

**Minutes of the Meeting of  
Shropshire and Wrekin Fire and Rescue Authority  
Pension Board  
Held via Microsoft Teams  
On Thursday, 10 September 2020 at 10.00 am**

**Present****Members****Employer Representatives**

Dave Myers	Deputy Chief Fire Officer (Chair of Board)	DCFO
James Walton	Fire Authority Treasurer	JW

**Member Representatives**

Matt Lamb	Fire Brigades Union (FBU)	ML
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**Officers**

Helen Tomkins	Pensions Team Leader, Shropshire Council	HT
Darren Bowe	Senior Pension Officer, Shropshire Council	SPO
Lisa Vickers	Human Resources Manager (Contracts)	LV
Lynn Ince	Executive Support Officer	ESO

**1 Apologies for Absence**

Tony Talbot, Fire and Rescue Services Association (FRSA)

**2 Conflicts of Interest and Conflicts Register**

Board Members were asked to declare any interests or responsibilities which may lead to conflicts of interest in the subject area or any specific agenda items for this meeting.

James Walton, Treasurer, declared a potential conflict of interest in that he is the Pension Administrator of the Shropshire County Pension Fund (SCPF) which HT and the SPO work for.

**3 Minutes and Action List****3a Minutes**

HT gave an update on an issue raised at the last meeting and advised that P60s can be provided in hard copy format upon request.

**Resolved** that the minutes of the Pension Board meeting, held on 3 June 2020, be agreed and signed by the Chair as an accurate record of the meeting.

### 3b Pension Board Action List

Progress on the Actions List is recorded on that document.

**Resolved** that the Board note the progress recorded against the actions on the Action List.

### 4 Contract Management Update and Issues

LV welcomed Darren Bowe, the new SPO to the meeting and advised that the Pensions Team and the Service are already talking and working to address teething issues following the change in personnel. There is a Pensions Contract meeting scheduled for October.

### 5 Firefighter Pension Scheme Administration, Management and Governance Strategy

The Board discussed the Firefighter Pension Scheme Administration, Management and Governance Strategy template which has been developed by the Scheme Advisory Board (SAB)

DB commented that the Strategy template is very similar to the Pensions contract, but it is useful as it builds in expectations of the parties involved. There are however some concerns regarding the timelines for payments. DM explained that in his consultation response to the Strategy he did comment on the timings in the schedule. The SAB responded that the schedule is indicative and as such can be rewritten to reflect local arrangements. DM added that the Strategy is still in consultation and it is understood that it will be proposed by The Pensions Regulator (TPR) after the consultation period.

**Action: Record issue on Action list for review and/or update by DB as appropriate.**

### 6 Scheme Advisory Board Communications

The Board received the following items from the Scheme Advisory Board (SAB) for information and / or discussion. The SPO highlighted the following issues in each Bulletin.

#### 6a FPS Bulletin 33 (May 2020)

- NIC refunds for FPS 2006 Special Members. DB is not sure if these have been completed. HMRC has advised that it has received a small proportion of completed forms
- Age Discrimination Update – there is further information on this issue in Bulletin 36. This sets out the two possible points at which members can make a decision in relation to this issue.
- The relaxation of the protected pension age has now been extended to 11 January 2021.

#### **6b FPS Bulletin 34 (June 2020)**

- ABS Member Communications – DB confirmed that the suggested statement regarding the Sargeant case was sent members to on time.
- Inclusion of tax awareness in job adverts – DB advised that further revised wording for this has been issued in Bulletin 35. The DCFO confirmed that the correct version has been added to recruitment adverts
- Data specifications – there is a meeting scheduled for the end of September to agree the plan for preparing the submission to GAD. DB confirmed that the Pensions Team have this issue in hand.
- HT confirmed that a copy of the ABS had been sent to Germaine Worker and Wendy Edwards for information
- IQMPs – there is no requirement for an IQMP to send a copy of the report direct to a member. The report is provided to the FRA who must then supply a copy to the member within 14 days of the determination. The applicant is also unable to restrict the IQMP releasing the report to the Scheme Administrator if they disagree with its contents.
- It was confirmed that the Covid-19 survey has been completed and submitted

