



FPS Bulletin 61 – September 2022

Welcome to issue 61 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.

Contents

Calendar of events	2
Actions arising	2
FPS	3
Immediate Detriment Framework guidance updated	3
Potential industrial action	3
Member communications following eligibility factsheet	4
Technical query log	5
FPS England SAB updates	5
SAB levy 2022-23	5
SAB meeting 8 September 2022	6
SAB remedy engagement sessions	6
SAB collaboration sessions on the Matthews remedy	6
Other News and Updates	7
TPR scheme return	7
TPR warns employers about auto-enrolment duties	7
PDP consultation response	7
Public sector exit payments	8
Pensions awareness campaign postponed	9
HMRC	9
HMRC publishes Pension Schemes Newsletter 142	9

Events	10
FPS coffee mornings	10
AGM – 25 and 26 October	10
Useful links	11
Contact details	12
Copyright	12
Disclaimer	12

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	11 October 2022
FPS Technical Group	25 October 2022
FPS AGM	25 October 2022 26 October 2022
SAB	8 December 2022
FPS Communications Working Group	12 December 2022

Actions arising

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

[Member communications following eligibility factsheet](#): FRAs to send appropriate follow up communication to all originally determined out of scope individuals

FPS

Immediate Detriment Framework guidance updated

Fire and Rescue Authorities (FRAs) will know that LGA is continuing to explore with the Fire Brigades Union (FBU) and respective legal representatives what, if any, amendments could be agreed to the Immediate Detriment Framework to minimise risk to FRAs and scheme members in light of previous statements from the Home Office and HM Treasury (HMT), and which would further assist FRAs in being able to process immediate detriment cases under that Framework. This includes seeking specialist legal advice where necessary.

Through the Framework, we are trying to find a way through potential issues for FRAs, to try to avoid future costly and time-consuming litigation and extended delay to scheme members, while ensuring that the risks are clearly highlighted, and scheme managers can make informed decisions.

In the meantime, the Immediate Detriment Framework guidance to FRAs available on the [age discrimination page](#) of the FPS Regulations and Guidance website has been updated. Clean and tracked versions are available. Log-in details are required to access the page and can be provided to practitioners and administrators only.

When the amendments to the Framework are agreed, the guidance will be updated to reflect those changes.

Potential industrial action

As readers may be aware, the FBU is currently putting in place preparations for a ballot of their members for strike action. We therefore thought it would be useful to clearly set out the effect of taking strike action will have on an individual's pension rights.

All members are building up service in the FPS 2015 from 1 April 2022. An active scheme member may elect to pay contributions at their normal contribution rate, ascertained in accordance with regulation [110 \(2\) \(member contributions\)](#), multiplied by the assumed pensionable pay that the member is treated as receiving for the period of industrial action. In addition, the scheme employer may also require that

the member pays the amount of employer contributions that the scheme employer would otherwise be required to pay by regulation [117\(3\) \(employer contributions\)](#).

An active FPS 2015 member includes any member with transitional membership of the FPS 1992 or 2006.

Any contributions must be paid before the end of a six-month period starting with the date on which the member is treated as receiving assumed pensionable pay. Only where contributions have been paid, will earned pension of 1/59.7th of the member's assumed pensionable pay during the absence due to industrial action be added to the active member's pension account.

As qualifying service in the FPS 2015 is added to qualifying service in the FPS 1992 or 2006 to determine whether a member with continuous transitional service qualifies for retirement benefits, any reduction in pensionable service due to industrial action 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, any days lost to industrial action, that the member chooses not to repay, should be reported by the FRA to their pension scheme administrator.

If strike absence takes the form of complete days, then each complete day of absence will be excluded from the total pensionable service. If strike absence takes the form of lesser periods, for example one-hour strikes, the LGA's informal view, is that, even though contributions have been paid for part of them, the days will not count at all because they are not fully completed days and an absence should therefore be recorded for the full day.

[Member communications following eligibility factsheet](#)

[FPS Bulletin 60 – August 2022](#) set out the eligibility criteria for individuals who are eligible for age discrimination remedy and should therefore be deemed in scope.

The bulletin confirmed that sample member communications were being worked on and that they would be made available later. We are pleased to confirm that the Fire Communications Working Group (FCWG) has now met and agreed the content of the letters.

[Click here to return to Contents](#)

The Fire Technical Working Group (FTWG) suggested at its meeting of 25 July 2022 that all individuals originally determined out of scope should be revisited as best practice. It was agreed that individuals who are now considered to be in scope, after reviewing the [remedy eligibility factsheet](#), should be sent the follow up communication titled 'Originally out of scope - now in scope' and individuals who remain out of scope should be sent the follow up communication titled 'Originally out of scope - still out of scope'. The template letters are available on the [prospective remedy page](#) of the FPS Regulations and Guidance website.

Action: FRAs to send appropriate follow up communication to all individuals originally determined out of scope.

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.

No new queries have been added this month.

FPS England SAB updates

SAB levy 2022-23

Under arrangements for the Firefighters' Pension Scheme [2014 regulations 4H\(1\)](#), the Scheme Advisory Board (SAB) is required to set an annual budget for approval by the Secretary of State.

The 2022-23 budget will be submitted to the minister next week and we expect that the collection process will start in November/ December 2022. A letter will be sent to Chief Fire Officers to request a purchase order number.

Included in the final levy is the employers' voluntary subscription that FRAs entered into a shared agreement in 2014 in order to fund support with FRAs understanding and management of the FPS.

SAB meeting 8 September 2022

The last SAB was held on 8 September 2022. Topics discussed were temporary in the context of the scheme, pensionable pay correction, the 2015 Remedy, and Pensions Dashboards.

The Board agreed the [minutes of the meeting held on 23 June 2022](#).

You can use the links below to find out about the latest updates on the work of the SAB and its committees:

- [SAB membership](#)
- [SAB meeting and agenda papers](#)
- [Committee meetings and agenda papers](#)

SAB remedy engagement sessions

As reported in [FPS Bulletin 57 – May 2022](#), the 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.

The most recent sessions considered contributions and ill health.

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

SAB collaboration sessions on the Matthews remedy

In [FPS Bulletin 55 – March 2022](#) we confirmed that there would be a second options exercise to allow in-scope individuals the opportunity to purchase pension entitlement as a special member of the FPS 2006. To support scheme managers in the delivery of Matthews, the SAB, the LGA, and the Home Office are working together in the form of collaboration sessions on Matthews. The aim is to discuss

[Click here to return to Contents](#)

Matthews legislation and policy, the interaction between Matthews and McCloud and the proposed timeline for implementation. The first session took place during September 2022. Additionally, a Matthews Technical Working Group has been set up to assist with the technical aspects of the project.

The LGA has published a [Matthews Project Implementation Document](#) (PID) which sets out the scope, deliverables, and high-level timeline for the project. The PID also includes a communications plan and draft terms of reference for the SAB working group.

Other News and Updates

TPR scheme return

The Pensions Regulator (TPR) is sending out scheme return notices to managers of public service pension schemes in October. Before submitting the scheme return, TPR is urging scheme managers to double check that their [details in Exchange](#) are correct.

Completing the scheme return is a legal requirement and if scheme managers fail to complete and submit it by the deadline, they could be fined. Find out more on TPR's website about [how to complete a scheme return for public service pension schemes](#).

TPR warns employers about auto-enrolment duties

On 26 September 2022, TPR published a [press release](#) warning employers to ensure they are complying with their automatic enrolment duties. The warning follows a series of in-depth compliance inspections with more than 20 large employers earlier this year. The employers are from the transport, hospitality, finance and retail sectors. TPR found several common errors in respect of calculating pension contributions and communications to staff.

PDP consultation response

As stated in [Bulletin 59](#), the Pensions Dashboards Programme (PDP) launched a [consultation on dashboard standards and guidance](#) and [call for Input on the design standards](#) on 19 July 2022.

[Click here to return to Contents](#)

The LGA submitted a [response on these consultations](#) on behalf of the FPS. In relation to the code of connection and connection guidance, we stated that we understand that pension providers have a responsibility to assure themselves that a third-party provider has met all required standards. We will recommend that FRAs' Local Pension Boards play a key role in applying an appropriate level of scrutiny.

