referenced the Pay Policy Statement, which was where the retirement and re-employment policy was currently set out. It would be necessary to ensure this was up-to-date by the Authority budget meeting in February 2023;</li> <li>• Action LPB088: the Service was corresponding with WYPF on developing Pensions Dashboards. The information used for the dashboard would be the same as used for the Annual Benefits Statement.</li> </ul> <p><i>(See also Notes LPB/22/43(a), LPB/22/46, LPB/22/48 and LPB/22/50 below)</i></p>
LPB/22/43	<b><u>Training Update</u></b>
	<p><b>LPB/22/43a <u>Training Log</u></b></p> <p><b>NOTED</b> latest version of the Board Training Log (updated June 2022). This indicated that MP and SS (Scheme Manager representatives) were out of date from June 2022; and that JL and BR (Scheme Member representatives) were out of date from March and October 2022 respectively. Additionally, the new Scheme Member representative, GW, was yet to undertake the Pension Regulators (tPR) e-learning modules. The refresh rate was every two years.</p> <p>All Board Members with outstanding training requirements were encouraged to undertake the relevant e-learning modules as the earliest opportunity.</p> <p><i>(See also Note LPB/22/42 above and LPB/22/50 below)</i></p>
LPB/22/44	<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> <p><i>(See also Note LPB/22/45 below)</i></p>
LPB/22/45	<p><b><u>Pension Officer's Bulletin Overview</u></b></p> <p><b>NOTED</b> document providing an overview of the contents of LGA Pension Bulletins issued since the last Board meeting. The document provided actions for the Service together with an indication of progress against those actions.</p> <p><i>(See also Note LPB/22/44 above)</i></p>

MIN NO.	ITEM TITLE
LPB/22/46	<p data-bbox="339 219 724 255"><b><u>Scheme Manager Update</u></b></p> <p data-bbox="339 271 1417 374"><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 data-bbox="435 396 1318 432"><b><i>FPS Administration, Management &amp; Governance Strategy</i></b></p> <p data-bbox="435 450 1490 593">This document, based on the LGA template and customised as necessary to reflect the position for the Devon &amp; Somerset Fire &amp; Rescue Authority, had been produced and was awaiting sign-off in the Service Policy Management System prior to publication on the website.</p> <p data-bbox="435 611 935 647"><b><i>(See also Note LPB/22/42 above)</i></b></p> <p data-bbox="435 665 699 701"><b><i>Pension Projects</i></b></p> <p data-bbox="475 719 908 754"><b><i>(a). 2015 Remedy (Sargeant)</i></b></p> <p data-bbox="435 772 1461 983">The Service position on immediate detriment had not changed since the last Board meeting. Consideration was currently being given to suitable communication Category Two (retired colleagues), given that all announcements on this matter to date had been internal and would not have reached those who fell into 'Category Two' under the Immediate Detriment Framework.</p> <p data-bbox="475 1001 1104 1037"><b><i>(b). Matthews – Second Options Exercise</i></b></p> <p data-bbox="435 1055 1484 1350">Since the last Board meeting, the LGA had added a section to the FPS members website specifically in relation to Special Members of the 2006 Scheme, providing overview of the Court ruling, an outline of which members were eligible and an expected timeframe for the second options exercise. The page reiterated that the government was currently drafting the scheme rules required to bring in the second options exercise in England, prior to consultation and implementation of the relevant legislation, which was expected to be in place by 1 October 2023.</p> <p data-bbox="435 1368 1409 1471">Following this, FRAs would be expected to start the second options exercise and contact eligible members. The exercise would run for a maximum period of 18 months (October 2023 to March 2025).</p> <p data-bbox="435 1489 1466 1563">The form circulated by the LGA would only require completion by people no longer with the Service.</p> <p data-bbox="435 1581 855 1617"><b><i>Reporting Breaches of Law</i></b></p> <p data-bbox="435 1635 1422 1738">Since the last meeting, two potential breaches (details of which were appended to the Scheme Manager's Update) had been reviewed and considered reportable to the Pensions Regulator.</p> <p data-bbox="435 1756 935 1792"><b><i>(See also Note LPB/22/50 below)</i></b></p> <p data-bbox="435 1809 1131 1845"><b><i>Internal Dispute Resolution Procedure (IDRP)</i></b></p> <p data-bbox="435 1863 1482 1973">Two complaints under the Procedure had been received since the last Board meeting. Both had been heard at Stage 1 and progressed to Stage 2. At Stage 2:</p>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• For the first case, the Stage 1 finding had been upheld (i.e. the complaint was not upheld and the appeal dismissed);</li> <li>• For the second case, it was found at Stage 2 that there was a shared responsibility to notify the Pension Administrator of retirement and re-employment. Consequently, the Stage 2 finding was not to overturn the Stage 1 decision but to reduce the requirement for overpayment from the appellant. Following this decision, the Service would be reviewing and revising as necessary, in consultation with WYPF, its processes relating to retirement and re-employment.</li> </ul> <p><b><i>Pension Administrator Quality of Service</i></b></p> <p>The Service continued to collaborate with WYPF and to review, periodically, the arrangements in place to identify potential improvements. It had been noted that there was no clear alignment between the KPIs listed in the Service contract and the monthly reports issued by WYPF. This matter had been discussed with key stakeholders at WYPF, alongside other concerns on time taken to update member records in the earlier part of 2022. It was understood that measures were being introduced to address these resourcing and administration issues. The Service would continue to monitor progress going forward.</p> <p><b><i>Key Performance Indicators</i></b></p> <p>For 10 out of the last 12 months, the Service had achieved the KPI for submission of monthly pension reporting to WYPF by the last day of the month.</p> <p>Since the last Board meeting, there had been a total of four retirements, two of which were not submitted within the timeframe of 6 weeks prior to retirement date.</p> <p><b><i>Pension Dashboards Programme</i></b></p> <p>This was a government initiative to allow pension scheme members in Great Britain to view all their pension entitlements online in one place. Fire schemes (along with all other public sector schemes) were required to connect to the dashboard by 30 September 2024, with a further requirement to provide information about benefits (value data) by 1 April 2025 at the latest.</p> <p>Scheme managers were ultimately responsible under the regulations for ensuring that dashboard duties are met. In the coming months the Service would be liaising with WYPF to discuss plans for connecting to the dashboard, as well as reviewing current internal resourcing to meet the requirements.</p> <p><b><i>(See also Notes LPB/22/42 above and LPB/22/48 below)</i></b></p>