#### **6c FPS Bulletin 35 (July 2020)**

- Virtual FPS AGM is on 22/23 September if anybody wants to attend. HT and SPO are signed up. HT advised to contact Blue Light Pensions if there are any issues with registering for the event.
- Sergeant Remedy – SPO can share link to consultations  
Part of consultation relates to when it is preferable for members can make their election for benefits accrued during the protected period to be calculated on a CARE basis as an alternative to protected final salary benefits. It is felt that to do this upon retirement would be better for members. ML commented that it is important to make a response to this consultation especially as the underlying feeling is for the election to be deferred to retirement. ML stated that he feels that the Board should be able to note their views in relation to this. The DCFO explained that national conversations through the National Fire Chiefs Council (NFCC) align with this view so it seems that the deferment option is the consensus view.  
HT confirmed that the both the Service's Head of Finance and the Head of HR and Administration have given their response to the consultation. There will need to be further discussion regarding the technical issues raised by the remedy.
- Exit Payment Caps – HT explained that these are used when an employee is asked to leave by the employer, and they are more common in the Local Government Pension Scheme (LGPS). JW advised that the caps are due to come into force on 1 January 2021 so there is a very quick turnaround with the £95k threshold. The SPO will forward / raise any issues with the Board as and when needed.

#### 6d **FPS Bulletin 36 (August 2020)**

- FPS forecasts – Pensions Team supplied information to Authority, so it is assumed that the returns were submitted by 9 September 2020
- 2020 valuation data collection is in hand
- GAD factors – survey has been completed and submitted
- **Detriment note in relation to Age Discrimination Proceedings**  
The SPO highlighted the second paragraph on page 5 of the Bulletin and the DCFO explained that the direction from the LGA is to wait for further guidance to be issued. Liaison with the NFCC also indicates that further scrutiny of the guidance is needed. ML commented that there is a real furore regarding this issue. The informal guidance issued is very poor and contains no detail and no instructions on processing. Members are still being detrimentally treated nine months after the ruling was made and the position needs to be resolved.

It appears that the 'informal' title is a red herring. December 2020 is the legal deadline for the remedy guidelines to be enacted but it looks like the responsibility for this is falling on FRAs rather than Central Government. Some FRAs have changed suit and are following the informal guidance which has caused a row between the LGA and the Home Office. There is potential for the FBU to commence legal action in relation to the guidance.

Guidance is needed for pensions administrators as well as a form of resolution for members. There are also omissions within the guidance. For example, there is direction on how to deal with cases occurring now, but it ignores those who retired in the gap from December 2019. There needs to be a quick resolution to the situation especially as some FRAs are starting to enact the informal guidance.

The DCFO commented that everyone is unhappy with the informal guidance that has been issued and advised that 16 December 2020 is the deadline for appeal against the remedy decision. The DCFO advised that an executive decision on how to proceed is needed.

ML stated that a declaration in relation to the Scheme is required. The Home Office informal guidance is not a legal document so instruction should be taken from the interim decision. December is also far too late for the issue to be resolved so the FBU is likely to undertake further legal proceedings.

- The SAB has a new Chair. Joanne Livingstone commenced her 4-year appointment in August 2020.
- The SAB has published its informal response to the initial age discrimination remedy – it can be accessed via the link in the Bulletin.

- The TPR Scheme Return will be issued soon and there will be 6 weeks in which to complete it. The SPO has the relevant information to complete the Return but queried who does the Return from the Fire Authority. The DCFO said he would need to know the questions involved in order to advise but the SPO said it was more that someone was needed to oversee the completion.
- Medical Appeals Board – ML raised the issue of an outstanding Shropshire case and concerns about appeals only being held in London currently. ML asked if it was appropriate for the Board to contact the provider regarding when regional appeal boards would be occurring again.

**Action: DCFO / LV to raise issue with Duradimond.**

**Resolved** that the Board note the SAB Bulletins

## **7 Surveys / Returns**

- TPR Scheme Return – covered in item 6d on this agenda
- GAD Factor Survey – completed and submitted

**Resolved** that the Board note the updates given in relation to Surveys / Returns.

## **8 Update from Pension Administrator**

### **8a Key Performance Indicators**

DB presented this report and explained that the delays are due to the recent change of staff and the need for training to be undertaken. There was also in one case a delay in receiving information which affected performance.

