West Yorkshire
Fire & Rescue Authority

OFFICIAL

Agenda item: 06

Activity Report

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To inform members of key statistics relating to the Firefighters' Pension Scheme
Recommendations:	That the report is noted
Summary:	This report informs Members of a series of membership statistics and movements for the reporting period, as well as providing a summary of the number of opt-ins/outs, appeals made under the Internal Dispute Resolution Procedure (IDRP) and number of pension estimates processed

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – IDRP Log

1. Introduction

1.1 This report informs Members of key statistics relating to the Firefighters' Pension Scheme as follows:

- Number of members across the various schemes
- Membership movements during the reporting period
- Number of opt-ins and opt-outs
- Number of retirements
- Estimates processed
- Number of new firefighter recruits
- Total firefighter headcount
- Number of IDRP Stage 1 and Stage 2 complaints

2. Information

2.1 Updated member statistics are detailed below. This is based on a snapshot of West Yorkshire Pension Fund's administration system on 30 November 2025.

2.2 For consistency, the number of members under each scheme is where this is their current or most recent scheme. For example, a 2015 Scheme member with connected 1992 Scheme benefits is included in the 2015 Scheme figures.

2.3 Number of active members

Scheme	30/11/2025	31/05/2025
2015 Firefighters' Pension Scheme	1,051	1,036

2.4 Number of pensioner members (including beneficiaries)

Scheme	30/11/2025	31/05/2025
1992 Firefighters' Pension Scheme	2,292	2,307
2006 Firefighters' Pension Scheme	22	15
2006 Special (Modified) Scheme	73	65
2015 Firefighters' Pension Scheme	135	107
Total	**2,522**	**2,494**

2.5 Number of deferred members

Scheme	30/11/2025	31/05/2025
1992 Firefighters' Pension Scheme	94	96
2006 Firefighters' Pension Scheme	146	147
2006 Special (Modified) Scheme	33	28
2015 Firefighters' Pension Scheme	145	140
Total	**419**	**411**

2.6 Some of the changes in membership numbers are related to the Age Discrimination and Matthews Remedies; for example, the increase in the number of deferred 1992 and 2006 Scheme members is a result of the records being rolled back into these schemes from the 2015 Scheme.

2.7 Number of opt-ins:

2.7.1 In the period 1 June 2025 to 30 November 2025, **1** firefighter opted into the pension scheme. Please note that this figure does not include new starters who automatically join the scheme or the triennial re-enrolment exercise. These opt-ins can be broken down into the following demographics:

Age	Male	Female
18-30	0	0
31-40	0	0
41-50	0	0
51-60	1	0
60+	0	0
Total	**1**	**0**

2.8 Number of opt-outs:

2.8.1 In the period 1 June 2025 to 30 November 2025, **10** firefighters opted out of the pension scheme. These can be broken down into the following demographics:

Age	Male	Female
18-30	3	0

Age	Male	Female
31-40	7	0
41-50	0	0
51-60	0	0
60+	0	0
Total	**10**	**0**

2.8.2 The most common reasons stated for opting out (4) was the cost of the scheme/other financial commitments.

2.8.3 5 of the opt-outs were on-call firefighters who are also employed as wholetime.

2.9 Number of retirements:

2.9.1 In the period 1 June 2025 to 30 November 2025, **16** firefighters retired to pension.

2.10 Estimate Requests:

2.10.1 In the period 1 June 2025 to 30 November 2025, **31** estimate cases were processed.

2.11 New Recruits:

2.11.1 In the period 1 June 2025 to 30 November 2025, WYFRS appointed 27 Wholetime Firefighters and 10 On Call Firefighters. This includes 25 trainees and 12 transfers. Of these, 4 chose to opt out of the pension scheme. The new starters can be broken down into the following demographics:

Age	Male	Female
18-30	16	3
31-40	14	1
41-50	3	0
51-60	0	0
60+	0	0
Total	**33**	**4**

2.12 Head Count:

2.12.1 The total number of Firefighter employees (including those on career break and secondment) on 30 November 2025 was **1,107**. Of these, **1,031** are current pension scheme members. This figure is lower than WYPF's figure in paragraph 2.3 due to the time lag between member's leaving or retiring and it being processed on WYPF's system.

2.13 Internal Dispute Resolution Procedure (IDRP):

2.13.1 In the period 1 June 2025 to 30 November 2025, **4** Stage 1 appeals and **3** Stage 2 appeals were made under the IDRP. Further details are provided in **Annex A.**

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Enhance the health, safety, and well-being of our people.
- Prioritise a people first mindset through ethical and professional leadership and management
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

Date Received	Area	Nature of Complaint	Acknowledged?	Stage 1 Deadline	Outcome (Stage 1)	Date of Outcome	Stage 2 Referal?	Stage 2 Deadline	Outcome (Stage 2)	Date of Outcome
03/06/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	03/10/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	12/06/2025				
03/06/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	03/10/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	12/06/2025				
05/06/2025	Remediable Service Statement	Failure to isssue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	05/08/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	12/06/2025	04/09/2025	04/11/2025	Re-iterated the reasons for the delays and provided assurance that ABS RSS process will be future proofed now that WYPF's systems are updated. Rejected claim that financial loss has been suffered.	03/11/2025
22/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	22/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025	14/07/2025	14/09/2025	Interim reply sent 03/11/2025 extending a month	
08/10/2025	Repayment of missed pension contributions	Not being given the opportunity to buy back his career break in 2018	Y	08/12/2025						
07/05/2025	Remediable Service Statement (Immediate Choice)	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	07/09/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and we will monitor their progress	03/06/2025	07/11/2025	07/01/2026		

West Yorkshire
Fire & Rescue Authority

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Agenda item: 07

Scrutiny & Review

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To review discretions made by the scheme manager, breaches of the law, the pension risk register and compliance deadlines.
Recommendations:	That the report is noted, and further action is taken as identified.
Summary:	It is one of the requirements of the Local Pension Board that members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Breaches Register Annex B – 2025 ABS Breach Assessment Annex C – 2025 DBS Breach Assessment Annex D – Risk Register Annex E – WYPF Response to PSC

1. Introduction

1.1 Local Pension Board members are to be conversant with Firefighters' Pension Scheme rules and other administration policies relevant to the schemes.

1.2 In accordance with this requirement updates have been provided on the following legislative issues:

1.3 In accordance with this requirement updates have been provided on the following issues:

- Discretions made by the Scheme Manager
- Breaches
- Pension risk register
- Compliance deadlines

2. Information

2.1 Discretions made by the scheme manager

2.1.1 In the period 1 June 2025 to 30 November 2025, the scheme manager has not been required to exercise their discretionary power.

2.2 Breaches

2.2.1 A copy of the breaches register for the current and previous financial years can be found in **Annex A**.

2.2.2 In the period 1 June 2025 to 30 November 2025, **2** breaches of the law have been identified.

2.2.3 47 active members did not receive an annual benefit statement by the statutory deadline of 31 August 2025. This was given an overall 'amber' rating and recorded as a breach by the scheme manager, but not a material breach. A copy of the assessment can be found in **Annex B**.

2.2.4 429 deferred members did not receive an annual deferred benefit statement by the statutory deadline of 31 August 2025. This was given an overall 'red' rating and recorded as a material breach by the scheme manager. A copy of the assessment can be found in **Annex C**.

2.3 Pension risk register

2.3.1 The current risk register can be found in **Annex D**.

2.3.2 A note has been added to the Age Discrimination Remedy risk area regarding the breach of the RSS deadline.

2.3.3 A note has also been added to the Matthews Remedy risk area regarding the expected extension of the election deadline to a date in 2027.

2.4 Compliance Deadlines

2.4.1 Members need to be mindful of the following key milestones of the pension administrative cycle and the dates associated with it:

- TPR Scheme Return (2025) – 3 December 2025
- Year End deadline (2025/26) – 30 April 2026
- Annual Benefit Statements (2025) deadline – 31 August 2025
- Pension Savings Statements (2024/25 tax year) deadline – 6 October 2025
- TPR Governance & Administration Survey (2025) – TBC
- Pension Re-enrolment – 30 November 2025

2.4.2 WYFRS expects to be able to submit their year-end (March) before the deadline.

2.4.3 WYPF produced the majority of the delayed 2024 active benefit statements (ABS) by their stated deadline of 30 June 2025 and issued 95% of the 2025 ABSs by the statutory deadline of 31 August 2025 (see ‘Breaches’ above).

2.4.4 WYPF were unable to produce deferred benefit statements by the statutory deadline of 31 August 2025 (see ‘Breaches’ above)

2.4.5 The deadline for Pension Savings Statements for 2024/25 was met.

2.4.6 The Pensions Regulator have not requested a survey for 2025, and we expect this to recommence in 2026.

2.4.7 Every three years, WYFRS is required to enrol all eligible opted-out employees into a pension scheme. This exercise was last conducted in 2022, and 1 July 2025 was chosen as our re-enrolment date. 44 employees were automatically re-enrolled into the FPS, of which 36 opted out immediately. WYFRS certified that they had met their re-enrolment duties with TPR on 24 July 2025.

2.5 West Yorkshire Pension Fund – LGPS Investments

2.5.1 An item was raised in the previous meeting regarding WYPF’s choice of investments for their LGPS fund following claims made by the Palestine Solidarity Campaign. WYPF have therefore provided a briefing note and a copy of this can be found in **Annex E**.

2.5.2 It should be noted that these investments do not relate to the FPS, which is an unfunded scheme where the finances are managed by WYFRS via the top-up grant from central government. WYPF only provide a shared administration service to WYFRS for the FPS.

2.5.3 WYFRS is a participating employer in the LGPS fund for support and control staff but has no input into the investment strategy or its implementation as this is the responsibility of WYPF and the relevant committees.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Prioritise a people first mindset through ethical and professional leadership and management
- Use resources in an innovative, sustainable, and efficient manner to maximise value for money.
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

Breach No.	Breach Advice Date	Breach Details	Reported to	Investigation details, progress, outcome, corrective action, confirmation Breach permanently rectified? Reason not reported to TPR
1	01/09/2024	Failure to issue annual benefit statements by the statutory deadline of 31/08/2024	LPB, TPR	See breach assessment 11/10/2024
2	01/04/2025	Failure to issue Remediable Service Statements by the statutory deadline of 31/03/2025	LPB, TPR	See breach assessment 29/04/2025
3	01/09/2025	Failure to issue active annual benefit statements to 47 members by the statutory deadline of 31/08/2025	LPB	See breach assessment 12/09/2025
4	01/09/2025	Failure to issue deferred benefit statements to 429 members by the statutory deadline of 31/08/2025	LPB, TPR	See breach assessment 01/11/2025

Secretariat: bluelight.pensions@local.gov.uk

Breach Assessment Template

Date of assessment

12/09/2025

Introduction

Several 2025 annual benefit statements (ABS) for members in-scope for the Sargeant/McCloud Remedy were not issued by the statutory deadline of 31 August 2025.

Identified

West Yorkshire FRS was informed by West Yorkshire Pension Fund on 10 September 2025 that 47 members did not receive their ABS by the statutory deadline. This represents 4.8% of the total active membership on this date.

Assessment

[Using the TPR guidance comment on the four areas and score red, amber or green

	Cause	Effect	Reaction	Wider Implications
Red				
Amber	A number of record types were not able to be processed, including: • Data errors with rollback yet to be resolved. • FPS 2015 remediable transfers yet to be reviewed. • Modified FPS 2006 cases requiring	47 ABSs were not issued by the statutory deadline of 31/08/2025; 95.2% of ABSs were issued on time.	WYPF have informed FRAs of their production plans and aim to issue the remaining ABSs on an ad-hoc basis as records get updated across Autumn/Winter 2025.	WYPF have confirmed that once the required updates have been made to enable rollback and transfers, these cases will be automated in future and will not breach. WYPF have also confirmed that in future years, more time and resource will be available to deal with manual cases due to the additional automation and wider timeframe to produce the ABSs. This should mean these cases will not breach.

	manual calculations. • Part-time FPS 1992 cases requiring manual calculations. The short timeframe between the 2024 ABS and 2025 ABS exercises exacerbated these issues.			
Green				

Action

Production update
from WYPF.pdf

WYPF issued a production update on 07/08/2025 setting out their production schedule for the 2024 and 2025 ABSs, amongst other tasks.

WYPF will continue to issue ABS RSSs as and when records are corrected and manual calculations are performed throughout the 2025/26 financial year.

History / Frequency

The 2024 ABS deadline was breached for everyone in scope for the Sargeant/McCloud remedy, which amounted to 597 members not receiving their 2024 ABS. Following the bulk of the rollback exercise, the number of breaches for 2025 is much reduced.

Decision

Report as material breach	
Recorded as breach	**X**

Assessed by: James Clarkson/Sonia Pawson

Date of assessment: 12/09/2025

Board Review:

Tabled at Board Meeting:
Agreed by board:

Firefighters' Pensions England
Scheme Advisory Board

Secretariat: bluelight.pensions@local.gov.uk

Breach Assessment Template

Date of assessment

01/11/2025

James Clarkson – Pensions Manager

Sonia Pawson – Director of People and Culture

Introduction

429 deferred members were not issued an annual deferred benefit statement by the statutory deadline of 31/08/2025

Identified

Informed by West Yorkshire Pension Fund (WYPF), pension administrator.

Assessment

[Using the TPR guidance comment on the four areas and score red, amber or green

	Cause	Effect	Reaction	Wider Implications
Red	WYPF were unable to allocate resource to producing the 2025 DBSs due to the requirement to send 2024 and 2025 active benefit statements during the production period.	No DBSs were issued by the deadline of 31/08/2025, this covers 429 members.		
Amber			WYPF issued 'out of scope' (for remedy) DBSs in October 2025 for 232 members. WYPF are due to undergo a software	It is anticipated that once the required updates have been performed to 'in scope' records, future production runs will be

			upgrade on 24/11/2025 and will then work on the DBS for remaining 'in scope' members will commence in January. The target date for issue is 31/03/2026.	able to be automated and meet the annual statutory deadline.
Green				

Action

WYFRS will continue to monitor WYPF and request progress updates via client reports and meetings to ensure the DBSs (in scope) are sent. The LPB will be update in future meetings.

We will also request assurance that 2026 production is unaffected.

History / Frequency

The 2024 DBSs were not issued to 'in scope' members by the statutory deadline as WYPF had not receiving the required software updates.