Additionally, we expressed concern that the 30-day connection timetable appears to be quite short and suggested that a flow chart is provided to help each party in the connection process.

In respect of the data standards and usage guidance, we noted that clarity has been given regarding the display of different sets of values to reflect a public service pension scheme member's choice of legacy or reformed scheme benefits for the age discrimination remedy period (McCloud), and that there is facility to display different tranches of benefits becoming payable at different dates.

We raised the need for the dashboard system to show appropriate caveats in relation to pension scheme members relying on this information where they are planning actual retirement income amounts and pointed out the impact and complications of calculating benefits in relation to Matthews by the staging date.

Our response on the design standards call for input broadly supported the dashboard programme's approach to design standards principles and assumptions, emphasising that information should be presented in a clear and understandable manner and that individuals must be able to understand the limitations of the data provided.

Public sector exit payments

On 8 August 2022, HM Treasury (HMT) issued a consultation on [proposals to limit exit payments](#). The Government is proposing to introduce:

- An expanded approval process for employee exits and special severance payments
- Additional reporting requirements

If implemented, the proposals would apply to all bodies that are classified as ‘Central Government’. This does not include local authorities or bodies under devolved administration. Following discussion with the Home Office, we can confirm that the definition of ‘local authorities’ expands to cover the following:

- Fire and Rescue Authorities
- Fire and Rescue Services
- London Fire and Emergency Planning Authority
- Police and Crime Commissioners

We confirmed in [FPS Bulletin 57 – May 2022](#) that the [statutory guidance on special severance payments](#) published by the Department for Levelling Up Housing and Communities (DLUHC) also does not apply to FRAs.

Pensions awareness campaign postponed

Following the death of Her Majesty Queen Elizabeth II, the pension awareness campaign planned for 12 to 16 September was postponed. It will now take place between 31 October and 4 November.

See [Bulletin 60](#) for information about the campaign.

HMRC

HMRC publishes Pension Schemes Newsletter 142

On 31 August 2022, [HMRC published pension schemes newsletter 142](#). The newsletter includes the following articles:

- Normal minimum pension age – updates to the Pensions Tax Manual
- Migrating your pension schemes – take action now
- Accounting for Tax (AFT) returns – can no longer be completed for any quarter from 1 April 2020 using the Pension Schemes Online service
- New scams strategy from The Pensions Regulator – see [Bulletin 60](#) for more information

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 11 October.

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

[6 September 2022 – Immediate and deferred choice](#)

[27 September 2022 – Matthews communications](#)

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

[Click here to return to Contents](#)

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.

[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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[Click here to return to Contents](#)

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Contents

Calendar of events	3
Actions arising	3
FPS	4
Matthews – FPS member website update	4
Matthews – Member warm up communications	4
IQMP – Central list	5
Fire and Rescue workforce and pension statistics published	5
Technical query log	6
FPS England SAB updates	6
SAB remedy engagement sessions	6
SAB letter to scheme managers on pension dashboards	7
Other News and Updates	8

Public sector unions granted judicial review over McCloud cost remedy	8
A day in the life of The Pensions Ombudsman (TPO)	8
The Pensions Regulator (TPR) enforcement and prosecution policies updated	9
The Pensions Regulator (TPR) speech at PLSA conference	10
Pension Dashboards - Draft guidance on deferring staging date published	10
Pension Dashboards - Progress update report	11
Pension Dashboards - Videos published	11
Department for Work and Pensions (DWP) respond to further consultation on dashboards	11
Research on public value of dashboards published	12
Update on connecting early participants to the dashboard ecosystem	12
Financial Conduct Authority (FCA) warn that cost-of-living crisis could increase pension scams	13
September 2022 CPI rate announced	13
HMRC	13
Pension Schemes newsletter 143	13
Message from HMRC on the 2021/22 event reporting mechanism	14
Events	15
FPS coffee mornings	15
FPS AGM - Event summary	16
Legislation	20
Statutory Instruments	20
Draft dashboard regulations laid for approval	20
Useful links	21
Contact details	21
Copyright	22
Disclaimer	22

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	8 November 2022 and 22 November 2022
Midlands regional group	2 November 2022
South-West and Wales regional group	3 November 2022
South-East regional group	8 November 2022
North-East regional group	23 November 2022
Eastern regional group	5 December 2022
SAB	8 December 2022
FPS Communications Working Group	12 December 2022

Actions arising

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

[IQMP – Central list](#): For FRAs to inform the LGA of the IQMPs they use and to provide contact details.

FPS

Matthews – FPS member website update

Colleagues who attended the coffee morning on Tuesday 11 October will be aware that we have recently added some additional commentary to the [FPS member website](#) around the [special members second options exercise](#).

Prior to updating the website, we asked stakeholders for their views on what message should be communicated under the 'Do I need to do anything now?' section. An overwhelming majority confirmed that it would be useful to ask individuals, who believe they are in scope for the second exercise, to present themselves to the FRA. To assist with this process, the LGA has provided a [generic proforma](#) for members to complete and set out clear instructions that this should be returned to the FRA.

Unfortunately, we have been made aware that some members are not following this instruction and have instead been forwarding their forms to the administrator. We have therefore added some additional text which states the following:

Please make sure that the form is returned to your FRA or former FRA and not your pension scheme administrator. Forms sent to your pension scheme administrator will not be actioned and your FRA may not then have your details to contact you when the options exercise starts.

Matthews – Member warm up communications

It was agreed at the [coffee morning of the 12 July 2022](#) that generic warm-up letters would be useful for FRAs when communicating with members in relation to the second options exercise. This action was taken forward and discussed at the Fire Communications Working Group (FCWG) [meeting of 16 September 2022](#).

We are pleased to confirm that the content of the letters has been agreed and that the templates for both [in scope](#) and [out of scope](#) retained firefighters have been uploaded to the [Special Members section of the FPS regulations and guidance website](#). FRAs are strongly recommended to use these templates where appropriate.

[Click here to return to Contents](#)

IQMP – Central list

Following feedback from the sector on the difficulties of identifying an Independent Qualified Medical Practitioner (IQMP) for ill health referrals and reassessments the LGA is proposing to hold a central list of IQMPs that FRAs would be able to approach.

We would therefore appreciate it if FRAs would share with us the contact details of the IQMPs that they currently use, we would then approach the IQMP and ask them for their permission to publicise their contact information on the protected area of the FPS regulations and guidance website.

ACTION: For FRAs to inform the LGA of the IQMPs they use and to provide contact details.

Fire and Rescue workforce and pension statistics published

On 20 October 2022, the Home Office [published workforce and pensions statistics for Fire and Rescue Services \(England\)](#). The pension scheme statistics, covering April 2021 to March 2022, reflect data returns on income, expenditure and membership submitted by all 44 FRAs in England.

During the financial year 2021 to 2022 some of the key results were:

- **the Firefighters’ Pension Scheme total expenditure was around £954 million**, a six per cent increase compared with the previous year (£903 million in financial year 2020 to 2021) and 17 per cent higher than five years previously (£818 million in financial year 2016 to 2017)
- **81 per cent of expenditure was ‘recurring outgoing payments’**, 18 per cent was ‘commutation payments’, while ‘transfers’ and ‘miscellaneous expenditure’ together totalled one per cent
- **the Firefighters’ Pension Scheme total income was around £399 million**, a one per cent increase compared with the previous year (£393 million in financial year 2020 to 2021) and a 41 per cent increase from five years previously (£283 million in financial year 2016 to 2017)

- **employer contributions rose one per cent to £266 million**, from £264 million in financial year 2020 to 2021, and nearly double the value of £134.9 million in financial year 2018 to 2019 as a result of changes to the discount rate set by HM Treasury from April 2019
- **67 per cent of income was ‘employer contributions’**, 30 per cent was ‘employee contributions’ and the remaining three per cent comprised a combination of transfers, miscellaneous income and ill-health charges
- **the Firefighters’ Pension Scheme deficit was around £556 million**, a nine per cent increase compared with the previous year (£510 million in financial year 2020 to 2021) and a four per cent increase compared with five years previously (£535 million in financial year 2016 to 2017)

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 regarding the compensation scheme, page 45 and retirement, page 108 have been added.

