

**LOCAL PENSION BOARD**  
**8 August 2019**

**Present:**

*Scheme Manager Representatives*

Mike Pearson (MP) – Chair  
Amy Webb (AW)  
Cllr. George Wheeler (GW)

*Scheme Member Representatives*

Andy Hallam (AH)  
Peter Redbourn (PB)

**Also in attendance**

Steve Pope (SP) – Delegated Scheme Manager  
Caroline Gourlay (Rewards and Benefits Manager)

**Apologies:**

Bob Walker (BW) (Scheme Member representative)

<b>MIN NO.</b>	<b>ITEM TITLE</b>	<b>ACTION BY</b>
<b>LPB/19/26</b>	<b><u>Conflict of Interest Declaration</u></b> No conflicts of interest were declared.	
<b>LPB/19/27</b>	<b><u>Notes</u></b> The Notes of the meeting held on 29 May 2019 were <b>AGREED</b> .	
<b>LPB/19/28</b>	<b><u>Matters Arising</u></b>	
	<b>LPB/19/28a <u>Process for Local Pensions Disputes (Note LPB/19/21(f))</u></b>  SP advised that there was still an outstanding action to post the Internal Disputes policy on the website.	<b>SP</b>
	<b>LPB/19/28b <u>Scheme Manager Update (Note LPB/19/24)</u></b>  SP clarified that: <ul style="list-style-type: none"> <li>• the reference to the training allowance for USAR (item 4.1.4) was in relation to a High Court Decision;</li> <li>• further updates on the matters in the Scheme Manager's report for the last meeting were provided in the Scheme Manager's report to this meeting.</li> </ul> <p><i>(See also Note LPB/19/32 below)</i></p>	
<b>LPB/19/29</b>	<b><u>Review of Actions</u></b> <b>CONSIDERED</b> latest iteration of the Board Action Log. MP had updated this following the management meeting in July and had added a RAG status indicating:  Green – either in progress and on track (or not started or due to start);	

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	<p>Amber – the issue was behind schedule or there was a marginal delay in starting work;</p> <p>Red – the work had not started and/or there were serious problems or delays.</p> <p>With regard to the outstanding “red” items:</p> <ul style="list-style-type: none"> <li>• Risk register: SP was working through refinements. The target was to take to the latest iteration of the risk register to the next monthly management meeting in September;</li> <li>• Performance measures: AW, assisted by Procurement, was developing an appropriate suite of key performance indicators for use by the Board;</li> <li>• Abatement: SP advised that a report was still awaited from WYPF to enable each case to be assessed. This would also feature as part of the Scheme Manager’s Update to this meeting;</li> <li>• Data extraction from HR: this would also feature as part of the Scheme Manager’s Update to this meeting</li> </ul> <p>Progress against each of the above issues would be discussed at the next monthly management meeting.</p> <p><b><i>(See also Note LPB/19/33 below).</i></b></p>	<p><b>SP</b></p> <p><b>AW</b></p>
<b>LPB/19/30</b>	<p><b><u>Training Log Update</u></b></p> <p>The latest iteration of the training log indicated that all Board Members were 100% complete on training. While there was no prescribed national refresh frequency for training, the locally agreed frequency was two years.</p>	
<b>LPB/19/31</b>	<p><b><u>Correspondence Update</u></b></p> <p>The latest correspondence log was noted.</p>	
<b>LPB/19/32</b>	<p><b><u>Scheme Manager Update</u></b></p> <p>SP introduced Caroline Gourlay (Rewards and Benefits Manager) to the Board.</p> <p>The Scheme Manager update as circulated for the meeting was considered. This covered:</p> <ul style="list-style-type: none"> <li>• surveys and annual returns;</li> <li>• pension communications;</li> <li>• specific pension projects;</li> <li>• breach issues.</li> </ul> <p><i>Surveys and Annual Returns</i></p> <p>The Benchmarking Survey from Scheme Advisory Board sought information on the cost and quality of pension administration services provided.</p> <p>It was anticipated that feedback on the completed survey would form part of Scheme Advisory Board (SAB) annual conference in September, at which attendance formed part of CPD for Board members.</p>	

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	<p><i>Pensions Communications</i></p> <p>The Annual Benefits Statements had been key area for communications. The Service had been delayed in providing the year end data to the West Yorkshire Pension Fund (WYPF) which had agreed an extension for the Service to provide the required data. This data had now been manually prepared and provided to WYPF and statements had now gone into production and should be issued within the next week. In order to create a more automated approach, a report from the Service payroll system was being developed.</p> <p>The Board recorded its appreciation for the work of the HR team in providing the data to WYPF.</p> <p>Work was still ongoing for the production of Annual Benefit Statements for those in the Modified Scheme by WYPF. WYPF had indicated that these statements would not be completed by the deadline of the 31 August and this was across all clients. However, WYPF was working on a new system approach which would resolve this for future years.</p> <p>In relation to the Annual Allowance, the Service was looking to make staff aware in promotion letters of the potential for breaching the annual allowance. The Service had already identified and offered training sessions for staff who could be affected.</p> <p><i>Project areas</i></p> <p>Pensionable pay for allowances: SP had circulated a spreadsheet on existing allowances and some where no determination had yet been made. This would feature elsewhere on the agenda for the meeting.</p> <p>Transition Protection Judgement: an application to the Supreme Court for a further right of appeal had been rejected. The matter would therefore be referred back to the Employment Tribunal for remedy but it was anticipated this could take up to two years.</p> <p>Abatement: A number of staff pensions had not been correctly abated and WYPF were undertaking further checks on this. It had been clarified that abatement rules would apply to people retiring and being re-employed by Red One Ltd. SP would check why abatement did not, apparently, apply to the 2015 Scheme and advise members of the LPB accordingly.</p> <p>Two Pensions: Some individuals had had more than one pension split applied. WYPF had identified the individuals and had put revised figures in place. There were still outstanding cases to be addressed.</p> <p><i>Reporting breaches</i></p> <p>The Pensions Regulator had written to advise that it did not intend to take any enforcement action over the reported breach arising from the late publication of the Annual Benefits Statement. Additionally, the issue relating to two [split] pensions had been identified as representing a breach, but there was a question on whether the breach was reportable. The Scheme Manager would work through breach flow chart, together with using the SAB template and guidance, to assess if a reportable breach. An update on this would be reported to the next Board meeting.</p>	<p>SP</p> <p>SP</p>

