**NORTH YORKSHIRE POLICE FIRE & CRIME COMMISSIONER FIRE & RESCUE AUTHORITY**

**Pension Board**

Minutes of the meeting of the Pension Board held on Wednesday 16th December at 10:00 via Teams.

**PRESENT:**

**Employer Representatives:** Jonathan FOSTER (JF) (Chair)

Stuart SIMPSON (SS)

James MANNING (JM)

**Member Representatives:** Andrew BLADES (AB) – Employee Rep

Steve HOWLEY (SH) – Employee Rep

Marc WARREN (MW) – Employer Rep

**Advisors in attendance:** David HOOD (DH) – Pensions Administrator / Manager for NYFRS

Clair ALCOCK (CA) – Firefighters’ Pension Scheme - Scheme Advisory Board

**The agenda, reports and minutes for this meeting are on NYFRS’s website**

**PLEASE NOTE: All actions are recorded in section 10 of the minutes**

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| **Minute**  **Number** | **ITEM OF BUSINES** | **To be actioned by:-** |
| **1.** | **WELCOME AND INTRODUCTIONS** |  |
|  | JF welcomed everyone to the meeting. Introductions made. |  |
| **2.** | **APOLOGIES FOR ABSENCE / REPRESENTATION AT MEETINGS** |  |
|  | Apologies were received from Edmund Billings and Alistair Biggs. |  |
| **3.** | **PRESENTATION FROM CLAIR ALCOCK** |  |
|  | CA provided a presentation to the group on future pension changes, which included a focus upon four key areas,   * Age Discrimination * Matthews (Retained second options) * Pensionable pay * Ill Heath   The slides are to be circulated to board members. |  |
| **4.** | **DECLARATIONS OF ANY PERSONAL OR PREJUDICIAL INTERESTS** |  |
|  | * No conflicts of interest were declared. |  |
| **5.** | **PREVIOUS MINUTES AND MATTERS ARISING** |  |
|  | **Minutes**  One amendment was made to the wording of the Minutes of the Board’s meeting held on 19th October 2020 by DH. The minutes now reflect this. |  |
|  | **Actions:**   * There is still a vacancy for a sub-member. Enable section heads were invited to put themselves forward, only 2 responses were received, both declined. * Ideas for the intranet – work has begun on populating the Intranet. Members please contact DH with any ideas. * FBU representatives were to be invited by their NY address, this has been done. |  |
| **6.** | **PENSIONS UPDATE**  **Report of the Pensions Administrator/Manager** |  |
|  | DH presented his report.  Scheme Membership Information   * DH reported that things have been relatively quiet. There have been a lot of temporary contracts created since November. 3-4 people have opted out of the scheme in these temporary posts, (as these roles will only last 3 or 6 months). The membership statistics at the next meeting will reflect these optant-outs.   Internal Dispute Resolution Procedure (IDRP)   * No IDRPs submitted since previous meeting.   Other Work Items   * DH has continued monthly postings submissions of pay, address and contribution details to WYPF. November’s details will be submitted before the end of this week. * There are incidences each year where retirements are processed on the previous year’s annual rates, due to the current year’s pay scales not being formally announced. This means that retirements of members with final salary benefits need to be recalculated (with revisions also needed for CPD details). Information from 2020s pay information to be sent to WYPF by the end of January. DH has calculated these cases and they are being checked by the HR Manager.   They are on course to be submitted by the deadline.   * DH moved on to Immediate Detriment, an aspect of Remedy that was covered by CA during her presentation. Police and Fire Authorities need to offer upcoming retirements the best pensions, which they would have received if they stayed in the original 1992 scheme compared to the benefits they would have received in the 2015 scheme. There are issues regarding the legal status of that instruction and there are also issues surrounding administrative aspects, with no guidance as to handle this. E.g. Two Pension rule, transfers etc. DH has spoken to the Section 151 Officer for legal advice and has provided data to LGA to forward onto the Scheme Advisory Board. DH identified a total of 29 individuals between last month and 31st March 2022 where, theoretically, these detriment calculations should be offered to them. Of the 29, almost half do have administrative issues which would prevent the detriment calculations being done. The numbers have been provided to LGA, who will then use them as part of their onward work with the Home Office. * Applying Immediate Detriment to ‘non claimant’ members