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**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

NOTICE OF MEETING

<i>Meeting</i>	HIWFRA Firefighters' Pension Board	<i>Clerk to the Hampshire & Isle of Wight Fire and Rescue Authority</i> CFO Neil Odin
<i>Date and Time</i>	Wednesday, 12th October, 2022 2.00 pm	<i>Fire & Police HQ</i> <i>Leigh Road,</i> <i>Eastleigh</i> <i>Hampshire</i> <i>SO50 9SJ</i>
<i>Place</i>	Meeting Room Z, Fire & Police HQ, Leigh Road, Eastleigh	
<i>Enquiries to</i>	<u>members.services@hants.gov.uk</u>	

The Openness of Local Government Bodies Regulations are in force, giving a legal right to members of the public to record (film, photograph and audio-record) and report on proceedings at meetings of the Authority, and its committees and/or its sub-committees. The Authority has a protocol on filming, photographing and audio-recording, and reporting at public meetings of the Authority which is available on our website. At the start of the meeting the Chairman will make an announcement that the meeting may be recorded and reported. Anyone who remains at the meeting after the Chairman's announcement will be deemed to have consented to the broadcast of their image and anything they say.

Agenda

1 **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST**

To enable Members to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in the Authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

3 **MINUTES OF PREVIOUS MEETING** (Pages 3 - 6)

To confirm the minutes of the previous meeting.

4 **DEPUTATIONS**

Pursuant to Standing Order 19, to receive any deputations to this meeting

5 CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6 SCHEME ADVISORY BOARD

To receive a verbal update on the Scheme Advisory Board.

7 LEGISLATION AND LOCAL GOVERNMENT (LGA) UPDATE REPORT
(Pages 7 - 62)

To receive a report providing an update on legislation and the Local Government Association.

8 FIRE PENSION BOARD STATUS REPORT AND RISK REGISTER REVIEW (Pages 63 - 80)

To receive an update on the development of key issues and to review the Risk Register.

ABOUT THIS AGENDA:

This agenda is available through the Hampshire & Isle of Wight Fire and Rescue Service website (www.hantsfire.gov.uk) and can be provided, on request, in alternative versions (such as large print, Braille or audio) and in alternative languages.

Agenda Item 3

AT A MEETING of the HIWFRA Firefighters' Pension Board held at Fire and Police HQ, Eastleigh on Tuesday, 5th July, 2022

Chairman:

* Stew Adamson

Vice-Chairman:

* Richard Scarth

* Sean Harrison

Mark Hilton

* Councillor Roger Price
Ross Singleton

* Richard North

* Dan Tasker

* Present

36. APOLOGIES FOR ABSENCE

Apologies were received from Ross Singleton and Mark Hilton.

37. ELECTION OF CHAIRMAN

The Clerk called for nominations for a Chairman, noting the requirements of the Firefighters' Pension Board Terms of Reference. Stew Adamson was nominated, seconded and in the absence of any further nominations duly appointed Chairman of the HIWFRA Firefighters' Pension Board until the first meeting of the Board following the annual meeting of the Fire Authority in 2023.

38. ELECTION OF VICE-CHAIRMAN

The Chairman called for nominations for a Vice-Chairman, noting the requirements of the Firefighters' Pension Board Terms of Reference. Richard Scarth was nominated, seconded and in the absence of any further nominations duly appointed Vice-Chairman of the HIWFRA Firefighters' Pension Board until the first meeting of the Board following the annual meeting of the Fire Authority in 2023.

39. DECLARATIONS OF INTEREST

Members were mindful of their duty to disclose at the meeting any Disclosable Pecuniary Interest they had in any matter on the agenda for the meeting, where that interest was not already in the Authority's register of interests, and their ability to disclose any other personal interests in any such matter that they might have wished to disclose.

No interests were declared.

40. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting held on the 19 April were reviewed and agreed.

41. **DEPUTATIONS**

There were no deputations on this occasion.

42. **CHAIRMAN'S ANNOUNCEMENTS**

Stew Adamson thanked Board Members for appointing him as Chairman of the HIWFRA Firefighters' Pension Board for a further year.

43. **SCHEME ADVISORY BOARD**

The Board received a verbal update from the County Councillor Employer Representative. It was noted that there had been recent meetings between the SAB, Home Office and Local Government Association about pension issues. It was heard there were a lot of similar issues, which could be looked at further.

It was heard that other issues relating to the SAB were highlighted in reports later in the agenda.

44. **HAMPSHIRE AND ISLE OF WIGHT FIRE PENSIONS ADMINISTRATION REPORT 2021/22**

Members of the Board received a report from Hampshire Pension Services (HPS) providing the Board with an update on pensions administration during 2021/22 (Item 9 in the Minute Book).

Officers presented the report to the Board and highlighted key areas of the report. In terms of administration performance, it was confirmed that all cases had been completed on time. In relation to registration to the online member portal, the table at paragraph 6.2 of the report detailed the number of active, deferred and pensioner members registered, and it was noted that encouragement would be given to those who had still made no contact to either register, or to opt out and receive in paper. Officers were pleased to confirm that following a re-assessment of Customer Service Excellence (CSE) accreditation, HPS received full compliance for all 57 of the criteria, and were awarded 'compliance plus' in six areas which were detailed at paragraph 7.2.

Details relating to complaints and a data breach were explained to the Board, as well as audits in relation to pension administration during 2021/22. Officers were pleased to confirm that a substantial rating had been achieved for the areas audited. In relation to cyber security, it was noted that there were no concerns highlighted following penetration testing.

Questions were raised with officers around the data breach and why this wasn't reported. It was heard that this may not be a material breach, which was why it wasn't reported, but officers would follow this up and inform the Board. In relation to McCloud and the development of software required to administer the

McCloud remedy, officers were asked whether the Fire Brigade Union (FBU) had been involved in any discussions around this, and this would be looked into.

The Chairman thanked officers for presenting the report, which provided reassurance of the outstanding performance of HPS.

RESOLVED:

That the HIWFRA Firefighter's Pension Board noted the report which provided reassurance about the performance of Hampshire Pension Services.

45. **LEGISLATION AND LOCAL GOVERNMENT ASSOCIATION (LGA) UPDATE REPORT**

The Board received an update on Legislation and the Local Government Association (LGA), Item 10 in the Minute Book.

Officers presented the report to the Board and highlighted key areas. Paragraphs 4-6 of the report detailed Member Benefit Illustrations which could be found on the Firefighters' Pension Scheme website, and was a useful tool for members in the absence of any individual calculator or estimate. Members of the Board who had looked at these, confirmed the tools were useful and made sense.

Officers also drew attention to abatement guidance recently published by the LGA, and it was noted that the approach taken by HPS was consistent with this guidance. Officers also highlighted that Elena Johnson had recently joined the LGA in the role of Pensions Adviser (Governance), and would be able to provide training to Board Members if required.

RESOLVED:

That the content of the report was noted by the HIWFRA Firefighters' Pension Board.

46. **FIRE PENSION BOARD STATUS REPORT AND RISK REGISTER REVIEW**

The Board received a report which provided an update on ongoing issues (Item 11 in the Minute Book), and also the Board's Risk Register for review. The report was introduced and key issues were highlighted.

The Board heard that in relation to member portal registration, figures at the end of May 2022 showed a slight increase. A query was raised about the figures detailing the registration of active members in the table at paragraph 8, and officers confirmed that these would be checked and amended, and an updated report would be published. Officers drew Board Members attention to the tables at paragraphs 14, 17 and 18 which detailed analysis requested at the previous meeting on pension scheme member participation. The figures were discussed and it was heard that some members had opted-out because they were not able to afford to pay pension contributions. Board Members were asked for their views on this analysis and whether any further analysis was required. Board Members queried whether a survey could be circulated to ascertain reasons for opting-out, and it was heard this had been done previously and had a poor

response rate. It was agreed that further analysis around male/female opting-out could be useful and the Chairman of the Board confirmed that he would initially discuss this with the Service's diversity group.

Officers highlighted other issues such as the Risk Register and Matthews/O'Brien case. In relation to the Risk Register, it was confirmed that as requested by the Board at the last meeting, the risk of Isle of Wight (IoW) data in relation to Matthews be added to the Register, and this was shown in the Register at Appendix B. Paragraphs 23-31 detailed the current situation in relation to Matthews/O'Brien case and it was explained that the IoW had sent most of the data requested for the Matthews remedy. The tables at paragraph 29 highlighted the number of cases subject to Matthews remedy, and the number of cases subject to both Matthews and McCloud remedy. Funding has been received from the Home Office to assist with the administration of this project.

Paragraphs 32–39 detailed the current situation around McCoud/Sargeant remedy. It was heard that in response to whether all active members of the fire pension scheme felt that they were 'in scope' or 'out of scope' for remedy, out of the responses received, 12 indicated that they should be 'in scope'. Officers highlighted that this had been a good data checking exercise and these responses would be followed up. Officers also highlighted the current situation with Immediate Detriment (ID), and it was confirmed that this was still currently paused, which was the situation with many other Fire Authorities (FRA's), and a report on ID would be brought to the next meeting of the HIWFRA Standards and Governance Committee on the 29 July for consideration. Board Members queried why some FRA's were offering ID, and it was noted that these FRA's were taking high risks in doing so, to their individual members and to their FRA. It was confirmed that HIWFRA had written to all members who had applied for ID under the framework to inform them of the current position, and there had also been engagement with the local FBU.

RESOLVED:

- i. That the content of the report was noted by the HIWFRA Firefighters' Pension Board.
- ii. That the Risk Register as set out in paragraphs 20-22 and Appendix B was approved by the HIWFRA Firefighters' Pension Board.

Chairman,



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

HIWFRA FIREFIGHTERS' PENSION BOARD

Purpose: Noted

Date: **12 OCTOBER 2022**

Title: **LEGISLATION AND LOCAL GOVERNMENT ASSOCIATION (LGA)
UPDATE REPORT**

Report of Chief Financial Officer

SUMMARY

1. This report, together with attachments, provides the framework for this agenda item.

FPS BULLETINS

2. LGA issue a bulletin at the end of each month; there have been three bulletins issued since the last Fire Pension Board reports were written. The bulletins are emailed out to a variety of contacts but can also be accessed via the www.fpsregs.org website.
3. Bulletins 58, 59 and 60 can be found in APPENDICES A, B and C. There is a lot of information contained within these bulletins; the key items are set out below.

SAB RESPONDS TO HM TREASURY LETTER (BULLETIN 58)

4. On 20 June 2022, the Chair of the SAB wrote an open letter in reply to HM treasury's letter of 23 March 2022 to seek further clarity on the extent of Sections 61 and 62 and the tax implications detailed.
5. This shows that the conversation is still ongoing, and that the SAB are still trying to find a way forward with Immediate Detriment.

SERVICE HISTORY DATA FOR TRANSITIONAL 2015 FPS MEMBERS (BULLETIN 59)

6. Where a member has transitioned from one of the legacy schemes to the 2015 scheme the qualifying service in the 2015 FPS is added to the qualifying service in the legacy schemes to determine whether a member with continuity of service qualifies for retirement benefits.
7. Any reduction in pensionable service due to an unpaid service break such as family leave, industrial action and career breaks will affect the date by the relevant number of days. For example, a member needs a minimum of 25 years across the 1992 /2015 schemes combined to retire before age 55.
8. The Board will be pleased to note that this does not require any change in process as the IBC Pensions Admin Team always report any absences to Hampshire Pension Services when any service details are requested.

FPS 1992 SCOTLAND – COMMUTATION PROVISIONS (BULLETIN 59)

9. The Scottish Public Pensions Agency (SPPA) have amended their commutation provisions from 1 April 2022 to remove the commutation restriction for those retiring before age 55 with less than 30 years' service.
10. SPPA have reported that there had been a significant rise in expected retirements in the first quarter of 2022/23. Due to the timing, it is not clear if this is because of a change of provision or because all members have been moved into the 2015 Scheme from 1 April 2022.
11. The SAB will monitor this impact over a longer period so that more data is available to be considered. If the SAB want to pursue this, then they would need to prepare a business case for the Government to take forward.

