

FIRE FIGHTERS PENSION BOARD

Held 28 October 2019 at 0930 hrs
Room 1, Fire HQ, Pirehill ST15 0BS

Present: Mr Glynn Luznyj, Employer Representative (**Chairman**)
Mr Richard Mortimer, Fire Pension Scheme Member (Employee Representative)
Mr Robert Moss, Fire Pension Scheme Member (Employee Representative)
Mr Glynn Dixon, Employer Representative
Ms Helen Scargill, West Yorkshire Pension Fund (WYPF)

Also in Attendance:

Mr David Greensmith, Director of Finance Assets and Resources
Ms Irina Volkova-Heath, Pension Co-ordinator

Apologies: Sue Cox

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.

1. Declarations of Interest/Conflict of Interest

RobM declared that he was a member of the resilience team. This was noted.

2. Minutes of the Pension Board Held on 8 July 2019

2.1 The Board reviewed the last minutes and accepted them as a true and accurate record of the meeting.

AGREED – That the minutes of the Fire Pension Board held on 8 July 2019 be signed by the Chairman

2.2 **Matters Arising** – The following noted following the last meeting;

The following actions are closed; 15, 16, 17, 18, 19, 20, 21, 22, 23, 24

3. Terms of Reference (ToR) Update

GL addressed the Board and said that RobM had raised this with Becci Bryant, GL asked if RobM wanted to move forward with this? Is it the point of tenure you want to raise? The Board were advised that a decision was made by the chair regarding the Firefighter's Pensions AGM, in London which RobM wanted to attend as he had not gone before. The Chair had responded to RobM that at this moment in time it wasn't necessary for RobM to attend and that there was representative from the WYPF – HS attending. RobM said it felt a like a bit of rank pulling that the chair made the decision. GL emphasised the fact that we need to take on board who has been to what events, who has had

training and the implications in terms of event location and also who is best placed to attend and how it will help with our Pension Board and Scheme manager fulfilling their duties.

GL confirmed that tenure is written into the Terms of Reference as 3 – 5 years for the Chair and Members. The issues of stability is noted in the minutes and the opportunity to review the tenure of the Chair and Members is to be reviewed in May 2020. GL asked the board if this is appropriate? Does anyone have any views? Do we do something now, or leave to the review date for the role of Chair and Members? RM said it would be better to have something in place before May 2020 as that's the cut off point, it shouldn't be too hard to come up for a plan for succession.

HS said they have a succession plan in place and have those people doing the training first, then become substitutes to meetings, so when the main member leaves they are not coming in cold, so they know how the process works and what's going on. GL asked is that because of retirements? HS said sometimes but sometimes an internal movement. GD checked with GL that in 6 months in May 2020, will GL have done 4 years as chair, GL replied yes, and the others 4&1/2 years. GD stated that the scheme is changing, the new scheme manager may have a different view on the pension board governance, they could delegate to the Chief Fire Officer! GD didn't disagree to succession planning but emphasised the need for clarity. GL asked HS about change. HS stated there are different scheme managers across the board, some of them are Chief Fire Officers or a delegated power to a named individual in an organisation. GD said we need stability and that the board has experience and at the moment we are in a stable position to manage pensions through the board. HS said some other authorities have no change on their board. GD asked is that North Yorkshire and HS said yes. GL if we introduce change prior to May 2020 we may be changing twice, maybe wise to think about succession and then carrying this out in May 2020. GD said yes. DG said looking at other pension boards, unusual for a member to be on the board for that period of time. HS asked what does it say? what is in the ToR? does it tell you what to do? GL stated that it's very vague and read out a para from the ToR. HS stated that you could role the position on for longer to a maximum of 10 years. GL said yes we could. RM said what do you think about looking at a succession plan and then doing it in May 2020. RM said yes, but the tenure means RM and RobM are leaving at the same time. RobM said no he'd probably leave the board in 2022. RobM stated that Clare Alcock had told him that retired scheme members can remain on the Pension board. DG asked HS do they? HS said yes, they have an independent chair and member – they have no favouritism, they're just looking at the governance and making a statement. They have at least 2 boards. As long as the terms of reference allow it.

ACTION 25 : GL to take a lead and work with the board to see what succession looks like but not to go ahead with anything until May 2020 when there will be a new PFCC (Scheme Manager).

