

Our Ref: JT
Your Ref: LPB

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Local Pension Board

26 June 2025

Dear Councillor

West Yorkshire Fire and Rescue Authority – Local Pension Board – 4 July 2025.

You are requested to attend a meeting of the Local Pension Board of the West Yorkshire Fire and Rescue Authority to be held in the Conference Room, Fire and Rescue Headquarters on **Friday, 4 July 2025 at 12 noon, or upon the rising of the People and Culture Committee.**

If you are unable to attend the meeting I would be grateful if you could let me know at the earliest opportunity so that a substitute may be arranged.

Please ensure that your mobile phones are either turned off or put onto silent mode for the duration of the meeting.

Should you require any further information, please do not hesitate to let me know.



Martin McCarthy
Clerk and Monitoring Officer
Martin.McCarthy@westyorkshire.gov.uk

EMPLOYEE REPRESENTATIVES:	EMPLOYER REPRESENTATIVES:
Ryan Binks	Cllr Mike Pollard
Jim Davies (FBU)	Cllr Fozia Shaheen
Mick Ferries	CFO John Roberts

Agenda

Local Pension Board

Date: 4 July 2025

Time: 12noon

Venue: FSHQ

Members of the Local Pension Board are hereby summoned to attend the meeting which will be held on 4 July 2025 to transact the business set out below.

1. Appointment of Chair and Vice Chair 2025/26 (p 7)

(Enclosed)

2. Membership of the Local Pension Board 2025/26 (p 11)

(Enclosed)

3. Urgent items

4. Admission of the public (p 15)

The Board is asked to consider whether, by resolution, to exclude the public from the meeting during the items of business marked with an 'E' reference, because of the possibility of the disclosure of exempt information.

5. Declarations of interest (p 17)

To consider any declarations of disclosable pecuniary interest in relation to any item of business on the agenda.

6. Minutes of the previous meeting held on 17 January 2025 (p 19)

(Enclosed)

7. Terms of Reference – Annual Review (p 23)

(Enclosed)

8. Local Pension Board Annual Report 2024 – 25 (p 27)

(Enclosed)

9. Local Pension Board Activity report (p 35)

(Enclosed)

10. Scrutiny and Review (p 49)

(Enclosed)

11. Pension Ombudsman – update (p 65)

(Enclosed)

12. Legislative update (p 107)

(Enclosed)

13. Age Discrimination Remedy (p 123)

(Enclosed)

14. Matthews Remedy (p 131)

(Enclosed)

15. Minutes of the Scheme Advisory Board meetings held on 12 September 2024 and 12 December 2024 (p 139)

(Enclosed)

16. West Yorkshire Pension Fund – Key Performance Indicators (p 163)

(Enclosed)

17. Firefighter Pension Scheme bulletins (p 169)

(Enclosed)

The taking of photographs, filming and sound recording of this meeting is allowed with the exception of any items marked with an “E” reference or where Councillors vote to exclude the public at any other time during the meeting.

Those persons present at the meeting who are invited to make spoken contributions should be aware that they may be filmed or sound recorded and their continued presence signifies agreement. People located in public seats will not be photographed, filmed or recorded without consent.

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Agenda item: 01

Appointment of Chair and Vice Chair of Local Pension Board 2025/26

Local Pension Board

Date: 4 July 2025

Submitted by: Director of Corporate Services

Purpose: To appoint a Chair and Vice Chair of the Local Pension Board for 2025/26 in accordance with the Terms of Reference.

Recommendations: That appointments be made to the positions of Chair and Vice Chair

Summary: It is a requirement of the Terms of Reference that appointments be made to the positions of Chair and Vice Chair of the Local Pension Board on an “annual rotational basis”. This report invites members to make the relevant appointments from the membership.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: Jik Townson, Committee Services and Governance Officer
Jik.Townson@WestYorksFire.gov.uk

Background papers open to inspection: None

Annexes: None

1. Introduction

- 1.1 It is a requirement of the Local Pension Board Terms of Reference that appointments to the positions of Chair and Vice chair be made on an “annual rotational basis”. This report invites members to make the relevant appointments

2. Information

- 2.1 Chair of the Board in 2024 – 25 was Councillor Fozia Shaheen as Scheme Manager representative with Jim Davies as Vice chair representing the Scheme Members.
- 2.2 Nominations are invited from the membership for appointment to the posts for 2025/26

3. Financial Implications

- 3.1 There are no direct financial implications arising out of this report.

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority’s Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no direct human resource or diversity implications arising out of this report

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: no

7. Health, Safety and Wellbeing Implications

- 7.1 There are no direct health safety and wellbeing implications arising out of this report

8. Environmental Implications

- 8.1 There are no direct environmental implications arising out of this report

9. Your Fire and Rescue Service Priorities

- 9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.
- Work in a sustainable and environmentally friendly way.
- Achieve a more inclusive workforce, which reflects the diverse communities we serve.
- Continuously improve using digital and data platforms to innovate and work smarter.

10. Conclusions

10.1 That the Chair and Vice of the Loal Pension Board for 2025/26 are appointed.

OFFICIAL

Agenda item: 02

Membership of the Local Pension Board for 2025/26

Local Pension Board

Date: 4 July 2025

Submitted by: Director of Corporate Services

Purpose: To advise membership of the Board in 2025/26

Recommendations: That the report be noted

Summary: Appointments to the Local Pension Board are made on an annual basis. This report advises of membership for 2025/26

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: Jik Townson, Committee Services and Governance Officer
Jik.Townson@WestYorksFire.gov.uk

**Background papers
open to inspection:** None

Annexes: None

1. Introduction

- 1.1 Appointments to the Local Pension Board are made on an annual basis. This report advises of membership for 2025/26

2. Information

- 2.1 The Local Pension Board has six members with equal representation (3) from both Scheme Members and the Scheme Manager.

- 2.2 Appointments as Scheme Member representatives are made on an annual basis following formal advertisement of the posts, written application and a selection process as appropriate.

- 2.3 The following were appointed as Scheme Member representatives on the Local Pension Board for 2024/25;

Vacancy

Mr Ryan Binks

Mr Jim Davies.

- 2.4 Appointments as Scheme Manager representatives are made at the Annual Meeting of the West Yorkshire Fire and Rescue Authority. The following members were elected as Scheme Manager representatives on the Local Pension Board for 2024/25;

- 2.5 Councillor Mike Pollard

- 2.6 Councillor Fozia Shaheen

- 2.7 Chief Fire Officer John Roberts

3. Financial Implications

- 3.1 There are no direct financial implications arising out of this report.

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no direct human resource or diversity implications arising out of this report

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1 There are no direct health safety and wellbeing implications arising out of this report

8. Environmental Implications

- 8.1 There are no direct environmental implications arising out of this report

9. Your Fire and Rescue Service Priorities

- 9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Provide ethical governance and value for money.
- Work in a sustainable and environmentally friendly way.
- Achieve a more inclusive workforce, which reflects the diverse communities we serve.
- Continuously improve using digital and data platforms to innovate and work smarter.

10. Conclusions

- 10.1 That membership of the Loal Pension Board for 2025/26 be noted

DRAFT

EXCLUSION OF THE PUBLIC - SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED : That the public be excluded from the meeting during the item of business specified below as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this time, there would be disclosure to them of exempt information of the description respectively specified.

AGENDA ITEM NO.	TITLE OF REPORT	MINUTE NUMBER (to be added)	Description of exempt information by reference to the paragraph number in Schedule 12a of the Local Government Act 1972

Disclosure of Disclosable Pecuniary Interests (DPI's)

- 1 Members present at the meeting who are aware that they have a DPI in a matter being considered must disclose the details of that DPI to the meeting unless it is already recorded on the Authority Members DPI Register.
- 2 Any Member with a DPI may not participate in any discussion or vote and under Authority Standing Orders is required to leave the meeting during any discussion or vote unless they have been granted a dispensation from exclusion from the meeting by the Executive Committee or in certain circumstances by the Monitoring Officer before any consideration of the item by the committee starts.

Footnote:

- (1) Members are referred to the Authority Constitution and to the provisions of sections 30-34 of the Localism Act 2011 and to the statutory regulations made thereunder which define the meaning of a DPI.
- (2) Members are reminded of the potential criminal sanctions and disqualification provisions under Section 34 of the Act applicable to breaches of disclosure and non-participation requirements.
- (3) A Member with a sensitive DPI need not disclose the details of that interest with the Monitoring Officers agreement but must still disclose the existence of a DPI and must withdraw from the meeting.

Application for dispensation to vote

Attached is a blank "application for dispensation" form which Members of the Committee may use to seek the grant of an individual dispensation on any item on the agenda.

Where possible, the completed form should be returned to the Monitoring Officer in advance of the meeting so that he can consider whether a dispensation should be granted. Block dispensations affecting a significant number of Members will be referred to the Executive Committee for approval, if time permits.

West Yorkshire Fire and Rescue Authority

Sections 31 and 33 Localism Act 2011

Member Participation & Voting Dispensation Request

Section for completion by Member

Name of Member:

Correspondence/ email address:

Dispensation applied for: (1) Participation (2) Voting (3) Both

Details of Meeting/agenda Item:

Full details of why you are applying for a dispensation:

Signed:

Dated:

Please send your application to the Monitoring Officer at Fire & Rescue Service Headquarters Birkenshaw BD11 2DY – martinmccarthy@westyorksfire.gov.uk

Section for completion by Monitoring Officer:

No in Register:

Received on:

Granted/ Refused

Reasons for refusal / Statutory Grounds relied upon for grant:

Minutes

Local Pension Board

Date: 17 January 2025

Time: 12 noon

Venue: FSHQ

Present:

Cllr F Shaheen (in the chair), Cllr M Pollard, John Roberts (Scheme Manager Representatives). Ryan Binks (Scheme Member Representative).

In Attendance:

James Clarkson (Technical Advisor)

Apologies:

Jim Davies (Scheme Member Representative)

18.Chairs Announcements

19.Admission of the Public

There were no items requiring the exclusion of the public and press.

20.Urgent Items

There were no urgent items

21.Declarations of Interest

There were no declarations of disclosable pecuniary interest in relation to any item of business on the agenda.

22.Minutes of the last meeting held on 2 August 2024

Resolved

That the Minutes of the meeting held on 2 August 2024 be signed by the Chair as a correct record

23.LPB Activity Report

Members considered a report of the Director of Corporate Services/Monitoring Officer which gave details of the activity for the period 1 July 2024 to 30 November 2024.

Members challenged the report author on whether the number of opt outs for the period was above average and discussed the use of basic rate tax relief on pension contributions.

Resolved

That the report be noted

24.Scrutiny and Review

The Director of People and Culture submitted information on the following areas for scrutiny and review:

Discretions – For the period from 1 July 2024 to 30 November 2024, discretion has been exercised on 2 occasions, details can be found in Annex A to the report.

Pensions Breaches register – For the period from 1 July 2024 to 30 November 2024, 1 breach of the law has been identified which was due to West Yorkshire Pension Fund (WYPF) being unable to issue the 2024 annual benefit statements by the legal deadline of 31 August 2024 and was reported to the Pensions Regulator.

Pensions Risk register – attached at appendix D to the report.

Compliance deadlines – key milestones of the pension administrative cycle were set out as follows:

- TPR Scheme Return (2024) – 22 November 2024
- Year End deadline (2024/25) – 30 April 2025
- Annual Benefit Statements (2024) deadline – 31 August 2024
- Pension Saving Statements (2023/24 tax year) deadline – 6 October 2024
- TPR Survey (2025) – TBC

Members requested confirmation that the 31 March deadline will be met for member statements and acknowledged that all Local Authority administration systems were experiencing the same issues, due to essential system updates to the software. Members discussed the option to provide a FAQ section on the website and the option to offer a self-service option for statement requests and were advised this would be looked into once the outstanding remedy issue has been concluded.

Resolved

That the report be noted.

25. Legislative Update

Members received a report of the Director of People and Culture which provided an update regarding the following legislation;

- Update to the member contribution structure
- Pensions Dashboards
- 2024 Budget

Resolved

That the report be noted.

26. Age Discrimination Remedy

Members received a report of the Director of People and Culture which gave an update on the implementation of the age discrimination remedy.

Members challenged the report author on the following:

- The unauthorised payment charges
- Age related commutation factors
- The WYFRS detriment cases

Resolved

That the report be noted.

27. Matthews Remedy

Members received a report of the Director of People and Culture which gave an update on the implementation of the Matthews remedy.

Members challenged the report author on the information provided to members regarding the lack of a “spreading” mechanism for allocation of arrears and requested confirmation that the deadline to pay the death grant would be met.

Resolved

That the report be noted.

28. Pension Ombudsman – Update

Members received a report of the Director of People and Culture which confirmed that in the period 1 July 2024 to 30 November 2024, one update has been provided on Pensions Ombudsman decisions (full details at appendix A to the report).

Resolved

That the report be noted.

29. West Yorkshire Pension Fund – Key Performance Indicators

Consideration was given to a report of the Director of People and Culture which advised of West Yorkshire Pension Fund (WYPF) performance in key areas for the year to date.

Members requested confirmation that the breaches incurred which are resulting in delayed payments on the death in retirement cases, are not affecting dependants

Resolved

That the report be noted.

30. Firefighter Pension Scheme Bulletins 83 - 87

Consideration was given to the content of bulletins 83 – 87.

It was noted that all applicable actions have been completed, except 2:

- providing a response to the Firefighters' Pension Scheme Regulations 2014 amendments, which has a deadline of 29 January 2025 and
- scheme managers should ensure that they review their compliance against the General Code.

Resolved

That the content of bulletins 83 - 87 be noted.

31. Scheme Advisory Board Minutes of Meeting held on 18 June 2024

Resolved

That the Minutes of the Scheme Advisory Board at meeting held on 18 June 2024 be noted.

Chair

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Agenda item: 07

Local Pension Board Terms of Reference Annual Review

Local Pension Board

Date: 4 July 2025

Submitted by: Director of Corporate Services

Purpose: To review the Terms of Reference for the Local Pension Board

Recommendations: That the report be noted

Summary: The Local Pension Board was established on 1 April 2015 and it is a requirement that the Terms of Reference be reviewed on an annual basis.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: Jik Townson, Committee Services and Governance Officer
Jik.Townson@Westyorkshire.gov.uk

Background papers open to inspection: None

Annexes: Terms of Reference – Local Pension Board. **See page no 177**

1. Introduction

- 1.1 This report invites Members to review of the Local Pension Board Terms of Reference.

2. Information

- 2.1 The Local Pension Board Terms of Reference have been kept under review since its establishment in April 2015. A copy of the current Terms of Reference is attached at Annex A.
- 2.2 It is a requirement of the Board that the Terms of Reference be reviewed on an annual basis. Members are now invited, therefore, to consider the Terms of Reference for the 2025/26 year and note that any amendment will be included in the Local Pension Board's Constitution document and will require formal approval from the Fire Authority.

3. Financial Implications

- 3.1 There are no direct financial implications arising from this report

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no direct equality and diversity implications arising from this report.

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1 There are no direct health, safety or wellbeing implications arising from this report.

8. Environmental Implications

- There are no direct environmental implications arising from this report.

9. Your Fire and Rescue Service Priorities

9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Provide ethical governance and value for money.
- Collaborate with partners to improve all of our services.
- Work in a sustainable and environmentally friendly way.
- Continuously improve using digital and data platforms to innovate and work smarter.

10. Conclusions

10.1 That the Terms of Reference for the Local Pension Board be reviewed.

Local Pension Board

Annual Report 2024/25



Ownership:	Committee Services
Date Issued:	4 July 2025
Version:	V1
Status:	Draft for approval at P&C Committee
Protected:	OFFICIAL

Revision and Signoff Sheet

Change Record

Date	Author	Version	Comments
04.07.25	Jik Townson	V1 – initial draft	To submit to Local Pension Board on 4 July 2025 for final comment and recommendation for approval to P&C Committee
		V2 – final draft	To submit to P&C Committee on 10 October 2025 for formal ratification

Reviewers

Name	Version Approved	Position	Organisation	Date
Jik Townson		Committee Services and Governance	WYFRA	04.07.25

Distribution

Name	Position	Organisation
Local Pension Board		WYFRA
People and Culture Committee		WYFRA

Equality Impact Assessment

Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance? No

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2024/254

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Introduction

1.1 The purpose of this Annual report is to provide a source of information about the status of West Yorkshire Fire and Rescue Authority Local Pension Board for Scheme members and for the Scheme Manager together with a summary of issues considered in the relevant period (1 April 2024 – 31 March 2025)

1.2 In accordance with Section 5 and s.30 (1) of the Public Service Pensions Act 2013 and Regulation 4A of the Firefighters' Pension Scheme (Amendment) (Governance) Regulations 2015, the West Yorkshire Fire and Rescue Authority Local Pension Board was established in February 2015 to provide advice on the effective and efficient administration and management of the various firefighter pension schemes.

1.3 The Local Government Pension Scheme for Green Book employees is monitored by a separate Local Pension Board established by the West Yorkshire Local Government Pension Scheme and does not form part of this Annual Report.

1.4 The Report includes commentary on the following;

- A summary of the work undertaken by the Local Pension Board during 2024/25
- Detail of areas investigated and how these areas were dealt with
- Any conflicts of interest and how these were managed
- Any identified risks and other areas of potential concern
- Any expenses and costs incurred by the Board
- Gifts and hospitality received by members of the Board
- Training for Board members
- Breaches
- Scrutiny and review

Membership and Meetings of the Board

2.1 The West Yorkshire Fire and Rescue Authority Local Pension Board comprises 6 members as follows (as approved by the Full Authority on 20 June 2024)

- 3 Scheme Member representatives (Ryan Binks, Jim Davies (FBU) and vacancy)
- 3 Scheme Manager representatives (Councillors Mike Pollard and Fozia Shaheen, and John Roberts CFO - Chair) (plus Non-voting Officer Adviser(s) as appropriate)

2.2 The Board has met on 2 occasions in the 2024 – 25 year. There was an attendance of 80% during the period in question

Work undertaken by the West Yorkshire Fire and Rescue Authority Local Pension Board 2024/25

3.1 The work undertaken by the Board during the course of the year has been defined by the extant Terms of Reference (initially approved at the 24 June 2016 meeting of the West Yorkshire Fire and Rescue Authority) and as amended in December 2021 with regard to the revised term of office (two years).

3.2 During the period 1 April 2024 – 31 March 2025 the following items were considered by the Board;

- Updates on the work with the national Scheme Advisory Board (SAB) & its sub-committee (Ensuring the effectiveness of the Local Pension Board)
- Discretions made by the Scheme Manager
- Annual Review of Terms of Reference
- Pension Risk Register
- Compliance Deadlines and Breaches Register
- Legislative Updates
- Firefighter Pensions England bulletins
- Age Discrimination Remedy
- Matthews Remedy

3.3 The Activity report (submitted to each meeting) includes detail on the number of;

- Number of members across the various schemes
- Membership movements during the reporting period
- Number of opt-ins and opt-outs
- Number of retirements
- Estimates processed
- Number of new firefighter recruits
- Total firefighter headcount
- Number of IDRP Stage 1 and Stage 2 complaints

3.4 Each agenda also includes the following standing items;

- Legislative updates
- Scrutiny and Review (including discretions, breach and risk registers)
- Pensions Ombudsman Sample Cases
- Member Training
- WY Pension Fund Key Performance Indicators

3.5 Specific Investigations and Board Resolutions

- There were no investigations or actions that required further investigation during 2024/25

3.6 Conflicts of Interest

- As statutorily required, members of the Local Pension Board complete a Declaration of Interests. The register is maintained by the West Yorkshire Fire and Rescue Authority

Committee Services section. Members of the Board reviewed their Declarations in June 2025.

- There have been no declarations made by any member, adviser or attendee at any meeting of the Board during the relevant period.

3.7 Identified Risks and Areas of Concern

- No specific risks or areas of concern were raised during the year

3.8 Expenses and Costs

- There has been no expenditure or costs incurred within the relevant periods for the administration of the Board.

3.9 Gifts and Hospitality

- There have been declarations of gifts or hospitality received by Members of the Board during the relevant period.

3.10 Training

- It is a statutory requirement of the Public Service Pensions Act 2013 that members of the Local Pension Board should have the capacity to become conversant with, and develop a knowledge of, detailed related issues in order to effectively carry out their duties.
- In this respect monthly bulletins from LGA Pension Advisory Service have been provided along with the summaries and decisions on cases dealt with by the Pension Ombudsman, which serve as a learning tool for LPB members.
- In addition members have been offered the opportunity to attend LGA LPB Training Sessions in person and via MS Teams

3.11 Legislative Updates

- As a statutory requirement, members of the Local Pension Board have been provided with regular legislative updates.
- The following have been provided during the relevant period
 - Abolition of the Lifetime Allowance
 - Pension Dashboards
 - The Pensions Regulator's (TPR) General Code of Practice
 - The Firefighters Pension Scheme (England) (Amendment) Regulations 2024
 - The Pensions Increase (Review) (No 2) Order 2024
 - The Public Service Pensions Revaluation Order 2024
 - The Police and Firefighters' Pensions (Remediable Service) (Amendment) Regulations 2024
 - The Pensions Act 2004 (Codes of Practice) (Revocation) Order 2024
 - Update to the member contribution structure
 - Pensions Dashboards

- 2024 Budget

3.12 Scrutiny and Review

- Members are required to scrutinise areas relevant to the administration of the Firefighters' Pension Schemes.
- The following areas were scrutinised during the relevant period;
 - Discretions
 - Breaches register
 - Pension Risk Register
 - Compliance deadlines

How this report supports our values

WYFRS Core Values

- **Teamwork:** We recognise everyone's strengths and contributions, working effectively as one team.
- **Integrity:** We are trustworthy, act ethically, treating each other with dignity and respect.
- **Learning:** We learn all the time; we share knowledge and experiences, celebrating success.
- **Responsibility:** We are responsible, work positively and take ownership of the work we do.
- **Communication:** We share clear information, in ways everyone understands, having open discussions.

Core Code of Ethics for Fire and Rescue Services – our five ethical principles:



- **Putting our communities first:** We put the interests of the public, the community, and service users first.
- **Integrity:** We act with integrity including being open, honest, and consistent in everything that we do.
- **Dignity and respect:** We treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.

- **Leadership:** We are all positive role models, always demonstrating flexible and resilient leadership. We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards.
- **Equality, diversity, and inclusion (EDI):** We continually recognise and promote the value of EDI, both within the FRS and the wider communities in which we serve. We stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations, and celebrate difference.

Monitoring and review

This is an annual report submitted to the Local Pension Board and ratified by the People and Culture Committee

Document Properties

Document Title:	Local Pension Board Annual Report
Author:	Jik Townson
Creation Date:	03 June 2025
Last Updated:	26 June 2025

OFFICIAL

Agenda item: 09

Activity Report

Local Pension Board

Date: 4 July 2025

Submitted by: Director of People and Culture

Purpose: To inform members of key statistics relating to the Firefighters' Pension Scheme

Recommendations: That the report is noted

Summary: This report informs Members of a series of membership statistics and movements for the reporting period, as well as providing a summary of the number of opt-ins/outs, appeals made under the Internal Dispute Resolution Procedure (IDRP) and number of pension estimates processed

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: James Clarkson – Pensions Manager
James.Clarkson@westyorksfire.gov.uk
01274 682311 ext. 680157

Background papers open to inspection: None

Annexes: Annex A – IDRP Log Stage 1
Annex B – IDRP Log Stage 2

1. Introduction

1.1 This report informs Members of key statistics relating to the Firefighters' Pension Scheme as follows:

- Number of members across the various schemes
- Membership movements during the reporting period
- Number of opt-ins and opt-outs
- Number of retirements
- Estimates processed
- Number of new firefighter recruits
- Total firefighter headcount
- Number of IDRP Stage 1 and Stage 2 complaints

2. Information

2.1 Updated member statistics are detailed below. For consistency, the number of members under each scheme is where this is their current or most recent scheme. For example, a 2015 Scheme member with connected 1992 Scheme benefits is included in the 2015 Scheme figures.

2.2 Number of active members

Scheme	31/05/2025	30/11/2024
2015 Firefighters' Pension Scheme	1,036	1,038

2.3 Number of pensioner members (including beneficiaries)

Scheme	31/05/2025	30/11/2024
1992 Firefighters' Pension Scheme	2,307	2,309
2006 Firefighters' Pension Scheme	15	15
2006 Special (Modified) Scheme	65	57
2015 Firefighters' Pension Scheme	107	107
Total	2,494	2,488

2.4 Number of deferred members

Scheme	31/05/2025	30/11/2024
1992 Firefighters' Pension Scheme	96	76
2006 Firefighters' Pension Scheme	147	88
2006 Special (Modified) Scheme	28	24
2015 Firefighters' Pension Scheme	140	194
Total	411	382

2.5 Some of the changes in membership numbers are related to the Age Discrimination and Matthews Remedies; for example, the increase in the number of deferred 1992 and 2006 Scheme members is a result of the records being rolled back into these schemes from the 2015 Scheme.

2.6 Number of opt-ins:

2.6.1 In the period 1 December 2024 to 31 May 2025, **6** firefighters opted into the pension scheme. Please note that this figure does not include new starters who automatically join the scheme. These opt-ins can be broken down into the following demographics:

Age	Male	Female
18-30	2	2
31-40	1	0
41-50	0	0
51-60	0	1
60+	0	0
Total	3	3

2.7 Number of opt-outs:

2.7.1 In the period 1 December 2025 to 31 May 2025, **13** firefighters opted out of the pension scheme. These can be broken down into the following demographics:

Age	Male	Female
18-30	6	1

Age	Male	Female
31-40	4	1
41-50	1	0
51-60	0	0
60+	0	0
Total	11	2

2.7.2 1 of these opt-outs was an On Call firefighter who also works in a wholetime post and remains in the pension scheme in this.

