

**LOCAL PENSION BOARD**  
**22 June 2022**

**Present:**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

*Other Attendees:*

Mike Pearson (MP) (Ch)

Philip Gillbard (PG)

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

Satnam Singh Rai (SSR)

James Leslie (JL)

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

Shayne Scott (SS)

Ben Redwood (BR)

Helen Scargill (HS) (West Yorkshire Pension Fund)

Cllr David Thomas (DT)

Matthew Mott (MM) (West Yorkshire Pension Fund)

Claire Hey (CH) (Local Government Association)

Elena Johnson (EJ) (Local Government Association)

Steve Yates (SY) (Note-taker)

**Apologies:**

*Scheme Manager  
Representatives:*

*Scheme Member  
Representatives:*

Greg Webb (GW)

MIN NO.	ITEM TITLE
LPB/22/13	<b><u>Conflict of Interest Declaration</u></b> No new interests were declared.
LPB/22/14	<b><u>Notes</u></b> The Notes of the meeting held on 22 March 2022 were <b>AGREED</b> .
LPB/22/15	<b><u>Review of Actions</u></b> <b>CONSIDERED</b> updated Action Log (at 9 June 2022) listing Open Actions. Progress against actions was indicated in the comments column. It was noted that: <ul style="list-style-type: none"> <li>• Action LBP044 (WYPF Cyber-security). MAT would progress with the Service Information Governance Team;</li> <li>• Action LPB055 (Administration, Management and Governance Strategy). Work was still in hand to finalise this document, which it was intended should be submitted to the next Board meeting for adoption (See also Minute LPB/22/21 below);</li> <li>• Action LPB069 (replacement Scheme Member representative). Action completed (See also Minute LPB/22/21 below);</li> </ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• Action LPB070 (KPIs). This was covered in the Scheme Manager’s report (See also Minute LPB/22/21 below);;</li> <li>• Action LPB071 (Public Service Governance and Administration Survey 2020-21). Action closed - the Pension Regulator’s (tPR) self-assessment had been completed. <b>Action:</b> MAT to circulate to Board members;</li> <li>• Action LPB072 (Revision of training needs analysis). This had been paused pending appointment of the new Scheme Member representative. A refresh with all Board Members would now be undertaken to identify potential areas for training and future Topics of Interest;</li> <li>• Action LPB075 (injury pensions - incorrect deduction of retirement allowances). A definitive resolution as to whether or not this was a breach of the legislation and thereby reportable was still awaited. The LGA had not had opportunity to respond in detail but CH expressed an initial view that the deductions were not unlawful;</li> <li>• Action LPB076 (tPR training modules). CH advised that the revised Code of Practice was likely to be introduced later this year and would impact on tPR training modules, which would be refreshed in due course;</li> <li>• Action LPB077 (COVID-19 pandemic). This action was closed. A more generic risk (relating to flu pandemic) had been included in the most recent iteration of the Risk Register (see also Minute LPB/22/20 below);</li> <li>• Actions LPB078 (additional metrics in Scheme Manager update) and LPB079 (LPB work programme) closed (See also Minutes LPB/22/21 and LPB/22/23, respectively, below);</li> <li>• Action LPB081 (abatement, discretions and retirement/re-employment policies) was still being progressed;</li> <li>• Action LPB082 (Matthews/O’Brien) was still in progress and was 90% complete. It was anticipated that the Service would comply with the extended deadline of 30 June 2022 for the provision of initial data on “in scope” individuals (see also Minute LPB/22/21 below);</li> <li>• Actions LPB083 to LPB085, inclusive, were all closed.</li> </ul>
<p><b>LPB/22/16</b></p>	<p><b><u>Training Update</u></b></p> <p><b>NOTED</b> latest version of the Board Training Log (updated June 2022). This indicated that (with the exception of the new Scheme Member representative) all Board Members were in-date for completion of the Pension Regulator (tPR) e-learning modules. The training refresh rate for Board members was every two years.</p>
<p><b>LPB/22/17</b></p>	<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><b><i>(See also Minute LPB/22/18 below)</i></b></p>