MIN NO.	ITEM TITLE
LPB/22/47	<p><b><u>Local Government Association Annual General Meeting/Pension Conference Update</u></b></p> <p><b>RECEIVED</b> note summarising issues covered at the Annual Fire Pensions Conference held on 25 and 26 October 2022. Preparation for implementation of the age discrimination remedy was the main focus. This – together with the Second Options Exercise - could have a significant resourcing impact on the Service during 2023.</p> <p>Links to the presentations for both days were included in the note.</p> <p><b>(See also Notes LPB/22/46 above and LPB/22/49 below)</b></p>
LPB/22/48	<p><b><u>Pensions Dashboards</u></b></p> <p>The November WYPF report contained a helpful article on Pension Dashboards – in terms of requirements and what the Dashboards were intended to achieve.</p> <p><b>(See also Notes LPB/22/42 and LPB/22/46 above).</b></p>
LPB/22/49	<p><b><u>Risk Register</u></b></p> <p><b>CONSIDERED</b> latest version (v1.12) of the Board Risk Register. The Register was a “live” document and could be updated at any stage. Mitigating actions had been listed against each risk, together with an indication as to whether further control actions were required. These, in turn, impacted on the net risk score.</p> <p>The risk relating to the COVID pandemic (risk LPB016) had been updated to reflect a risk relating to a flu pandemic.</p> <p>MP commented that it may be necessary to revisit risks LPB014 (age discrimination) and LPB015 (Matthews Second Options Exercise), based on earlier comments as to the potential volume of work and resourcing levels.</p> <p><b>(See also Notes LPB/22/46 and LPB/22/47 above)</b></p>
LPB/22/50	<p><b><u>Website</u></b></p> <p>The website was up-to-date albeit it was recognised that training records were still required for the new Scheme Member representative.</p> <p>Consideration was being given to publishing the breaches register on the website.</p> <p><b>(See also Notes LPB/22/42, LPB/22/43(a) and LPB/22/46 above)</b></p>
LPB/22/51	<p><b><u>LPB Work Programme</u></b></p> <p><b>NOTED</b> latest version of the Board work programme to December 2024. The work programme could be varied as required.</p> <p>MP stated that there was some uncertainty over the Pension Regulator annual governance survey. The work programme would be amended once the position was clarified.</p>

MIN NO.	ITEM TITLE
LPB/22/52	<b><u>Date of Next Meeting</u></b> 13.00hours, Wednesday, 15 March 2023 via Microsoft Teams.