is unclear. The Home Office argue that FRAs have the powers to offer these calculations via s61 of the Equalities Act, but FRAs interpret s61 differently, and by offering these calculations it would be counter to the FRAs legal arguments in their defence of implementation of the new age discrimination rules. DH confirmed to NFCC, who were canvasing whether FRAs would be interested in pooling together for joint legal advice, that NYFRS would be interested in participating. A response is still awaited. * The board made reference to possible future risks arising, as well as currently identified risks, and their control measures, being affected by the proposed enableNY changes.   Discretions made by Scheme Manager   * Since the October meeting there haven’t been any discretions that needed exercising.   Monthly Bulletins   * DH provided an overview of the Matthews case in the October report. We are no further forward as to what this will look like. It has the potential to be wide ranging in scope. We won’t have data on everyone due to how far back in time we have to go.   DH is getting regular requests in the Skipton area and has a register of people who have contacted him about lodging their details, should we know more about this exercise when it’s available. GDPR poses an issue on data protection. The Board acknowledges that there is a significant piece of work with many variables and unknowns.   * The Board acknowledges that the service needs to make a policy decision surrounding Covid-19 as a workplace illness (with possible entitlements to benefits from the Compensation scheme) and the FBU will be presenting their concerns accordingly. * A joint Police and Fire seminar took place yesterday, on the subject of Remedy. Focused on the member journey and communications, and the strategies that needed to be considered. We won’t know some details until next month when the consultation responses are published. Methods of communication will need to be considered.   Key Performance Indicators   * Nothing of concern was identified. Leavers of the service get an acknowledgement letter at the very least (with details of their benefits sent some time after). Other work is given a higher priority by WYPF, and DH advised that this is not a cause for concern, as the individual receives the acknowledgement letter shortly after WYPF are aware of the leaving status. * JF suggested that we conduct our own assessment to understand where the gaps in governance are. DH advised that a starting point would be to await this year’s administration and governance survey from the Pensions Regulator (which had been covered during Clair’s presentation); this survey is discussed and completed by JF and DH, with some input from WYPF. Once we receive the survey, the questions asked and how they are answered, should provide an indication of the areas for improvement the Board need to focus on. |  |
| **7.** | **RISK REGISTER** |  |
|  | * DH and SS reviewed the register prior to the meeting and confirmed it was accurate and no immediate changes.   The responses to the Remedy consultation should become known next month, and this should give a better sense of direction. It is unsure whether the government will favour members making an immediate choice or a choice at retirement (the deferred choice underpin).  The board considered the four elements of future work presented by Clair Alcock, which include Remedy and Matthews and capacity to deal with the impending workloads. It was proposed that a new risk be entered onto the register focusing on capacity and resource for the future workload.  **ACTION**: New risk to be added to register regarding skills, capacity and resource to manage the changes. | DH & SS |
| **8.** | **BREACH REGISTER** |  |
|  | * DH described the purpose of the register and confirmed that there are no new breaches to report. |  |
| **9.** | **ANY OTHER BUSINESS** |  |
|  | * Concerns were raised regarding administration for the overarching pension and governance arrangements. It was noted that the board had not been consulted upon the proposals directly. It was agreed that the Board will draft a letter outlining the Board’s concerns and seeking assurances that future workloads and administration of the scheme will be maintained. |  |
| **10.** | **AGREED ACTIONS** |  |
|  | * New risk to be added to register regarding skills and resource to manage the changes. | DH & SS |
| **11.** | **PROPOSED FUTURE MEETINGS** |  |
|  | * Date of next meeting – 3 March 2021 |  |