2.7.3 The most common reasons stated for opting out (10) was the cost of the scheme/other financial commitments.

2.8 Number of retirements:

2.8.1 In the period 1 December 2024 to 31 May 2025, **14** firefighters retired to pension.

2.9 Estimate Requests:

2.9.1 In the period 1 December 2024 to 31 May 2025, **33** estimate cases were processed.

2.10 New Recruits:

2.10.1 In the period 1 December 2024 to 31 May 2025, WYFRS appointed **37** Wholetime Firefighters and **7** On Call Firefighters. Of these, **6** chose to opt out of the pension scheme. The new starters can be broken down into the following demographics:

Age	Male	Female
18-30	20	3
31-40	17	2
41-50	1	1
51-60	0	0
60+	0	0
Total	38	6

2.11 Head Count:

- 2.11.1 The total number of Firefighter employees on 31 May 2025 was **1,087**. Of these, **1,036** are current pension scheme members.

2.12 Internal Dispute Resolution Procedure (IDRP):

- 2.12.1 In the period 1 December 2024 to 31 May 2025, **92** Stage 1 appeals were made under the IDRP. Further details are provided in **Annex A**.
- 2.12.2 In the period 1 December 2024 to 31 May 2025, **1** Stage 2 appeal was made under the IDRP. Further details are provided in **Annex B**.

3. Financial Implications

- 3.1 There are no financial implications arising directly from this report.

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

- 8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

- 9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:
- Achieve a more inclusive workforce, which reflects the diverse communities we serve.

- Continuously improve using digital and data platforms to innovate and work smarter.

10. Conclusions

10.1 This report is for information only.

Date Received	Area	Nature of Complaint	Acknowledged?	Stage 1 Deadline	Outcome (Stage 1)	Date of Outcome
03/04/2025	Remediable Service Statement (Immediate Choice)	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	03/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and we will monitor their progress	03/06/2025
08/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	08/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
08/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	08/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
08/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	08/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
08/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	08/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
09/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	09/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
09/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	09/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
10/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	10/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
12/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	12/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
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13/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	13/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025

[illegible]

17/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
17/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
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18/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
19/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
19/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
19/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
19/04/2025	Remediable Service Statement - not in scope	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y		Member informed that they are not in scope for remedy so will not be sent an RSS	03/06/2025

[illegible]

[illegible]

29/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	29/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
29/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	29/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
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29/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	29/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
29/04/2025	Payment of benefits	Delay in settling his deferred benefits, which were due to be paid on 20/08/2024, following his election in the second RDS options exercise	Y	29/06/2025	Case escalated with WYPF and retirement figures have now been sent. Letter sent to member apologising for the delay.	09/05/2025
30/04/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	30/06/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
01/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	01/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
01/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	01/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
01/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	01/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
07/05/2025	Remediable Service Statement (Immediate Choice)	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	07/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and we will monitor their progress	03/06/2025
08/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	Y	08/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025

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09/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	09/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
12/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	12/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
13/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	13/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
16/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	16/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
17/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	17/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
18/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	18/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025
25/05/2025	Remediable Service Statement	Failure to issue them with a remediable service statement by the legislative deadline of 31 March 2025.	N	25/07/2025	Explanation and apology provided, together with a commitment that WYPF will provide the RSS as soon as possible and aim to do this by 30/06/2025	03/06/2025

Date Received	Area	Nature of Complaint	Outcome (Stage 1)	Date of Outcome	Stage 2 Referral?	Stage 2 Deadline	Outcome (Stage 2)	Date of Outcome
19/07/2024	Payment of benefits	Would like to be able to access FPS 2006 Special benefits before deferred benefit age of 60, or transfer to current wholetime pension	Rejected - regulations do not allow either of these options	06/08/2024	13/01/2025	13/03/2025	Rejected - stage 2 adjudicator agreed with decision of stage 1 that regulations do not allow the options requested by the member	28/02/2025

OFFICIAL

Agenda item: 10

Scrutiny & Review

Local Pension Board

Date:	4 July 2025
Submitted by:	Director of People and Culture
Purpose:	To review discretions made by the scheme manager, breaches of the law, the pension risk register and compliance deadlines.
Recommendations:	That the report is noted, and further action is taken as identified.
Summary:	It is one of the requirements of the Local Pension Board that members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A - Discretions Log Annex B – RSS Breach Assessment Annex C – Risk Register

1. Introduction

- 1.1 Local Pension Board members are to be conversant with Firefighters' Pension Scheme rules and other administration policies relevant to the schemes.
- 1.2 In accordance with this requirement updates have been provided on the following legislative issues:
- 1.3 In accordance with this requirement updates have been provided on the following issues:
 - Discretions made by the Scheme Manager
 - Breaches
 - Pension risk register
 - Compliance deadlines

2. Information

2.1 Discretions made by the scheme manager

- 2.1.1 In the period 1 December 2024 to 31 May 2025, discretion has been exercised on 5 occasions. Details can be found in **Annex A**.

2.2 Breaches

- 2.2.1 In the period 1 December 2024 to 31 May 2025, **1** breach of the law has been identified.
- 2.2.2 The breach arose because of West Yorkshire Pension Fund (WYPF) being unable to issue most Remediable Service Statements (RSSs) by the legal deadline of 31 March 2025.
- 2.2.3 The breach was assessed a material breach (see **Annex B**) and reported to The Pensions Regulator

2.3 Pension risk register

- 2.3.1 The current risk register can be found in **Annex C**.
- 2.3.2 A note has been added to the Age Discrimination Remedy risk area regarding the breach of the RSS deadline.
- 2.3.3 A note has also been added to the Matthews Remedy risk area regarding the expected extension of the election deadline to a date in 2026.

2.4 Compliance Deadlines

- 2.4.1 Members need to be mindful of the following key milestones of the pension administrative cycle and the dates associated with it:

- TPR Scheme Return (2025) – TBC (expected late-2025)
- Year End deadline (2024/25) – 30 April 2025
- Annual Benefit Statements (2025) deadline – 31 August 2025
- Pension Savings Statements (2024/25 tax year) deadline – 6 October 2025
- TPR Survey (2025) – TBC

2.4.2 WYFRS submitted their year-end (March 2025) file prior to the year end deadline.

2.4.3 WYPF are aiming to send the 2024 Annual Benefit Statements (ABSs) for members eligible for the age discrimination remedy, which will contain their RSS, by 30 June 2025. It is expected that the 2025 ABSs and ABS RSSs will then be issued by the legal deadline of 31 August 2025 as the pension records will have been updated to include the members' rollback to their legacy scheme.

2.4.4 The Pension Savings Statements (PSS) production is based on the ABS calculations and therefore WYPF aim to meet the deadline for PSSs.

2.4.5 The Pensions Regulator are yet to confirm whether they will be issuing their Governance and Administration Survey in 2025

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.

10. Conclusions

10.1 This report is for information only.

Request	Regulations	Mitigating Factors	Outcome
Transfer request outside initial 12 months	FPS 2015 Regulation 141(3)	Started process within first year	Approved - Started process within first year - No immediate cost to the Authority and risk of redundancy/ill-health minimal
Distribution of death grant	FPS 2015 Regulation 95	Death during remedy period, original death grant paid to spouse	If remedy decision maker chooses reformed benefits, additional death grant should be paid to the spouse
Contingent Decision - Opt-out	FPS Remedy Regulation 6	Opted out within 6m of 2015 transition	Accept - Scheme manager required to accept CD claim as opted out during remedy period or within 6m of date due to transition to FPS 2015
Transfer request outside initial 12 months	FPS 2015 Regulation 141(3)		Approved - No immediate cost to the Authority and risk of redundancy/ill-health minimal
Transfer request outside initial 12 months	FPS 2015 Regulation 141(3)		Approved - No immediate cost to the Authority and risk of redundancy/ill-health minimal



Secretariat: bluelight.pensions@local.gov.uk

Breach Assessment Template

Date of assessment

11/04/2025

Introduction

Section 29, subsection 7 of the PSPJOA 2022 requires a remediable service statement to be sent to a member with remediable service by 'the relevant date'. As per subsection 10 of the same section, the relevant date for the FPS is 31 March 2025, or a later date that the scheme manager considers reasonable for a particular member or class of member.

The scheme manager did not exercise the discretion to extend the deadline for any members, and the pension administrator was unable to issue the following number of RSSs to eligible members before the deadline of 31 March 2025.

Active members: 588

Deferred members: 97

Pensioner members: 451

Reasons for the breach

Active/Deferred Benefit Statement RSS (ABS/DBS RSS)

- FPS remedy regulations were not confirmed until 20 July 2023, which resulted in development work not starting until shortly before they took effect

- Late delivery of software updates from the administrator's IT supplier meant installation and testing of benefit statement calculations could not begin until February 2025
- Failed software updates meant the rollback of member records to the relevant legacy scheme could not be applied in time to perform the bulk update/calculation and produce the ABS RSSs before 31 March 2025

Immediate Choice RSS (IC RSS)

- FPS remedy regulations were not confirmed until 20 July 2023, which resulted in development work not starting until shortly before they took effect
- HMRC guidance on the treatment of interest on monies owed to members as a result of remedy was not received until 29 April 2024, over 6 months into the remedy implementation period
- HMRC guidance on offsetting overpaid unauthorised payments charges against new charges was not received until 26 September 2024, nearly a year into the remedy implementation period
- The pension administrator could not proceed based on the above guidance due to the lack of worked examples; further guidance from GAD was not received until 18 March 2025, shortly before the RSS deadline
- Due to the backlog created by the above issues, only 4 IC-RSSs were able to be issued by the administrator by 31 March 2025

Identified

The pension administrator notified WYFRS on 20 March 2025 that they were not going to be able to meet the deadline of 31 March 2025, although the breach had been anticipated prior to this due to known issues with the administrator's system updates and HMRC guidance detailed above.

Assessment

[Using the [TPR guidance](#) comment on the four areas and score red, amber or green

	Cause	Effect	Reaction	Wider Implications
Red	Failure to issue RSSs by the legal deadline of 31 March 2025 due to late IT updates, late delivery of HMRC/GAD guidance.	Approximately 1,100 members have not received their RSS, which is a significant portion of the scheme membership.		
Amber			Affected members have been informed of the delay with an apology. A delivery date for ABS RSSs has been set, although the delivery date for other	Scheme may experience an influx of complaints, additional interest owed to members who are owed additional benefits, uncertainty over 2025 ABS RSS.

			categories remains uncertain.	
Green				

Action

ABS RSS

- The pension administrator hopes to complete the rollback of records and start production of the statements in April 2025 and have set a deadline of 30 June 2025 for completion. The majority of records have now been rolled back, and the administrator is currently working through the errors; they are still aiming for a 30 June 2025 issue date.
- WYFRS issued internal staff communications via the intranet on 24 March 2025, the weekly news email on 27 March 2025 and an email reminder on 2 April 2025, to ensure active members were informed of the situation and had a timescale for production of their statement.
- The pension administrator also wrote to all members in early April 2025 informing them of the delay and the expected production date
- The pension administrator has assured WYFRS and members that once their IT updates have been performed and tested, the system will be future proofed, and these delays will not be repeated in future years.

DBS RSS

- The pension administrator has not yet set a deadline for issuance of these statements as they are being treated as a lower priority. The reason for this treatment is that deferred members are likely to be less engaged with their FPS pension until they reach retirement age.
- The number of enquiries received from these members is low, therefore there will be no communication sent to these members unless they approach WYFRS or the administrator.
- The pension administrator has assured WYFRS that once their IT updates have been performed and tested, the system will be future proofed, and these delays will not be repeated in future years.

IC RSS

- The pension administrator has now received additional guidance from GAD to enable them to start production of IC RSSs and members have begun to receive these; however, it is a manual process, so statements are currently being sent on a piecemeal basis.

- The pension administrator is currently awaiting a bulk calculation process from their IT supplier to enable protected members to be dealt with via bulk automation.
- The pension administrator also wrote to all members in early April 2025 informing them of the delay.

History / Frequency

A related breach report was made regarding the 2024 annual benefit statements not being issued for members impacted by remedy by the statutory deadline of 31 August 2024. These have still not been issued for the reasons detailed above.

Once the records have been rolled back to the legacy scheme and the calculations tested, the ABS RSS production process should be future proofed and be able to be run in bulk to avoid missing future statutory deadlines.

The IC RSS production is a one-off process.

Decision

Report as material breach	X
Recorded as breach	

Assessed by: James Clarkson/Sonia Pawson

Date of assessment: 29/04/2025

Board Review:

Tabled at Board Meeting:

Agreed by board:

Risk Reference	Risk Area 1 - Regulatory and Compliance	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/Specific Risk Reduction Actions	Owner	Test	Next review	Comment
REG1	Failure to put appropriate governance arrangements in place and monitor risk	2	7	14	Scheme Manager and Pension Board awareness of legal responsibilities				
					• Pension Board given up to date information on legal responsibilities	Pension Board Chair	As Required		
					• Terms of reference in place and under review	Scheme Manager	Annual	Jul-25	
					• Procedures for assessing and managing risk	Scheme Manager	Annual	Jul-25	Risk Register Policy agreed in July 2019, reviewed July 2023
					• Procedure to identify, assess and report breaches	Scheme Manager	Annual	Jul-25	Breach Policy agreed in July 2019, reviewed July 2023
					• Suitable frequency of Pension Board meetings	Scheme Manager	Annual	Jul-25	
REG2	Failure to interpret rules or legislation correctly	2	7	14	Appropriate Pension Board Member training				
					• Up to date and documented training log, showing completion of scheme-specific training and The Pensions Regulator's educational material	Scheme Manager	Annual	LPB Meetings	Training records reviewed and maintained
					• Technical advice and regular updates made available	Scheme Manager	Ongoing	LPB Meetings	Legislative update is a standing item on the agenda
					• Ongoing process for acquiring relevant knowledge and understanding, with regular refreshers	Scheme Manager	Ongoing	LPB Meetings	Encouraged to attend LGA seminars, provided with monthly bulletins and given an overview of recent PO decisions
					• Training of new Pension Board Members	Scheme Manager	As Required	LPB Meetings	Provided access to TPR online training and training from LGA
					• Awareness and understanding of relevant documentation as per TPR General Code - Governing Body, Knowledge and Understanding Requirements	Scheme Manager	Annual	LPB Meetings	
REG3	Conflicts of Interest	2	5	10	All Pension Board members to declare any conflicts				
					• Conflicts of interest policy in place and fully understood	Scheme Manager	Ongoing	Jul-25	
					• Request for interests to be declared at each meeting	Scheme Manager	Ongoing	LPB Meetings	Standing item on LPB agenda
REG4	Failure to comply with TPR deadlines	5	7	35	All pension Board members to keep up to date with TPR compliance deadlines				
					• Training of new Pension Board Members	Scheme Manager	Ongoing		
					• Technical advice and regular updates made available at LPB meetings	Scheme Manager	Ongoing		
Risk Reference	Risk Area 2 - Operations	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
OPS1	Member data incomplete or inaccurate	5	7	35	Data management and monitoring requirements under SLA fully understood and deemed adequate				
					• Monthly processes to monitor records and carry out reconciliation	Scheme Manager	Monthly	Jul-25	Monthly return sent to WYPF for immediate reconciliation
					• Monthly KPI reporting on data issues – provide summary at each LPB meeting	Administrator/Scheme Manager	Ongoing	Jul-25	Monthly report received from WYPF
					• Data review arrangements in place including periodic address cleanse	Administrator/Scheme Manager	As Required	Jul-25	Done via monthly return, WYFRS verify any changed addresses
OPS2	Administration process failure / maladministration	4	8	32	• Process to enact a Data Improvement Plan and report breaches, if required	Scheme Manager	As Required	Jul-25	Breach Policy agreed in July 2019
					Formal SLA in place with third party administrator and monitoring arrangements assessed as adequate				
					• Quarterly client meetings and monthly reports including KPIs	Scheme Manager	Monthly	Jul-25	Quarterly meetings attended by Pensions Manager
					• Ongoing dialogue between Scheme Manager and third party administrator, including process improvement plans	Scheme Manager	Ongoing	Jul-25	
					• Clear identification of roles, authority levels, data security and data protection processes	Scheme Manager	Annual	Jul-25	
					• Audit reporting on both third party administrator and Scheme Manager's processes	Scheme Manager	Annual	Jul-25	Monthly report received from WYPF
OPS3	Inadequate, late or inaccurate communications	5	7	35	• Disaster Recovery Plans up to date and appropriate	Scheme Manager	Annual	Jul-25	
					• Ability to commission independent assurance report, if required	Scheme Manager	As Required	Jul-25	
					Communication requirements fully understood and The Pensions Regulator's recommendations applied				
					• Communications provided under SLA fully understood and deemed adequate for basic requirements	Scheme Manager	Annual	Jul-25	
OPS4	Operational disaster	1	6	6	• Ad hoc communications provided by LGA Pensions Adviser monitored, fully understood and tailored as necessary	Scheme Manager	Ongoing	Jul-25	
					• Develop Communications Strategy and keep under review	Scheme Manager	Annual	TBC	To be developed
					Business continuity procedures in place				
OPS5	Resignation/retirement of internal pensions practitioner	2	10	20	• Third party scheme administrator Disaster Recovery Plan up to date and appropriate	Scheme Manager	Annual	As per internal audit cycle	
					• Scheme Manager Disaster Recovery Plan up to date and appropriate	Scheme Manager	Annual	As per internal audit cycle	
					• Contracts and other essential documents recorded on a central database	Scheme Manager	Annual	As per internal audit cycle	
					Succession planning				
					• All pension process and project information kept within HR Pensions shared area and is clearly indexed	Scheme Manager	Annual	Jul-25	
FIN1	Excessive charges by suppliers/additional liabilities on the operating budget	3	2	6	• Process documents/checklists created	Scheme Manager	Annual	Jul-25	
					• Training and support available from administrator and/or LGA	Scheme Manager	Annual	Jul-25	
					Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
					Regular checks of transactions and charges against contract terms/ robust methodology used to forecast pension accounting data				
FIN2	Fraud/Fraudulent behaviour	1	10	10	• Annual review of scheme budget, quarterly review of cost incurred against budget	Scheme Manager	Quarterly	Jul-25	
					• Periodic review of suppliers	Scheme Manager	Annual	Jul-25	
					• Processes in place to ensure robustness of method to forecast and calculate pension accounting data. Liaise with third party administrator when making forecasting assumptions	Scheme Manager	Annual	Jul-25	
					Budget monitoring and appropriate payment processes including use of authorised signatories and data validation				
FUN1	Employer failure to pay correct contributions into scheme	1	10	10	• Monitor incoming and outgoing scheme funds and membership movements against scheme forecasts – reconcile actual transactions against forecasts	Scheme Manager	Monthly	Jul-25	
					• Authorisation of transactions in accordance with audit requirements and carried out by authorised signatories only	Scheme Manager	Ongoing	As per internal audit cycle	
					• Robust data validation processes in place by third party administrator and Scheme Manager to ensure all transactions authentic	Administrator/Scheme Manager	Ongoing	As per internal audit cycle	
					• Audit reporting on both third party administrator and Scheme Manager's processes	Scheme Manager	Annual	As per internal audit cycle	
Risk Reference	Risk Area 4 - Funding	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
FUN1	Employer failure to pay correct contributions into scheme	1	10	10	Contribution deductions and payments – monthly reconciliation of schedule of payments due and amount paid across				
					• Processes in place to comply with regulatory requirements on contribution rates and pensionable pay definitions	Scheme Manager	Ongoing	As per internal audit cycle	
					• Suitable reporting and reconciliation processes in place ahead of payment including checks on changes in contract and transition to 2015 Scheme	Scheme Manager	Monthly	As per internal audit cycle	
Risk Reference	Risk Area 5 - Age Discrimination Remedy	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
REM1	Failure to issue Remediable Service Statements by 31 March 2025	10	8	80	Provision of all data to administrator				
					• Financial data provided to administrator before deadline	Scheme Manager	Monthly	Sep-25	Risk realised - breach has been reported WYPF are being monitored to ensure RSSs are issued as soon as possible
					• Contributions, tax and interest data prepared in advance of request from administrator	Scheme Manager	Monthly	Sep-25	
					• Administrator providing monthly updates to allow effective monitoring	Scheme Manager	Monthly	Sep-25	
REM2	Unable to supply contingent decision (opt out) information on Remediable Service Statement	5	6	30	Support from payroll provider, work planning				
					• Contribution and pay information requested from payroll provider in agreed format	Scheme Manager	Monthly	Sep-25	
					• Robust records of contingent decision applications to enable planning and tracking of progress	Scheme Manager	Monthly	Sep-25	
Risk Reference	Risk Area 6 - Pensions Dashboards	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
PDB1	Failure to connect in line with DWP guidance	2	10	20	Administrator project management				
					• Administrator is responsible for multiple local authority and FRS schemes so has scale and expertise to implement requirements	Scheme Manager	Monthly	Aug-25	
					• Administrator made early appointment of integrated service provider	Scheme Manager	Monthly	Aug-25	
					• Administrator in regular contact with The Pensions Regulator and providing updates on connection progress	Scheme Manager	Monthly	Aug-25	
PDB2	Insufficient matches from Find requests to member records	2	8	16	Administrator data quality and matching criteria		Monthly		
					• Administrator has digitised all member data to allow effective flow through dashboard ecosystem	Scheme Manager	Monthly	Aug-25	
					• Administrator has analysed member data and is testing of various matching scenarios	Scheme Manager	Monthly	Aug-25	
					• WYFRS supporting administrator with data cleansing; for example, address tracing for lost contact members	Scheme Manager	Monthly	Aug-25	

PDB3	Unable to produce View data for matched records	3	7	21	Administrator data quality and submission of data by employer				
					• WYFRS provides monthly pay and service data in timely fashion to allow accurate benefit calculations	Scheme Manager	Monthly	Aug-25	
					• Adminstrator will need to hold annual benefit statement data electronically in future rather than on a PDF file	Scheme Manager	Monthly	Aug-25	
Risk Reference	Risk Area 7 - Matthews Remedy	Likelihood (1:least likely, 10:most likely)	Impact (1:least impact, 10:highest)	Score (likelihood x impact)	Main Control/ Specific Risk Reduction Actions	Owner	Test	Next review	Comment
					Early and organised provision of statements by WYFRS				
MAT1	Failure to produce Statements of Service to allow elections by 31 March 2025	2	8	16	• Returns of expression of interest forms and statement deadlines are tracked on central spreadsheet to allow effective work planning	Scheme Manager	Monthly	Sep-25	
					• Calculation process devised and data prepared in advance of project to avoid delays in calculations	Scheme Manager	Monthly	Sep-25	Election deadline due to be extended until 2026
					Expectations of members are managed and future work planned				
MAT2	Policy changes mid-project implemented by Home Office	8	3	24	• Likely affected members identified, communicated with and clearly labelled on data	Scheme Manager	Monthly	Sep-25	
					• Data prepared to allow quick processing of cases once regulations are amended	Scheme Manager	Monthly	Sep-25	

OFFICIAL

Agenda item: 11

Pensions Ombudsman Update

Local Pension Board

Date: 04/07/2025

Submitted by: Director of People and Culture

Purpose: To present members with information on recent Pensions Ombudsman rulings related to the Firefighters' Pension Scheme and other relevant schemes.

Recommendations: That the report is noted

Summary: It is a requirement of the Public Service Pensions Act 2013, and subsequent 2015 regulations, for members of a Local Pension Board to have a knowledge and understanding of the law relating to pensions and such other matters.

It is advised by the Local Government Association that, to secure compliance with the legislation relating to the governance and administration of the Firefighter Pension Schemes, members should review Pensions Ombudsman cases.

Local Government (Access to information) Act 1972

Exemption Category: None

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Background papers open to inspection: None

Annexes: Case 1 - [CAS-84084-B7D5](#)
Case 2 - [CAS-92761-H7Q6](#)

1. Introduction

- 1.1 It is a requirement under the Public Service Pensions Act regulations that members of a Local Pension Board had a knowledge and understanding of the governance and administration of the relevant pension schemes.
- 1.2 Updates have been provided on **2** Pensions Ombudsman decisions that were published in the period 1 December 2024 to 31 May 2025.

2. Information

2.1 Case 1 - [CAS-84084-B7D5](#)

- 2.1.1 The first case relates to an incorrect calculation of retirement benefits due to the FRA not implementing a rule change regarding the treatment of temporary promotions. This resulted in an overpayment being made to the member and their pension being reduced to the correct level going forward.
- 2.1.2 The member complained he had suffered a financial loss by choosing to rely on the incorrect figures because he retired earlier than he would have done if the correct figures were known, and he would also have been promoted had he continued working.
- 2.1.3 The FRA claimed that the member would not have acted any different had they known the correct figures and that it was not certain he would have been promoted if he had continued working. They had written off a substantial overpayment to the member, so they claimed he was not due any further compensation for overpaid pension contributions or distress and inconvenience.
- 2.1.4 The Ombudsman concluded that the FRA owed a duty of care to the member to provide accurate information and had breached this duty.
- 2.1.5 The Ombudsman decided that the member would likely have worked until age 55 had he known the correct position and so he had suffered a financial loss. In addition, the Ombudsman decided that the member would have continued the promotion process and achieved it in 2018.
- 2.1.6 As a result of the above determinations, the Ombudsman upheld the complaint and directed the FRA to pay a loss amount based on the additional salary and pension the member would have received had he remained in employment and been promoted, as well as £1,000 for serious distress and inconvenience.
- 2.1.7 This extreme case illustrates the potential consequences of maladministration and the importance of accurate communications, even when they are labelled an 'estimate'. It also shows that rule changes must be implemented in a timely manner and communicated to administrators.