The Meeting started at 1.00 pm and finished at 2.25 pm



LPB Action Log (Live Master)\_ - Open Actions

Action Ref	Date Raised	Source	Action Lead	Status	Pension Work Activity	Action	Comments	RAG
LPB044	18-Mar-20	Board	Mike Pearson	In progress	Risk Management	<b>WYPF Cyber Security</b> WYPF business continuity plan to be reviewed by MP/SP/CG, specifically with regard to cyber attack. Feedback given, WYPF asked to consider and respond. MP to review risk register to assess impact of gaps in WYPF BCP Aon free cyber questionnaire - consider benefit of using it (see email from Satnam 14/07/20).	12/01/2023:MP to check LPB minutes to confirm Helen Scargell's ( WYPF) action. 08/02/2023: MAT to email clients on the user group, to see if anyone has had any reassurance. 02/03/2023: MAT states she plans to bring this up at the compliance meeting in April. 06/04/2023: MAT will bring up at the Fire compliance meeting on the 19th of April and to speak to WYPF to discuss cyber attack on Capita. 04/05/2023: MAT has confirmed that WYPF have no business continuity plan for a Cyber security attack but does have software to prevent one.	A
LPB055	09-Sep-20	Board	Zoe Smyth	Pending	Administration and Compliance	<b>Administration, Management and Governance Strategy</b> 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.	15/10/20: Awaiting outcome of LGA/SAB consultation. 06/09/21: No update in August bulletin. ZS to chase Claire Hey for update. 12/10/21: Draft strategy produced, circulated for comments. 24/11/21: "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. 07/03/22: No progress, age discrimination remedy caseload 08/04/22: ZS to revisit terms of reference and roles and responsibilities to ensure they align 12/05/2022 ZS to ensure that role and responsibilities align with strategy. 09/06/2022 - To be presented to LPB on 22/06/2022. 22/06/2022 - ZS states there is still a few things to finalise, before presenting at the next LPB in September. 11/07/2022 - ZS and MAT will be finalising a draft strategy document this week and will circulate to MP, SS and SY. 15/08/2022: ZS would aim to present this at September LPB meeting (7th) 05/09/2022: Information moved into a policy template. Policy is pending approval from the Information Governance team. Content UpToDate and compiled. 11/10/2022: MP would discuss with Sarah Bailey 09/11/2022: Governance and Administration strategy had been approved, awaiting final publication. Remaining policies remained in the publication process. MP would follow up 12/01/2023: ZS confirms it has been published. ZS to look at publishing externally. 04/05/2023: Governance Strategy has been completed <b>ACTION CLOSED.</b>	
LPB070	15-Sep-21	Board	Zoe Smyth	In progress	LPB Governance and Effectiveness	<b>Development of KPIs</b> Three KPI's together with any additional potential KPI's from Governance Strategy to be considered and reviewed	24/11/2021: Will be scheduled when possible, age discrimination remedy work taking priority. 07/03/2022: No progress, age discrimination remedy caseload 08/04/2022 MAT to work with the well-being team to collaborate and create a clear procedure 22/05/2022 MAT to look at developing an LPB Dashboard 09/06/2022 - MAT spoken to Claire Johnson to draw on her West Yorkshire experience and SW and Wales group on how they manage their KPI's. Trying to obtain more information before development. 11/07/2022 - MAT continuing to look at what effective dashboards may look like. 15/08/2022: WYPF undertaking a KPI review, MAT would provide input into this and provide brief when available and work concluded. 05/09/2022: Ongoing 11/10/2022: Review of contract meeting had taken place with WYPF. Work ongoing 09/11/2022: Ongoing - work in progress 12/01/2023: ZS and MAT will draft a Teams page for the LPB, which will show membership and opt out figures on a quarterly basis, to be reviewed at each LPB meeting. MP states the basics of the dashboard need to be established prior. 08/02/2023: SS content no further action required. 04/05/2023: KPI development has been completed <b>ACTION CLOSED.</b>	

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Agenda Item 5

LPB Action Log (Live Master)\_ - Open Actions

Action Ref	Date Raised	Source	Action Lead	Status	Pension Work Activity	Action	Comments	RAG
LPB072	15-Sep-21	Board	Zoe Smyth	Pending	LPB Governance and Effectiveness	<b>Revision of the training needs analysis</b> ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members.	12/05/2022 ZS to facilitate a revised training needs analysis to include new Board members and refresh submissions from existing members. 09/06/2022 - MAT to pick this up. MP to send over details of previous TNA. 11/07/2022 - MAT still working on this, aiming to bring something to the LPB on 7th of September. 15/08/2022: MAT would send the TNA to SY to circulate to the Board ahead of the LPB meeting 05/09/2022: Two returns received by MAT. Awaiting remaining returns 11/10/2022: A reminder had been given at the LPB meeting, no further returns received. ME to chase 09/11/2022: No further TNA's received. HS to chase. 12/01/2023: HS and MAT chased, 4 responses received to date. MAT to schedule 1-1 sessions to go through TNA with outstanding individuals. 08/02/2023: MAT has sat with individuals and gone through TNA. One remaining. Once complete MAT to complete training plan. 02/03/2023: MAT awaiting two responses. 06/04/2023: Ongoing, two outstanding. 04/05/2023: TW to set up meeting for SS and MAT re training needs analysis <b>ACTION CLOSED</b>	G
LPB076	22-Mar-22	Board	Zoe Smyth	For information	LPB Governance and Effectiveness	<b>tPR Training Modules Updated</b> Confirm revised Code of Practice 14 has been issued and whether tPR modules will be updated to inform LPB member refresh schedule	11/07/2022: New code still awaited. 15/08/2022: New code not expected until end of 2022 05/09/2022: Ongoing. 11/10/2022: Ongoing, update expected at the Fire Pension Conference in October 09/11/2022: Email to be sent to all LPB members informing them that the TPR would update the eLearning modules until next year, those due to refresh would need to redo existing modules. 12/01/2023: All board members were reminded where there were more than two years since they had done them. A review to be carried out in February to see who has completed training. 08/02/2023: No further update, awaiting modules to be released. 02/03/2023: No update until modules released. 04/05/2023: No further updates	G