FPS England SAB updates

SAB remedy engagement sessions

As 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.

[Click here to return to Contents](#)

The most recent sessions considered early/late retirement and abatement. Material from some sessions has been added to a new page called '[age discrimination remedy – Provision Definition Documents](#)' in the member restricted area of the FPS Regulations and Guidance area for the benefit of practitioners.

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

[SAB letter to scheme managers on pension dashboards](#)

In [FPS Bulletin 59 - July 2022](#) we reported on the Department for Work and Pensions (DWP) response to the consultation on the draft Pensions Dashboards Regulations and highlighted that the staging deadline for all public service schemes will be 30 September 2024 and that the requirement to provide value data will be 1 April 2025. As a result of these new legislative requirements, the Chair of the SAB has issued a [letter to scheme managers and Local Pension Boards](#) reminding them of their duties in respect of the new [Pensions Dashboards](#), as scheme managers are ultimately responsible under the regulations for ensuring that dashboard duties are met.

These duties include:

- Working towards the staging date. The Pensions Regulator (TPR) is keen that schemes start planning now to be able to match dashboard requests to scheme records and return the required information to the dashboard. Scheme managers will need to understand how their provider will be able to pick out those requests which correspond to their members and ensure that they are providing information to the right individuals.
- Ensuring the infrastructure is in place to hold and share data with the dashboard: Administrator should be able to tell scheme managers how they are planning to connect whether through the existing software providers or through some other route.

- Reviewing scheme data: The SAB understands that the data which is used for the dashboard is likely to be based on information currently being provided as part of Annual Benefit Statements (ABSs). The SAB is keen to encourage the parties to agree consistent information for those documents, particularly given the challenges arising from the Sargeant remedy and second special members options exercise (Matthews).
- Co-operating with the Money and Pensions Service (MaPS). More information on this can be found from [Pensions dashboards: initial guidance](#)

Other News and Updates

Public sector unions granted judicial review over McCloud cost remedy

In [FPS bulletin 59 – July 2022](#) we confirmed that public sector unions had been granted a judicial review in relation to the McCloud/ Sargeant remedy costs in the cost control mechanism. We can now confirm that a date has been agreed for the hearing, it will commence on 23 January 2023 and has been allocated five days.

A day in the life of The Pensions Ombudsman (TPO)

The Pensions Ombudsman (TPO) published [an article setting out a day in the life of Anthony Arter](#) on 13 October 2022. Anthony is the current Pensions Ombudsman.

The article was published to mark the fifth annual Ombuds Day. The Ombuds Day aims to educate and raise awareness among the public about the history and practices of the ombuds profession. This year's theme was resilience, respect, and resolve.

Dominic Harris will replace Anthony Arter as Pensions Ombudsman next January.

The Pensions Regulator (TPR) enforcement and prosecution policies updated

On 25 October 2022, The Pensions Regulator (TPR) published the following:

- [revised enforcement policy](#)
- [updated prosecution policy](#)
- [new enforcement strategy](#)

These aim to give clarity on what those who are subject to enforcement action can expect from TPR.

The enforcement policy sets out TPR's approach to investigating cases and any subsequent enforcement action. The policy is now web-based and divided into standalone chapters, each with links to other relevant documents. The policy also consolidates the policies in respect of defined benefit schemes, defined contribution schemes and public service pension schemes.

The prosecution policy explains how TPR will approach prosecuting workplace pension criminal offences. The policy has been brought up to date to reflect the new criminal powers in the Pensions Schemes Act 2021 and other developments.

The enforcement strategy sets out the overarching aims of TPR's enforcement work (excluding automatic enrolment) and provides an insight into the framework TPR applies when selecting cases for enforcement action.

TPR ran a consultation on the revised enforcement and prosecution policies between 4 May 2022 and 24 June 2022 and responded on 25 October 2022. You can access the consultation documents on [the consultations page of TPR's website](#).

For more information, see the [press release from TPR](#). Erica Carroll, TPR's Director of Enforcement, has also published [a blog setting out the reasons for the changes](#).

The Pensions Regulator (TPR) speech at PLSA conference

Charles Counsell, Chief Executive Officer at The Pensions Regulator (TPR), delivered a speech at the recent Pensions and Lifetime Savings Association (PLSA) conference. The speech was titled "Looking Ahead: Regulating for the Saver".

The speech covered a wide range of issues, including dashboards, liability-driven investments, and the cost-of-living crisis.

TPR has published [an extract of the speech](#).

Pension Dashboards - Draft guidance on deferring staging date published

On 17 October 2022, the Department for Work and Pensions (DWP) published [draft guidance on applying to defer the staging deadline](#). The DWP has also published a [template application form](#).

The draft Pensions Dashboards Regulations 2022 propose allowing trustees / managers of a pension scheme to apply to the DWP to defer their staging deadline. The regulations set out the time limits in which to apply and the circumstances where the DWP may accept applications. The DWP may only agree to defer the staging deadline once for each scheme and for a period of up to 12 months.

The DWP has produced the draft guidance to aid understanding of the application process. This includes:

- what the DWP will consider when reviewing applications
- what evidence should be submitted to support an application
- how to apply, including a recommendation to use the template application form
- how the DWP will let schemes know whether they have accepted the application and how schemes can appeal.

The DWP will finalise the draft guidance once the dashboard regulations come into force.

Pension Dashboards - Progress update report

On 26 October 2022, the Pensions Dashboards Programme (PDP) published its [sixth progress update report](#).

The report covers:

- activity in the six-month period from April 2022,
- focus areas to April 2023
- updates from partners, such as the Department for Work and Pensions and the Pensions Regulator.

To complement the report, the PDP will be hosting a webinar on 3 November 2022. You can sign up for the webinar on [the registration page of the PDP's website](#).

Pension Dashboards - Videos published

On 13 October 2022, the Pensions Dashboard Programme (PDP) published two short videos.

The first video is called '[Get your data ready for pensions dashboards](#)'. The video aims to give helpful guidance to schemes on how to cleanse data so that it is accurate and up to date.

The second video is called '[An introduction to find and view data](#)'. The video explains the important differences between find data and view data.

Department for Work and Pensions (DWP) respond to further consultation on dashboards

On 17 October 2022, Department for Work and Pensions (DWP) responded to the further consultation on dashboards. This ran from 28 June to 19 July 2022, see [FPS Bulletin 58 – June 2022](#) for more information.

The response confirms that the DWP will:

- give pension schemes six months' notice of the point at which pensions dashboards will be available to the public, the 'Dashboard Available Point'. This is an increase to the 90 days proposed in the consultation
- go ahead with the second proposal allowing the Money and Pensions Service (MaPS) and the Pensions Regulator (TPR) to share information about dashboards.

Research on public value of dashboards published

The Pensions Dashboards Programme (PDP) has published the results of research carried out by Ipsos. The PDP commissioned Ipsos to carry out quantitative research into the value that people attach to pension dashboards and their likelihood to use them.

The PDP will use the results to inform development of the central digital architecture.

For more information, including a link to the results, see [the press release from the PDP](#).

Update on connecting early participants to the dashboard ecosystem

On 17 October 2022, the Pensions Dashboards Programme (PDP) published [an update on the programme](#).

The information outlines the next three steps, leading to the early participants connecting to the dashboard ecosystem. The early participants are those who volunteered to help test and develop the ecosystem.

Financial Conduct Authority (FCA) warn that cost-of-living crisis could increase pension scams

The Financial Conduct Authority (FCA) has recently issued a [press release warning that the cost-of-living crisis could cause an increase in pension scams](#).

The warning follows FCA research that a quarter of consumers would consider withdrawing money from their pension earlier than planned to cover the cost of living, making them vulnerable to pension scammers.