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	<p><i>Other issues</i></p> <p>One IDRPF dispute was still outstanding but a date had been set to hear this. Quality of Service provided: The latest WYPF report (for July) was circulated.</p> <p>This indicated good performance against most of the Key Performance Issues (KPIs) with the exception of the KPI on deferred benefits set up on leaving. WYPF would be looking to improve performance against this KPI.</p> <p>It was <b>AGREED</b> to invite WYPF to attend the next Board meeting on 30 October 2019 or a subsequent meeting, depending on availability.</p> <p>Appointment of LPB members: There had been only one expression of interest for the Scheme Member vacancy, but the individual concerned was awaiting the outcome of another issue prior to committing to joining. In the event that this did come to fruition, the trades unions had indicated that they could provide candidates.</p> <p>SP advised that the aim was to have the appointment secured by the next Board meeting.</p> <p>PR advised that he was prepared to stay on as a Board member until advised otherwise.</p> <p>MP commented that this still two left two vacancies (one Scheme Manager and one Scheme Member), for which an advertisement would need to be placed for the external Scheme Manager representative.</p> <p><b>(See also Note LPB/19/33 below).</b></p>	<p><b>SP</b></p>
<p><b>LPB/19/33</b></p>	<p><b><u>Pensionable Pay</u></b></p> <p>SP circulated a spreadsheet identifying areas where decisions on pensionability had been reached and three areas where decisions were still required:</p> <ul style="list-style-type: none"> <li>• Special Activity Allowance: the payment was not calculated in accordance with ordinary rate of pay and consequently failed to satisfy all of the Blackburne principles. For this reason, the Board considered that this allowance should not be pensionable;</li> <li>• Specialist Rescue Additional Responsibility Allowance: The Grey Book stipulated that this allowance was not pensionable. Additionally, the allowance did not satisfy the Blackburne principles for a pensionable benefit. (AW did not agree as she felt this was part of their role). Accordingly, the consensus of the Board was that this should not be pensionable;</li> <li>• Dog Handlers Allowance: SP circulated a document setting out what was expected from the role. AW sought clarification on whether this was for work undertaken. SP confirmed that this was for the welfare of the dog at home i.e. was not work done in the performance of the duties of the role. An additional 10% of basic pay was already payable for undertaking the role. SP referred to the Medway case history which required the activity to be both regular and in ordinary course of duties in fulfilling contractual requirements.</li> </ul>	

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	<p>SP advised the additional 10% was to cover activity that is associated with the care of the dog at home and voluntary standby during rota and leave. The consensus of the Board was that this failed to meet all of the Blackburne principles and consequently was not pensionable. SP referred to the Medway case history which required the activity to be both regular and in ordinary course of duties in fulfilling contractual requirements. SP advised the additional 10% was to cover out of hours activities. The consensus of the Board was that this failed to meet two of the three Blackburn principles and consequently was not pensionable</p> <p><b>AGREED</b> that SP discuss these allowances with the Representative Bodies on the basis that they be non-pensionable.</p>	<b>SP</b>
<b>LPB/19/34</b>	<p><b><u>TPR Self-Assessment</u></b></p> <p>MP suggested that the Board might wish to undertake either an annual or twice yearly refresh using the Pension Regulator’s self-assessment tool. This would require participation by both Scheme Manager and Scheme Member representatives. The time commitment would be approximately two hours before the end of September.</p> <p><b>AGREED</b> that both AH and PR be invited to participate in the self-assessment refresh.</p>	<b>MP</b>
<b>LPB/19/35</b>	<p><b><u>LPB Roles and Responsibilities</u></b></p> <p><b>CONSIDERED</b> document as circulated by MP.</p> <p>The document was <b>AGREED</b> subject to the addition of the word “Local” before Pension Board.</p>	<b>MP</b>
<b>LPB/19/36</b>	<p><b><u>LPB Work Programme</u></b></p> <p><b>CONSIDERED</b> document as circulated by MP aimed at shaping the agenda for future meetings.</p> <p>The Work Programme was <b>AGREED</b> subject to the addition of an annual meeting with West Yorkshire Pension Fund.</p>	<b>MP</b>
<b>LPB/19/37</b>	<p><b><u>Date of Next Meeting</u></b></p> <p>30 October 2019 at 15:00hours.</p>	

The Meeting started at 3.00 pm and finished at 5.00 pm

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