## LPB Action Log (Live Master)\_ - Open Actions

Action Ref	Date Raised	Source	Action Lead	Status	Pension Work Activity	Action	Comments	RAG
LPB081	08-Apr-22	Chair	Mareena Anderson-Thorne	In progress	LPB Governance and Effectiveness	<b>Abatement Policy, Discretions Policy, Retirement Re-employment Policy</b> Review in light of Pensions Ombudsman determination PO-25374	<p>08/04/22 MAT Looking at Abatement (Retirement/re-employ) policy, along with Discretions for FPS &amp; LGPS.</p> <p>12/05/2022 MAT Looking at Abatement (Retirement/re-employ) policy, along with Discretions for FPS &amp; LGPS. Still a work in progress. Looking to complete draft policies by the end of May and deliver to People Committee in July.</p> <p>09/06/2022 - MAT reviewing the services' policies to make sure they are fit for purpose, some policy changes will need to be taken to the FA for approval.</p> <p>11/07/2022 - MAT and ZS reviewing policy changes this week with a view to having a meeting with SS, MP and DR to discuss what we are going to do with these policy positions. We are aiming to take this to the authority LPB 26th September.</p> <p>15/08/2022: MAT expected to take the requisite policies to the FRA in September. Draft discretion policy to be shared at the LPB meeting. RAG rating updated to 'green'</p> <p>05/09/2022: Discretions Policy on the FRA agenda for discussion.</p> <p>11/10/2022: Discretions policy had been approved. The abatement and retirement re-employment policy were in progress. MAT to refer to pay policy statement when finalising draft. Draft to be shared with SS and MP</p> <p>09/11/2022: ICT issue resulting in policies not showing as live on SharePoint despite being approved. MP would raise with Sarah Bailey.</p> <p>12/01/2023: IG Team able to help with issue, but require MAT to request them to open it each time.</p> <p>08/02/2023: MAT to update LGPS discretion policy, to be tabled at next FRA meeting.</p> <p>02/03/2023: Firefighter Pension policy went to the February authority meeting. MAT needs to get it into the template.</p> <p>06/04/2023: MAT to send policy templates to be published. MP to pick up policy templates issues with IG.</p> <p>04/05/2023: TW to set up meeting with IG to discuss the policy template issue <b>ACTION CLOSED</b></p>	RAG
LPB088	31-Oct-22	Chair	Mareena Anderson-Thorne	For information		<b>Pension Dashboards Preparations</b> LPB to seek confirmation from WYPF on what they are doing in preparation for the Pension Dashboards.	<p>09/11/2022: Action updated. MAT to email WYPF seeking confirmation.</p> <p>12/01/2023: MAT to review November Bulletin, which outlines the Pension Dashboard Preparation. WYPF plan to use month 12 data from the annual benefit statement, which is why dashboard will not be live until September 2024.</p> <p>08/02/2023: No further update.</p> <p>02/03/2023: No update.</p> <p>03/03/2023: a reset of the Pensions Dashboard Programme (PDP) which will extend the delivery of pensions dashboards. While the new timescales have not been confirmed, this will push the connection deadline for the FPS back from the scheduled date of 30 September 2024.</p> <p>04/05/2023: Pension Dashboard programme schedule has been pushed but DSFRS's date will be correct</p>	G
LPB089	02-Aug-23	Board	Zoe Smyth	In Progress		<b>Reporting of Breaches</b>	<p>08/02/2023: MAT and ZS to identify and present breaches at next LPB meeting.</p> <p>06/04/2023: MAT and ZS to contact the pension regulator to try and set up an exchange account to be able to report breaches.</p> <p>04/05/2023: Exchange accounts have now been set up</p>	G
LPB090	04-May-23	Board	Shayne Scott	In progress		<b>Chair of Local Pension Board</b> Following the retirement of MP, a new chair will need to be appointed for the LPB.	<p>04/05/2023: SS to email EB about appointing a new chair for the Local Pension Board. SS emailed EB 04/05/23 awaiting for decision</p> <p>01/04/2023: Terms of Reference to be taken to EB tactical on 06/06/2023, for the appointment of the new LPB Chair to be decided prior to the LPB on the 21st of June</p>	G

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## Local Pension Board – Training Log

Updated June 2022

	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	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021
Shayne Scott	October 2021	October 2021	October 2021	October 2021	October 2021	October 2021	October 2021
<b><u>Scheme Member Reps</u></b>							
Phillip Gilbard	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021	December 2021
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
Gregg Webb							
<b><u>Support Officers</u></b>							
<u>Mareena Anderson-Thorne</u>							
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

<b>DATE OF MEETING</b>	<b>21 JUNE 2023</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 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. Please refer to separate agenda item regarding Board membership including the appointment of a new LPB Chair.

