

FIRE FIGHTERS PENSION BOARD - MINUTES
NOTES of Meeting Held 5th January 2022 – 13:00
MS Teams

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| Attendees: | |
| Glynn Luznyj, (GL), Chair | Glynn Dixon, (GD) |
| David Greensmith, (DG) | Helen Scargill, (HS) |
| Irina Volkova-Heath, (IVH) | Susan Wilkinson, (SW) |
| Lee Russell, (LR) | |
| Minutes: Carol Golcher, (CG) | |
| Apologies: | |
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1. Attendance and Apologies

Documents referred to in these notes are not appended but will be attached to the signed copy of the minutes. Copies, or specific information in them, may be available on request.

GL introduced Lee Russell to the Board. LR kindly agreed to join as an Employee Representative and is on White Watch at Tamworth. Members of the board introduced themselves to LR. GL explained the purpose of the Board. GL to speak to LR outside of the meeting to fully explain the ToR and training opportunities.

2. Minutes and Actions Arising

Minutes were reviewed and taken as a true and accurate reflection of the meeting held on the 13th December 2021.

GL requested to remove Richard Walsh as member of the board and distribution lists. CG to action. Completed directly after the meeting.

Action 41: Further discussion around temporary contracts, options being put forward to the FBU. Nothing has been agreed at this moment and staff on temporary contracts will still be pensionable.

Ongoing. Pickup after the meeting to firm up agreement on current and future.

Temporary contract being pensionable issue has still not been addressed an no progress has been made since the last meeting. SW and DG to meet outside of the meeting with GL to review the position and provide any advice that needs to be shared to the Scheme Manager and update to SGB-Fire. Action On-going.

Action 45: SW to amend Terms of Reference as discussed send back to GL. **All changes made and submitted with a recommendation to the Scheme Manager for approval. GD confirmed that they have been accepted. Action Closed.**

3. Strategic Risk Register - Pensions

Work has been carried out to bring the Risk Register up to date. A review of each Risk on the register was carried out and board members discussed each one and provided comments and agreement.

Actions 46: DG to update Risk Register as follows: -

Work on numbering /Delegated responsibility – training records/members

DG/SW/GL to review Immediate detriment having own risk register or additional risk register items.

Additional Risk to be added for Timely and accurate Communications.

Action 47: GL will pick up with FBU and other trade unions within the service to request further Employee representatives to attend the board.

1. **Loss of data systems** – Cyber Crime most pressing. Strong arrangements in place for BCP, satisfied with the data. West Yorkshire have their own plans. *No Comments*
2. **Incomplete/inaccurate data** – Regular member data checking exercises undertaken. Strong place with mitigation. *No comments.*
3. **Administration process/Mal Admission failure** – Previous issues reported to the Pension regulator and steps taken were appropriate. Systems are in place and communication links. *6. No Comment.*
4. No item on spreadsheet duplicate number
5. **Annual Benefit statements** – Horizon scanning has improved and delivering statements on time. Issue is how members can access and understand the information. *6 – No Comment.* GL asked HS if there any issues with annual benefit statements with other FRA's. HS informed that the only issue is when work is undertaken with a new client, once year one complete generally no problems going forward.
6. **Officers of Pension Board** operating outside of their area of responsibility– needs to be amended to include Members also – Procedures in place are adequate and regular surveys on pension boards effectiveness and TOR have just been amended. Need to check on our competencies particularly around training. We do keep training records and need to be captured in our mitigating actions. *DG to update.*
7. **Failure to deduct correct pension contributions from Members** – There have been some issues, however we have been proactive when we have found an issue. E.g. Un-pensionable pay due to Case law, we check and make contact, with past retired staff and appropriate amendments actioned.
8. **Failure to interpret rules or legislation correctly** – Potential for litigation is high. Complex issues and frequent emerging case law. DG highlighted that now HO have removed backing should this now be higher due to uncertainty. Constant balance of not addressing discrepancies and level of distress to the member. Connected directly with No 9 Immediate detriment.
9. **Immediate detriment** – Open to interpretation/grey areas and response down to FRA to decide what to do. The danger highlighted is that different FRA's will be doing the same thing but in a different way and due to lack of clarity will increase the risk. GL agreed that we need to add text that as we haven't got a National decision – should remain at a 12. SW agreed that work is ongoing to keep informed on different FRA's are doing. Accurate reflection that we are trying to remedy. GD suggested that more work required to maybe break this risk into more than one risk better to be seen as 2-3 different risks that could be scored differently. Impact of revised case law – continuing to work through and robust processes to address with legal team.
10. **Annual Statutory accounts** – External Auditors/Pension regulator – no comments.