PUBLIC SECTOR UNIONS GRANTED JUDICIAL REVIEW OVER McCLOUD COST REMEDY (BULLETIN 59)

12. Unions across the Public Sector sought a judicial review against the UK Government about the McCloud remedy costs in the cost control mechanism. They argued that the cost of rectifying the discrimination should not be met by members.
13. On 4 July 2022, the FBU and the BMA were given permission to judicially review the Government's decision. The review is expected to be heard towards the latter part of 2022.

TPO McCLOUD FACTSHEET PUBLISHED (BULLETIN 59)

14. On 20 July 2022, The Pensions Ombudsman published a factsheet on McCloud which sets out TPO's views on what affected members and schemes can do now and what TPO's present approach to dealing with McCloud complaints.

15. While a member can certainly raise an Internal Dispute Resolution Procedure (IDRP) about McCloud remedy, TPO's current general starting position is that it would not investigate McCloud complaints. It acknowledges that the Government is taking steps to address the discrimination but would carefully look at the facts of each case before deciding whether to investigate or not.
16. TPO may investigate allegations of maladministration, failure to explain what is going on and or engage properly with the member; or where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements within a reasonable period.
17. Where HIWFRA currently has Immediate Detriment paused, should such a case of injustice or financial hardship arise, then the case would be considered on a case-by-case basis and an individual decision could be made to make some form of remedy through the delegation of officers that is in place.

DWP RESPONDS TO CONSULTATION ON THE DRAFT PENSIONS DASHBOARDS REGULATIONS (BULLETIN 59)

18. On 14 July 2022 the DWP responded to the consultation on Pensions Dashboards. The consultation had set out the staging deadlines and for Public Sector Pension Schemes this was 30 April 2024.
19. In both the LGA response and the response from this Board we strongly disagreed with this proposal due to the conflicting pressures faced by employers and administrators, and the requirement to hold value date which at that point would not reflect remediable service benefits.
20. The DWP confirmed in their response that the staging deadline for Public Sector Pension Schemes would therefore be extended to 30 September 2024 and that the deadline for providing value data has been pushed back to 1 April 2025.
21. This allows for more time to prepare for Pensions Dashboards and to implement McCloud remedy. Therefore, the value data that the member will be able to view, will be their remedied benefits which will help to provide credibility to the Pensions Dashboards overall.

SAB REMEDY ENGAGEMENT SESSIONS (BULLETIN 60)

22. Between June and December 2022, there are some joint engagement sessions between the Home Office, the Fire SAB and the Police SAB to consider Scheme Specific versions of the Central Provision Definition Documents (PDDs). The PDDs define the provisions of the Public Service

Pensions and Judicial Act (PSPJOA) 2022 for each of the areas of the 2015 remedy.

23. Sessions are taking place each month and have so far covered:
- (a) Interest
 - (b) Eligibility
 - (c) Remediable Service Statements (RSS)
 - (d) Immediate Choice (IC) and Deferred Choice (DC)
 - (e) Added Pension
 - (f) Transfers In
24. The session on eligibility has resulted in an eligibility factsheet being published by the LGA this is discussed in more detail in the main Pension Board Status report.

FPS AGM (BULLETIN 60)

25. The FPS AGM is being held at LGA offices in London on 25 and 26 October 2022.
26. The first day has a session from 4.30pm to 6.30pm with updates expected from the Pension Regulator and an item on cyber risk and security. The second day runs from 9.30am to 3.30pm and will be the main event.
27. There will be a series of presentations including a view from Government (the Home Office), Pensions Dashboards, an actuarial update, a panel on recent case law, an FBU update – a member's perspective and there will also be three technical workshops to choose from, a) The Compensation Scheme, b) Discretions and c) Pensionable Pay.

RECOMMENDATION

28. That the content of the report be noted by the HIWFRA Firefighters' Pension Board

APPENDICES ATTACHED

29. APPENDIX A - [FPS Bulletin 58](#) (June 2022)

30. APPENDIX B - [FPS Bulletin 59](#) (July 2022)
31. APPENDIX C – [FPS Bulletin 60](#) (August 2022)

Contact:

Claire Neale, Strategic HR Adviser (Specialist) - Employer Pension Manager,
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FPS Bulletin 58 – June 2022

Welcome to issue 58 of the Firefighters' Pensions Schemes bulletin.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin, suggested items for future issues, or a job you would like to advertise, please email bluelightpensions@local.gov.uk.

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Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email bluelightpensions@local.gov.uk.

Table 1: Calendar of events

Event	Date
FPS coffee morning	12 and 26 July
FPS Technical Group	18 July 2022
North-East regional group	17 August 2022
SAB	8 September 2022
North-West regional group	14 September 2022
FPS Communications Working Group	16 September 2022
FPS Technical Group	25 October 2022
FPS AGM (Save the date)	25 and 26 October 2022
SAB	8 December 2022

Actions arising

Readers are asked to note the following actions arising from the bulletin:

[Home Office collection of FPS forecasts](#): FRAs to submit pension income/expenditure forecasts by 19 August 2022.

[Bluelight inbox and query form](#): FRAs and administrators to use the Bluelight inbox for email correspondence with the Bluelight team.

FRAs and administrators to complete query form when submitting a technical query.

[Annual Benefit Statement 2022 – Information factsheet](#): Administrators to include ABS factsheet with 2021/22 benefit statement distribution.

[TPR dashboard guidance](#): FRAs to read dashboard guidance and book onto webinar.

FPS

Home Office collection of FPS forecasts for 2022-23 to 2027-28

On 21 June 2022, the Home Office emailed all FRAs in England to request submission of their pension income/expenditure forecasts for the period 2022-23 to 2027-28.

The formal commissioning letter at [Appendix 1](#) sets out the centrally prescribed assumptions that must be applied when calculating pension income and expenditure forecasts. The forms can be accessed on DELTA from 1 July 2022. The deadline for submissions is Friday 19 August 2022.

FRAs are also required to complete the Excel table at [Appendix 2](#) in order to declare the local assumptions that they have applied to calculate their pension estimates. The prescribed assumptions that FRAs should use for CPI percentage increases, pay increases and employer contribution rates for the forecasting period have already been pre-populated on the table.

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Please note that payment of the 2022 Top Up grant will be conditional on its completion and incomplete tables will be returned to FRAs.

For the avoidance of any confusion, there are **two returns required by 19 August 2022**:

1. The online DELTA returns setting out the 6-year forecast of pension income and expenditure.
2. Assumptions returns (email direct to anthony.mooney@homeoffice.gov.uk attaching the completed table above).

FRAs are reminded that forecast pension accounting data is being subjected to an ever-increasing scrutiny and, as such, they should ensure that processes are in place to ensure that they have a robust methodology to calculate these. [Best practice forecasting guidance](#) was published by the Pension Forecasting Working Group in July 2019.

Matthews – Lessons learned

The Home Office has recently shared with us a [draft document which outlines the lessons learned](#) from the first special members' options exercise.

This high-level paper has been produced for stakeholders involved in Matthews Remedy work. The purpose of this paper is to identify the areas of improvement from the previous remedy project and how to implement the lessons identified. The lessons referenced are drawn from the experience and reflections of the Home Office, Government Actuary Department and Local Government Association on Matthews Remedy options exercise which took place between April 2014 and September 2015.

Stakeholders had opportunity to discuss the key points from the paper at our latest [coffee afternoon session on 28 June 2022](#).

Feedback is welcomed from the sector as to whether anything is missing from the document which should have been captured. Please send any thoughts and suggestions through to the Bluelight inbox (bluelightpensions@local.gov.uk).

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Immediate Detriment Framework costing and assumption guidance

On 26 May 2022, the LGA in collaboration with Ian Hayton, Cleveland FRS CFO and NFCC pensions lead, hosted a session via MS Teams relating to the Financial Assessment for Immediate Detriment. The session was open to all FRAs, and the invite was shared with CFOs.

The LGA has been working closely with Cleveland FRS to establish a calculator which should enable FRAs to estimate their financial liabilities when considering adoption of the Framework.

The session was designed to provide participants with an overview of the financial assumption spreadsheets. The LGA provided attendees with an explanation of the spreadsheets which included how each column interacts with the final data as well as a demonstration on how to complete the spreadsheet.

It was agreed at this meeting that the LGA would prepare some guidance for FRAs on how they can effectively use the spreadsheet. We are pleased to confirm that the guidance, along with template spreadsheets, has now been published and is available to access via the [age discrimination page in the member protected area](#) of the FPS Regulations and Guidance website.

Before using the spreadsheet, it is worth noting that it has been designed to provide FRAs with a basic estimate of their financial exposure; it does not cover every eventuality and it is based on the LGA's current understanding of what the main financial liabilities are.

Bluelight inbox and query form

Now that the Bluelight team is up to full strength please can we ask that all queries are sent to the generic Bluelight inbox (bluelightpensions@local.gov.uk). This will enable the most appropriate team member to respond as well as ensuring that queries can be dealt with when someone is on leave.

In addition, please can we remind readers of the process to follow when submitting a technical query. [FPS Bulletin 9](#) confirmed that a query form had been developed which asks for information in the following areas:

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- Details of your query
- Area of uncertainty / challenge
- Proposed solution
- Research undertaken: Relevant legislation, HMRC guidance, relevant websites, historical background (circulars or technical meeting minutes), legal advice [Include links]
- Indication of amounts (£) involved
- Timescales involved
- Other supporting evidence

Receiving queries in this way allows us to build up a picture of frequently asked questions and ensure greater consistency in our responses. We can build up a knowledge bank of resources and be able to more easily identify common areas of uncertainty, where dedicated training or workshops could be offered.

The form and notes for completion are available on the [technical queries page](#) of the FPS Regulations and Guidance website. Once completed, the form should be submitted to bluelight.pensions@local.gov.uk. Your query will be acknowledged upon receipt, and we will aim to reply to your query within 28 days. If we cannot reply with a full response within 28 days, we will let you know and tell you when you can expect to receive a full reply from us.

Please note that we have taken the opportunity to move the technical queries page to the password-protected area of the website, as it intended as a dedicated resource for practitioners. Therefore, you will now need to log in to access the form and the log of previous queries.

ACTION: FRAs and administrators to use the Bluelight inbox for email correspondence with the Bluelight team.

FRAs and administrators to complete query form when submitting a technical query.

Annual Benefit Statements 2022 – Information factsheet

At the Fire Communications Working Group (FCWG) meeting on 13 June 2022 we discussed whether it would be beneficial to provide members who are affected by age discrimination remedy with any additional information alongside their annual benefit statement.

Although the notes clearly indicate that benefit statements cannot at this stage reflect remedy, the group thought that it would be prudent to provide members with an additional information note which outlines the timeframes associated with remedy.

The factsheet is available to access via the [guides and sample documents page](#) of the FPS Regulations and Guidance website, under the heading Annual Benefit Statements (ABS). All administrators are encouraged to send the document to members impacted by remedy, with the 2021/22 benefit statements.

Action: Administrators to include ABS factsheet with 2021/22 annual benefit statement distribution.

Technical query log

The [current log of queries and responses](#) can be accessed by practitioners in the member-restricted area of the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log is updated monthly in line with the bulletin release dates.

Queries have been answered this month in the following categories: Commutation (page 19).

FPS England SAB updates

SAB respond to HM Treasury's letter

We reported in [FPS Bulletin 52](#) that the chair of the SAB had written an [open letter to HM Treasury \(HMT\) on the withdrawal of the Home Office informal guidance](#) on immediate detriment. The letter, dated 17 December 2021, asked for more information on the risks and uncertainties which HMT said arose as a result of processing cases ahead of legislation.