Decision

Report as material breach	**X**
Recorded as breach	

Assessed by: James Clarkson/Sonia Pawson

Date of assessment: 01/11/2025

Board Review:

Tabled at Board Meeting:

Agreed by board:

Risk Reference	**Risk Area 1 - Regulatory and Compliance**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/Specific Risk Reduction Actions	Owner	Test	Next review	Comment
REG1	Failure to put appropriate governance arrangements in place and monitor risk	2	7	14	Scheme Manager and Pension Board awareness of legal responsibilities				
					• Pension Board given up to date information on legal responsibilities	Pension Board Chair	As Required		
					• Terms of reference in place and under review	Scheme Manager	Annual	Jul-26	
					• Procedures for assessing and managing risk	Scheme Manager	Annual	Jul-26	Risk Register Policy agreed in July 2019, reviewed July 2023
					• Procedure to identify, assess and report breaches	Scheme Manager	Annual	Jul-26	Breach Policy agreed in July 2019, reviewed July 2023
					• Suitable frequency of Pension Board meetings	Scheme Manager	Annual	Jul-26	
REG2	Failure to interpret rules or legislation correctly	2	7	14	Appropriate Pension Board Member training				
					• Up to date and documented training log, showing completion of scheme-specific training and The Pensions Regulator's educational material	Scheme Manager	Annual	LPB Meetings	Training records reviewed and maintained
					• Technical advice and regular updates made available	Scheme Manager	Ongoing	LPB Meetings	Legislative update is a standing item on the agenda
					• Ongoing process for acquiring relevant knowledge and understanding, with regular refreshers	Scheme Manager	Ongoing	LPB Meetings	Encouraged to attend LGA seminars, provided with monthly bulletins and given an overview of recent PO decisions
					• Training of new Pension Board Members	Scheme Manager	As Required	LPB Meetings	Provided access to TPR online training and training from LGA
					• Awareness and understanding of relevant documentation as per TPR General Code - Governing Body, Knowledge and Understanding Requirements	Scheme Manager	Annual	LPB Meetings	
REG3	Conflicts of Interest	2	5	10	All Pension Board members to declare any conflicts				
					• Conflicts of interest policy in place and fully understood	Scheme Manager	Annual	Jul-26	Included in Terms of Reference
					• Request for interests to be declared at each meeting	Scheme Manager	Ongoing	LPB Meetings	Standing item on LPB agenda
REG4	Failure to comply with TPR deadlines	5	7	35	All pension Board members to keep up to date with TPR compliance deadlines				
					• Training of new Pension Board Members	Scheme Manager	Ongoing		
					• Technical advice and regular updates made available at LPB meetings	Scheme Manager	Ongoing		
Risk Reference	**Risk Area 2 - Operations**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
OPS1	Member data incomplete or inaccurate	5	7	35	Data management and monitoring requirements under SLA fully understood and deemed adequate				
					• Monthly processes to monitor records and carry out reconciliation	Scheme Manager	Monthly	Jul-26	Monthly return sent to WYPF for immediate processing, reconciled against payroll deductions
					• Monthly KPI reporting on data issues – provide summary at each LPB meeting	Administrator/Scheme Manager	Ongoing	Jul-26	Monthly report received from WYPF
					• Data review arrangements in place including periodic address cleanse	Administrator/Scheme Manager	As Required	Jul-26	Done via monthly return, WYPF verify any changed addresses
					• Process to enact a Data Improvement Plan and report breaches, if required	Scheme Manager	As Required	Jul-26	Breach Policy agreed in July 2019
OPS2	Administration process failure / maladministration	4	8	32	Formal SLA in place with third party administrator and monitoring arrangements assessed as adequate				
					• Quarterly client meetings and monthly reports including KPIs	Scheme Manager	Monthly	Jul-26	Quarterly meetings attended by Pensions Manager
					• Ongoing dialogue between Scheme Manager and third party administrator, including process improvement plans	Scheme Manager	Ongoing		
					• Clear identification of roles, authority levels, data security and data protection processes	Scheme Manager	Ongoing		
					• Audit reporting on both third party administrator and Scheme Manager's processes	Scheme Manager	Annual	Jul-26	Monthly report received from WYPF
					• Disaster Recovery Plans up to date and appropriate	Scheme Manager	Annual	Jul-26	
					• Ability to commission independent assurance report, if required	Scheme Manager	As Required		
OPS3	Inadequate, late or inaccurate communications	5	7	35	Communication requirements fully understood and The Pensions Regulator's recommendations applied				
					• Communications provided under SLA fully understood and deemed adequate for basic requirements	Scheme Manager	Annual	Jul-26	
					• Ad hoc communications provided by LGA Pensions Adviser monitored, fully understood and tailored as necessary	Scheme Manager	Ongoing		
OPS4	Operational disaster	1	6	6	Business continuity procedures in place				
					• Third party scheme administrator Disaster Recovery Plan up to date and appropriate	Scheme Manager	Annual	As per internal audit cycle	
					• Scheme Manager Disaster Recovery Plan up to date and appropriate	Scheme Manager	Annual	As per internal audit cycle	
					• Contracts and other essential documents recorded on a central database	Scheme Manager	Annual	As per internal audit cycle	
OPS5	Resignation/retirement of internal pensions pracitioner	2	10	20	Succession planning				
					• All pension process and project information kept within HR Pensions shared area and is clearly indexed	Scheme Manager	Annual	Jul-26	
					• Process documents/checklists created	Scheme Manager	Annual	Jul-26	
					• Training and support available from administrator and/or LGA	Scheme Manager	Annual	Jul-26	
Risk Reference	**Risk Area 3 - Financial**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
FIN1	Excessive charges by suppliers/additional liabilities on the operating budget	3	2	6	Regular checks of transactions and charges against contract terms/ robust methodology used to forecast pension accounting data				
					• Annual review of scheme budget, quarterly review of cost incurred against budget	Scheme Manager	Quarterly	Jul-26	
					• Periodic review of suppliers	Scheme Manager	Annual	Jul-26	
					• Processes in place to ensure robustness of method to forecast and calculate pension accounting data. Liaise with third party administrator when making forecasting assumptions	Scheme Manager	Annual	Jul-26	
FIN2	Fraud/Fraudulent behaviour	1	10	10	Budget monitoring and appropriate payment processes including use of authorised signatories and data validation				
					• Monitor incoming and outgoing scheme funds and membership movements against scheme forecasts – reconcile actual transactions against forecasts	Scheme Manager	Monthly	Jul-26	
					• Authorisation of transactions in accordance with audit requirements and carried out by authorised signatories only	Scheme Manager	Ongoing	As per internal audit cycle	
					• Robust data validation processes in place by third party administrator and Scheme Manager to ensure all transactions authentic	Administrator/Scheme Manager	Ongoing	As per internal audit cycle	
					• Audit reporting on both third party administrator and Scheme Manager's processes	Scheme Manager	Annual	As per internal audit cycle	
Risk Reference	**Risk Area 4 - Funding**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
FUN1	Employer failure to pay correct contributions into scheme	1	10	10	Contribution deductions and payments – monthly reconciliation of schedule of payments due and amount paid across				
					• Processes in place to comply with regulatory requirements on contribution rates and pensionable pay definitions	Scheme Manager	Monthly	Jul-26	
Risk Reference	**Risk Area 5 - Age Discrimination Remedy**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
REM1	Failure to issue Remediable Service Statements by 31 March 2025	10	8	80	Provision of all data to administrator				
					• Financial data provided to administrator before deadline	Scheme Manager	Monthly	Done	In breach - WYPF providing monthly reports detailing progress made in issuing RSSs
					• Contributions, tax and interest data prepared in advance of request from administator	Scheme Manager	Monthly	Done	
					• Administrator providing monthly updates to allow effective monitoring	Scheme Manager	Monthly	Sep-26	
REM2	Unable to supply contingent decision (opt out) information on Remediable Service Statement	5	6	30	Support from payroll provider, work planning				
					• Contribution and pay information requested from payroll provider in agreed format	Scheme Manager	Monthly	Sep-26	
					• Robust records of contingent decision applications to enable planning and tracking of progress	Scheme Manager	Monthly	Sep-26	
Risk Reference	**Risk Area 6 - Pensions Dashboards**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
PDB1	Failure to connect in line with DWP guidance	2	10	20	Administrator project management				
					• Administrator is responsible for multiple local authority and FRS schemes so has scale and expertise to implement requirements	Scheme Manager	Monthly	Sep-26	
					• Administrator made early appointment of integrated service provider	Scheme Manager	Monthly	Sep-26	
					• Administrator in regular contact with The Pensions Regulator and providing updates on connection progress	Scheme Manager	Monthly	Sep-26	
PDB2	Insufficient matches from Find requests to member records	2	8	16	Administrator data quality and matching criteria		Monthly		
					• Administrator has digitised all member data to allow effective flow through dashboard ecosystem	Scheme Manager	Monthly	Sep-26	
					• Administrator has analysed member data and is testing of various matching scenarios	Scheme Manager	Monthly	Sep-26	
					• WYFRS supporting administrator with data cleansing; for example, address tracing for lost contact members	Scheme Manager	Monthly	Sep-26	

PDB3	Unable to produce View data for matched records	3	7	21	Administrator data quality and submission of data by employer				
					• WYFRS provides monthly pay and service data in timely fashion to allow accurate benefit calculations	Scheme Manager	Monthly	Sep-26	
					• Adminstrator will need to hold annual benefit statement data electronically in future rather than on a PDF file	Scheme Manager	Monthly	Sep-26	
Risk Reference	**Risk Area 7 - Matthews Remedy**	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
MAT1	Failure to produce Statements of Service to allow elections by 31 March 2025	2	8	16	Early and organised provision of statements by WYFRS				
					• Returns of expression of interest forms and statement deadlines are tracked on central spreadsheet to allow effective work planning	Scheme Manager	Monthly	Sep-26	Election deadline due to be extended until 31/03/2027
					• Calculation process devised and data prepared in advance of project to avoid delays in calculations	Scheme Manager	Monthly	Sep-26	
MAT2	Policy changes mid-project implemented by Home Office	8	3	24	Expectations of members are managed and future work planned				
					• Likely affected members identified, communicated with and clearly labelled on data	Scheme Manager	Monthly	Sep-26	
					• Data prepared to allow quick processing of cases once regulations are amended	Scheme Manager	Monthly	Sep-26	

Briefing note – WYPF investments related to Israel

The LGPS Divest Campaign

The LGPS Divest is one of several initiatives of The Palestinian Solidarity Campaign (PSC). The central allegation is that by investing in companies which have operations in Israel, the LGPS are complicit in the suffering of the Palestinian people.

The PSC website states that in total the LGPS holds £12bn of such “complicit investments” as of February 2025, which would amount to c3% of total scheme assets. Specifically, in the case of WYPF it identifies £1.1bn of WYPF investments, or 5.5% of the portfolio. It’s likely that WYPF’s higher exposure reflects our relatively high allocation to listed equities.

WYPF Position

WYPF has the responsibility to invest employer and employee contributions to ensure the pensions of c300,000 public workers in the region can be delivered at a stable and affordable cost.

WYPF’s assets of c£20.5billion are invested in a broad array of listed equity, bonds, property, infrastructure, and private equity on a global basis. The full list of WYPF holdings is published annually on the WYPF website.

At the end of February 2025 WYPF’s investments in the companies named by PSC were £1.25bn, £155mn higher than the number claimed by PSC. It is likely timing differences explain much of the difference – equity markets were generally strong in the Jan / Feb period. Our largest exposures are HSBC £292mn, Alphabet £136mn, Barclays £122mn, Amazon £119mn & BAE Systems £94mn. PSC’s number does ignore our substantial fixed income holdings in named companies that would increase our exposure by c£100mn.

We would characterise the named companies into four categories:

1. Companies that were identified by the United Nations Human Rights Council (UNHRC) as operating within the Occupied Palestinian Territories (OPT) and therefore possibly harming the welfare of its residents. While historically WYPF held Alstrom, the French train maker, this position has been sold, and we have no holdings in any these companies.
2. Israeli companies. WYPF has no direct holdings in Israel domiciled companies. The Israeli stock market is relatively small in global terms, representing around 0.25% of world markets. This implies WYPF’s weighting to Israel is c£50mn less than might be expected if the fund were to invest on a passive rather than an active basis.
3. International companies that provide goods and services to the state of Israel. Israel has a highly developed economy and several multi-national companies in which we invest, have operations or subsidiaries in the country. The exact % of sales for each company to Israel is not known but is likely to be relatively small given the size of the economy. Indeed, some companies have been targeted for being tangentially involved; for example, Israel is just one of 160 countries HSBC operates in. As a rule, the fund will not use its voting rights or disinvest from any investment for political or ideological reasons,

unless required to do so because of economic sanction from the UK Government. Given the UK's support of Israel, we do not think it appropriate to divest from our holdings.

4. Weapons. The sale of weapons is tightly controlled and companies operating in the sector require explicit government approval to gain export licenses. The British government continues to grant such licenses in relation to Israel, and we do not think it appropriate to divest from our holdings. The most contentious investment we hold arguably is BAE Systems. Most of the company's sales are to support the defence of the UK and its allies. BAE makes no direct sales to Israel and its only exposure is via the F-35 aircraft program to which is a subcontractor to Lockheed Martin contributing 15% of the value of the program.

Divestment risk

The PSC's broadbrush approach captures many global companies the divestment from which would make the job of WYPF significantly more difficult. The list includes six of the constituents of the FTSE100 totalling 16.1% of the index value, as well two of the "Magnificent Seven" tech companies.

The arbitrary removal of globally significant companies from our investment universe limits the ability of the Fund to generate sufficient returns to pay members pensions.

Reputational risk

As would be expected, the divestment argument has become deeply politicised. Members should be aware that 38 of the 50 states in US have laws that prohibit investment funds from boycotting Israel.

Scheme Advisory Board

The SAB asked Nigel Griffin QC to provide a legal opinion in January 2025 as to the extent to which LGPS should consider members views on non-financial aspects. Citing case law, primary legislation and general advice his conclusion is that the views of members are incorporated into Investment Strategy Statements (which is refreshed triennially) via a public consultation, which WYPF carried out in 2023 when the statement was last revised, or via their councillor representatives, or Trade Union representatives on the Investment Panel. While Administering Authorities could choose to revisit the Investment Strategy Statement, it should only do so if there is overwhelming member interest on the topic. Ultimately, he concludes that case law does not oblige administering authorities to give effect to the widely held non-financial views of scheme members.

WYPF is likely to update its Investment Strategy Statement as part of the 2025 actuarial valuation process and will consult with scheme members on the changes. This is likely to take place towards the end of 2025.

Local Authority Pension Fund Forum

WYPF is a member of the Local Authority Pension Fund Forum (LAPFF) which engages with companies on behalf of 87 LGPS on a variety of Environmental, Social & Governance topics. The LAPFF recognises that companies operating in Conflict-Affected and High-Risk Areas (CAHRAs) face heightened operational, reputational, legal, and financial challenges. Such areas, which may be affected by armed conflict, civil war, military occupation, or other forms of widespread violence, create complex conditions that can lead to severe human rights and humanitarian law violations. As responsible investors, LAPFF acknowledges these risks and seeks to engage with investee companies to ensure rigorous processes for preventing and mitigating harm are adopted.

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Agenda item: 08

Legislative Update

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To provide a legislative update to Members on matters related to the Firefighters' Pension Scheme
Recommendations:	That the report be noted.
Summary:	It is a requirement of the Public Service Pensions Act 2013 and subsequent 2015 Scheme regulations, for members of a Local Pension Board to have a knowledge and understanding of the law relating to pensions and such other matters. This report provides an update on the latest relevant legislative issues.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Dashboard Preparation Checklist

1. Introduction

1.1 It is a requirement under the Public Service Pensions Act regulations that Members of a Local Pension Board have a knowledge and understanding of the governance and administration of the relevant pension schemes.

1.2 In accordance with this requirement an update has been provided on the following legislative issues:

- Update to member contribution structure
- Pensions Dashboards
- Budget 2025

1.3 Updates on the two pension remedies have been provided in separate dedicated reports.

2. Information

2.1 Update to member contribution structure

2.1.1 MHCLG responded to the consultation to update the FPS member contributions on 8 December 2025, confirming that the changes that will take effect from 1 April 2026.

