

# Minutes

## Local Pension Board

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Date: 05 August 2022

Time: 12noon

Venue: FSHQ

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Present: John Roberts (Scheme Manager representative) in the chair, Councillors Peter Harrand and Fozia Shaheen (Scheme Manager representatives), Ian Dunkley (Scheme Member representative).

In Attendance: James Clarkson Technical Advisor

Apologies: Ryan Binks and Jim Davies (Scheme Member representatives)

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### 1 Appointment of Chair and Vice Chair 2022 – 23

It was agreed that the Board's Terms of Reference be amended to reflect that John Roberts continue as Chair of the Board. This was supported by all present, including the Scheme Member representative.

#### **RESOLVED**

- a) That John Roberts, Scheme Manager representative, be appointed Chair of the Local Pension Board for the 2022 – 23 year; and
- b) That Ian Dunkley, Scheme Member representative, be appointed Vice chair of the Local Pension Board for the 2022 – 23 year.

### 2 Membership of the Local Pension Board 2022 – 23

Scheme Member representatives

- Ryan Binks
- Ian Dunkley
- James Davies (FBU)

#### Scheme Manager representatives

- Councillor Peter Harrand
- Councillor Fozia Shaheen
- John Roberts

#### **RESOLVED**

That the report be noted.

### **3 Urgent items**

There were no urgent items

### **4 Admission of the public**

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

### **5 Declarations of interest**

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

### **6 Minutes of the previous meeting held on 19 January 2022**

#### **RESOLVED**

That the Minutes of the meeting held on 19 January 2022 be signed by the Chair as a correct record.

### **7 Terms of Reference – Annual Review**

Consideration was given to a report of the Monitoring Officer to review the Terms of Reference for the Local Pension Board which had been adopted by the West Yorkshire Fire and Rescue Authority. The report was agreed noting the amendments to the Board's Terms of Reference above.

#### **RESOLVED**

That the report be noted.

### **8 Local Pension Board Annual Report 2021 – 22**

Members considered a report of the Monitoring Officer which gave details of the activity of the previous year.

## **RESOLVED**

That the report be noted and submitted to the next meeting of the Fire Authority's Human Resources Committee on 7 October 2022 for ratification.

### **9 Local Pension Board Activity report**

Members considered a report submitted by the Chief Employment Services Officer concerning performance in key areas for the period 1 January 2022 to 30 June 2022.

## **RESOLVED**

That the report be noted.

### **10 Scrutiny and review**

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

- **Discretions** – one discretion has been exercised by the Scheme Manager during the relevant period
- **Pensions Breaches register** – no breaches identified during the relevant period
- **Pensions Risk register** – attached at appendix A to the report
- **Compliance deadlines** – the deadlines were set out for year end, ABS, Pension Saving Statement, TPR Survey and Triennial Re-enrolment. Full details attached at appendix B to the report

## **RESOLVED**

That the report be noted.

### **11 Pension Ombudsman – update**

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

Mr N – Contributions: refunds.

Summary of the Ombudsman's decision and reasons:

'I find that the implementation date of the Regulations Amendment and the reasons for selecting that date were a matter for the Government to rule on in view of its legislative authority over the Scheme. Similarly, the timing of the age discrimination legislation, that Mr N has referred to, was a point for the Government to consider before determining that it would be implemented from 2006, under the Equality Act 2010. MFRS is required to act in accordance with the regulations governing the Scheme. The Regulations Amendment

became effective from 1 December 2006. Consequently, I find that MFRS had no discretion to pay Mr N a refund of contributions, because he had retired before that date.'

The report also included an update following decision [PO-25374](#) (abatement). Legal advice confirmed that FRAs are required to consider, on a case-by-case basis, whether it is appropriate for abatement to apply and to document each decision. Members were advised that WYFRS is in the process of reviewing their Retirement and Re-engagement policies and forms to ensure that these requirements are met.

## RESOLVED

That the report be noted.