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On 23 March 2022, [HMT provided a response outlining the factors behind the withdrawal](#) in more detail. The response highlighted that Section 61 of the Equality Act 2010 did not, in HMT's opinion, allow for amendment of a member's tax position. The response detailed several tax complexities which had been identified and will be dealt with through legislation.

On 20 June 2022, the chair of the SAB wrote an [open letter in response to HMT's reply](#) which seeks further clarity on the extent of Sections 61/ 62 and the tax implications detailed.

Other News and Updates

DWP call for evidence – helping savers understand their pension choices

On 14 June 2022, the Department for Work and Pensions (DWP) launched a [Call for Evidence entitled: 'Helping savers understand their pension choices'](#).

The call for evidence explores what support pension scheme members need to help them make informed decisions about how to use their savings.

DWP welcomes views from pension scheme members, consumer organisations, trustees, and scheme managers.

The consultation closes on 25 July 2022.

Further consultation on Pensions Dashboards launched

On 28 June 2022, DWP launched a further consultation on Pensions Dashboards: [Pensions dashboards: further consultation - GOV.UK \(www.gov.uk\)](#)

This further consultation supplements the consultation on the draft dashboard regulations which ran from 31 January 2022 to 13 March 2022. More information, including the LGA FPS response to that consultation, can be found on the [consultations page](#) of [www.fpsregs.org](#).

The further consultation sets out two proposals. The first proposal provides clarity on the 'Dashboard Available Point' (DAP). The second proposal allows the Money and Pensions Service and the Pensions Regulator to share information about dashboards with each other.

The DAP is the point at which dashboards will be available to all members of the public. The consultation proposes that the DWP will decide on the DAP and then give pension schemes 90 days' notice. It is hoped that this will give schemes sufficient time to make final preparations.

The consultation is scheduled to run for 3 weeks and closes on 19 July 2022.

PDP update

Speaking at the Pensions Age Northern Conference and the PLSA Local Authority Conference Chris Curry, Principle of the Pensions Dashboards Programme (PDP), confirmed that:

- DWP is expected to respond to the consultation on the draft regulations for pensions dashboards before summer recess, with the regulations likely to be laid in parliament later this year.
- Dashboards are still on track for 2023, with less than 12 months until some schemes begin onboarding.
- Later in the year PDP will be running a further consultation on the specific standards for dashboards, which they will look to work with the industry through webinars and events.
- PDP has successfully tested an end-to-end version of the dashboards ecosystem and that the alpha phase of the project was complete.

TPR Deadline Campaign for Pensions Dashboards

The Pensions Regulator (TPR) has launched its new "Deadline" campaign urging trustees and scheme managers to start preparing for pensions dashboards.

It is expected that occupational pension schemes with 100 or more relevant members will connect to the pensions dashboards through a phased approach according to size and type of pension scheme. The first schemes will connect to the dashboards system by June next year and TPR will begin writing to them at least twelve months ahead of their connection deadline to alert them to what they need to do.

To help trustees and scheme managers get ready, TPR has published [Pensions dashboards: initial guidance](#) which outlines their legal duties, based on draft regulations, including a checklist to help track progress. TPR are urging the following:

- All schemes need to prepare, so it is vital that all schemes start to prioritise their duties and not leave them until the last minute-your pensions dashboard deadline is coming.
- Include pension dashboards as an agenda item at trustee board meetings.
- Decide how you will connect-i.e., using your current pensions administrator, an integrated service provider, or building your own connection solution.
- Check that the data you will use to match people with their pensions and return to the dashboard is available, accurate and assessable.

[Check your connection deadline and download a checklist](#)

TPR is hosting a webinar and Q&A on 28 July 2022 to take you through the steps you need to take to prepare for connection. [Register to save your place.](#)

TPR corporate plan 2022 to 2024

On 13 June 2022, [TPR published its corporate plan](#) for the next two years. Their [press release](#), confirms they will continue to:

- call on schemes to take its pledge to combat pension scams
- work closely with DWP and the Financial Conduct Authority (FCA) on a future consultation for a Value for Money Framework

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- assess how smaller defined contribution schemes offer value for money
- help schemes become dashboard ready
- develop its organisational capability with the creation of a Digital, Data and Technology directorate
- launch its second consultation on a new defined benefit funding code this autumn, with the code operational from September 2023.

TPR blog on pensions scammers

On 15 June 2022, [TPR published a blog on pension scammers](#). The blog highlighted that tough prison sentences alone are not enough to dissuade all scammers and secure savers' pension pots.

TPR needs the pensions industry to make use of the new powers to block transfers they suspect are scams and, to report any suspected scams to the appropriate authorities.

TPR know scammers' methods will continue to evolve and are working with the National Fraud Intelligence Bureau to jointly [review the threat of pension scams](#).

Most importantly, schemes should [report concerns about scams to the authorities](#). To help do this effectively TPR and their partners have published [a guide to reporting pension scams](#).

The guide looks at:

- Why concerns about a scam should be reported
- What should be reported
- When report should be made
- Who a report should be made to
- What happens once a report has been submitted

State pension triple lock reinstated

Chancellor Rishi Sunak has confirmed that the [state pension triple lock will be reinstated next April](#) after it was put on hold last April. It is likely to be based on the September 2022 consumer price index, which is expected to be around 10 per cent.

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Job vacancies

Vacancy at Nottinghamshire Fire and Rescue Service

Please find below details of a current vacancy for a Pensions Officer which is open to existing Nottinghamshire FRS employees and external applicants. The closing date for receipt of application forms is 17 July 2022.

“We are looking for a Pensions Officer, working part-time 3 days a week. This is an exciting opportunity for an experienced pension expert. You will provide advice and guidance to the Service on the Fire Pension Scheme (FPS) and Local Government Pension Scheme (LGPS). You will act as a technical expert and advise on pension regulations overseeing the implementation of legislative changes.

Further information and an online application form are available via our Recruitment Website at <https://jobs.notts-fire.gov.uk>”

Vacancy at West Midlands Fire Service

Please find attached below details of a current vacancy for a Pensions Practitioner at West Midlands Fire Service. The closing date for receipt of application forms is 12.00 on 7 July 2022:

[West Midlands Fire Service Pensions Practitioner Vacancy](#)

Vacancy at London Fire Brigade

As detailed in [FPS Bulletin 57](#), an opportunity has arisen to join the LFB as a Pensions Analyst. The role is to ensure they fulfil all statutory requirements and deal effectively with pension related issues as they impact on the London Fire Commissioner. The closing date for receipt of application forms is 7 July 2022:

[Finance Pensions Analyst \(london-fire.gov.uk\)](#)

Vacancy at West Sussex County Council

Please find attached below details of a current vacancy for a Pensions Adviser at West Sussex County Council. The closing date for receipt of application forms is 13 July 2022:

[Pensions Adviser West Sussex County Council](#)

Events

FPS coffee mornings

Our MS Teams coffee mornings are continuing every second Tuesday. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next session is due to take place on 12 July 2022.

We are pleased to include the presentations from recent sessions below:

[14 June 2022 – TPR Governance and Administration survey results 2020-21](#)

[28 June 2022 – Matthews - lessons learned](#)

If you do not already receive the meeting invitations and would like to join us, please email bluelightpensions@local.gov.uk. Please note that attendance at the coffee mornings is generally restricted to FPS practitioners and managers.

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)

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- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPC Bulletins](#)
- [LGPS member site](#)
- [Scottish Public Pensions Agency - Firefighters](#)
- [Welsh Government Fire circulars](#)

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While every attempt is made to ensure the accuracy of the bulletin, it would be helpful if readers could bring any perceived errors or omissions to the attention of the Bluelight team by emailing bluelightpensions@local.gov.uk.



FPS Bulletin 59 – July 2022

Welcome to issue 59 of the Firefighters' Pensions Schemes bulletin.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin, suggested items for future issues, or a job you would like to advertise, please email bluelightpensions@local.gov.uk.

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Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email bluelightpensions@local.gov.uk.

Table 1: Calendar of events

Event	Date
North-East regional group	17 August 2022
SAB	8 September 2022
North-West regional group	14 September 2022
FPS Communications Working Group	16 September 2022
FPS Technical Group	25 October 2022
FPS AGM	25 October 2022 26 October 2022
SAB	8 December 2022

Actions arising

Readers are asked to note the following actions arising from the bulletin:

[Administrator survey results](#): Administrators to consider the recommendations set out in section 5 of the report.

[Special members - Corrective action](#): FRAs to revisit all special members leavers and opt outs to ensure that correct options have been given at deferment.

[Service history data for transitional FPS 2015 members](#): FRAs to have a process in place to ensure that their administrator is informed of any unpaid breaks in service for transitional FPS 2015 members.

[Age discrimination remedy - Data sharing](#): FRAs to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA's administrator.

[TPO McCloud factsheet published](#): FRAs to review the information in the factsheet to ensure they do not fall short of TPO's expectations.

FPS

Administrator self-assessment survey results

We are pleased to be able to share with you the results of the survey undertaken by the Scheme Advisory Board secretariat in order to provide us with insights into the current administration arrangements and the challenges being faced by administrators, in light of both business as usual and remedy.

The administrator self-assessment survey was launched in [FPS Bulletin 54 – February 2022](#) and ran between 24 February and 18 March. It comprised of 57 questions which focused on variety of topics including Sargeant, Matthews, and pensions dashboards.

The aim of the survey was to understand more about arrangements for administering the Firefighters' Pension Scheme and specifically for implementing the age discrimination remedy.

The survey received a 100 per cent response rate which will allow an accurate assessment of the sector and a better understanding of the challenges that administrators face.

The [full results of the survey and recommendations](#) can be found on the protected area of the [FPS Regulations and Guidance website](#).

ACTION: Administrators to consider the recommendations set out in section 5 of the report.

FPS 2006 special members – Corrective action

We have been alerted to an issue on which FRAs will need to take immediate remedial action.

The issue relates to members who have elected for special membership under the first options exercise and to repay their contributions by way of periodic contributions, however, leave part way through their contract and therefore have a number of instalments still outstanding.

The regulations support the fact that the member's decision to leave should not impact their ability to continue to pay for the cost of past service. If the member leaves, or opts out, they have the option to pay all remaining contributions within three months of the leaving date in order to count all of the service ([Rule 6A, Part 11, paragraph 9](#)). Alternatively, the member can continue to pay periodical contributions as a deferred member ([Rule 6A, Part 11, paragraphs 3 and 7](#)). These regulations were covered in detail at a [special members workshop the LGA hosted in 2018 \(slides 99 and 100\)](#).

We would expect the options above to be offered to a member as a matter of course, however, as we understand it, some FRAs have not offered their members these options.

In preparation for the second options exercise, our view is that corrective action should be taken to address this issue. FRAs should use the time between now and the 2023 options exercise to rectify any such issues where there are regulations in place to do so. This will help keep the 2023 options exercise as straightforward as possible. We therefore recommend that **all** FRAs follow the steps set out below.

1. FRAs to revisit past deferred cases to determine what options were offered:
 - a. If the member has been offered the options as set out above, then no further action is needed.
 - b. If the member **has not** been offered the options as set out above, then progress to step 2.

2. Confirm which regulatory option applies to the member:
 - a. If the member has left within the last 3 months, then they can be offered:
 - i. The option to repay the outstanding contributions by lump sum
 - ii. The option to continue with *periodic contributions
 - iii. The option of a pro-rated pension based on the contributions already paid
 - b. If the member has left more than 3 months ago, then they can be offered:
 - i. The option to continue with *periodic contributions
 - ii. The option of a pro-rated pension based on the contributions already paid

*Periodic contributions would need to be reviewed and possibly altered to take account of any gaps in the repayment schedule. We believe that the correct regulatory option available is to recalculate the instalments so that the remaining balance is repaid at the original 10 year point – in line with [Rule 6A\(8\)](#). The calculator has been specifically designed to ensure that the correct proportion of interest is applied for the 10-year period.