2.1.2 The aim of the amendments is to bring the overall contribution yield to the required total of 13.2% of members' pay, whilst still maintaining affordability for lower paid members, minimising the risk of opt outs and ensuring the scheme remains sustainable and a valuable part of firefighters' reward package.

2.1.3 An additional tier will be added to the structure, and the pay thresholds for determining the tier will also be modified.

2.1.4 Actual pay, rather than wholetime-equivalent pay, will be used to determine the tier, which will mean that some on-call and part-time firefighters will pay less.

2.1.5 The structure is as follows:

Tier	Actual Pensionable Earnings	Contribution rate
1	Up to £36,130	11.09%
2	£36,131 to £ 45,407	12.59%
3	£45,408 to £66,908	14.09%
4	£66,909 to £190,691	15.59%
5	£190,692 or more	17.09%

2.1.6 WYFRS will be working with Kirklees Council to implement the structure in the April 2026 payroll.

2.2 Pensions Dashboards

2.2.1 A copy of WYFRS's dashboard preparation checklist can be found in **Annex A**.

2.2.2 Public service pension schemes, including WYFRS, were required to connect to the Pensions Dashboards ecosystem by 31 October 2025.

2.2.3 West Yorkshire Pension Fund (WYPF), together with their integrated service provider Bravura, had completed the technical preparations in advance of this date and were ready to upload data once the connection was live. In addition to WYFRS, this included data for 23 fire and rescue authorities and the four LGPS funds that WYPF administer.

2.2.4 The Pensions Dashboards Programme currently has a backlog of schemes pending connection, some of whom had connection dates as far back as April 2025. This meant that WYPF were unable to finalise their connection on 31 October 2025 through no fault of their own. WYPF has been in constant dialogue with The Pensions Regulator (TPR) throughout, and TPR have confirmed that this should not be reported as a breach of the regulations.

2.2.5 It is yet to be confirmed when pensions dashboards will be available to the public. The first dashboard available will be the provided by MoneyHelper, who have begun consumer testing that will continue throughout 2026.

2.3 Budget 2025

2.3.1 The Chancellor delivered her budget on 26 November 2025.

2.3.2 The Chancellor confirmed the Government's intention to only allow National Insurance Contributions Relief on the first £2,000 of salary sacrificed for pension contributions from 2029/30; however, this does not affect the FPS as contributions via salary sacrifice are not permitted under the regulations.

2.3.3 The Chancellor also reaffirmed that inheritance tax (IHT) will apply to unused pension pots and some death benefits for deaths after 5 April 2027. An accompanying paper confirmed that arrangements will be available for personal representatives to direct that schemes withhold some funds from beneficiaries for up to 15 months on the expectation of IHT being chargeable. This is likely to affect few members of the FPS as the Government has previously confirmed that death in service lump sums will remain outside the scope of IHT.

2.3.4 The State Pension will increase by the earnings measure of 4.8% from April 2026 to £241.40 per week.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

Checklist	Due	Completed?	Comment
Connection			
I know my connection deadline.	ASAP (check again when regulations are final)	Yes	31/10/2025
I have selected my route to connection — building my own interface or using a (new or existing) third party's solution.	12 to 18 months before deadline	Yes	WYPF appointed ISP
I have considered whether I want to connect early.	6 to 12 months before deadline	Yes	Will not be connecting early
I am familiar with the Pensions Dashboards Programme's connection process and have all the necessary information and support in place to connect.	0 to 3 months before deadline	Yes	
Governance			
I have read **TPR's guidance on pensions dashboards** and am **staying up to date with developments to the regulations, MaPS standards and TPR guidance**.	ASAP	Yes	Signed up to TPR/PDP newsletters
Pensions dashboards are a regular agenda item at our board.	ASAP	Yes	Included as part of legislative update from Jan '23
I have discussed pensions dashboards with my administrator and other relevant parties (such as software provider, actuary, legal adviser, employer, AVC provider).	ASAP	Yes	Discussed with WYPF and also received update in Nov '22 monthly report
I have set aside a budget for pensions dashboards work.	12 to 18 months before deadline	N/A	Any costs will be included in WYPF cost per member charges
I have appointed the new suppliers and / or revised contracts for an existing suppliers.	12 to 18 months before deadline	N/A	WYPF were in a position to connect 31/10/2025
I have assured myself that my team / suppliers are on track to deliver.	Ongoing	Yes	
My supplier / administrator has put in place resources and processes to deal with member queries arising from the use of dashboards.	0 to 3 months before deadline	Yes	
Matching savers to their pensions			
I understand what personal data I will receive from the system to help me match members to their pensions.	ASAP	Yes	
I have assessed the accuracy and digital accessibility of this data in our records.	ASAP	Yes	Have requested WYPF inform us of any data issues that will affect compliance
I have put in place plans to improve the accuracy and digital accessibility of this data (if required).	ASAP	Yes	See above. ITM appointed to find lost contact members
I have considered which data items I will use to confirm that matches are made or that there may be a match.	6 to 12 months before deadline	Yes	
I have delivered improvements to data accuracy and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	
All relevant data is now digital and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	WYPF have digitised all member data
I have confirmed and recorded my matching policy.	0 to 3 months before deadline	Yes	
Providing pension information to savers			
I know what data I will need to return to members and how to calculate values, including how recent the calculations must be.	ASAP	Yes	WYPF confirmed that ABS data to be used
I have assessed whether my data is accurate, calculated in line with the requirements, sufficiently recent and digitally accessible.	ASAP	Yes	See above
I have put plans in place to ensure that the data is accurate, calculated in line with the requirements (including forthcoming changes to AS TM1) and digitally accessible.	ASAP	Yes	See above
Where value information is out of date, I have decided whether I will calculate this value in advance or on request and I have put plans in place to deliver this.	6 to 12 months before deadline	Yes	WYPF have confirmed that they will be working in accordance with PASA guidance and return the appropriate 'unavailable' code where value data cannot be calculated due to ongoing remediation work or a 3rd party request.
I have delivered any changes and improvements required to ensure the data I provide is accurate, calculated in line with the legal requirements and sufficiently recent. I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	
All relevant data is now digital and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	

West Yorkshire
Fire & Rescue Authority

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Agenda item: 09

Age Discrimination Remedy

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To provide an update to members on the implementation of the age discrimination remedy.
Recommendations:	That the report be noted.
Summary:	It is one of the requirements of the Local Pension Board that Members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Letter to Immediate Choice Pensioners

1. Introduction

1.1 Local Pension Boards are required to assist the Scheme Manager in securing compliance with the regulations that govern the Firefighters' Pension Scheme.

1.2 In accordance with this requirement, an update has been provided on the implementation of the age discrimination remedy.

2. Information

2.1 Immediate Choice Remediable Service Statements (IC RSSs) – retirements and deaths before 1 October 2023.

2.1.1 West Yorkshire Pension Fund (WYPF) have issued IC RSSs to 14 out of 36 cases where the member is likely at a detriment as of 31 December 2025.

2.1.2 WYPF have issued IC RSSs to 4 out of 15 beneficiaries where the member has passed away as of 31 December 2025. It is expected that, in most of these cases, the decision maker will elect for the current benefits to remain in payment. The cases where monies will likely be due have been prioritised.

2.1.3 The above case types remain fully manual calculations. WYPF have increased their resource on these cases, but they rely on a small number of staff that are able to perform and authorise them. WYPF remain unable to provide an indicative date for issuing the remaining cases.

2.1.4 WYPF are currently testing a bulk calculation to cover the circa 400 'protected' members who are also due an IC RSS. These members are already in receipt of the benefits they will likely elect for, which will mean they will see no change to their pension.

2.1.5 WYPF wrote to all members due an IC RSS in November 2025 and a copy of the letter is attached in **Annex A**.

2.2 Deferred Choice Members

2.2.1 33 active members are yet to receive their RSS due to the bulk rollback process not being able to be applied to their record. This is due to several reasons, including:

- Pension sharing orders
- Transfers-in
- Scheme Pays elections

2.2.2 WYPF continue to apply updates manually to enable rollback to be processed and an RSS issued. In some cases, additional information is required from a previous pension scheme and so is dependent on this being received.

2.2.3 Production of these RSSs, which form part of the 2025 annual benefit statement (ABS), will continue into 2026, with the aim to issue as many as possible before work starts on the 2026 ABSs.

2.2.4 115 deferred members are yet to receive their RSS due to the rollback and WYPF has set a target to issue these by March 2026

2.3 Contingent Decisions

2.3.1 The firefighter remedy regulations provide for some decisions made by members during the remedy period to be revisited. This includes decisions to opt out of the pension scheme and whether a firefighter would have purchased additional years in their legacy scheme had they been allowed to remain in it.

2.3.2 These individuals are due to be sent a contingent decision RSS (CD RSS) so that they can decide whether to make an election to opt back into their legacy scheme for the remedy period. These are yet to be issued due to the delays in the IC RSS and ABS RSS rollouts.

2.3.3 In August 2025, the fire minister stated that they had concerns over whether the legislation provides an appropriate remedy for firefighters who opted out of the 1992 Firefighters' Pension Scheme. In response, the Local Government Association, Ministry for Housing, Communities and Local Government (MHCLG), Government Actuary's Department, and some fire and rescue authorities took part in a working group over summer of 2025 to discuss possible alternative remedies.

2.3.4 MHCLG have taken away several ideas from the working group and will discuss these internally and, if appropriate, with HM Treasury and inform the sector if any alternative remedies can be provided either within the current legislation or with amendments to legislation. This will likely be in early- to mid-2026.

2.3.5 Firefighters who opted out of the 2006 Firefighters' Pension Scheme can be processed; however, WYPF have requested that these cases are put on hold whilst the backlog of RSSs is dealt with. Affected members at WYFRS have been informed and assured that they will have a reasonable timescale to decide on whether to elect to opt back in retrospectively.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Enhance the health, safety, and well-being of our people.
- Prioritise a people first mindset through ethical and professional leadership and management

12. Conclusions

12.1 This report is for information only.

IC-RSS letter to members from WYPF – November 2025

Firefighters' Pension Schemes – age discrimination remedy

In August we wrote to you and promised to keep you updated regarding the progress made to issue you with an 'Immediate Choice - Remediable Service Statement' (IC-RSS) so you can choose your post-Remedy benefits.

We apologise once again that you have not received your statement yet. We still cannot give you a specific date for completion and can only say that we are committed to providing you with an IC-RSS as soon as we possibly can.

As explained previously, these complex adjustments cannot be automated and we're using staff with specialist knowledge to look at each case manually. We have been trying to put more resource into this project by taking staff from other work areas, and we have started to clear more cases than we had been.

Additionally, where we have received a member's IC-RSS decision we are paying any lump sum due within a few days and updating the pension on the next available payroll. We continue to work with our software provider to try and develop a bulk calculation for some types of cases. There is no guarantee at this time that a bulk calculation will be available. If it is this will enable the remaining cases to be completed sooner . If or when a bulk calculation becomes available we will let you know and also provide some more specific timeframes to calculate and send statements.

Please be assured that any resulting adjustment to your pension will be backdated and all arrears paid, along with interest paid the relevant rate of the scheme.

We will continue to keep you updated and will write again in a few months if you have not received your statement. We're also keeping our website up-to-date here https://www.wypf.org.uk/IC-RSS.

There will be some people who receive both this letter and their statement due to overlapping production streams. You can disregard this letter if you have recently received your statement.

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Agenda item: 10

Matthews Remedy Update

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To provide an update to members on the implementation of the Matthews remedy.
Recommendations:	That the report is noted
Summary:	It is one of the requirements of the Local Pension Board that Members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Current Position

1. Introduction

1.1 Local Pension Boards are required to assist the Scheme Manager in securing compliance with the regulations that govern the Firefighters' Pension Scheme.

1.2 In accordance with this requirement, this paper provides members with an update on the latest activity regarding the implementation of the second pension options exercise for current and former retained firefighters, following the coming into force of the legislation on 1st October 2023. The exercise will allow in-scope individuals to purchase pensionable service in the FPS 2006 as a Special Member. This scheme provides comparable benefits to the FPS 1992.

2. Information

2.1 Current Position

2.1.1 A table summarising the current position of the project can be found in **Annex A**.

2.1.2 The 8 statements marked 'to do' are currently on hold because they are affected by the government's proposed amendments to the exercise and it has been agreed to delay their case until their final option is known.

2.1.3 Individuals who have not been returned their Expression of Interest or Election form have been sent reminders.

2.1.4 WYFRS has sent details of 142 out of 161 positive elections to West Yorkshire Pension Fund (WYPF) for processing. The remaining 19 are cases where the member is entitled to a 'contingent decision' under the age discrimination remedy, a referral to the Government Actuary's Department has been made or they are affected by the proposed amendment regulations. Once the position of these cases is clear, the data will be provided to WYPF for processing.

2.2 Payment Cases

2.2.1 It is taking WYPF a significant amount of time to process payment cases as a backlog has built up across their entire FRA client base. After a long delay, members who took up the first exercise have now started to be sent payment forms and their lump sums paid.

2.2.2 Out of 93 cases where a payment is due to the member, WYPF have processed 34 as of 30 November 2025.

2.2.3 WYPF have now recruited an additional Member Services Manager, which will allow an existing postholder to dedicate three days per week overseeing the Matthews Remedy. A Team Manager has also been appointed for the Matthews

Remedy team. WYFRS expects an improvement in service levels now that this team has been fully staffed.

2.3 Further Policy Considerations

2.3.1 The Ministry for Housing, Communities and Local Government responded to the consultation on amendments to the Matthews Remedy on 4 December 2025.

2.3.2 The response confirmed their intention to implement the following amendments:

- Missed pension lump sums for individuals who died prior to being able to make an election
- Survivor pension lump sums for survivors of the above
- Allow conversion of Standard to Special service for deferred members and some pensioners where this was previously unavailable
- Allow purchase of opted-out service
- Extension of the election deadline to year from the effective date

2.3.3 The new regulations are expected to come into effect on 1 April 2026, which means the extended deadline for individuals to make an election will be 31 March 2027.

2.3.4 WYFRS has identified 16 individuals who may be affected by these changes, plus 6 cases where the individual is deceased and a lump sum may be payable to their beneficiary.

2.3.5 A revised calculator will be provided by the Government Actuary's Department (GAD). WYFRS are currently involved in testing this calculator and have provided feedback to GAD.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Enhance the health, safety, and well-being of our people.
- Prioritise a people first mindset through ethical and professional leadership and management
- Use resources in an innovative, sustainable, and efficient manner to maximise value for money.
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

Matthews Remedy - Current Position

In-scope Individuals	Expression of Interest Letters Sent	Expressions of Interest - Yes	Expressions of Interest - No	Statements of Service Sent	Statements To Do	Election Forms Received - Yes	Election Forms Received - No	Deceased Cases
241	240	190	3	182	8	161	2	9

Where an individual has two periods of service, they will be counted twice in the above figures

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Agenda item: 11

Pensions Ombudsman Update

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture

Purpose:	To present members with information on recent Pensions Ombudsman (TPO) decisions related to the Firefighters' Pension Scheme and other relevant schemes.
Recommendations:	That the report is noted
Summary:	It is a requirement of the Public Service Pensions Act 2013, and subsequent 2015 regulations, for members of a Local Pension Board to have a knowledge and understanding of the law relating to pensions and such other matters. It is advised by the Local Government Association that, to secure compliance with the legislation relating to the governance and administration of the Firefighter Pension Schemes, members should review Pensions Ombudsman cases.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – TPO Case CAS-76722-Z3Z9

1. Introduction

1.1 It is a requirement under the Public Service Pensions Act regulations that members of a Local Pension Board had a knowledge and understanding of the governance and administration of the relevant pension schemes.