2.2 Case 2 - [CAS-92761-H7Q6](#)

- 2.2.1 This case relates to the Local Government Pension Scheme but a similar discretion regarding payment of death grants exists in the Firefighters' Pension Scheme.
- 2.2.2 The complainant's late wife had nominated her daughter via a nomination form to be the sole beneficiary of any death grant. He challenged the council's decision to then pay the death grant to the nominee, so the council proposed splitting the benefit between the complainant and the nominee, to which the latter did not agree. A review panel at the council then decided to honour the nomination and paid the death grant to the daughter in full.
- 2.2.3 The Ombudsman found that the council, as scheme manager, had absolute discretion under the regulations to decide who should receive the death grant, and had acted reasonably and fairly, considering all relevant information, when decided to pay the death grant to the daughter.
- 2.2.4 This case shows that scheme managers are not bound by estate law or nomination forms when deciding on who should be paid death benefits. Their decision must be reasonable and consider all relevant information, including nomination forms, financial interdependency, and wills, but they retain discretion to pay death grants as they see fit.

3. Financial Implications

- 3.1 There are no financial implications arising directly from this report.

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.

10. Conclusions

10.1 This report is for information only.

Ombudsman's Determination

Applicant	Mr S
Scheme	Firemen's Pension Scheme 1992 (the Scheme)
Respondents	South Wales Fire & Rescue Authority (the Authority) Rhondda Cynon Taff County Borough Council (the Council)

Complaint Summary

1. Mr S has complained about the Authority's maladministration in failing to implement an amendment to the Firemen's Pension Scheme Order (1992) (**the 1992 Order**). He asserts that he has suffered a financial loss because of the Authority's maladministration.

Summary of the Ombudsman's Determination and reasons

2. The complaint is upheld against the Authority because:-
 - 2.1. Mr S reasonably relied on incorrect information he received from the Council and has suffered a financial loss, as a result of the Authority's maladministration in failing to apply the rules governing the Scheme correctly; and
 - 2.2. Mr S has suffered serious distress and inconvenience as a result of the Authority's maladministration stated in paragraph 2.1 above.

Detailed Determination

Material facts

3. The Authority is the Scheme Manager and the Council is the Scheme's Administrator. The Scheme is governed by the Rules of the 1992 Order as amended.¹
4. On 31 December 2014, The Firefighters' Pension (Wales) Scheme (Amendment) Order 2014 (**the 2014 Order**) was implemented. This Order made some retrospective amendments to the 1992 Order from 1 July 2013.
5. Prior to the 2014 Order, if a firefighter was temporarily promoted in the last three years of their employment, they would benefit from the increase in salary in their pensionable pay calculation. This was because their average pensionable pay at retirement (the member's 'final salary') was calculated using their best pensionable pay over the last three years. This was then used as the basis of their pension entitlement.
6. The 2014 Order amended Rule B5C (**the New Rule**). This changed the way in which pension benefits are calculated.² Under the New Rule, firefighters are awarded Additional Pension Benefits (**APB**), in relation to any temporary promotion, prior to their retirement, for the duration of that promotion. Because the extra salary while on temporary promotion does not count towards the final salary pension calculation, the overall benefit under the New Rule is not as great as it was prior to its implementation.
7. Mr S was born in April 1965. He was previously employed by the Fire and Rescue Service (**the Service**) and was an active member of the Scheme from 19 September 1988 until he retired, on 14 August 2017.
8. In 2017, as Mr S was approaching his 30th year of service, he requested retirement quotations for the benefits he could receive at retirement. At the time, his substantive role was Station Manager Competent. He had been temporarily promoted to the role of Flexi Duty Station Manager Competent (**Flexi Duty Station Manager**), between 1 August 2016 and 6 August 2017 inclusive.
9. The quotation he was subsequently sent (**the Quotation**) informed him that, at retirement, he could receive an annual pension of £23,784.99, and a lump sum of £167,191.51.
10. Mr S retired in August 2017 and received the benefits stated on the Quotation.
11. On 1 February 2019, the Service wrote to Mr S (**the February Letter**). A summary of the February Letter is detailed below in paragraphs 12 to 22.

¹ Relevant sections of the 1992 Order are in Appendix 1.

² Details of the Old and New Rule B5C are detailed in Appendices 2 and 3.

12. It had come to light at the end of November 2017, that the Authority had not implemented the New Rule and had continued to treat temporary promotions as pensionable pay under the old regulations. It included such payments in final salaries for pension purposes, where they had occurred within three years of retirement.
13. To address this situation, the Authority considered a report at its meeting on 26 March 2018. At this meeting, the Authority concluded that it was imperative to correct the position going forward, by implementing the New Rule. Doing so would prevent further miscalculations of pensions based on temporary promotions under the old regulations.
14. The Authority sought to implement the rule change in a fair and ethical manner, taking into account the situation retired members of the Scheme would be in, through no fault of their own. The Authority determined the following:-
 - 14.1. Temporary promotions were pensionable and pension benefits are earned through an APB.
 - 14.2. The New Rule would be implemented with effect from 1 April 2018. The change would not be applied retrospectively because it was not the fault of the members affected that the change was not implemented.
 - 14.3. The expectations of the affected members should be honoured by leaving existing and future pension benefits in the position they were currently, or were expected to be in, at the point of retirement.
15. As part of the 2017/2018 audit of accounts, the Wales Audit Office considered the decisions taken by the Authority as detailed in paragraph 14.1 to 14.3 above, and whether those decisions were lawful. The advice the Auditor and the Authority received indicated that it would be unlawful for the Authority to continue to make pension payments calculated using the old rules, after the date the New Rule should have been implemented. The Authority had to reconsider its approach and previous decisions in respect of the implementation of the New Rule.
16. To correct the misapplication of the New Rule, the Authority would have to:-
 - 16.1. Determine that temporary promotion payments were pensionable through an APB from 1 July 2013.
 - 16.2. Recalculate the pension entitlement for each person affected.
 - 16.3. Recover any overpayment of pension made.
 - 16.4. Amend ongoing pension payments to the correct level.
 - 16.5. Liaise with HMRC over any specific taxation impacts which may have occurred.

17. A further report was being presented to the Authority on 11 February 2019, to make three recommendations (**the Recommendations**), on how it should address the situation moving forward.³
18. Mr S' pension benefits, at the time he retired, were based on pensionable earnings either in his final year before retirement or based on an average of pensionable earning over a specified period prior to retirement. The pensionable earnings would have included any additional salary received during a period of temporary promotion during that time.
19. This resulted in the final salary figures used to calculate his pension benefits being inflated, as additional salary received during a period of temporary promotion should have been excluded. His final pensionable salary should have been based solely on his substantive role at the point of retirement. Accordingly, he had been identified as a recipient of an overpayment of benefits.
20. If, at its meeting on 11 February 2019, the Authority accepted the Recommendations, it would result in Mr S' annual pension being adjusted with effect from 1 April 2019. However, there would be no requirement for the Authority to recover any previous overpayment of pension, including lump sums, already paid, up to 31 March 2019.
21. It appreciated that the information in this letter would have been the first communication Mr S would have received in respect of this matter and that it would have caused him great concern. So, it provided details of the meetings it had arranged to discuss this matter and asked Mr S to confirm if he would like to attend one of those meetings or if he would like to have a meeting on an alternative date.
22. Following the Authority's meeting on 11 February 2019, it would write to him to formally notify him of the decision the Authority had taken, in respect of the Recommendations.
23. On 12 February 2019, the Service sent Mr S a further letter, detailing the outcome of the Authority's meeting held the day before. This letter said the Authority had determined that:
 - 23.1. temporary promotions were pensionable through an APB and that this decision was applicable from the effective date of the New Rule, which was 31 July 2013;
 - 23.2. all future pension payments made after 31 March 2019 had to be adjusted, to ensure that they were calculated on the correct APB basis; and
 - 23.3. it would not recover any overpayment of lump sum or pension made prior to 1 April 2019.

³ The three recommendations are detailed in Appendix 4.

24. On 7 March 2019, Mr S made a complaint through the first stage of the Scheme's Internal Dispute Resolution Procedure (**IDRP**). In summary he said:-

- 24.1. His decision to retire was based solely on the retirement figures he had received from the Council. The figures showed that he would be able to support his family. He did not have to retire at the time, as he was only 52 years old and was not suffering from ill health. He could have continued working.
- 24.2. He withdrew from the promotion process on the basis of the erroneous retirement benefit figures he was quoted. He had taken part in the promotion process three years previously. Had he known his benefits were less than he was informed they would have been, he would have applied and been promoted on his own merits.
- 24.3. If his pension was reduced by £3,793 per annum, as was being proposed, he would need to seek further employment. He had asked seriously about whether he could return to his previous role.
- 24.4. If the option to return to his previous role was not offered to him, he would explore pursuing a claim for constructive dismissal because he believed the advice he had received from the Service made him leave his job.

25. On 27 March 2019, the Service responded to Mr S' complaint under stage one of the Scheme's IDRP. In summary it said:-

- 25.1. It understood that Mr S felt it was unfair that, through no fault of his own, he would suffer a detriment as his annual pension would be reduced.
- 25.2. The Authority had accepted full responsibility for the error in not implementing the New Rule, and for not informing him of the changes and implications on his future pension, on which he took the decision to retire.
- 25.3. While it felt disappointed with the errors that had been made, there was nothing it could do other than confirm the Authority's decision. It could not overturn that decision. If it did, it would be making a decision that had already been determined as unlawful, under the Scheme's rules and regulations.

26. On 31 March 2019, Mr S appealed the Service's IDRP stage one decision.

27. On 8 July 2019, the Members of the Fire and Rescue Authority (**the Panel**) sent Mr S its decision under stage two of the IDRP. The Panel said in summary:-

- 27.1. It was maladministration for the Authority to have issued incorrect information to Mr S.
- 27.2. Mr S could not have reasonably known, at the time he retired, that there had been a mistake in the application of the New Rule and that this would have adversely affected his annual pension, from 1 April 2019. Mr S decided to

retire based on the figures he was given at the point of his application for retirement.

27.3. The remedy for incorrect information was to put the correct benefits into payment and not pay the incorrect benefits.

27.4. If the New Rule had been applied correctly by the Authority, the temporary promotion additional salary would not have been included in the calculation of Mr S' retirement benefits.

27.5. An estimated overpayment of £32,669.25 had been made to Mr S. This included an overpayment of the lump sum of £26,663.35 and an overpayment in annual pension, since Mr S retired, of £6,005.90.

27.6. It would not recover the overpayment.

27.7. Mr S' new annual pension from 1 April 2019 would be £19,991.79. His amended annual pension was calculated on an APB basis.

Summary of Mr S' position

28. Mr S provided information he had received from the Authority following a Freedom of Information (**FoI**) request, and a detailed schedule of loss to evidence the financial detriment he asserted he had suffered.⁴ He also made some additional comments, and these have been summarised below, in paragraphs 29 to 51.

29. Prior to receipt of the Quotation, the Service had verbally informed him of the benefits he could get at retirement. The figures provided in the Quotation were consistent with the figures he had previously been given by the Service. Had he been given correct information concerning how his pension would be calculated, he would not have retired in August 2017.

Loss of higher salary/income

30. The fact that he had reached 30 years' service was not a relevant point in circumstances where he would not have retired had he known his correct pension entitlement. The key point was that he would have had a higher final salary in a pension that had a final salary link and would have worked to obtain this.

31. By 2017, he had completed four out of the five stages of the promotional process to become a Flexi Duty Station Manager. He decided to withdraw from the promotional process and retire, because by August 2017, his pension would have been based on a year's worth of his temporary promotion salary.

32. Had he been correctly informed about how his pension should have been calculated, he would not have withdrawn from the promotion process. He was only 52 years old

⁴A summary of Mr S' schedule of loss is detailed in Appendix 5.

at the time and would have continued to work until age 55, which would have been in April 2020.

33. He had provided all the evidence he could feasibly have, to demonstrate that he clearly met the standard of the balance of probabilities in this case, that he would have remained employed until April 2020. By contrast, the Authority has provided no evidence to rebut his position.

Loss of chance

34. There was a substantial chance as opposed to a speculative one, that had he not retired in August 2017, he would have been promoted to the role of Flexi Duty Station Manager. The promotion process occurred every year. Had he remained in employment and not retired in August 2017, the next promotional round for Flexi Duty Station Manager would have taken place in April 2018.
35. During the April 2018 promotion process, 18 candidates were interviewed and of the 18, 12 were promoted. He understood that four or less of those appointed were the same level as his substantive post, and the others were Watch Managers, who were less qualified than him.
36. He believes that having been promoted to the role of Flexi Duty Station Manager on three previous occasions, he was well placed to compete for the role in the promotion process. Further, his line manager had said in an email that it was likely that he would have achieved the next step in the promotion trail, given his experience and capability.⁵
37. As set out by the Court of Appeal in *Allied Maples Group Ltd v Simmons & Simmons* [1995] 1 W.L.R. 1602 (**Allied Maples**), and approved by the Supreme Court in *Perry v Raleys Solicitors* [2019] UKSC 5; [2020] A.C. 352 (**Perry**), where a chance of a better financial outcome is lost on the basis of the act of a third party, then this is assessed on the loss of chance basis.
38. Whether or not he would have been successful in obtaining a promotion would have been dependent on the assessment of those involved in any promotion process.
39. In light of *Allied Maples* and *Perry*, the following questions needed to be asked:-
- 39.1. Was there a substantial chance, as opposed to a speculative one, that he would have been promoted if he had stayed on in employment?
- 39.2. If so, what was the chance he would have been promoted?
- 39.3. What was the measure of loss to be awarded to him, for the loss of chance of promotion?
40. The evidence from his line manager was compelling evidence that he had excellent prospects of promotion to Flexi Duty Station Manager. This evidence was not

⁵ Mr S provided a copy of his line manager's email to The Pensions Ombudsman.

contested. The chance could have been as much as 100% if he was almost bound to succeed.⁶

41. The Authority provided no evidence to demonstrate his chances of promotion or otherwise. In circumstances where his case is not disputed by the Authority, the Pensions Ombudsman (**the PO**) should accept the evidence of his line manager, and assess his loss of chance of a promotion, a higher salary and a higher pension, accordingly.
42. The fact that the Authority asserted that there was a substantial chance that he would have retired was the incorrect approach in law. The question was whether, having found that but for the negligence, he would not have retired, the PO considers that there was a substantial chance that he would have been promoted. A substantial chance is a low threshold. He has given cogent evidence on this point, and it was clear that it could not be “entirely speculative” that he would have obtained a promotion if he was already acting up in the role.
43. Turning to the measure of loss to be awarded to him for the loss of chance of a promotion he submitted that:
 - 43.1. he would have retired from the Scheme on his 55th birthday;
 - 43.2. by the date of his retirement, he would have been in the role of Flexi Duty Station Manager;
 - 43.3. upon retirement, he would have received a pension based on his final salary in the role of Station Manager; and
 - 43.4. he has lost the chance of an increased salary and increased pension, and he should be compensated for these losses.

Overpaid pension contributions and spouse's pension

44. As a result of the Authority's negligence, he paid pension contributions at a higher rate than he otherwise would have because his temporary promotion pay was not pensionable. The contributions on his temporary promotion pay were 15.5% of a higher salary, whereas contributions on his substantive pay were 14.7% of a lower salary. He estimates that he has overpaid contributions in the region of £1,343.86, and that he is entitled to credit for these amounts, as well as an indemnity as to any underpaid tax.
45. He is also entitled to claim for the loss of spousal pension, as set out in his schedule of loss. He would have continued working until his 55th birthday. So, it follows that he would have had a higher pensionable salary. Consequently, even before taking into account any chance of promotion, there is a claim for loss in respect of the spouse's

⁶ *Hanif v Middleweeks* [2000] *Lloyd's Rep.* PN 920 at [14] per Mance LJ

pension. Any loss of chance calculation should also take into consideration the lower spouse's pension.

46. He believes the loss he incurred in relation to the spouse's pension was recoverable, since the PO has jurisdiction to assess the losses of any beneficiary under a scheme. The Authority has not explained why it considers that this claim was too remote.

Distress and inconvenience

47. The Authority's maladministration has had a negative impact on him. The severe delay of 16 months between when the Authority discovered it had incorrectly implemented the New Rule, and when it informed him that his pension was incorrect, as well as the other factors as set out in paragraphs 30 to 46 above, merit an award for non-financial injustice.

Subsequent employment

48. Following his retirement, he commenced working as a teaching assistant with a zero hours contract, between October 2017 and his 55th birthday. He earned £7,571.86 gross in that role. He ceased this role because of Covid-19.
49. Since January 2021, he had been working for the Fire Brigade as a Civilian Training Officer. The full-time salary for this role was £24,000 per annum and he worked part-time hours. He did not intend to continue working in this role after September 2022, because it was tough work building and maintaining fires for training purposes, particularly at his age.
50. He commenced this role because he needed the money to make up the shortfall in his pension benefits and would not have commenced this role had it not been for the issue with his pension.
51. Whether or not he would have obtained employment as a teaching assistant was not relevant to the causation question which the PO must decide. He would not have needed to seek or obtain this employment had he not retired in August 2017, based on the negligent misstatement by the Authority.

Summary of the Authority's position

52. Mr S is not entitled to any losses as he had not acted to his detriment and would not have acted any differently had he known the correct position.

Loss of income/salary

53. Mr S has not provided evidence to support a contention that he would have remained employed until April 2020 and continued to receive a salary and accrue pension and lump sum benefits during that period. He has also not provided evidence that he would have retired on or around April 2020, had he not been given inaccurate information about his retirement benefits.

54. The evidence disclosed by Mr S indicated that he was minded to retire, notwithstanding the provision of incorrect information. The following points support this position:-

54.1. Mr S had completed 30 years' service at the date of his retirement in August 2017; and

54.2. Mr S commenced employment as a teaching assistant in October 2017. This role was not obtained to supplement his income because of the reduction of his pension. It was not clear that he would have sought and obtained this employment had he not retired in August 2017.

Loss of chance

55. The Authority does not agree that had Mr S known that he had been given the wrong information then, not only would he have stayed on in employment, but he also would have been promoted. It was clear that there was a substantial chance that Mr S would have retired in August 2017 had he been given the correct information. So, the question of whether he would have been promoted if he had not retired was moot.

56. There was not a substantial chance that Mr S would have obtained the Flexi Duty Station Manager role on or before April 2020. He was incorrect to state that he would have been guaranteed to move into the Flexi Duty Station Manager role. It was not a given that Mr S would have attained the role of Flexi Duty Station Manager had he not retired. Promotion to the role of Flexi Duty Station Manager was not guaranteed.

57. It was not correct that the chance of Mr S receiving the salary of Flexi Duty Station Manager could be as much as 100% if he was almost bound to succeed. Mr S was not bound to succeed. Any promotion process inherently included a prospect that the applicant was unsuccessful.

58. The Authority's position remained, that there was only a speculative chance that Mr S would have obtained a Flexi Duty Station Manager salary prior to retirement was it not for the provision of incorrect information. There were no grounds to assess Mr S' losses on a loss of chance basis.

59. The Authority does not agree that Mr S had lost the chance of an increased salary and increased pension and does not consider any further compensation to be necessary. Mr S' submission that he would have retired from the Authority in or around April 2020 was entirely speculative.

Overpaid pension contributions

60. Mr S had received an overpayment of £32,669.25. The Authority had not sought to recover that overpayment from Mr S. The overpayment was significantly more than the alleged overpaid contribution figure cited by Mr S. The Authority believed that no further compensation was payable.

61. Any and all alleged losses in respect of Mr S' spouse's pension were too remote and could not reasonably be attributed to the incorrect information provided by the Authority.

Distress and inconvenience

62. While the provision of incorrect information caused Mr S distress and inconvenience the Authority believed that no further compensation should be awarded to Mr S because:
- 62.1. Mr S received an overpayment of his pension entitlement;
 - 62.2. the Authority had not sought to recover that overpayment, which was significantly in excess of the fixed amounts that the PO usually awarded for non-financial injustice, with only serious cases of non-financial injustice leading to awards of £1,000;
 - 62.3. not all maladministration should inevitably lead to an award for non-financial injustice;
 - 62.4. the maladministration arose from a genuine error that the Authority had sought to address. The Authority was transparent and open regarding the error;
 - 62.5. the Authority notified Mr S of the error within a reasonable timeframe, having carefully reviewed the position and available options.
 - 62.6. the Authority thoroughly investigated and responded to Mr S' complaint in accordance with the IDRP; and
 - 62.7. the Authority is a publicly funded organisation.
63. On 3 September 2024, I sent Mr S and the Authority my Preliminary Decision (**the Decision**) on this complaint.
64. Mr S accepted the Decision.
65. The Authority did not accept the Decision. It reiterated the comments it had previously provided to The Pensions Ombudsman (**TPO**) but added:-
- 65.1. It is incorrect to state that Mr S would have been guaranteed to move into the Flexi Duty Station Manager role. Mr S had completed four of the five stages towards promotion before his retirement. The fifth stage was the interview to achieve Flexi Duty Station Manager. Mr S would have had to have performed well at the next interview process. There was no guarantee of success at this stage.
 - 65.2. In any event, had Mr S succeeded at interview and been promoted, such promotion would not have taken place on 1 May 2018. Interviews took place on 17 July 2018 and promotion would have been shortly after the interviews if Mr S had scored sufficiently. An interview did not take place. So, it believed

that it was not correct that the chance of Mr S receiving the salary of Flexi Duty Station Manager could be as much as 100% if Mr S was almost bound to succeed. Mr S was not bound to succeed.

Conclusions

66. Mr S asserts that he has suffered a financial loss due to the Authority's maladministration, in not implementing the New Rule. This is because the Authority's failure to implement the New Rule resulted in him being provided with an erroneous retirement benefit quotation, on which he relied and consequently applied for retirement.
67. The manager/administrator of a public sector statutory scheme is required to pay the correct benefits under the scheme rules. If a higher pension is being paid than provided for in the rules by mistake, the manager/administrator of a public sector statutory scheme is required, as a matter of law, to reduce the pension to the correct level. It has also been confirmed by the Courts that I cannot direct a public authority to provide an ultra vires benefit even if the member has been told incorrectly that he is entitled to it.
68. I find that the Authority acted correctly by reducing Mr S' pension to the correct level for the future. In this case, the Authority is not seeking to recover any past overpayments of pension, so I do not need to consider any defences in law that Mr S may have to such a claim.
69. However, this does not mean that Mr S could not have any claim against the Authority for any financial or non-financial injustice, as a consequence of its maladministration in not implementing the New Rule correctly. To make an award for financial injustice I would need to be satisfied that there was an infringement of an underlying legal right that has resulted in financial loss in accordance with established legal principles, such as negligent misstatement. Here, it is not disputed that the information provided was incorrect.
70. For a claim of negligent misstatement to be successful, it is necessary to establish whether the Authority, as Scheme manager, owed Mr S a duty of care to provide accurate information and, by providing incorrect information, breached its duty. Following *Robinson v Chief Constable of West Yorkshire Police (Rev 1)* [2018] UKSC 4, I consider that the correct approach is to consider whether there is already established precedent for a duty of care to apply in a particular situation. Here, I consider that there is clear established precedent that an administrator or manager providing information following a request from a scheme member is under a duty to ensure that the information is accurate.⁷ The Authority owed a duty of care to Mr S to provide accurate information, and breached its duty.

⁷ *Musawi v Bevis Trustees* [2009] 055 PBLR - [2009] EWHC 1915 (Ch) at para 16
NHS Business Services Authority v Leeks & Ors [2014] EWHC 1446 (Ch) at para 59
NHS Pensions Agency and another v Pensions Ombudsman and Beechinor [1997] OPLR 99 at 102

71. The next stage is to consider whether Mr S relied on the incorrect information. It has been established in *Corsham and Others v Police and Crime Commissioner for Essex and Others* [2019] EWHC 1776 (Ch), that the following questions should be considered when establishing reliance:-
- 71.1. Did Mr S rely on the statements that his pensionable salary would be based on his temporary promotion pay?
- 71.2. Was that reliance reasonable?
- 71.3. Would Mr S have acted differently if he had been told the correct position?
72. Mr S has said that he applied for a statement of his retirement benefits in 2017, as he was approaching 30 years of service. He has said that he relied on the information contained in the Quotation when deciding to retire. Mr S approached the Authority when approaching 30 years' service, and he retired after receiving the Quotation. I consider that Mr S had not decided to retire before receiving the Quotation and that he did so on the basis of the figures provided.
73. The mistaken basis on which the figures had been prepared would not have been obvious to Mr S, and the figures were similar to those quoted in other benefit statements he had received previously. My attention has not been drawn to a disclaimer indicating that the figures were illustrative only, or that they could not be relied upon. Further, Mr S would not have known that the Authority had failed to implement the New Rule at the time. So, there was no reason for him to make further enquiries about his retirement benefits entitlement with the Council or the Authority.
74. Mr S has also said that, had he known the correct position concerning the calculation of his retirement benefits, he would not have retired when he did. Instead, he would have continued to work until age 55.
75. I consider that, based on: (i) Mr S' age; and (ii) him asking if it were possible for him to have his job back after being notified of the error, on the balance of probabilities, Mr S would have continued to work until age 55, had he known the correct position.
76. I find that by retiring earlier than he otherwise would have done, Mr S has incurred a financial loss. This is as a direct result of relying on the incorrect retirement quotation, and it follows that he should be compensated accordingly. Mr S is entitled to be put in the position that he would have been in, had the incorrect statement not been made.
77. In addition to Mr S' submission that he would have continued to work until age 55, he has also claimed that he would have achieved promotion within that period. He submits that it is necessary to consider the additional loss he suffered as a result of not attaining the role of Flexi Duty Station Manager, and that the correct standard of proof by which to assess this is on the loss of chance basis.