September 2022 CPI rate announced

On 19 October 2022, the Office for National Statistics announced [the Consumer Prices Index \(CPI\) rate of inflation for September 2022 as 10.1%](#).

Government policy in recent years has been to base increases under the Pensions (Increase) Act 1971 and revaluation of pension accounts under section 9 of the Public Service Pensions Act 2013 on the rate of CPI in September of the previous year.

We await confirmation from Government that the revaluation and pensions increase that will apply to FPS deferred pensions and pensions in payment in April 2023 will be 10.1 per cent.

HMRC

Pension Schemes newsletter 143

HMRC published [Newsletter 143](#) on 30 September 2022.

The newsletter includes articles:

- confirming that schemes can again use the pension scheme tax reference number when paying charges if they do not have a specific charge reference. HMRC had previously announced in April 2022 that schemes were unable to do so

- confirming that Government has decided against introducing a new reportable event for certain public service pension schemes from April 2023
- confirming that HMRC expects to release the event report for 2023/24 on the Managing pension schemes service in summer 2023. HMRC had previously been expected to release this in spring 2023.

Message from HMRC on the 2021/22 event reporting mechanism

As last year, HMRC is prepared to accept from PCM customers, scheme data regarding pension savings statements for 2021-22 on an excel spreadsheet rather than through the scheme's Event Report. All other scheme events for 2021-22, with the exception of the lifetime allowance protection regimes (see below), must be submitted via Pensions Online.

This concession is on the clear understanding that the pension savings statement data represents part of the scheme's formal reporting obligations for the 2021-22 Event Report. The data must be submitted by 31 January 2023 and HMRC reserves the right to open enquiries based on any of the pension savings statement information provided.

The data required for each member is as follows:

- Name of Member (Title, First Name, Surname)
- National Insurance Number of Member
- Aggregate Pension Input Amounts for the scheme (x)
- Tax Year Ending (that the information relates to)
- Have you provided this member with a pension savings statement under regulation 14A(1)(b)(ii) SI 2006/567? (Y/N) (Money Purchase Pension Savings Statement)
- If Yes, provide the Aggregate Pension Input Amounts for Money Purchase Arrangements (y)

All fields must be completed. For members who have both x & y above, it would be helpful if you could list the data in the same line on the spreadsheet.

Guidance is included at www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm161600 and www.gov.uk/hmrc-internal-manuals/pensions-tax-manual/ptm167000.

For the data to be compatible with HMRC's IT systems it must be submitted on a Microsoft Excel spreadsheet encrypted via Winzip.

All files should be sent via e-mail to pensions.businessdelivery@hmrc.gov.uk and jayesh.patel@hmrc.gov.uk copied in. HMRC will notify the scheme of receipt to enable the password to be provided under separate cover.

Lifetime Allowance

You may recall from last year that, in accordance with article 6.2 of the [Pension schemes newsletter 85 - March 2017 - GOV.UK](#), the Event Report was not amended to include lifetime allowance protections that members applied for online. If you need to submit these details to HMRC, you can also submit them on a password protected spreadsheet and send the password in a separate email. You should put 'Lifetime allowance – Event Reporting' in the subject line of your email and send this to pensions.businessdelivery@hmrc.gov.uk and, again, copy in your PCM. This data must also be provided by 31 January 2023.

If the scheme chooses to use this facility to provide this information, it is entirely at the scheme's own risk. HMRC accept no responsibility of loss, interception or corruption until data is delivered safely.

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.

[Click here to return to Contents](#)

The next session is due to take place on 8 November, due to diary commitments it will be held in the afternoon from 14:00 to 15:00.

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

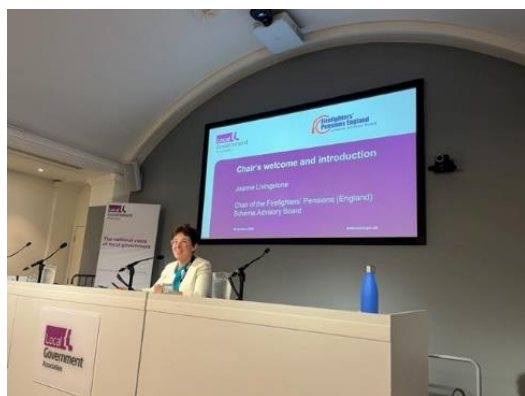
[11 October 2022 – General update on Matthews and 2015 remedy project management](#)

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.

FPS AGM - Event summary

The 25 and 26 October saw the long-awaited return of the annual fire pensions conference. In keeping with tradition, the two-day event opened with a meeting of the regional chairs of each fire pensions officer group, followed by the technical community.

We were delighted to welcome over 50 delegates to the first full conference session, aimed at scheme managers and Local Pension Boards, along with other parties with an interest in FPS governance. Following the Chair's welcome, the audience heard from Colin Dobbie, Consultant Actuary at Isio, on how pension boards can support both scheme managers and members with the 2015 remedy.



Alison Murray, Partner from AON then took to the stage to inform the room on how they can prevent their FRAs falling foul of cyber risk and security.

[Click here to return to Contents](#)

Our final speaker was Nick Gannon, policy lead at The Pensions Regulator (TPR). Nick gave an informative presentation on the forthcoming single code of practice.

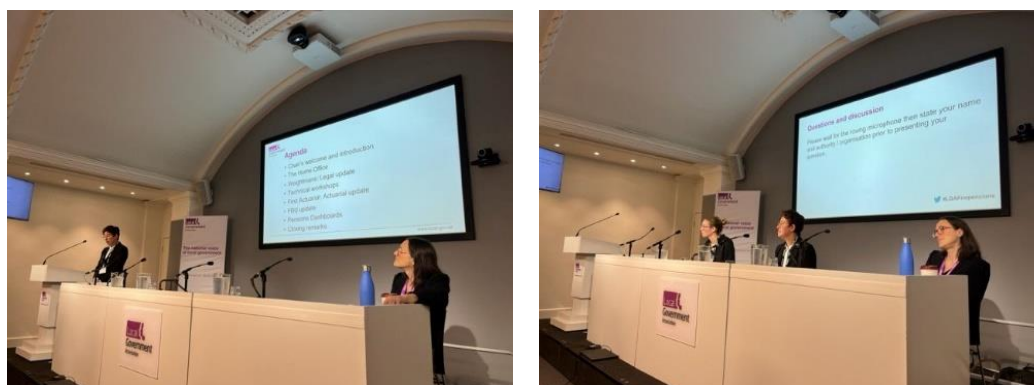


We ended the day with a networking drinks reception with lots of animated conversation between colleagues and friends.

Day one presentation slides are available [here](#).

The full technical/ administration AGM took place on day 2 with an attendance of around 80 delegates in our Bevin Hall conference room.

Joanne Livingstone, chair of the FPS (England) SAB, once again opened proceedings, outlining some of the challenges we have experienced over the last 12 months. We were then delighted to welcome Frances Clark, Deputy Head, Police Workforce & Professionalism Unit - Reward and Recognition, to provide a view from central government including progress updates on both the Matthews and age discrimination remedy.



[Click here to return to Contents](#)

We then welcomed to the stage Jane Marshall, Partner from Weightmans LLP, provided the ever-popular case law update, taking the audience on a whistle stop tour of recent Pensions Ombudsman decisions.



Following a short break, attendees were given the opportunity to join one of two technical workshops: Clair Alcock, Head of Police Pension at the NPCC, hosted the workshop on discretions which generated some interesting discussion as well as sharing of best practice. In Bevin Hall Jane Marshall facilitated the workshop on the Compensation Scheme covering areas under the regulations such as eligibility, qualifying injuries, injury awards and causation, which again created a productive workshop discussion.

Lunch followed and delegates once again had chance to network with colleagues as well as visiting exhibition stands hosted by the following organisations: Isio, Pen-gage and Perspective.

In the tough first afternoon slot, James Allen, an Actuary from First Actuarial LLP, provided the audience with an update on the 2020 valuation process. Mark Rowe, National Officer from the FBU, then took to the stage to give an informative member perspective view on the challenges and frustrations they currently face.



