

Pensions Board

11 September 2020 at 15.30 hrs by Online Meeting

Attendance: Neil Chamberlain, Chair of Pension Board
Adam Harper, Employee Representative
Alan Tranter, Employee Representative
Wendy Browning Sampson, Employer Representative
Julie Felton, Employer Representative
Kal Shoker, Employer Representative
Paul Gwynn, Pensions Adviser

Observer: Councillor Catherine Miks, Chair of the Audit and Risk Committee to the Fire Authority

1. Apologies

Apologies were received from Karen Gowreesunker (Clerk to WMFRA), Emmett Robertson (Employee Representative).

2. Minutes of Pension Board 30 July 2020

The Board resolved the minutes of the meeting held on 30 July 2020 be approved as a correct record of proceedings.

Wendy Browning-Sampson requested it be noted for the purpose of forward planning, the next meeting at which the Independent Chair of the Board is unavailable, an Employee Representative fulfils the role. This accords with the Terms of Reference that the Employer and Employee Representative alternate the role. The Board of the 30 July 2020 was Chaired by an Employer Representative.

The Board were updated the LGA/FPS representative was not available to undertake training at their next meeting scheduled for 11 December 2020. The Board agreed the proposal of the Chair to reconsider the date of the next

Board to accommodate her availability during December 2020. The Strategic Hub were requested to progress and revert to Board Members.

3. **Updates**

Annual Benefit Statements - Paul Gwynn confirmed all statements were issued during the period 11 to 15 August 2020, in advance of the required deadline of 31 August 2020. There are a few subsequent queries from Scheme Members being addressed which relate to implications of the outcome of Remedy. The Board expressed thanks to Paul Gwynn and the Payroll and Pensions Team for their efficiency in progressing this item, particularly within the circumstances of the Covid-19 pandemic.

Assurance of Governance arrangements during Covid-19 pandemic – Paul Gwynn provided assurance to the Board that Governance arrangements were being maintained. He cited two pension related reports presented at the West Midlands Fire and Rescue Authority (WMFRA) Audit and Risk Committee on 27 July 2020. Councillor Miks, the Chair of that Committee, confirmed discussion of the reports and their outcome.

Risk Register – Wendy Browning-Sampson suggested Board Members review the Risk Register in advance of meetings, update accordingly and identify specific items in readiness for discussion. Alan Tranter suggested the Register should be represented by RAG ratings (Red, Amber, Green) enabling prompt sighting of issues arising. The Chair requested that Wendy Browning-Sampson and Kal Shoker review the structure of the Risk Register and report back to the Board on potential improvements to its presentation, management and ownership.

A discussion progressed on Risk 10 (Successful legal challenge by FBU to Transitional Arrangements) and whether it should be revised to become two risks. Wendy Browning-Sampson and Adam Harper agreed that transitional arrangements had begun to generate recurring complaints. Paul Gwynn observed that Remedy was now a

standing agenda item and a future risk for consideration should there be insufficient capacity of employee or IT resource to deliver transitional arrangements. The Chair suggested this item be included to the review of the structure of the risk register.

4. **McCloud Sargeant consultation (Fire)(July 2020)**

Paul Gwynn provided an update on actions undertaken since the recent release of the consultation document. He confirmed a draft response had been compiled for review by the Strategic Enabling Team at their meeting on 16 September 2020. The response would be presented for approval at the WMFRA meeting on 05 October 2020. Submission deadline for consultation responses is 11 October 2020.

The Board requested the opportunity to review the response in its current format. Paul Gwynn confirmed it was filed within the Pension Board Team site, for which all members had access.

Paul Gwynn reported the Scheme Advisory Board have requested the Home Office provide Guidance on Immediate Detriment Cases i.e those who retire during the Remedy period of 01/08/2015 – 01/03/2022. The legal standing of all cases considered as if Remedy has been agreed is being challenged. There are implications to be addressed regarding changes in taxation resultant of Scheme changes and the costs of Additional Voluntary Contributions.

Adam Harper enquired if West Midlands Fire Service (WMFS) were seeking a legal position, to which Paul Gwynn confirmed affirmatively. Alan Tranter enquired if transitional arrangements are potentially unlawful, enabling a Scheme Member to pursue a class action against WMFS implementing transitional arrangements. Paul Gwynn stated that it was feasible to envisage that occurrence.

Adam Harper commented there existed risk to both individual employee and WMFS. Paul Gwynn confirmed this position and upon further enquiry supplemented that WMFS and the local Fire Brigades Union Branch were in regular constructive liaison relevant to each bodies position on Remedy and the associated guidance.

The Chair enquired of how the prospective financial impact was being forecast. Kal Shoker confirmed that a £1.5 million budget pressure is mentioned in the February 2020 budget report to the WMFRA and additional grant would be sought from Government to minimise financial pressures placed upon the WMFRA.

5. **FPS Bulletin 36**

Paul Gwynn advised the Board that items contained within the bulletin were being progressed where required. He referenced the Annual General Meeting on 22 September 2020 and encouraged all Pension Board Members engage, being conducted online it would not be limited in number of attendees.

6. **Recruitment of Board Members 2021**

In the absence of the Chair at the meeting of 30 July 2020, Wendy Browning-Sampson reaffirmed discussion therein that the tenure of Employee Representatives concludes in June 2021. Arrangements for an election process will be confirmed by December 2020. The recruitment process would cover a six-month period and the current recruitment process is to be assessed and verified for fitness for purpose in advance of commencement. It was also confirmed the Clerk to the WMFRA would be consulted in parallel to discuss the mechanism for future recruitment of Employer Representatives to the Board.

The Chair requested to be advised of the exact recruitment process and timescale. He observed the performance of the current Board had been excellent for improving the quality of debate, which had been informed by its skillset therein. The Chair endorsed the agreement made at the previous

Board that this item become a standing agenda item during this period of recruitment.

7. **Date of Meeting**

The date of next meeting was reaffirmed as Friday 11 December 2020 at 15.00hrs, pending confirmation of an alternative date to undertake FPS training.

It was anticipated the meeting would be conducted as an online meeting.

8. **Any other Business**

There were no items of any other business raised.

The Board meeting ended at 16.35hrs.

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