



**Agenda for a meeting of the West Yorkshire Pension Fund Pension Board to be held on Tuesday, 22 March 2022 at 10.00 am in Aldermanbury House, 4 Godwin St, Bradford BD1 2ST – NB this is the meeting postponed from of 14 December 2021**

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**Members of the Committee**

<b>Employer Representatives</b>	<b>Member Representatives</b>
<b>Councillor S Lal (Chair) – Bradford</b>	<b>Mr G Nesbitt – GMB</b>
<b>Councillor L Martin– Leeds</b>	<b>Mr M Binks – Unison</b>
<b>Councillor L Malkin - Wakefield</b>	<b>Mr C Sykes – Unison</b>
<b>Vacancy - Employer</b>	<b>Mr A Jones – Unite the Union</b>

**Notes:**

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- You are requested to wear a mask except when seated

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**From:**

Parveen Akhtar  
City Solicitor

Agenda Contact: Jane Lythgow/Su Booth

Phone: 01274 432270/07814 073884

E-Mail: [jane.lythgow@bradford.gov.uk](mailto:jane.lythgow@bradford.gov.uk)/[susan.booth2@bradford.gov.uk](mailto:susan.booth2@bradford.gov.uk)

**To:**

## A. PROCEDURAL ITEMS

### 1. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### 2. MINUTES

**Recommended –**

**That the minutes of the meetings held on 22 June 2021 and 14 September 2021 be signed as a correct record (previously circulated).**

(Jane Lythgow – 01274 432270)

### 3. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Jane Lythgow - 01274 432270)

## B. BUSINESS ITEMS

### 4. MINUTES OF THE WEST YORKSHIRE PENSION FUND JOINT ADVISORY GROUP 28 JULY 2021 1 - 2

The report of the Director, West Yorkshire Pension Fund, (**Document “P”**) reminds Members that the role of The Pension Board, as defined by sections 5(1) and (2) of the Public Service Pensions Act 2013, is to assist the Council as Scheme Manager in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including securing compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS; securing compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator; and any other such matters as the LGPS regulations may specify.

The Minutes of meeting of WYPF Joint Advisory Group are submitted to the Pension Board to enable the Board to ensure effective and efficient governance and administration of the LGPS.

**Members are asked to review the minutes of the West Yorkshire Pension Fund Joint Advisory Group on 28 July 2021.**

(Rodney Barton – 01274 432317)

### 5. LOCAL GOVERNMENT PENSION SCHEME REGULATIONS UPDATE 3 - 10

The report of the Director, West Yorkshire Pension Fund, (**Document “Q”**) provides an update on changes to the Local Government Pension Scheme (LGPS) 2014 and provides information on associated matters.

**Recommended –**

**That the report be noted.**

(Tracy Weaver – 01274 433571)

**6. THE PENSIONS REGULATOR'S SCHEME RETURN**

11 - 24

The report of the Director, West Yorkshire Pension Fund (**Document “R”**) reminds Members that all public service pension schemes are legally required to complete an annual scheme returns for the Pensions Regulator(TPR).

A notification was received from TPR on 29 September 2021 that the 2021 scheme return must be completed by 10 November 2021. The scheme return was completed on 18 October 2021and a copy is appended to Document “R”.

**Recommended –**

**It is recommended that the Local Pension Board note the contents of the annual scheme return contained at Appendix 1 to Document “R”.**

(Tracy Weaver – 01274 433571)

**7. REGISTER OF BREACHES OF LAW**

25 - 34

The Director, West Yorkshire Pension Fund, will present a report (**Document “S”**) which informs Members that, in accordance with the Public Service Pensions Act 2013, from April 2015, all Public Service Pension Schemes now come under the remit of the Pensions Regulator.

Section 70 of the Pensions Act 2004 (the Act) imposes a requirement to report a matter to The Pensions Regulator as soon as it is reasonably practicable where that person has reasonable cause to believe that:

A legal duty relating to the administration of the scheme has not been or is not being complied with, and The failure to comply is likely to be of material significance to The Pensions Regulator in the exercise of any of its functions.

A register of any breaches of the Pensions Code of Practice is maintained in accordance with the WYPF Breaches Procedure. The Register of Breaches 2021/22 was appended to Document “S”.

**Recommended –**

**That the report and entries on the Register of Breaches of Law,**

**contained in the appendix to Document “S”, be noted.**

(Caroline Blackburn – 01274 434523)

**8. TRAINING, CONFERENCES AND SEMINARS**

35 - 38

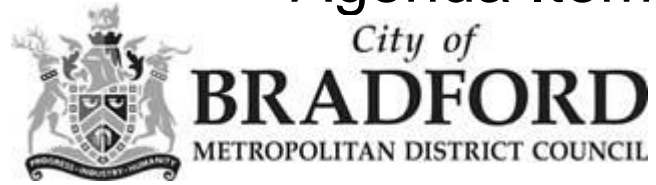
The report of the Director, West Yorkshire Pension Fund, (**Document “T”**) reminds Members that to understand their responsibilities and the issues they are dealing with is a very high priority. Details of training courses, conferences and seminars listed may assist Board Members.