78. I will consider first what the correct standard of proof is in this case, and then whether Mr S' additional claim meets this standard.

Loss of chance

79. It is important to note that loss of chance is a method of quantifying loss that has been incurred because of the actions of a respondent, where what is lost is a chance of financial gain contingent on the subsequent act of an independent third party.
80. The key element of the modern statement of loss of chance in *Allied Maples* and confirmed by *Perry*, is that it is only loss incurred by the hypothetical actions of a third party that is assessed on a loss of chance basis. It was held by Leggatt J in *Hirstenstein v Hill Dickinson LLP* [2014] EWHC 2711 (Comm) (**Hirstenstein**) that:

“When a court has to decide what people would have done in the absence of professional negligence, the standard of proof differs according to whose actions are under consideration. Where the question is what a party to the proceedings would have done, the matter is decided on the balance of probability. Thus, if the court considers that it is more probable than not that the claimant would have acted in a particular way, the court will proceed on the basis that the claimant would indeed have acted in that way; while if that burden is not met, the court will proceed on the basis that the claimant would not have done so. The same all-or-nothing approach applies where the question is what the defendant would have done. By contrast, where the question is what a third party would have done, to the extent that there is a substantial doubt about the matter the approach of the court, as established by cases such as [Allied Maples] and many others, is to assess the chance that the third party would have acted in the relevant way and to award damages which reflect that chance.”

81. While the cases stated in paragraph 80 above relate to professional negligence rather than to negligent misstatement, it was confirmed in *Allied Maples* that the principle does not just apply to cases of professional negligence but is of general application. So, I consider that Leggatt J's statement is equally applicable to loss of chance situations generally.
82. The statement of law in *Hirstenstein* was endorsed by Waksman J in *PCP Capital Partners LLP and another v Barclays Bank plc* [2021] EWHC 307 (Comm), where it was held that “when hypothetical actions of the defendant are in issue, the claimant must prove its case in relation to them on a balance of probabilities.”
83. Accordingly, unless causation turns on the hypothetical acts of a third party, even where the applicant's loss might turn on hypothetical actions they may or may not have taken, loss of chance is not the appropriate measure of causation and assessment of loss. In Mr S' cases, there are no relevant third parties and the only relevant actions are those of Mr S and the Authority. It is likely to be the case that the individuals in the Authority that were responsible for issuing incorrect information were different to those individuals who would have assessed Mr S for promotion.

However, I find that this would strain the natural meaning of “independent third party” somewhere beyond its breaking point. This is because in discharging these functions, each individual or group of individuals would only have been acting in the capacity of agent or employee of the Authority.

84. It follows that loss of chance is not the appropriate basis on which to consider causation and damages in this case, and I consider that the correct standard of proof is the balance of probabilities.

Balance of probabilities

85. Mr S is claiming an additional loss on the basis that, had he not received the incorrect information on which he relied in making his decision to retire, he would have achieved promotion to the substantive role of Flexi Duty Station Manager.

86. For me to decide whether Mr S would, had he not received incorrect information, have been promoted to the substantive role of Flexi Duty Station Manager, prior to him retiring at age 55, I need to consider:-

86.1. Is it more likely than not that Mr S would have continued to carry out the steps required to be eligible for permanent promotion and not withdrawn from the process anyway?

86.2. Is it more likely than not that Mr S would have successfully completed the final stage of the promotion process?

86.3. If the answer to the questions in paragraphs 86.1 and 86.2 above is yes, I will then need to consider whether Mr S would, on the balance of probabilities, have been appointed to a Flexi Duty Station Manager role, based on the promotion process that actually occurred, and that he would have participated in.

Would Mr S have continued with the promotion steps?

87. As part of his submissions to TPO, Mr S said that he had completed four out of the five stages of the promotion process for the Flexi Duty Station Manager role. Mr S’ statement in this regard has not been challenged by the Authority, so it is reasonable to accept that what Mr S has said is true.

88. Mr S has said that he would have continued to work towards promotion as it would have resulted in a higher salary in the calculation of his pension. Given that he had completed four out of the five stages required, I consider that he was actively engaging in the promotion process at the point that he received the incorrect information.

89. Consequently, I find that it is more likely than not that he would have continued with the process, and only withdrew from the promotion process based on the incorrect information he had received.

Would Mr S have successfully completed the final stage of the promotion process?

90. Mr S has provided an email from his line manager which said:

“[Mr S] was a very capable leader when working in the department and if he had not taken the decision to retire would have attended the competitive process which are run on a yearly basis for permanent promotion to Station Manager Flexible Duty, with [Mr S]’ experience and his capability it is quite likely that he would have achieved the next step in the promotion trail.”

91. I do not consider Mr S’ line manager’s comments are sufficiently specific in isolation. This is because it does not refer to a specific position, to the specific final stage in the process, to Mr S’ prospects of passing that stage or being promoted in a particular round of promotion before he retired. However, in combination with the fact that Mr S had previously acted up on three occasions in the Flexi Duty Station Manager role, it is clear that he had been able to demonstrate sufficient experience in that particular role previously. Because of this, I consider that had Mr S continued with the steps needed for promotion, on the balance of probabilities, he would have successfully completed the final stage of the promotion process.

The probability of Mr S being appointed to a Flexi Duty Station Manager role

92. As part of his submissions to TPO, Mr S confirmed that the next promotional round, had he not retired in August 2017, would have been in April 2018. He presented evidence from the Authority obtained from a FoI request that 12 candidates out of 18 were successfully appointed to Flexi Duty Manager roles, four or fewer of whom were the same grade as Mr S, with the remaining successful candidates being of a lower grade.

93. Based on these figures, I find that it is more likely than not that had he been a candidate, Mr S would have attained the substantive role of Flexi Duty Station Manager during the April 2018 promotion round, before his retirement at age 55 in April 2020. Based on what the Authority has said (see paragraph 65.2 above), I consider it reasonable to estimate that Mr S’ promotion would have taken effect on 30 July 2018.

Overpaid pension contributions and spouse’s pension claims

94. Mr S estimates that he overpaid employee pension contributions by £1,343.86 during his period of temporary promotion because he paid contributions at 15.5% of a higher salary rather than 14.7% of a lower salary. These figures have not been challenged by the Authority, and I find that this figure is recoverable.

95. I have taken Mr S’ comments regarding the overpaid pension contributions and a lower spouse’s pension into consideration, when setting out the redress payable in my directions below.

96. I acknowledge Mr S' detailed assessment of loss, set out in Appendix 5. However, I consider that the directions below provide appropriate redress for the financial loss Mr S has suffered.

Maladministration

97. I find that this situation has caused Mr S distress and inconvenience. This is because, after being in receipt of his pension for over two years, he was informed that his annual pension benefits would be reduced. Mr S' retirement plans were seriously impacted by the inaccurate information provided, causing him distress and inconvenience, separate from and in addition to the financial loss he has sustained. I acknowledge the Authority's position that the overpayment made to Mr S of £32,669.25 is substantially higher than the usual level of award I would make in these circumstances. Certainly, in situations where a respondent has not sought to recover past overpayments, I will often not make a separate award for distress and inconvenience. However, as the directions at paragraph 99 below take the overpayment of the lump sum of £26,663.35 and the overpayment in annual pension since Mr S retired of £6,005.90 into account when assessing the financial loss that Mr S has suffered (and thus diminishes the 'windfall' received), I consider that a separate award for the distress and inconvenience Mr S has suffered is appropriate.
98. I uphold Mr S' complaint.

Directions

99. To put matters right, within 28 days of the date of this Determination, the Authority shall calculate the loss Mr S incurred at the date of this Determination (**the Calculation Date**). The loss should be equal to Amount A less Amount B (if positive) where:-

- 99.1. Amount A is equal to:-

99.1.1. the total of the pension and lump sum benefits Mr S would have been paid under the Scheme up to the Calculation Date on the following assumptions: (i) he had remained in employment as a Station Manager (Competent) until 29 July 2018, and thereafter remained in the substantive role of Flexi Duty Station Manager until his 55th birthday in April 2020 and accrued additional pensionable service in the Scheme during these periods;⁸ (ii) he had received the salary increases he would have been entitled to if he had remained in these roles; (iii) he had retired from the Scheme on his 55th birthday in April 2020 and his pension and lump sum came into payment having been calculated in accordance with the New Rule, on that date; plus

99.1.2. the estimated cost of purchasing an annuity with an insurer to provide a pension on and after the Calculation Date for and in respect of Mr S

⁸ Provided that this does not exceed the maximum accrual of pensionable service under the Scheme Rules.

on the assumptions specified in 99.1.1 above, assuming Mr S is in good health; plus

99.1.3. the total of the salary Mr S would have received on the assumptions specified in 99.1.1 above, less any employee contributions he would have needed to pay to remain in the Scheme while accruing additional pensionable service; plus

99.1.4. the sum of £1,343.86 in overpaid employee contributions.

99.2. Amount B is equal to:-

99.2.1. the total of the pension and lump sum payments paid to Mr S by the Scheme in the period from 14 August 2017 until the Calculation Date (including any overpayments which the Authority does not seek to recover from Mr S); plus

99.2.2. the estimated cost of purchasing an annuity with an insurer to provide a pension on and after the Calculation Date equal to the pension that is actually payable under the Scheme for and in respect of Mr S, assuming Mr S is in good health; plus

99.2.3. the total of the net earnings Mr S received from his new job as a teaching assistant in respect of the period he was employed on or after 14 August 2017 to his 55th birthday; plus

99.2.4. the total of any employer and employee contributions paid into a pension in respect of his job as a teaching assistant between August 2017 and his 55th birthday.

99.3. No interest should be added to the pension, lump sum and salary payments before the Calculation Date as the amounts are unlikely to be material.

99.4. The Authority should instruct the Actuary, acting as expert, to calculate the loss holding the balance fairly between the parties. The Actuary should be the Scheme Actuary or, if the Scheme Actuary is not willing to perform this role, such other Actuary instructed for this purpose by the Authority. The Actuary's costs should be met by the Authority. The Actuary's calculations should be shared with Mr S once they are available.

99.5. The Authority should pay Mr S an amount equal to 80% of the loss (if any), as calculated by the Actuary using the above methodology, within 28 days of the date the Actuary completes the calculations. The reduction of the payment by 20% is designed broadly to put Mr S in the same net tax position he would have been in, if the inaccurate statement had not been made. If HMRC then seeks to levy income tax on the payment made by the Authority pursuant to this paragraph, the Authority shall pay Mr S an additional sum designed to put him in the position he would have been in, if such additional tax liability had not arisen. The Authority shall also pay Mr S an additional amount designed to

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meet any additional tax liability, if HMRC treat the above payment as an unauthorised member payment for the purposes of the Finance Act 2004.

100. Within 28 days of the date of this Determination, the Authority shall pay Mr S £1,000 for the serious distress and inconvenience this situation has caused him.

Dominic Harris

Pensions Ombudsman

11 March 2025

Appendix 1

Relevant sections of the Firemen's Pension Scheme Order 1992

" ...

PART G

PENSIONABLE PAY AND CONTRIBUTIONS

G1 Pensionable pay and average pensionable pay

- (1) Subject to paragraphs (2), (9) and (10), the pensionable pay of a regular firefighter is the aggregate of—
 - (a) the amount determined in relation to the performance of the duties of his role (whether as a whole-time or part-time employee) other than those amounts payable to him in respect of the benefits within rule B5C(5); and
 - (b) the amount (if any) of any benefits which are pensionable under rule B5C(1).
- (2) ...
- (3) The average pensionable pay of a regular firefighter is, subject to paragraphs (5) to (7C), the aggregate of his pensionable pay for the year ending with the relevant date.
- (4) The relevant date—
 - (a) for the purposes of rule C7 (spouse's or civil partner's award where no other award payable), and the Compensation Scheme, is the date of the person's last day of service as a regular firefighter, and
 - (b) for all other purposes of this Scheme, is the date of the person's last day of service in a period during which contributions were payable under rule G2.
- (5) Subject to paragraphs (6) and (7), if he was in receipt of pensionable pay for part only of the year ending with the relevant date, his average pensionable pay is the aggregate of his pensionable pay for that part multiplied by the reciprocal of the fraction of the year which that part represents.
- (6) For the purposes of paragraphs (3) and (5), any reduction of pensionable pay as a result of any—
 - (a) sick leave;
 - (b) stoppage of pay by way of punishment;
 - (c) ordinary maternity, ordinary adoption or paternity leave;

- (ca) parental bereavement leave;
- (d) paid additional maternity or additional adoption leave; or
- (e) unpaid additional maternity or additional adoption leave where contributions have been paid under rule G2A,

shall be disregarded.

- (7) If the amount determined in accordance with paragraphs (3) to (6) is less than it would have been if the relevant date had been the corresponding date in whichever of the two preceding years yields the highest amount, that corresponding date shall be taken to be the relevant date.

- (7A) The average pensionable pay of a regular firefighter who—

- (a) is entitled to a long service increment; and
- (b) retires after 30th September 2006 and before 1st October 2007, or becomes entitled to a deferred pension under rule B5 within that period,

shall be calculated—

- (i) as if his long service increment had accrued at the rate of £990 per annum (disregarding the reduction in the amount of the long service increment that had effect in relation to times on and after 1st October 2006), and
- (ii) disregarding any LS-related payment.

- (7B) The average pensionable pay of a regular firefighter who—

- (a) is entitled to additional pension benefit under rule B5B (additional pension benefit: long service increment), and
- (b) retires on or after 1st October 2007,

shall be calculated on the basis of whichever of the following paragraphs yields the greater amount—

- (i) the calculation is made with regard to the amount credited to him under rule B5B, but without regard to his long service increment and any LS-related payment, or
- (ii) the calculation is made with regard to his long service increment and any LS-related payment, but without regard to the amount credited to him under rule B5B.

- (7C) The average pensionable pay of a regular firefighter shall be calculated without reference to any additional pension benefit credited under rule B5C (additional pension benefit).

Appendix 2

Details of the Old Rule B5C

“B5C Additional pension benefit: continual professional development

- (1) A regular firefighter who, in any CPD year beginning with the year commencing on 1st July 2007, receives CPD payments, shall be credited with an amount of additional pension benefit in respect of that year.
- (2) Subject to paragraph (3), the amount of additional pension benefit in respect of a CPD year shall be determined on 1st July immediately following the year in question in accordance with guidance and tables provided by the Scheme Actuary.
- (3) Where the Retail Prices Index for the month of September preceding the relevant tax year is higher than it was for the month of September in the CPD year in question, the amount of additional pension benefit for that CPD year (as calculated in accordance with paragraph (2) and, if applicable, this paragraph) shall be increased by the same percentage as the percentage increase in the Retail Prices Index.
- (4) Any increase in accordance with paragraph (3) shall be applied with effect from the first Monday of the relevant tax year.

(5) In this rule—

“CPD payments” , as regards a firefighter, means payments made to him by his employing authority in respect of his continual professional development;

“CPD year” means a period of 12 months beginning with 1st July in which a firefighter is in receipt of CPD payments;

“relevant tax year” means a tax year in relation to which—

- (a) the amount of a firefighter’s pension benefits is calculated for the purposes of this Scheme, and
- (b) he is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5;

and a tax year is a relevant tax year in relation to a particular CPD year if it is the tax year in which CPD payments for that CPD year are taken into account; and

“tax year” means the period of 12 months beginning with 6th April.”

Appendix 3

Details of the new Rule B5C

“ ...

B5C Additional pension benefit

- (1) Where a fire and rescue authority determines that the benefits listed in paragraph (1) are pensionable, and in any additional pension benefit year pays any such pensionable benefits to a regular firefighter, the authority shall credit the firefighter with an amount of additional pension benefit in respect of that year.
- (2) Subject to paragraph (3), the amount of additional pension benefit in respect of that year shall be determined on 1st July immediately following the year in question in accordance with guidance and tables provided by the Scheme Actuary.
- (3) The amount of additional pension benefit determined in accordance with paragraph (2) shall be increased on the first Monday of the following relevant tax year by the same amount as any increase which would have applied if that additional pension benefit were a pension to which the Pensions (Increase) Act 1971 applied and the beginning date for that pension were the 1st July of the tax year immediately before the relevant tax year.
- (4) For the avoidance of doubt, the increase of additional pension benefit in the tax year 2010/2011 shall be increased by the same percentage as the percentage increase in the Consumer Prices Index in September 2010 with effect from Monday 11th April 2011.
- (5) The benefits referred to in paragraph (1) are—
 - (a) any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter's duties under the contract of employment but are within the wider functions of the job;
 - (b) the amount (if any) paid in respect of a firefighter's continual professional development;
 - (c) the difference between the firefighter's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role;
 - (d) any performance related payment which is not consolidated into his standard pay.
- (6) In this rule—

“additional pension benefit year” means the period of 12 months beginning with 1st July in which a firefighter is in receipt of any of the benefits listed in paragraph (5).

“the beginning date” means the date on which the pension is treated as beginning for the purposes of section 8(2) of the Pensions (Increase) Act 1971;

“following relevant tax year” means the tax year after the relevant tax year, in relation to which the member is not a pensioner member or entitled to a deferred pension under rule B5;

“relevant tax year” means a tax year in relation to which—

- (a) the amount of a firefighter’s pension benefits determined under this rule for the purposes of this Scheme is taken into account for tax purposes, and
- (b) the firefighter is not in receipt of a pension under this Scheme or entitled to a deferred pension under rule B5; and

“tax year” means the period of 12 months beginning with 6th April.”

Appendix 4

The three recommendations detailed in the Service's 1 February 2019 Letter

"The first recommendation is that the Fire Authority confirms that temporary promotions are pensionable, and that this decision is applicable from the effective date of the new Rule B5C, i.e. 1 July 2013.

The second recommendation is that the Fire Authority adjust all future pension payments made after 31 March 2019, to ensure they are calculated and made on the APB basis.

The third recommendation is that the Fire Authority does not recover any overpayment of lump sum or pension made prior to 1 April 2019.

The second and third recommendations are based on the principle that there is already a precedent set in respect of recovering pension overpayments in the public sector. The general approach taken by public sector pension schemes to this issue has been to reduce future pension payments to the correct level going forward and to waive the repayment of any historic overpayments to avoid financial hardship to members."

Appendix 5

A summary of Mr S' schedule of loss

1. Mr S provided detailed calculations of his past losses he believed he incurred between 14 August 2017 and 12 April 2022. He also provided a summary of the future losses that he believes he will incur. A summary of these losses is detailed below.

Past loss

- 1.1. Loss of earnings – From 14 November 2015 to 7 April 2020, after deducting the total amount of annual pension Mr S received during the same period amounted to £39,485.00.
- 1.2. Overpaid pension contributions between 1 August 2016 and 6 August 2017 amounted to £1,343.86.⁹ Mr S is also claiming an indemnity to any underpaid tax as a result of tax relief on his contributions.
- 1.3. Difference in pension between 7 April 2020 and 12 April 2022 totalled £8,314.22.¹⁰
- 1.4. Difference in lump sum he was paid when he retired in August 2017 and the lump sum that he would have received, had he retired on 7 April 2020 totalled £16,425.317.
- 1.5. Total past loss inclusive of interest (£7,207.23) up to 12 April 2022 amounted to £72,775.63.

Future loss

- 1.6. Based on Mr S' assumption that he would live until age 84.6 and his wife living until the age of 87, he estimated his total future loss (his pension and his wife's spouses' pension) to be £112,513.70.

Mitigation/Credit

- 1.7. Between October 2017 and 7 April 2020, Mr S earned £7,571.86. Between January 2021 and September 2022, he received approximately £21,875 in income from his employment as a civilian training officer.
- 1.8. Total credit up to 12 April 2022 amounted to £21,875.

⁹ This is Mr S' best estimate figure.

¹⁰ This figure is the amount after Mr S deducted the pension payments he had actually received during the same period.

Taxation

- 1.9. Mr S gave details of the tax that he believes he would have to pay on the compensation he believes he is entitled to. He asserts his losses amounted to a total of £163,414.33 net of taxation. After grossing this loss up to reflect the incidence of taxation on any award of damages, the total compensation he is claiming is £260,629.69.

Alternative approach

- 1.10. As an alternative, Mr S suggested that I could direct the administrators and/or managers of the Scheme to take steps to remedy the injustice, namely, to ensure that he receives the equivalent of the pension that would have been payable had he retired on 7 April 2020.
- 1.11. In this event, he would seek past losses only, as outlined above, in paragraphs 1.1 to 1.5 of this Appendix, and grossed up to counterbalance the incidence of taxation.

Ombudsman's Determination

Applicant	Mr L
Scheme	Local Government Pension Scheme (the Scheme)
Respondents	City of Wolverhampton Council (the Council)

Outcome

1. I do not uphold Mr L's complaint and no further action is required by the Council.

Complaint summary

2. Mr L has complained about the Council's decision not to award him a lump sum death benefit from the Scheme, in respect of his late wife, Mrs R.

Background information, including submissions from the parties

3. The sequence of events is not in dispute, so I have only set out the main points. I acknowledge that there were other exchanges of information between all the parties.
4. On 24 August 1992, Mrs R became a member of the West Midlands Pension Fund (**WMPF**), through her employment with the Council. WMPF is part of the Scheme.
5. On 13 October 2005, Mrs R submitted a death benefit nomination form for the Scheme. Mrs R nominated her daughter to receive the full proportion of any lump sum benefits payable in the event of her death.
6. On 18 September 2006, Mrs R submitted an updated death benefit nomination form (**the Nomination**). She again nominated her daughter (**the Nominee**) to receive the full proportion of any lump sum benefits payable in the event of her death.
7. On 31 March 2016, Mrs R began accessing her Scheme benefits through a 'flexible retirement' arrangement. This meant that she became a pensioner member of the Scheme.
8. On 2 July 2019, the administrator of WMPF (**the Administrator**) received notification that Mrs R had died on 21 June 2019, at the age of 67 years.
9. On 5 September 2019, the Administrator notified Mr L that a lump sum death benefit of £39,590.72 was payable from the Scheme. It explained that Mrs R had, via the

Nomination, requested that the Nominee receive any lump sum benefits due. The Administrator said it was minded to pay the benefits in accordance with the Nomination. It asked Mr L whether there were any circumstances that he considered to be relevant to the payment of these benefits.

10. On 9 September 2019, Mr L telephoned the Administrator to challenge the likely decision to award Mrs R's lump sum death benefits to the Nominee. He alleged that the Nominee had carried out fraudulent transactions on Mrs R's bank account.
11. On 11 October 2019, Mr L wrote to the Administrator to submit copies of Mrs R's bank account statements, in support of the allegation he made during the telephone call of 9 September 2019.
12. On 18 November 2019, the Council wrote to Mr L. It said that it had discretion under the Scheme's Regulations to propose that Mrs R's lump sum death benefits could be split equally between Mr L and the Nominee. However, this would need to be agreed by both parties, and if not, the benefits would be paid in full to the Nominee.
13. On 25 November 2019, Mr L was awarded a survivor's pension of £3,525.32 per year, through Mrs R's membership of the Scheme.
14. On 28 November 2019, Mr L confirmed that he was willing to agree to the proposed split of Mrs R's lump sum death benefits.
15. On 7 January 2020, the decision regarding payment of Mrs R's lump sum death benefits was escalated to the WMPF review panel. This was because the Nominee had not agreed to the proposed split with Mr L. The review panel concluded that the Nominee should receive the benefits in full, in accordance with the Nomination.
16. On 14 January 2020, the Administrator wrote to Mr L to inform him that the proposed split had not been agreed by all parties. So, it had decided to pay the lump sum death benefits in accordance with the Nomination.
17. On 27 January 2020, Mr L submitted a complaint under the Scheme's Internal Dispute Resolution Procedure (**IDRP**).
18. On 25 March 2020, the Administrator, on behalf of WMPF, issued a response to Mr L's complaint at stage one of the IDRP. It said that although a Scheme member's beneficiary would often be their next of kin, they could nominate a different person. The purpose of a nomination was to assist the Council in deciding to whom death benefits should be paid. The Administrator considered that the Council had acted appropriately in deciding to pay Mrs R's lump sum death benefits to the Nominee.
19. On 7 September 2020, Mr L requested that the complaint be moved to stage two of the IDRP.
20. On 13 December 2021, the Council issued its response to Mr L's complaint at stage two of the IDRP. It explained that the distribution of death benefits for the Scheme was governed by Regulation 46 of the Scheme's Regulations (**Regulation 46**), which

gave it absolute discretion to decide the beneficiary, or beneficiaries, of lump sum death benefits. Regulation 46 is quoted in the Appendix.