3. FRAs should take immediate steps to contact affected members and notify them of the options available to them.
 - a. If the member elects for periodic contributions, as they are no longer employed and instalments cannot be taken from their salary, they will have the option of paying by standing order.
4. FRAs to notify administrator of the member's decision and update their record accordingly.

ACTION: FRAs to revisit all special member leavers and opt outs to ensure that correct options have been given at deferment.

Service history data for transitional FPS 2015 members

As of 1 April 2022, all members who remain active members of the Firefighters' Pension Scheme do so as members of FPS 2015. The FPS 2015 is a statutory, defined benefit, career average, public service pension scheme.

Unlike the final salary schemes (FPS 1992 and FPS 2006), where pension entitlement is based on scheme membership and pay on leaving the scheme, career average scheme benefits are worked out based on a proportion of pay for each year of membership.

As qualifying service in the FPS 2015 is added to qualifying service in the FPS 1992 or 2006 to determine whether a member with continuity of service qualifies for retirement benefits, any reduction in pensionable service due to an unpaid service break such as maternity/paternity/adoption leave, industrial action, and career breaks will affect that date by the relevant number of days (for example a member needs a minimum of 25 years across the FPS 1992/ 2015 combined to retire before age 55). Therefore, FRAs should continue to record and report any days lost to unpaid service to their pension scheme administrator.

ACTION: FRAs to have a process in place to ensure that their administrator is informed of any unpaid breaks in service for transitional FPS 2015 members.

Age discrimination remedy - Data sharing

As part of the data collection exercise for age discrimination remedy FRAs may identify a proportion of cases whereby information such as pensionable pay and contributions are required from another FRA. This is because the member has been subject to an inter-brigade transfer during the remedy period.

We understand, from speaking to stakeholders, that concerns have been raised over sharing this data, particularly when it comes to General Data Protection Regulation (GDPR).

[The Public Service Pension and Judicial Offices Act 2022](#) states that with effect from 1 October 2023 all in scope members must be rolled back into their relevant legacy scheme and reformed service, for the remedy period, should be kept as an underpin.

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This corrective action cannot be taken unless the current administrator has access to the data they need to perform this function.

This issue was discussed in detail at the Fire Technical Working Group (FTWG) on Monday 25 July. It was decided that, to remove any GDPR issues, the information should be shared with the current administrator instead of the current FRA. This is because the administrator has a legitimate reason for needing the data.

To assist FRAs in determining which administrator to contact a comprehensive [list of FRAs and their administrators](#) can be found on the [FPS Member website](#).

ACTION: FRAs to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA's administrator on request.

Duradiamond - Contract extension

The Home Office has received several queries regarding the status of the medical appeals board framework contract currently supplied by Duradiamond (trading as Health Partners).

The contract with Duradiamond/Health Partners was due to expire on 30 September 2022. The Home Office has agreed to extend this contract by a further 12 months to reduce the backlog of cases that accrued because of the pandemic and to avoid any further disruptions to the service. The terms of the contract remain the same and the extension will begin on 1st October 2022.

If you have any queries regarding the Fire Medical Appeals Board (FMAB) contract with Duradiamond/Health Partners, please use the following contact details:

PFMAB Administration Team

Cathy Golson – Team Leader

Lorna Nyajeka – Appeals Coordinator

Email: pfmab@healthpartners.uk.com

Tel: 01273 963729

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Carole Scott – Relationship Manager

Email: carole.scott@healthpartners.uk.com

Tel: 01273 023042

The Home Office has set up an email address that can be used if a matter needs further escalation once all other points of contact have been exhausted. This email address should not be used to enquire about appeal updates or process related queries. When using this email, please copy in Carole Scott as listed above.

Email: pfmabcontract@homeoffice.gov.uk

Technical query log

The [current log of queries and responses](#) can be accessed by practitioners in the member-restricted area of the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log is updated monthly in line with the bulletin release dates.

Queries have been answered this month in the following categories: Annual Allowance (page 15), IHR for deferred Special Members (page 84), Payroll (page 95), Two Pensions (page 122).

FPS England SAB updates

FPS 1992 Scotland – commutation provisions

We reported in [FPS Bulletin 55 – March 2022](#) that the commutation provisions have been amended for FPS 1992 Scotland from 1 April 2022. At the SAB meeting on 23 June 2022, SPPA gave an update to the Board on the impact that the change in the provisions has had on retirement numbers. SPPA reported that there had been a significant rise in expected retirements in the first quarter of 2022-2023. Due to timing, it is not clear whether this is because of the change in provision or due to the move of all members back into the FPS 2015 from 1 April 2022. It is also not clear how this will impact on workforce planning.

The SAB has decided to monitor the impact of this over a longer time period so that more data is available to be considered. If the SAB wanted to pursue a change to the commutation provisions in England, then a business case would have to be prepared for the Government to take this forward.

2020 Valuation assumptions

At the last SAB meeting GAD provided the Board with a presentation on four of the key demographic assumptions which are proposed to be used in the 2020 valuation. These are: withdrawal from the scheme, promotional pay, age retirement and commutation.

GAD confirmed that there had been an improvement in the data provided by FRAs for the 2020 valuation.

The Board agreed that a discussion on the key assumptions should be taken forward to the Cost-Effectiveness committee to ascertain if these assumptions are reasonable. The Cost-Effectiveness committee met accordingly on 5 July 2022 and these GAD will now consider the assumptions to be presented to the Home Office for incorporation into the valuation exercise.

Contingent decisions

At SAB meeting on 23 June 2022, a [paper on contingent decisions](#) was discussed which introduced the topic to the board and highlighted the instances where a contingent decision may apply.

Police and Fire SABs are involved in joint engagement sessions with the Home Office to discuss the policy definition documents (PDDs) in relation to remedy.

A joint engagement session on contingent decisions is due to take place on 9 November 2022 with Home Office and the SABs.

PDDs on interest and eligibility were discussed on 24 June 2022 and any actions arising from the feedback of Police and Fire SABs will be taken forward and responded to by the Home Office.

Membership, committees, and training

SAB members have been asked to complete a training needs analysis form for the secretariat so that any training needs can be identified with a view to performing training sessions before the end of the year which will include SAB induction training and Local Pension Board Wrap-up training sessions.

Work is also ongoing to fill existing vacancies in the committees which are there to support the SAB with its work.

Software suppliers

Representatives from Heywood Pension Technologies and Civica attended the SAB meeting on 23 June 2022 to provide the Board with a useful update on their progress on remedy over the last 12 months. They also provided an update on the phases of development going forward which the Board felt was useful.

Other News and Updates

Public Sector unions granted judicial review over McCloud cost remedy

As previously referred to in [FPS Bulletin 51 – November 2021](#), unions across the public sector sought a judicial review against the UK Government about McCloud/Sargeant remedy costs in the cost control mechanism. The FBU, GMB, and British Medical Association (BMA) argued that the cost of rectifying the discrimination should not be met by scheme members.

On 4 July 2022, the FBU and the BMA were given permission to judicially review the Government's decision. A judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. In other words, judicial reviews are a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached.

It is not really concerned with the conclusions of that process and whether those were 'right', as long as the right procedures have been followed.

The judicial review is expected to be heard towards the latter part of 2022.

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TPO Annual Report and Accounts for 2021/22

On 14 July 2022, The Pensions Ombudsman (TPO) published its Annual Report and Accounts for 2021/22.

For more information, see [the press release announcing the publication](#).

TPO McCloud factsheet published

On 20 July 2022, TPO published [a factsheet on McCloud](#).

The factsheet sets out TPO's views on what affected members and schemes can do now and TPO's present approach to dealing with McCloud complaints.

TPO's current general starting position is that it would not investigate McCloud complaints. This is because it acknowledges that the Government is taking steps to address the discrimination with retrospective effect. TPO will, however, carefully look at the facts of each case before deciding whether to investigate.

Examples of where TPO may investigate include, allegations of maladministration, like, failure to explain what is going on and/or engage properly with the member; or investigate where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements to address the injustice within a reasonable period.

ACTION: FRAs to review the information in the factsheet to ensure they do not fall short of TPO's expectations.

TPR Annual Report and Accounts for 2021/22

On 14 July 2022, the TPR published its Annual Report and Accounts for 2021/22.

For more information, see [the press release announcing the publication](#).

Dashboard Accuracy Data Guidance

On 4 July 2022, the Pensions Administration Standards Association published [the Dashboard Accuracy Data Guidance](#).

The guidance highlights the importance of regularly testing data for accuracy. This is particularly important for data that pension schemes will use when matching requests from the dashboards.

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The guidance provides information on how schemes could test their data and what data sources they could use.

We have previously provided [data scoring guidance](#) which includes a matrix for adjusting scores for accuracy. We are in the process of updating our guidance to take account of age discrimination and value data for pensions dashboards.

DWP responds to consultation on the draft pensions dashboards regulations

On 14 July 2022, the Department for Work and Pensions (DWP)

[responded to the consultation on the draft Pensions Dashboards Regulations](#).

The DWP has also published [a summary of the key policies](#). The summary reflects the response to the consultation.

The DWP consulted on the regulations between 31 January 2022 and 13 March 2022, which we covered in [FPS Bulletin 54 – February 2022](#).

Readers may recall that the LGA made a [robust response to the consultation](#), expressing concern over the proposed staging date for the FPS of 30 April 2024 given the conflicting pressures faced by employers and administrators, and the requirement to hold value data which at that point would not reflect remediable benefits. We also noted the difficulty in presenting data to scheme members based on different sets of benefits with different retirement ages.

The LGA was directly quoted within the response at paragraphs 5.14 and 5.16:

5.14. The Local Government Association (LGA) on behalf of the firefighter schemes strongly disagreed with the amount of time proposed. They felt their deadline would not give Fire and Rescue Authorities or their administrators sufficient time to implement McCloud.

5.16. ... The LGA (on behalf of the firefighter schemes) suggested an extended staging window for PSPS. They said that this would allow schemes with the capability to connect earlier to do so, with more time allowed for those with greater challenges.

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We are therefore pleased to note that the staging deadline for all public service schemes has been extended by five months from 30 April 2024 to 30 September 2024 and, that the requirement to provide value data has been pushed back to 1 April 2025 at the latest and will only be earlier where a Remediable Service Statement has been issued – paragraphs 5.35-5.36.

In relation to members with different tranches of benefits, the regulations will be amended to allow scheme flexibility to provide “a separate set of values for different combinations of tranches of benefits, along with a retirement date in relation to each.” – paragraph 2.39.

The DWP will amend the draft regulations (‘the Regulations’) to reflect the response. We expect the DWP to lay the Regulations before Parliament in autumn.

[LGA response to further consultation on pensions dashboards](#)

On 19 July 2022, we responded to the further consultation on pensions dashboards.

DWP launched the further consultation on 28 June 2022. We covered this in [FPS Bulletin 58 – June 2022](#). The consultation included proposals on the ‘Dashboard Available Point’ (DAP).

You can find a copy our response on the [consultations page](#) of the [FPS Regs and Guidance website](#). Our response expressed broad support for the proposals, providing that schemes received enough advance notice of the expected DAP.

[PDP launches consultation and call for input on standards and guidance](#)

On 19 July 2022, the Pensions Dashboards Programme (PDP) launched a [consultation on dashboard standards and guidance](#), and [a call for input on the design standards](#). Both the consultation and the call for input will close on 30 August 2022.

Standards and guidance

The standards detail how pension schemes and dashboard providers operationally, technically or in practice must meet their dashboard duties. The following six standards are published for consultation:

- data standards
- operational standards
- reporting standards
- security standards
- service standards
- technical standards (this comprises of the technical standards, the API standards and technical overview guidance).

The guidance provides further requirements to which pension schemes must have regard when complying with their dashboard duties. The following three sets of statutory guidance have been published for consultation:

- connection guidance
- data usage guide
- early connection guidance

Call for Input on design standards

The PDP also launched [a call for input on design standards](#).