**Recommended -**

**That consideration is given to attendance by Board Members at the events in Section 1 of Document “T” and that members note the requirement to complete the Pension Regulators toolkit training.**

(Caroline Blackburn – 01274 434523)

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## **Report of the Director, West Yorkshire Pension Fund, to the meeting of West Yorkshire Pension Fund Pension Board to be held on 14 December 2021.**

**P**

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**Subject: Minutes of West Yorkshire Pension Fund (WYPF) Joint Advisory Group held on 28 July 2021.**

### **Summary statement:**

The role of The Pension Board, as defined by sections 5(1) and (2) of the Public Service Pensions Act 2013 is to assist the Council as Scheme Manager in ensuring the effective and efficient governance and administration of the Local Government Pension Scheme (LGPS) including securing compliance with the LGPS regulations and any other legislation relating to the governance and administration of the LGPS; securing compliance with the requirements imposed in relation to the LGPS by the Pensions Regulator; and any other such matters as the LGPS regulations may specify.

The Minutes of meeting of WYPF Joint Advisory Group are submitted to the Pension Board to enable the Board to ensure effective and efficient governance and administration of the LGPS.

### **Recommendation**

It is recommended that the Board review the minutes from the meeting.

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Rodney Barton  
Director

Portfolio:

Phone: (01274) 432317  
E-mail: [Rodney Barton@bradford.gov.uk](mailto:Rodney.Barton@bradford.gov.uk)

Overview & Scrutiny Area:

## **1. Appendix**

Appendix A – Minutes of Joint Advisory Group held on 28 July 2021.





## **Report of the Director of West Yorkshire Pension Fund to the meeting of West Yorkshire Pension Fund Pension Board to be held on 14 December 2021**

**Q**

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**Subject: Local Government Pension Scheme Regulations update**

### **Summary statement:**

This report updates the Pension Board on changes to the Local Government Pension Scheme (LGPS) 2014 and provides information on associated matters.

### **Recommendation:**

It is recommended that Members note this report.

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Rodney Barton  
Director

**Portfolio:**

Report Contact: Tracy Weaver  
Phone: (01274) 433571  
E-mail: [tracy.weaver@wypf.org.uk](mailto:tracy.weaver@wypf.org.uk)

## **1 Background**

- 1.1 The career average Local Government Pension Scheme (LGPS) was introduced on 1 April 2014.
- 1.2 Since the introduction of the new LGPS there have been a number of consultations on proposed changes to the LGPS, following which amendment regulations have been issued.
- 1.3 On 19 September 2021, the Government announced that the Ministry of Housing, Communities and Local Government (MHCLG) became the Department for Levelling Up, Housing and Communities (DLUHC).

## **2 Consultation on Fair Deal – Strengthening pension protection**

- 2.1 On 10 January 2019 MHCLG issued a consultation on Fair Deal – Strengthening pension protection.
- 2.2 The consultation closed on 4 April 2019, and we are still waiting for DLUHC to publish its response.

## **3 Consultation: Local valuation cycle and the management of employer risk**

- 3.1 On 8 May 2019 MHCLG issued a 12 week policy consultation called 'LGPS: Changes to the local valuation cycle and the management of employer risk'.
- 3.2 The consultation closed on 31 July 2019.
- 3.3 On 20 March 2020 the LGPS (Amendment) Regulations 2020 came into force. These regulations provide administering authorities with a discretion to determine the amount of exit credit which should be payable to an employer leaving the LGPS with a surplus.
- 3.4 The LGPS (Amendment) (No.2) Regulations 2020 came into effect from 23 September 2020. These regulations provide for new flexibilities that allow employer contributions to be reviewed between valuations, an exiting employer to enter into a Deferred Debt Agreement and an exit deficit to be paid in instalments. Following a consultation WYPF's Funding Strategy Statement has been updated to include policies on applying these new flexibilities.
- 3.5 DLUHC has yet to publish its response to the other matters contained in the consultation, which included changes to the LGPS Local Valuation Cycle, and employers required to offer LGPS membership.

## **4 Other LGPS matters**

- 4.1 McCloud and valuation guidance

It was reported on 21 December 2018 that the Court of Appeal determined the transitional protections that protected older judges and firefighters from the public sector pension scheme changes in 2015, were unlawfully discriminatory. This case is known as the 'McCloud case'. Following the judgment, on 30 January 2019 the Government published a written statement that paused the HMT cost management process for public service pension schemes, pending the outcome of the application to

appeal the McCloud case to the Supreme Court. On 8 February 2019, LGPS England & Wales Scheme Advisory Board (SAB) confirmed it had no option but to pause its own cost management process pending the outcome of McCloud.