1.2 An update has been provided on **1** Pensions Ombudsman decision that was published in the period 1 June 2025 to 30 November 2025.

2. Information

2.1 Case 1 - CAS-76722-Z3Z9 (see **Annex A**)

2.1.1 This case relates to the retained firefighters' options exercise, originally conducted by FRAs in 2014 and 2015, and the ability to transfer or 'convert' standard membership of the 2006 Firefighters' Pension Scheme to special membership, also known as 'the Modified Scheme'.

2.1.2 The options exercise allowed retained firefighters employed prior to 6 April 2006 to join the Modified Scheme, which is a comparable pension scheme to the 1992 Firefighters' Pension Scheme that wholetime firefighters were able to join at the time.

2.1.3 The member concerned was employed as a retained firefighter by Staffordshire FRS (SFRS) from 16 December 2002, which meant he was eligible to purchase his pensionable service from this date and convert any service in the standard FPS 2006 in relation to his employment with SFRS to the Modified Scheme. He took up this option during the 2014/15 exercise

2.1.4 The member took up employment with Cheshire FRS (CFRS) on 16 April 2007 as a wholetime firefighter, alongside his retained service, and joined the standard FPS 2006. CFRS did not inform him of eligibility for the options exercise as his service was considered out of scope due to it commencing after 5 April 2006.

2.1.5 The member claimed that, as he was employed as a retained firefighter before 6 April 2006, he should also be allowed to convert his wholetime FPS 2006 pension to the Modified Scheme.

2.1.6 TPO upheld the member's appeal, stating that the purpose of the regulations was to rectify the discrimination that some firefighters suffered both before and after 6 April 2006 by not being allowed access to the FPS 1992, including subsequent periods as a wholetime firefighter. They directed CFRS to provide the member with the option to convert his standard FPS 2006 service to the Modified Scheme.

2.1.7 This decision has generated discussion in the wider FPS network on the implications, given that many authorities, including WYFRS, employed individuals on concurrent wholetime and retained contracts but only offered membership of the Modified Scheme in respect of retained service only.

2.1.8 The Local Government Association has stated that they will be investigating how many authorities employed individuals in these arrangements and may request that the Ministry of Housing, Communities and Local Government provides guidance or amendments to the regulations to clarify the situation.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Prioritise a people first mindset through ethical and professional leadership and management
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

CAS-76722-Z3Z9

Ombudsman's Determination

Applicant	Mr T
Scheme	Firefighters' Pension Scheme (**the Scheme**)
Respondent	Cheshire Fire and Rescue Service (**the Cheshire Service**)

Outcome

1. Mr T's complaint is upheld and, to put matters right, the Cheshire Service shall take the actions set out in paragraph 105.

Complaint summary

2. Mr T has complained that he was not afforded the opportunity to transfer his whole-time service into the new modified firefighters' pension scheme 2006 (**the Modified Scheme**). He has inferred that this act was discriminatory due to his previous service as a retained (part-time) firefighter.

Background information, including submissions from the parties

3. The sequence of events is not in dispute, so I have only set out the salient points. I acknowledge there were other exchanges of information between all the parties.

4. On 16 December 2002, Mr T was employed by the Staffordshire Fire and Rescue Service (**the Staffordshire Service**) as a retained firefighter. As Mr T was not a wholetime firefighter, he was not eligible to join the Firefighters' Pension Scheme 1992 (**the 1992 Scheme**), a final salary occupational pension scheme.

5. On 1 March 2006, in M*atthews v Kent and Medway Towns Fire Authority* [2006][1] the Court of Appeal found that the difference in pay between full time and part time firefighters amounted to unlawful discrimination under the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

6. On 6 April 2006, the New Firefighters' Pension Scheme 2006 (**the 2006 Scheme**) was established and the 1992 Scheme was closed to any new entrants. The 2006 Scheme is administered in accordance with the Firefighters' Pension Scheme

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[1] Matthews & Ors v. Kent and Medway Towns and Fire Authority & Ors [2006] UKHL 8 (1 March 2006)

(England) Order 2006 (**the 2006 Order**). Mr T joined the 2006 Scheme as a retained firefighter.

7. On 16 April 2007, Mr T began a secondary period of employment with the Cheshire Service as a wholetime firefighter and joined the 2006 Scheme.

8. On 1 April 2014, after a settlement agreement was reached with the Government:-

- The Firefighters' Pension Scheme (Amendment) (England) Order 2014 came into force (**the Amendment Order**).
- The Amendment Order provided a number of changes to Schedule 1 of the 2006 Order. See appendix for extracts of the relevant amendments to the 2006 Order.
- In line with the requirements of the Amendment Order, the Modified Scheme was established for retained firefighters with pensionable service between 1 July 2000 and 5 April 2006, who were unable to join the 1992 Scheme.
- As the 1992 Scheme was closed, the benefits available under the Modified Scheme broadly mirrored those of the 1992 Scheme for eligible members.
- The eligibility requirements to join the Modified Scheme, as a special member, were:
    - the member was employed as a retained firefighter between 1 July 2000 and 5 April 2006, while continuing in employment;
    - elected to become a special member and agreed to pay retrospective contributions plus interest for the period of their employment as a retained firefighter ("**retained period of employment**"); or
    - if a firefighter ceased to be a retained firefighter on or after 6 April 2006, but immediately thereafter, with no breaks in service, became a wholetime firefighter.
- Special members of the Modified Scheme were also afforded the same right to transfer in benefits from other pension arrangements to increase their pensionable service. Members were able to transfer benefits from the 1992 Scheme, and from the 2006 Scheme into the Modified Scheme.
- Part of the settlement agreement specified that the relevant authorities had from 1 April 2014 to 30 September 2015 to identify and inform individuals of their eligibility to join the Modified Scheme (**the Remedy Period**).

9. In 2014, the Staffordshire Service sent Mr T an expression of interest form to join the Modified Scheme. It provided him with an information leaflet on the eligibility criteria for joining the Modified Scheme and said that he should complete and return the form by 31 August 2014. He should also provide the details of his retained and wholetime employment.

10. In response, Mr T completed and returned the retained firefighter expression of interest form as he met the eligibility criteria for “retained special membership”.

11. On 31 June and 22 July 2014, the Cheshire Service posted a weekly bulletin signposting its firefighters to the employee intranet which contained information on the eligibility requirements to join the Modified Scheme. This included a guide to “the Firefighters Pension Scheme 2006 for retained Firefighters who are special members of the Modified Scheme”.

12. On 3 December 2014, the Staffordshire Service wrote to Mr T about his interest in joining the Modified Scheme. It provided him with a transfer leaflet and outlined three options as to how he could become a member of the Modified Scheme, which were:-

- Option 1: buy back service in the Modified Scheme only up to the date he joined the 2006 Scheme, or up until 31 March 2014, if he never joined the 2006 Scheme.

- Option 2: buy back service in the Modified Scheme, whilst also converting his membership in the 2006 Scheme into additional Modified Scheme membership.

- Option 3: buy back service in the Modified Scheme and, thereafter, converting the Modified Scheme service into the 2006 Scheme.

13. The transfer leaflet explained that if a member joined the Modified Scheme as a special member, they had the opportunity to transfer any external pensions into the Modified Scheme.

14. Mr T elected to join the Modified Scheme as a “retained special member”. Consequently, Mr T’s membership in the Modified Scheme covered his retained period of employment, with the Staffordshire Service, from 16 December 2002 to 6 April 2006. Mr T also elected to transfer his post 6 April 2006 retained pensionable service into the Modified Scheme from the 2006 Scheme.

15. Between 2018 and 2019, Mr T assisted a colleague with an application for a personal injury claim due to an on-duty accident. Mr T’s assistance progressed to also helping his colleague apply for ill health early retirement. In doing so, Mr T’s colleague provided him with information on his pensionable service and benefits. It was within this bundle of documents that Mr T noted that his colleague was afforded the opportunity to transfer his whole-time service from the 2006 Scheme, into the Modified Scheme. Mr T was not offered this opportunity.

16. On 2 January 2021, Mr T submitted a complaint under stage one of the Scheme’s internal dispute resolution procedure (**IDRP**), and said, in summary, that:-

- In 2002, he began a period of employment as a retained firefighter for the Staffordshire Service. At the time he was unable to join the 1992 Scheme; however, he joined the 2006 Scheme when it was established.

- On 16 April 2007, he began a period of employment with the Cheshire Service, as a wholetime firefighter, and joined the 2006 Scheme.

- In 2014 he was offered, and accepted, the opportunity to join the Modified Scheme. This was after the introduction of the Amendment Order, in response to the outcome of the *Matthews v Kent and Medway Towns Fire Authority* [2006] court case.
- He converted his retained pensionable service in the 2006 Scheme into the Modified Scheme. He also paid backdated contributions to buy back pensionable service from 1 July 2000 to 6 April 2006 in the Modified Scheme.
- He recently became aware of colleagues who were afforded the opportunity to transfer their wholetime pensionable service into the Modified Scheme. He was not offered this same opportunity despite there being no difference in his circumstances compared to that of his colleagues.

17. In April 2021, the Cheshire and Staffordshire Service corresponded with each other about Mr T’s IDRP complaint. The Staffordshire Service provided copies of the letters and information that was available, and sent, to Mr T, in 2014, about the Modified Scheme. It also said that it understood that retained special membership in the Modified Scheme could only be linked with whole time service if:

- the firefighter left their retained role and took up a wholetime role the next day; or
- the firefighter was retained, but took up a wholetime role at the request of the same employing authority, thereby having two concurrent roles for the same authority.

18. On 4 May 2021, Deputy Chief Fire Office (**the Deputy**), on behalf of the Cheshire Service, provided his stage one IDRP response to Mr T and did not uphold the complaint. The Deputy’s response is summarised between paragraphs 19 and 31.

19. The benefits available under the Modified Scheme were comparable to those of the 1992 Scheme and the 2006 Scheme. In essence, the Modified Scheme was an accompaniment to the 2006 Scheme.

20. The *Matthews v Kent and Medway Towns Fire Authority* case resulted in the Amendment Order and the Remedy Period. During this time, fire authorities needed to identify and contact any affected members who were eligible to join the Modified Scheme.

21. The Amendment Order provided the fire authorities with the necessary discretion to extend the deadline, if it was not reasonably possible to comply with the Remedy Period.

22. Part 2, regulation 1A(1b)(iii) states that a retained firefighter, who became a wholetime firefighter, can only be eligible for special membership if the following criteria were met:

- they were employed as a retained firefighter before 6 April 2006, thereafter, becoming a wholetime firefighter;

- no breaks in employment between the change over from retained to wholetime firefighter service; and

- the retained employment was ended the day before they took up the wholetime role.

23. Mr T did not meet one of the criteria, under regulation 1A, as he continued in his retained role with the Staffordshire Service, after 6 April 2006, alongside his wholetime role with the Cheshire Service.

24. Regulation 5A(2)(b)(iii), of the Amendment Order, provided the relevant authority with the discretion to allow for a firefighter's wholetime service to be included within the Modified Scheme. However, this was on the basis that the relevant authority required the firefighter to remain in a retained role, post 6 April 2006, while also taking up a wholetime role.

25. The Cheshire Service could not offer him the option to include his wholetime service in the Modified Scheme, as it did not employ him as a retained firefighter. It was the Staffordshire Service that employed him as a retained firefighter.

26. The circumstances of the colleagues, who were offered to aggregate their wholetime service into the Modified Scheme, were substantially different to Mr T's own circumstances. This was because: he did not meet the eligibility requirements for this option; he did not elect to undertake this option before the deadline of 30 September 2015; and he was employed as a retained and wholetime firefighter by different authorities.

27. The Staffordshire Service employed him as a retained firefighter, so it was responsible for informing him of his eligibility to join the Modified Scheme as a retained firefighter special member, which it did. The Cheshire Service only ever employed him as a wholetime firefighter, and treated him the same as any other wholetime firefighter as he was offered the opportunity to join the 2006 Scheme.

28. The Staffordshire Service provided copies of the information that would have been made available to him in 2014. On the assumption that he received this information, it appeared that the Staffordshire Service had informed him of his options within the Remedy Period.

29. The Scheme's IDRP policy said that complaints should be submitted within six months of the date the individual could reasonably have been aware of the matter in dispute. It believed that he had been aware of the matter in dispute for more than six years, since 2014.

30. The Staffordshire Service provided him with relevant information in 2014, which allowed him to join the Modified Scheme. At this time, the Cheshire Council also provided information on the Modified Scheme via its "green bulletin". There was also information on the staff intranet under a section titled "Modified Firefighters' Pension

Scheme (RDS)". This contained copies of relevant guidance about the Modified Scheme.

31. Based on the exercises undertaken by the relevant fire authorities, and the information available to Mr T between 2014 and 2015, it was reasonable to conclude that he was well aware of the matter in dispute in 2014/2015. Consequently, he was technically out of time for his IDRP to be investigated; however, given the severity of the matter his case was fully investigated and responded to.

32. On 24 May 2021, Mr T emailed the Deputy and asked him if the Cheshire Service was "unwilling" or "unable" to action his request.

33. On 28 May 2021, the Deputy responded to Mr T and said that his position was made clear in the IDRP response. He added that it was clear that the deadline for transferring wholetime pensionable service into the Modified Scheme needed to be actioned before 30 September 2015. There was no available discretion to facilitate a request after this deadline.

Mr T's submissions

34. He believed that the Cheshire Service had interpreted Part 11, regulation 5A(2b)(iii) of the Amendment Order incorrectly. It did not state that a firefighter's retained and wholetime employment had to be under the same fire authority for that authority to exercise the discretion available to aggregate an individual's pensions into the Modified Scheme.

35. He believed that the Cheshire Service held the necessary discretion, as provided by the Amendment Order, to aggregate his wholetime pensionable service in the 2006 Scheme into the Modified Scheme.

36. He provided witness statements from two colleagues who both confirmed that he was asked to stay on as a retained firefighter, for the Staffordshire Service. This was after he accepted his wholetime role with the Cheshire Service. This evidence mirrored the rationale used for two other colleagues who were also asked to stay on in their retained roles alongside their wholetime roles, whose wholetime pensionable service was aggregated into the Modified Scheme.

37. He noted that the Cheshire Service claimed that they could not have known about his previous service with the Staffordshire Service. However, the Cheshire Service required all employees who held secondary roles to confirm this on an annual basis. So, the Cheshire Service would have known about his retained role with the Staffordshire Service and should have informed him of the right to aggregate his wholetime service with his retained service under the Modified Scheme.

