

Pensions Board

14 May 2020 by Virtual Meeting

Attendance: Neil Chamberlain (Chair),
Adam Harper, Employee Representative
Emmett Robertson, Employee Representative
Alan Tranter, Employee Representative
Wendy Browning Sampson, Employer
Representative
Kal Shoker, Employer Representative
Paul Gwynn, Pensions Adviser
Karen Gowreesunker, Clerk to the Fire Authority
Observer: Councillor Catherine Miks, Chair of the
Audit and Risk Committee to the Fire Authority

1. **Apologies**

Apologies were received from Julie Felton, Employer Representative.

2. **Annual Benefits Statement 2020**

Paul Gwynn confirmed that statements had been issued to Deferred Members. Preparation of statement issue to Active Members is on schedule to meet the 31/08/2020 deadline. Should unexpected matters arise affecting this position, they will be reported to the Pensions Board (hereafter 'the Board') for agreed mitigation.

Alan Tranter enquired upon the impact of the Covid-19 pandemic on resource management of the Pensions and Payroll Team, Paul Gwynn confirmed the team were effectively co-ordinating activity through remotely secure technological support.

In response to an enquiry from Kal Shoker about latitude to issue statements beyond the deadline, Paul Gwynn responded the Regulator had issued guidance on their website. This stated that should a breach of this deadline occur, they would consider circumstances sympathetically on an individual case basis, that enforcement was not automatically necessary. It was re-affirmed that if current resourcing remained constant, West Midlands did not envisage exceeding the deadline.

In response to an enquiry from Adam Harper about the format of statements, Paul Gwynn stated they conformed to the requirements as presently determined. It was anticipated that the format may be subject to review and proposals/changes will reported to the Board should that occur.

A related enquiry from Adam Harper was made regarding distribution of P60's during the period of closure of WMFS Headquarters site. Paul Gwynn confirmed that special arrangements had been actioned, enabling members of the Pensions and Payroll Team access to site for printing and enveloping of same. Distribution from Registry would be progressed accordingly. It was also confirmed that distribution by email was not viable, as the security of external email addresses could not be guaranteed; unlike existing employees who each had secure WMFS email addresses for receipt of P60's and associated personal data.

The Board expressed satisfaction with the context reported and arrangements for future progress.

3. **Assurance of Governance arrangements during Covid-19 Pandemic**

The Board received updates from Paul Gwynn and Kal Shoker on the capacity of the service to ensure maintenance of effective governance during the period of the Covid-19 pandemic. The Board were assured that

remote working was appropriately co-ordinated, turnaround times for payments were unaffected, contingency planning was in place should team availability be reduced.

It was noted that an increase in Widows benefits had been experienced and these payments were being prioritised.

The Board were reassured that payment mechanisms were robust to manage the practices of 'scammers', who are increasingly active within the pensions marketplace. The Regulator has previously expressed satisfaction with the WMFS infrastructure in this regard.

4. **Part Time Workers Prevention of Less Favourable Treatment Act 2000 (Regina-v-Judge O'Brien)**

The Board received a general overview of the context of the case and the matters that informed it. The case pertains to retained firefighters and the distribution of regulations from the LGA has been revised from 31/01/2020 to receipt during April 2020. These have yet to be received.

An enquiry from Adam Harper was made to Paul Gwynn on the anticipated approach that WMFS would progress. He confirmed the release of regulations would advise implementation. It was envisaged that a FAQ's sheet would be collated for all persons affected, together with awareness generation via the multitude of communication channels available. There would also be substantial tracking to engage with those who previously worked on a retained basis. The sites of Bilston, Handsworth and Sedgley were specifically referenced.

The Chair confirmed this would become a standing agenda item.

5. **Any Other Business**

An enquiry from Wendy Browning-Sampson was made on the status of the Injury Award Report. This should have been presented to the Audit and Risk Committee of the Fire Authority on 23 March 2020, a meeting that was cancelled due to the initiation of a lockdown. It was confirmed by both the Chair of the Audit and Risk Committee and the Clerk to the Fire Authority, that this report will be received by the Committee at its next meeting to be arranged for early June 2020. An amendment to Government legislation enables this Committee to meet in a virtual environment.

There was substantial discussion following an enquiry upon the progression of Remedy and the encouragement by the Fire Brigades Union for members to seek compensation resultant of the delay in final determination of McCloud.

Paul Gwynn summarised that the Treasury were due to publish a proposed solution for Remedy during Spring 2020 and subsequently undertake consultation. Publication is awaited. The compensation legal case is secondary to Remedy, in that it relates to Members seeking to claim for the period of delay in determining a judgement. A court case is anticipated for July 2020.

The benefits accrued in different variants of the Pension Scheme, the dates for payment of remedy, the level of overpaid/underpaid contributions into schemes, sit at the heart of the issues to be resolved. There is likely a Choice or Deferred Choice proposal for members.

The Chair requested the Board be updated on general developments. He also requested that employee representatives' detail specific individual queries through Paul Gwynn, who informs the Board of matters arising thereafter. This will ensure meetings are completed at the appropriate level of strategic and operational discussion.

An update enquiry was requested by Alan Tranter on the recent visit of the Pensions Regulator. Paul Gwynn confirmed that the report was awaited, and it would be received into the service through the Clerk to the Fire

Authority and the Chair of the Audit and Risk Committee. The general sense emanating from the visit was one of positivity of outcome. The Pension Regulator intimated they were satisfied with the decision-making process between Pensions Board and Audit and Risk Committee and the assurance that embedded. In addition, they were satisfied with the level of cyber security in situ to manage business. An information point was made by Paul Gwynn of a project underway to complete scanning of documents to further safeguard personal data. This received collective endorsement.

The Board agreed they will welcome the findings of the report and will support the Service in managing local circumstances in accordance with regulations.

6. Date and Time of Next Meeting

The next meeting of the Board was not scheduled. A date in advance of 31 August 2020 would be confirmed, method of transaction determined by developments in lockdown guidance.

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