On 27 June 2019 the Supreme Court denied the Government's request for an appeal in the McCloud case in respect of age discrimination and pension protection.

The SAB set up two working groups to work with MHCLG in developing and implementing the LGPS McCloud remedy.

On 16 July 2020 both HMT and MHCLG published consultations on the McCloud remedy. The MHCLG consultation closed on 8 October 2020.

On 13 May 2021 Luke Hall, the Local Government Minister made a written statement on McCloud and the LGPS. The statement confirms the key changes to scheme regulations that will be made to remove age discrimination from the LGPS.

On 19 July 2021, H M Treasury formally introduced to Parliament the Public Service Pensions and Judicial Offices Bill, which makes provision to rectify the unlawful age discrimination identified by the McCloud judgment.

For the LGPS, Chapter 3 of Part 1 confirms which members will be in scope and what service is 'remediable'. Enabling legislation will allow for scheme regulations to be changed to implement the McCloud remedy.

The Bill received its second reading in the House of Lords on 7 September 2021 and is now at the report stage, with a sitting due to be held on 29 November 2021.

Alongside publication of the McCloud consultation, HMT announced that the pause of the cost control mechanism will be lifted and the process will be completed "next year". The SAB will also be re-examining its results from its cost management process.

On 15 June 2021 the Government Actuary published his final report on his review of the cost control mechanism.

On 24 June 2021 HM Treasury launched consultations on proposed changes to the cost control mechanism and the SCAPE discount methodology.

On 4 October 2021, HMT published its response to the Public Service Pensions: cost control mechanism consultation. The Government's response confirms it will proceed with all three proposed reforms:

- moving to a reformed scheme only design so that the mechanism only considers past and future service in the reformed schemes. Costs related to legacy schemes are excluded
- the cost corridor will be widened from two per cent to three per cent of pensionable pay
- introducing an economic check so that a breach of the mechanism will only be implemented if it still would have occurred had the long-term economic assumptions been considered.

The Government is aiming to implement all three proposals in time for the 2022 valuations. It will work with the DLUHC and LGPS stakeholders to consider:

- the most appropriate way to implement the reformed scheme only design in the LGPS (including how to treat the underpin)
- whether it is desirable for the SAB process to be adapted in line with the principles of the economic check.

On 7 October 2021, HMT published the Public Service Pensions (Valuation and Employer Cost Cap) (Amendment) Directions 2021.

#### 4.2 Publication of SAB's cost management results for the 2016 valuation

On 15 October 2021, SAB published the result of its cost management process for the 2016 scheme valuation. Although SAB reached agreement on how to include McCloud costs in the process in the summer, it was not able to publish the outcome until HMT published the Cost Cap Directions 2021.

SAB agreed to spread McCloud costs over a 10 year period (rather than the four years used in the HMT process), resulting in an outcome of 19.4 per cent against a target cost of 19.5 per cent. Despite the slight shortfall in cost SAB will not be recommending any scheme changes.

Going forward, SAB will revisit tier three ill health and contributions for the lowest paid members. SAB intends to make recommendations in these areas separate from the cost management process.

#### 4.3 Scheme Advisory Board's Good Governance Report

In 2019 SAB commissioned Hymans Robertson to prepare a report on the effectiveness of current LGPS governance models and to consider alternatives or enhancements to existing governance models which could strengthen the LGPS going forward.

On 31 July 2019 SAB published this report. The phase two report from the Working Groups to SAB was published in November 2019.

When it met on the 8th February 2021 the SAB agreed that the Good Governance – Final Report should be published and for the Chair to submit the Board's Action Plan to the Local Government Minister for consideration. SAB has now published its action plan and SAB are now waiting to see how DLUHC responds to its proposals.

#### 4.4 Third Tier employers

In June 2018 Aon presented members of SAB with a summary of the final draft of its report to review the current issues in relation to third tier employers participating in the LGPS.

The report did not make any recommendations, instead it outlined a range of issues raised by stakeholders and how they envisage these concerns being resolved. A working group has been set up by SAB, but work has been put on hold due to competing priorities.

#### 4.5 Publication of SF3 data for 2020 to 2021

On 27 October 2021, DLUHC published Local government pension scheme statistics (SF3 statistics) for England and Wales: 2020 to 2021. Highlights include:

- total expenditure of £13.4 billion
- total income of £17.2 billion, an increase of 7.5 per cent on 2019/20
- employer contributions increased by 32.46 per cent on 2019/20 to £10.2 billion
- employee contributions of £2.4 billion
- the market value of LGPS funds in England and Wales on 31 March 2021 was £332.7 billion, an increase of 22.14 per cent
- there were 6.1 million scheme members on 31 March 2021, 2.0 million active members, 1.8 million pensioners and 2.2 million deferred members
- there were 82,567 retirements in 2020/21, a decrease of 6.4 per cent compared with 2019/20.

