

Due to the current heightened security level at all our premises, Members are reminded to wear their identity badges whilst attending meetings. Any visitors must produce photographic identification at Reception.

FIRE & RESCUE AUTHORITY SUMMONS

SOUTH WALES FIRE & RESCUE AUTHORITY

You are required to attend a meeting of the Local Pension Board Committee to be held on:

Monday, 3 July 2023 at 1030 hours

**In person at South Wales Fire & Rescue Service Headquarters,
Forest View Business Park, Llantrisant, CF72 8LX**

or

Remotely via MS Teams – <https://bit.ly/LocalPensionBoard-03-07-23>

Please ensure you join the meeting 15 minutes prior to meeting time

**Any issues please contact
01443 232000 and ask for Member Services**

A G E N D A

1. Apologies for Absence
2. Declarations of Interest

Members of the Fire & Rescue Authority are reminded of their personal responsibility to declare both orally and in writing any personal and/or prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct.

3. Chairperson's Announcements

4. To receive the minutes of:

- Local Pension Board Committee held on 23 January 2023

REPORT FOR DECISION

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| 5. | Review of Key Performance Indicators | 11 |
| 6. | Internal Dispute Resolution Procedures (IDRP) -
Update on cases over last 12 months | 27 |

REPORTS FOR INFORMATION

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| 7. | The Pension Regulator Returns 2022/2023 | 43 |
| 8. | New Members Training Session – Member Handbook,
Terms of Reference & Toolkit – Verbal update on the
day | 65 |
| 9. | Publications, Updates, Information (Standard Item) | 67 |
| 10. | Firefighter Pensions – Update on current National
Exercises: McCloud and O'Brien | 123 |
| 11. | Forward Work Programme for Local Pension Board
Committee 2023/2024 | 171 |
| 12. | To consider any items of business that the Chairperson
deems urgent (Part 1 or 2) | 177 |

Signature of Monitoring Officer:



MEMBERSHIP

Councillors:

J	Morgan	Blaenau Gwent
C	Elsbury	Caerphilly
D	Naughton	Cardiff
P	Drake	Vale of Glamorgan
R	Prendergast	Association of Principal Fire Officers
P	Davies	Fire Brigades' Union
G	Tovey	Fire Brigades' Union
D	King	FRSA

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SOUTH WALES FIRE & RESCUE AUTHORITY

MINUTES OF THE LOCAL PENSION BOARD COMMITTEE HELD ON MONDAY, 23 JANUARY 2023

24. PRESENT

Councillor

P Drake (Chair)	Vale of Glamorgan
D Naughton	Cardiff
D King	Fire & Rescue Service Association
G Tovey	Fire Brigades' Union
M Alexander	Fire Brigades' Union
I Traylor	Pensions Service Director, Pensions, Rhondda Cynon Taff CBC
R Alexander	Standards Committee Member (Observer)

Apologies:

R Prendergast	Association of Principal Fire Officers
G Thomas	ACO Corporate Services
J Morgan	Blaenau Gwent

Absent:

C Elsbury	Caerphilly
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OFFICERS PRESENT: - ACO A Reed – Director of People Services, Mr C Barton – Treasurer, Mrs S Watkins - Deputy Monitoring Officer

25. DECLARATIONS OF INTEREST

Each Member declared a personal non-prejudicial interest in each agenda item which affected their Authority.

26. CHAIR'S ANNOUNCEMENTS

There were no Chair's announcements.

27. MINUTES OF PREVIOUS MEETINGS

The minutes of the Local Pension Board Committee held on 17 October 2022 were read and accepted as a true record of proceedings.

28. REVIEW OF KEY PERFORMANCE INDICATORS AND UPDATE REPORT ON PUBLICATION OF ANNUAL BENEFITS STATEMENT

The Service Director, Pension, RCT advised Members that the Service Level Agreement (SLA) between South Wales Fire & Rescue Service and Rhondda Cynon Taf County Borough Council sets out the manner in which certain duties and responsibilities are expected to be carried out. A key element of the SLA is the reporting on actual performance activity against the agreed key delivery Service Standards. The report presented included an update on key activity undertaken during the reporting period and shares the performance data for the period 01 April 2022 to 30 November 2022.

He further advised that he would circulate the most up to date version of Appendix 1 as the comments fields require updating.

Gareth Tovey queried whether the Board need to review the data at Appendix 1 due to the complex nature of McCloud and O'Brien, as the data appears positive and the number of queries received by FBU representatives is not visible.

The Service Director, Pensions, RCT explained that some stats are mirrored by types of requests and in relation to issues raised by FBU members and the timelines in place there have been occasions, due to the complexity of the issue, that targets have not been met. He further advised that current indicators are positive and reviewed and measured frequently. Not every contact with FBU members is measured and a 100% target is not met each time due to the complexity surrounding some cases.