The final session of the day focused on Pensions Dashboards. The joint session was hosted by Richard James, Programme Director from the Pensions Dashboard Programme and Lucy Stone, Business Lead on Pension Dashboards from TPR.



Joanne Livingstone closed the conference for 2022 with a message of support for the challenges that the FPS community face over the next 12 months.

We would like to thank all for their participation and support, particularly our speakers and exhibitors for contributing to the success of the event, and to all delegates who took time out of their busy schedules to attend. We look forward to seeing you again next year.

Day two presentation slides are available [here](#).

Legislation

Statutory Instruments

SI	Reference title
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2022/1044	The Pension Schemes Act 2021 (Commencement No.7 and Transitory Provision) Regulations 2022
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Draft dashboard regulations laid for approval

On 17 October 2022, the Department for Work and Pensions (DWP) laid a draft of [The Pensions Dashboard Regulations 2022](#) before each House of Parliament.

DWP can only make the regulations if each House approves the draft by a resolution. The House of Lords will consider the regulations on 15 November 2022. As yet, no date has been set for this to happen in the House of Commons.

DWP consulted on draft dashboard regulations between 31 January 2022 and 13 March 2022. DWP responded on 15 July 2022, which we covered in [FPS Bulletin 59 – July 2022](#). The draft regulations laid before each House have been amended to reflect the consultation response. The regulations have also been amended to reflect the response to the further consultation on the Dashboards Available Point.

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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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 63 – November 2022

Welcome to issue 63 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.

Contents

Calendar of events	3
Actions arising	3
FPS	4
Age discrimination remedy – Ill-health factsheet on reassessment of cases	4
Pension Scheme Transitional Protections: Injury to Feelings employment tribunal hearing 14-28 October – hearing vacated	4
Technical query log	5
FPS England SAB updates	6
SAB levy 2022-23 – Request for Purchase Order numbers	6
SAB remedy engagement sessions	6
Other News and Updates	7
PDP publishes updated standards	7
PDP Webinars	7
TPO – Factsheets	8
TPR consultation on dashboard enforcement	8
Regulators issue scam warning to pension schemes and savers	10
TPR blogs	10
GAD blog on Public Service Pension Schemes	10
Autumn Statement 2022	11
New ministerial appointments	12

HMRC	12
HMRC publishes newsletter 144	12
Public service pensions remedy newsletter	13
Consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) regulations 2023	13
Events	14
FPS coffee mornings	14
Legislation	14
Statutory Instruments	14
Useful links	15
Contact details	15
Copyright	16
Disclaimer	16

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 13 December 2022
Eastern regional group	5 December 2022
SAB	8 December 2022
FPS Communications Working Group	12 December 2022
North West regional group	14 December 2022

Actions arising

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

[Age discrimination remedy – Ill-health factsheet on re-assessment of cases](#): FRAs to review the ill health re-assessment factsheet and ensure that appropriate action is taken where necessary.

[SAB levy 2022-23 – Request for Purchase Order numbers](#): FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the SAB 2022-23 levy letter.

[Consultation on The Public Services Pension Scheme \(rectification of unlawful discrimination\) \(Tax\) regulations 2023](#): FRAs and administrators are encouraged to respond to the consultation.

FPS

Age discrimination remedy – Ill-health factsheet on reassessment of cases

The [coffee afternoon held on 8 November 2022](#) had a focus on what retrospective action is required for ill-health cases under the age discrimination remedy.

As a reminder, a re-assessment of ill-health entitlement will not be needed in every case. It is only where, under rollback, the individual would qualify for alternative ill-health benefits and the assessment criteria under the regulations sets a lower qualifying bar.

To help FRAs determine which individuals require a reassessment we have put together a [factsheet to ill-health re-assessments](#) which sets out the final policy in more detail.

Additionally, the factsheet encourages scheme managers to take immediate steps to review the cohort of membership which will require a re-assessment. This is to ensure that, come 1 October 2023, these cases can be dealt with as soon as possible. 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 ill-health re-assessment factsheet and ensure that appropriate action is taken where necessary.

Pension Scheme Transitional Protections: Injury to Feelings employment tribunal hearing 14-28 October – hearing vacated

As notified to FRAs by email on 11 November 2022 and previously to Nominated Contacts on 14 October 2022, we can confirm that that the injury to feelings Employment Tribunal which was scheduled to be heard from 14 – 28 October has been vacated.

The injury to feelings claims were made as part of the Sargeant (age discrimination) litigation and are claims for compensation for non-financial loss.

Vacation of the hearing followed agreement in principle as to issues of non-financial loss, and to provide further time to negotiate the full settlement details between all parties (including FRAs) through their respective legal representatives. In the case of FRAs, approval will then be needed by the Steering Committee before final agreement is reached.

The cost of compensation will be fully met by the Government.

In respect of the claimants this applies to, it is all the named original 2015 claims in England and Wales brought by the FBU (but not claims in Scotland or Northern Ireland). This does not settle the further claims served last year, the FOA (Slater and Gordon) claims nor any of the reverse discrimination claims.

You may receive queries from employees. Unfortunately, we are not able to provide advice and employees will need to seek their own advice. We will continue to keep FRAs updated on any material developments through their nominated contact.

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 regarding the following have been added:

- Widow's benefits upon re-marriage - page 119
- Aggregation for FPS 2006 Special Members – page 19
- AA for Immediate Detriment – page 16
- Ill-health calculation for transitional member – page 90

FPS England SAB updates

SAB levy 2022-23 – Request for Purchase Order numbers

We are pleased to confirm that the Scheme Advisory Board (SAB) budget for 2022-23 has been approved by the minister and the invoicing process has started.

In 2014, FRAs entered a shared arrangement to fund a technical adviser post to support FRAs with their understanding and management of the Firefighters' Pension Schemes. The employers' voluntary subscription is included in the final levy.

The total levy for the 2022-23 year will be £6.27 per firefighter, which is calculated at £4.39 for the SAB and £1.88 for employers. A letter was sent by email to Chief Fire Officers and HR Directors on 21 November 2022 advising them of this.

Devolved FRAs have also been sent levy requests with regard to the employer advice service provided to them by the LGA.

The first stage of the process is for FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the letter.

ACTION: FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the SAB 2022-23 levy letter.

SAB remedy engagement sessions

As 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.

The most recent sessions considered contingent decisions, divorce and CETVs. Material from some sessions has been added to a new page called '[age discrimination remedy – Provision Definition Documents](#)' in the member restricted area of the FPS Regulations and Guidance area for the benefit of practitioners.

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

PDP publishes updated standards

On 16 November 2022, the [Pension Dashboard Programme \(PDP\) published its revised standards](#) for connecting to the dashboards ecosystem. They cover the technical and operational detail that underpins dashboards legislation. The revised standards incorporate feedback from the consultation published in July 2022 – see [FPS bulletin 59 – July 2022](#) for more information.

Although the revised standards are pending final approval by the Secretary of State for Work and Pensions, they have been published to give schemes advance notice of the duties that they will need to comply with.

PDP also confirmed the process for updating the standards going forward, including the principles for decision-making and the notice period for industry.

A consultation on the draft design standards for qualifying pensions dashboards will take place in the winter.

PDP Webinars

PDP will host the following webinars in December 2022:

- 5 December 2022 - Dashboards standards: data, reporting and technical standards
- 7 December 2022 – Dashboards standards: code of connection, early connection and governance

[Click here to return to Contents](#)

- 8 December 2022 – Dashboards standards: design standards consultation

Visit [PDP's events and meetings webpage](#) to sign up for their webinars.

TPO – Factsheets

The Pensions Ombudsman (TPO) published two new factsheets in November:

- [Determination by the Ombudsman factsheet](#) explains what happens after TPO has issued a determination including complying with the direction and how to appeal on a point of law
- [Privacy and Personal Information Policy](#) explains why and when TPO collects personal information about third parties.

You can find and search [all TPO publications](#) on their website.

TPR consultation on dashboard enforcement

On 24 November 2022, the Pensions Regulator (TPR) launched a consultation on its dashboards compliance and enforcement policy.