## 3. **PENSION PROJECTS**

### ***2015 Age Discrimination Remedy (Sargeant)***

- 3.1. Since the last Board meeting, the Service has adopted the immediate detriment framework. This was communicated internally via Shout Out, the Pensions page of the intranet and the email group for operational colleagues the week commencing 24 April 2023.
- 3.2. Since adopting the framework, there have been 10 applications submitted for 'Category One' retirement under immediate detriment. At the time of writing, 6 of the cases have already been submitted to WYPF for processing and the remaining 4 are ready for submission, subject to sign off. This provides the Scheme Administrator with a minimum of 6 weeks for calculation prior to the planned retirement date of each member.



- 3.3. Consideration is currently being given to suitable communication for retired colleagues, given that all announcements on this matter to date have been internal and will not have reached those who fall into 'Category Two' under the Immediate Detriment Framework.

### ***Second Options Exercise (Matthews)***

- 3.4. On 31 March 2023, the Home Office launched their formal consultation on Retained Firefighters' Pensions: Proposed Changes to the Firefighters' Pension Scheme (England) 2006.
- 3.5. The aim of this consultation was to focus on the government's commitment to provide further remedy to those individuals who were employed as retained firefighters between 7 April 2000 and 5 April 2006 (inclusive), by providing access to the modified section of Firefighters' Pension Scheme 2006 (referred to as 'the modified scheme'). It contains the proposed amendments to the Firefighters' Pension Scheme (England) Order 2006 and the Firemen's Pension Scheme Order 1992 to achieve this outcome. The LGA provided a written response, which they have published on the Consultation page of the Firefighters' Pension Scheme Regulations and guidance website.
- 3.6. The DSFRS Pensions Officer is currently working with our Communications Team to develop a suitable page on the Service's external website, in order that updates can be published and shared with those who are eligible for the Second Options exercise but no longer DSFRS employees.

### **Pensions Dashboard Programme**

- 3.7. Since the last Scheme Manager update, DWP has laid the Pensions Dashboards (Amendment) Regulations 2023. A link to a summary of the regulations can be found on the Pension Regulator's (tPR) [pension dashboard webpages](#). A link to the full amending regulations can be found on their '[Stay in touch with developments](#)' page. The amending regulations include a postponed connection deadline of 31 October 2026, with anticipation that a staging timeline will be set out in guidance.

## **4. REPORTING BREACHES OF LAW**

- 4.1. 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.

4.2. There have been no breaches reported since the last Local Pension Board meeting.

**5. INTERNAL DISPUTE RESOLUTION**

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 from FPS members since the last Local Pension Board meeting.

**6. PENSION ADMINISTRATOR QUALITY OF SERVICE**

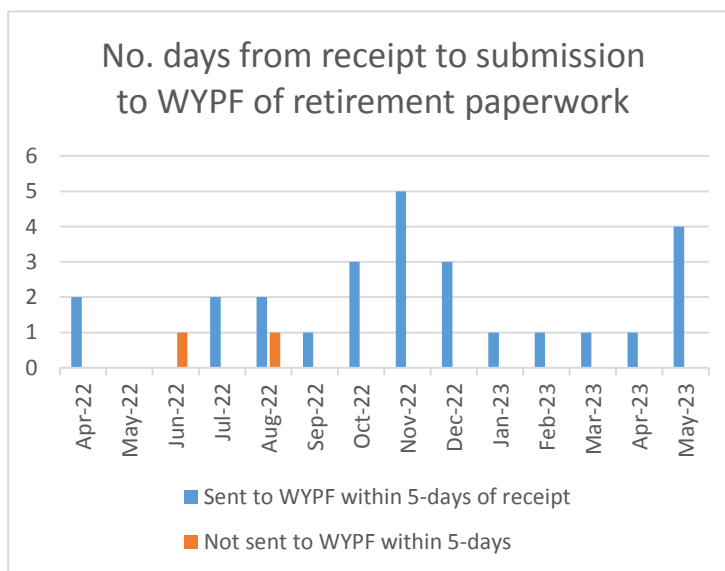
6.1. Data submissions are summarised as follows:

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

For the last 12 months, we have achieved this KPI, as detailed below. To note that the submission deadline for 2023 has been brought forward to 19<sup>th</sup> day of the subsequent month.

Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23
20-Jul-22	16-Aug-22	01-Sep-22	26-Oct-22	23-Nov-22	20-Dec-22	19-Jan-23	13-Feb-23	08-Mar-23	15-May-23	19-May-23	24-May-23

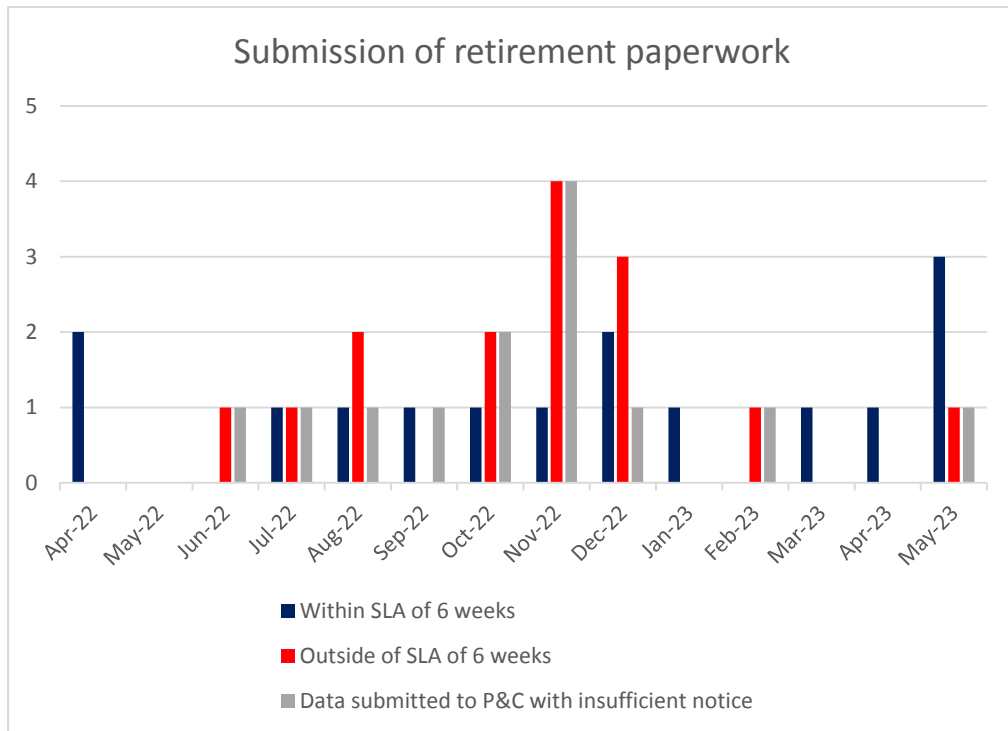
(b) **Notifications of normal retirement and timeframes for submission**



*May '22 has no data listed because there were no FPS retirements to record.*

6.2. The Pay and Conditions team continue to prioritise informing the Scheme administrator of any retirements as soon as they receive notification.

6.3. Over the period November 2022 to May 2023, there were 16 FPS retirements and half of them were submitted to the scheme administrator less than 6 weeks ahead of the planned retirement date. In all instances this was due to the Pay and Conditions team receiving the notification in a shorter timeframe.