## 5 Other matters

### 5.1 Money and Pensions Service - Pensions dashboard update

On 27 May 2021, the Pensions Dashboard Programme (PDP) launched a call for input on staging. The purpose of the call for input is to gather feedback and insight from pension schemes that will inform Government policy on staging. The PDP is recommending that all public service pension schemes should be onboarded in the initial wave – a two-year period starting from April 2023. The call for input closed on 9 July 2021.

The PDP received just over 60 responses to the call for input from a variety of stakeholders. These will be used to feed into further policy development of pension dashboards. It has published a summary of the key themes drawn from the responses:

- the provision of estimated retirement income projections could impact the policy objectives and staging principles
- the need for greater clarity around data and the digital architecture's technical requirements before accurate estimates about staging times can be provided
- where staging times were estimated, around three-quarters suggested that 12 months or more (up to 24 months) would be required
- just over half of all respondents agreed with the recommendation that the largest defined benefit schemes should stage from Autumn 2023 and all defined benefit schemes with 1,000+ members should stage within the first wave (half of those that agreed were either defined benefit schemes or public service schemes).
- the majority of the concerns from public service pension schemes centred around McCloud and the associated administrative issues as a reason for not staging within the first wave
- consumer testing will be an important part of how dashboards are executed, highlighting the need for additional tools, system messaging and an education and awareness campaign to promote the benefits of dashboards
- concerns about limiting the scope of dashboards to exclude pensions in payment
- general uncertainties on the following:
  - data – specifically what view data, especially early retirement income, will have to be returned
  - data protection and liability
  - connection requirements

- response times
- identity verification and assurance process
- matching protocols
- Integrated Service Provider (I S P) market dependency
- McCloud for public service schemes
- competing priorities – Guaranteed Minimum Pension equalisation, simpler annual benefit statements, small pots, transformation programmes.

Chris Curry, Principal of the P D P, announced in October 2021 that draft regulations on pensions dashboards are expected to be published before the end of 2021 or early in 2022. This follows on from the enactment earlier this year of the Pension Schemes Act 2021. The draft regulations will provide more information about the data standards, what data will have to be supplied and how pension providers will need to provide it.

On 26 October 2021, P D P published its latest progress report. The report strongly emphasises the need for schemes to act now before legislation compels schemes to do so.

## 5.2 Pension Schemes Act 2021

Following completion of passage through Parliament of the Pensions Bill, on 11 February 2021 the Pension Schemes Act 2021 became law. However, the majority of provisions are not currently in force and regulations are needed to bring them into force and to provide detail about how they will work.

On 14 May 2021, the DWP launched a consultation on pension scams: empowering trustees and protecting members. The consultation proposed new requirements on trustees and scheme managers before a pension transfer can be completed.

On 8 November 2021, the Government published its response to ‘Pension scams: empowering trustees and protecting members’ consultation. It also laid the regulations, which take effect from 30 November 2021 and apply to the LGPS in England, Wales and Scotland.

These regulations introduce further legal restrictions to the member’s statutory right to transfer. The regulations give administering authorities tools to act where suspicions about the circumstances that have prompted the transfer request are identified. It will no longer be a case that the member can insist on statutory transfer taking place in such circumstances. There are two key new measures, decision making and disclosure.

Other than transfers to public service schemes, master trusts and collective money purchase schemes, the administering authority must decide if there are any red flags present and whether there are any amber flags present. If there are red flags present a transfer must not be paid. If there are any amber flags present the transfer must be paused until the member can provide evidence that they have received pension scams guidance from MoneyHelper.

On the same day the Pensions Regulator published guidance to help administering authorities understand their new powers to halt suspicious transfers.

## 5.3 The Pensions Regulator (TPR) new code of practice consultation

On 17 March 2021, TPR launched its New Code of Practice consultation. The draft new code consolidates (with updates and amendments) most of the existing codes of practice (including the public service code of practice 14) into a new online code providing a single up-to-date and consistent source of information. The other codes will be consolidated into the single code at a later date, subject to further consultation.

TPR has published an interim response to the new code of practice consultation. Responses to the consultation included around 10,000 individual answers. TPR has issued the interim response to allow time to consider these responses and to incorporate code content arising from the Pension Schemes Act 2021 in the new code.

TPR does not have a firm publication date for the new code, but it is unlikely to become effective before summer 2022.

## **6 Recommendation**

It is recommended that the Pension Board note the report.

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## **Report of the Director, West Yorkshire Pension Fund, to the meeting of West Yorkshire Pension Fund Pension Board to be held on 14 December 2021**

**R**

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**Subject: The Pensions Regulator's Scheme Return**

### **Summary statement:**

All public service pension schemes are legally required to complete an annual scheme returns for the Pensions Regulator(TPR). A notification was received from TPR on 29 September 2021 that the 2021 scheme return must be completed by 10 November 2021.

The scheme return was completed on 18 October 2021

### **Recommendation**

It is recommended that the Local Pension Board note the contents of the annual scheme return.