The draft policy sets out TPR's expectations for scheme managers to achieve compliance with the Pensions Dashboards Regulations 2022 – 'the Regulations' and provides clarity on its approach to enforcement. Governing bodies of occupational pension schemes and third parties such as employers, administrators, and Integrated Service Providers (ISPs) are in the scope of the draft policy. TPR has the power to pursue these parties if it believes there has been a breach of the Regulations.

In monitoring compliance, TPR will focus on behaviours or breaches they consider pose the greatest risk to savers. Areas of particular interest are:

- connection: connecting by the scheme's statutory deadline, connecting all active, deferred and pension credit members, and remaining connected in line with relevant standards

- matching and returning accurate data: connecting the right member with the right data, failure to find a saver (i.e. failing to return a match made or a possible match) and failure to provide data in line with legal requirements.

TPR expects schemes to:

- operate adequate internal controls including risk management processes and processes to identify breaches of the law
- keep clear audit trails of steps to achieve compliance and resolve issues
- record their matching policy and data improvement process

TPR will monitor compliance using multiple sources of evidence. It may request additional evidence from schemes when it has concerns or to identify best practice.

Any enforcement action will be balanced against the outcome it may achieve.

Breaches of the law that are persistent, intentional or indicate dishonesty are likely to be of higher priority.

TPR may issue compliance notices to trustees, scheme managers or third parties when a breach occurs. The purpose of a compliance notice is to stop non-compliance and avoid a repeat of the breach.

It may issue penalty notices to those parties in response to a breach or when they fail to comply with a compliance notice. Each penalty can be up to £5,000 for an individual and up to £50,000 in other cases. TPR will work with partner agencies and regulators and, where appropriate and permitted by law, share information with them.

You can find a [link to the consultation on the TPR website](#). The consultation closes on 24 February 2023.

Regulators issue scam warning to pension schemes and savers

TPR joined forces with the Financial Conduct Authority and the Money and Pensions Service to issue a [scam warning to pension schemes and savers](#) on 11 November 2022. The statement warns of an increased risk from scammers because of the current economic uncertainty.

The warning urges savers to:

- contact [MoneyHelper](#) for free, impartial advice before making any hasty decisions
- check that they are dealing with a legitimate firm by visiting the [ScamSmart website](#)
- know [how to spot pension scams](#) and avoid them.

TPR blogs

TPR published two blogs in November 2022:

- [TPR blog on automatic enrolment](#) considers the successes of ten years of automatic enrolment, urges employers to ensure they comply with their re-enrolment duties and look forward to improved member engagement
- [TPR blog on equality diversity and inclusion](#) outlines TPR's strategy to move towards a fairer and more inclusive culture within their organisation and across the pensions industry.

GAD blog on Public Service Pension Schemes

The Government Actuary's Department (GAD) has published a blog about the pressures faced by administrators of public service pension schemes. [GAD's blog 'Looking ahead in public service pension administration'](#) considers:

- the challenges of translating the McCloud remedy into administration processes
- the importance of data quality for pensions dashboards

- the complexity of administration provider or administration system procurement

Autumn Statement 2022

The Chancellor of the Exchequer delivered his Autumn Statement to Parliament on 17 November 2022. The statement confirmed the following policies that have a direct or indirect impact on pension scheme members:

- The State Pension triple lock was maintained and working age benefits will increase in line with inflation in April 2023. Next year's State Pension increase will be 10.1 per cent.
- [The DWP review of the State Pension age](#) will be published early in 2023. The review is currently underway to consider whether the existing timetable to increase the State Pension age remains appropriate. The Government must publish the review by 7 May 2023.
- No changes to the annual allowance, tapered annual allowance or Money Purchase Annual Allowance in 2023/24.
- No changes to the Lifetime Allowance which will remain at its current level of £1,073,100 until the end of the 2025/26 year.
- Current personal tax thresholds for income tax and national insurance (in England and Wales) will be frozen until April 2028.
- The additional rate threshold (in England and Wales) will reduce from £150,000 to £125,140 from April 2023. This is the threshold beyond which individuals pay income tax at 45 percent.

You can find the [Autumn Statement 2022 documents](#) on the Government's website. The lifetime allowance and annual allowance figures are confirmed in the [Autumn Statement 2022: Policy Costings](#).

New ministerial appointments

[Laura Trott MP](#) was appointed Parliamentary Under Secretary of State at the Department for Work and Pensions (DWP) in October, and she was confirmed as the new minister for pensions on 7 November 2022.

Guy Opperman MP, who served as the Minister for Pensions until 8 September 2022, returned to the DWP as Minister of State on 27 October 2022.

[The Rt Hon Chris Philp MP](#) was appointed as the Minister for Crime, Policing and Fire on 26 October 2022.

HMRC

HMRC publishes newsletter 144

On 3 November 2022, HMRC published [Pension schemes newsletter 144](#). The newsletter includes articles about:

- Requesting a refund through the Managing Pension Schemes Service. You can find out more information on how to [Request a pension scheme refund or reallocation](#) online.
- Migrating from the Pension Schemes Online service to the Managing Pension Schemes service.
- The Accounting for Tax (AFT) return for 1 July to 30 September 2022 must be submitted by 14 November 2022 to avoid interest and penalties.
- AFT returns for any quarter from 1 April 2020 onwards can only be submitted on the Managing Pension Schemes service.

The [Managing Pension Schemes user panel](#) that gives feedback on the service and helps to inform future developments.

Public service pensions remedy newsletter

On 25 November 2022, HMRC published [Public service pensions remedy newsletter](#). The newsletter summarises the draft regulations and guidance that they are currently consulting on and confirms that HMRC is not able to respond to member queries related to the remedy.

Consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) regulations 2023

On 25 November 2022, HMRC published a [technical consultation on a draft statutory instrument](#), which ensures the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.

The consultation seeks views from pension scheme administrators on the draft regulations. The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes as a result of the public service pensions remedy.

The regulations will make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.

This legislation is intended to take effect from 6 April 2023, but some provisions will have a retrospective effect.

The consultation documents include an explanatory memorandum and guidance for administrators on the draft regulations.

We will respond to the consultation and share our response before the consultation closes on 6 January 2023.

ACTION: FRAs and administrators are encouraged to respond to the consultation.

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 Tuesday 6 December at 10:00.

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

[8 November 2022 – Retrospective ill-health reassessment](#)

[22 November 2022 – Discretions workshop](#)

[29 November 2022 – Compensation scheme workshop](#)

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.

Legislation

Statutory Instruments

SI	Reference title
2022/1220	<u>The Pensions Dashboards Regulations 2022</u>
2022/1229	<u>The Occupational Pensions (Revaluation) Order 2022</u>
2022/1230	<u>The Police, Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022</u>

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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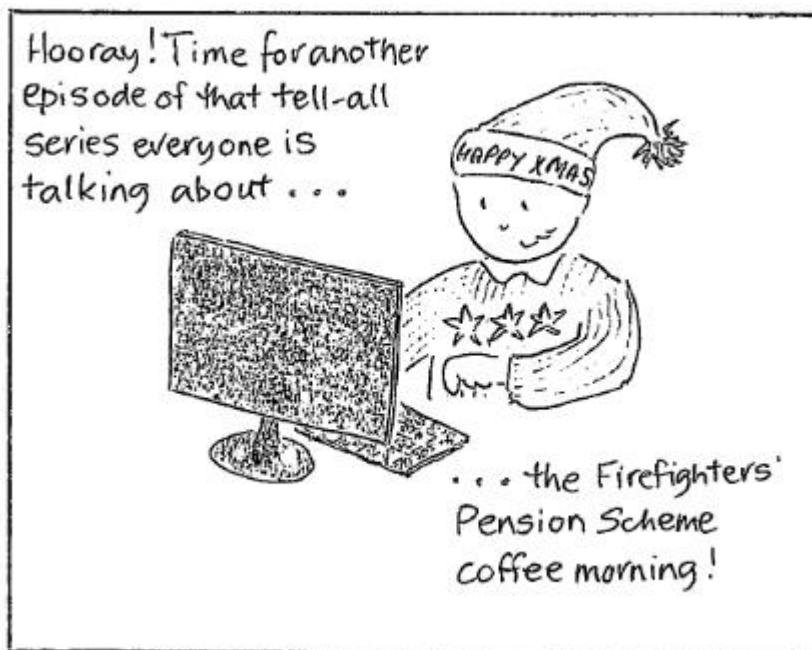
FPS Bulletin 64 – December 2022

Welcome to issue 64 of the Firefighters' Pensions Schemes bulletin.

