

Warwickshire Fire and Rescue Local Pension Board of the Firefighters' Pension Scheme

Monday 6 June 2022

Minutes

Attendance

Committee Members

Martin Reohorn (Chair)

Paul Morley

Officers

Liz Firmstone, Service Manager (Transformation)

Victoria Jenks, Pensions Admin Delivery Lead

Andy Carswell, Democratic Services Officer

Martin Griffiths, Technical Specialist – Pensions Fund Policy and Governance

Others Present

Helen Scargill, West Yorkshire Pension Fund

Matthew Mott, West Yorkshire Pension Fund

1. General

There were insufficient numbers present for the meeting to be quorate. It was therefore agreed that items would be for noting and the Board would not be in a position to make formal binding decisions on any of the items.

(1) Apologies

Apologies were received from Sian Marsh, Caroline Jones, Barnaby Briggs and Lisa Eglesfield.

(2) Board Members' Disclosures of Interest

There were none.

(3) Public Minutes of the Previous Meeting

As the meeting was not quorate the minutes of the previous meeting could not be agreed. The item was deferred to the next meeting.

2. Update report for the transfer of Firefighter Pensions Schemes administration and Pensioner Payroll

The Board were reminded that administration of the Warwickshire Fire and Rescue Pension schemes had been transferred to the West Yorkshire Pension fund, and this had taken effect from April 1. The Board welcomed Helen Scargill and Matthew Mott from the West Yorkshire Pension fund to explain more. There had been a couple of minor issues and queries to resolve when the transfer was initially made, but nothing of any major significance.

The Board were informed that West Yorkshire would now be in a position to provide monthly client reports, and the first of these was due to be received the following week. The reports would contain a series of key performance indicators for the month just passed.

Paul Morley said he had been made aware of some issues regarding delays in information relating to forecasts and estimates being provided to people who were seeking to retire soon. Vicky Jenks (Pensions Admin Lead) said discussions had taken place with the HR and payroll teams at Warwickshire regarding what was expected in terms of relaying this information to West Yorkshire when it was requested. It was accepted that improvements needed to be made to the internal process to ensure the information was sent to West Yorkshire in a timely manner. There had been no change in terms of how the information was updated and who was responsible for it, but there had been changes to how it was processed as it needed to be sent to a different administrator. At the moment the client information held by West Yorkshire was accurate up to February 28; additional information would be required from HR and payroll at Warwickshire if a member indicated they wished to retire in 6-18 months' time.

Regarding annual benefit statements, it was confirmed that going forward this would be handled by West Yorkshire. However Helen Scargill said she did not think all of the relevant information required to do this had yet been sent across. The deadline for sending annual benefit statements was August 31. Vicky Jenks said payroll had been chased to ensure the information is sent across to West Yorkshire as soon as possible. It was expected to be updated on a monthly basis going forward.

3. Governance and Regulatory Update

Vicky Jenks told members the report provided a summary of updates in relation to the cost control mechanism; the ongoing Home Office consultation in relation to McCloud; the Matthews second exercise; the proposed pensions dashboard; and immediate detriment. Members were likely to already have a knowledge of the issues contained in the report as the information was taken from the monthly bulletins sent to Fire Pension Scheme stakeholders.

Helen Scargill said there would be some overlap between Warwickshire's latest governance and regulatory update and the monthly return report that was due to be provided by West Yorkshire the following week, as some of the information contained within it was also gleaned from the monthly update bulletins. The monthly reports from West Yorkshire are due to replace Warwickshire's governance and regulatory updates at future meetings, with two monthly reports likely to be considered each time. It was likely that Warwickshire would continue to provide policy updates at future meetings however.