GD asked for quorate membership issue to be reviewed and added to the register. Employee representative attendance has not been consistent. We do need another Employee Rep as soon as possible

4. Immediate Detriment Discussion

WE have now formally recommended to Scheme Manager to continue to process cases where appropriate. DG reflected where we currently are following HO removing support. The reason this has occurred is due to Section 61 of the equality act and HMRC/HMIC tax implication. All cases have been reviewed and recommend we continue to process.

Action 48: GD/SW will provide a paper to go to the scheme manager on the process/actions taken with Immediate detriment on straight forward and complex cases by end of Jan.

SW – Provided an update on what we are doing for LR benefit. SW advised that following the original MOU we received a number of claims (5/6) who wanted their pensions remedied under the new framework. To begin with it was a gathering data exercise and as far as possible we are in a position to move as soon as an agreed way forward has been provided.

WY provided a template which the FRA populate which splits the work between FRA and WY. Figures have been completed for those who have put in an application. In terms of processing we have one set of figures sent out and back to WY –almost ready to make first payment. Apart from a general information that has been sent out internal and via retired network not communicated any further we weren't 100% sure for the most appropriate way to move forward.

When we know we are in a good place to move forward and have communications to send out/amend as necessary.

All cases relatively straight forward and given confidence to process but keeping a log and a rationale for each decision made for each individual case.

GL noted the necessity for future review and where any remedy when decisions have been agreed. LR advised that staff were currently unaware as to where we are and feel and not aware of what they will be entitled to when they retire. Totally understand position we are in an that it is from Government.

GL agreed that despite the current uncertain position, it will become clearer and will provide everyone with more choice. We must do our best to keep people informed and it is important we move forward.

5. Update from the Administrator

HS advised that currently no issues by exceptions. HS provided an update on cases that have been received. Information received for 6 cases one completed and additional lump sum should be out on the payroll today some further work to be carried out to set up monthly payments. Then two cases – one straight forward. The other will require further work as it involves an annual allowance breach in 19/20 tax year but no tax to pay. Appears there may be a tax payment to HMRC need to produce a service statement – and ask for their decision on tax breach and intention going forward. 3 left one – 2006 scheme member is similar to one carried out for another FRA and legacy benefits were lower than one's in payment so may not elect for legacy benefits and continue to received. Others later on in Jan and not reviewed. Trying to look at spreadsheets and make sure that all is accurate and get queries sent out sooner so that we can deal before the 62-date deadline. Across all FRA we have 30 to do before the middle of Feb. Of all cases over all FRAs we have hit the 62 date for all cases so far. Continue to do best we can.

6. Any Other Business

FBU asked for reassurance on a member that has been recalculated as a result of the split pension and them being abated. Aware issue has been addressed, IVH advised that this was due to member being on resilience allowance. The member came back as resilience allowance. Cannot see that this will affect anyone else. Abatement check only carried out once unless any material change takes place. GL to feedback to FBU.

Feedback through LGA regarding the FRA remedy Self- Assessment survey – Self Assessment survey of 60 questions which asked us to Self-Assess how we as a board and an FRA in terms of being in a position to process Immediate detriment and understand the implications. GL will share for info. One item we may wish to consider for improvement – Establish appropriate internal controls for legal matters relating to Pensions. Currently use Wakeman's and whilst happy will cover at the next meeting.

Action 49 – Check legal requirements for FRA and Scheme Managers and review at the next meeting.

GL noted that this was the last Pension Board for Scheme Manager GD and wished to formally thank you him all his contribution/work effort and support and wish him all the very best in his new ventures and very grateful for his contribution throughout.

Next Meeting date: 7th April 2022 at 13:00