We would firstly like to offer our thanks to all our colleagues for their help and support during the year.

As always, in finest December bulletin tradition, Eunice Heaney has kindly provided a topical illustration for our readers below.

We wish all readers a very merry Christmas and happy New Year.



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.

Contents

Calendar of events	3
Actions arising	3
FPS	4
IQMP central list	4
New address for Health Partners (Board of Medical Referees)	4
New webpage created – Retrospective remedy	5
Consolidated Regulation 65	5
Retained firefighter Employment Tribunal pension claims	6
Technical query log	6
FPS England SAB updates	7
Festive message from the Chair of the SAB	7
SAB remedy engagement sessions	8
Other News and Updates	9
HM Treasury publishes remedy Directions	9
PDP approach to governance of standards	11
Consultation on regulatory framework for dashboard operators	11
Deferred connection guidance published	11
Early connection guidance updated	12
PDP December newsletter	12
Deputy Pensions Ombudsman	12
TPR’s joint regulatory strategy update	13
HMRC	13
HMRC publishes pension schemes newsletter 145	13
Events	14
FPS coffee mornings	14
Legislation	15
Statutory Instruments	15
Useful links	15
Contact details	16
Copyright	16
Disclaimer	16

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	5 and 19 January 2023
SAB	23 January 2023
FPS Communications Working Group	14 March 2023

Actions arising

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

[Deferred connection guidance published](#): FRAs who meet the limited circumstances and want to apply to defer dashboard connection, must email pensionsdashboard@DWP.gov.uk as soon as possible and before 12 December 2023.

[Early connection guidance updated](#): FRAs should decide as soon as possible if they want to connect early to dashboards and apply to MaPS when application forms are available.

[HMRC publishes pension schemes newsletter 145](#): FRAs and administrators to remind members who do not have enough carry forward to offset a tax charge for 2021 to 2022 to declare this on their self-assessment tax return.

FPS

IQMP central list

In [FPS Bulletin 62 - October 2022](#), we advised that following feedback from the sector on the difficulties of identifying an Independent Qualified Medical Practitioner (IQMP) for ill health referrals and reassessments, the LGA was proposing to hold a central list of IQMPs that FRAs would be able to approach.

We are pleased to confirm that we have received a number of replies from FRAs who have shared with us the contact details of the IQMPs that they currently use. As a result, several IQMPs have given their permission for the LGA to publicise their contact information on the protected area of the FPS Regulations and Guidance website. This information can be located under IQMP/IQMP provider contact information on the [ill-health and injury page](#).

New address for Health Partners (Board of Medical Referees)

From 1 January 2023, Duradiamond/ Health Partners' address will be:

Health Partners Group Ltd

The Roller Mill

Mill Lane

Uckfield

East Sussex

TN22 5AA

They will have a postal redirection notice in place for three months.

[New webpage created – Retrospective remedy](#)

We are pleased to advise that a [new webpage for retrospective remedy](#) has been created on the FPS Regulations and Guidance website. This page contains useful information and documents about the retrospective remedy which comes into force on 1 October 2023.

Current documents available include the age discrimination remedy eligibility factsheet, the originally out of scope-now in scope member letter, the originally out of scope-still out of scope member letter, and the age discrimination remedy ill health re-assessment factsheet.

[Consolidated Regulation 65](#)

As advised in [FPS Bulletin 57 - May 2022](#), changes have been made to the reformed scheme rules. [Regulations 65\(2A\) and \(2B\)](#) have been inserted into the FPS 2015 regulations with effect from 1 April 2022 to ensure that a protected member who applied for IHR before 31 March 2022, where the application is determined in their favour after that date, is treated no less favourably than if the application had been determined on that date.

This means that for members where the ill-health assessment process began on or before 31 March 2022, the member is assessed for ill-health retirement against an NPA of 55. This will mean that there should be no cases where an affected member would have qualified for ill-health retirement under the legacy 1992 scheme but does not qualify under the reformed scheme.

The members benefit entitlement should be calculated in the same manner as set out in the FPS 2015 regulations.

The amendment to regulation 65 has been added to the [consolidated regulations page](#) of the FPS Regulations and Guidance website.

Retained firefighter Employment Tribunal pension claims

Readers may be aware that a [Memorandum of Understanding](#) (MoU), as featured in [FPS Bulletin 55 - March 2022](#), was agreed on behalf of the legal parties to the “Matthews” claims on 9 March 2022 to provide a remedy to eligible retained firefighters by offering access to the FPS 2006 as special members, backdated to the start date of their employment. The MoU set out the scope and mechanism for the remedy to be implemented by way of a second options exercise.

However, a further issue arose during negotiation of the MoU around an inability to aggregate periods of pensionable service in the FPS as a retained firefighter with periods of service as a wholetime firefighter (“aggregation”).

This was addressed by affected retained firefighters (or their representatives) having the ability to give written notification of:

- their identity; and
- details of the factual and legal basis of any aggregation claims

with a view to discussions for six months from the MoU date leading to a resolution of those claims. The MoU stated that if agreed resolution of the aggregation issues was not reached by then that affected individuals could pursue Employment Tribunal (ET) claims to determine outstanding aggregation issues in relation to them.

The six-month period has elapsed, and we have recently been made aware that ET applications have been lodged by members of the Fire Brigades Union.

We have asked all FRAs to be alert to the receipt of ET claims brought on behalf of retained firefighters and inform the LGA immediately on such receipt.

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.

There have been no further queries added this month.

[Click here to return to Contents](#)

FPS England SAB updates

Festive message from the Chair of the SAB

Please find as follows a message from the Chair of the Scheme Advisory Board (SAB):

“Dear Friends & colleagues,

2022 has been a year dominated by new beginnings. For the SAB that meant welcoming new members in the form of Councillor Frank Biederman, Andrew Scattergood and Tony Curry who have replaced Councillor Stephens, Matt Lamb, and Brian Hooper. We have recently learned that Councillor Redman will also be leaving the SAB and we thank him and the other leavers for their service.

There were also changes in the 2022 LGA Pension Team, with Elena Johnson joining Claire Johnson in the team which has been so ably led by Claire Hey in her role as Senior Pensions Adviser. What has not changed is the incredible amount of work and support that the team give to the SAB and to you all. I hope that they will enjoy a peaceful break this Christmas, though that may not be the case for Claire Johnson who has recently welcomed her first child into the world!

We saw the start of the creation of the regulatory measures to implement the Sargeant and Matthews remedies. The Home Office has engaged with the SAB with sessions on numerous topics as we all seek to ensure that the remedies are comprehensive and comprehensible. I know that many of you are also working your way through the various materials that are being shared in the members’ area of the Firefighters’ Pension Schemes Regulations website and your thoughts and comments are very welcome.

In addition to the legislative preparations for remedying member benefits, we have also seen a significant amount of traffic on the subject of Pensions Dashboards, with consultations galore. I recently [wrote to scheme managers and Local Pension Boards](#) to remind them of their upcoming dashboard duties.

The post Covid freedoms that we have enjoyed in 2022 have meant that I have been able to meet, for the first time, some of the wonderful characters who do so much within the fire pensions industry, whether through formal committees or sharing of ideas. The highlight of the year for me in this regard was the [annual conference](#) held on 25 and 26 October, where we were treated to a range of thought-provoking talks and had the chance to hear the views of others and to network over a glass or three! As the conference chair, I do hope that everyone who attended went away with some useful thoughts about how to set about the urgent job of getting “remedy ready” and can pass the message on to those who were not able to attend.