21. The Council said it had considered Mr L's claim that he and Mrs R had a financially interdependent relationship. It said that they were not living together at the time of Mrs R's death, and there was no evidence that Mrs R was contributing towards Mr L's living costs. Its conclusion was that Mr L was not dependent on Mrs R. It explained that, while it was not bound by any nomination made by a member, it had decided to place more weight on the Nomination. It added that there was no evidence to suggest that Mrs R's wishes had changed.
22. The Council set out its view that the information Mr L had submitted, in relation to the alleged fraudulent transactions on Mrs R's bank account, was inconclusive. The Council considered that if it were to undertake further investigation on this matter, it would represent disproportionate action within its role as decision-maker for the award of Mrs R's death benefits.
23. The submissions made to The Pensions Ombudsman (**TPO**) for the complaint, prior to the issue of the Adjudicator's Opinion, included further information setting out the position of both parties. These positions are summarised below.

Mr L's position

24. He and Mrs R had a close and financially interdependent relationship. For a number of years, they lived together at a property owned by the Nominee, and they paid rent to the Nominee. He cared for Mrs R in the period leading up to her death. The Nominee had less involvement in her life.
25. He retired from his employment in 2005 due to ill health. His health is now further deteriorating, and he only has a small income on which to live.
26. He and Mrs R agreed between them for Mrs R to nominate the Nominee, because of his poor health at the time of the Nomination. Mrs R subsequently intended to update this nomination, but she was diagnosed with dementia in 2017, so did not have capacity to make such a decision. She did not leave a Will.
27. The Nominee transferred money out of Mrs R's bank account in 2018, without either his or Mrs R's consent. He provided account statements to the Council in support of this allegation, but these statements have not been submitted to TPO. They did not go to the police at the time, as they were concerned about the effect this may have had on the Nominee's career.

The Council's position

28. It has absolute discretion to pay lump sum death benefits to a Scheme member's nominee, personal representative, relative, and/or dependant. It is not required to follow any nomination made. It will apply its discretion based on what it reasonably believes were the members wishes. If there is a nomination form, this will be considered, but it will also look at all potential beneficiaries, as well as the member's circumstances.
29. In this case, it notified Mr L and the Nominee of the Nomination, and asked whether there was anything that either party considered relevant to the payment of Mrs R's death benefits.
30. Mr L challenged the initial position that the death benefits were likely be paid to the Nominee. During its subsequent investigation, it received a substantial amount of information from the parties. Due to the conflicting nature of this information, it sought legal advice on the application of the Scheme's Regulations. The outcome of this was its proposal to split the lump sum equally between Mr L and the Nominee, with the caveat that if the split was not accepted by either party, the benefits should be paid in line with the Nomination.
31. The Nominee did not agree to the proposal, so it was escalated to the independent WMPF review panel; the panel had no prior involvement with the case. The final decision was to pay the benefits in full to the Nominee, in line with the Nomination.
32. Mrs R nominated the Nominee in 2005 and 2006. There was no indication that she later changed her mind about this. Mrs R retained mental capacity for a number of years, during which she could have updated the Nomination.
33. Mr L was given the opportunity to submit evidence to support his claim that he had financially interdependent relationship with Mrs R. When considering financial dependency, it looks at the extent to which the member's income and joint finances were relied upon to support the potential beneficiary's standard of living. At the time of Mrs R's death, Mr L was not living at the property owned by the Nominee, for which he and Mrs R had been paying rent, nor were they living together elsewhere. It was therefore unclear how this point would support Mr L's claim. He provided no other evidence in support of his position.
34. It reviewed the evidence, provided by Mr L, of financial transactions made by the Nominee. Conflicting information was received from other parties to the case, so it had been unable to reach a definitive view. It noted that there appeared to be a family dispute around these transactions.
35. In making a decision, it should consider relevant information and avoid going to disproportionate lengths in order to make an award. It would not have been productive to have further investigated the apparent family dispute and the allegations made by Mr L. Its decision to award the lump sum death benefits to the Nominee was reasonable.

Adjudicator's Opinion

36. Mr L's complaint was considered by one of our Adjudicators, who concluded that no further was required by the Council. The Adjudicator's findings are summarised below:-

- The Scheme's Regulations set out that the Council, as the appropriate administering authority, had absolute discretion to decide how Mrs R's death benefits should be distributed.
- Previous Determinations of the Pensions Ombudsman (**the PO**) have provided guidance, in line with the *Edge* principles, on the exercise of discretion by decision-makers for such decisions. If the Council was found to have followed these principles in reaching its decision, neither the PO, nor the courts, may interfere with the decision¹.
- Regulation 46 confirmed that Mrs R's beneficiary (or beneficiaries) was entitled to a lump sum death benefit from the Scheme. The available evidence supported that both Mr L and the Nominee met the criteria for a potential beneficiary.
- The Council was offered the opportunity to explain why it proposed the equal split of benefits, when it would otherwise revert to paying the Nominee in full. Other than stating that it obtained and followed legal advice, the Council offered no further rationale for proposing a split that differed from its decision.
- There was no evidence of maladministration by the Council in the process it undertook for the award of Mrs R's lump sum death benefits. In addition, there was no indication that the Council fettered its discretion by proposing the benefit split, then reverting to a decision to pay the Nominee.
- The Council placed greater emphasis on the Nomination, made in 2006, as it considered that this was the strongest indication of Mrs R's wishes. It made a reasonable assertion that there was a period of over ten years in which Mrs R had mental capacity to make a new nomination if she wished.
- There was nothing to suggest that the Council's conclusion, set out in its response at stage two of the IDRP, that Mr L had provided limited evidence of financial or mutual dependence on Mrs R, was incorrect.
- The Council was not required to take action which could be deemed as disproportionate, as part of its decision on the award of death benefits; it should consider only relevant information. Given that Mr L's allegations, regarding transactions made on Mrs R's bank account, were unproven, it was reasonable that the Council did not pursue this line of enquiry any further.

¹ *Edge v The Pensions Ombudsman* [1999] 4 All ER 546

37. Mr L did not accept the Adjudicator's Opinion, and the complaint was passed to me to consider. Mr L provided further comments, which are summarised as follows:-

- He and Mrs R had lived together for many years and moved to their most recent home in 2007. They loved each other, spent a significant amount of time together, and he was the primary carer for Mrs R in the period before her death. He had no help from other relatives. He has submitted personal photographs as evidence of their relationship.
- They lived together until February 2019, when an argument between him, Mrs R, and the Nominee, resulted in the locks being changed at the property by the Nominee. He was effectively forced to move out as a result.
- He and Mrs R both agreed that Mrs R should nominate the Nominee, because he was seriously ill at the time of the Nomination. His health remains poor.
- The Nominee made withdrawals from Mrs R's account and changed the account details without her consent. This led to arguments among the family. He did not report the matter to the police, because he was concerned about the effect this may have on the Nominee's career.
- Mrs R helped him financially and gave him money to use as a deposit for a car.

38. The Council accepted the Adjudicator's Opinion. It was offered the opportunity to comment on the points made by Mr L in his response to the Opinion, but said this did not change its position. It confirmed that it viewed Mr L as being eligible to receive Mrs R's death benefits by virtue of him being the husband, and therefore a relative, of Mrs R. However, it explained that, in line with the Scheme's Regulations, it exercised its discretion to pay the benefits to the Nominee, after reviewing the information and evidence provided. All the relevant parties were permitted to make submissions, and the benefits were paid in accordance with the Nomination. It considers that any allegation of fraud, in respect of access to Mrs R's bank accounts, should be referred to the police.

39. I have reviewed the additional comments, but it does not change the outcome of the complaint. I agree with the Adjudicator's Opinion.

Ombudsman's decision

40. Regulation 46 is the legislation that gave the Council absolute discretion to decide how Mrs R's lump sum death benefit (**the Lump Sum**) should be distributed, and is set out in the Appendix. In particular, Regulation 46(2) provides that "*the appropriate administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.*"

41. The existence of such discretion means that neither I, nor the courts, can directly impose a different decision, apart from in very limited circumstances. It is also possible for the decision to be remitted back to the decision-maker for further consideration, if I find it has not shown that an appropriate process was followed in reaching its conclusion. However, even in this instance, I cannot prescribe how the decision-making process should be undertaken.
42. The *Edge*² principles provide guidance on the exercise of discretion, meaning a decision-maker:
- must ask the right questions;
 - needs to direct themselves correctly in law;
 - needs to consider all relevant factors, ignoring any irrelevant ones; and
 - avoid making a perverse decision, that is a decision which no other reasonable decision-maker could arrive at.
43. Mr L has made further submissions about his relationship with Mrs R, their living arrangements, and his allegations regarding activity on Mrs R's bank account.
44. It is important to set out that a decision for the award of death benefits should not be viewed as a personal or moral judgement on the closeness of a potential beneficiary's relationship with the deceased party. The decision-maker must show that it has adhered to the *Edge* principles in exercise of its discretion. In this case, the Council was required to ask the right questions to obtain relevant information, then review this information to reach what it considered to be a reasonable decision.
45. From the evidence I have before me, having been identified as the husband of the deceased, it would appear that Mr L was considered as a potential beneficiary of the Lump Sum. The Nominee was the other potential beneficiary. The Council informed my Adjudicator that "*an investigation was undertaken to determine who the Fund should consider as beneficiaries of the death grant following [Mrs R's] death. On 5 September 2019 the fund wrote to both [the Nominee] and [Mr L] ... , informing them that a nomination form had been completed and asking if there were any circumstances that should be considered prior to payment of the death grant*". I find that the Council obtained appropriate information during the course of its decision-making process for the award of Mrs R's death benefits. Although it placed greater weight on the Nomination, the Council has shown that it did review the other information it received and considered Mr L as a potential beneficiary.

² *Edge v Pensions Ombudsman* [2000] Ch 603

46. While I acknowledge it is possible that another decision-maker may have made a different decision to that of the Council, I do not find that its decision was perverse, meaning a conclusion that no reasonable decision-maker could have reached. The Council decided to pay the Lump Sum in accordance with the Nomination. I agree with the Adjudicator that there was a considerable period of time in which Mrs R could have updated her nomination. Mr L said Mrs R's intention was to change her nomination, but she did not do so, and there is no evidence to support that she was about to make such a change.
47. In response to the Adjudicator's Opinion, Mr L said that he and Mrs R were living together until shortly before Mrs R's death, when actions taken by the Nominee meant he had to move out of the property. This does not change my view of the complaint. Mr L was, properly, identified as a potential beneficiary, and was not excluded from the decision-making process by dint of any argument as to the nature of any dependency. Rather, the Council has confirmed that he was considered, as a result of him being a 'relative'. Ultimately, though, the discretion was exercised to pay the Lump Sum to the Nominee.³ As explained above, the award of the Lump Sum should not be taken as a comment on the quality of the relationships involved. Irrespective of whether Mr L and Mrs R had been living together at the time of Mrs R's death, it would not alter the basic principle that the Council had absolute discretion over the decision to award the Lump Sum to the Nominee. The Council was given the opportunity to review Mr L's comments and has confirmed that its position is unchanged.
48. Mr L also reiterated his concerns about transactions that took place on Mrs R's bank account, allegedly without her consent. The Council has confirmed that it did consider this as part of its decision, but said this was a matter for the police. I agree with this position and do not find that the Council should have carried out its own investigation of the allegations made by Mr L.
49. In conclusion, I do not uphold Mr L's complaint.

Dominic Harris

Pensions Ombudsman
6 March 2025

³ I was a little confused by earlier comments made by the Council, and set out in paragraph 30 above, that it would consider splitting the Lump Sum between Mr L and the Nominee, but only if the Nominee agreed. It would appear to me that the Council would have had the power to do this, when exercising its discretion, without needing the consent of the Nominee. However, my understanding of the process followed was that a decision was made to pay the Lump Sum to the Nominee, and the potential 'split' was being considered after that decision (which was subsequently confirmed), and so would only be acted upon if the Nominee agreed. It does not therefore affect my conclusion.

Appendix – Extract from The Local Government Pension Scheme Regulations 2013

“46 Death grants: pensioner members

(1) If a pensioner member dies before attaining the age of 75 an administering authority shall pay a death grant.

(2) The appropriate administering authority may, at its absolute discretion, pay the death grant to or for the benefit of the member's nominee, personal representatives or any person appearing to the authority to have been a relative or dependent of the member.

(3) Subject to paragraph (4), the death grant is 10 times the annual amount the member would have been entitled to receive as retirement pension at the date of death if there had been no commutation under regulation 33 (election for lump sum instead of pension), but the amount so calculated is reduced by the amounts of any such commuted lump sum and any retirement pension paid to the member.

(4) Where any pension paid to a member derived from a pension credit, the death grant is 5 times the annual amount the member would have been entitled to receive as that pension at the date of death if there had been no commutation under regulation 33 (election for lump sum instead of pension), reduced by the amounts of any such commuted lump sum and any pension paid to the member.

(5) If the administering authority has not made payments under paragraph (1) equalling in aggregate the member's death grant before the expiry of two years beginning with the member's death or, where the authority did not know about the member's death before the expiry of that period, beginning with the date on which the administering authority could reasonably be expected to have become aware of the member's death, they must pay an amount equal to the shortfall to the member's personal representatives.

(6) For the purposes of a death grant payable in accordance with paragraph (3) (but not for the purposes of a death grant derived from a pension credit payable in accordance with paragraph (4)), if the member—

(a) died in the period beginning with 1st April and ending with 5th April in the Scheme year following the Scheme year in which the member ceased to be an active member; or

(b) ceased to be an active member in the period beginning with 1st April and ending with 5th April in a Scheme year and subsequently died within that same period,

the pension the member would have been entitled to receive as retirement pension at the date of death is deemed to include the revaluation adjustment that would have been due at the next revaluation date...

... 'dependent' in relation to a person means that in the opinion of the administering authority, at the date of the member's death—

- (a) the person was financially dependent on the member,
- (b) the person's financial relationship with the member was one of mutual dependence, or
- (c) the person was dependent on the member because of physical or mental impairment;"

OFFICIAL

Agenda item: 12

Legislative Update

Local Pension Board

Date: 04/07/2025

Submitted by: Director of People and Culture

Purpose: To provide a legislative update to Members on matters related to the Firefighters' Pension Scheme

Recommendations: That the report be noted.

Summary: It is a requirement of the Public Service Pensions Act 2013 and subsequent 2015 Scheme regulations, for members of a Local Pension Board to have a knowledge and understanding of the law relating to pensions and such other matters. This report provides an update on the latest relevant legislative issues.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: James Clarkson – Pensions Manager
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Background papers open to inspection: None

Annexes: Annex A – Consultation Response
Annex B – Pension Dashboards Checklist
Annex C – Response from WYPF regarding Dashboards

1. Introduction

- 1.1 It is a requirement under the Public Service Pensions Act regulations that Members of a Local Pension Board have a knowledge and understanding of the governance and administration of the relevant pension schemes.
- 1.2 In accordance with this requirement an update has been provided on the following legislative issues:
 - Update to member contribution structure
 - Pensions Dashboards
 - Pension Increases
- 1.3 Updates on the two pension remedies have been provided in separate dedicated reports.

2. Information

2.1 Update to member contribution structure

- 2.1.1 The government's [consultation on updating the member contribution structure](#) closed on 29 January 2025.
- 2.1.2 The government intended for the changes to take effect on 1 October 2025, but it is possible that this date will be pushed back. They intend to give authorities at least 3 months' notice of the changes.
- 2.1.3 A copy of WYFRS's response can be found in **Annex A**. The response outlines that some of the more fundamental suggestions, such as moving to actual pay for determining the contribution band or applying marginal contribution rates, will require a significant amount of time to program on the payroll system and more notice would be required.

2.2 Pensions Dashboards

- 2.2.1 The Pensions Dashboards Programme (PDP) released a [progress report](#) in May 2025.
- 2.2.2 The report confirms that 20 organisations began the process of connecting to the dashboards ecosystem in April 2025, with 4 having now completed their connection. The PDP is carefully monitoring the progress of these initial connections and testing and refining the process for the next batch of organisations; they remain confident that all schemes will be able to connect by the deadline of 31 October 2026.
- 2.2.3 The deadline set out in DWP guidance for all public service pension schemes, including the FPS, is 31 October 2025 and WYPF are confident that they will

meet this deadline using their appointed integrated service provider and their testing is progressing well.

2.2.4 A copy of WYFRS' dashboards preparation checklist can be found at **Annex B**.

2.2.5 WYPF responded to some additional questions from WYFRS regarding dashboards and a copy of this response can be found at **Annex C**.

2.3 Pension Increases

2.3.1 On 14 March 2025, [The Pensions Increase \(Review\) Order 2025](#) was laid before Parliament confirming pensions in payment would increase by 1.7% on 7 April 2025, in line with CPI.

2.3.2 On 4 March 2025, [The Public Service Pensions Revaluation Order 2025](#) was laid confirming that CARE pensions in the 2015 Scheme would be increased by 4.5% on 1 April 2025, in line with average weekly earnings.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.

10. Conclusions

10.1 This report is for information only.

Amendments to The Firefighters’ Pension Scheme (England) Regulations 2014 (S.I. 2014/2848)

Proposed updates to Member
Contribution Structure

Consultation questions

This consultation begins on 20 November 2024

This consultation ends on 29 January 2025

About you

Please use this section to tell us about yourself.

These questions are optional.

Q1. In what capacity are you responding to this consultation?

[delete as applicable]

~~Individual member~~

~~Member representative~~

Employer

~~Employer representative~~

Other

If 'other' please let us know more details

[Please type your response here]

Q.2 If you are a representative of a group or force, please tell us the name of the group (for example FBU or LGA)

Please also indicate if you agree for your response to be made public and associated with the group or if you would like to remain anonymous.

[Please type your response here]

Consultation questions

To ensure compliance with data protection legislation, we request that you do not provide any personally identifiable information (for example, names, dates, and locations) in your answers to the following questions:

Q1. What is your preferred tiering option to determine a members contribution tier?

[delete as applicable]

Option 1: ~~Increase tiers by known pay increases.~~

Option 2: Add an additional tier and modify the gap between tiers.

Option 3: ~~Marginal system.~~

If necessary, please concisely explain your answer.

Our payroll system is already configured to implement a tiered contribution structure, and it would be a simple update to add an additional tier. Our payroll provider has confirmed that it is not feasible for us to implement a marginal structure given the likely lead time of around 3 months, therefore we are strongly against this option.

Our ideal tiering structure would be one that would achieve the following:

1. Ensure competent firefighters pay less than 13% so that they would see no significant increase in pension costs.
2. Ensure trainee and development firefighters pay less than 12% of pensionable pay to reduce opt-outs.
3. Maintain net pay differentials on promotion, to ensure that promotion is still an attractive proposition.

Pensions is an emotive subject for firefighters, particularly in the current climate of the difficult implementation of the McCloud/Sargeant Remedy and the additional contributions that many will be required to pay back to their legacy pension scheme. A contribution structure that, as much as possible, means no increase in pension costs for most firefighters will minimise further disgruntlement over pension issues.

From the examples provided by GAD, we think 'Additional Example 1' provides a good option based on the above criteria. However, our main concern would be that many staff who earn over £44,000 would see an increase in costs by being in tier 3 but not benefit from higher rate tax relief. For example, we employ many Crew Managers who work a duty system that attracts pensionable allowances, which would place them in tier 3. The additional pension contribution may also reduce the

incentive for promotion to Watch Manager, as most of our Watch Managers are paid at the Competent B level.

We believe it is correct that higher-paid staff should pay contributions at a higher rate, to reflect their increased rate of tax relief. It should also be noted that higher-paid staff will likely retain salary-linked benefits in their legacy final salary scheme, which will be a key benefit when they evaluate their pension costs.

We would suggest that tier 2 has a slightly higher contribution rate with a lower rate in tier 3 such as the following arrangement:

Tier	WTE pay	Contribution rate
1	£0 to £35,010	10.94%
2	£35,011 to £43,999	12.90%
3	£44,000 to £64,834	13.37%
4	£64,835 to £184,778	15.44%
5	£184,779 and above	16.94%

The upper salary end of tier 3 and lower salary end of tier 4 could be lowered to coincide with when someone receives higher rate tax relief on all their pension contributions, which is likely to be around £58,000 per year. This would result in an increased number of staff in tier 4 but would mean the rate in tiers 2 and 3 could potentially be lowered.

Q2. What is your preferred option to determine a members contribution threshold?

[delete as applicable]

Option 1: WTE to determine which contribution rate a member will pay

~~**Option 2:** Use the previous year's pay to determine which contribution rate, without any adjustment at the end of each scheme year.~~

~~**Option 3:** Use the previous year's pay to determine which initial contribution rate as in option 2, then adjust for actual pay at the end of the scheme year.~~

If necessary, please concisely explain your answer.

Our payroll system is already configured to calculate pension contribution rates from WTE pay therefore this option would be mostly cost-free.

We are not against using actual pay to determine a member's contribution tier in principle, as we believe this would be fairer to part-time and retained firefighters and would align with other public service pension schemes. However, it would be extremely challenging to move to this with a likely lead time of around 3 months, as this may require development of the payroll system. Finance and resource for this development would not be available in the time leading up to 01/10/2025. We would suggest maintaining WTE pay from 01/10/2025 but moving to actual pay with a longer lead time.

If actual pay is to be used, the legislation should be clear how to determine a member's tier both at the start of employment and on an ongoing basis. A retained member receives permanent monthly payments such as a retaining fee that could be used to determine the tier at the start of employment. Employers should then be able to select an arrangement from a range of options for determining the ongoing tier that best fits their payroll system, for example

1. Assessed on a monthly basis by adding permanent monthly values, multiplied by 12, to the previous year's ad hoc pensionable payments (or shorter period if this is easier for some payroll systems).
2. Assessed on an annual basis using the previous year's pensionable pay (adjusted for part-years if necessary)

Retained firefighters receive payments for callouts the following month in arrears, so the legislation should clarify whether the pay used to determine the tier should be based on when it is paid or when it is earned. Consideration would need to be given to when a backdated pay award is paid, as this could result in members being temporarily moved into a higher tier for a single month when backpay is included, whereas if the pay had been paid when it was due a lower rate would have applied. The Home Office, via the LGA, should provide detailed guidance and worked examples to help FRAs and payroll providers apply the chosen methodology.

Q3. What is your preferred futureproofing option to avoid future misalignment?

[delete as applicable]

~~**Option 1:** Manually uplifting thresholds in line with the pay awards.~~

~~**Option 2:** Automatically increase thresholds in line with the consumer price index (CPI).~~

If necessary, please concisely explain your answer.

Uplifting with a published official statistic provides the simplest solution and reduces the chance of complications occurring when pay awards are agreed late or if a fixed

amount of pay award is agreed rather than a percentage. As firefighters' CARE pensions are revalued annually in line with Average Weekly Earnings, we believe this would be a more appropriate measure to revalue contribution thresholds.

The regulations should confirm whether a backdated pay award should result in a member's contribution rate being recalculated back to the effective date of the pay award or from the implementation pay period only.

Q4. Do you believe that your preferred contribution structure option, which you indicated in Q1, is administratively sustainable?

[delete as applicable]

Yes

No

Don't know

If necessary, please concisely explain your answer.

Our payroll system is already developed to administer tiered pension contribution rates and can be easily configured to include additional tiers and alter the pay thresholds within the tiers.

Q5. Are there any other proposals for achieving the target yield through contribution structures that you would like to be considered which have not been considered or proposed in this consultation?

[delete as applicable]

Yes

No

Don't know

If yes, please outline the proposal(s).

[Please type your response here]

Q6. Do you anticipate any equality issues arising from the implementation of these proposals?

[delete as applicable]

Yes

No

Don't know

If yes, please explain the issue(s) and cause(s).

[Please type your response here]

How to respond

Please respond by 29 January 2025.

You can email your response to:

firepensionspublicservicepensionsremedy@homeoffice.gov.uk

Or you can post your response to:

Fire Member Contribution Consultation Structure
Police Workforce and Professionalism Unit
Home Office
6th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF



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Checklist	Due	Completed?	Comment
Connection			
I know my connection deadline.	ASAP (check again when regulations are final)	Yes	31/10/2025
I have selected my route to connection — building my own interface or using a (new or existing) third party's solution.	12 to 18 months before deadline	Yes	WYPF appointed ISP
I have considered whether I want to connect early.	6 to 12 months before deadline	Yes	Will not be connecting early
I am familiar with the Pensions Dashboards Programme's connection process and have all the necessary information and support in place to connect.	0 to 3 months before deadline	Ongoing	
Governance			
I have read TPR's guidance on pensions dashboards and am staying up to date with developments to the regulations, MaPS standards and TPR guidance.	ASAP	Yes	Signed up to TPR/PDP newsletters
Pensions dashboards are a regular agenda item at our board.	ASAP	Yes	Included as part of legislative update from Jan '23
I have discussed pensions dashboards with my administrator and other relevant parties (such as software provider, actuary, legal adviser, employer, AVC provider).	ASAP	Yes	Discussed with WYPF and also received update in Nov '22 monthly report
I have set aside a budget for pensions dashboards work.	12 to 18 months before deadline	N/A	Any costs will be included in WYPF cost per member charges
I have appointed the new suppliers and / or revised contracts for an existing suppliers.	12 to 18 months before deadline	N/A	WYPF are providing solution without need for contract change
I have assured myself that my team / suppliers are on track to deliver.	Ongoing	Ongoing	
My supplier / administrator has put in place resources and processes to deal with member queries arising from the use of dashboards.	0 to 3 months before deadline	Ongoing	
Matching savers to their pensions			
I understand what personal data I will receive from the system to help me match members to their pensions.	ASAP	Yes	
I have assessed the accuracy and digital accessibility of this data in our records.	ASAP	Yes	Have requested WYPF inform us of any data issues that will affect compliance
I have put in place plans to improve the accuracy and digital accessibility of this data (if required).	ASAP	Yes	See above. ITM appointed to find lost contact members
I have considered which data items I will use to confirm that matches are made or that there may be a match.	6 to 12 months before deadline	Yes	
I have delivered improvements to data accuracy and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Ongoing	
All relevant data is now digital and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	WYPF have digitised all member data
I have confirmed and recorded my matching policy.	0 to 3 months before deadline	Yes	
Providing pension information to savers			
I know what data I will need to return to members and how to calculate values, including how recent the calculations must be.	ASAP	Yes	WYPF confirmed that ABS data to be used
I have assessed whether my data is accurate, calculated in line with the requirements, sufficiently recent and digitally accessible.	ASAP	Yes	See above
I have put plans in place to ensure that the data is accurate, calculated in line with the requirements (including forthcoming changes to AS TM1) and digitally accessible.	ASAP	Yes	See above
Where value information is out of date, I have decided whether I will calculate this value in advance or on request and I have put plans in place to deliver this.	6 to 12 months before deadline	Ongoing	Emailed WYPF 09/06/2025
I have delivered any changes and improvements required to ensure the data I provide is accurate, calculated in line with the legal requirements and sufficiently recent. I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	
All relevant data is now digital and I have processes in place to ensure this is maintained.	0 to 3 months before deadline	Yes	

Questions for WYPF re: Pensions Dashboards

Will the ISP become a data processor for our FPS data?

