

**LOCAL PENSION BOARD**  
**9 December 2020**

**Present:**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson (MP)  
(Ch)

Andy Hallam (AH)

Caroline Gourlay (CG) (Rewards & Benefits  
Manager)

Satnam Singh Rai  
(SSR)

James Leslie (JL)

Amy Webb (AW)

Peter Redbourn  
(PR)

Helen Scargill (HS) (West Yorkshire Pensions  
Fund)

Cllr George Wheeler  
(GW)

Steve Yates (SY) (Note-taker)

**Apologies:**

Steve Pope (SP) (Delegated Scheme Manager)

<b>MIN NO.</b>	<b>ITEM TITLE</b>
<b>LPB/20/40</b>	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
<b>LPB/20/41</b>	<b><u>Notes</u></b> The Notes of the meeting held on 9 September 2020 were <b>AGREED</b> .
<b>LPB/20/42</b>	<b><u>Correspondence Update</u></b> <b>NOTED</b> latest version of log listing all correspondence received and circulated to Board Members since the last meeting. Clarification was sought over the issue of scheme sanction charges for unauthorised payments, as set out in the latest West Yorkshire Pension Fund monthly bulletin. AW clarified that Devon & Somerset followed the correct process in that any such charges would be met from the Authority's revenue budget and not the Firefighters' Pensions Fund. The additional charges incurred recently by the Authority following its change to a new pensions administrator were not, however, a result of scheme sanction charges but rather resulted from incorrect application by the previous provider of pension abatement rules.
<b>LPB/20/43</b>	<b><u>Website</u></b> <b>NOTED</b> that the Board was satisfied that the website was up-to-date at this time.
<b>LPB/20/44</b>	<b><u>Training Update - Board Member Training Needs Analysis</u></b> <b>CONSIDERED</b> paper to which was appended a proposed Training Needs Analysis process for the Board (as per the Board action from 24 June 2020) and comprising:

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	<p>(a). draft Introductory Text;</p> <p>(b). a draft Personal Development Plan; and</p> <p>(c). a draft Training Log</p> <p>Also circulated was an updated training showing Board Member training “currency” as at November 2020. It was noted that SP and GW should undertake re-training and that GW had commenced this.</p> <p><b>AGREED</b> process as circulated, with every Board Member to populate the template accordingly and return them to MP by the end of January 2021. Issues identified could be used to inform the Board’s forward plan (involving guest speakers to be invited to future meetings, as necessary).</p>
LPB/20/45	<p><b><u>Review of Actions</u></b></p> <p><b>CONSIDERED</b> updated Action Log listing Open Actions. Progress against actions was indicated in the comments column. It was noted that:</p> <ul style="list-style-type: none"> <li>• several actions (West Yorkshire Pension Fund [WYPF] monthly reports to feature on re-designed Service website; timescales for communicating IDRPs decisions; Scheme Membership numbers; Administration Strategy Consultation; and McCloud/Sargeant remedy consultation response) had been closed since the last meeting and would be removed from the Open Action log;</li> <li>• comments had been fed back to WYPF on the cyber security issue. MP would assess whether the gaps identified had a bearing on the risks in the Board’s risk register;</li> <li>• two of the actions (KPIs for Board effectiveness and Board Training Needs analysis) were the subject of separate items on the agenda for this meeting. The Training Needs analysis action could now be closed.</li> </ul> <p><i>(See also Note LPB/20/44 above and Notes LPB/20/47 and 48 below)</i></p>
LPB/20/46	<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>Pension Surveys and Annual Returns</i></b></p> <p>WYPF would submit the required annual returns on behalf of the Service by the deadline of 15 December 2020.</p> <p><b><i>Pension Projects (Transition Protection Judgement; O’Brien v Ministry of Justice; Pensionable Pay for Payment for Availability [P4A] System; Fixed-term contracts and eligibility to join the Firefighters’ Pensions Schemes)</i></b></p> <p>The Service had provided the Scheme Advisory Board (SAB) with further information on Immediate Detriment cases that could be impacted in advance of the Government’s final decision on how to remove the age discrimination element highlighted by the litigation. While the Service had 22 individuals in the Immediate Detriment category, none were actually claimants.</p>

