



Minutes

Local Pension Board

Date: 23 April 2021

Time: 2.00 pm

Venue: Microsoft Teams meeting

Present: Chris Lawton (Scheme Member representative – in the Chair), Jim Davies (Scheme Member representative - FBU), John Roberts (Scheme Manager representative) and Councillor Peter Harrand (Scheme Manager representative)

In Attendance: Claire Johnson - Technical Adviser
Amanda Hancock – Pensions assistant
Ian Brandwood – Chief Employment Services Officer

Apologies: None

32 Minutes of the last meeting held on 28 January 2021

RESOLVED

That the Minutes of the last meeting held on 28 January 2021 be signed by the Chair as a correct record.

33 Urgent items

None.

34 Admission of the public

There were no items which required the exclusion of the public and press.

35 Declarations of interest

There were no declarations of disclosable interest in any matter under consideration at the meeting.

36 Local Pension Board Annual Report 2020 – 21

Members considered the Annual Report 2020 – 21 which reflected activity undertaken by the Local Pension Board to date.

Members were advised that the Annual Report as submitted would be updated subsequent upon any decisions taken at this meeting and actions that had been taken since January 2021.

RESOLVED

That an updated Annual Report 2020 – 21 be submitted for formal ratification by the Human Resources Committee at its meeting on 9 July 2021.

37 Immediate detriment guidance - update

Members were provided with an update on the application of the immediate detriment guidance which had been issued by the Home Office in 2020 in respect of the McLeod/Sargeant pensions remedy.

It was reported that the Authority, as Scheme Manager, had originally taken the decision not to implement the guidance until such time as a decision had been taken by the Employment Tribunal in this regard.

The Employment Appeal Tribunal's judgment was that the Fire and Rescue Authorities (FRAs) could not rely on the Schedule 22 defence. Effectively, the Employment Appeal Tribunal held that the FRAs, in their capacity as Scheme Manager, could have decided not to follow the discriminatory legislation and, in fact, should have done so by refusing to treat firefighters as having transferred into the 2015 Scheme. This is because it held that Section 61 of the Equality Act 2010 prohibits the FRAs from acting in a manner which discriminates on the grounds of age and it prioritises that obligation over other provisions in the pension scheme which would oblige the FRAs to act in that way. In addition, it held that, under section 62 of the Equality Act 2010, the FRAs have vested in them the power to pass a resolution making non-discrimination alterations to the scheme of which they are managers.

West Yorkshire Fire and Rescue Authority, as Scheme Manager, had subsequently taken the decision to implement the immediate detriment guidance which would apply to 72 eligible firefighters. Members were informed, however, that it had been estimated that approximately only 26 of those would retire on this basis.

In response to a member's question, it was advised that there was currently no cost to the Scheme Manager in paying pensions using the guidance but that this was still to be determined in terms of who would carry the burden of the costs.

RESOLVED

That the update on immediate detriment guidance be noted.

38 Self-assessment questionnaire – gap analysis

Consideration was given to a report which presented the results of a gap analysis undertaken in response to the completed self-assessment questionnaires which had been presented at the January 2021 meeting of the Board.

A number of actions were proposed to ensure that any gaps in knowledge and perceived gaps in the fulfilment of the Board's statutory duties were mitigated against.

RESOLVED

That the actions detailed in the report now submitted be undertaken to ensure the West Yorkshire Local Pension Board continued to fulfil its statutory duties.

39 Firefighter Pensions England bulletins update

Consideration was given to the content of bulletins 41 - 43, which had been circulated to Members upon issue by the Scheme Advisory Board (SAB).

It was reported that all actions identified in the bulletins had been actioned and members were requested to consider the six key processes factsheet issued by The Pensions Regulator as detailed in Bulletin 41.

RESOLVED

- a) That it be confirmed that the West Yorkshire Fire Authority's Local Pension Board considered that it complied with the six key processes factsheet and that no action was required to address any gaps, and
- b) That the content of Bulletins 41 – 43 be noted.

40 Any other business

Pensions calculator

It was reported that the Scheme Manager had not introduced a pensions calculator for Pension Scheme members to use due to the current issues with regard to pension payments – McLeod / Sargeant, immediate detriment etc. It did not envisage being in a position to do so until October 2023 at the earliest.

McLeod and Sargeant

It was reported that no progress had been made since the last meeting and the outcome of the consultation was awaited which would itself lead to necessary policy decisions externally. Members were advised, however, that discussions were ongoing with the payroll provider and pensions administrators with regard to resourcing and relevant software and regular contact was made with the Home Office regarding proposed procedures going forward. October 2023 remained the deadline but it was hoped that the Scheme Manager would be in a position to act as soon as possible thereafter.

The final outcome from the Employment Tribunal was also awaited with regard to the application of injury to feelings payments which was a financial risk to the Fire Authority.

Chair