- We have raised this with TPR and believe not, although this may be subject to change as the debate on commercial dashboards moves forward.

Will the data sharing agreement between WYFRS and WYPF need amending?

- We have updated our Privacy Statement and data sharing list to include Bravura as our ISP. We would agree that any data sharing lists WYFRS holds should be updated to include Bravura also.

What method will be used to transfer data between WYPF and the ISP?

- Initially this will be SFTP (secure file transfer portal) followed by API development in the medium term.

Does the ISP store FPS data on their servers?

- All ISP's store data on their servers in order to perform dashboard matching once data comes through the PDP ecosystem.

If yes, how will the data be kept up to date?

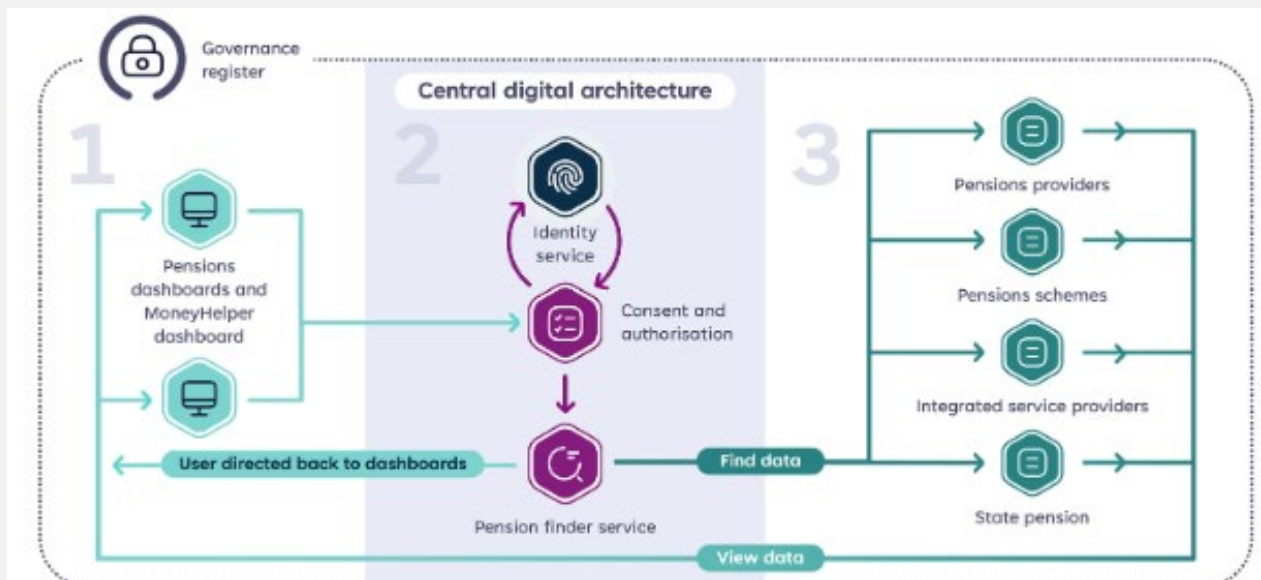
- We will provide daily secure file transfers of data.

Who will have access to the data at the ISP?

- Two developers at the ISP. Additionally the data held by them is encrypted.

Do you have a data map so that we can understand how data flows between WYPF, the ISP, and the dashboard ecosystem?

- Please see the diagram below from the PDP website.



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Agenda item: 13

Age Discrimination Remedy

Local Pension Board

Date:	04/07/2025
Submitted by:	Director of People and Culture
Purpose:	To provide an update to members on the implementation of the age discrimination remedy.
Recommendations:	That the report be noted.
Summary:	It is one of the requirements of the Local Pension Board that Members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorksfire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Letter to Detriment Pensioners

1. Introduction

- 1.1.1 Local Pension Boards are required to assist the Scheme Manager in securing compliance with the regulations that govern the Firefighters' Pension Scheme.
- 1.1.2 In accordance with this requirement, an update has been provided on the implementation of the legislation that provides for the age discrimination remedy.

2. Information

- 2.1 Immediate Choice Remediable Service Statements (IC RSSs) – retirements and deaths before 1 October 2023.
 - 2.1.1 The Government Actuary's Department provided WYPF with the additional guidance and examples they needed to progress with cases where an unauthorised payment had occurred in mid-March 2025.
 - 2.1.2 On 3 April 2025 the government laid [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2025](#) before Parliament. This legislates for the 'offsetting' of overpaid unauthorised payment charges against new charges; HMRC had already confirmed that these regulations would be made and so some calculations were able to be performed prior to them coming into force.
 - 2.1.3 However, West Yorkshire Pension Fund (WYPF) informed WYFRS on 20 March 2025 that they were not going to be able to meet the statutory deadline of 31 March 2025 for issuing RSSs. This has been reported to The Pensions Regulator.
 - 2.1.4 WYPF were unable to provide a specific date by which all the IC RSSs will be issued. Each case is currently a manual calculation, and they will be sent as and when they get completed.
 - 2.1.5 As of 31 May 2025, WYPF had issued 8 IC RSSs to pensioners who were at a detriment.
 - 2.1.6 There are 432 IC RSSs remaining to be sent, of which 28 are detriment cases and will be prioritised.
 - 2.1.7 The remaining non-detriment cases all retired prior to transitioning to the 2015 Scheme so will likely already be being paid their most beneficial benefit choice. WYPF are expecting their software provider to provide a bulk calculation process for these so that there is no requirement for a manual calculation.
 - 2.1.8 WYFRS wrote to all detriment cases on 27 March 2025 to warn them that the statutory deadline would not be met, a copy of the letter can be found in **Annex A**. WYFRS also held an in-person meeting on 5 June 2025 to discuss the delay

and also provide further information on how their RSS figures will be calculated and presented to assure these individuals that they are a priority.

- 2.1.9 WYPF also wrote to all members eligible for remedy in early April 2025 to inform them of the delay.

2.2 Deferred Choice Members

- 2.2.1 Annual Benefit Statements for active and deferred members who are in-scope for remedy will be combined with their Remediable Service Statement (ABS RSS) from 2024 onwards.
- 2.2.2 The ABS-RSS will show members their revised position following their rollback into their legacy final salary scheme for the remedy period (1 April 2015 to 31 March 2022) as well as their contribution adjustment information.
- 2.2.3 WYPF also confirmed in their March 2025 communication that they would not be able to meet the statutory deadline of 31 March 2025 for these members.
- 2.2.4 WYPF have set themselves a deadline of 30 June 2025 to issue the ABS RSSs for active members
- 2.2.5 WYFRS have communicated this further delay to staff in internal communications and WYPF have written to members separately to inform them.
- 2.2.6 WYPF have not set a deadline for deferred members as these have been deemed a lower priority due to the low number of queries received from them.

2.3 Ill-Health Reassessments

- 2.3.1 The remedy regulations require FRAs to reassess the ill-health applications for individuals who retired under the 1992 Scheme or 2006 Special Scheme from 1 April 2015. This is because they are entitled to a choice of whether their current legacy scheme or the 2015 Scheme should apply for their remedy period service.
- 2.3.2 WYFRS has now completed this process and informed WYPF of the outcome for each member.

2.4 Contingent Decisions

- 2.4.1 The firefighter remedy regulations provide for some decisions made by members during the remedy period to be revisited. This includes decisions to opt out of the pension scheme and whether a firefighter would have purchased additional years in their legacy scheme had they been allowed to remain in it.
- 2.4.2 These individuals are due to be sent a contingent decision RSS (CD RSS) so that they can decide whether to make an election to opt back into their legacy

scheme for the remedy period. These are yet to be issued due to the delays in the IC RSS and ABS RSS rollouts.

- 2.4.3 In addition, the Local Government Association (LGA) is in discussions with government over whether amendments are required to the remedy legislation given the unexpected implications for members who opted out of the 1992 Scheme, whose options currently depend on if or when they opted back in to the pension scheme.
- 2.4.4 As a result of these legal queries, the LGA has withdrawn their guidance for Scheme Managers and recommended a pause on providing CD RSSs until the position is clear.
- 2.4.5 WYFRS had received 26 claim forms from individuals who would like a CD RSS.

3. Financial Implications

- 3.1.1 There are no financial implications arising directly from this report. The government is funding the immediate cost of implementing the remedy, including back payments to pensioners and compensation, via the AME process.

4. Legal Implications

- 4.1.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

- 6.1.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

- 8.1.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

9.1.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.

10. Conclusions

10.1.1 This report is for information only.



West Yorkshire
Fire & Rescue Service

People and Culture
WYFRS Headquarters
Bradford Road
Birkenshaw
BD11 2DY

Tel: 01274 682311 **Ext:** 680157

Email: pensions@westyorkshire.gov.uk

Our Ref:

27 March 2025

Dear

Firefighters' Pension Schemes – Age Discrimination Retrospective Remedy

I am writing to provide an update on your Remediable Service Statement (RSS), which will outline your options under the pension age discrimination remedy.

Previously, we informed you that your RSS would be sent by 31 March 2025, the deadline set out in legislation. Unfortunately, West Yorkshire Pension Fund (WYPF), our administrator responsible for producing your RSS, has recently notified us that they will not meet this deadline.

As explained in our letter from November 2024, WYPF was unable to implement the recently published guidance from HM Revenue and Customs (HMRC) on how to offset your new pension benefits against the unauthorised payments tax charge you paid upon retirement. The guidance lacked clarity and suitable worked examples, which posed a risk of incorrect tax calculations. Additionally, although HMRC published guidance, the legislation to change the tax regulations to allow this offsetting is not expected to come into effect until later in 2025.

The Home Office commissioned the Government Actuary's Department to provide more detailed guidance and additional worked examples to assist fire pension administrators in performing the calculations. However, WYPF only received this information last week. WYFRS has confirmed to WYPF that they can process your case in advance of the HMRC regulations coming into force, which will help to reduce further delays.

I am very sorry we could not meet the deadline. We have made sure that WYPF have all the information they need to produce your RSS, and they will be working hard over the next few weeks to get it to you as soon as possible. Please be assured that you will receive a backdated payment, with interest, up to when the adjustment to your benefits is paid.

Making West Yorkshire Safer
www.westyorkshire.gov.uk

If you have any questions or wish to discuss this letter, please contact James Clarkson, Pensions Manager, at James.Clarkson@westyorksfire.gov.uk or 07775 028035.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sonia Pawson', enclosed within a white rectangular box.

Sonia Pawson
Director of People and Culture

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Agenda item: 14

Matthews Remedy Update

Local Pension Board

Date:	04/07/2025
Submitted by:	Director of People and Culture
Purpose:	To provide an update to members on the implementation of the Matthews remedy.
Recommendations:	That the report is noted
Summary:	It is one of the requirements of the Local Pension Board that Members scrutinise areas relevant to the administration of the Firefighters' Pension Scheme.

Local Government (Access to information) Act 1972

Exemption Category:	None
Contact Officer:	James Clarkson – Pensions Manager James.Clarkson@westyorkshire.gov.uk 01274 682311 ext. 680157
Background papers open to inspection:	None
Annexes:	Annex A – Current Position Annex B – Consultation Response

1. Introduction

- 1.1 Local Pension Boards are required to assist the Scheme Manager in securing compliance with the regulations that govern the Firefighters' Pension Scheme.
- 1.2 In accordance with this requirement, this paper provides members with an update on the latest activity regarding the implementation of the second pension options exercise for current and former retained firefighters, following the coming into force of the legislation on 1st October 2023. The exercise will allow in-scope individuals to purchase pensionable service in the FPS 2006 as a Special Member. This scheme provides comparable benefits to the FPS 1992.

2. Information

2.1 Current Position

- 2.1.1 A table summarising the current position of the project can be found in **Annex A**.
- 2.1.2 The 8 statements marked 'to do' are currently on hold because they are affected by the government's proposed amendments to the Matthews Remedy: specifically, the option to convert deferred pensionable service to Special pensionable service.
- 2.1.3 Individuals who have not been returned their Expression of Interest or Election form have been sent reminders.
- 2.1.4 WYFRS has sent details of 149 out of 161 positive elections to West Yorkshire Pension Fund (WYPF) for processing. The remaining 12 are cases where a referral to the Government Actuary's Department has been made or they are affected by the proposed amendment regulations.

2.2 Payment Cases

- 2.2.1 For payment cases where the member is not currently on WYPF's payroll, these are being processed when WYPF receive the details from WYFRS
- 2.2.2 For existing Special Pensioners on WYPF's payroll, there has been a delay in settling these cases. This is due to WYPF not having a process in place to administer the additional benefits, given the unusual circumstances where the member can make a new lump sum election.
- 2.2.3 In addition, WYPF noticed some discrepancies in the final pensionable pay used in the initial calculation of benefits and the current options exercise and asked WYFRS to review all cases to determine whether any recalculations were

required. WYFRS completed this review and provided confirmation to WYPF on 22 May 2025.

2.3 Death Grant Cases

- 2.3.1 WYFRS settled the benefits for 4 dependants who were due a death grant payment between January and March 2025.

2.4 Further Policy Considerations

- 2.4.1 The government [consultation](#) on policy amendments relating to the Matthews Remedy closed on 17 February 2025; a copy of WYFRS's response can be found in **Annex B**.
- 2.4.2 It was originally expected that the amendments would come into force from 1 April 2025; however, the government is taking longer than expected to respond to the consultation. The government has committed to giving authorities a year to implement the changes from when the amendment regulations come into force.
- 2.4.3 WYFRS has identified cases that may be affected by the proposed amendments; however, it is likely that the Government Actuary's Department will need to provide an updated calculator to perform some of the calculations required.

3. Financial Implications

- 3.1 There are no financial implications arising directly from this report. Funding for immediate back payments of lump sums and pensions will be made available from the government via the AME process.

4. Legal Implications

- 4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

- 5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

- 6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

- 7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

- 8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

- 9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:
- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
 - Provide ethical governance and value for money.

10. Conclusions

- 10.1 This report is for information only.

In-scope Employees	Expression of Interest Letters Sent	Expressions of Interest - Yes	Expressions of Interest - No	Statements of Service Sent	Statements To Do	Election Forms Received - Yes	Election Forms Received - No
241	240	190	4	182	8	161	2

1. Do you agree that the proposal for missed pension payments for deceased individuals achieves the stated policy objective (see paragraph 4.4)?

In Part 5, rule 3, paragraph (1)(a), the draft order seems to restrict this benefit to those who would have been a special **firefighter** member (i.e., an **active** member) had they elected to join the modified scheme during either exercise. We have identified an individual who started retained employment in 1995, left in 2003 aged 47, then died in 2018 aged 62. They would have been a special deferred member had they joined in the 2014 exercise and a special pensioner member had they been able to join in the 2023 exercise. It is not clear whether the individual's beneficiary will be able to receive the missed pension payments from the deceased's 60th birthday to date of death based on the current wording.

It is not clear whether this benefit will be subject to the usual tax rules regarding lump sum death benefits or whether it should be taxed at the beneficiary's marginal rate.

The deadline of 2 months after the effective date is arbitrarily short. This should be extended to at least 3 months given the present difficulties FRAs are experiencing in administering the 2023 exercise.

2. Do you agree that the proposal to provide a survivor's missed pension lump sum payment achieves the stated policy objective (see paragraph 4.5)?

Paragraph 4.5 in the consultation states that an eligible survivor will receive this benefit; however, the draft order (Part 5, rule 4, paragraph (1)(a)) seems to provide eligibility to someone who is the beneficiary of the deceased's estate if there is no spouse, civil partner or child. This person may not meet the criteria for payment of a survivor or child's pension, for example they may be a sibling or friend of the deceased. Should the criteria for this benefit be limited to those eligible for the additional death grant in rule 1C?

The consultation document 4.5 also states that the benefit will be 0.1 multiplied by pensionable pay for each full qualifying year of service used to calculate the missed pension lump sum. However, in Part 5, rule 4, paragraph 4, 'B' is the number of years from 1 July 2000 to the end of the extended limited period. In the example used in question 1, this would limit the benefit calculation to 3 years (2000-2003) instead of the deceased's full service of 8 years (1995-2003).

Paragraph 4.5 in the consultation document also states that interest is to be included in the calculation, but the formula referenced above does not include any allowance for interest.

The deadline of 2 months after the effective date is arbitrarily short. This should be extended to at least 3 months given the present difficulties FRAs are experiencing in administering the 2023 exercise.

3. Do you agree that the proposal to extend the eligibility criteria for the 'additional death grant' achieves the stated policy objective (see paragraphs 4.12-4.15)?

Paragraph 4.15 in the consultation document states that the additional death grant will be 0.1 multiplied by pensionable pay for each full qualifying year that the deceased could have purchased in the 2023 exercise. We have identified an individual who started

retained service in 1989, left in 2005 and died in 2022 aged 56 having not joined in the 2014 exercise. They would have been eligible to purchase their full service (1989 to 2005) in the 2023 exercise had they been alive. However, the formula in Part 5 rule 1C provides for a benefit based on full years before 1 July 2000 only. This individual's beneficiary would therefore receive a benefit based on 11 years (1989-2000) instead of the full 16 years' (1989-2005) service that could have been purchased. It is not clear whether this is the intention.

4. Do you agree that the proposal to extend the conversion options for 'special deferred members' achieves the stated policy objective (see paragraphs 4.16-4.18)?

The deadline of 2 months after the effective date is arbitrarily short. This should be extended to at least 3 months given the present difficulties FRAs are experiencing in administering the 2023 exercise.

5. Do you agree that the proposal to amend formula at Part 5, Rule 1B(8) to change the reference from 'additional death grant' to 'extended death grant' achieves the stated policy objective (see paragraphs 4.19-4.21)?

Yes

6. Do you agree that the proposal to allow individuals to purchase any period/s of opted out standard service as special service achieves its stated objective (see paragraphs 4.22-4.23)?

In the definition of 'retained firefighter opt-out member', (a) should say 'joined this Scheme on or after 6th April 2006'.

It is not clear whether someone who transferred directly from being a retained to a wholetime firefighter, and then opted out before 31 March 2015, would come within this definition. For example, an individual could have joined the retained in 1995, transferred to wholetime in 2010 and then opted out in 2014. As they were a wholetime firefighter at the point they opted out, it is not clear whether they fall within the definition of a retained firefighter opt-out member. Rather than 'retained firefighter' the wording could say 'a person who is eligible to make an election under rule 6A of Part 11' so that all individuals eligible for the options exercise can be included.

Part 15, rule 7, paragraph (1)(b) indicates that the person must have purchased an entitlement as a special member before the effective date to be able to purchase their additional entitlement. However, the person may not have had the opportunity to purchase an entitlement before the effective date because of the delays in implementation from some FRAs.

Rule 7, paragraph 7 states that the authority must pay the additional entitlement within 3 months following application; however, it is not clear what this means for active and deferred members who are not in receipt of a pension and what the payment options are.

The deadline of 2 months after the effective date for providing a person with a notification of their eligibility is arbitrarily short. This should be extended to at least 3 months given the present difficulties FRAs are experiencing in administering the 2023 exercise.

7. Do you agree the proposal to extend flexibility for payments relating to new provisions achieves its stated policy objective (see paragraph 4.24)?

Yes

8. Are there any adverse consequences that we might not have considered of extending the closing date of the 2023 Options exercise to 31 March 2026 (see paragraphs 4.26-4.27)?

Don't know

9. Do you agree that the proposal to allow special pensioner members who are in receipt of a 'member initiated early retirement' pension to convert standard service to special service achieves the stated policy objective (see paragraphs 4.28-4.31)?

Yes

10. Do you anticipate any equality issues arising from the implementation of the proposals in this consultation (see section 6)?

Don't know

11. Do you agree that the proposed changes effectively address the issues that have been identified in this consultation?

Please see our responses to the individual questions above.

We would like to stress the urgency of providing FRAs with an updated GAD calculator in order to process some of the new entitlements, such as the new conversion and opt-out provisions, within the time limits specified. The timing of the consultation does not appear to leave much time for development of the calculator if an effective date of 1 April 2025 will apply.



Actions and agreements

12 September 2024

Location: MS Teams

PRESENT

Chair

Joanne Livingstone SAB Chair

Scheme Member Representatives

Philip Hayes	Fire and Rescue Services Association (FRSA)
Mark Rowe	Fire Brigades Union (FBU)
Tony Curry	Fire Brigades Union (FBU)
Andrew Fox-Hewitt	Fire Brigades Union (FBU)
Adam Taylor	Fire Brigades Union (FBU)
Glyn Morgan	Fire Officers Association (FOA)
Des Prichard	Fire Leaders Association (FLA)

Scheme Employer Representatives

Cllr Chard	Local Government Association
Cllr Price	Local Government Association

Advisors to the Board

Helen Scargill	Technical Advisor
Craig Moran	First Actuarial – Actuarial Advisor
James Allen	First Actuarial – Actuarial Advisor
Jane Marshall	DAC Beachcroft - Legal Advisor

Secretariat

Claire Johnson	Senior Firefighter Pension Advisor
Sandra Sedgwick	Firefighter Pension Advisor
Tara Atkins	Firefighter Pension Advisor (minutes)

Jo Donnelly	Head of Pensions
Jamie Osowski	Fire Workforce Advisor

Home Office

Antony Mooney
Simon Primmer
Helen Fisher
Usamah Musa

Government Actuaries Department

Brian Allan
Greg Donaldson

Guests

Administrator (for individual sessions at item 7)

Yunus Garja	West Yorkshire Pension Fund (WYPF)
Kevin Sheil	XPS
Jo Darbyshire	Local Pension Partnership Administrators (LPPA)

Software Suppliers (for individual sessions at item 8)

Matthew Armitage	Heywood Pensions Technologies
Tim Hill	Heywood Pensions Technologies
Tom Jones	Heywood Pensions Technologies
Richard James	Civica
Lissa Evans	Civica

Devolved Governments

Karen Gilchrist	SPPA
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National Fire Chiefs Council

Dawn Docx	NFCC Pensions Lead
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1. Welcome, Apologies and Conflict of Interest

1.1 Joanne Livingstone (JL) welcomed everyone to the meeting and confirmed that Cllr Phillips, Roger Hirst and Cllr Hennessy had sent apologies.

1.2 The meeting was not quorate on the employer representative side, but any decisions needed to be made would be ratified post meeting.

1.3 Minutes of the previous meeting on 18 June 2024 were agreed.

1.4 ACTION – Secretariat to publish finalised minutes on the website.

1.5 Adam Taylor is on the Local Pension Board (LPB) for Leicestershire Fire Authority. The SAB noted that it was useful for the Board to have representatives from the LPBs. All SAB members should be aware of the confidentiality of some of the items they're dealing with on SAB and be conscious of that when attending different meetings and boards.

2. Actions arising (18 June 2024) and Chair's update.

2.1 The Chair went through the action log of 18 June 2024, to update on these. Key points of the actions which were not separately noted on this agenda were:

2.2 The Chair welcomed as positive the engagement from the new fire minister in relation to the communication the SAB sent in July.

2.3 Des Prichard raised concerns over being quorate and requested information to confirm what numbers were needed to be quorate. Home Office confirmed that the Terms of Reference require that 'The board shall require at least 10 members to be present, with a minimum of 3 employer and employee representatives plus the Chair for a meeting to be quorate'.

2.4 Des Prichard raised further concerns over governance generally. The Chair confirmed that this is something that she wishes to address in the coming year.

2.5 The Chair confirmed that her appointment has been extended for a further year and Home Office will be looking at the appointment in the next year.

Claire Johnson confirmed that she was imminently going on maternity leave and discussed the cover that has been put in place. This included increased responsibility for Tara Atkins and Sandra Sedgwick and additional input from

Jo Donnelly and from Clair Alcock, the first Senior Firefighter Pension Advisor and now working for as Head of Police Pensions for the National Police Chiefs' Council and as independent Chair of the London Local Fire Pension Board.

2.6 The Chair encouraged members of the board to attend the AGM on 18 and 19 September 2024.

3. Home Office update

I. Employee contribution rates review

3.1 Helen Fisher provided an update on the member contribution consultation, which was halted due to the general election. Whilst it was originally considered that the new structure would come into force from April 2025, in the initial consultations with the sector, it was highlighted that FRAs and administrators would need a longer lead in time to apply the changes, therefore the intention is that the implementation date will be from October 2025 to allow at least 12 weeks lead in time.