*May '22 has no data listed because there were no FPS retirements to record.*

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

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## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk Score	Control Owner	Risk Owner
LPB001	Cyber attack	Complete loss of systems	Catastrophic loss of capability	5	4	20	<ol style="list-style-type: none"> <li>1. Technological security tested in recent Pen Test</li> <li>2. Cyber attack plan</li> <li>3. BC plans (incl ICT)</li> <li>4. Staff awareness</li> <li>5. Additional comms to staff</li> <li>6. Prog of BC exercises</li> <li>7. Protective Monitoring System</li> </ol>	3	3	9	<ol style="list-style-type: none"> <li>8. Evidence of BC plan for WYPF</li> </ol>	3	3	9	<ol style="list-style-type: none"> <li>1 &amp; 2 Head of ICT</li> <li>3. HR R&amp;B Mngr &amp; HoICT</li> <li>4 &amp; 5 HR R&amp;B Mngr</li> <li>6. HR R&amp;B Mngr &amp; HoICT</li> <li>7. Head of ICT</li> <li>8. HR R&amp;B Mngr</li> </ol>	Mike Pearson
LPB002	System failure	Temporary loss of systems	Systems unavailable until recovered and potential loss of data	4	3	12	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Additional comms to staff</li> <li>4. BC exercise 2 Dec 2019</li> </ol>	3	3	9	<ol style="list-style-type: none"> <li>5. Evidence of BC plan for WYPF</li> </ol>	3	3	9	<ol style="list-style-type: none"> <li>1. HR R&amp;B Mngr &amp; Ho ICT</li> <li>2. HR R&amp;B Mngr</li> <li>3. HR Reward &amp; Benefits Manager</li> <li>4. HR R&amp;B Mngr &amp; HoICT</li> <li>5. HR Reward &amp; Benefits Manager</li> </ol>	Mike Pearson
LPB003	Power supply failure	Temporary loss of systems	Systems unavailable until recovered	3	3	9	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT, HR &amp; Finance)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Access to alternative locations</li> <li>4. Back-up generator available</li> </ol>	2	3	6	None at this time	2	3	6	<ol style="list-style-type: none"> <li>1. Heads of ICT, Finance &amp; HR R&amp;B Mngr</li> <li>2. Heads of ICT, Finance, Estates &amp; HR R&amp;B Mngr</li> <li>3. Head of Estates</li> <li>4. Head of Estates</li> </ol>	Shayne Scott
LPB004	Industrial Action	Loss of utilities or access to premises	Inability for staff to undertake work	3	3	9	<ol style="list-style-type: none"> <li>1. BC Plan (incl ICT)</li> <li>2. Departmental BC plans reviewed</li> <li>3. Access to alternative locations and working from home</li> </ol>	2	3	6	None at this time	3	2	6	<ol style="list-style-type: none"> <li>1. Head of ICT &amp; HR R&amp;B Mngr</li> <li>2. Heads of ICT, Finance; Estates &amp; HR R&amp;B Mngr</li> <li>3. Ho ICT/Estates</li> </ol>	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	<ol style="list-style-type: none"> <li>1. Payroll data for active members is provided by Pay &amp; Conditions on a monthly basis to WYPF</li> <li>2. Active members, deferred members and pensioners have an online account and can check their information</li> <li>3. A data reconciliation exercise has been undertaken with GAD.</li> <li>4. Address data cleanse completed annually and any address found to be incorrect or not known are investigated using a tracing agency.</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 to 4 HR Reward &amp; Benefits Manager</li> </ol>	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	<ol style="list-style-type: none"> <li>1. Pension SLA in place with KPIs</li> <li>2. Scheme of delegation in place</li> <li>3. Regular communication with administrator</li> <li>4. WYPF have significant experience of administering a number of Fire Authorities.</li> <li>5. Within P&amp;C, we have a settled team who are competent in role.</li> <li>6. Trend lines within WYPF monthly reports for key measures</li> <li>7. WYPF to report on the agreed KPIs</li> </ol>	2	2	4	<ol style="list-style-type: none"> <li>8. Review Pension Administrator's audit reports</li> </ol>	2	2	4	<ol style="list-style-type: none"> <li>1 to 7 HR Reward &amp; Benefits Manager</li> <li>8. Head of Finance</li> </ol>	Shayne Scott
LPB007	Annual Benefit Statement (ABS) not produced in time	Breach of statutory duty	ABS not received by member and likely to be a reportable breach	3	4	12	<ol style="list-style-type: none"> <li>1. Pension data from P&amp;C now available on a monthly basis including yearend data</li> <li>2. WYPF developing an automated system for ABS statements for the Modified Pension Scheme</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 &amp; 2 HR Reward &amp; Benefits Manager</li> </ol>	Zoe Smyth
LPB008	Excessive charges by Pension Administrator	Unplanned increases in charges	Additional pressure on the budgetary efficiency of the Service	3	4	12	<ol style="list-style-type: none"> <li>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.</li> <li>2. Contract prices and any adhoc scenarios where additional charges may be incurred are included in the contract terms.</li> </ol>	2	2	4	None at this time	2	2	4	<ol style="list-style-type: none"> <li>1 &amp; 2 Head of Finance</li> </ol>	Shayne Scott

## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk 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	<ol style="list-style-type: none"> <li>Authority Members have agreed an approved Scheme of Delegation and financial limits for decisions associated with the pensions.</li> <li>A Pensions Discretions Policy is in place.</li> <li>Officers are competent in pension matters and receive CPD training</li> <li>Support and advice is available through the WYPF Client Manager and the LGA Pension Advisors</li> </ol>	2	2	4	None at this time	2	2	4	1. Dem Services Manager 2 to 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	<ol style="list-style-type: none"> <li>Pension deductions and rules are set within the payroll system based on earnings</li> <li>New joiners are entered into the applicable pension scheme</li> <li>Staff who have opted-out are auto-enrolled into the applicable pension scheme unless they opt-out again</li> <li>Reconciliation of deduction carried out by Finance on a monthly basis</li> <li>Internal audit review deductions as part of audit scope</li> </ol>	2	2	4	None at this time	2	2	4	1. Head of Finance 2 & 3 HR Reward & Benefits Manager 4 & 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	<ol style="list-style-type: none"> <li>Regular attendance at pension training and update events by WYPF.</li> <li>Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.</li> <li>DSFRS have regular client meetings with WYPF and scrutinise pension changes</li> </ol>	2	2	4	None at this time	2	2	4	1 to 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	<ol style="list-style-type: none"> <li>Trained, experienced officers produce the accounts to a detailed timescale.</li> <li>Pension data for the accounts is provided by the Governments Actuary Departments (GAD).</li> <li>Advice available from the Fire Finance network, LGA and Pension Administrator</li> </ol>	2	2	4	None at this time	2	2	4	1 to 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	<ol style="list-style-type: none"> <li>Regular attendance at LGA pension training events.</li> <li>Regular monitoring of key sources of information e.g. LGA Bulletins, Scheme Advisory Board.</li> <li>Client meetings with WYPF and scrutiny of pension changes</li> <li>Ensure information on the impact of promotions to the Annual Allowance is made clear to staff.</li> </ol>	1	2	2	None at this time	1	2	2	1 to 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	4	5	20	<ol style="list-style-type: none"> <li>Employers will be represented at the ET.</li> <li>Ensuring that historic data that might be required is retained to help manage any potential remedy</li> <li>Pension reserve in place to support administration costs</li> <li>Accessing information from LGA to ensure we are fully informed</li> <li>Receiving updates from Fire Finance Network and national reps</li> <li>Legal advice</li> <li>LGA 'coffee mornings'</li> <li>Pensions Officer appointed</li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>Consideration of data retention pending remedy</li> <li>Ability to take on additional staff to support administration (pending reserve)</li> <li>PSTax Advice to be obtained</li> </ol>	2	5	10	1 & 2 HR Reward & Benefits Manager 3. Head of Finance 4. HR Reward & Benefits Manager 5. Head of Finance 6 to 10 HR Reward & Benefits Manager 11. Head of Finance	Shayne Scott