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Rodney Barton  
Director

**Portfolio**

Report Contact Tracy Weaver  
Phone: (01274) 433571  
Email: [tracy.weaver@wypf.org.uk](mailto:tracy.weaver@wypf.org.uk)

**Overview & Scrutiny Area**

## **1. Background**

- 1.1 Managers of public service pension schemes are legally required to provide 'registrable information' to TPR, and to keep this information up to date. This information includes the scheme name, address and scheme type, membership data, and name and addresses of employers. TPR are required to capture this information in a register and it also uses it to inform the Pensions Tracing Service, which helps people find lost pensions.
- 1.2 In addition to registrable information, TPR collect additional information each year via the scheme return to build an accurate picture of the landscape, so it can regulate effectively and provide relevant educational materials. TPR also use this information to make sure it can contact the relevant people running the schemes.

## **2. The 2021 annual scheme return**

- 2.1 A notification was received from TPR on 29 September 2021 that the 2021 scheme return must be completed by 10 November 2021.
- 2.2 The scheme return was completed on 18 October 2021 and a copy is attached at Appendix 1.

## **3. Recommendation**

It is recommended that the Local Pension Board note the content of the 2021 scheme return

Scheme return  
2020 - 2021

# The Pensions Regulator

Your scheme details:

**LGPS - West Yorkshire Pension Fund**

Date produced: **18 October 2021**

PSR number: 10041078

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Please note that this document cannot be used in place of a scheme return and will not be accepted as such by the Pensions Regulator. If you are required to complete a scheme return and are unable to do so online you should contact us by phone on 0345 600 5666 and select option 2 (Mon - Fri 9am - 5.30pm). Alternatively you can email us at [exchange@thepensionsregulator.gov.uk](mailto:exchange@thepensionsregulator.gov.uk)

## 1. Introduction

The following are the details that were on the scheme return submitted on 18 October 2021 02:01 PM.

The scheme return details were confirmed by Miss Tracy Weaver.

## 2. Scheme details (includes membership details)

Basic details	
Scheme name	LGPS - West Yorkshire Pension Fund
PSR number	10041078
Scheme address	The Director West Yorkshire Pension Fund Po Box 67 Bradford BD1 1UP United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Open to new members since 01 April 1974
Scheme year-end (DD/MM)	31/03 since 01 April 1974
HMRC reference number (PSTR)	00328529RV

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	107980
Deferred members	87944
Pensioner members	93446
Total of members	289370

Number of members as at 31 March 2021 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2020 and 31 March 2021.	
Active members	109193
Deferred members	85758
Pensioner members	97495
Total of members	292446

## 3. Governance Details

PSR number: 10041078

<b>Manager of the scheme</b>	
Role or organisation name	City of Bradford Metropolitan District Council
Address of manager of the scheme	West Yorkshire Pension Fund 4 Godwin Street BRADFORD West Yorkshire BD1 2ST United Kingdom
Telephone number	01274 434999
Email address	pensions@wypf.org.uk

<b>Pension board member</b>	
Name of pension board member	Mr Colin Sykes
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Wakefield & District Housing Merefield House Whistler Drive CASTLEFORD West Yorkshire WF10 5HX United Kingdom
Telephone number	01274 434523
Email address	csykes@wdh.co.uk

<b>Pension board member</b>	
Name of pension board member	Mr Mick Binks
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Leeds Unison Geoff Hodgson House 160a Woodhouse Lane Leeds LS2 9EN United Kingdom
Telephone number	01274 434523
Email address	Mick.Binks@leedsunison.org.uk

PSR number: 10041078

Pension board member	
Name of pension board member	Mr Gary Nesbitt
Pension board member type	Member
Chair of pension board	No
Address of pension board member	GMB Office City Hall Hall Ings BRADFORD West Yorkshire BD1 1HX United Kingdom
Telephone number	01274 434523
Email address	Gary.Nesbitt@bradford.gov.uk

Pension board member	
Name of pension board member	Ms Ruth Manning
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Northern School of Contemporary Dance 98 Chapeltown Road LEEDS LS7 4BH United Kingdom
Telephone number	0113 2193052
Email address	ruth.manning@nscd.ac.uk

Pension board member	
Name of pension board member	Cllr Shakeela Lal
Pension board member type	Employer
Chair of pension board	Yes
Address of pension board member	City of Bradford Metropolitan District Council City Hall Centenary Square BRADFORD West Yorkshire BD1 1HY United Kingdom
Telephone number	01274 434999
Email address	Shakeela.Lal@bradford.gov.uk

PSR number: 10041078

<b>Pension board member</b>	
Name of pension board member	Mr Andy Jones
Pension board member type	Member
Chair of pension board	No
Address of pension board member	Unite the Union Winwaed House 64-66 Cross Gates Road LEEDS LS15 7NN United Kingdom
Telephone number	07891 272763
Email address	andy.jones@unitetheunion.org

<b>Pension board member</b>	
Name of pension board member	Cllr Lisa Martin
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	Leeds City Council Civic Hall Calverley Street LEEDS LS1 1UR United Kingdom
Telephone number	0113 3788817
Email address	lisa.martin@leeds.gov.uk

PSR number: 10041078

PSR number: 10041078



### 3. Record-keeping

Common data	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	October 2021
What percentage of this data have you assessed to be present and accurate?	96%

Scheme-specific ('conditional') data	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	October 2021
What percentage of this data have you assessed to be present and accurate?	89%

PSR number: 10041078

## 5. Employer details

### Employers

Due to the large amount of employer data associated with this scheme we have provided you with these details under separate cover.