The design standards will provide information to dashboard providers, as well as data providers, about required layouts, content elements, messaging, and user journeys, to ensure a consistently positive experience for users, regardless of which dashboard an individual chooses. The PDP is running the call for input to get feedback and thoughts on their developing ideas for Qualifying Pensions Dashboards design standards from the pensions industry and consumer groups.

Following this call for input, a consultation on the final design standards will run for six weeks.

Support webinars

To support respondents, the PDP hosted three webinars:

- Introduction to standards and the consultation – 21 July 2022
- Connecting to the pensions dashboards ecosystem – 25 July 2022
- Operating within the pensions dashboards ecosystem – 26 July 2022.

Recordings of the webinars can be viewed on the [standards page](#) of the PDP website.

Webinar for potential dashboard providers

Chris Curry, PDP's Principal, recently hosted a webinar providing updates for those interested in becoming a dashboard provider.

The PDP also published [a summary of the main topics relevant for dashboard providers](#). The summary included a link to the webinar recording.

Cyber Risk Made Simple Guide

The Pensions and Lifetime Savings Association (PLSA) has recently published '[Cyber Risk Made Simple Guide](#)'. PLSA produced the guide in partnership with Aon and Crowe.

The guide explains the nature of the cyber threat to pension schemes. It also outlines 15 actions pension schemes may wish to take in response.

HMRC

HMRC publishes Pension Schemes Newsletter 140 and 141

On 30 June 2022, HMRC published [pension schemes newsletter 140](#).

The newsletter includes articles:

- clarifying the rules on paying interest and arrears when equalising for guaranteed minimum pensions
- reminding schemes to migrate from the Pension schemes online service to the Managing Pension Schemes service

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- on the expected release in spring 2023 of the event report for tax year 2023/24 on the Managing Pension Schemes service
- on a new reportable event from April 2023 for certain public service schemes. This will relate to issuing annual allowance statements. HMRC will consult on legislation introducing this new reportable event later this year
- reminding schemes that they can no longer compile and submit accounting for tax returns for any quarter from 1 April 2020 using the Pension schemes online service.

On 21 July 2022, HMRC published [pension schemes newsletter 141](#).

The newsletter includes articles:

- covering the technical consultation on resolving the low earners tax relief anomaly
- clarifying how to migrate schemes from the Pension Schemes Online service to the Managing Pension Schemes service
- reminding schemes that they cannot compile and submit new Accounting for Tax returns for any quarter from 1 April 2020 onwards on the Pension Schemes Online service
- reminding schemes who need to submit an Accounting for Tax return for the quarter 1 April 2022 to 30 June 2022 that they will need to have migrated the scheme and submitted the return on the Managing Pension Schemes service by 14 August 2022 to avoid interest and penalties.

Clarification received on annual allowance changes

The LGA recently received clarification from HMRC on the changes to annual allowance rules.

We covered these changes in [FPS Bulletin 56 – April 2022](#). These include new requirements on administrators to recalculate annual allowance amounts for previous years in certain situations. Where the recalculation shows an annual allowance excess, the administrator must issue a pension savings statement to the member. They must also tell HMRC about this on an event report.

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In [FPS Bulletin 56 – April 2022](#), we set out that the administrator must tell “HMRC within three months of the date they sent the statement to the member, or if later, by 31 January following the tax year to which the [event] report relates.” This reflects regulation 3(9) of the Registered Pension Schemes (Provision of Information) Regulations 2006:

an event report in respect of reportable event 22, in a case where regulation 14A(6A) or (6B) applies, must be delivered-

- a. within 3 months of the date of issue of the pension savings statement,*
or
- b. if later, on or before 31st January following the tax year to which the report relates.*

Our understanding is that “the tax year to which the report relates” refers to the tax year in which the administrator issues the statement to the member. For example, an administrator issues the statement on 1 October 2023 telling a member they exceeded the annual allowance in tax year 2019/20. The deadline under 3(9)(a) would be 31 December 2023. The deadline under 3(9)(b) would be 31 January 2025. Clarification was sought from HMRC as this would mean the deadline in 3(9)(a) could never apply.

HMRC confirmed that in the above example the deadline would be 31 January 2025. They included an article clarifying the deadline in [pension schemes newsletter 140](#). We understand that HMRC will consider amending the regulations to remove the redundant deadline in 3(9)(a).

Legislation

The Public Service Pensions (Employer Cost Cap and Specified Restricted Scheme) Regulations 2022

On 13 July 2022, HMT laid [The Public Service Pensions \(Employer Cost Cap and Specified Restricted Scheme\) Regulations 2022](#). The regulations come into force on 3 August 2022.

Regulation 3 amends The Public Service Pensions (Employer Cost Cap) Regulations 2014 and sets out the specified margins for the cost cap introduced by the Public Service Pensions Act 2013. The specified margins are the parameters in which scheme costs must remain before corrective action is taken. The margins are currently set at two percentage points above and below the employer cost cap rate. The new regulations amend this to three percentage points.

Last year, HMT reviewed the cost cap process and announced three changes. We covered the review in [FPS Bulletin 50 – October 2021](#). The new regulations implement one of those changes.

HMT intends that all three changes will be in place for the 2020 cost cap valuation.

Events

FPS coffee mornings

Our MS Teams coffee mornings are continuing every second Tuesday. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

It is our intention to take a short break over the holiday period and the coffee mornings are set to resume on 6 September 2022, however, we have asked the Pension Dashboard Programme (PDP) to facilitate a session on their latest consultation. As yet we haven't had a response to our request so we therefore cannot commit to a firm date for this session. We will contact our coffee morning distribution list if we are able to arrange a session for August.

[Click here to return to Contents](#)

We are pleased to include the presentations from recent sessions below:

[12 July 2022 – General update: Matthews, scheme valuations and SAB remedy engagement](#)

[28 July 2022 – Remedy eligibility and administrator self-assessment survey](#)

If you do not already receive the meeting invitations and would like to join us, please email bluelightpensions@local.gov.uk. Please note that attendance at the coffee mornings is generally restricted to FPS practitioners and managers.

AGM – 25 and 26 October

We are pleased to announce that booking for the ever-popular Fire Pensions Annual Conference is now live.

The two-day programme allows delegates to network with fellow colleagues and hear the latest news on the Firefighters' Pension Scheme (FPS) from the scheme's key stakeholders. You will hear important updates, including:

- Chair of the Scheme Advisory Board
- The Home Office
- Legal updates

As well as providing the opportunity to network with other FPS stakeholders, there will be interactive and thought-provoking workshops to take part in during the day, on topics such as

- Firefighter compensation scheme
- Discretions
- Pensionable pay

Timings are provided below, and the full programme will be available shortly. Use the links to book your place now. Please note that each day must be booked separately.

[Day 1 – Tuesday 25 October 2022 4:30pm - 6:30pm](#) followed by drinks reception

Primarily for Scheme Managers and Local Pension Board Chairs, day 1 of the conference is the AGM which will provide an update from the Pensions Regulator and will offer the opportunity to network with counterparts in other Fire Authorities.

Following this session there will be a drinks reception on the terrace from 6.45pm.

[Day 2 – Wednesday 26 October 2022 9:30am - 3:30pm](#)

Day 2 of the conference provides delegates with an annual update on the Firefighters' Pension Scheme from key stakeholders. In addition to the main plenary sessions, delegates will have an opportunity to attend workshop sessions.

We look forward to welcoming you to the event!

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPC Bulletins](#)
- [LGPS member site](#)
- [Scottish Public Pensions Agency - Firefighters](#)
- [Welsh Government Fire circulars](#)

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FPS Bulletin 60 – August 2022

Welcome to issue 60 of the Firefighters' Pensions Schemes bulletin.

If you are looking for information on a certain topic, issue and content indexes are held on the [main bulletin page](#) of the website and are updated following each new issue.

If you have any comments on this bulletin, suggested items for future issues, or a job you would like to advertise, please email bluelightpensions@local.gov.uk.

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Calendar of events

Please see below a calendar of upcoming events relevant to the Firefighters' Pension Schemes. Only those events which are hyperlinked are currently available to book. If you have any events you would like to be included in a future bulletin, please email bluelightpensions@local.gov.uk.

Table 1: Calendar of events

Event	Date
FPS coffee morning	6 and 20 September 2022
Eastern regional group	6 September 2022
SAB	8 September 2022
North-West regional group	14 September 2022
FPS Communications Working Group	16 September 2022
FPS Technical Group	25 October 2022
FPS AGM	25 October 2022 26 October 2022
SAB	8 December 2022

Actions arising

Readers are asked to note the following actions arising from the bulletin:

[Age discrimination eligibility – Factsheet](#): FRAs to review the eligibility factsheet and ensure that appropriate action is taken where necessary.

FPS

Age discrimination eligibility – Factsheet

The [coffee morning held on 28 July 2022](#) had a focus on eligibility for the age discrimination remedy.

As a reminder, to be eligible for remedy, a member must have ‘remediable service’. The Public Service Pensions and Judicial Offices Act 2022 sets out four conditions in [Section 1](#) which must **all** be met for service to be considered ‘remediable’.

To help FRAs and administrators determine which individuals are in scope for remedy we have put together a [guide to eligibility factsheet](#) which sets out the conditions in more detail.

Additionally, the factsheet encourages scheme managers to review the cohort of membership which they have deemed to be in scope. If, after considering the content of the fact sheet, more individuals are deemed in scope, then action will be needed to address this. Full details of what action is needed has been set out in the factsheet. Sample member communications will be provided later.

ACTION: FRAs to review the eligibility factsheet and ensure that appropriate action is taken where necessary.

Abatement guidance updated

Readers may recall that informal abatement guidance was published in [FPS Bulletin 57 – May 2022](#). Since publication, the LGA has been approached by several FRAs asking whether we would be able to share a draft policy.

We are pleased to confirm that Cumbria FRS has given permission for their [retirement, re-engagement and abatement policy](#) to be shared with the sector as an example of best practice – thank you Cumbria FRS!

The [informal abatement guidance](#) has been updated to include a link to Cumbria’s policy at paragraph 51.

Electric vehicles salary sacrifice

Over recent weeks we have experienced an increase in questions which relate to electric vehicles (EV) and salary sacrifice.

Firstly, it is worth noting that it is up to each individual FRA to determine whether EVs meet the requirements of salary sacrifice as what can or cannot be included in a salary sacrifice scheme falls outside of the pension schemes' remit. Detailed guidance can be found at: <https://www.gov.uk/guidance/salary-sacrifice-and-the-effects-on-pay>

If an FRA does deem that EVs meet the requirements of salary sacrifice, then there is a question as to what impact this would have on any pension contributions due.

We can confirm that the FPS 2015 regulations provide for salary sacrifice ([Regulation 17\(1\)\(c\)](#)). They confirm that the member should continue to pay contributions on the amount before the deduction and receive the full value of their pensionable pay.

Technical query log

The [current log of queries and responses](#) can be accessed by practitioners in the member-restricted area of the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log is updated monthly in line with the bulletin release dates.

As a reminder we took the opportunity, while reminding FRAs and administrators of the process to follow to submit a technical query in [FPS Bulletin 58](#), to move the technical queries page to the password-protected area of the website, as it is intended as a dedicated resource for practitioners. Therefore, you now need to log in to access the form and the log of previous queries.

No new queries have been added this month.

FPS England SAB updates

SAB remedy engagement sessions

As we reported in [FPS Bulletin 57 – May 2022](#), the Scheme Advisory Board (SAB) has been invited by the Home Office to take part in a series of joint engagement sessions with the Police SAB to consider scheme specific versions of the Provision Definition Documents (PDDs) which define the provisions of the [Public Service Pensions and Judicial Offices Act \(PSPJOA\) 2022](#) for each area of the 2015 Remedy.

One session is taking place per month between June and December 2022, with two topics discussed at each meeting. These discussions will help to inform the drafting of secondary legislation, ahead of formal consultation early in 2023.