RESOLVED THAT

28.1 Members noted the performance data contained within Appendix 1 and the overview contained within Appendix 2.

28.2 An updated version of Appendix 1 to be circulated to Members.

29. FIREFIGHTER PENSIONS – REMEDYING AGE DISCRIMINATION

The Director of People Services reported to Members that in July 2021, the Fire & Rescue Authority, as Scheme Manager, agreed to provide pension options for those individuals who were considered to be in scope for Immediate Detriment (ID), ie those who are currently in service but intending to retire and have provided notice of their intention to do so. This policy decision came into effect from October 2021. The report provided an update on the number of ID cases that have been processed since October 2021. It also provided updates in relation to the Service's communication activity.

The Director of People Services wished to thank the Pensions Service Director and his team for the support provided with Category 1 cases, which have been quite complex in nature.

Councillor Naughton queried if it would be made clear to individuals that the figures calculated and provided by GAD are not the final figures. The Director of People Services assured Councillor Naughton that individuals will be provided with a disclaimer advising the figures are indicative and not final agreed figures.

Mr Tovey raised the potential of lack of information surrounding McCloud. The Director of People Services agreed to review usage and feedback from colleagues and share the headline information with the Board.

In relation to McCloud, Mr Tovey queried when commencement of the Board's work is likely to commence. The Director of People Services advised that Welsh Government are in the process of working with their lawyers and UK Government on a suite of documents which are currently not for wider circulation. A working group has been set up with representatives from across Wales. The documentation will be circulated to the Board, when available.

RESOLVED THAT

29.1 Members noted the content of the report.

29.2 Usage and feedback to be included on the next agenda.

30. THE PENSIONS REGULATOR RETURNS

The Director of People Services presented the report which included the completed public service pension scheme returns that were submitted to the Pensions Regulator in relation to the 1992, 2007 and 2015 Firefighters' Pension Schemes.

RESOLVED THAT

Members noted the returns which were shared for information and awareness purposes.

31. PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)

The Director of People Services shared a number of publications, updates and information relating to pensions matters with the Board.

In relation to potential industrial action, the Treasurer confirmed that individuals will be required to pay the full amount of contributions and this will be made clear in communications with staff.

In relation to O'Brien the Director of People Services confirmed that a communications exercise has taken place and Members are submitting proformas prior to the exercise taking place.

RESOLVED THAT

Members reviewed and noted the publications which were shared for information and awareness purposes, as attached at Appendix 1-5.

32. FORWARD WORK PROGRAMME FOR LOCAL PENSION BOARD 2022/2023

The Director of People Services presented the Forward Work Programme for 2022/2023.

In relation to the Scheme Advisory Board, the Director of People Services confirmed a meeting has not taken place since the previous Local Pension Board meeting therefore, there was no further update to report upon. The next meeting is due to take place next week and an update will be provided at the next Board meeting.

RESOLVED THAT

Members noted the content of the Forward Work Programme for 2022/2023.

33. MEMBERS TRAINING SESSION

The Director of People Services advised Members that she was unable to field attendance to the training session organised by Welsh Government in September 2022. She confirmed that the expectations of LPB Members are to gain knowledge, provide feedback, challenge and review processes, with the purpose of assisting the Scheme Manager with compliance and effective and efficient governance.

Mr Tovey suggested, with the complexity of certain schemes, to include them on the forward work programme to ensure a real assessment is undertaken, similar to a health check. Assistance would be required on the legislative side of this.

RESOLVED THAT

33.1 Members agreed to review and provide feedback from the online Training Package.

33.2 A copy of the forward work programme to be shared in advance of future meetings for assurance and transparency around the Matthews and McCloud schemes.

**34. TO CONSIDER ANY ITEMS OF BUSINESS THAT THE
CHAIRPERSON DEEMS URGENT (PART 1 OR 2)**

There were no items of business that the Chair deemed urgent.

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN

SOUTH WALES FIRE & RESCUE AUTHORITY

AGENDA ITEM NO 5
3 JULY 2023

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

REVIEW OF KEY PERFORMANCE INDICATORS

THIS REPORT IS FOR DECISION

REPORT PRESENTED BY IAN TRAYLOR, HEAD OF SERVICE - PENSIONS, PROCUREMENT AND TRANSACTIONAL SERVICES, RHONDDA CYNON TAF CBC (SCHEME ADMINISTRATOR)

SUMMARY

The Service Level Agreement (SLA) between South Wales Fire & Rescue Service and Rhondda Cynon Taf Country Borough Council sets out the manner in which certain duties and responsibilities are expected to be carried out. A key element of the SLA is the reporting on actual performance activity against the agreed key delivery Service Standards. The following report is intended to provide Members with an update on key activity undertaken during the reporting period and shares the performance data for the periods 01 April 2022 to 30 March 2023 and April 2023 to May 2023

RECOMMENDATIONS

- 1) That Members of the Local Pension Board note the performance data included at Appendix 1 attached to the report.
- 2) That Members note the relevant pension administrative overview and update included at Appendix 2 attached to the report.

