

Pension Board

09 June 2021 at 09.00 hrs by digital Meeting

Attendance: Neil Chamberlain Chair of Pension Board
Adam Harper, Employee Representative
Alan Tranter, Employee Representative
Kal Shoker, Employer Representative
Paul Gwynn, Pensions Adviser
Karen Gowreesunker, Clerk to the Fire Authority

1. **Apologies**

Apologies were received from Wendy Browning-Sampson and Julie Felton (Employer Representatives), Emmett Robertson (Employee Representative) and Cllr Catherine Miks (Chair of the Fire Authority Audit and Risk Committee).

2. **Minutes of Pension Board 30 March 2021**

The Board resolved the minutes of the meeting held on 30 March 2021 be approved as a correct record of proceedings.

3. **Terms of Reference for the Pension Board**

In accordance with the Terms of Reference for the Pension Board, an annual review of performance was conducted. The discussion was all encompassing, with a particular focus upon ensuring the Board implements and strengthens ownership of its probity and guidance function, in relation to the decision-making remit of the Scheme Manager in the entity of the Audit and Risk Committee. The administration and assurance functions of the Board were also addressed, to ensure clarity of delineation between officer roles supporting the Board and the Board itself determining the focus of its agenda. It was agreed the skills of the current Board membership remained valid to the purpose of the

Board. Similarly that recruitment to the Board should account for the business continuity arrangements necessitated by the Covid-19 pandemic and the expertise gained during the analysis of recent legal cases (predominantly Remedy) and developments of the Pension Regulator.

The Chair summarised three specific actions. Firstly, the September Board meeting will be immediately followed by a Board development session to advise a workplan and continuity of remit for 2021/22. Secondly, the production of an Annual Report of the Pension Board for submission to the Audit and Risk Committee. Thirdly, the recruitment proposal provided by Wendy Browning-Sampson in January 2021 be re-evaluated by 25 June 2021 to determine a majority opinion on approach. The outcome will determine if a report is required for submission to the Audit and Risk Committee scheduled for 19 July 2021.

4. **Annual Benefits Statements**

Paul Gwynn updated the Board on progress to release Annual Benefits Statements. Technical issues nationally had delayed preparation however the deadline of 31 August 2021 would be achieved. The plan is to complete statements in stages by each pension scheme, thereby matching resource capacity and focus on each scheme's regulations in blocks. It is anticipated that approximately seventy members of the 1992 Scheme will be transferred into the 2015 Scheme. Paul Gwynn confirmed Government had set April 2022 as the date by which all statements must align to the 2015 Pension Scheme.

Kal Shoker suggested a performance update is provided monthly as part of internal monitoring figures; the outline timeframe and mitigating factors for completion could also be included. The Chair requested this reporting features in the Risk Register.

5. **Risk Register**

The Chair acknowledged progress made to the formatting integrity of the Risk Register. Members were requested to provide feedback to Julie Felton by 25 June 2021 on any risk omissions or mitigations to existing risks, together with confirmation of satisfaction that risk ratings were appropriate. The Chair stated a full and detailed review of the Risk Register will be an agenda item at the September 2021 meeting of the Board.

The outcomes of the review and discussion will be reported through the Board minutes to the 08 November 2021 meeting of the Audit and Risk Committee (the Scheme Manager). The intention being to generate alignment of risk reporting of the Pension Board to West Midlands Fire Service Corporate Risk Register; it was agreed this would enable both registers to reciprocally advise their content.

6. **Remedy**

The Board acknowledged the uncertainty that existed upon this subject, with legislation and outcomes of legal challenge awaited. Paul Gwynn stated it was anticipated that regulation would be enacted from September 2023 with a three-year transfer implementation period to September 2026. It was confirmed the approach for West Midlands Fire Service will be to prioritise cases of sensitivity, such as death related estates or tax issues for current/deferred members.

Alan Tranter commented the importance of establishing criteria for prioritisation, as these would need communicating to pension scheme members. Additionally, the Board understanding how linear the process will be can assist their support to members. The Chair supported this perspective and requested an update on performance of delivery administration at each Board meeting.

Paul Gwynn appraised the Board of a legal challenge from the national Fire Brigades Union to implement Remedy to an earlier timescale. Wendy Browning-Sampson is

monitoring developments and will progress report to the Board.

Discussion ensued upon the implications of the O'Brien case, re-affirming comparable detail from the March 2021 meeting of the Board. It was acknowledged the timescale of buy back created by the court ruling would have implications for the Service. The number of retired members or deceased members estates affected are yet to be established; the Payroll and Pension Team of the Service will need to research payroll archives to confirm the number of cases for progression. Paul Gwynn stated a fundamental aspect of this process is to determine where pension payment liability lies; this is not considered an issue where employed by West Midlands Fire Service however retrospective membership by other authorities has to be ascertained to ensure payment is allocated to the appropriate responsible entity.

The Fire Pension Scheme Remedy Self-Assessment Survey has been received. The Chair confirmed his co-ordination of the response by 30 June 2021.

7. **Systems Update**

Paul Gwynn informed the Board of the imminent contracting to a new pension payment system. It will incorporate a Members website and Self-Service Portal and scheduled to be operable from November 2021. The Chair requested a demonstration of the system be arranged for the December 2021 meeting of the Board.

8. **Update on Topical, Legal and Regulatory Issues**

Paul Gwynn appraised the Board of two IDRPs cases under progression, both which may go forward to the Ombudsman. The cases are regarding a complaint of overpayment and a payment to an Estate that is impacted by Remedy.

The Chair sought clarification the overpayment case was an isolated incident and control measures were place. He requested a separate briefing on the process for payments

and dealing with circumstances of overpayment. Kal Shoker advised the case should be referenced with the Internal Auditors as a matter of good practice. Paul Gwynn stated he would report back to the Board accordingly.

The Chair concluded the discussion with a statement of reiteration, that the role of the Pension Board was of assurance of practice and not a decision-making body.

9. **Any other business**

The Chair expressed the September 2021 meeting of the Board be held in person at Headquarters. Paul Gwynn was requested to provide a written report or presentation slide pack in advance of the meeting, covering issues that merit Board awareness and their preparation for discussion in the meeting.

The Board meeting ended at 10.15 hrs.

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