PSR number: 10041078

**6. Service provider details**

<b>Insurance company</b>	
<b>There is currently no insurance company listed as involved with this scheme.</b>	

<b>In-house administrator</b>	
Main contact title	Mr
Main contact first name(s)	Rodney
Main contact surname	Barton
Address of in-house administrator	The Director W Yorkshire Pension Fund Po Box 67 Bradford BD1 1UP United Kingdom
Direct telephone number	01274 434999
Individual's email address	pensions@wypf.org.uk

<b>Third-party administrator</b>	
<b>There is currently no third-party administrator listed as involved with this scheme.</b>	
Details required are organisation name and address, telephone number and email address.	

<b>Auditor</b>	
Organisation name	Mazars LLP
Address of auditor	Mazars Mazars House, Gelderd Road Gildersome, Morley LEEDS LS27 7JN United Kingdom
Telephone number	07881 283340
Email address	steve.appleton@mazars.co.uk

PSR number: 10041078

PSR number: 10041078

**7. Contact details**

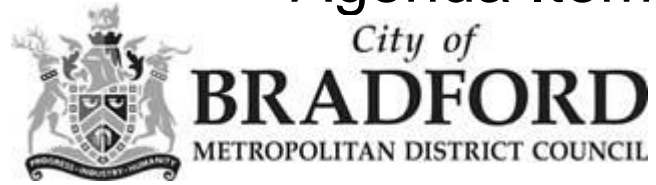
<b>Scheme contact details</b>	
Name of contact	Miss Tracy Weaver
Job title	Technical Services Manager
Address of contact	West Yorkshire Pension Fund PO Box 67 BRADFORD West Yorkshire BD1 1UP United Kingdom
Telephone number	01274 433571
Email address	tracy.weaver@wypf.org.uk

<b>Pension Tracing Service contact details</b>
There is no pension tracing service contact associated with this scheme.

<b>Consent to electronic service details</b>	
Confirmed by contact name	Miss Tracy Weaver
Confirmed date	18/10/2021
Email address	tracy.weaver@wypf.org.uk

PSR number: 10041078

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## Report of the Director, West Yorkshire Pension Fund, to the meeting of West Yorkshire Pension Fund Pension Board to be held on 14 December 2021

**S**

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**Subject: Register of Breaches of Law**

### Summary statement:

In accordance with the Public Service Pensions Act 2013, from April 2015 all Public Service Pension Schemes come under the remit of the Pensions Regulator.

Section 70 of the Pensions Act 2004 (the Act) imposes a requirement to report a matter to The Pensions Regulator as soon as is reasonably practicable where that person has reasonable cause to believe that:

- (a) a legal duty relating to the administration of the scheme has not been or is not being complied with, and
- (b) the failure to comply is likely to be of material significance to The Pensions Regulator in the exercise of any of its functions.

A Register of Breaches of Law is therefore maintained in accordance with the Pensions Regulator's requirements and WYPF Breaches procedure.

### Recommendation

It is recommended that the Local Pension Board note the entries on the Register of Breaches of Law.

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Rodney Barton  
Director

**Portfolio**

Report Contact      Caroline Blackburn  
Phone: (01274) 434523  
Email: caroline.blackburn@bradford.gov.uk

**Overview & Scrutiny Area**

## 1. **Background**

1.1 Section 70 of the Pensions Act 2004 (the Act) imposes a requirement to report a matter to the Pensions Regulator as soon as reasonably practicable where a person has reasonable cause to believe that:

- (a) a legal duty relating to the administration of the scheme has not been or is not being complied with, and
- (b) the failure to comply is likely to be of material significance to The Pensions Regulator in the exercise of any of its functions.

1.1 This requirement applies to:

- a trustee or manager of an occupational or personal pension scheme;
- a member of the pension board of a public service pension scheme;
- a person who is otherwise involved in the administration of an occupational or personal pension scheme;
- the employer in relation to an occupational pension scheme;
- a professional adviser in relation to such a scheme; and
- a person who is otherwise involved in advising the trustees or managers of an occupational or personal pension scheme in relation to the scheme.

1.2 The Act states that a person can be subject to a civil penalty if he or she fails to comply with this requirement without a reasonable excuse. The duty to report breaches under the Act overrides any other duties the individuals listed above may have. However, the duty to report does not override 'legal privilege'. This means that, generally, communications between a professional legal adviser and their client, or a person representing their client, in connection with legal advice being given to the client, do not have to be disclosed.