3.2 Greg Donaldson from GAD gave assurance with regards to any concerns over potential backdating of the missing 6 months higher contributions, and that this would be absorbed within the valuation in the roundings.

3.3 Helen Fisher also confirmed that HM Treasury are comfortable with this approach, as they have been part of the journey. It was also confirmed that HMT's main concern is meeting the yield, and not necessarily how this was achieved.

3.4 The board discussed the importance of communications to members.

3.5 ACTION – Secretariat took an action to update the members website, in collaboration with Home Office, to reflect the imminent consultation.

3.6 The board discussed the approach being taken by the Devolved Nations, and Karen Gilchrist confirmed that Scotland are still looking to implement their changes from 1 April 2025, and that a paper was being taken to their board meeting on 25 October.

3.7 ACTION – Karen Gilchrist to share their board paper with the English board.

II. Matthews policy updates

3.8 Anthony Mooney provided an update on the proposed Matthews policy update consultation and confirmed that there would be a 10 weeks consultation period to allow for the changes to be implemented from April 2025. Anthony also confirmed that he would be happy to run engagement sessions throughout the consultation with the board. The Statutory Instrument (SI) is due to come in February 2025.

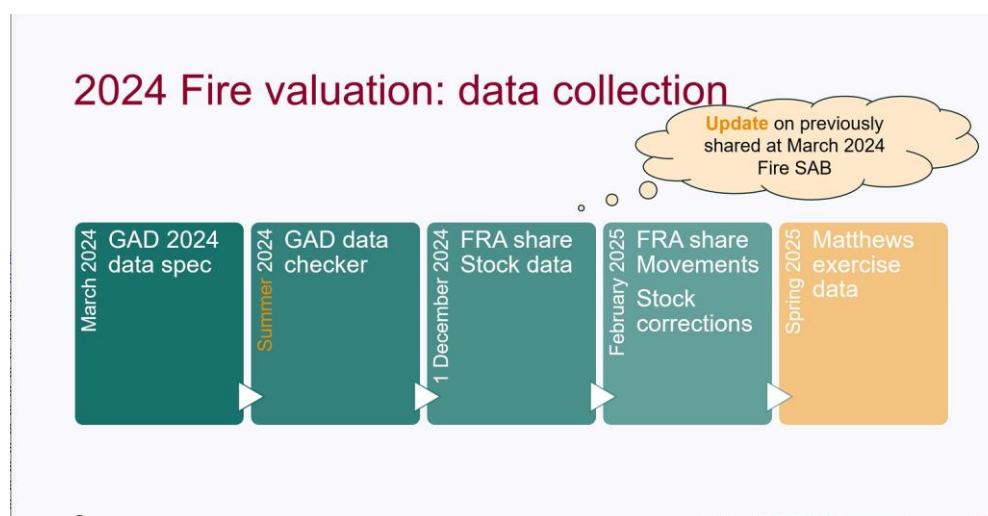
3.9 The Chair asked what the considerations have been for a compensation scheme for Matthews. Anthony confirmed that there isn't the same ability to provide compensation for the Matthews exercise in the same way as the primary regulations allow for, for the Sargeant exercise. This will be looked at with FRAs in early 2025.

III. General update

3.10 Anthony also provided an update on the Sargeant compensation payments and confirmed that the first payment will be made to FRAs within the coming weeks for claims within 2023/2024 and 2024/2025 quarter 1.

IV. 2024 valuation

3.11 Home Office invited Brian Allan to provide an update on the valuation.



3.12 Brian highlighted the importance of the 1 December 2024 deadline for data and confirmed that they have been working with both software suppliers to update their reporting facilities to provide for the reporting this year. Brian also reflected on the data being in a good place at the last valuation and they are hoping that this will be the same for the 2024 valuation.

4. LGA general update

4.1 CJ provided a summary of the paper and highlighted the key areas that the board should consider. This included the cover for Claire's maternity leave, HMT Directions and FRA induction training.

4.2 The board discussed the impact of tax on contributions being paid via the self-assessment route, for active member, which brings the mechanism in line with deferred and pensioner members.

4.3 ACTION – Secretariat to update the RSS template to include both gross and net contribution adjustment.

4.4 The board discussed rumours that the deadline date for providing ABS-RSS, had been extended to October 2025. Claire confirmed that as this is covered by primary legislation this is a hard deadline, and whilst the administrators concerns had been fed back to HMT, through the Cross Whitehall discussions, there was no appetite for them to amend the deadline.

5. Board Expenditure for 2023-24 and recommendations for 2024-25

5.1 Claire Johnson introduced the board expenditure paper, and highlighted what the levy amount was last year, and that the paper sets out the income and expenditure. There was a carry forward position which is positive, but this was caused by the team having a vacant position for almost a year.

5.2 As not all board members were in attendance at the meeting, it was acknowledged that the paper would need to be circulated outside of the meeting for sign off.

5.3 ACTION – secretariat to circulate the paper after the meeting for sign off.

6. Induction material

6.1 Claire Johnson introduced the induction material, which was an action following the last meeting.

6.2 It had been identified that there was a trend that members join the scheme, and then choose to opt out when they move into a competent role. The induction material helps to highlight to members the key benefits of the scheme.

6.3 The board discussed the material, and it was agreed that the materials would not be published until after the Budget in case it changed the position.

6.4 A recommendation was made to also include the employer contribution rate within the information.

6.5 ACTION – Secretariat to make the amendment to include the employer contribution rate and to review the induction material, if relevant, following the Budget, and then bring back to the board if needed, or publish accordingly.

7. Administrator updates: Position statements (verbal)

- **Matt Mott – Head of Governance and Business Development, West Yorkshire Pension Fund**

7.1 Matt provided his update to the board. The key areas of update included the Sargeant remedy, Matthews exercise, Team restructure and Pensions Dashboards.

7.2 Matt specifically noted that there have been 26 updates within the Civica software system (UPM). They are still awaiting 14 drops which, amongst other things, will allow them to be able to rollback the records involved in the Sargeant remedy. These drops are due in October/November.

7.3 Matt also highlighted that they have identified an issue within UPM for Matthews where if the pay information goes back more than 15 years it will stop the calculation.

7.4 Claire highlighted that this was the first time that they had been made aware of this issue, but that they would investigate this further.

7.5 ACTION – Secretariat to liaise with Civica to establish what the issue is, and if there is a relevant workaround.

7.6 Matt also confirmed that they have taken the decision to restructure the Fire Team within West Yorkshire Pension Fund, so that Fire sits outside of the LGPS Team, to allow them to manage this separately and utilising the resource between the teams.

7.7 The Chair asked Matt to provide a position on the production of ABS-RSS and Matt confirmed that, providing the data has been provided by the FRA, then there should be no reason why they will not meet the 31 March 2025 deadline.

7.8 Helen Scargill reflected that BAU has not been impacted by the work on Sargeant. She also confirmed that they have been working on the divorce calculations and are just waiting for the GAD guidance to be published.

- **Jo Darbyshire – Managing Director, LPPA**

7.9 Jo Darbyshire was joined by James Franklin, the McCloud Project Manager, to provide an update to the board. Their update confirmed that rollback was completed in January 2024, and all retirements are being paid as and when they occur except for if there is a data issue outstanding with the FRA.

7.10 They have implemented a 6 month limit restriction on retirement estimates, but this is reviewed regularly.

7.11 They have published 73% of active ABS and 80% of deferred ABS which include the ABS-RSS for remedy eligible members.

7.12 Jo identified 2 main areas where there are gaps, 3 of 7 FRAs have data gaps, 1 of which have had no ABSs produced. The remaining gaps are due to outstanding guidance. Any member who did not receive an ABS has been written to, to explain why.

7.13 Jo Darbyshire reflected on the positive experience where the FRAs have engaged. They are expecting the software update for the valuation to be delivered in October.

7.14 The Chair asked whether there were any patterns that had been identified in the missing data, and how they are looking to resolve them. Jo responded to say that there had not been any specific patterns in the data issues. The biggest issue has been where FRAs have changed payroll provider, or where they have an old payroll system which is not reportable or is still in paper format.

- **Kevin Shiel – Head of Public Sector Business Development, XPS**

7.15 Kevin talked the board through their [slide](#) update.

7.16 The Chair asked whether XPS had provided TPR with an update to the progress of the development of the ABS-RSS. Kevin suggested that they consider it the FRA's responsibility to provide this to TPR.

8. Software supplier updates:

- **Civica (verbal) - Richard James and Lissa Evans**

8.1 Richard James talked the board through their [slides](#).

8.2 The Chair raised some concerns that have been flagged throughout the meeting so far, particularly with regards to all members being on the correct version of Civica software, and what happens if they are not. Richard reflected that they are aware of the pressure in the industry and that there is a challenge where guidance had not come in a timely fashion. He also reflected that they are aware that some of their customers are not on the updated framework and that they are working with them to bring them up to date.

8.3 The Chair raised the issue that WYPF had raised with regards to Matthews arrears over 15 years. Lissa Evans responded to say that this has been identified to affect all clients and that they need to investigate and will be dealing with this as a priority.

8.4 ACTION – Civica to take away and investigate.

- **Heywood Pensions Technologies** – Claire Hey, Tim Hill and Tom Jones

8.5 Claire Hey talked the board through their [slides](#).

8.6 Claire Johnson asked Heywood whether they were aware of the Matthews 15 year issue within their software.

8.7 ACTION – Heywood to take away and investigate.

9. AOB and date of the next meeting

9.1 The Chair agreed the next meeting cycle dates.

- Wednesday 19 March (In-person – Smith Square)
- Wednesday 18 June (Virtual – MS Teams)
- Thursday 11 September (In-person – Smith Square)
- Thursday 11 December (Virtual – MS Teams)

9.2 ACTION – Secretariat to send out the invites for the next meeting cycle.

9.3 The next meeting is due on 12 December 2024 and will take place in person at the LGA offices at Smith Square.

9.4 Des Prichard raised the concerns over the governance of the board, particularly with regards to the board not being quorate.

9.5 ACTION – Des took an action to review the terms of reference and report back at the meeting in December 2024.

9.6 The meeting closed at 15:25



Actions and agreements

12 December 2024

Location: In person LGA Offices, 18 Smith Square, Westminster, SW1P 3HZ

PRESENT

Chair

Joanne Livingstone SAB Chair

Scheme Member Representatives

Philip Hayes Fire and Rescue Services Association (FRSA)

Mark Rowe Fire Brigades Union (FBU)

Tony Curry Fire Brigades Union (FBU)

Andrew Fox-Hewitt Fire Brigades Union (FBU)

Adam Taylor Fire Brigades Union (FBU)

Glyn Morgan Fire Officers Association (FOA)

Des Prichard Fire Leaders Association (FLA)

Scheme Employer Representatives

Cllr Price Local Government Association

Advisors to the Board

Helen Scargill Technical Advisor

Craig Moran First Actuarial – Actuarial Advisor (attended via Teams)

James Allen First Actuarial – Actuarial Advisor (attended via Teams)

Jane Marshall DAC Beachcroft - Legal Advisor

Secretariat

Tara Atkins Firefighter Pension Advisor

Sandra Sedgwick Firefighter Pension Advisor (minutes)

Jo Donnelly Head of Pensions

Home Office

Antony Mooney

Simon Primmer

Tom Appleyard

Government Actuaries Department

Michael Scanlon

Brian Allan

Invited Administrator Guest Attendees (for item 9 only)

Matt Mott West Yorkshire Pension Fund (WYPF)

Yunus Garja West Yorkshire Pension Fund (WYPF)

Devolved Governments

Karen Gilchrist SPPA (attended via Teams)

1. Welcome, Apologies and Conflict of Interest

1.1 The Chair, Joanne Livingstone (JL) welcomed everyone to the meeting and confirmed that Cllr Byrom, Roger Hirst and Cllr Hennessy had sent apologies.

1.2 Minutes of the previous meeting on 12 September 2024 were reviewed for accuracy.

1.3 Mark Rowe (MR) from FBU suggested the word “conflict” within section 1.5 of page 3 be amended, and the paragraph be appropriately re worded. JL said that the paragraph would be reviewed and amended accordingly.

1.4 MR highlighted a typo at 3.1 where the word “updated” should be “update”.

1.5 No new conflicts of interests had arisen.

1.6 ACTION – Secretariat to make amendments as per 1.3 and 1.4 and publish finalised minutes on the website.

2. Actions arising (12 September 2024) and Chair's update.

2.1 The Chair went through the action log of 12 September 2024. Key points of all the actions discussed were:

2.2 ACTION 3.5 - Secretariat took an action to update the members website, in collaboration with Home Office, to reflect the imminent consultation.

ACTION - completed and is included within the FPS Members website on the [How much do I pay?](#)

2.3 ACTION 3.7 – Karen Gilchrist (KG) from SPPA to share their Scottish SAB paper with the English board. ACTION - Secretariat to share their copy from Scottish SAB meeting on 25 October.

2.4 ACTION 4.3 - Secretariat to update the RSS template to include both gross and net contribution adjustment – ACTION completed, and the template was published on the FPS regulations and guidance website in September.

2.5 ACTION 5.3 - Secretariat to circulate the board expenditure paper after the meeting for sign off. ACTION - complete papers were sent to the board following the meeting on 13 September 2024. The SAB levy was then sent to the fire minister on 20 September for approval, which was received on 12 November 2024. Chiefs were then sent the levy letter on 15 November 2024.

2.6 ACTION 6.5 - Secretariat to make the amendment to include the employer contribution rate and to review the induction material, if relevant, following the Budget, and then bring back to the board if needed, or publish accordingly. ACTION - LGA will publish this in the December FPS Bulletin.

2.7 ACTION 7.5 and ACTION 8.4 - Secretariat to liaise with Civica to establish what the issue regarding the 15 years limitation when trying to make a payment for Matthews eligible pensioner members, and if there is a relevant workaround and Civica to take away and investigate. ACTION – complete. Civica have confirmed that they issued a notice to their fire clients, which advised how to resolve the issue.

2.8 ACTION 8.7 – Heywood’s to provide assurance that their software does not have the same limitations as Civica (see Action 7.5 & 8.4). ACTION complete – Heywood confirmed that they can tell the system what the arrears are, their software does not rely on the system.

2.9 ACTION 9.2 - Secretariat to send out the invites for the next meeting cycle. ACTION - complete.

2.10 ACTION 9.5 Des Pritchard (DP) to review the terms of reference and report back at the meeting in December 2024. ACTION - complete and this will be covered in today’s meeting at Agenda item 6. JL thanked DP for his input.

3. Home Office update

Employee contribution rates review

3.1 Simon Primmer (SP) from the Home Office provided a verbal update on the member contribution structure consultation which is now live and will run until 29th January 2024. SP informed the board that the first of two engagement sessions took place on Tuesday 10th December. This was held virtually. SP reflected that this was a positive session, mainly attended by Administrators and Payroll teams. The main action for the HO was to provide more member examples ahead of the second session which is in-person at the LGA Offices in London on the 21 January 2025.

3.2 JL commented that although a paper had not been provided, she asked the board for their thoughts on how SAB would respond to the consultation.

3.3 MR suggested a one item board meeting. Due to board members limited availability, it was decided that this may not be possible within the timescales. JL proposed to create a first draft to be shared with the Board for comments ahead of the second engagement session and following receipt of the further GAD examples, with finalised comments being made following the session. ACTION Secretariat to liaise with the Chair regarding SAB response.

Update on Matthews policy considerations

3.4 SP confirmed that the Matthews policy considerations consultation will be going live in December, confirming a 10-week consultation period to allow for the changes to be implemented from April 2025. The HO welcome all to respond.

General

3.5 SP confirmed that the HO had met with the new fire minister to provide a briefing on fire pensions in particular the two major projects currently affecting Fire pensions - McCloud / Sargeant and Matthews.

3.6 SP provided an update in respect of the McCloud / Sargeant compensation process and confirmed that the second tranche of retrospective quarterly payments have been released.

3.7 MR asked the HO if they can provide SAB with an indication of the cost. SP responded that the HO may be able to bring this information to the next meeting. ACTION - SP to provide information on the cost of Age Discrimination Remedy compensation at the March SAB.

3.8 DP raised a concern that some members / FRAs appear not to be submitting cases, and questioned why and what the reason may be. DP asked if these FRAs are encountering problems and is there anyway SAB could engage with them to find out more?

3.9 Andrew Fox-Hewitt (AFH) from the FBU commented that he is aware of members who are struggling to understand the process. TA explained that conversations had taken place between LGA and FRAs to promote engagement and support to members.

3.10 JL commented that it would be beneficial for the Board to understand and support where possible. ACTION – Secretariat to reach out to FRAs to find out if they or their members are having difficulties and report back to the SAB.

4. GAD update

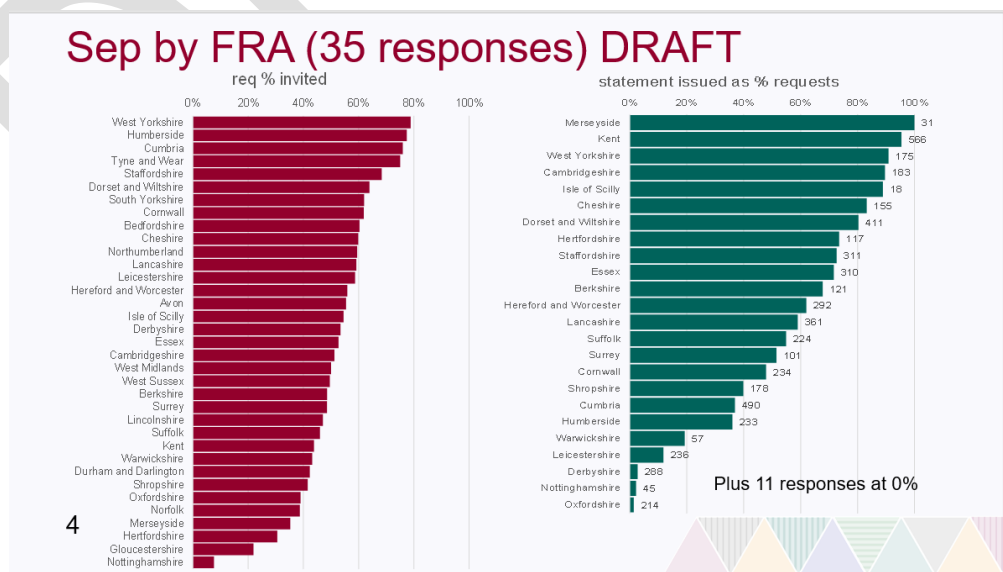
Matthews 2 calculator and manual cases process update

4.1 Home Office invited Brian Allen (BA) to provide an update on the Matthews.

4.2 Brian presented their [slides](#) and explained that although this data provides an insight, he added a caveat saying some FRAs are inconsistent in providing this information. Brian explained that in quarter to September 11 of the 43 FRAs had not returned their data.

4.3 The board discussed the statistics in detail and concerns were raised regarding the variations shown on the progress of FRAs. Brian explained that some FRAs are progressing more quickly than others, this can be governed by the date they started to process cases, resources and importantly the knowledge and expertise available to them.

4.4 The board felt that more understanding of these reasons for the variations would be beneficial and thought it would be good to reach out to FRAs. It was therefore discussed that additional information to establish how long ago invites and statements were sent out to determine non-response from members. **ACTION** – GAD to inform LGA of what additional information they wanted to be included within the quarterly return.



4.5 Mindful that the Matthews policy consideration consultation has not yet been released, SP posed a question to the board; he asked, based on the data shown today, would SAB expect that the Matthews 2 deadline will not be achievable. The board unanimously, answered yes, the deadline will not be achievable.

4.6 A discussion followed about the potential impact of the proposed extension especially where there is an interaction with the Sargeant exercise and those deadlines. Concerns were also raised in respect of the ageing profile of members and any death cases.

4.7 Brian provided an overview of the Matthews work stream to December 2024 and an outlook to 2025, explaining the calculator progress from October 2023 to date. Brian explained that following the [Review of GAD Matthews calculator](#) (SAB March 2024) by First Actuarial, these recommendations will now be factored into the next version of the calculator due to be released later this month.

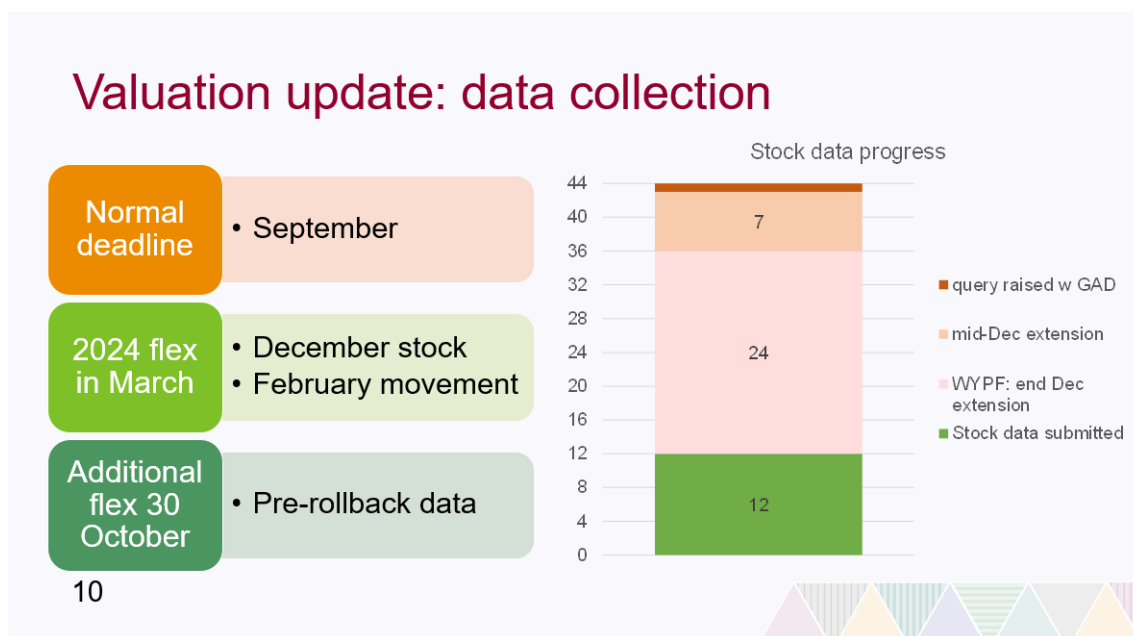
4.8 Brian acknowledged the major challenges FRAs have encountered processing these cases and the difficulties using the calculator. Being aware of the complexity of many cases, he provided assurance to the board that GAD would continue to provide their support in 2025.

MR commented that the FBU do not have access to the calculator but he believed employer members do have access. JL responded that although it was demonstrated at SAB and reviewed by the SAB's actuarial adviser, the calculator was not shared on a standalone basis with the SAB. Councillor members of SAB were not expected to have access to the calculator but this would depend on the permissions granted to the various areas of the website.

2024 valuation

4.9 Mike Scanlon from [GAD](#) provided an update on the 2024 valuation data collection. Explaining due to competing pressures, they had agreed to flex the deadline dates.

4.10 Craig Moran from First Actuarial asked how the last valuation estimates compare to the responses received. Brian explained it was too early to comment.



4.11 MS highlighted the outstanding issues and when they would be addressed.

- IC pensioners with unauthorised lumpsums – HO agreed for GAD to assist in providing guidance and examples
- Transfers – GAD to release guidance before end of December.
- Divorce cases (retrospective) - GAD to release guidance January 2025

4.12 JL asked if the issue regarding offsetting had been addressed and MG confirmed this had been resolved.

4.13 TA flagged to the Board an email received from the lead of a Social Media Group for members affected by the Matthews exercise. ACTION: JL to recommend some words to send as the response to the lead.

5. LGA update

5.1 TA provided a summary of the [report](#) and highlighted the key areas board that the LGA team are working on. This included updates on Sargeant and Matthews projects, confirmation that the budget bid was successful and updating the board

that unfortunately, the LGA had not been able to recruit to the position of Fire Pension Adviser and would be revisiting this vacancy in the new year.

5.2 TA spoke about the success of the recent LPB training and highlighted that the LGA Fire pensions team have long recognised there is a need for pension training throughout especially for FRAs. Due to this the LGA are in the early stages of exploring whether they could provide this to the Fire sector as a chargeable service.

6. SAB governance update

Terms of reference review

6.1 JL invited Des Pritchard to present his findings.

6.2 DP suggestions were, in the main, wording amendments which would bring consistency throughout. ACTION – Secretariat to review the areas highlighted and make necessary amendments. The draft should also be reviewed to ensure compliance with TPR's General Code.

6.3 In respect of representation, DP questioned whether the number of representatives should remain the same as currently and asked the board for their comments. JL reflected that more work needed to be done on this.

6.4 Joanne Donnelly (JD) expressed her concerns due to the pressure on the team with the limited resources. JD explained she had taken a proposal to FSMT and FSMC to decrease the number of councillor representatives within the Employer numbers from 7 to 4, which was agreed.

6.5 The board further discussed the size of the board and JL asked that they provided comments. Cllr Price commented that there is a need to have more representation from those with the appropriate technical expertise.

6.6 The quoracy was also discussed and it was agreed that this should be reduced given that it was seldom achieved.

Governance paper

6.7 TA delivered the paper to the board, raising the concern of achieving quorum.

6.8 The board discussed various suggestions how this would be best achieved, without making this too onerous.

6.9 TA confirmed that a Governance paper will be presented at future meetings, to provided SAB with policy updates, a business plan and a review of the risk register.