## Local Pensions Board - Risk Register v1.12 - 13 June 2022 - Reviewed risk LPB016

Ref	Context / Causational trigger	Hazard (anything that may cause harm)	Impact (who/what may be harmed and how)	Gross Impact	Gross Likelihood	Gross Risk Score	Controls in place	Net Impact	Net Likelihood	Net Risk Score	Further controls required	Target Impact	Target Likelihood	Target Risk Score	Control Owner	Risk Owner
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	<ol style="list-style-type: none"> <li>Employers represented at the ET.</li> <li>Ensuring that historic data that might be required is retained to help manage any potential remedy</li> <li>Pension reserve in place to support administration costs</li> <li>Accessing information from LGA to ensure we are fully informed</li> <li>Receiving updates from Fire Finance Network and national reps</li> <li><b>Pensions Officer appointed</b></li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>Consideration of data retention pending remedy</li> <li>Ability to take on additional staff to support administration (pending reserve)</li> </ol>	2	5	10	<ol style="list-style-type: none"> <li>1 &amp; 2 HR Reward &amp; Benefits Manager</li> <li>3. Head of Finance</li> <li>4. HR Reward &amp; Benefits Manager</li> <li>5. Head of Finance</li> <li>6 to 8 HR Reward &amp; Benefits Manager</li> </ol>	Shayne Scott
LPB016	Flu Pandemic	Pension scheme administration cannot be undertaken	Increase in administration of pensioner records and administrator absence due to illness	3	4	12	<ol style="list-style-type: none"> <li>Working at home arrangements</li> <li>HR Business continuity plans</li> <li>Government guidance on healthy workplaces</li> <li>WYPF business continuity arrangements</li> </ol>	2	2	4	None at this time	2	2	4	1 to 4 HR Reward & Benefits Manager	Zoe Smyth
LPB017	Loss of Key Staff	Single points of failure	Pensioners may receive incorrect pensions Breaches of pension regulations	3	4	12	<ol style="list-style-type: none"> <li>Head of HR supported by Rewards and Benefits Manager</li> <li>Pension SLA in place with KPIs</li> <li>Scheme of delegation in place</li> <li>WYPF has an experienced team</li> <li>P&amp;C has an experienced team.</li> <li>WYPF to report on the agreed KPIs</li> <li><b>Pensions Officer appointed</b></li> <li><b>Additional FTC post in P&amp;C</b></li> <li><b>Succession planning in place</b></li> </ol>	2	2	4	None at this time	2	2	4	1 to 9 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	<ol style="list-style-type: none"> <li>GDPR impact assessments conducted by DSFRS as part of GDPR prep</li> <li>GDPR requirements included in pensions administration contract</li> <li>Data sharing agreements in place with WYPF</li> <li>Staff induction and CPD includes GDPR</li> </ol>	2	2	4	None at this time	2	2	4	1 to 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. Action by TPR. Reputational damage	3	3	9	<ol style="list-style-type: none"> <li>LPB induction includes: TPR CoP 14; TPR e-learning; and LGA training</li> <li>Attendance at LGA Annual Fire Pensions Conference</li> <li>Regular LPB meetings</li> <li>LPB meetings include a training topic to reinforce learning or generate debate</li> <li><b>TNA and individual training plans</b></li> </ol>	2	1	2	None at this time	2	1	2	1 to 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. Reputational damage. Staff dissatisfaction and complaints take up management time.	3	4	12	<ol style="list-style-type: none"> <li>P&amp;C staff informed that only FF on permanent contracts can be enrolled in the FFPS.</li> <li>P&amp;C staff informed to not include the FFPS in the offer letter for FF on FTCs but to include the LGPS.</li> <li>Auto enrolment for FF on temporary contacts will only be applied under the LGPS.</li> </ol>	2	2	4	None at this time	2	2	4	1 to 3 HR Reward & Benefits Manager	Zoe Smyth

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