1. BACKGROUND

- 1.1 The ongoing monitoring of the key performance indicators / service standards and activity, is intended as a measurement to help evaluate the success or otherwise of the service provided to the South Wales Fire & Rescue Authority on behalf of its scheme members, by the RCT Pension Service.

2. ISSUES

- 2.1 There are no issues to report.

3. IMPLICATIONS

3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

3.2 Regulatory, Strategy and Policy

Legal	No	Data Protection / Privacy	Yes
Financial	Yes	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	Yes
Corporate Risk	No	Service Policy	Yes
Information Management	Yes	National Policy	No

3.3 Resources, Assets and Delivery

Human Resource and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	Yes
Procurement	No
Budget Revenue/Capital	Yes

4. EVALUATION & CONCLUSIONS

4.1 Members are asked to review the outturns in the Appendices attached to the report with a view of discussing them at the meeting.

5. RECOMMENDATIONS

5.1 That Members of the Local Pension Board note the performance data included at Appendix 1 attached to the report.

5.2 That Members note the relevant pension administrative overview and update included at Appendix 2 attached to the report.

Contact Officers:	ACO Alison Reed Director of People Services Ian Traylor Service Director Pensions, Procurement & Transactional Services, Rhondda Cynon Taf CBC (Scheme Administrator)
Background Papers	Appendix 1 – Current and Previous Year Key Performance Appendix 2 – Overview and Update of Administrative Activity

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MONTHLY SERVICE STANDARDS																Relates to last Month Completed	
Scheme 090 (Protected 92 Scheme and Transitioned members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MARCH</u>	Comments	<u>2022/2023</u> Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% Divorce Estimates processed within 10 days	Statement	100	95%	-	-	100%	-	-	100%	100%	100%	-	-	-	-	No cases completed.	100.00
% Preserved Benefits processed within 10 days	Statement	100	90%	-	50%	-	100%	-	-	-	100%	100%	-	-	100%	One case completed. On time.	83.33
% Employer requests for retirement estimates processed within 5 days	Statement	100	95%	-	-	-	100%	-	-	-	100%	-	-	-	-	No cases completed.	100.00

% Retirements from Active membership processed within 5 days	Payment	100	95%	100%	100%	100%	100%	100%	100%	100%	66.67%	-	-	100%	100%	100%	2 cases completed. On time.	97.67
% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	100%	-	No cases completed.	100.00
% Transfers In processed within 10 days	Statement	100	90%	-	-	-	--	-	-	-	-	-	-	-	-	-	No cases completed.	-
% Transfers Out processed within 10 days (Monthly)	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-
% death grant for active members within 5 days (Monthly)	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	-

MONTHLY SERVICE STANDARDS															<u>Relates to last Month Completed</u>		
Scheme 090 (Protected 92 Scheme and Transitioned members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MARCH</u>	Comments	<u>2023/2024</u> Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-											No cases completed.	-
% Divorce Estimates processed within 10 days	Statement	100	95%	-	100%											2 cases completed on time	100.00
% Preserved Benefits processed within 10 days	Statement	100	90%	-	-											No cases completed	-
% Employer requests for retirement estimates processed within 5 days	Statement	100	95%	-	-											No cases completed.	-
% Retirements from Active membership processed within 5 days	Payment	100	95%	100%	-											No cases completed	100.00

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95%	100%	-											No cases completed.	100.00
% Transfers In processed within 10 days	Statement	100	90%	-	-											No cases completed.	-
% Transfers Out processed within 10 days (Monthly)	Payment	100	95%	100%	-											No cases completed.	100.00
% death grant for active members within 5 days (Monthly)	Payment	100	95%	-	-											No cases completed.	-

Appendix 1

MONTHLY SERVICE STANDARDS																<u>Relates to last Month Completed</u>	
Scheme FIR (2006 Scheme and Transitioned members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	Comments	<u>2022/2023</u> Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed	-
% Divorce Estimates processed within 10 days	Statement	100%	95%	-	-	-	100%	100%	-	-	100%	100%	-	-	100%	One case completed On time.	100.00
% Preserved Benefits processed within 10 days	Statement	100%	90%	100%	100%	100%	100%	-	100%	100%	100%	100%	85.7 %	100%	100%	7 cases completed All on time.	98.94
% Employer requests for retirement estimates processed within 5 days	Statement	100%	95%	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed	-
% Retirements from Active membership processed within 5 days	Payment	100%	95%	100%	100%	100%	-	-	100%	100%	100%	-	-	100%	100%	2 cases completed On time.	100.00