To date, sessions have taken place on interest and eligibility, remediable service statements (RSS) and immediate/ deferred choice, and added pension and transfers in.

Any actions arising from the feedback from the Fire and Police SABs will be taken forward and responded to by the Home Office.

Other News and Updates

The Pensions Ombudsman (TPO) publishes corporate plan

[The Pension Ombudsman's \(TPO\) corporate plan for 2022 to 2025](#) has been published. The corporate plan outlines TPO's key performance indicators, strategic goals and priorities for the period, along with the actions required to deliver those priorities.

The Pension Regulator (TPR) publishes scam prevention strategy

The Pensions Regulator (TPR) has published a new [strategy to combat pension scams](#). The strategy sets out TPR's plan to combat pension scams. It will tackle the scourge of scammers by:

- educating savers about the threat that scams present
- encouraging higher standards and preventing practices that lead to saver harm
- fighting fraud through the prevention, disruption and punishment of criminality.

The strategy supports and complements the work of the Pension Scams Action Group (PSAG – formerly Project Bloom). The strategy sets out the importance of pension schemes protecting savers by being proactive in providing pension scams warnings, driving improvements in protection standards and reporting potential crimes to the authorities.

You can read more about the launch of the strategy in the [TPR press release](#).

Draft LGA response to PDP consultation and call for input

We reported in [FPS Bulletin 59](#) – July 2022 that the Pensions Dashboards Programme (PDP) had launched a [consultation on dashboard standards and guidance](#) and [a call for input on the design standards](#).

The standards detail how pension schemes and dashboard providers operationally, technically or in practice must meet their dashboard duties. The guidance provides further requirements to which pension schemes must have regard when complying with their dashboard duties

To support FRAs and administrators in responding to the consultation, PDP delivered a [coffee morning session on the standards](#) on 24 August 2022.

In addition, PDP ran a series of webinars in July to assist interested parties who were preparing a response. You can find links to [recordings of the webinars](#) on the PDP website.

The deadline for responses is 30 August 2022. We are pleased to share our [draft response to the standards consultation and call for input](#). The draft is still be approved internally before it is submitted, but we do not expect any significant changes to be made.

Data matching guidance updated

The Pensions Administration Standards Association (PASA) has updated its guidance on dashboards data matching conventions. The [PASA dashboards data matching conventions guidance](#) was originally issued in December 2021. It has been updated to include a call to action, set out the next steps being worked on and provide links to other industry guidance. You can read more about the updates and the reasons for them in the [PASA press release](#).

Guidance on Value Data for pensions dashboards

PASA has also published [Guidance on Value Data for pensions dashboards](#). PASA recognises that the regulations are yet to be finalised and that some uncertainty remains. The guidance includes a checklist of steps administrators can take now, despite these uncertainties. These steps will help administrators to:

- gain an understanding of what the Value Data requirements mean for their scheme
- identify where gaps exist, what the options are for filling those gaps and whether they should wait to see DWP's final regulations before making a decision
- decide if there is work they can do in advance of the designated staging date.

As we reported in [FPS Bulletin 59](#), public service pension schemes will have to provide Value Data to pensions dashboards by 1 April 2025, although they can supply it earlier if they choose to.

You can read more about the launch in the [PASA press release – Value Data guidance](#).

Pension awareness campaigns

As part of Pensions Awareness Week, TPO is hosting a [webinar on How to Avoid the Ombudsman](#). The webinar is taking place on 14 September at 11am.

The webinar will be a panel chaired by TPO's Head of Engagement and will have panelists from various areas of the organisation – Early Resolution, Adjudication, Casework Support and Enquiries. The panelists will discuss tips and advice on how to resolve complaints without resorting to the Ombudsman. The session will run for 45 minutes, which includes 15 minutes for audience questions.

The [pension awareness 2022 promotional toolkit](#) includes posters, leaflets and other resources that you and your employers can use to promote the campaign to Scheme members.

Pension Awareness Day takes place on 15 September 2022. You can find a timetable of live events for members that will take place between 12 and 16 September 2022 on the [Pension Awareness Day website](#).

The Association of British Insurers (ABI) and the Pensions Lifetime Savings Association (PLSA) are leading a campaign to boost the nations 'Pension Attention'. The campaign will run from September to November.

You can find files and guidance for the Pay Your Pension Some Attention brand and logo on the [ABI website](#).

Events

FPS coffee mornings

Our MS Teams coffee mornings are set to return in September and will continue every second Tuesday. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team.

The next session is due to take place on 6 September 2022 at 15:00.

[Click here to return to Contents](#)

We are pleased to include the presentations from recent sessions below:

[24 August 2022 – Pensions Dashboards Programme: Update and Standards](#)

If you do not already receive the meeting invitations and would like to join us, please email bluelightpensions@local.gov.uk. Please note that attendance at the coffee mornings is generally restricted to FPS practitioners and managers.

AGM – 25 and 26 October

Booking for the ever-popular Fire Pensions Annual Conference remains open.

The two-day programme allows delegates to network with fellow colleagues and hear the latest news on the Firefighters' Pension Scheme (FPS) from the scheme's key stakeholders. You will hear important updates, including:

- Chair of the Scheme Advisory Board
- The Home Office
- Legal updates

As well as providing the opportunity to network with other FPS stakeholders, there will be interactive and thought-provoking workshops to take part in during the day, on topics such as

- Firefighter compensation scheme
- Discretions
- Pensionable pay

Timings are provided below, and a [draft agenda](#) is now available. Use the links to book your place now. Please note that each day must be booked separately.

[Day 1 – Tuesday 25 October 2022 4:30pm - 6:30pm](#) **followed by drinks reception**

Primarily for Scheme Managers and Local Pension Board Chairs, day 1 of the conference is the AGM which will provide an update from the Pensions Regulator and will offer the opportunity to network with counterparts in other Fire Authorities.

Following this session there will be a drinks reception on the terrace from 6.45pm.

[Click here to return to Contents](#)

[Day 2 – Wednesday 26 October 2022 9:30am - 3:30pm](#)

Day 2 of the conference provides delegates with an annual update on the Firefighters' Pension Scheme from key stakeholders. In addition to the main plenary sessions, delegates will have an opportunity to attend workshop sessions.

We look forward to welcoming you to the event!

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
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- [LGPS member site](#)
- [Scottish Public Pensions Agency - Firefighters](#)
- [Welsh Government Fire circulars](#)

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**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

HIWFRA FIREFIGHTERS' PENSION BOARD

Purpose: Noted

Date: **12 OCTOBER 2022**

Title: **FIRE PENSION BOARD STATUS REPORT & RISK REGISTER REVIEW**

Report of Chief Financial Officer

SUMMARY

1. This report provides an update on the development of key items.
2. This report, together with attachments, provides the framework for this meeting agenda.

COMMUNICATION

3. Since the last board meeting, the Employer Pension Manager has provided a presentation to new recruits.
4. The next presentation for the pre-retirement course will be in November 2022.

MEMBER PORTAL

5. There has been a slight increase in members registered for the portal. At the last Board meeting, it was reported that at the 31 May 2022, the total membership registered was at 43.84%.
6. Numbers of those registered as of 31 August 2022 are shown in the table below, with the great achievement of active members registered having passed the 50% mark for the first time. We can now say that the majority of our active members are registered on the Pensions Member Portal.

HAMPSHIRE & ISLE OF WIGHT FIRE AND RESCUE SERVICE								
HIWFRA - FPS	Active		Deferred		Pensioner		Totals	
Active	Number	% of active membership	Number	% of deferred membership	Number	% of pensioner membership	Number	% of total membership
Registered	658	52.35%	422	33.41%	723	51.94%	1,803	46.09%
Not registered	599	47.65%	841	66.59%	669	48.06%	2,109	53.91%
Total	1,257	100.00%	1,263	100.00%	1,392	100.00%	3,912	100.00%

COMBINED FIRE AUTHORITY (CFA)

7. The only outstanding issue is for the on-call members who had paid the wrong employee contribution rate between 1 April 2012 and 31 March 2021. It was previously reported to the Board that there were 109 affected members and that the total amount underpaid was £69,506.57.
8. A report was provided to the Standard's and Governance Committee at their July 2022 meeting with a recommendation that recovery of the underpayments is not pursued. This action was approved at the meeting.
9. Letters to the affected members will be sent out shortly, informing them of the amount of underpayment and the decision by HIWFRA to not collect this from the members.

POTENTIAL STRIKE ACTION

10. We are aware that there is a potential for some industrial action occurring in the next few months. With this in mind we are working on pulling together some useful information including an FAQ for members so that they can fully consider any pension implications of any action they take.
11. Whilst it is true that all members are now paying into the 2015 Fire Pension Scheme, there will be differing effects on the pension longer term depending on what mix of benefits a member has.
12. Where a member has membership of the 2015 Fire Pension Scheme then their CARE pensionable pay will be affected by the amount of time that they are out on strike. This in turn will affect the amount of pension that will be added to their CARE pension as this is based on 1/59.7th of their CARE pensionable pay.
13. Where a member also has membership in a legacy scheme, then any absence due to industrial action will result in a loss of one day of pensionable service for each strike day. Where the strike action is for a part day, this will also result in the loss of one day of pensionable service.

14. For members who have 2006 legacy scheme benefits this loss of pensionable service will not directly affect these benefits. The same cannot however be said for members who have 1992 legacy scheme benefits.
15. Members who have 1992 legacy scheme benefits will need to be aware that any loss of pensionable service will have an impact on when they achieve their 30 years, this is still important within the Fire Pension Scheme as the 2015 Scheme provides a link to the legacy schemes and has a guaranteed double accrual benefit.
16. Whilst any final salary benefits from the 1992 or 2006 Fire Pension Schemes are based on the final years whole time equivalent average pensionable pay, where a member has strike action within the last 365 days of membership of the scheme, instead this pay figure will be calculated based on the number of days the member was paid for and will exclude the number of days where no pensionable service has accrued.
17. Where a member takes industrial action they will have the opportunity to elect to pay back the contributions relating to the lost membership. They will also have to pay the employers contributions for the same period which will be 29.50% (28.80% employer contribution rate + 0.70% notional ill health contribution). If a member does elect to pay back the contributions then there will be no effect on their pension or membership.

RISK REVIEW

18. There are a number of items in pension administration and governance which contain elements of risk to varying degrees. Risks are captured through a variety of ways; some are on the risk register, while others are picked up as part of the regular horizon scanning that the Employer Pension Groups do.

RISK REGISTER

19. At the last meeting the Board asked for risks plotted page to be changed to the risk number rather than the text.
20. The board are asked to review the Risk Register and to suggest any amendments or new risks that need to be added. The Risk Register can be found in APPENDIX A.

MATTHEWS / O'BRIEN CASE

21. As explained at the last Board meeting, we have identified the members that fall into each cohort. We had initially thought that we could exclude members that we had asked to express an interest in the first options

exercise and who did not take up that offer. However, the LGA confirmed that where we had not provided them with a statement of service and pension information then these members could not be excluded, this unfortunately immediately doubled the size of the project and the members concerned.

22. There are three cohorts of members that will fall into scope of this second options exercise that have been set out in a Memorandum of Understanding.
- (a) Cohort 1: Retained firefighters employed on any date between 7 April 2000 and 30 June 2000
 - (b) Cohort 2: Retained firefighters employed on any date between 7 April 2000 and 30 June 2000 as well as any date between 1 July 2000 and 5 April 2006
 - (c) Cohort 3: Retained firefighters employed on any date between July 2000 and 5 April 2006, but not on any date between 7 April and 1 July 2000 who were eligible to take part in the first options exercise but were not given the opportunity to do so.

23. If the employment in a specific role is continuous and it falls within one of the date ranges, then the member is in scope. The table below shows the number of employments that have been identified and those that have been left in scope.

