



Minutes

Local Pension Board

Date: 19 January 2022

Time: 10:30

Venue: Microsoft Teams

Present: John Roberts (Scheme Manager representative) in the chair, Councillor Fozia Shaheen (Scheme Manager representative), Ryan Binks (Scheme Member representative), Ian Dunkley (Scheme Member representative), Jim Davies (Scheme Member representative)

In Attendance: Claire Johnson - Technical Adviser

Apologies: Cllr Harrand

18 Chairs Announcements

The new member of the Board – Ian Dunkley - was welcomed to the meeting.

19 Admission of the Public

There were no items which required the exclusion of the public and press.

20 Urgent Items

None

21 Declarations of Interest

There were no declarations of disclosable interest in any matter under consideration at the meeting.

22 Minutes of the last meeting held on 22 July 2021

RESOLVED

That the Minutes of the meeting held on 22 July 2021 be signed by the Chair as a correct record.

23 LPB Membership 2021.22

Members considered a report submitted by the Committee Services Manager confirming the change of membership and the change in the Terms of Reference. In addition, members were invited to nominate a Scheme Member Representative to the position of Vice Chair, following the resignation of the previous Vice Chair.

RESOLVED

- a) That the report be noted
- b) That Jim Davies, Scheme Member Representative be appointed Vice Chair of the Local Pension Board.

24 LPB Activity Report

Members considered a report submitted by the Chief Employment Services Officer concerning performance in key areas for the period 1 July 2021 to 31 December 2021.

Members requested clarification of the following specific issues;

- Administration costs for management of the opt in and opt out members.
- The controls in place regarding membership auto-renewal.

RESOLVED

That the report be noted.

25 Scrutiny and Review

The Chief Employment Services Officer submitted information on the following areas for scrutiny and review;

- Discretions made by Scheme Manager – 3 occasions detailed in the report
- Breaches register - none identified during the relevant period
- Pension Risk register - attached at Annex A to the report
- Compliance deadlines - detail of the different compliance deadlines

In respect of the compliance deadlines it was reported that West Yorkshire Pension Fund (WYPF) achieved both the ABS and Pension Savings Statement deadlines. It was also confirmed that the TPR annual governance survey has been delayed, a new date yet to be advised and that work is well underway to ensure the Year End deadline of 31 May is met.

RESOLVED

That the report be noted

26 Legislative update

The Chief Employment Services Officer submitted a report which provided an update with regard to the following;

- Public Service Pensions & Judicial Offices Bill - this is the primary legislation which closes final salary schemes for accrual past 31 March 2022 and moves all

remaining members into FPS 2015, while ensuring that existing transitional protections such as the final salary link and double accrual are retained.

- Memorandum of Understanding/Framework
- Unauthorised Payment Charges (UPCs) - since publication of the Framework, HMRC has published a policy document and Finance (No. 2) Bill which both now indicate a move towards making payments of lump sums paid more than 12 months after retirement ('late lump sums') authorised.
- Withdrawal of Immediate Detriment Guidance – on 29 November 2021 we were informed by LGA that, with immediate effect, the Home Office has withdrawn its informal guidance on immediate detriment. Further legal guidance has been sought on this matter and a paper will be considered by Executive Committee on 24 January 2022.

Members requested confirmation that WYFRS will be ready to adopt the new legislation from 1 April 2022 and that we have communicated with all members effected by the changes.

RESOLVED

- a) That the report be noted;
- b) That the decision made at the Executive Committee on 24 January 2022 be communicated to members
- c) That the outcome of the Public Service Pensions & Judicial Offices Bill is communicated to members.

27 Pension Ombudsman – update

Members received a report of the Chief Employment Services Officer which presented one relevant sample case reviewed and upheld by the Pension Ombudsman since the date of the last meeting as follows;

Mr E – Recovery of an overpayment of pension amounting to £9964 that the FRS is seeking to recover following its decision to abate his pension. Specifically, that the FRS had a duty of care to alert him at the outset that his pension would be abated. The complaint was upheld to the extent that the FRS did not follow a reasonable process when exercising discretion under “rule K4” and making its decision to abate Mr E’s pension but it was stated the FRS did not have an additional duty of care towards Mr E, other than the requirement to make factually correct information available to him, as supported by relevant case law.

It was noted that the LGA are intending to work with Warwickshire FS and challenge the decision of the Pension Ombudsman

Members requested information on the abatement process for WYFRA and if abatement was applied to the salary or the pension payment.

RESOLVED

- a) That the report be noted;
- b) That the outcome of the challenge be reported back to the Local Pension Board

28 SAB Response to HO Consultation

Members received a report of the Chief Employment Services Officer which informed members of the SAB response to the recent Home Office consultation on prospective remedy changes.

Full details of the consultation questions and responses can be found in Annex A to the report.

RESOLVED

That the report be noted;

29 FRA Remedy Self-assessment Survey

Members received a report of the Chief Employment Services Officer which informed members of the feedback received from LGA/SAB in relation to the Scheme Managers response to the remedy self-assessment survey.

As part of their statutory role to provide advice to Scheme Managers and Local Pension Boards in relation to the efficient and effective administration and management of the Firefighters' Pension Scheme, the Board wanted to understand more about arrangements for managing the pension scheme and specifically for implementing the age discrimination remedy.

To do this, the Board prepared a self-assessment survey to take a temperature check of current arrangements.

WYFRS responses were shared with members at July's meeting and can also be found in Annex A to the report.

Members enquired about the need to set up a project team to monitor the outcome

RESOLVED

That the report be noted;

30 West Yorkshire Pension Fund – key performance indicators

Consideration was given to a report of the Chief Employment Services Officer which advised of West Yorkshire Pension Fund (WYPF) performance in key areas for the period 1 July 2021 to 31 December 2021.

RESOLVED

That the performance of West Yorkshire Pension Fund in key areas be noted.

31 Firefighter Pension Scheme bulletins 47 – 52

Consideration was given to the content of bulletins 47 – 52

[FPS Bulletin 47 – July 2021](#) had no actions arising and was purely for information.

[FPS Bulletin 48 – August 2021](#) had two actions for the FRA which have been completed.

- TPR scheme return: Scheme managers to check contact details are correct on the Exchange.
- Managing Pension Schemes (MPS) service: FRAs to enrol on to the new MPS service, no later than 24 September 2021.

[FPS Bulletin 49 – September 2021](#) had no actions arising and was purely for information.

[FPS Bulletin 50 – October 2021](#) had no actions arising and was purely for information.

[FPS Bulletin 51 – November 2021](#) had no actions arising and was purely for information.

[FPS Bulletin 52 – December 2021](#) had no actions arising and was purely for information.

RESOLVED

That the content of Bulletins 47 – 52 be noted

32 Scheme Advisory Board Minutes

- a) Local Pension Board Effectiveness Committee held 8 July 2021
- b) Scheme Advisory Board held 30 September 2021

RESOLVED

That the Minutes of the Scheme Advisory Board at meeting held on 30 September 2021 and the minutes of the Local Pension Board Effectiveness Committee held on 8 July 2021 be noted.

Chair