38. The Cheshire Service seemed to infer that it was within the Staffordshire Service's ability to allow him to aggregate his wholetime pensionable service into the Modified Scheme. However, the Staffordshire Service was not his primary employer, the

Cheshire Service was. None of the information provided by the Staffordshire Service to the Cheshire Service covered his individual circumstances or his /request.

39. Denying his request for all of his wholetime pensionable service to be aggregated into the Modified Scheme meant that it was “costing [him] tens of thousands of pounds”. His normal pension age was currently 60, instead of 55. The 2006 Scheme, where the majority of his benefits were held, attracted a less favourable accrual rate and less favourable commutation rates. A number of his colleagues had less wholetime service, but were entitled to substantially greater pensions.

40. The Cheshire Service was actively discriminating against him by not allowing him to aggregate his wholetime service into the Modified Scheme.

The Cheshire Service’s submissions

41. Mr T did not meet one of the four conditions under part 2, regulation 1A(1)(b), of the Amendment Order, namely (1)(b)(iii). Mr T remained in his role as a retained firefighter post 6 April 2006 up until 2022. This was alongside his role as a wholetime firefighter from 16 April 2007 with the Cheshire Service. Mr T had two concurrent periods of service, whereas to meet the requirements of the Amendment Order he was required to leave his retained role and immediately take up his wholetime role.

42. Part 11, regulation 5A(2b)(iii), of the Amendment Order, provides the employing authority with the discretion to allow a firefighter with concurrent retained and wholetime service to become a special member of the Modified Scheme, in regard to their wholetime service. This was on the provision that the employing authority required the firefighter to remain in their retained role alongside their wholetime role.

43. It sought an informal review from the Home Office and the Local Government Authority (**LGA**) on its understanding of the Amendment Order and the relevant regulations. Specifically, the intention of part 11, regulation 5A(2b)(iii) and its wording. In response to their request, the LGA said:

> “By way of update, I have spoken with [the Home Office], and they have confirmed that this regulation should only apply where the individual is [wholetime] and [retained] at the same FRA, hence why the regulation is drafted the way it is…”

44. It believed that this discretion was only available to the authority who employed, and asked the firefighter to remain in a retained role as well as their wholetime role. The Cheshire Authority did not have the discretion to aggregate Mr T’s wholetime service into the Modified Scheme as it had only ever employed him as a wholetime firefighter.

45. It was unaware of any instances whereby a firefighter was able to aggregate their wholetime pensionable service into the Modified Scheme, in regard to concurrent wholetime and retained service between different authorities.

46. Mr T had provided eight examples of colleagues whose circumstances were similar to his own and who had been able to have their wholetime service included within the

Modified Scheme. Having reviewed each of the cases there were differences between Mr T's circumstances and those of his eight colleagues.

47. Six out of the eight colleagues that Mr T referenced left their retained role and immediately started wholetime roles. So, they all met the four conditions under part 2, regulation 1A(1)(b). The remaining two colleagues referred to were asked by their employing authority to remain in retained roles alongside their wholetime roles with the same fire authority. Consequently, the fire authority responsible for these two colleagues was able to exercise the discretion available under part 11, regulation 5A(2b)(iii). This was different in Mr T's case as he was employed by two different fire authorities.

48. The Cheshire Service did not identify Mr T as eligible for special membership in the Modified Scheme during the Remedy Period as he was employed by them in a wholetime role, and a member of the 2006 Scheme. The LGA provided guidance to the local fire authorities about what actions needed to be undertaken during the Remedy Period. The guidance outlined the eligibility criteria for membership in the Modified Scheme, which the Cheshire Service adhered to.

49. Part 11, regulation 5A(4) of the Amendment Order required the local fire authorities to "use reasonable endeavours to notify all those existing employees and former employees who may be eligible to join this Scheme as a special member". This required the authorities to directly write to a firefighter's last known address, this was also in addition to more general information available to capture anyone that might have been missed.

50. The Cheshire Service provided regular bulletins that signposted firefighters to the dedicated Modified Scheme website that was setup on 26 June 2014. The Staffordshire Service wrote directly to Mr T about his eligibility to join the Modified Scheme. So, ample information about the Modified Scheme was sent to him and available to him. Further, when he completed his expression of interest form to join the Modified Scheme, he was required to give details of his retained and wholetime employment.

Adjudicator's Opinion

51. Mr T's complaint was considered by one of our Adjudicators who concluded that no further action was required by the Cheshire Service. The Adjudicator's findings are summarised below between paragraphs 52 and 69.

52. Mr T worked as a retained firefighter with the Staffordshire Service from 16 December 2002 until 18 November 2021. From 16 April 2007, he worked as a wholetime firefighter, for the Cheshire Service, alongside his role as a retained firefighter with the Staffordshire Service. On 6 April 2006, Mr T joined the 2006 Scheme as a retained firefighter, and then as a wholetime firefighter from 16 April 2007.

53. The outcome of the *Matthews v Kent and Medway Towns Fire Authority* [2006] court case ruled that the way in which retained firefighters were treated, compared to wholetime firefighters, was discriminatory. Once an agreement was reached with the Government, the Amendment Order was introduced, applying a number of changes to the 2006 Order in response to *Matthews v Kent and Medway Towns Fire Authority*.

54. The principal reason for the Amendment Order was to correct the discrimination in retained firefighters not being eligible to join the 1992 Scheme between 1 July 2000 and 6 April 2006. Consequently, the Modified Scheme was established, and all employing fire authorities were tasked with contacting and asking all eligible firefighters if they wished to buy back service in the Modified Scheme.

55. Part 11, regulation 5A(4) of the Amendment Order provided fire authorities with two months from the "initial date", which was 1 April 2014, to identify, and contact, all firefighters who were eligible to join the Modified Scheme as a "special member". The criteria for "special membership" was outlined under part 2, regulation 1A(a) and (b) of the Amendment Order.

56. The Staffordshire Service identified that Mr T met the eligibility requirements under regulation 1A(a) to join the Modified Scheme as a special member. It notified Mr T of his options, and Mr T agreed to pay backdated contributions to buy back pensionable service in the Modified Scheme in respect of his service as a retained firefighter between 16 December 2000 and 5 April 2006. Mr T also elected to have his post 5 April 2006 retained pensionable service transferred into the Modified Scheme.

57. In 2020, Mr T became aware that a number of his colleagues, who also joined the Modified Scheme as special members, had been afforded the opportunity to have their wholetime pensionable service included in the Modified Scheme. When he approached the Cheshire Service about this he was informed he was unable to aggregate his wholetime service as the Remedy Period was over. It also said that because his retained and wholetime pensionable service were between two different fire authorities, it held no appropriate discretion to combine his benefits into the Modified Scheme.

58. The Adjudicator noted that part of the Cheshire Service's response to Mr T was that he did not fulfil all of the criteria outlined under regulation 1A(b), in particular, regulation 1A(b)(iii). This is because, Mr T did not immediately leave his retained role when he started his wholetime role. So, during the Remedy Period, the Cheshire Service has said that there was no requirement to contact him.

59. The Adjudicator took the view that the Cheshire Service acted in accordance with the relevant regulations and that there was no requirement for it to contact Mr T, during the Remedy Period, as it was only responsible for his wholetime service, for which Mr T was already a wholetime member of the 2006 Scheme. During the Remedy Period, it was the Staffordshire Service's role and responsibility to contact Mr T about the Modified Scheme and special membership, which it did.

60. Part 11, regulation 5A(2)(b)(iii), of the Amendment Order provided discretion to an employing fire authority to allow a member to pay backdated contributions to buy back service in the Modified Scheme for wholetime pensionable service. This particular regulation states:

> "with the agreement of the authority, as a regular firefighter, but not as a retained firefighter, where he had been employed by an authority as a retained firefighter and then required by that authority after 5th April 2006 to remain in employment as a retained firefighter whilst taking up employment as a regular firefighter"

61. It was noted that there is some contention surrounding the interpretation of this regulation with Mr T disagreeing with the Cheshire Service's interpretation. According to the Cheshire Service, regulation 5A(2)(b)(iii) does not apply as his retained and wholetime service was between two different fire authorities.

62. Particular attention should be paid to "with the agreement of the authority" and "that authority" within regulation 5A(2)(b)(iii). The Adjudicator took this to mean that the regulation was only applicable if the wholetime employing fire authority, was also the same employing authority for the retained role. The Cheshire Service's interpretation of the regulation was in line with the general intention of the regulation.

63. While it was agreed that, on the surface, Mr T's circumstances were such that regulation 5(A)(2)(b)(iii) could be applicable Because Mr T was asked by the Staffordshire Service to stay on in his retained role, alongside his wholetime role with the Cheshire Service. However, the main difference was that the retained and wholetime service were between two separate authorities, not the same authority, as required by 5A(2)(b)(iii). In the opinion of the Adjudicator, the Cheshire Service did not hold the necessary discretion to allow for Mr T to aggregate his wholetime service into the Modified Scheme.

64. Mr T provided examples of eight colleagues whose circumstances he believed were the same as, or similar, to his own. However, in each of their cases, they were able to aggregate their wholetime service into the Modified Scheme.

65. The Cheshire Service explained that six out of the eight examples all started their wholetime roles the day after their retained roles ended. The other two examples had discretion applied under regulation 5A(2)(b)(iii) as their retained and wholetime roles were under the same employing authority who asked them to remain in their retained role, alongside their wholetime role.

66. Mr T's circumstances were appreciated, and they might have appeared similar to the eight other individuals he referred to; however, there were substantial differences in their circumstances compared to his own, which meant that regulation 5A(2)(b)(iii) was not applicable, or relevant.

67. It was understood that Mr T believed that not allowing him to aggregate his wholetime service into the Modified Scheme amounted to discrimination. This was due to the

requirement for him to remain in a retained role with the Staffordshire Service. For Mr T to have a valid discrimination case, he needed to demonstrate that he was treated less favourably than a member in a comparable position to him. There was insufficient evidence put forward by Mr T to suggest that he was unfairly treated.

68. Mr T's circumstances compared to those of his eight colleagues had varying levels of differences. The Cheshire Service said that it is unaware of any such cases like Mr T's that had been accepted in the way that he wished for his wholetime pensionable service to be aggregated. Mr T had not suffered any direct discrimination; he was just unable to combine his benefits in the way in which he had hoped to.

69. The Cheshire Service was not permitted to act in any other way unless expressly stated by the relevant Order/regulations. The Cheshire Service interpreted the Amendment Order appropriately, while also seeking advice from the Home Office and the LGA on its understanding of regulation 5A(2)(b)(iii), which was appropriate.

70. Mr T did not accept the Adjudicator's Opinion, and the complaint was passed to me to consider. Mr T provided his further comments which do not change the outcome. I note the additional points raised by Mr T which are:-

- He disagreed with the interpretation of regulation 5A(2)(b)(iii). He was asked to remain in his role as a retained firefighter, by the Staffordshire Service. At the same time, he was a wholetime firefighter with the Cheshire Service. So, he had two concurrent roles.

- Regulation 5A(2)(b)(iii) did not state that his wholetime and retained service could not be aggregated due to the fact each was derived from a different fire authority.

- He did not understand how he could terminate his retained service, once he started his wholetime service, when the Amendment Order and membership in the Modified Scheme were implemented retrospectively.

- All firefighters, both full-time and part-time were contracted under the same terms and conditions of employment. There was no divergence or difference from employer to employer.

- He was never given the option to aggregate his wholetime service into the Modified Scheme. This was despite his primary employer, the Cheshire Service, conducting a widescale exercise and contacting his colleagues with the option to aggregate their membership. He believed that he should have been contacted by the Cheshire Service about this, but he was not.

- It could not be said that the Cheshire Service did not agree to him remaining in his retained role, with the Staffordshire Service, when he started his wholetime role. He had to formally request approval for his secondary employment which he received in writing.

71. The Cheshire Service accepted the Adjudicator's opinion and did not provide any additional comments.

Ombudsman's decision

72. Mr T's complaint is that he is unable to transfer his wholetime service built up in the 2006 Scheme, into the Modified Scheme. Consequently, he believes that he is being denied the more advantageous benefits of the Modified Scheme in respect of his wholetime service with the Cheshire Service.

73. It appears to me that this case turns on the correct interpretation of the 2006 Order as amended by the Amendment Order and whether the Cheshire Service and the Staffordshire Service have duly complied with its provisions, having regard to the purpose of its provisions to address the less favourable treatment of retained firefighters in respect of pensions as determined in the case of *Matthews v Kent and Medway Towns Fire Authority* [2006].

Background

74. It is worth noting the substance of his complaint and the potential financial loss or detriment that results from not being able to aggregate his post 2006 wholetime pensionable service with his pensionable service in the Modified Scheme. The 1992 Scheme provides pension benefits for persons who started service as regular firefighters (i.e. in wholetime service) with an English fire and rescue authority before 6 April 2006. Normal pension age for regular firefighters is age 55 and the benefits payable are, broadly, 1/60 of average pensionable pay for each year of pensionable service up to 20 years with further pensionable service counting double up to a maximum of 40 years.

75. As referred to above, the 1992 Scheme was closed to new joiners in April 2006 by the 2006 Order but continued to have effect for existing members. As such, persons starting employment as regular firefighters after that date could not join the 1992 Scheme. Instead, they could join the 2006 Scheme. The benefits were less generous in that normal retirement age for retirement directly from service is 60 and pension benefits are 1/60 of final pensionable pay for each year of pensionable service. A full comparison of the benefits is not required for present purposes. It is sufficient to note that the 1992 Scheme was more generous and that had Mr T been permitted to join the 1992 Scheme when he started service as a retained firefighter (i.e. part-time service) for the Staffordshire Service, he would have remained entitled to participate in the 1992 Scheme on joining the Cheshire Service.

76. The provisions of the 1992 Scheme, the 2006 Scheme and the Modified Scheme apply equally to service with different Fire Authorities and such service is treated as continuous.

77. As referred to above and set out in the Explanatory Note to the Amendment Order, following the *Matthews v Kent and Medway Towns Fire Authority* [2006] ("**Matthews**") case the Modified Scheme was established (as a section of the 2006 Scheme) by the Amendment Order to remedy the discrimination between wholetime or regular firefighters and retained firefighters. It provides benefits that, albeit different in some details, are likely to be broadly equivalent in value to those provided by the 1992

Scheme including, in particular, normal pension age for retirement directly from service is age 55 and pension accrual is 1/45 of pensionable pay for each year of pensionable service.

78. Retained firefighters who were denied access to the 1992 Scheme suffered less favourable treatment not only in respect of their service as retained firefighters in the period prior to 6 April 2006 when the 1992 Scheme was open to new members but also in respect of any service including later service as regular or wholetime firefighters after 6 April 2006 that qualified only for the 2006 Scheme but could have qualified under the 1992 Scheme had they not been wrongly denied access to the 1992 Scheme prior to its closure to new members on 6 April 2006.

79. Hence, as explained in the Explanatory Note to the Amendment Order, to provide full redress for the less favourable treatment, the Amendment Order provides not only for benefits in respect of service as a retained firefighter between the coming into force of the Part-time Workers Regulations on 1 July 2000 and the closure of the 2006 Scheme to new joiners on 6 April 2006, subject to payment of contributions, but it also allows "eligible members" to convert existing service in the 2006 Scheme to service in the Modified Scheme.