DB reported that the Pensions Team is on top of its processing and monitoring workloads. DB also added that when the Administration, Management and Governance Strategy is published, the target days for tasks in this report can be amended to reflect the expectations set out in the Strategy.

**Resolved** that the Board note the Update from the Pensions Administrator.

## **9 Communications Issued or due to be sent to Members**

### **Annual Benefits Statements (ABS) – deadline 31 August 2020**

These were issued in accordance with the deadline. They were issued on-line and there have been some queries in response to them.

### **Pension Savings Statements – deadline 6 October 2020**

These are ready to go out but there are some members who have breached the annual allowance.

**Action: List of those affected to be given to HR Department in case of query.**

The DCFO thanked the Pensions Team for their great work on the ABS. This reflects well on all those involved in producing these documents.

## 10 Training

The Board is considered Pension Board training, including:

- Update training register
- Notice of upcoming events
- Training needs analysis
- The Pensions Regulator (TPR) Training Modules which can be accessed via the following link:  
<https://education.thepensionsregulator.gov.uk/login/index.php>

**Action: TPR training modules to be pushed with new Board members.**

## 11 Breaches Register

There have been no breaches in the period since the last meeting of the Pension Board.

## 12 Pension Board Risk Register

The Board considered the Risk Register and if there were any areas of potential risk for inclusion. The Board noted the following updates:

### **Risk ID 1 – Failure to issue annual benefit statements when required by legislation**

No change to current risk score

### **Risk ID 11 – poor communication between key personnel**

Currently no issues to report

### **Risk ID 13 – System failures (IT, payroll, administration systems etc)**

Changeover of payroll systems has been seamless

### **Risk ID 16 – Covid-19 Pandemic**

Probability (current)	Most likely impact (current)	Score (current)	Notes
Medium or High?	Low	??	Resilience in Service. JW this is driver for including in Risk Register, for example communications failure

The DCFO asked if the Board was comfortable that the current risks are suitable to cover issues caused by the pandemic. JW commented that we are already working in emergency situation but there is a need to overlay this with other risks especially as the impact may increase under a second Covid-19 wave.

ML suggested that the control measures already in place should be included in the notes for Risk ID 16

### **Risk ID 17 – Impacts of significant changes to legislation**

Probability (current)	Most likely impact (current)	Score (current)	Notes
Low	Low	Low	

The DCFO suggested that where the legislation will come from should be added to the narrative

### **Risk ID 18 – Administration Contracts**

Probability (current)	Most likely impact (current)	Score (current)	Notes
Low	High	??	

The DCFO commented that there have been changes across the sector because of the withdrawal of big players.

LV explained that she has talked to Debbie Sharp about this and more contracts are needed to provide resilience etc. HT advised that the Pensions Team had bid for one contract but were not successful and another potential bid could not be undertaken because of the national lockdown. HT will discuss the issue further with Debbie and report back to the Pensions Contract meeting. The Board agreed that it was worthwhile to have this risk recorded on the Risk Register.

## **13 Register of Internal Disputes**

**Resolved** that the Board note the update on the Register of Internal Disputes and that there have been none in the period since the last meeting of the Pension Board.

## **14 Date of Next Meeting**

**Action: ESO to confirm meeting date for December 2020.**

## Any Other Business

### Attendance

The DCFO stated his appreciation for ML and JW's commitment to the Board but suggested that Board membership should be increased for resilience reasons.

**Action: ML / TT / DM to discuss outside meeting.**

**Action: DCFO to explore increasing membership**

### Chair of Pension Board

The DCFO also explained that following his retirement at the end of December 2020, there will be a new Board there will be a new Chair of the Board. The DCFO suggested that this should be the new Assistant Chief Fire Officer Corporate Services (ACFO CS). LV advised that the Chair does not have to be an employer representative. JW and ML thought that it was best to stay with the DCFO's suggestion as they believe there are benefits to a member of senior management holding the position. ML suggested that it was important to invite the new ACFO to the next Board next meeting.

**Action: ACFO CS to be invited to next meeting**

The meeting closed at 11.25 am.

Chair.....

Date.....