## 2. **Reporting Breaches Procedure**

2.1 A record of past breaches may be relevant in deciding whether to report a breach (for example it may reveal a systemic issue). WYPF maintains a record of all reported or unreported breaches.

2.2 The Register of Breaches of Law (reported or otherwise) is provided to each Joint Advisory Group meeting, and is also shared with the Pension Board.

## 3 **Breaches**

The entries on the Register of Breaches for 2021/222 relate to:

- Delays with Prudential updating members' accounts with contributions, which have also delayed the payment of some retirement benefits. This breach is considered to be of material significance due to the number of members involved



and the continuing and prolonged rectification of this issue. As a result, this issue has been reported to the Pensions Regulator.

- Contributions being paid late by employers and therefore not being received by the fund until after the Pension regulators deadline of the 21<sup>st</sup> day of the following month.
- An outgoing Transfer Value which was paid after the 3 month guarantee date.

## **5. Recommendations**

It is recommended that the Local Pension Board note the entries and action taken on the Register of Breaches.

## **6 Appendix**

- Appendix A– Register of Breaches 2021/22

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## WYPF Breaches of Law 2021-2022

Date	Category (eg administration, contributions, funding, investments)	Pensions Regulator code of practice	Description and cause of breach	Possible effect of breach and wider implications	Reaction of relevant parties to breach	Reported/ Not reported	Outcome of report and or investigations	Out-standing Actions
May 2021	<b><u>Administration</u></b> <b>AVC contributions - Prudential.</b>		<p>WYPF has an agreement with Prudential to provide an AVC arrangement for its members as part of the Local Government Pension Scheme Regulations.</p> <p>Over the last few months we have received a number of complaints from members to say that their AVC contributions have not been allocated to their AVC accounts.</p>	<p>Delays in Settlement amounts paid to the Fund when members have retired. This has impacted on the Funds ability to pay pension benefits in a timely manner.</p>	<p><b><u>Prudential</u></b></p> <p>Prudential have informed us 'The processing delays have been caused in part by the implementation of a new system that has taken additional time to embed within our processes. This has had an impact on applying contributions to members' policies therefore delaying claims. The impact of COVID and the majority of colleagues working from home following the latest lockdown has also affected our productivity and recovery plans'.</p> <p>Prudential had informed WYPF that it had a recovery plan in place and were on target to clear all outstanding cash and claims by the middle of April however by the end of May and the issues had not been resolved satisfactorily.</p> <p>Prudential informed us they still have cases in backlog and whilst they have not met the initial target</p>	Reported	<p><b>What are the time scale for completion?</b></p> <p>According to Prudential they are hoping to 'stabilise' by the end of June.</p> <p><b>Additional information</b></p> <p>Prudential have said member's will not lose out on investment returns because of the delays and where appropriate they will pay compensation however this does not compensate WYPF for the additional time and work undertaken due to the delays caused by Prudential.</p> <p>WYPF regularly contact Prudential to chase up urgent cases, by e-mail</p>	

## WYPF Breaches of the Law 2021 -2022

Date	Category (eg administration, contributions, funding , investments)	Pensions Regulator code of practice	Description and cause of breach	Possible effect of breach and wider implications	Reaction of relevant parties to breach	Reported/ Not reported	Outcome of report and or investigations	Out-standing Actions
					<p>date for recovery they are making good progress in clearing the outstanding claims and have introduced a number of measures to get back on track. Key measures introduced include:</p> <ul style="list-style-type: none"> <li>• Weekend and overtime working</li> <li>• Recruitment of 50 full time colleagues into the service function, the majority of whom are focussed on claims.</li> <li>• Recruitment of 79 full time colleagues into the voice area to deal with the unprecedented increases in call volumes. (Prudential note: We are on track to have recruited these by the end of April 2021, train them and deploy them into the area by the end of May. We expect call wait time and abandonment rates to stabilise towards the end of June 2021).</li> </ul> <p><b>WYPF</b> WYPF have made advance</p>		<p>and phone.</p> <p>Looking to arrange a further meeting with Prudential.</p>	

## WYPF Breaches of the Law 2021 -2022

Date	Category (eg administration, contributions, funding , investments)	Pensions Regulator code of practice	Description and cause of breach	Possible effect of breach and wider implications	Reaction of relevant parties to breach	Reported/ Not reported	Outcome of report and or investigations	Out-standing Actions
	<p><b><u>Administration</u></b>  <b>Payment of a Cash Equivalent transfer value</b></p>		<p>A transfer out payment must be paid within the statutory timescale of 6 months from the relevant date</p>	<p>Transfer value for a member of the scheme was not paid until after the statutory timescale had passed.</p>	<p>payments of member’s retirement lump sums so they do not encounter undue hardship. Their monthly pensions have not been paid to avoid any additional tax implications if they crystallise their benefits.</p> <p>The delay was as a result of missing information about the receiving scheme. Numerous requests for the data were sent however the transfer could not proceed without it.</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>· The Service Centre are currently recruiting / increasing staff numbers to address any resources issues.</li> <li>· Any future cases staff have been informed they should ring the new scheme to explain what is required as soon as one written</li> </ul>	<p>Not reported</p>	<p>Payment should have been made by 23.08.2021 (to be within the statutory timescale)</p> <p>Payment made 04.09.2021</p>	