80. The interpretation of these provisions is what is in issue. As Mr T discovered in 2019, retained firefighters who became regular firefighters after 6 April 2006 with the same Fire Authority were permitted to convert their 2006 Scheme service to Modified Scheme service but he was not invited to do so and has been denied the right to do so as his service as a regular firefighter after April 2006 was with the Cheshire Service whereas his service as a retained firefighter before April 2006 was with the Staffordshire Service.

Principles of statutory interpretation

81. There are many authorities on the principles of statutory interpretation including *R v Secretary of State for the Environment, Transport and the Regions, ex parte Spath Holme Ltd* [2001] 2 AC 349 at 396-8 per Lord Nicholls, *R (Quintavalle) v Secretary of State for Health* [2003] UKHL 13, [2003] 2 AC 687 ("**Quintavalle**") at [8] per Lord Bingham, R (O) v Home Secretary [2022] UKSC 3, [2023] AC 255 at [28]-[31] per Lord Hodge DPSC, and *R (PACCAR Inc and others) v Competition Appeal Tribunal* [2023] UKSC 28, [2023] 1 WLR 2594 (" **PACCAR**") at [40]–[41] per Lord Sales JSC as recently referred to in the case of *Virgin Media Ltd v NTL Pension Trustees* [2024] 049 PBLR (035). In that case, Nugee LJ summarised the approach as follows:

> "As Lord Sales said in the most recent summary we were referred to, that in PACCAR, the basic task for the Court interpreting a statutory provision is clear, namely, to identify the meaning of the words in question in the particular context (at [40]). He went on at [41] to refer to the numerous authoritative statements in modern case law which emphasise the central importance in interpreting any legislation of identifying its purpose, concluding as follows:

‘The purpose and scheme of an Act of Parliament provide the basic frame of orientation for the use of the language employed in it.’

The same point was made even more forcefully in one of the passages which he cites, namely the statement by Lord Mance JSC in *Bloomsbury International Ltd v Department for Environment, Food and Rural Affairs* [2011] UKSC 25, [2011] 1 WLR 1546 at [10] as follows:

‘In matters of statutory construction, the statutory purpose and the general scheme by which it is to be put into effect are of central importance. They represent the context in which individual words are to be understood. In this area as in the area of contractual construction, “the notion of words having a natural meaning” is not always very helpful (*Charter Reinsurance Co Ltd v Fagan* [1997] AC 313, 391C, per Lord Hoffmann), and certainly not as a starting point, before identifying the legislative purpose and scheme.

These statements were made in the context of interpretation of primary legislation, but there was no dispute that the same principles apply to the interpretation of secondary legislation, with the added consideration that delegated legislation must be interpreted in light of the enabling Act, the legislative purpose of delegated legislation being assumed to be the purpose of that Act: see Bennion, Bailey & Norbury on Statutory Interpretation (8th edn, 2020) §3.17. 68. So (…) I consider, in accordance with the guidance from the Supreme Court, that we should first orientate ourselves by reference to the legislative purpose and scheme before considering the meaning of the words to be construed. As Lord Bingham said in Quintavalle at [8] this not only means construing the words in the context of the statute as a whole, but reading the statute as a whole “in the historical context of the situation which led to its enactment.””

82. Having regard to the above, I will direct my interpretation of the 2006 Order and the Amendment Order by reference to the legislative purpose of the Amendment Order. Having regard to the Explanatory Note and the decision in Matthews, which is referred to in the Explanatory Note, I consider that the legislative purpose was to provide redress and remove the breaches of the Part-time Workers Regulations in respect of pensions identified in the Matthews case. I do not see that I can attach any material weight to the views provided by the LGA or the HO.

83. While the Explanatory Note is not specific as to which retained members are eligible members when it states that the Amendment Order is to provide “the ability for eligible members to convert existing 2006 Scheme service to the Modified Scheme”, having regard to the mischief that the Amendment Order was to correct in allowing such conversion, namely the less favourable treatment suffered by firefighters in respect of their post April 2006 service qualifying only for 2006 Scheme benefits and not 1992 Scheme benefits as would have been the case had they been permitted to join the 1992 Scheme as retained firefighters before April 2006, I must interpret the amended 2006 Order so far as possible to give effect to that legislative purpose.

84. It is accepted by all parties that pre-April 2006 retained firefighters who became regular firefighters with the same Fire Authority and joined the 2006 Scheme after April 2006 were entitled to convert their standard pensionable service to special pensionable service and were notified accordingly. This would be necessary to address the less favourable treatment they would otherwise suffer since firefighters who had been wholetime firefighters before April 2006 were permitted to remain in the 1992 Scheme in respect of their firefighting service after 6 April 2006.

85. The distinction that is made in respect of Mr T is that his service as a regular firefighter after 6 April 2006 had been with a different Fire Authority to the one that employed him as a retained firefighter. It is difficult to see how that is a relevant difference. It is a feature of the 1992 Scheme, the 2006 Scheme and the Modified Scheme that they apply equally to service with different Fire Authorities and that service with different Fire Authorities is treated as continuous. In particular, the right to continue in the 1992 Scheme in respect of firefighting service after April 2006 is not limited to those who continue in firefighting service with the same Fire Authority (see Article 3(4) of the 2006 Order). A regular firefighter who joined the 1992 Scheme before 6 April 2006 would have been permitted to continue in the 1992 Scheme when transferring to a different Fire Authority and, within the meaning of the 2006 Order and the 1992 Scheme, would have been treated as in the same "employment" if continuing to work as a regular firefighter.

86. As such, from the perspective of legislative intent and the mischief that the Amendment Order was intended to address, it does not appear that the fact that Mr T was employed as a regular firefighter with a different authority to the one that employed him as a retained firefighter should be material. More than that, if the 2006 Order is construed so that a retained firefighter can only convert standard pensionable service to special pensionable service if he was in employment with the same Fire Authority as a retained firefighter before April 2006 and as a regular firefighter after April 2006, the less favourable treatment will not have been fully addressed since a member in Mr T's position's will have been treated less favourably than a person who was a regular firefighter with one Fire Authority before April 2006 and took up employment with another Fire Authority after April 2006. So far as possible, the 2006 Order should be interpreted to give effect to the legislative intent of removing the less favourable treatment.

Relevant provisions of the 2006 Order as amended by the Amendment Order

87. It is accepted that Mr T qualifies as a special firefighter member under Rule 1A(1)(a) of Part 2 of Schedule 1 to the 2006 Order as he is a firefighter member who meets the description of being:

> "(a) a person who—
>
> > (i) having taken up employment as a retained firefighter before 6th April 2006;
> >
> > (ii) having continued in such employment until the date of his election; and

(iii) having elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions".

88. What is in issue is whether he had a right to convert his pensionable service as a standard member (i.e. service accrued as a regular firefighter in the 2006 Scheme) to special pensionable service for the purpose of the calculation of his benefits. As discussed above, the full purpose of the legislation will not have been achieved if he did not have such a right because he will still have suffered less favourable treatment compared to a person who was a wholetime or regular firefighter in the period up to April 2006 and therefore could accrue 1992 Scheme benefits in respect of their service after April 2006.

89. Rule 2A of Part 10 governs the calculation of special pensionable service and provides under sub-paragraph (1)(g) that special pensionable service includes: "where the person was a standard member of this Scheme and converted the pensionable service accrued as a standard member of this Scheme to his membership of this Scheme as a special member, the special pensionable service that person is treated as having accrued under rule 17 or 18 of Part 12".

90. Rule 18 of Part 12 applies to pensioner members and only rule 17 (Converting membership from standard membership to special membership) is relevant. Rule 17 of Part 12 provides at paragraph (1) that:

"(1) This rule applies—

(a) to a person who is a special firefighter member (…) and who is a standard member of this Scheme;

(b) in respect of pensionable service which he would be entitled to treat as special pensionable service."

91. There is no doubt that at the time the Amendment Order came into force Mr T was a standard member and a special firefighter member and met the conditions of (1)(a). The issue is what pensionable service as a standard member he would be "entitled to treat as special pensionable service" and the effect of not having made an application under rule 17 at the time of his application under rule 5A(5) or rule 5A(9). There is no further clarity as to what pensionable service he would be entitled to treat as special pensionable service in those provisions. "Special pensionable service" is defined by reference to rule 2A of Part 10 which as referred to above includes service converted under rule 17. Rules 17 of Part 12 and 5A and 5B of Part 11 deal with the determination of the amount of service that can qualify as special pensionable service by conversion or otherwise and the words "entitled to treat as special pensionable service" must be construed in a manner consistent with those other provisions of the 2006 Order.

92. Having regard to the legislative intent, it seems that Mr T must be entitled to treat as special pensionable service any pensionable service completed as a standard

member, which could have qualified under the 1992 Scheme had retained firefighters been permitted to join the latter prior to 6 April 2006, subject to making the relevant application and paying any contributions required as provided under rule 17 and rule 5A or 5B.

93. The remaining paragraphs of rule 17 of Part 12 provide that a person to whom paragraph (1) applies may apply to the authority for a statement of the amount of service he would be entitled to treat as special pensionable service if he converted his standard membership to special membership, that such application must be made in writing at the same time as an application under rule 5A(5) or rule 5B(9) (purchase of service during the limited period) of Part 11 and then provides for the Fire Authority to provide details of the amount of service to be treated as pensionable service and the amount of payments required and to do so at the same time as giving notice under rule 5A(13) or rule 5B(13) of Part 11. In effect, they provide for the mechanics of conversion including the calculation and payment of additional contributions and interest. Given the legislative purpose, it would not seem right for the administrative requirements to be treated as restrictions on the conversion rights, rather than as the practical means of giving effect to such rights.

94. Rule 5A(5) of Part 11 provides that:

> "Within two months of receiving the notification in paragraph (4), or if no notification has been received, within four months of the initial date, a person may apply to the authority by which he was employed in service falling within paragraph (2) above for a statement of the service in respect of which he may become entitled to pay contributions under this rule and the mandatory special period pension contributions which he would be required to pay in respect of it."

95. So, Mr T should have received a notification from, and needed to make an application to, the Fire Authority by which he was employed in respect of service falling within rule 5A(2). Rule 5A(2) provides:

> "The conditions are that—
>
> (a) the person is entitled to join this Scheme as a special member;
>
> (b) the service is—
>
> > (i) as a retained firefighter; or
> >
> > (ii) as a regular firefighter where he took up employment after 5th April 2006 as a regular firefighter immediately after the termination of his employment as a retained firefighter; or
> >
> > (iii) with the agreement of the authority, as a regular firefighter, but not as a retained firefighter, where he had been employed by an authority as a retained firefighter and then required by that authority after 5th April 2006

to remain in employment as a retained firefighter whilst taking up employment as a regular firefighter."

96. Mr T was in employment as a retained firefighter with the Staffordshire Service within rule 5A(2)(b)(i). He was also in employment as a regular firefighter with the Cheshire Service under rule 5A(2)(b)(iii). I do not see any reason to interpret this provision as requiring the special member's employment as a retained firefighter and as a regular firefighter to be with the same authority: if that had been the intent, - and there seems no reason why that should have been the intent given the legislative purpose and the fact that employment with different Fire Authorities is otherwise treated as the same employment for the purposes of the 1992 Scheme, the 2006 Scheme and the Modified Scheme - , it would have been more apt for the words "an authority" to be replaced with the words "that authority" or "the authority"; the use of the indefinite suggests that the employment as a retained firefighter could be employment with a different authority to the one employing him as a regular firefighter with the only restriction being that the authority employing him as a retained firefighter before April 2006 must have been the same one that required him to continue as a retained firefighter when he took up employment as a regular firefighter (which could be with a different authority). This would be coherent because sub-paragraph (ii) covers the situation where there is continuity of firefighting employment but where the firefighter moves from a retained firefighter role to a regular firefighter role (whether or not with the same authority) and sub-paragrah (iii) covers the situation where there is overlap; if it does not matter whether the successive roles are with the same authority or not it is difficult to see why it would matter if the overlapping roles are with the same authority or not.

97. I should also address the meaning of the words "with the agreement of the authority" in sub-paragraph (iii). Given the structure of the provisions, the words relate to the service and do not constitute an independent condition. In other words, service will only qualify under rule 5A(2) if the authority employing the special member as a regular firefighter had agreed to employ him as such while he was also continuing in employment as a retained firefighter (whether with that authority or another). This would exclude service as a regular firefighter where the employing authority had not consented to the firefighter having a second albeit part-time firefighting role at the same time.

98. To interpret this provision as granting a discretion to a Fire Authority over whether to allow special members in this dual employment category to have their service as a regular firefighter qualify as special pensionable service would clearly undermine the legislative purpose. It would allow such firefighter's rights to equal treatment with those who were regular firefighters throughout their service to be denied at the option of their employing Fire Authority. Such an interpretation would be contrary to the legislative intent and is not necessary since the words "with the agreement of the authority" can be read as suggested above.

99. Mr T should therefore have received notification from both the Staffordshire Service and the Cheshire Service under rule 5A(4) and could make his application for

conversion of his standard pensionable service to special pensionable service under rule 17 of Part 12 to either or both.

100. It appears that this did not happen. While it would have been appropriate for the Staffordshire Service to make Mr T aware that he could have his standard pensionable service converted to special pensionable service when it issued its notification to him and that in failing to do this its notification may have been incomplete and misleading, the Cheshire Service was also required to notify him, and I find that it failed to do so. I find that the Cheshire Service was aware that he was in standard pensionable service under the 2006 Scheme (as it was itself the employing Fire Authority in respect of such service) and also knew that he was and had been a retained firefighter and it had given its agreement to such dual service, so that his service with the Cheshire Service fell within rule 5A(2)(b)(iii) of Part 11. As such, the Cheshire Service had a statutory obligation to issue a notification to him under rule 5A(4) and failed to do so.

101. Rule 5A(14) provides that “Where it is not reasonably practicable to comply with any requirement set out in this rule within the period specified, the authority or applicant as the case may be shall comply with that requirement as soon as reasonably practicable after the end of that period”. While I consider that the Cheshire Service was in breach of its obligation to notify Mr T in accordance with rule 5A(4) and I note the time-limits provided for conversion of standard pensionable service, the possibility of notifications and conversion applications being made out of time has been anticipated by the Amendment Order and it must therefore be the case that such conversion can be made out of time.

102. The most practical solution to remedying the breach of the statutory requirements, misleading information and failure to invite or allow and implement an application for conversion of Mr T’s standard pensionable service to special pensionable service is for the provisions to now be complied with under rule 5A(14). The alternative would be for me to direct compensation for breach of statutory duty.

Conclusion

103. For the reasons set out above, I do not agree with the Adjudicator. I find that the Cheshire Service breached its statutory duty to Mr T in failing to issue a notification to him under rule 5A(4) of the 2006 Order and failed to give him an opportunity to convert his standard pensionable service under the 2006 Scheme to special pensionable service as required by the 2006 Order and as required to fully remedy the breach of the Part-time Workers Regulations identified in Matthews in relation to the less favourable treatment of retained firefighters.

104. I uphold Mr T’s complaint.

Directions

105. Within 28 days of the date of this Determination, as the 2006 Order provides for late compliance under rule 5A(14), Cheshire Service will:-

- Issue to Mr T a notification in accordance with rule 5A(4) and an application form informing him as to his rights to convert his standard pensionable service under the 2006 Scheme to special pensionable service in accordance with rule 17 of Part 12 of the 2006 Order and inviting him to apply accordingly.