On a personal note, the birth of my first grandchild came somewhat later than expected some 2 weeks after the conference. The birth of little Eleanor (Ellie for short) marks a new beginning for the family and, of course, as a proud grandmother I think that she is perfect. But those familiar with new-borns will appreciate that, while she arrives with the capacity to do so much, it is a struggle for her to focus yet and put things together. Sorry Ellie to burden you with analogies to pensions of all things, but this does bring me back to the challenges we all face over the new year to make sure that the slew of planned regulations work well together and ensure that we have the whole picture.

I hope that you have a great time over the festive season and come back refreshed for 2023 which promises to be a year of milestones achieved, hopefully!

Festive Best Wishes, Joanne Livingstone. Chair, English Firefighters' Pension Scheme Advisory Board”

[SAB remedy engagement sessions](#)

As reported in [FPS Bulletin 57 – May 2022](#), the 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 2022 and January 2023, 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.

The most recent session considered the timetabling of remedy cases once legislation is in place and the content of Remediable Service Statements (RSS). Material from some sessions has been added to a new page called '[age discrimination remedy – Provision Definition Documents](#)' in the member restricted area of the FPS Regulations and Guidance area for the benefit of practitioners.

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

HM Treasury publishes remedy Directions

On 14 December 2022, HM Treasury (HMT) made the [Public Service Pensions \(Exercise of Powers, Compensation and Information\) Directions 2022](#). They came into force on 19 December 2022 and apply to England, Northern Ireland, Scotland, and Wales.

The Directions set out how certain powers in the Public Service Pensions and Judicial Offices Act 2022 must be exercised. The Act gives relevant government departments powers to rectify Sargeant/ McCloud discrimination by making secondary legislation.

For the FPS, the Directions apply to the following powers in the Act:

- Powers to reduce or waive liabilities in relation to correction of benefits and tax relief on contributions adjustments – [section 18](#). This includes the facility for FPS 2006 contributions to be retained by the scheme until a deferred choice election is made.

- Powers to make provisions for:
 - treatment of voluntary contributions paid in the FPS 2015 (Added Pension) – [section 20](#),
 - transfers in to or out of the scheme – [section 21](#), and
 - other specific circumstances – [section 22](#).
- A scheme manager’s power to pay compensation, setting out the scenarios in which compensation would apply – [section 23](#) (direct compensation).
- Powers to make regulations compensating members by adjustment to scheme pays debits – [section 24](#) (indirect compensation).
- Powers relating to tax relief on a contingent decision to buy Added Years – [section 25](#).
- The power to make regulations setting out how interest should be calculated and paid on amounts due to the remedy – [section 26](#). The Directions confirm the rates of interest that will apply to various payments, following consultation with the Government Actuary’s Department.
- The power to make regulations setting out the process to follow for paying amounts due to the remedy, including where amounts may be netted off - [section 26\(1\)\(b\)](#).
- Powers relating to Remediable Service Statements (RSS), including elements which must be provided – [section 29](#). The Directions confirm that the RSS must be combined with the Annual Benefit Statement, other than the first RSS which is issued.

The Directions and related documents have been added to the [related legislation page](#) of the FPS Regulations and Guidance website.

[PDP approach to governance of standards](#)

In [Bulletin 63](#) we let you know the Pensions Dashboards Programme (PDP) had published revised standards for connecting to the dashboards ecosystem.

PDP has since published its [approach to the governance of the standards](#). This sets out how PDP developed the standards, outlines their scope, and describes how they will go about setting and managing any future changes.

[Consultation on regulatory framework for dashboard operators](#)

On 1 December 2022, the Financial Conduct Authority (FCA) published a [consultation on the regulatory framework for dashboard operators](#).

Under these proposals, dashboard operators will be able to offer savers additional services that may improve engagement with pensions. These services could include investment advice (including robo-advice) or guidance, as well as modellers, calculators, and other similar tools. Before doing so, operators will need to meet rigorous conduct standards.

The consultation closes on 16 February 2023.

[Deferred connection guidance published](#)

On 12 December 2022, the Department for Work and Pensions (DWP) published guidance on [how to defer connection to pensions dashboards](#).

Public service schemes, including the FPS, must connect to the dashboards ecosystem within a connection window from 1 September 2024 to 30 September 2024. However, scheme managers can apply to DWP to defer the connection window in very limited circumstances. The deadline for applications to be made is 11 December 2023, though DWP request this is done as soon as possible.

The new staging date can be no later than 12 months after the original date, and connection must take place in the month leading up to that. The latest possible staging deadline for the FPS would be 30 September 2025.

Action for FRAs: If you meet the limited circumstances and want to apply to defer connection, you must email pensionsdashboard@DWP.gov.uk as soon as possible and before 12 December 2023.

Early connection guidance updated

On 21 November 2022, the PDP published [updated statutory guidance on early connection](#).

FRAs must connect to the dashboards ecosystem within a connection window from 1 September 2024 to 30 September 2024.

However, integrated service providers may ask authorities to consider connecting earlier to reduce the number of clients connecting within the same window. Applications to connect early must be made to the Money and Pensions Service (MaPS), who will consult with the Pensions Regulator before deciding.

Action for FRAs: Decide as soon as possible if you want to connect early. If you do, apply to MaPS when their application forms are available.

PDP December newsletter

On 15 December 2022, PDP published its [December 2022 newsletter](#).

The newsletter contains articles on the design standards consultation, cleansing data in readiness for dashboards, a new updated glossary, access to recordings and Q & As for the standards webinars and a blog looking back at 2022.

Deputy Pensions Ombudsman

On 9 December 2022, the chair of the Pensions Ombudsman (TPO) announced that Anthony Arter will remain at TPO as part-time Deputy Pensions Ombudsman. Anthony's term as Pensions Ombudsman ends on 15 January 2023.

This is an interim appointment for up to 12 months.

See [the press release for more information](#).

TPR's joint regulatory strategy update

On 7 December 2022, the Pensions Regulator (TPR) and the Financial Conduct Authority published an [update to their 2018 joint regulatory strategy](#). The strategy sets out how the two bodies work together to tackle issues in the pensions sector.

The update outlines their progress on the strategy's regulatory objectives and next steps in light of new strategic priorities. The update sets out eight ongoing workstreams covering:

- productive finance
- value for money
- regulatory framework for effective stewardship
- pension scams strategy
- defined benefit (DB) transfer advice
- DB schemes and transfer activity
- pensions dashboards
- supporting consumer decision-making.

As part of the next steps, both parties agree to continue their alliance to develop a consistent framework for assessing value for money, assess the stewardship regulatory framework in 2023 and continue to support the pensions dashboards initiative.

HMRC

HMRC publishes pension schemes newsletter 145

HMRC published [pension schemes newsletter 145](#) on 30 November 2022. The newsletter includes articles about:

- The [public service pensions remedy newsletter](#) published on 25 November 2022.

- The Managing Pension Schemes service including information on enrolling, viewing lists of schemes, managing user access, and viewing interest charges.
- Accounting for Tax (AFT) returns - schemes cannot submit new AFT returns for any quarter from April 2020 on the Pension Schemes Online service.
- Annual allowance – authorities are asked to remind members who exceeded their annual allowance for tax year 2021 to 2022 and do not have sufficient carry forward to declare this on their self-assessment tax return, even if the scheme is liable for the charge.

Action: FRAs and administrators to remind members who do not have enough carry forward to offset a tax charge for 2021 to 2022 to declare this on their self-assessment tax return.

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 first session of the new year is due to take place on Thursday 5 January 2023 at 10:00.

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

[6 December 2022 - Matthews policy positions and next steps](#)

[13 December 2022 - HMRC remedy tax consultation](#)

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.

[Click here to return to Contents](#)

Legislation

Statutory Instruments

SI	Reference title
2022/1250	The State Pension Debits and Credits (Revaluation) Order 2022
2022/1251	The State Pension Revaluation for Transitional Pensions Order 2022
2022/1285	The Pensions Act 2004 (Disclosure of Restricted Information by the Pensions Regulator) (Amendment of Specified Persons) Order 2022

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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[Click here to return to Contents](#)

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