Members were shown a draft of the next monthly report, which demonstrated what future reports were likely to look like. Helen Scargill drew members' attention to the item on key performance indicators and a series of tables that highlighted the work that was currently taking place and how this compared to previous months. Regarding active members, Helen Scargill highlighted that 13 members were shown to be unknown modified as there had been an issue in how their records had been converted during the system update. Now that it was known to be an issue it could be dealt with. The report also contained a section on possible pension scams, although this was unlikely to be an issue as there are limitations in place preventing Fire Pension Scheme members from transferring their pension into the type of arrangement that could be fraudulent. The monthly reports would highlight in red if there were any actions that needed to be completed by Warwickshire.

Helen Scargill said the FRA had enquired about responses to some questionnaires regarding the 2nd modified exercise and McCloud, but the West Yorkshire Pension Fund did not hold the requested information and it did not have the responsibility to reply. Regarding discretions, West Yorkshire had requested a copy of Warwickshire's policies as this was felt to be particularly important following the Ombudsman decision in relation to abatement. It was now not possible to have a blanket policy and West Yorkshire needed to know what circumstances needed to apply for a discretion to be made.

The Chair asked if future updates on the number of web registrations taking place could include a comparison to show how Warwickshire's figures compared to other Fire Authorities. Matthew Mott said this something that was unlikely to be available immediately but could potentially be provided by the autumn.

4. Risk Monitoring

Vicky Jenks told members that the risk management document would be continually reviewed and updated in relation to both Warwickshire and West Yorkshire going forward. A risk to delivery of service had previously been identified and this was why the transfer of the administration service to West Yorkshire had taken place, but the level of risk was now likely to reduce. Members were told the document included in the agenda pack was the most up-to-date version.

5. Forward Plan

Members were informed the item relating to outsourcing would be removed from the Forward Plan as this had been resolved. The Chair suggested it would be helpful to have a look at scheme discretions to help members' understanding. Vicky Jenks said attempts were being made to create a standardised discretions document. Additionally the abatement policy was being looked at by the Lead Commissioner – Strategic People Improvement following the outcome of the Ombudsman case.

The Chair said he had taken part in the recent CIPFA local Pension Board training. He said that while it had been interesting, its contents were not relevant or helpful to Fire and Rescue Pension Boards and were aimed primarily at LGPS schemes.

6. Next Steps

It was agreed that this item was not needed and would be deleted from future meeting agendas.

7. Any Other Business

There were no other items for discussion.

8. Future Meeting Dates

The dates of forthcoming meetings were noted.

9. Reports Containing Exempt or Confidential Information

There were no members of the public present.

10. Firefighter Pension Schemes - immediate Detriment update

Vicky Jenks told the Board that the NFCC had sent a letter advising the Fire Authorities to cease processing of immediate detriment payments, due to treatment of tax relief and pension contributions from two different pension schemes. The risk of additional costs relating to compensation payments to the authority has been assessed as significant and although there was a further risk of potential costs if there was a legal challenge to this decision from members, these costs were considerably less than those that would follow if payments were not paused. It was also noted that any costs paid out to members would be compensatory in nature rather than in the form of a refund, and it was not known if they would be exempt from tax. Following receipt of this advice it had been agreed by the Scheme manager to pause payments for category one cases, and this decision was due to be formally ratified at the next Staff and Pensions Committee meeting.

The Chair said he was aware of some Fire Authorities that were continuing to pay out category one cases, while others were continuing with category one and two payments. In some instances however there was political pressure to continue making these payments. Vicky Jenks said revised legislation relating to immediate detriment payments was due to take effect from October 2023; it was felt that the best course of action was to pause making payments and wait to see what happened next. It was not known if retrospective payments would need to be made once the updated legislation took effect, or if new payments would start from October 2023. The Chair stated his frustration that the issue had not been resolved even though the Treasury had been aware of the situation for five years.

It was noted that a previous legal challenge had ended up being settled out of court, and so the topic of immediate detriment payments had not been tested in a court of law. Due to the backlog in cases however it was unlikely any case would get to court before the new legislation came into effect.

The meeting rose at 3.07pm

.....
Chair