MIN NO.	ITEM TITLE
LPB/22/18	<p><b><u>Pension Officer’s LGA Bulletin Overview April to June 2022</u></b></p> <p><b>NOTED</b> document providing an overview of the contents of LGA Pension Bulletins 54 to 57 inclusive (from April to June 2022), each of which had previously been circulated to LPB Members. The Service was not anticipating any issues in meeting the deadlines for submission of initial data to the LGA on “in scope” individuals for the second options exercise relating to the Matthews/O’Brien judgement.</p> <p><i>(See also Minutes LPB/22/15 and LPB/22/17 above and Minute LPB/22/21 below)</i></p>
LPB/22/19	<p><b><u>Website</u></b></p> <p>The website required updating to reflect the new Scheme Member appointee to the Board (Greg Webb). <b>Action:</b> SY to ask Communications &amp; Engagement to make the change.</p> <p><i>(See also Minutes LPB/22/15 above and LPB/22/21 above)</i></p>
LPB/22/20	<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 initial risk LPB016 relating to the COVID-19 pandemic had been updated to reflect a more generic risk relating to a flu pandemic.</p> <p><i>(See also Minute LPB/22/15 above).</i></p>
LPB/22/21	<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 style="padding-left: 40px;"><b>Governance &amp; Strategy</b></p> <p style="padding-left: 40px;">This document was currently being prepared for publication on the Pensions webpage.</p> <p style="padding-left: 40px;"><b>Pension Projects</b></p> <p style="padding-left: 80px;"><b>(a). 2015 Remedy (Sargeant)</b></p> <p style="padding-left: 40px;">In light of letters received from both the Treasury (HMT) and the National Fire Chiefs’ Council (NFCC), the Service had determined (and communicated to scheme members) to pause processing immediate detriment cases, primarily due to legal uncertainty over whether or not Section 61 of the Equalities Act provided a lawful basis for calculating and processing taxation implications associated with effecting a remedy. The HMT and HMRC positions on this would continue to be closely monitored and it was understood that the LGA was currently seeking further legal advice in relation to the HMT response.</p>

MIN NO.	ITEM TITLE
	<p>Additionally, the FBU had invited its members to register with the union all immediate detriment cases to enable claims to be registered through the courts.</p> <p>MP commented that the Service remained active in seeking to ensure appropriate communications were issued to scheme members as to their possible options, particularly for those members nearing retirement.</p> <p><b><i>(b). Matthews/O'Brien Judgement</i></b></p> <p>In March 2022 a Memorandum of Understanding had been agreed between the government, the FBU, the Fire &amp; Rescue Services Association and FRA employers.</p> <p>The regulations to implement the second options exercise in England would be drafted by the Home Office and consulted on before being laid before Parliament. The Home Office would have a maximum period of 18 months to draft, consult, and introduce the necessary secondary legislation. The LGA was now actively working with Fire Authorities to identify those who would be in scope. The deadline for FRAs to submit initial data regarding those 'in scope' had been extended to 30 June 2022. FRAs would be expected to start the second options exercise as soon as possible after the legislation comes into force – expected in the latter part of 2023. The LGA had published a Summary Factsheet on this.</p> <p><b><i>Reporting Breaches of Law</i></b></p> <p>There had been no breaches to report since last meeting.</p> <p><b><i>Internal Dispute Resolution Procedure (IDRP)</i></b></p> <p>There had been no new complaints under the Procedure since the last Board meeting.</p> <p><b><i>Pension Administrator Quality of Service</i></b></p> <p>The Service continues to have a good working relationship with WYPF with both parties collaborating and periodically reviewing the arrangements in place to identify potential improvements that could be made.</p> <p><b><i>Key Performance Indicators</i></b></p> <p>For 11 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>It had been discovered, however, that monthly data being submitted to WYPF in Q3 and Q4 of FY21-22 was not being processed and that new members were not being assigned with a membership record within the agreed timeframe. This issue was being addressed and the Service was seeking further assurance from WYPF that this will not have a knock-on effect with the production of benefit statements for this year.</p>