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	<p>Legal discussions had commenced between central government, the Local Government Association (on behalf of fire and rescue authorities) and trades union legal representatives to consider the scope and details of the settlement exercise stemming from the O'Brien v Ministry of Justice case. Draft Regulations would be produced for consultation following the conclusion of these discussions.</p> <p>At its last meeting, the Board had considered whether the Service Payment for Availability (P4A) system should be pensionable. The consensus of the Board, following application of the Blackburne principles, was that it should be pensionable. The Fire Brigades Union had subsequently challenged this expressing the view that a national, legal determination was required. Subsequently, the LGA Senior Pension Advisor had confirmed that the issue was a matter for local determination. On this basis, the Scheme Manager was satisfied that the correct decision had been made in the light of all available guidance and consequently no further action was required.</p> <p>The Scheme Manager had been granted permission to attend the next Scheme Advisory Board meeting on 10 December 2020 to raise the issue of access to the SAB legal advice on eligibility of individuals on fixed term contracts to join the Firefighters' Pensions Scheme, given the interpretation of the Regulations as per the factsheet issued by the Local Government Association.</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>A Stage 1 application had been received on whether the Area Managers Allowance was pensionable. Based on application of the Blackburne principles, it was considered that this allowance was pensionable.</p> <p><b>Pension Administrator Quality of Service</b></p> <p>WYPF now provided trend analysis information as part of its monthly reporting.</p>
LPB/20/47	<p><b><u>Update On Potential Key Performance Indicators for the Service and 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. A KPI had already been established on monthly pension reporting to WYPF by the last day of the month. This target had been achieved in the last three successive months.</p> <p>A KPI of three weeks for submission of ill-health early retirement forms to Occupational Health was proposed. This might be further modified in light of feedback from other external stakeholders. Work was progressing on the development of KPIs around:</p> <ul style="list-style-type: none"> <li>• timeframes for provision of information to WYPF to enable estimates to be made;</li> <li>• number of follow-up queries of the Service from WYPF following submission of requests; and</li> <li>• timeframes for notification of retirements.</li> </ul>

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	<p>JL suggested an additional KPI of time taken for ill-health retirements and added that WYPF was currently taking 6–8 weeks to provide estimates of pensions. Some Members waiting 2 years for this. This had been raised with SP.</p> <p>CG and HS indicated that they would look into this.</p> <p>AW suggested that consideration could be given to development of a KPI around the service level agreements underpinning the retirement process. CG would consider this.</p> <p>MP would add an action to the Action Log on development of an appropriate KPI on time taken for ill-health retirements.</p>
<b>LPB/20/48</b>	<p><b><u>Risk Register</u></b></p> <p><b>CONSIDERED</b> latest version (v1.07) of the Board Risk Register. MP would review risk register in light of comments on WYPF business continuity plan.</p> <p>The Risk Register was a “live” document and could be updated at any stage.</p>
<b>LPB/20/49</b>	<p><b><u>Topics of Interest</u></b></p>
	<p><b>LPB/20/49a <u>Public Sector Exit Payment Cap Regulations - Implications</u></b></p> <p>MP commented that this was focussed on the Local Government Pension Scheme rather than Firefighters Pension Schemes. The Regulations had created a direct conflict with the LGPS Regulations. A number of legal challenges had been mounted (two judicial reviews).</p> <p>CG advised that the current thinking was that the Regulations would have minimal if not no impact on the Firefighters’ Pensions Schemes.</p>
<b>LPB/20/50</b>	<p><b><u>LPB Work Programme</u></b></p> <p><b>NOTED</b> latest version of the Board work programme to December 2022. This would, though, be a rolling work programme, with indicative items subject to change. Other items could be incorporated as required.</p> <p>MP commented that it would be necessary to look at whether any Board members were nearing the end of their term of office in 2021 and to run the appropriate appointments process in good time.</p>
<b>LPB/20/51</b>	<p><b><u>Date of Next Meeting</u></b></p> <p>15.00hours, Wednesday 17 March 2021 (venue to be confirmed).</p>

The Meeting started at 3.00 pm and finished at 3.56 pm