## WYPF Breaches of the Law 2021 -2022

Date	Category (eg administration, contributions, funding , investments)	Pensions Regulator code of practice	Description and cause of breach	Possible effect of breach and wider implications	Reaction of relevant parties to breach	Reported/ Not reported	Outcome of report and or investigations	Out-standing Actions
					attempt has failed · Full details about the required timescales and how to request an extension from the Pensions Regulator are already in the work instructions			
	<b><u>Administration</u></b> <b>Maintaining contributions</b>	147	Employee’s pension contributions must be paid to the manager of the scheme by the 19th day of the month following deduction or by 22nd day if paid electronically.  <b>Please see schedule below for details of employers who failed to make payment by the appropriate date.</b>	Contributions not received by the scheme within the prescribed timescales	<b>Immediate action:</b> All employers have a designated business partner who contact each employer to make them aware of any late payment. Subsequent late payments incur an admin fee and are notified that further late payments may be reported to the Pensions Regulator. <b>Continuing Action:</b> Employers are closely monitored. Records of each employer who fail to make payment each month are maintained along with details of the number of late payment occasions.	Not reported	All outstanding payments are chased up and all payments received	None

## WYPF Breaches of the Law 2021 -2022

### Employers who failed to pay make pay over employees contributions by the appropriate date - April 2021 onwards

Month	Employer	Date contributions due	Date paid	Value of late contributions	No of times late in last 6 months prior to this month	No of times late in last 12 months prior to this month
<b>April 21</b>	No employer paid late this month					
<b>May 21</b>	South Kirby and Moorthorpe Town Council	21 .06.21	23.06.21	4679.55	0	0
	Consultant Cleaners Ltd (Westborough)	21.06.21	30.06.21	1995.01	0	0
<b>June 21</b>	Prospect Services (Bradford 3)	21.07.21	22.07.21	1690.27	0	0
	Absolutely Cleaners Ltd (BSG)	21.07.21	22.07.21	368.04	0	0
	Absolutely Cleaners Ltd (Batley MAT)	21.07.21	22.07.21	2329.09	0	0
July 21	University Academy Keighley	21.08.21	30.08.21	14674.87	0	0
August 21	Wellspring Academy trust	21.09.21	22.09.21	111191.80	0	0
	Consultant Cleaners Ltd (Westborough)m	21.09.21	23.09.21	360.30	2	0
September 21	No employer paid late this month					

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## **Report of the Director, West Yorkshire Pension Fund, to the meeting of West Yorkshire Pension Fund Pension Board to be held on 14 December 2021**

**T**

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**Subject: Training**

### **Summary statement:**

The training of Pension Board members to understand their responsibilities and the issues they are dealing with is a very high priority. Details of training courses, conferences and seminars listed may assist Board Members.

### **Recommendation**

Consideration is given to attendance by Board Members at the events in Section 1 and members note the requirement to complete the Pension Regulators toolkit training.

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Rodney Barton  
Director

**Portfolio:**

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## 1. Training Events

1.1 If any Pension Board member would like any specific training through one to one meetings with the in-house team, then this can be arranged.

1.2 Pension Board members should consider the following events.

- **LGA Annual Governance Conference**

The annual conference retains its popular lunchtime to lunchtime format. It will start on Thursday 20 January and end on Friday 21 January 2022. It will take place at the Marriott Highcliffe Hotel in Bournemouth. The programme is currently being finalised.

- **LGA circulars and bulletins**

Members can also make use of the LGA website where circulars, bulletins and updates are published on a regular basis.

<http://www.lgpsregs.org/index.php>

- **Scheme Advisory Board website**

Members can find lots of useful information on the Scheme Advisory Boards website

<https://www.lgpsboard.org/>

Members can also make use of web based training.

1.3 Pensions Regulator toolkit

All Pension Board members should complete the Pension Regulators toolkit training. Once completed a copy of the completion certificate should be given to the Head of Employer Services and Compliance.

The Trustee toolkit is a free, online learning programme aimed at trustees of occupational pension schemes.

The Trustee toolkit includes a series of online learning modules and downloadable resources developed to help you meet the **minimum** required level of knowledge and understanding introduced in the Pensions Act 2004.

<https://trusteetoolkit.thepensionsregulator.gov.uk/>

### **3. Recommendations**

Consideration is given to attendance by Board Members at the event in Section 1

Pension Board Members note the requirement to complete the Pension Regulators toolkit training.

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