MIN NO.	ITEM TITLE
	<p>During the period since the last report, the Pay &amp; Conditions team had continued to submit notifications of normal retirement to WYPF within the SLA of 5-days of receipt. Since the last report, there had been 2 retirements and in both instances the paperwork was submitted within the 6-week SLA.</p> <p>The Pensions Officer was currently seeking to develop a “Pensions Dashboard) and was reviewing potential data categories and relevant sources to use. Examples of data could include opt-out rates; demographics of membership categories; and scheme types (age, gender, etc). When developed, the Dashboard would provide a central reference point not only for the LPB but also to inform workforce planning discussions within the Service going forward.</p> <p><b>Board Membership</b></p> <p>The recruitment process for a new Scheme Member representative had concluded with FF Webb (Middlemoor) appointed to the Board from 1 June 2022.</p> <p><i>(See also Minutes LPB/22/15 and LPB/22/19 above)</i></p>
LPB/22/22	<b><u>Topics of Interest</u></b>
	<p><b>LPB/22/22a <u>Record Keeping</u></b></p> <p>The Board received a presentation from CH on record keeping. The presentation covered:</p> <ul style="list-style-type: none"> <li>• good data retention was integral to effective pension scheme management;</li> <li>• records should be: <ul style="list-style-type: none"> <li>○ accurate</li> <li>○ complete</li> <li>○ up-to-date</li> </ul> </li> <li>• data should be reviewed and measured every year;</li> <li>• failure to do so could result in issues with the Pensions Regulator (tPR);</li> <li>• the two main types of member data <ul style="list-style-type: none"> <li>○ common data (name, address, National Insurance number etc.); and</li> <li>○ scheme-specific data (individual membership of scheme; pay; transfers etc.)</li> </ul> </li> <li>• Records required to be kept were identified in separate legislation;</li> <li>• Records needed to be retained for as long as relevant (usually, the life of the scheme member);</li> <li>• there should be processes and controls in place to ensure good data quality;</li> </ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• checks should include: <ul style="list-style-type: none"> <li>○ data was in the expected field and format (e.g. alpha-numeric for National Insurance numbers);</li> <li>○ tolerance checks for pay discrepancies;</li> <li>○ Member feedback; and</li> <li>○ reconciliation of employer/administrator data;</li> </ul> </li> <li>• Pensions schemes collected and held large amounts of fluid data which increased the margin for error;</li> <li>• improvement plan should be in place to address issues identified at review. The plans should: <ul style="list-style-type: none"> <li>○ set objectives and outcomes (prioritised);</li> <li>○ require close working with the scheme administrator;</li> <li>○ identify dependencies;</li> <li>○ set timescales;</li> <li>○ secure resources; and</li> <li>○ establish roles and responsibilities;</li> </ul> </li> <li>• Pension schemes held and transferred large volumes of personal data; risks to this data should be measured and managed. Considerations should include: <ul style="list-style-type: none"> <li>○ compliance with GDPR;</li> <li>○ Cyber-security; and</li> <li>○ business continuity planning e.g. disaster recovery – including the scheme administrator</li> </ul> </li> <li>• tPR governance and administration survey 2020-21 found: <ul style="list-style-type: none"> <li>○ 94% of FF pension schemes reported that processes were in place to monitor records on an ongoing basis;</li> <li>○ 84% provide timely, accurate and complete data;</li> <li>○ 77% submit data electronically; and</li> <li>○ 43% listed record keeping as one of top three risks on their risk registers;</li> </ul> </li> <li>• the remedy position carried additional risks around offering members choice and ensuring that the available choices are clearly understood by members;</li> <li>• a list of resources for understanding record-keeping was provided.</li> </ul> <p>MP questioned how the Board received appropriate assurance that the Scheme Manager is managing data appropriately?</p>

MIN NO.	ITEM TITLE
	<p>ZS responded that this related more widely to compliance. There were monthly returns on pensions and pay data to the Scheme Administrator. This reduced the potential for error. MM outlined that WYPF was initiating a data retention policy for pensions (e.g. 15 years after last pension payment; or 100 years). Payroll data may have a different retention period, though. This was also dependent on the Service retaining WYPF as its Scheme Administrator.</p> <p>MP commented that the Service was looking generally at data retention schedules and management. This would need to consider the above issues.</p>
	<p><b>LPB/22/22b <u>Dispute Resolution</u></b></p> <p>The Board received a presentation from CH on dispute resolution. The presentation covered:</p> <ul style="list-style-type: none"> <li>• that informal resolution of complaints should initially be sought;</li> <li>• the requirement for an Internal Disputes Resolution Procedure (legislated for), but some types of complaint were exempt. Also, different rules applied for complaints against a medical opinion;</li> <li>• a complaint/dispute could be raised by any person with an interest in the scheme who was dissatisfied with a decision made in respect of them. The complainant could be a prospective member or beneficiary of a scheme member;</li> <li>• the IDRP had two stages. For Stage 1, the application should be made within six months of the determination giving rise to the complaint. The Stage 1 decision should be made within two months of the complaint being received;</li> <li>• Stage 2 (appeals against an overturned complaint) should be made within six months. Stage 2 appeals must be determined by a nominated panel of representatives, with access to advice on legal/technical issues. Stage 2 appeals must be addressed within two months;</li> <li>• if a Stage 2 appeal is declined, the scheme member could approach the Pensions Ombudsman (TPO) if they remained dissatisfied;</li> <li>• the IDRP could not be used: <ul style="list-style-type: none"> <li>○ for proceedings already commenced in a court or tribunal;</li> <li>○ where the TPO had already commenced an investigation into a complaint;</li> <li>○ against a medical opinion (but there was a separate mechanism for this).</li> </ul> </li> <li>• further advice on pensions disputes available from a number of resources e.g. the Pensions Advisory Service (TPAS)</li> <li>• that the Pensions Ombudsman was independent and impartial. It had legal powers to make determinations which were binding and could be appealed only in the courts on a point of law. TPO could award financial compensation for loss, distress and inconvenience and impose fines.</li> </ul>

MIN NO.	ITEM TITLE
	<ul style="list-style-type: none"> <li>• other dispute-related resources as signposted by the LGA.</li> </ul>
LPB/22/23	<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><i>(See also Minute LPB/22/15 above)</i></p>
LPB/22/24	<p><b><u>Date of Next Meeting</u></b></p> <p>13.00hours, Wednesday 7 September 2022 via Microsoft Teams.</p>

The Meeting started at 1.30 pm and finished at 3.00 pm