- On receipt of any completed application form from Mr T within 2 months, or if later, as soon as reasonably practicable, comply with the other provisions of the 2006 Order in respect of the conversion of Mr T's standard pensionable service to special pensionable service.

- Take all such steps as are necessary to ensure Mr T is put in the same position as if he had been invited to convert his standard pensionable service to special pensionable service at the time he was invited to pay contributions as a special member in respect of his service as a retained firefighter.

- Pay Mr T £500 in recognition of the significant distress and inconvenience he will have suffered.

Camilla Barry
Deputy Pensions Ombudsman

19 June 2025

Appendix

Extracts of the Firefighters' Pension Scheme (Amendment) (England) Order 2014

Amendment to part 2 of the Order:

““Special membership

1A.—(1) Subject to paragraphs (2) to (5) and (15), a firefighter member of any of the following descriptions is also a special firefighter member of this Scheme—

(a) a person who—

(i) having taken up employment as a retained firefighter before 6th April 2006;

(ii) having continued in such employment until the date of his election; and

(iii) having elected(3), within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions;

(b) a person who—

(i) having taken up employment as a retained firefighter before 6th April 2006;

(ii) having continued in such employment until a date on or after 6th April 2006;

(iii) having, immediately after the termination of such employment, taken up employment as a regular firefighter and continued in that employment until the date of his election; and

(iv) having elected, within the period required by rule 6B(1) of Part 11, or 6B(12) as the case may be, to pay the mandatory special period pension contributions”

Amendment to part 11 of the Order:

“Purchase of service during the limited period

5A.—(1) A person member who satisfies the conditions specified in paragraph (2) may, in accordance with the following provisions of this Chapter, elect to pay pension contributions in respect of his service during the limited period.

(2) The conditions are that—

(a) the person is entitled to join this Scheme as a special member;

(b) the service is—

(i) as a retained firefighter; or

(ii) as a regular firefighter where he took up employment after 5th April 2006 as a regular firefighter immediately after the termination of his employment as a retained firefighter; or

(iii) with the agreement of the authority, as a regular firefighter, but not as a retained firefighter, where he had been employed by an authority as a retained firefighter and then required by that authority after 5th April 2006 to remain in employment as a retained firefighter whilst taking up employment as a regular firefighter.

…

(4) Within two months of the initial date, the authority shall use reasonable endeavours to notify all those existing employees and former employees who may be entitled to join this Scheme as a special member that they may be so entitled."

Amendment to part 1 of the Order, definitions:

"initial date" means 1st April 2014

…

"special member" means a special firefighter member, a special deferred member or a special pensioner member

…

"special firefighter member" has the meaning given in rule 1A(1) to (4) of Part 2"

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Agenda item: 12

West Yorkshire Pension Fund – Key Performance Indicators

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To inform members of West Yorkshire Pension Fund's performance in key areas for the periods 1 June 2025 to 30 November 2025.
Recommendations:	That the report is noted
Summary:	This report informs Members of the Authority's key areas against which West Yorkshire Pension Fund measure their level of service.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	None

1. Introduction

1.1 The KPI report presents performance data from West Yorkshire Pension Fund (WYPF) in several key areas. Some of the areas included are as follows:

- Transfer in and out quotes
- Divorce quotes
- Pension estimates
- Deferred benefit set up
- Retirement quotes
- Retirement actuals
- Payroll changes
- Death notifications

2. Information

2.1 The table below provides KPI data for the period 1 June 2025 to 30 November 2025.

Work Type	Total Cases	Target Days	Target Met Cases	Minium Target %	Target Met %
Age 55 Increase to Pension	12	20	12	85	100
Change of Address	26	20	24	85	92
Change of Bank Details	20	20	20	85	100
Death Grant to Set Up	1	10	1	85	100
Death in Retirement	33	10	27	85	81
Deferred Benefits Into Payment/Payment of Lump Sum	16	3	16	85	100
Deferred Benefits Into Payment Quote	2	35	1	85	50
Deferred Benefits Set Up on Leaving	16	20	7	85	43
Dependant Pension To Set Up	17	10	17	100	100
General Payroll Changes	147	20	147	85	100
Initial letter Death in Retirement	33	10	33	85	100
Initial letter Death on Deferred	1	10	1	85	100
Injury Review	118	20	118	100	100
Life Certificate	6	10	5	85	83
NI adjustment to Pension at State Pension Age	17	20	17	85	100
Pension Estimate	31	10	11	90	35
Pension Set Up Payment of Lump Sum	13	3	13	85	100
Retirement Actual	14	10	14	90	100
Set Up New Spouse Pension	17	5	17	85	100
Transfer In Quote	8	35	6	85	75
Transfer Out Quote Fire	2	35	2	85	100

Update Member Details	28	20	28	100	100

2.2 Pension estimates/deferred benefits quotes continue to be an area of concern as WYFRS' records indicate that some members are waiting 3 to 6 months for figures. WYPF recently cleared most of a backlog that had been building during 2025 following the appointment of an additional Member Services Manager (MSM). The new MSM has informed WYFRS that members should receive their estimates in 8-10 weeks and so members' expectations will be managed accordingly. This is still well above the target of 10 working days, and we will be expecting WYPF to improve following recent recruitment and when project work is completed.

2.3 Deferred benefits set up regularly misses target due to other case types being prioritised. WYPF continue to send a generic letter to leavers notifying them that they are entitled to deferred benefits within statutory timescales, with their deferred benefit statement following at a later date.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below: **(please delete any that aren't relevant to your report)**

- Enhance the health, safety, and well-being of our people.
- Prioritise a people first mindset through ethical and professional leadership and management
- Work with partners and communities to deliver our services.
- Use resources in an innovative, sustainable, and efficient manner to maximise value for money.
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

West Yorkshire Fire & Rescue Authority

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Agenda item: 13

Firefighters' Pensions Bulletins 94-99

Local Pension Board

Date:	23 January 2026
Submitted by:	Director of People and Culture
Purpose:	To inform Members of the contents of the bulletins published since the last Local Pension Board meeting.
Recommendations:	That the report is noted and any actions arising from the bulletins are acted upon (where appropriate).
Summary:	Included in this report are the actions arising from each bulletin and an update of the status of the actions.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	None

1. Introduction

1.1 The Local Government Association (LGA) produces a monthly bulletin which provides pension practitioners with updates on various pension related issues.

1.2 The bulletins are sent to Administrators, Scheme Managers, FRA pension contacts and LPB chairs as a matter of course.

1.3 There is an expectation of members to scrutinise each bulletin and seek assurance from the Scheme Manager that all actions arising have been identified and acted upon.

1.4 Generic actions reminding Scheme Managers of training and events have been excluded from the tables below.

2. Information

2.1 FPS Bulletin 94 - June 2025 contained the following actions for scheme managers:

Action	Status
HMRC Offsetting guidance: should ensure that they are aware of this process for those cases that are affected.	Complete
Annual Benefit Statement (ASS) Remediable Service Statement (RSS) 2024 and 2025 production: should discuss with their administrators the cut-off point to produce the 2024 statements, so ensure that they can facilitate the production of the 2025 statements.	Complete
Matthews Project Implementation Data request: FRA's to complete the Project Implementation data request and return to the bluelightpensions@local.gov.uk by 22 July 2025	Complete
FPS Valuation – Thank you: All FRAs should continue to hold and collate data on individual Matthew's elections for the remainder of the options exercise. This data will be needed by MHCLG to measure total adjustments for lost historic pension contributions tax relief on (i.e. under part 11 rule 6E of SI 2006/3432 as amended)	Complete

2.2 FPS Bulletin 95 - July 2025 contained the following actions for scheme managers:

Action	Status
Contingent Decisions for Opted-Out Members: •are encouraged to be involved in the working group and are asked to email bluelightpensions@local.gov.uk if they wish to be involved in the working group by Tuesday 5 August 2025. • are asked to provide the number of CD claims that they have received for opted out members by Friday 15 August 2025.	Complete
Matthews Age Discrimination interactions: For firefighters eligible for the Matthews remedy, FRAs should implement Matthews remedy before McCloud remedy. This includes McCloud roll back and issue of RSS. If a different approach is taken McCloud remedy for affected firefighters including RSS may be incorrect. FRAs should refer to the latest GAD calculator query log when processing cases.	Complete
Manual case update and new template: must populate and share the new non-basic rate template when providing other case details for new 'refer to GAD' cases of this type via the secure Egress portal. Incomplete information is likely to increase the time needed by GAD to respond to these cases.	Complete
Injury pensions: Scheme managers and administrators should ensure any websites, guidance and processes reflect this change.	Complete

2.3 FPS Bulletin 96 – August 2025 contained the following actions for scheme managers:

Action	Status
GAD calculator – Version 3: should ensure that the most up to date version of the calculator is being used and that if local versions are being made, they check that no updates have been made at the point of calculations.	Complete
Firefighters' Pensions Conference (AGM): are encouraged to attend or encourage their internal pensions colleagues to attend the AGM.	Complete

2.4 FPS Bulletin 97 – September 2025 contained the following actions for scheme managers:

Action	Status
GAD Calculator: Scheme managers should ensure that those who are involved with the Matthews exercise are aware of the new version of the calculator. The new version of the calculator supersedes previous versions. Previous versions of the calculator should no longer be used. Future interest files will only work with the latest version of the Matthews 2 calculator. FRA's should carefully review whether any previously issued statements or payments affected by the changes described below need to be revisited.	Complete
Matthews Project Implementation Data request: FRA's to complete the Project Implementation data request and return to the bluelightpensions@local.gov.uk by 22 October 2025	Complete

2.5 FPS Bulletin 98 – October 2025 contained the following actions for scheme managers:

Action	Status
Updated HMRC Offsetting of Unauthorised Payments Reporting Template and Guidance: should make the necessary people aware of the updated template and guidance.	Complete
Matthews case update and new template: must ensure staff processing Matthews cases are familiar with the manual cases note, and that appropriate checks against it are completed for each case processed. Where cases are to be submitted the process and secure Egress portal described in the note must be used. Care should also be taken that all required information is included and clearly set out when referring cases. Incomplete or poorly labelled information is likely to increase the time needed by GAD to respond to these cases.	Complete

2.6 FPS Bulletin 99 – November 2025 contained the following actions for scheme managers:

Action	Status
TPR publishes revised data quality guidance: are encouraged to review the data quality guidance.	Complete

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. People and Diversity Implications

5.1 There are no People and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Risk Management Implications

9.1 There are no risk management implications arising directly from this report.

10. Duty to Collaborate Implications (Police and Crime Act 2017)

10.1 There are no duty to collaborate implications arising directly from this report

11. Your Fire and Rescue Service Priorities

11.1 This report links with the Community Risk Management Plan 2025-28 strategic priorities below:

- Prioritise a people first mindset through ethical and professional leadership and management
- Further develop a culture of excellence, equality, learning, and inclusion.

12. Conclusions

12.1 This report is for information only.

Actions and agreements

18 June 2025

Location: Virtual meeting through Microsoft Teams

PRESENT

Chair

Joanne Livingstone	SAB Chair
Scheme Member Representatives	
Philip Hayes	Fire and Rescue Services Association (FRSA)
Mark Rowe	Fire Brigades Union (FBU)
Tony Curry	Fire Brigades Union (FBU)
Glyn Morgan	Fire Officers Association (FOA)
Des Prichard	Fire Leaders Association (FLA)
Scheme Employer Representatives	
Cllr Roger Price	Local Government Association
Cllr Leslie Byrom	Local Government Association
Janet Perry	Essex County Council (substitute for Cllr Hirst)
Advisors to the Board	
Helen Scargill	Technical Advisor
Craig Moran	First Actuarial – Actuarial Advisor
Jane Marshall	DAC Beachcroft - Legal Advisor
Secretariat	
Tara Atkins	Firefighter Pension Advisor
Jill Swift	Firefighter Pension Advisor (minutes)

Home Office

Helen Fisher

Government Actuaries Department

Michael Scanlon

Brian Allan

Devolved Governments

Karen Gilchrist SPPA

1. Welcome, Apologies and Conflict of Interest

1.1 The Chair, Joanne Livingstone (JL) welcomed everyone to the meeting and welcomed Jill Swift to the LGA team.

1.2 JL confirmed that Cllr Phillips had sent apologies.

1.3 JL confirmed that, due to local elections, there will be come changes to employer representatives on the Board and this would be discussed later in the meeting. JL reminded board members to confirm attendance to the secretariat in advance of the meeting.

1.4 Mark Rowe (MR) advised he had received apologies from Andrew Fox-Hewitt and Adam Taylor.

1.5 JL asked the Members to declare if any new conflicts have arisen. No conflicts of interest were declared.

1.6 JL wished to express the Board's sympathies and pay respects to the two firefighters, Jennie Logan and Martyn Sadler, who were tragically killed in the incident in Bicester on 15 May. JL advised that the LGA pensions team have been supporting Oxfordshire Fire and Rescue and their administrators with pensions calculations and liaising with the MHCLG/Home Office Pensions Team.

1.7 Minutes of the previous meeting on 19 March 2025 were discussed. JL commented that due to the fact the minutes had been written in a transcript format they would not be published until they have been summarised.

1.8 Des Prichard (DP) requested that minutes are kept briefer going forwards. MR added that he found the transcript format useful and asked whether consideration had been given to providing Board Members with a full transcript along with summarised notes to be published.

1.9 Tara Atkins (TA) confirmed that when Teams meetings are recorded a transcript is automatically produced and that the team are aware the minutes should be a summary of the meeting. The minute taker at the March meeting was temporarily assisting the team and was not aware of this.

2. Actions arising (19 March 2025) and Chair's update.

2.1 JL noted that a comprehensive survey about the future direction of support for Scheme Managers had been circulated to fire authorities and now that it has been shared with the SAB this will be discussed in more detail later in the agenda.

2.2 The Chair went through the action points from the previous meeting. Key points of all the actions discussed were:

2.3 ACTION 5.43 – MR to provide known reasons for RSS delays for ill-health and death cases. MR advised this action is ongoing.

2.4 ACTION 5.44 – TA to publish reminder of RSS readiness guidance. This action has been completed. A reminder was published in the March 2025 FPS Bulletin.

2.5 ACTION 5.58 – SAB to write to scheme managers/administrators regarding expectations about RSS statements. JL advised this has not yet been done and asked the Board to consider again, as RSS data is discussed, whether the Board would like to follow up on this. JL confirmed she has written to Surrey regarding outstanding data and had received a reassuring response.

2.6 ACTION 6.40 – MR/AFH to provide list of FPS regulations and guidance website information access requirements. MR advised this has not been completed but will be completed as soon as possible.

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2.7 ACTION 8.30 - Tara to liaise with Pensions Dashboard and provide updated version of RSS. This has been completed.

2.8 ACTION 9.47 – SAB to write to Scheme Managers to say they could operate on draft tax legislation. This has now been finalised so this action was not carried out.

3. Home Office update

3.1 Helen Fisher (HF) reminded the Board that ministerial responsibilities transferred from Home Office to MHCLG on 1 April 2025 and herself and Anthony Mooney will transfer on 1st July 2025. They will be sitting within the LGPS team headed up by Teresa Clay, who will also have oversight of fire pensions.