Matthews in scope	Hampshire	IoW	Total
Number of records initially identified	921	264	1,185
First employed on or after 5 April 2006 so out of scope	211	0	211
Left before 7 April 2000 so out of scope	24	0	24
First employed on or after 1 July 2000 and already elected to purchase service in 1st options exercise so out of scope	39	10	49
Total left in scope	647	254	901

24. The next table takes the numbers of those that are left in scope and splits them according to which one of the three cohorts above that they fall into. For cohort 2 this has been further split into two groups one for those that are already purchasing their service from 1 July 2000 and those that did not elect to do so.

Matthews cohorts	Hampshire	IoW	Total
Cohort 1: Left employment between 7 April 2000 and 30 June 2000	3	7	10
Cohort 2a: Elected to purchase service from 1 July 2000 under 1st options exercise, but employment commenced prior to this date.	104	34	138
Cohort 2b: Did not elect to purchase service from 1 July 2000 under 1st options exercise, but employment commenced prior to this date	318	108	426
Cohort 3: First employed on or after 1 July 2000 and did not have the opportunity to elect to purchase service under the 1st options exercise	222	105	327
Total in scope	647	254	901

25. Where an employment is deemed to be in scope, the period of service purchase can be backdated to the very start of their employment. The table below shows the numbers of cases and their earliest years.

Year	Hampshire	IoW	Total	Year	Hampshire	IoW	Total
1966	1	0	1	1987	18	4	22
1967	5	0	5	1988	13	5	18
1969	1	1	2	1989	26	10	36
1970	5	0	5	1990	18	10	28
1971	3	0	3	1991	17	8	25
1972	2	1	3	1992	23	3	26
1973	7	1	8	1993	10	2	12
1974	7	0	7	1994	19	12	31
1975	10	0	10	1995	15	2	17
1976	4	1	5	1996	19	29	48
1977	2	0	2	1997	24	5	29
1978	4	1	5	1998	23	10	33
1979	9	0	9	1999	37	21	58
1980	12	2	14	2000	22	15	37
1981	14	0	14	2001	41	23	64
1982	16	0	16	2002	37	8	45
1983	14	1	15	2003	35	21	56
1984	11	3	14	2004	31	23	54
1985	13	2	15	2005	48	16	64
1986	14	3	17	2006	17	11	28
Sub Total	154	16	170	Sub Total	493	238	731
TOTAL	647	254	901				

26. Out of the 647 Hampshire cases 325 of them will also then be in scope for the McCloud remedy of which 75 will be able to have an Immediate Choice option as they have retired.

27. Out of the 254 loW cases 63 of them will also then be in scope for the McCloud remedy of which 10 will be able to have an Immediate Choice option as they have retired.
28. loW are yet to confirm information about 16 of the Matthews cases as they have indicated that they are Ill Health retirement cases. For these cases, Ill Health certificates will need to be provided to enable the release of the pension.
29. FRAs were required to provide information to the LGA in the summer about the number of cases that would be subject to the Matthews remedy. As we provided such a detailed response, GAD has selected HIWFRA to provide further information. This will help the Home Office in their work to introduce the Matthews remedy and will help GAD estimate the possible impact on scheme liabilities. The additional information needs to be submitted to LGA by 25 November 2022.
30. Draft legislation on the Matthews remedy is expected in the autumn of 2022 and will likely have a 12-week consultation period. We are still waiting for clarity about when the legislation is likely to come into force, but it is anticipated that this will also be 1 October 2023. We expect that there will be some interactions with the McCloud retrospective remedy legislation, and it could prove more problematic if the two bits of legislation do not come into force on the same date.
31. Once the Matthews legislation is in place FRAs will have 18 months to implement it, this includes obtaining all relevant pay data, calculating the pension entitlements, contacting individuals in scope, and dealing with their elections. This period will take us to April 2025 and will run alongside the McCloud remedy implementation. It's going to be a very busy 18 month period!
32. We have not yet formed a project team for this project, but we would be interested to hear the Board's views on whether they think it would be helpful to have anyone from HIWFRA involved in the project team. Especially about obtaining and searching any old employment / payroll details that did not get passed to the IBC, or with regard to contacting members some of which may well have left employment under Hampshire or loW 20 years ago. We only have a last known address for most of these members and so contacting them in the first place if they have moved could prove difficult.

McCLOUD / SARGEANT REMEDY

IMMEDIATE DETRIMENT

33. It remains the Scheme Manager's decision over whether to offer Immediate Detriment or not and the current recommendation to HIWFRA is that the

risks are still very high and to some degree, unquantifiable, and it is therefore not advisable to offer Immediate Detriment.

34. A paper outlining the options, risks and recommendations went to the Standards and Governance Committee in July and they approved the decision to continue the pause on Immediate Detriment. Should revised guidance and or legislation become available which will mitigate the risks for HIWFRA then the decision and options will be reviewed at that point.
35. There has been no movement or update from the LGA about the MoU although we know that negotiations are ongoing, and we are eagerly awaiting new draft tax legislation which is due autumn 2022. Either of these may provide assurances we are seeking, but there are also no guarantees that they will.

McCLOUD REMEDY WORKING GROUP

36. The McCloud Remedy Working Group have been considering a series of warm up comms as we are now less than one year away from the start of the implementation of the McCloud remedy.
 - (a) One year until implementation starts
 - (b) What we know
 - (c) Timeline
 - (d) What we are doing
 - (e) How we will communicate
 - (f) Member Portal
37. The Board are asked for their views on subject, content, and timing of any such comms and also about how these could be best communicated to members.

ILL HEALTH RETIREMENTS

38. The remedy options that must be offered to all members with relevant membership will either be all legacy benefits or all reformed benefits for membership within the remedy period. In preparation for remedy some pre-work is underway with regard to Ill Health retirements.
39. The pre-work is necessary as we need to determine what the Tier of Ill Health benefits would be in the opposite scheme to that which the member retired from as this may affect the benefit options that are to be provided to the member.
40. The criteria for the 2006 and 2015 schemes are broadly the same, so we are comfortable that for these cases we already have the right information

available. The issue arises predominantly for members that have 1992 legacy scheme benefits as the criteria between the 1992 and 2015 schemes are different.

41. Between 1 April 2015 and 31 March 2022 Hampshire awarded 14 Ill Health retirements. For some of these cases the Independent Qualified Medical Practitioner (IQMP) was asked to complete both the legacy and reformed scheme Ill Health certificates at the time of retirement for others they were not.
42. There are now three cases where we have determined that we do not have all the relevant information. The first step is that the HR casework teams will check the files to see if there is the information that we require. If it is deemed that we do not have this information, then these cases will need to be referred to the IQMP so that the missing determinations can be made.
43. In addition to this, we have requested the same information from the loW as they will need to determine what information they have on record. At this time, we do not know how many Ill Health retirements occurred under the loW or what the status of any additional information is. We have been actively requesting this since the end of June 2022 but so far, the information that we require has not been received.

IN SCOPE MEMBERS

44. In June 2022, we wrote to all active firefighters to advise them if we had identified their pension record as in scope or out of scope. This inevitably raised some queries specifically from members who had received an out of scope letter.
45. During August 2022, the Home Office finally provided some clarity and they confirmed that the transitional protection status awarded should have been based on the member and not the employment.
46. There were different taper tables for the 1992 and 2006 schemes and where a firefighter had a WDS role in the 1992 scheme and an RDS role in the 2006 scheme we would have used the 1992 tables for the WDS role and the 2006 tables for the RDS role. This meant that a firefighter could have multiple roles with each having different protection status and transition dates. The Home Office have also clarified that this treatment was incorrect.
47. To assist with the clarification of this information the LGA have provide a factsheet on eligibility which can be found in APPENDIX B.
48. It would have been helpful if the Home Office had provided this clarity in 2012 or indeed in 2015 when the protection status' and transition dates were applied to members records. The outcome of this lack of clarity means that we now have a lot more records that should be in scope of remedy than first

thought; and in addition to this we have incorrectly applied protection status and transition dates to some members records.

49. It also means that we will need to re-write to all active members to correctly notify them if they are in scope or out of scope for remedy. This is because members will have received a letter for each active employment, and they could have received both in scope and out of scope letters. Essentially if they are in scope on one record then any other employments with membership in the remedy period will also be in scope.
50. We are working on this currently and we have approached this in stages, with stage one being to mark all the additional records as in scope. Once we have completed this, we will then move to stage 2 which will be to identify the numbers of records that have an incorrect protection status or transition date.
51. Ideally these records would be corrected, and everything adjusted (contributions, tax etc) before we start the implementation of remedy. But time is short for such a bespoke, potentially intricate and complex piece of work, and we will be correcting the position as part of the rollback for the implementation of remedy in any case. We will therefore collate the information and then take a view about whether to proceed and if so in what capacity.

McCLOUD PROJECT COSTINGS

52. The McCloud project in Hampshire Pension Services is currently on track and on budget.
53. The costs have been split according to a percentage of the total membership and a further adjustment is made due to the complexity of Fire Pension Schemes, such as temporary promotions, contribution holidays, CPD payments and pensionable pay.
54. HIWFRA is attributed with 35% of the Police and Fire costs. The total cost for HIWFRA for 2021/22 was £22,068.88, as shown in the table below.

Fire Pension Schemes - Hampshire and Isle of Wight Fire and Rescue Authority								
2021/22	Estimated Costs			Actual Costs				
Quarter	Resourcing cost for Police and Fire Schemes	% share of costs for HIWFRA	Estimated Costs for HIWFRA	Resourcing cost for Police and Fire Schemes	% share of costs for HIWFRA	Actual Costs for HIWFRA	Difference in actual from estimate	% increase or decrease from estimate
Q1	£ 10,191.49	35.00%	£ 3,567.02	£ 10,904.96	35.00%	£ 3,816.73	£ 249.71	7.00%
Q2	£ 13,714.42	35.00%	£ 4,800.05	£ 9,775.85	35.00%	£ 3,421.55	£ (1,378.50)	-28.72%
Q3	£ 21,691.33	35.00%	£ 7,591.97	£ 22,312.57	35.00%	£ 7,809.40	£ 217.43	2.86%
Q4	£ 22,079.61	34.39%	£ 7,593.70	£ 20,060.55	35.00%	£ 7,021.19	£ (572.51)	-7.54%
TOTALS	£ 67,676.86		£ 23,552.74	£ 63,053.93		£ 22,068.88	£ (1,483.86)	-26.39%

55. The total cost for Police and Fire work on McCloud for quarter 1 of 2022/23 is £20,698.89. The table below shows the estimated and actual costs for the 2022/23 year.