6.10 AFH raised whether members of the board should have access to the restricted area of the FPS website as they need this information to enable them to do their job. Andrew commented without this access there is a lack of transparency. AFH will be following up this verbal request with a request in writing. MR asked for this issue to be brought to the next meeting. ACTION – Secretariat to bring this item to the next meeting - FPS website restricted area access.

7. Sub Committee Updates

7.1 Tony Curry Chair of the LPB Effectiveness Committee provided an update, commenting that the committee has been reinvigorated, with training being the main focus. Listening to feedback from the sector he informed the board that, refresher training will now be delivered in 2025.

7.2 Tony explained that a draft agenda worked on by this committee is now available on the FPS website for local pension boards to use.

7.3 TA added that a trial run of a LPB Chairs forum had taken place, the session was well attended with positive interaction. It was agreed to continue these sessions on a bi-monthly basis.

8. Budget

Inheritance Tax Consultation

8.1 TA provided a summary of the consultation, explaining the key part affecting the Fire schemes is Inheritance tax, therefore the need for the consultation. TA advised that the LGA would respond to the consultation and asked SAB if they also would be responding.

8.2 MR commented on the lack of tax expertise on the board, JL explained that the consultation is, in theory, only in respect of the implementation process which is apparently already causing some debate.

8.3 Craig added, he supported the issues raised and highlighted this is going to be a difficult process for administrators. The board discussed the ramifications on members' dependants who will have to deal with this, another concern was the complexities of this process which could create potential delays leading to the severe financial detriment of members.

8.4 JL said it would be beneficial for SAB to respond. ACTION – Secretariat to share a draft response with SAB for comments.

9. Administrator updates: Position statements (written and verbal)

West Yorkshire Pension Fund

9.1 . The Board welcomed Matt Mott, Head of Governance and Business Development and Yunus Gajra, Assistant Director (Finance, Administration and Governance).

9.2 Matt provided his update to the board. The key areas of update included the Sargeant remedy, Matthew's exercise, Valuations and Pensions Dashboards.

9.3 Matt specifically noted that they are still unable to rollback records involved in the Sargeant remedy. However, they have all the Civica software updates in the systems and are currently testing rollback data and remain optimistic that this will be completed in January 2025.

9.4 Matt highlighted that the production of Pension Saving Statements (PSS) has been challenging, therefore they took action to prioritise those who are most likely to be impacted, due to having previous tax charges.

9.5 Matt commented that the request r from the LGA for Sargeant data caused concerns and wanted to highlight that their system cannot produce the

information therefore, this is a manual process and a significant piece of work.

9.6 Matt confirmed that they have resources working full time on the valuation return and are working with GAD to produce the valuation information.

9.7 Matt said that they have currently 600 Matthews cases ready for processing and are recruiting a project team to work in this area.

9.8 Matt explained they have had seen an increase in the number of requests for pension estimates which alongside their clients, is being managed carefully.

9.9 They are currently liaising with stakeholders and feel confident with the Pension Dashboard project. Their main concerns are the tight timeline requirements of April 2025 connection and the data matching process.

9.10 JL asked Matt to elaborate on his Dashboard readiness assessment.

9.11 Matt explained that their common data is good, and members (lost/deaths) are being traced via a framework however, this is also reliant on FRAs providing accurate data which is proving to be difficult.

9.12 Clair Alcock asked what the WYPF plan is in respect of contact and engagement for Matthews, the contributions statement and who will be dealing with this process and testing the data collected.

9.13 Matt responded saying comms will be sent out to members, and WYPF plan to have a contact centre for members.

9.14 HS confirmed that FRAs will be responsible for the contribution adjustments. CA raised concerns, saying do the FRA's understand what the expectation is.

9.15 Matt informed the board that WYPF are currently undergoing a recruitment drive. Their aim is to have one team dealing with Fire pensions, this consolidation will be more effective.

9.16 JL thanked Matt Mott (MM) and Yunus Gajra (YG) for attending.

LPPA written report

9.17 LPPA provided a written [report](#) ahead of the meeting.

9.18 The board were impressed with amount of useful information within the report and they commented that this provided a clear high-level overview of LPPA's progress on McCloud remedy, regulatory activity including Annual Benefit Statements (ABS), Pensions Savings Statements (PSS) and valuation data.

9.19 CA commented LPPA are one of the first Administrators to send out statements.

9.20 MR raised some concerns around negative member experiences, relating to the statements being issued and the use of the LPPA portal. He felt that their messaging is weak, and the information held can be unclear and misleading.

9.21 MR asked if he could be provided with links to the templates and information being used. ACTION – TA to provide links to statement templates and associated information.

XPS written report

9.22 XPS provided a [written report](#) ahead of the meeting. The XPS report was noted.

10. Software supplier updates:

Civica

10.1 Civica provided their [update](#) ahead of the meeting and were scheduled to attend however, due to slippages they were unable attend.

10.2 The board considered their report.

10.3 HS was able to provide an insight on Civica's the progress, in that there had been 26 drops into the live system in August and there are more to follow. Helen said that Civica are currently testing ABS-RSS calculations to which TA commented, do Civica have the necessary expertise to do these checks?

10.4 HS added WYPF have additional issues to Civica's other clients due to the system they use. There is also a problem around the 15-year backdated data, which has not been addressed and is currently being processed manually by administrators.

10.5 The board were concerned to hear that Civica have recently made several Fire pension employees redundant. JL was interested to know if they have a plan in place. ACTION: LGA to follow this up with Civica.

Heywoods

10.6 Heywoods provided their [update](#) ahead of the meeting for the board to consider. The Board noted the report.

AOB and date of the next meeting

The Chair agreed the next meeting cycle dates.

- Wednesday 19 March (In-person – Smith Square)
- Wednesday 18 June (Virtual – MS Teams)
- Thursday 11 September (In-person – Smith Square)
- Thursday 11 December (Virtual – MS Teams)

ACTION – Secretariat to send out the invites for the next meeting cycle.

The meeting closed at 15:20

OFFICIAL

Agenda item: 16

West Yorkshire Pension Fund – Key Performance Indicators

Local Pension Board

Date: 04/07/2025

Submitted by: Director of People and Culture

Purpose: To inform members of West Yorkshire Pension Fund's performance in key areas for the periods 1 July 2024 to 30 November 2024.

Recommendations: That the report is noted

Summary: This report informs Members of the Authority's key areas against which West Yorkshire Pension Fund measure their level of service.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: James Clarkson – Pensions Manager
James.Clarkson@westyorksfire.gov.uk
01274 682311 ext. 680157

Background papers open to inspection: None

Annexes: None

1. Introduction

1.1 The KPI report presents performance data from West Yorkshire Pension Fund in several key areas. Some of the areas included are as follows:

- Transfer in and out quotes
- Divorce quotes
- Pension estimates
- Deferred benefit set up
- Retirement quotes
- Retirement actuals
- Payroll changes
- Death notifications

2. Information

2.1 The table below provides KPI data for the period 1 December 2024 to 31 May 2025.

Worktype	Total Cases	Target Days For Each Case	Target Met Cases	Minium Target %	Target Met %
Age 55 Increase to Pension	7	20	7	85	100
Change of Address	29	20	29	85	100
Change of Bank Details	16	20	16	85	100
Death in Retirement	32	10	25	85	78.13
Deferred Benefits Into Payment	20	3	20	85	100
Deferred Retirement Quote	2	35	0	85	0
Deferred Benefits Set Up	41	20	11	85	26.83
Dependant Pension To Set Up	20	10	20	100	100
General Payroll Changes	76	20	76	85	100
Initial letter Death in Retirement	32	10	32	85	100
Injury Review	2	20	2	100	100
Life Certificate	202	10	189	85	93.56
NI adjustment to Pension at State Pension Age	17	20	17	85	100
Pension Estimate	33	10	12	90	36.36

Worktype	Total Cases	Target Days For Each Case	Target Met Cases	Minium Target %	Target Met %
Pension Set Up/Payment of Lump Sum	5	3	5	85	100
Refund Actual	1	10	1	90	100
Refund Quote	3	35	3	85	100
Retirement Actual	5	10	5	90	100
Set Up New Spouse Pension	20	5	20	85	100
Transfer In Quote	5	35	5	85	100
Transfer Out Quote Fire	3	35	3	85	100
Update Member Details	18	20	17	100	94.44

2.2 WYPF have provided the following commentary:

Death in Retirement did not meet due to the team experiencing high volumes of work.
Deferred Retirement Quote did not meet due to the team experiencing high volumes of work.
Deferred Benefits Set Up did not meet due to high volumes of work, the members did receive confirmation within 2 months of WYPF receiving the leaver information that they have a deferred benefit. This meets the statutory requirements
Pension Estimate did not meet because of high volumes, some estimates are taking around 8 - 10 weeks to process. Estimates with an intended retirement date of 3 months or more in the future are not processed until the more urgent estimates with a retirement date within 3 months have been completed.
Update Member Details did not meet due to other urgent work taking priority. The delay in processing the updates had no effect on any benefits being paid.

3. Financial Implications

3.1 There are no financial implications arising directly from this report.

4. Legal Implications

4.1 The Monitoring Officer has considered this report and is satisfied it is presented in compliance with the Authority's Constitution.

5. Human Resource and Diversity Implications

5.1 There are no HR and or Diversity implications arising directly from this report.

6. Equality Impact Assessment

6.1 Are the recommendations within this report subject to Equality Impact Assessment as outlined in the EIA guidance?: No

7. Health, Safety and Wellbeing Implications

7.1 There are no health, safety and wellbeing implications arising directly from this report.

8. Environmental Implications

8.1 There are no environmental implications arising directly from this report.

9. Your Fire and Rescue Service Priorities

9.1 This report links with the Community Risk Management Plan 2022-25 strategic priorities below:

- Encourage a learning environment in which we support, develop, and enable all our people to be at their best.
- Provide ethical governance and value for money.
- Collaborate with partners to improve all of our services.

10. Conclusions

10.1 This report is for information only.

KPIs

1/12/2024 to 31/5/2025

WORKTYPE	TOTAL CASES	TARGET DAYS FOR EACH CASE	TARGET MET CASES	MINIUM TARGET %	TARGET MET %	AVERAGE TIME TAKEN
Age 55 Increase to Pension	7	20	7	85	100	13.14
Change of Address	29	20	29	85	100	2.28
Change of Bank Details	16	20	16	85	100	2.44
Death in Retirement	32	10	25	85	78.13	8.19
Deferred Benefits Into Payment / Payment of Lump Sum	20	3	20	85	100	3
Deferred Benefits Into Payment Quote	2	35	0	85	0	56
Deferred Benefits Set Up on Leaving	41	20	11	85	26.83	121.78
Dependant Pension To Set Up	20	10	20	100	100	2.35
General Payroll Changes	76	20	76	85	100	1.39
Initial letter Death in Retirement	32	10	32	85	100	1
Injury Review	2	20	2	100	100	2
Life Certificate	202	10	189	85	93.56	8.14
NI adjustment to Pension at State Pension Age	17	20	17	85	100	10.24
Pension Estimate	33	10	12	90	36.36	44.06
Pension Set Up/Payment of Lump Sum	5	3	5	85	100	3
Refund Actual	1	10	1	90	100	1
Refund Quote	3	35	3	85	100	30
Retirement Actual	5	10	5	90	100	9.2
Set Up New Spouse Pension	20	5	20	85	100	2.4
Transfer In Quote	5	35	5	85	100	15.2
Transfer Out Quote Fire	3	35	3	85	100	17
Update Member Details	18	20	17	100	94.44	7.39

Death in Retirement did not meet due to the team experiencing high volumes of work.

Deferred Benefit into Payment Quote did not meet due to the team experiencing high volumes of work.

Deferred Benefits Set Up on Leaving did not meet due to high volumes of work, the members did receive confirmation within 2 months of WYPF receiving the leaver information that they have a deferred benefit. This meets the statutory requirements

Pension Estimate did not meet because of high volumes, some estimates are taking around 8 - 10 weeks to process. Estimates with an intended retirement date of 3 months or more in the future are not processed until the more urgent estimates with a retirement date within 3 months have been completed.

Update Member Details did not meet due to other urgent work taking priority. The delay in processing the updates had no effect on any benefits being paid.

OFFICIAL

Agenda item: 17

Firefighters' Pensions Bulletins 88-93

Local Pension Board

Date: 04/07/2025

Submitted by: Director of People and Culture

Purpose: To inform Members of the contents of the bulletins published since the last Local Pension Board meeting.

Recommendations: That the report is noted and any actions arising from the bulletins are acted upon (where appropriate).

Summary: Included in this report are the actions arising from each bulletin and an update of the status of the actions.

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: James Clarkson – Pensions Manager
James.Clarkson@westyorksfire.gov.uk
01274 682311 ext. 680157

Background papers open to inspection: None

Annexes: None

1. Introduction

- 1.1 The Local Government Association (LGA) produces a monthly bulletin which provides pension practitioners with updates on various pension related issues.
- 1.2 The bulletins are sent to Administrators, Scheme Managers, FRA pension contacts and LPB chairs as a matter of course.
- 1.3 There is an expectation of members to scrutinise each bulletin and seek assurance from the Scheme Manager that all actions arising have been identified and acted upon.

2. Information

- 2.1 [FPS Bulletin 88 - December 2024](#) contained the following actions for scheme managers:

Action	Status
NS&I Direct Saver Interest rates: should ensure that they have updated the new NS&I rate in the calculator for calculations on or after 20 December 2024.	Complete
Annual Benefit Statement Remediable Service Statements (ABS-RSS) Readiness: should ensure that they have considered these readiness questions and discussed the relevant points with their administrator.	Complete
Annual Benefit Statement Remediable Service Statement FAQs: should direct members to the FAQs when producing the ABS-RSS.	Complete
GAD calculator: should ensure that those who are involved with the Matthews exercise are aware of the new version of the calculator.	Complete
Amendments to the Firefighters' Pension Scheme: retained firefighters: we encourage you to review the consultation and draft a response accordingly.	Complete
Project implementation data request: to complete the Project implementation data request and return to the bluelightpensions@local.gov.uk by 17 January 2025	Complete
Level 2 – Award in Pensions Essentials (APE) Qualification: to are encouraged to engage with the development of the new training programme for 2025,	Complete

and to contact bluelightpensions@local.gov.uk if you would like to register your employees on this qualification course.	
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2.2 [FPS Bulletin 89 - January 2025](#) contained the following actions for scheme managers:

Action	Status
Pension Saving Statements: should ensure that they have read both emails and either carried out or delegated the recommended actions included.	Complete
Remediable Service Statements statutory deadlines: should discuss with their administrators the points raised and what actions they need to take to communicate with members.	Complete
Contribution adjustments: should ensure that affected members are communicated with to inform them ahead of the publication of the RSS, how they can pay their contribution adjustment.	Complete
Remediable Service Statements data request: should liaise with their administrators to obtain the RSS data and return to bluelightpensions@local.gov.uk by 9th of each month.	Complete
Manual cases update: should ensure that those in their FRA who are working on the Matthews exercise refer any Matthews manual cases to GAD alongside data being assembled to Firematthewscalculator@gad.gov.uk .	Complete
2024 Valuation update: should ensure that their remaining (movement) valuation extract tables have been provided to GAD by 28 February 2025.	Complete
2025 Training and Development: are encouraged to allow their employees to attend the relevant training on offer, where it will help with their role and ongoing development.	Complete

2.3 [FPS Bulletin 90 – February 2025](#) contained the following actions for scheme managers:

Action	Status
Remediable Service Statements readiness: should discuss the points raised and what actions they need to take to decide whether they can use Section 20(10b) or to report a breach and to communicate with their members.	Complete
Internal Dispute Resolution Procedure: should consider the points raised and ensure that they have an IDRP policy in place, and if not take measures to do so.	Complete
Training and Development: are encouraged to allow their employees to attend the relevant training on offer, where it will help with their role and ongoing development.	Complete
Local Pension Board Training: Readers should make their LPB members aware of the training sessions and encourage them to book onto a session.	Complete

2.4 [FPS Bulletin 91 – March 2025](#) contained the following actions for scheme managers:

Action	Status
GAD Guidance: are advised to ensure that their administrators are using the correct GAD guidance.	Complete
Changes in NS&I rate Direct Saver Interest rates: should ensure that they have updated the new NS&I rate in the calculator for any calculations on or after the date of change.	Complete
Project Implementation Data request: FRA's to complete the Project Implementation data request and return to the bluelightpensions@local.gov.uk by 22 April 2025	Complete
2025 training and development: are encouraged to allow their employees to attend the relevant training on offer, where it will help with their role and ongoing development.	Complete

2.5 [FPS Bulletin 92 – April 2025](#) contained the following actions for scheme managers:

Action	Status
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Contingent Decisions – opted out service reinstatement pause: should notify LGA via bluelightpensions@local.gov.uk should they have any contingent decision opt out cases where based on the current understanding they would end up with two legacy schemes in the remedy period.	Complete
GAD guidance - Divorce: should ensure that their administrators are using the correct guidance and processing cases accordingly.	Complete
Public Service Pensions and Judicial Offices Act: amending Directions: will need to assess their position and implement the amendments and notify their administrator, where they have not already adopted the LGA recommendation.	Complete
GAD calculator - should ensure that the correct version of the calculator is being used. We advise that local versions of the calculator should not be made, and you refer to the website when needing to use the calculator to ensure the correct version is being used.	Complete
FPS Top up Grant 2025: should ensure that their claim administrators/certifiers complete their return by 16 May 2025	Complete
Matthews Elections Data: should ensure that bulk input data for Matthew's elections up to and including 31 March 2025 are provided to GAD by 2 May 2025.	Incomplete
2025 Training and Development: are encouraged to allow their employees to attend the relevant training on offer, where it will help with their role and ongoing development	Complete
Pension Dashboard Programme – recent updates: should review the guidance and share with the relevant parties who are implementing dashboards for you.	Complete
TPR launch dashboards industry social media campaign: should review TPR's toolkit and share its content with appropriate parties and complete the five actions TPR wants you take in preparing to connect.	Complete

Registration codes: should review the hot topics article and share with the relevant parties who are implementing dashboards for you.	Complete
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2.6 [FPS Bulletin 93 – May 2025](#) contained the following actions for scheme managers:

Action	Status
Remediable Service Statements (RSS) data request: should liaise with their administrator to allow for them to submit this information to bluelightpensions@local.gov.uk , which they should already have readily available	Complete
Refer to GAD manual cases: should refer any 'Refer to GAD' cases to them through their email Firematthewscalculator@gad.gov.uk .	Complete
Matthews GAD calculator – Version 3: FRAs who are interested should contact GAD at Firematthewscalculator@gad.gov.uk	Complete
Valuation: should ensure they engage with GAD if they receive follow up queries.	Complete

3. Financial Implications

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- Provide ethical governance and value for money.
- Collaborate with partners to improve all of our services.

10. Conclusions

- 10.1 This report is for information only.

West Yorkshire Fire and Rescue Authority

Local Pension Board

Terms of Reference

Function and Responsibilities

The function of the Local Pension Board is to assist the Scheme Manager (West Yorkshire Fire and Rescue Authority) in administering the various firefighter pension schemes. This will be achieved by providing governance and by scrutiny of policies, pension documentation, decisions and outcomes.

The Local Pension Board will also assist the Scheme Manager to:

- secure compliance with the Regulations, any other legislation relating to the governance and administration of the Schemes, and requirements imposed by the Pensions Regulator in relation to the Schemes and;
- ensure the effective and efficient governance and administration of the Schemes

Duties of the Board

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of these duties Board members:

- should act always in the interests of the Scheme and not seek to promote the interests of any stakeholder group above another
- should be subject to and abide by the Local Pension Board approved code of conduct

Frequency of meetings

The WYFRA Local Pension Board will meet six monthly (July and January in each municipal year), to review / report on previous actions and determine work streams and priorities for the future.

The Chair of the Board, with the consent of the Board membership, may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

Local Pension Board membership

To comply with the regulations the Board must have a minimum of four members (two Scheme Member representatives and two Scheme Manager representatives. A Local Pension Board membership of four is the most straight forward and cost effective way of providing the Local Pension Board and complying with the Regulations.

Membership of the West Yorkshire Fire and Rescue Authority Local Pension Board will be:

3 X Scheme Member representatives (including 1 x FBU representative)

3 X Scheme Manager representatives (2 x elected Members, 1 x Officer representative)

Non-voting Officer Advisor(s) as appropriate

Scheme Manager (elected Member) representation on the Board will be determined by the Fire Authority at its Annual Meeting (or as otherwise required). The Officer representative will be nominated by the Authority's Management Board.

The Officer Advisor will be a specific officer who is to assist the Board in gathering/analysing information and writing reports. The Board will also be able to request assistance from any officer who has specific knowledge of a subject matter they are investigating.

Scheme Member representatives

Scheme Member representatives shall be appointed to the Board on an annual basis (or as otherwise required) by the Executive Committee of the West Yorkshire Fire and Rescue Authority following a formal application process.

2 x Scheme Member representatives will be active, deferred or retired members of one of the firefighter pension schemes administered by WYFRA.

1 x Scheme Member representative will be nominated by the Fire Brigades' Union.

Scheme Member representatives should be able to demonstrate

- their capacity to represent pension scheme members
- capacity to attend and complete the necessary preparation for meetings, and
- capacity to participate in training as required

Scheme Manager representatives

2 x elected Member Scheme Manager representatives shall be appointed on an annual basis to the Board at the Annual Meeting of the Authority (or as otherwise required)

1 x Officer Scheme Manager representative shall be appointed/confirmed on an annual basis by the Authority's Management Board.

Scheme Manager representatives with delegated responsibility for discharging the Scheme Manager function of WYFRA may not serve as Scheme Manager representatives on the Board.

Scheme Manager representatives should be able to demonstrate

- their capacity to represent the Scheme Manager
- capacity to attend and complete the necessary preparation for meetings, and
- capacity to participate in training as required

Appointment of Chair and Vice chair

Local Pension Board Members will act as the Chair and Vice- chair on an annual, rotational basis ie. when a Scheme Manager representative is appointed Chair of the Board, the position of Vice chair will be filled by a Scheme Member representative and vice versa on an annual basis.

Notification of appointments

On appointment to the Board, WYFRA shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Objectives

WYFRA Local Pension Board should consider the following:

- Are pension statements timely and accurate?
- How long does it take between retirement and receipt of pension?
- The number of errors made by the pension administrator.
- Are relevant policies in place and of a sufficient standard?
- Are pension estimates accurate and timely?
- Is the West Yorkshire Pension Fund (WYPF) website accurate and user friendly?
- Ensure that annual CARE scheme calculations are being carried out.
- Scrutinise data quality.

- Ensuring pension rules and regulations are being complied with, when officers are making decisions on pension matters.
- If complaints/appeals are being dealt with correctly and the correct procedures being followed.
- Review internal audit reports

This list is not exhaustive. The Local Pension Board will have the power to investigate anything it wishes in relation to the firefighters' pension schemes within WYFRS.

Conduct and Conflict of interest

Members of the Board are responsible for ensuring that their board membership does not result in any conflict of interest with any other posts they hold.

All members of the Board must declare to WYFRA on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board. On appointment to the Board and following any subsequent declaration of potential conflict WYFRA shall ensure that any potential conflict is effectively managed in line with both the internal procedures of WYFRA and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

Members of the Board must not use their membership for personal gain.

Gifts and hospitality should only be accepted with the permission of the Authority - any gifts accepted should be reported on in the Local Pension Board's annual report.

Members of the WYFRA Local Pension Board should maintain confidentiality when discharging their duties.

The WYFRA Local Pension Board has the right to use WYFRA facilities and resources in the course of discharging its duties.

Knowledge and understanding (including Training)

Knowledge and understanding must be considered in light of the role of the Board to assist WYFRA as detailed above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding

policy and framework. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Term of office

Term of Office should be for 2 years and in accordance with the committee cycle in WYFRA

Board membership may be terminated prior to the end of the term of office due to:

- A Scheme Member representative no longer holding the office or employment or being a member of the body on which their appointment relied
- A Scheme Manager representative no longer holding the office or employment or being a Member on which their appointment relied
- The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training

Board Members may be re-appointed for more than one term of office following an approved appointment / nomination process.

Reporting

The West Yorkshire Local Pension Board will produce an Annual Report which will highlight areas of concern and identify good practice.

The report will also contain information on the number of retirements (natural and ill health), new starters, membership and opt-out numbers.

The Board will report to the People and Culture (formerly Human Resources) Committee.

Resourcing and funding

Members of the WYFRA Local Pension Board will be entitled to claim any reasonable out of pocket expense incurred through discharging their Local Pension Board responsibilities.

The Board will not have a dedicated budget. Requests for finance to purchase technical assistance, Board member training and anything else the Board may require to effectively discharge its duties will be made through the WYFRA Finance and Resources Committee.

Quorum

A meeting is only quorate when three Board members are present (including either the Chair or Vice chair).

Voting

The Chair shall determine when consensus has been reached. There will be no casting vote.

Where consensus is not achieved this should be recorded by the Chair.

Relationship with West Yorkshire Fire and Rescue Authority

In support of its core functions the Board may make a request for information to WYFRA with regard to any aspect of the Scheme Manager function. Any such a request should be reasonably complied with in both scope and timing.

In support of its core functions the Board may make recommendations to WYFRA which should be considered and a response made to the Board on the outcome within a reasonable period of time.