3.2 HF advised that planning had been undertaken to ensure a smooth transition but acknowledged that there may be some unavoidable delays as a result of the transition.

3.3 HF provided an update on the Matthews technical consultation. She confirmed that analysis of responses regarding the proposal to extend the deadline had been prioritised and they are continuing to review the remaining consultation responses.

3.4 HF advised that although there is already a draft statutory instrument, it will not be possible to finalise this until legal resource has been recruited to the MHCLG team. The intention is to publish the consultation response within 4-6 weeks to ensure the sector knows the final policy position, ahead of legislation being laid.

3.5 HF assured the Board that there should be no surprises in the consultation response. The proposals are likely to be agreed.

3.6 HF advised that the team are still analysing responses to the member contribution review consultation. This is reliant on the appointment of legal resource to the MHCLG team. HF wanted to assure the sector that any delays responding to the consultation would not affect the lead in time of 3 months which they have committed to and would not require backdating of contributions for members. They are expecting to implement changes by the end of the year.

3.7 HF confirmed that the team's other priorities with regards to Matthews, are continuing to work on developing a compensation framework to capture any issues not already covered by the remedy and are in the process of discussing funding arrangements with HM Treasury.

3.8 HF advised that the team are also continuing to support Ministers with the ongoing aggregation legal cases and working with GAD and legal colleagues to identify a fair and practical solution.

3.9 HF advised that the team are also working on McCloud remedy issues including contingent decision opt outs. This issue is very complex therefore it is important to understand and explore all possible solutions before coming to a final position. They may also engage with sector experts to explore potential solutions and will be looking for volunteers for this.

3.10 HF advised that, following HMRC's tax regulation amendments, a scheme amendment will also be needed. This will be included in a future amendment to ensure the scheme regulations work well and do not undermine any existing tax regulations.

3.11 Craig Moran (CM) asked for clarification on the contribution review timescales for implementation. HF confirmed that the aim is to have the legislation in place by the end of the calendar year and assured that three months implementation time would be provided.

3.12 MR asked if there was any clarification about whether 1992 scheme members who had opted out could go back into the 1992 scheme or whether they would go back into the 2006 scheme. HF clarified the current legislative framework would not allow members to re-join the 1992 scheme in all cases and confirmed that this is what is currently under review.

3.13 JL asked if members are worried about contribution changes. MR said he has not had much feedback from members on this and that he thinks members expected the contributions to go up at some point, this position may change once more information is provided to them and he will keep the board informed.

3.14 Philip Hayes (PH) confirmed he has also not received any feedback on this and he did not think members were aware of it.

3.15 Glyn Morgan (GM) confirmed he had also had no contact about the contributions review.

3.16 HF advised that Home Office have also not received much feedback about the contributions review. Most correspondence has been about the Matthews consultation and RSS delivery.

4. GAD update

Valuation

4.1 Brian Allan (BA) presented GAD's slides and explained the position on the valuation and the engagement GAD will have with the Board over the next 12 months.

4.2 BA advised that more information will be brought to the Board in September about these assumptions and there will be a more detailed session with the Board, similar to the approach taken for previous valuations, to allow employer and employee representatives to provide their perspective and insights.

4.3 BA outlined expectations for how this will work to allow both GAD and the Board to prepare appropriately for September to get the most out of those discussions. He went on to outline the key assumptions and which areas the Board may want to focus on in September.

4.4 CM asked if the future workforce size is a factor specific to fire or whether this is similar with other public service pension schemes. BA advised that the fire scheme workforce has been relatively stable, which is not the case in other sectors, for example, the uplift in police officer numbers. However, it is a consideration for all valuations. GAD are looking for evidence outside of the administration data they collect.

4.5 MR asked whether GAD was aware of the FBU campaign on pay progression within the fire service which may lead to salary rates increasing differently. He asked if there was any discussion between departments about this and what effect this might have on valuations.

4.6 BA advised that GAD are aware about some further developments such as legal judgments, and GAD do monitor through the valuation. He advised that GAD would need more information about changes to pay progression to enable them to monitor this.

4.7 Michael Scanlon (MS) advised that it might be possible to pick this up through the promotional pay assumption for the fire scheme and that it would be good to discuss this in September. MS advised that pay bandings will usually affect the final salary area of the scheme but not the CARE scheme as this is increased in line with average weekly earnings, meaning it would impact employer rates but not the cost control mechanism.

4.8 JL asked to what extent scheme specific instructions are fed into the workforce assumptions as she was aware that the spreading methodology used is largely controlled by HMT.

4.9 BA advised that it is about the quanta used in the process, rather than the process itself. MS outlined that the spreading methodology is in Treasury Directions, but assumptions are needed to feed into this. This will be an MHCLG determined assumption, having taken advice from the actuary and discussed with the Board.

4.10 DP thanked BA for the update. He asked how sophisticated modelling is at predicting leavers and retirements as the age members will retire, and the amount they might commute, will not be as easy to predict going forward now that members have a mixture of final salary and CARE pension benefits. BA agreed that there were limits to the evidence that they have on how this will impact members' retirement decisions, but he does not expect there to be a step-change in levels of evidence in time for this valuation. MS advised this is being considered and allowed for but, as there is not a lot of data at the moment, these are best estimates.

4.11 CM noted that the assumptions used for other public service pension schemes may not be suitable for the fire scheme and would need tweaking, and this would be discussed as part of the assurance process.

4.12 JL advised that First Actuarial and the cost effectiveness sub-committee will be meeting with GAD. The meeting is open to any Board members.

4.13 MS asked that if members of the Board have views on any other assumptions that they should focus on please raise them in the next month to allow GAD to prepare for the meeting.

Sargeant/McCloud

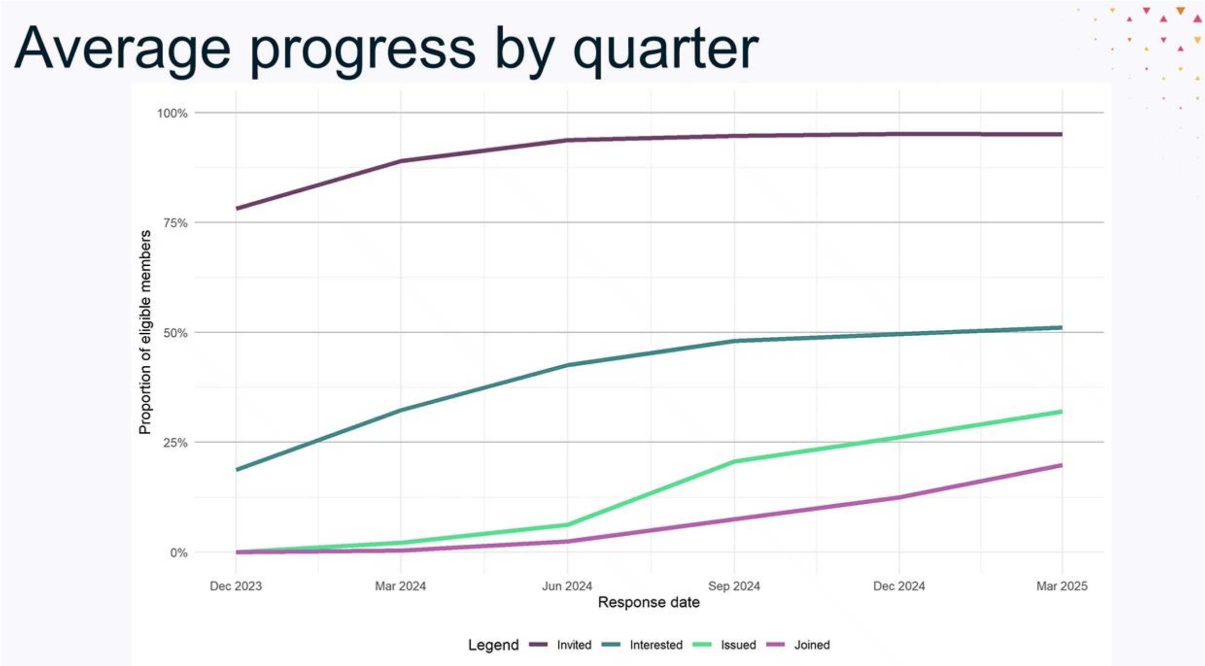
4.14 MS presented the GAD update on activities relating to the Sargeant remedy, including details of progress on immediate choice offsetting and divorce guidance.

4.15 JL asked whether, due to the work involved in implementing the guidance, GAD had any indication of the time it would take for the guidance to bed in. MS advised administrators are better placed to comment on this. JL asked if there was a lot of engagement from administrators and MS confirmed there had been a large attendance on the call on 21st May. GAD have started to produce examples as per their feedback.

Matthews Update

4.16 BA presented the GAD update on the Matthews remedy.

4.17 BA presented the quarterly update based on data provided by FRAs, however, not all FRAs have returned data therefore this is a large sample but not a total sample.



4.18 MR asked if it would be helpful to have a line showing who had been invited but said they were not interested. BA said GAD defined the information that would be collected at the beginning of the exercise with the intention of keeping it as simple as possible for FRAs to provide the data. Information about members who have responded to say they are not interested is not currently included.

4.19 CM asked whether experience so far aligns with the 2020 valuation assumptions. He also asked if there were any surprises in the data with regards to take-up, for example, more people joining in certain categories.

4.20 BA advised the assumption used was that there would be a 60% uptake for the exercise weighted between different groups. Current statistics are below this level, but implementation is not yet complete. The top 3 FRAs had 80% expressions of interest returned where the bottom 3 FRAs are only 11%. This is not different from previous quarters but the disparity between regions is surprising.

4.21 Helen Scargill (HS) advised that she is aware that some FRAs are contacting members who say they are not interested, to ensure they have understood the communications they have received and that it is not a scam. This is to ensure there are no future challenges. Some FRAs are going further and providing members with basic figures so they understand what they are saying no to. This may mean any figures provided about the number of members saying ‘no’ may be false as some FRAs are taking more action.

4.22 JL asked whether this correlates with the increase in uptake and expressed concern about the disparity between those FRAs at the top and bottom of the list. HS advised most FRAs she speaks to about this are those who are already quite engaged but she is not sure what all FRAs are doing. She has been advising FRAs who ask to take further action with ‘no’ responses.

4.23 BA went on to provide an overview of the number of statements provided as a proportion of expressions of interest received and the implementation support GAD will provide to assist FRAs. He advised that version 3.0 of the calculator should be available within 2-3 months of the amending legislation being in place and that FRAs are encouraged to continue to send in more examples of manual cases.

4.24 HF voiced a concern about inconsistency across the sector when handling expressions of interest which indicate the member is not interested and asked if best practice or template responses could be shared across the sector to ensure all members get the opportunity for the Matthews remedy. HF also advised that as MHCLG will be able to provide a firm policy position prior to the legislation, work can commence on the calculator earlier.

4.25 ACTION – LGA to share best practice with FRAs

4.26 BA advised that the calculator would be released as soon as possible and thanked the three super-user FRAs with their support testing the tool.

5. LGA update

5.1 TA provided a summary of the update report and highlighted the key areas that the Board should consider. This included updates on the Sargeant and Matthews projects and the Need for Change exercise. She also provided an additional update on the team position.

5.2 TA advised that the ‘Need for Change’ data collection questionnaire has been sent to FRAs. This is an informal consultation at this stage, it is not a decision paper. Further engagement sessions have been held and this point has been clarified to Chief Fire Officers and Scheme Managers.

5.3 The Board discussed the ‘Need for Change’ consultation in more detail. HF advised that MHCLG would like to be involved in these discussions to ensure they know what the sector wants and needs from government. The Board discussed the pros and cons of having a single administrator, the timescales involved in implementing a single scheme manager and the role of the Board in any decision-making processes.

5.4 TA advised the deadline for survey responses is 20th June 2025 and that once a direction of travel is understood it would be brought back to the relevant committees and the Board for further engagement and comment.

6. SAB governance update

Governance paper

6.1 JL advised the Board that Cllr Henderson is no longer in office following recent local elections. Cllr Chard has decided not to stand and is therefore no longer a member of the Board. JL noted her thanks for all of their work.

6.2 JL raised the issue of holding Board meetings in person as it is felt that it works better. A discussion will be tabled for the next meeting in September and it will be put to a vote.

6.3 JL noted the Business Plan review. She also advised that the Terms of Reference paper was being brought back to the Board to consider Deputy Chair arrangements and asked MR for an update on whether the FBU have considered a deputy chair.

6.4 MR advised he has had the discussion and will confirm at next meeting.

6.5 ACTION – JL to confirm with Councillor Phillps that he is happy to remain as deputy chair for the employer side.

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6.6 JL advised a communications strategy will be included on the agenda for the next meeting, along with an update on terms of office and board membership.

6.7 TA presented the governance paper and confirmed the paper asks for consideration of a deputy chair from both the employer and employee side and asked for feedback on the business plan.

6.8 GM advised that he supports the fact that there is a business plan but had no specific feedback on the content or timescales.

6.9 Cllr Byrom advised that there will be a refresh of membership and the LGA fire committee in the autumn so it may be advisable to stay with a continuity situation at the moment.

6.10 JL raised that pension dashboards are a key area for Scheme Managers and Local Pension Boards to monitor but that the Board need to ensure compliance.

7. Items for Discussion

SAB Budget

7.1 TA presented the key points included in the SAB Budget paper and asked the board to confirm they were happy with the proposal prior to it being brought to the Minister.

7.2 JL asked for an update on the website development. TA advised that the current website platform became unsupported in January 2025. The team are working with Clay 10 to develop a new website and ensure it meets accessibility standards. This is likely to go live in October or November. The fire finance committee have been made aware of the proposed increase in the levy.

7.3 The board discussed the SAB budget paper. Cllr Price raised a concern about charging FRAs the LGA levy of £3.21, as they are already paying a subscription to the LGA.

7.4 The Board agreed the budget.

7.5 ACTION – Secretariat to take the budget to the Minister for approval

AGM

7.6 TA outlined the proposed events costs for the AGM and confirmed this is a shared cost. TA also asked the Board if they had any comments for the suggested agenda.

7.7 JL suggested the 50 minute session on day one could be split in half to cover both the Local Pension Board experience and the SAB business plan.

7.8 ACTION – Secretariat to update AGM agenda

7.9 No further comments were received.

8. Guest Update

Administrator Updates

8.1 The Board discussed the administrator update reports provided by West Yorkshire Pension Fund, XPS Pensions and LPPA.

8.2 The Board notes the current situation and there were no further comments.

9. Software Supplier Updates:

Civica

9.1 . The Board noted the Civica Update.

9.2 HS highlighted that there might be some discrepancy between Civica's report and those from LPPA and WYPF as some functionality may have been developed but might not be live for clients/administrators to actually use yet.

9.3 JL commented on testing protocols for certain cohorts of members and highlighted that it might be worth testing RSSs for deferred members in advance to identify any issues earlier.

9.4 Helen Scargill highlighted issues between different cases and scenarios and uncertainty about the data the deferred rollback process requires. This needs to be clarified to ensure the process runs correctly.

Heywoods

9.5 The Heywoods Update was considered by the Board.

9.6 There were no further comments or questions from the Board

AOB

9.7 No AOB items were raised by the Board.

9.8 JL closed the meeting at 14:30