

Response to Request for Information

Reference FOI 0216108
Date 23 February 2016

West Midlands Pension Fund

Request:

Page 27 of the West Midlands Pension Fund Annual Report 2015, cites, as follows:

Internal Dispute Resolution Procedure (IDRP)

During the financial year 2014/2015, 10 cases were received. Of these cases, eight were non-medical matters and two related to ill-health matters. The latter cases were referred for independent medical opinion where appropriate. In total, nine cases were dismissed, and one case remains under investigation.

Question 1. How many of the 10 IDRP cases cited above had a written final decision supplied to the complainant on or within 4 months of the IDRP receipt?

Page 61 of the West Midlands Pension Fund Annual Report 2015, cites, as follows:

The Duty of Trustees

The duty of the trustees is to exercise their powers in the best interests of the present and future beneficiaries of the trust. Holding the scales impartially between different classes of beneficiaries is paramount. They must, of course, obey the law but, subject to that, they must put the interests of their beneficiaries first.

[9 out of 10 cases were completed within the stated timescales on the Internal Dispute Resolution procedure and therefore received written decisions within 4 months.](#)

Question 2. Between 1 April 2014 and 31 March 2015, please list the number of times the Trustees did not obey the law OR are accountable for not obeying the law. For each breach of law, please state the law not obeyed and the date it happened.

Page 90 of the West Midlands Pension Fund Annual Report 2015, cites, as follows:

Overriding Legislation

In carrying out their roles and responsibilities in relation to the administration of the LGPS, the Fund and scheme employers will, as a minimum, comply with overriding legislation.

[The Fund is responsible for self-reporting any breaches of the law or code of](#)

practice. All breaches are monitored by the Fund and reported to the Pensions Committee within the compliance monitoring report each quarter. Therefore we apply Section 21 of the Freedom of Information Act as committee papers are already published on the Modern.gov website. Section 21 is where the information is accessible by other means.

(<https://wolverhamptonintranet.moderngov.co.uk/uuCoverPage.aspx?bcr=1>)

Question 3. Please provide a definition of what “overriding legislation” means and how many times the Fund and scheme employers have NOT complied with overriding legislation?

Page 96 of the West Midlands Pension Fund Annual Report 2015, cites, as follows:

Circumstances Where Costs Might Be Recovered

It is the policy of the Fund to recover additional costs incurred in the administration of the scheme as a direct result of the poor performance of any scheme employer (including the administering authority).

West Midlands Pension Fund, its employers, staff and Trustees as a minimum are required to comply with overriding legislation. The definition of overriding legislation is any legislation or regulation that the pension fund is legally required to abide by. For example primary legislation like the Local Government Act 1972, Superannuation Act 1972 or Public Service Pensions Act 2013. In addition to this the Fund also has to abide by any relevant secondary legislation, for example Local Government Pension Scheme Regulations 2013. For more information on the legislation and regulations that the Fund has to abide by please see the Local Government Pension Scheme website at www.lgps.org.uk or the Pensions Regulator website at www.thepensionsregulator.gov.uk.

We can confirm that there have been no known incidences when the Fund, its employers, staff and Trustees have not complied with the overriding legislation during the period 1 April 2014 to 31 March 2015.

Question 4. Between 1 April 2014 and 31 March 2015, please provide the number of times, individual dates and detail when the scheme employer known as Birmingham City Council provided poor performance and the total amount of additional costs recovered from Birmingham City Council for poor performance?

In respect of your above question, it has been established after careful consideration that the Fund does not hold the above information. Consequently, we are unable to provide any information relating to the above, and are informing you as required by Section 1(1) (a) of the Act, that states:

"Any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information of the description specified in the request".

Please note that the information requested would also be exempt under Section 41 of the Freedom of Information Act. Section 41 states that information obtained by the public authority from another person and disclosure would constitute an actionable breach of confidentiality.

Question 5. Between 1 April 2014 and 31 March 2015, please provide the number of times, individual dates and detail when the administering authority provided poor performance and the total amount of additional
Poor performance of the administering authority would be monitored by self-reporting as outlined in question 2. This requires the administering authority to provide details of performance to the relevant committee/s. Therefore we apply Section 21 of the Freedom of Information Act as committee papers are already published on the Modern.gov website. Section 21 is where the information is accessible by other means. (<https://wolverhamptonintranet.moderngov.co.uk/uuCoverPage.aspx?bcr=1>).