## 12 Legislative update

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

- [Public Service Pensions & Judicial Offices Act 2022](#) – received Royal Assent on 10 March 2022 and includes addressing the age discrimination that arose when public service pension schemes were closed to certain members. The [Police and Firefighters' Pension Schemes \(Amendment\) Regulations 2022](#) were laid before parliament on 21 March 2022 and came into force on 1 April 2022. These amendments implement phase one of the age discrimination remedy by closing the final salary schemes to future accrual on 31 March 2022 and moving affected members to the FPS 2015 from 1 April 2022. WYFRS' payroll provider, WYPF, have confirmed that the relevant updates to members' records were applied to ensure contributions and calculations reflect this change and WYPF wrote to affected members on behalf of WYFRS in April 2022 to confirm the changes and outline key features of FPS 2015. A Home Office consultation on draft regulations to implement phase two of the remedy is expected later this year.
- [Finance Act 2022](#) - received Royal Assent on 24 February 2022 and provides the Treasury with powers to make regulations to address tax impacts that arise from the implementation of phase two of the remedy. The regulations will require secondary Treasury legislation, which is not anticipated until later this year.
- **Immediate Detriment Framework** - WYFRS has deferred a decision on adopting the Immediate Detriment Framework for retired members and is continuing to allow current employees to retire using the Immediate Detriment process previously agreed.

- **Matthews – Second Option Exercise** - Following Matthews v Kent and Medway Towns Fire Authority and a European Court of Justice decision concerning fee paid judges in O'Brien v Ministry of Justice, a Memorandum of Understanding (attached at Annex A to the report) to implement a second exercise has been agreed between the government, FBU, the Fire and Rescue Services Association and FRAs. It is anticipated that the legislation will come into force in the latter half of 2023 and FRAs will be expected to start the exercise soon after. WYFRS have provisionally identified 171 current or former employees who may be in scope for this exercise
- **Judicial Review into Remedy Costs** - The FBU and BMA have been granted a judicial review into the government's decision to include the cost of the age discrimination remedy in public service pension schemes' 2016 valuations. The case is expected to be heard and decided later in 2022.

#### **RESOLVED**

That the report be noted.

### **13 Scheme Advisory Board Minutes**

#### **RESOLVED**

That the Minutes of the Scheme Advisory Board at meetings held on 9 December 2021 and 24 March 2022 be noted.

### **14 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 year to date.

#### **RESOLVED**

That the report be noted

### **15 Firefighter Pension Scheme bulletins 53 – 58**

Consideration was given to the content of bulletins 53 – 58

[FPS Bulletin 53 – January 2022](#) had no actions arising and was purely for information.

[FPS Bulletin 54 – February 2022](#) had three actions for the FRA and administrator:

- Scheme managers to review abatement policy in light of Pensions Ombudsman determination PO-25374 – in progress
- All parties to ensure changes needed for 1 April 2022 are in place before that date - completed.
- Administrators to complete self-assessment survey by 18 March 2022 – completed

[FPS Bulletin 55 – March 2022](#) had three actions for the FRA, all of which have been completed;

- No later than 31 May 2022 FRAs to inform LGA of total numbers of members, split by scheme (FPS 1992, FPS 2006), affected by aggregation.
- FRAs to contact all current former protected members and provide key features of FPS 2015 communication.
- In addition to the pensions income/expenditure data that you will be submitting on DELTA, FRAs to send the Home Office electronic copies of the trial balances from audited accounts where the pensions income/expenditure data was extracted for completion of the audited 2020/21 DELTA return, to include any post balance sheet adjustment events.

[FPS Bulletin 56 – April 2022](#) had three actions for the FRA, all of which have been completed;

- Matthews – Second options exercise: FRAs to complete data request questionnaire by 30 June 2022.
- Payroll workshop: FRAs to register their interest by 13 May 2022.
- FRAs to provide LGA with information on who should receive generic pension information by 31 May 2022.

[FPS Bulletin 57 – May 2022](#) had two actions for the FRA, both of which have been completed;

- Matthews – Second options exercise: FRAs to complete data request questionnaire by 30 June 2022.
- FRAs to provide LGA with information on who should receive generic pension information ASAP.

[FPS Bulletin 58 – June 2022](#) had a number of actions for FRAs and administrators.

- FRAs to submit pension income/ expenditure forecasts by 19 August 2022 - noted and to be submitted in line with deadline.
- FRAs and administrators to use the Bluelight inbox for email correspondence with the Bluelight team - noted
- FRAs and administrators to complete query form when submitting a technical query - noted
- Administrators to include ABS factsheet with 2021/22 benefit statement distribution - WYPF confirmed information will be included.
- TPR dashboard guidance: FRAs to read dashboard guidance and book onto webinar – completed

**RESOLVED**

That the content of bulletins 53 – 58 be noted.

Chair