Fire Pension Schemes - Hampshire and Isle of Wight Fire and Rescue Authority								
2022/23	Estimated Costs			Actual Costs				
Quarter	Resourcing cost for Police and Fire Schemes	% share of costs for HIWFRA	Estimated Costs for HIWFRA	Resourcing cost for Police and Fire Schemes	% share of costs for HIWFRA	Actual Costs for HIWFRA	Difference in actual from estimate	% increase or decrease from estimate
Q1	£ 22,384.90	34.68%	£ 7,764.04	£ 20,698.89	35.00%	£ 7,244.61	£ (519.43)	-6.69%
Q2	£ 22,909.30	34.54%	£ 7,912.51					
Q3	£ 25,549.25	34.52%	£ 8,820.08					
Q4	£ 25,549.25	34.52%	£ 8,820.08					
TOTALS	£ 96,392.70		£ 33,316.70	£ 20,698.89		£ 7,244.61	£ (519.43)	-6.69%

RECOMMENDATION

56. That the content of the report be noted by the HIWFRA Firefighters' Pension Board
57. That Risk Register as set out in paragraphs 18-20 and Appendix A be approved by the HIWFRA Firefighters' Pension Board

APPENDICES ATTACHED

58. APPENDIX A – Risk Register
59. APPENDIX B – [Eligibility factsheet](#)

Contact:

Claire Neale, Strategic HR Adviser (Specialist) - Employer Pension Manager,
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		Impact					
		Negligible	Minor	Moderate	Major	Catastrophic	
		1	2	3	4	5	
Likelihood	Rare	1	1	2	3	4	5
	Unlikely	2	2	4	6	8	10
	Possible	3	3	6	9	12	15
	Likely	4	4	8	12	16	20
	Almost certain	5	5	10	15	20	25

Risk Register for Fire Pensions

Risk number	Date identified	Risk area	Risk description	Likelihood	Impact	Risk score	Control measure / mitigation	Likelihood after mitigation	Impact after mitigation	Risk score after mitigation	Risk owner
1	12/05/2017	Operations	Failure to administer the pension scheme in a proper and effective manner	2	3	6	a) Liaison with employer b) End of Year c) Employer web (UPM access) d) Fire Employer Group & Pensions Admin Group e) Fire Pension Board f) Management oversight and escalation to Chief Finance Officer for HIWFRA or Standard's & Governance Committee or Director of Operations as appropriate g) Diversification – we run a Shared Services arrangement h) Ability to call in temporary staff for peak workloads i) Business continuity plan	1	3	3	Scheme Manager
2	12/05/2017	Financial	Failure to pay the right amounts on time and in line with legislation	3	3	9	Pensions Services: - a) Testing software b) Internal and External Audits c) Standardisation of systems and processes d) All processes and calculation have a “doer” and a separate “checker” e) Monthly mortality screening for pensions in payment f) Declaration of Entitlement forms annually to pensioners and beneficiaries living overseas or upon mail being returned g) Participation in National Fraud Initiative reporting	2	3	6	Pension Administrator
3	12/05/2017	Funding	Failure to adequately account for fund pension contributions	2	4	8	a) Strong financial plan for HIWFRA b) Planned budget c) Aim to complete all Home Office returns on time	1	4	4	Scheme Manager
4	12/05/2017	Regulatory and Compliance	Failure to identify and interpret and implement legislation correctly	3	4	12	a) Scheme Advisory Board b) Local Government Association (LGA) c) Regional Fire Pension Officer Group d) Fire Technical Group e) Fire Communication Working Group f) Fire Pension Board g) Employer Pension Manager as a dedicated resource liaising between - Fire Employer Group & Pensions Admin Group, pulling together - Key Accountabilities for IBC Pensions Admin Team, HR and Hampshire Pension Services	1	4	4	Scheme Manager
5	08/10/2020	McCloud	Failure to adequately resource and successfully implement the McCloud remedy to all affected members within the timescales prescribed	4	4	16	a) Staff recruited specifically for McCloud tasks or to backfill positions so more experienced staff can be released for project b) Communications are developed in a timely manner c) Project is managed effectively with robust plans, reporting and escalation d) Key involvement from the Employer Pension Manager with both the Fire Technical Group and Fire Communications Working Group to ensure all information is received e) Work across departments to be co-ordinated from the McCloud Remedy Working Group	2	4	8	Scheme Manager
6	25/03/2022	Matthews	Failure to obtain all relevant information from IoW Council or to adequately resource and successfully implement the Matthews remedy for HIWFRA to all affected members within the timescales prescribed.	3	3	9	a) Liaison with IoW Council, IBC Pensions Admin Team and Hampshire Pension Services b) Communications are developed in a timely manner c) Project is managed effectively with robust plans, reporting and escalation d) Key involvement from the Employer Pension Manager with both the Fire Technical Group and Fire Communications Working Group to ensure all information is received e) Work across departments to be co-ordinated from the Fire Employer Group	2	2	4	Scheme Manager

BEFORE MITIGATION		Impact				
		Negligible	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	Rare	1				
	Unlikely	2		Risk 1	Risk 3	
	Possible	3		Risk 2 & 6	Risk 4	
	Likely	4			Risk 5	
	Almost certain	5				

AFTER MITIGATION		Impact				
		Negligible	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Likelihood	Rare	1		Risk 1	Risk 3 & 4	
	Unlikely	2		Risk 2	Risk 5	
	Possible	3				
	Likely	4				
	Almost certain	5				



Age discrimination remedy – Guide to eligibility

Introduction

In December 2018, the Court of Appeal ruled in the McCloud and Sargeant cases that the 'transitional protection' offered to some members of the judges' and firefighters' schemes as part of the 2015 public sector pensions reforms gave rise to unlawful discrimination.

The Chief Secretary to the Treasury confirmed the requirement for a legal remedy across all public service pension schemes.

[The Public Service Pensions and Judicial Offices Act \(the 'PSPJOA 2022'\)](#) came into force on 1 April 2022 and includes measures that address the discrimination that arose when legacy schemes were closed to certain members in 2015.

A set of central provision definition documents (PDDs) has been developed across public service pension schemes which together describe the rationale, intent and technical changes to public service pensions intended to achieve government policy to remove discrimination resulting from changes made under the Public Service Pension Schemes Act 2013 (the 'PSPA 2013'). Following this, each responsible authority is developing a scheme-specific version of the documents where necessary, which will inform the drafting of secondary legislation.

All eligible members, as defined in the Eligibility PDD, are to be offered a choice, at retirement or death, to receive benefit accrual for any remediable service during the remedy period, from 1 April 2015 to 31 March 2022, based on either legacy scheme or new scheme rules.

This factsheet confirms which individuals are eligible for remedy under the terms of the PSPJOA 2022.

Eligibility conditions

To be eligible for remedy, a member must have 'remediable service'. The PSPJOA 2022 sets out four conditions in [section 1](#) which must **all** be met for service to be considered 'remediable':

1. The service must be during the period 1 April 2015 and 31 March 2022 inclusive.
2. The service is either pensionable service under legacy scheme rules or pensionable service under reformed scheme rules that would have been pensionable service under a legacy scheme if the discrimination had not occurred.

3. The person was, on 31 March 2012 or any earlier day, in service in any employment or office that is pensionable service under a [Chapter 1 legacy scheme](#), a [judicial legacy scheme](#), a [local government legacy scheme](#) or where an individual was, on 31 March 2012, in service as a firefighter which entitled them to be an active member of the FPS 2006.
4. There is no disqualifying gap in service falling within the period. This condition requires that the individual should not have any gap in service of 5 years or more i.e. between 31 March 2012 or, if earlier, the date they left service, and the date of re-joining.

Members who were active members of a relevant scheme on or before 31 March 2012, but who decided to opt out for some or all of their remediable service may apply to opt back in and have that period of service reinstated into their relevant legacy scheme, under a [section 5](#) contingent decision.

This will be subject to meeting certain conditions which are yet to be determined. See [contingent decision coffee morning slides](#) for more information.

Who is out of scope?

It therefore follows that the following members will be out of scope:

- Left employment or retired to pension prior to 1 April 2012, or
- Joined the relevant scheme or another public service pension scheme, for the first time, on or after 1 April 2012, or
- In the case of firefighters, where they were not eligible to be an active member of the relevant legacy Firefighters' Pension Scheme on 31 March 2012¹.

What does this mean for fire?

Scheme specific provisions

Unlike other schemes, transitional protection in the FPS was provided to those who were active members of a firefighters' pension scheme as at 31 March 2012 and 31 March 2015, and to those who were eligible to be an active member of a relevant legacy firefighters' pension scheme on these dates. Members who had transitional protection because of this provision (eligibility to be an active member rather than actual active membership) are therefore **in scope** of the remedy.

Firefighters often have multiple employments, sometimes consecutively and sometimes concurrently. It is common for a whole-time firefighter to have periods of concurrent employment as a retained firefighter. Where firefighters have multiple employments, some FRAs applied this protection to each employment separately, rather than considering the member.

¹ [Eligibility factsheet](#)

The interpretation of how the protections should be applied, i.e. that the transitional protection applied to the member not the employment, was agreed with Home Office's (DCLG at the time) solicitors at outset of the scheme in 2015, although there is no legislative guidance to this effect within the regulations. It has been agreed by the Home Office that despite this the original guidance should be adhered to.

Due to the locally administered nature of the scheme, different administrators of the FRAs have taken narrower or wider views of the 2015 regulations in assessing whether members were eligible for transitional protection. This means that members may not have been treated as eligible for assessment for transitional protection under the agreed position above.

Under the Act, all those who meet the criteria in [section 1 of the PSPJOA 2022](#), irrespective of whether they were given transitional protection at the time, are in scope for remedy.

Previous public service scheme membership

A member who qualified for transitional protection in a previous public service pension scheme (i.e. Teachers' Pension Scheme, LGPS, Police Pension Scheme, Ministry of Defence Pension Scheme, Civil Service Pension Scheme, Judicial Pension Scheme), but following a voluntary move to the FPS did not qualify for transitional protection because of their age **is in scope** and an eligible member for retrospective remedy.

Next Steps

Scheme managers need to ensure that all individuals who have either concurrent or consecutive service within an FRS have been identified.

In addition, scheme managers must consider what steps need to be taken to identify members who joined on or after 1 April 2012, but who have previous public service which may mean that the individual is eligible for retrospective remedy. This would also include members whose secondary employment is in the FPS.

Once this identification piece is resolved scheme managers then need to consider whether the individual is in scope using the criteria set out in [section 1 of the PSPJOA 2022](#).

What remedial action should be taken if individuals are identified?

We are aware that some members have been treated outside of the recommended guidance and protections applied based on each employment rather than to the member. This may also be the case where the member has previous public service membership that the FRA/administrator has not been made aware of.

In these circumstances, some posts will not have been deemed to fall within the scope of remedy. The Home Office has confirmed that all relevant positions **must** be treated as remediable where the eligibility conditions are met.

FRAs will now need to reconsider identifying affected members in line with the [data collection guidance](#) (paragraphs 15 and 16). When considering these cases regard should be given to what level of protection they should have been awarded if they had been treated correctly in the first instance:

- For members who are eligible due to multiple FPS employments this will be dependent on whether their other service is in FPS 1992 or FPS 2006. If, under their other record they have entitlement to FPS 1992 service or are Special Members of FPS 2006, then their date of birth should be assessed against the [FPS 1992 transitional protection criteria](#).

For example, a member that has two pension records one in FPS 1992 and one FPS 2006. The transition dates for both employments should be based on [FPS 1992 transitional protection criteria](#).

- Likewise, if they were a member of FPS 2006, then their date of birth should be assessed against the [FPS 2006 transitional protection criteria](#).

For example, a member joined FPS 2006 prior to 1 April 2012, they then subsequently enrolled in a second post after 1 April 2015. The transition date for the second post should be assessed against the [FPS 2006 transitional protection criteria](#).

- For members who are eligible due to the PSPS link, then their date of birth should only be assessed against the [FPS 2006 transitional protection criteria](#).

For example, a member joined an eligible public sector role to 1 April 2012, they then subsequently enrolled in a firefighter role after 1 April 2015. The transition date for the second post should be assessed against the [FPS 2006 transitional protection criteria](#).

Please note, the information above should only be used to establish what transitional arrangements the member should be assessed against and will therefore determine what level of protection the member should have been awarded. Regardless of the answer, all eligible members only have access to the FPS 2006 legacy scheme.

Any flags that have been added to pensions administration systems to identify memberships in-scope will also need to be revisited and these additional memberships added to the data collection template.

Additionally, for members who have been identified that should have received full protection up to 31 March 2022, immediate corrective action **is** required to ensure the member is put into the correct position ahead of retrospective legislation coming into force. Corrective action will include dealing with any contribution discrepancies which may arise.

For members who have been identified as tapering on an incorrect date but were not eligible for full protection, i.e. up to 31 March 2022, immediate corrective action is **not** required ahead of retrospective legislation coming into force.

In either case, FRAs are encouraged to have robust record keeping and ensure that case is clearly documented, and all action taken can be easily identifiable.

Finally, communications may need to be reissued to members to confirm the change in status of any multiple employments which were not initially treated as remediable. Template letters will be provided later.

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