4 +10 Pensionable Pay and Pensionable Board Seminar

DG summarised the pensionable pay paper and advised of the pensionable fact sheet and guidance that had been issued by the LGA Pensions Team following the Booth v Mid and West Wales High Court judgement on pensionable pay. DG asked HS should it have been pensionable in the 1992 pensions scheme? HS said day crewed were pensionable in the 1992 pension scheme. The rationale is it's an additional allowance, it's no different to flexi duty, in that sense, you've got a person working at that station, have to provide day crewed cover and that's their role, it's an employer decision and all contracts can be different. DG stated that really highlights the inconsistencies there are. RobM said his understanding was that day crewed firefighters contracted to day duty and oncall on nights was a single contract. RobM stated that when the Norman v Cheshire case came up it should have triggered a review of pensionable pay as it was with regards to concerns with whether allowances were part of pensionable pay under the Firefighters Pension Scheme 1992. Booth v Wales has brought this issue up again emphasising the fact that brigades were different. It was stated that if it's pensionable on the 2006 scheme it should be pensionable on the 1992 scheme. RM stated it could be contested and to be aware of this. DG replied he understands what allowances are being paid and IV

and Margaret have looked at this. DG said there was still a need to review work, also the LGA statue of limitations and how far back, if we go back beyond 6/7 years it's going to be a substantial piece of work. DG said IV will be going back over the last few years to see who has been affected. There is a lot of work still to do and this is going to take a while to review and find a remedy. We need to make sure we are all consistent, and correcting the mistakes historically made. HS said Clare Alcock has been advising to wait for the Guidance Document, HS thought it would be ready at the annual meeting, but it wasn't. It is now hoped it will be ready by the end of the year. GL said we need to wait for the legal guidance before making decisions and working out the details before we can apply appropriate remedies. HS said we need to information gather in preparation. HS suggested that we might want to consider a communication on the website about this issue and what is going on at the moment. RM asked for clarity regarding the training, resilience and day crewing allowance. GL said yes. DG asked does HS have anything she could send us regarding the discussions on Tax. GL to formalise with the scheme manager how to progress regarding Tax. Helen said they have been doing this for a number of years. GL asked RobM and RM are they happy with this. They said yes. GL to recommend way forward.

ACTION 26: DG to do a communication with members updating on pensionable pay.

ACTION 27: GL and DG to recommend to the Scheme Manager adopting WYPF to split pension taxation issues.

5. Risk Register Update

RM asked should we separate out cyber crime? GL and the Board agreed to this.

GL stated amalgamating risks 2 and 3. Are we keeping this separate because of the issues with stoke? DG stated we are working with Stoke and there is an additional level of checks taking place. IV said they are carrying out manual checks with payroll. DG emphasised the fact that a lot of learning had taken place this year. HS asked do you want a separate risk. GL said there was just a need to simplify risk 2 and 3. GL requested the need to sort numbers out on the Risk Register (Risk Nos). GL asked does the discussion on succession need to go on the risk register? HS said yes.

GD mentioned the two red risk ratings on Nos 10 and 11. GL to relook at this following the discussion today. HS said under governance there needs to be a risk about the Board, its set up etc. HS to provide document.

ACTION 28: DG to update the Risk Register regarding the discussions above.

6. Split pensions

RobM asked IV has the numbers remained the same as reported at the last board? IV said yes.

7. Breach Reporting

GL said this was for info. RobM asked with regard to the timescales, because we've paused with the split pensions, do we need to report whether we've resolved it by the 30 November? GL said he was comfortable to give a verbal update over the telephone if that was necessary.

8. Training Events

GL stated about the training events on the horizon, who should be going to them. GL to forward a spreadsheet and see what events are coming up, who should go, who's best placed to go. RobM stated that is not aware when Pension Seminars are taking place and that he'd never been to an AGM before, but to any event he goes to he learns something new. RM is there any other way they can find out about training, possibly online. HS said they set them early and usually within the

information bulletin. GL asked for feedback from the members on their training and development, and then look at who goes to what through a structured approach. RobM said it was a great idea. HS said a rep should go at every opportunity. RM asked about the budget for the pension board? Do we put in claims for what we think is appropriate, that seems a reasonable way of doing it. GL supported this.

ACTION 29: GL to send out a Pension Board training and CPD log to Members of the Board.

9. Bulletins, Factsheets, Technical Notes/Events/Surveys

HS fully summarised the WYPF report previously circulated. IV asked about Abatement, do we need to have an Abatement policy in place? GL to check.

Any Other Business

The issue of Abatement was discussed due to the Services governance change in 2018.

ACTION 30: DG & GL to prepare a revised Abatement Statement for Strategic Governance Board.

ACTION 31: Sue Cox to rearrange the next Pension Board Meeting previously booked for the 16 January 2020.

10. Date of Next Meeting

To be Confirmed