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100%	95%	0%	100%	-	100%	100%	100%	100%	100%	100%	100%	-	-	-	No cases completed	90.00
% Transfers In processed within 10 days	Statement	100%	90%	-	100%	100%	100%	100%	100%	100%	100%	100%	100%	-	0%	-	No cases completed	96.00
% Transfers Out processed within 10 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	100%	-	-	-	-	-	No cases completed	100.00
% death grant for active members within 5 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed	-
% death grant for pensioner members within 5 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed	-

MONTHLY SERVICE STANDARDS															Relates to last Month Completed		
Scheme FIR (2006 Scheme and Transitioned members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	Comments	<u>2023/2024</u> Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-											No cases completed	-
% Divorce Estimates processed within 10 days	Statement	100%	95%	-	100%											One case complete On time.	100.00
% Preserved Benefits processed within 10 days	Statement	100%	90%	100%	97.1 %											34 cases completed 1 over target	97.61
% Employer requests for retirement estimates processed within 5 days	Statement	100%	95%	-	-											No cases completed	-
% Retirements from Active membership processed within 5 days	Payment	100%	95%	100%	-											No cases completed	100.00

% Preserved Benefits into payment on retirement processed within 5 days	Payment	Payment	100%	100%	-											No cases completed	100.00
% Transfers In processed within 10 days	Statement	Statement	100%	-	-											No cases completed	-
% Transfers Out processed within 10 days (Monthly)	Payment	Payment	100%	-	100%											One case complete On time	100.00
% death grant for active members within 5 days (Monthly)	Payment	Payment	100%	-	-											No cases completed	-
% death grant for pensioner members within 5 days (Monthly)	Payment	Payment	100%	-	-											No cases completed	-

MONTHLY SERVICE STANDARDS															Relates to last Month Completed		
Scheme F15 (2015 Only Members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTER' VENTION</u>	<u>APRIL</u>	<u>MAY</u>	<u>JUNE</u>	<u>JULY</u>	<u>AUG</u>	<u>SEPT</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	Comments	2023/2024 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-											No cases completed	-
% Divorce Estimates processed within 10 days	Statement	100%	95%	-	-											No cases completed	-
% Preserved Benefits processed within 10 days	Statement	100%	90%	100%	100%											7 cases completed All on time.	100%
% Employer requests for retirement estimates processed within 5 days	Statement	100%	95%	-	-											No cases completed	-
% Retirements from Active membership processed within 5 days	Payment	100%	95%	-	-											No cases completed	-

% Preserved Benefits into payment on retirement processed within 5 days	Payment	Payment	100%	-	-											No cases completed	-
% Transfers In processed within 10 days	Statement	Statement	100%	-	-											No cases completed	-
% Transfers Out processed within 10 days (Monthly)	Payment	Payment	100%	-	100%											1 cases completed on time	100.00
% death grant for active members within 5 days (Monthly)	Payment	Payment	100%	-	-											No cases completed	-
% death grant for pensioner members within 5 days (Monthly)	Payment	Payment	100%	-	-											No cases completed	-

The following information is intended to provide Members of Pensions Board with an overview and update on key administrative activity:

Member Self-Serve Statistics

Member Self-Serve (MSS) take-up as 02nd June 2023

	Status 1 (Actives)	Status 2 (Pending leavers)	Status 4 (Deferred)	Status 5 (Pensioners)	Status 6 (Dependants)
92 Scheme	86.10%	50%	68.54%	43.00%	4.28%
Total Membership	302	2	124	1177	187
2006 Scheme	69.21%	0%	42.94%	59.86%	0.00%
Total Membership	302	0	722	147	13
2015 Scheme	34.00%	0	23.77%	0.00%	0.00%
Total Membership	656	3	366	0	0

Scheme Member Complaints

- There has been one formal complaint this period, referred to SWFRS Scheme Manager for review.

Key Administration Activities

- Financial and Membership Data Collection Templates issued to SWFRS to obtain data required to implement McCloud remedy
- Members of RCT Pensions Team attended the LGA Police and Fire Data Conference on 17th May
- 5 new staff recruited and joined Team in April, apprentice recruitment for September – resourcing up for increased work due to changes in legislation being implemented
- Dashboard - On-boarding schedule has been suspended and revised Regulations to be laid with new timescales. Working with Heywood on trial data matching exercise and data cleansing based on results to be completed.
- 2023 Pension Increase exercise completed – 10.1%
- CARE revaluation – 7%
- 2023 Annual Benefit Statement work commenced
- Budget 2023 - increased Annual Allowance to £60,000 from April 2023
Lifetime Allowance Excess Charges removed from April 2023
Lifetime Allowance to be removed from April 2024
- On-line Proof of Life exercise completed with Crown Agents bank – 25 Firefighter Pension Scheme Members were contacted, 24 completed the on-line facial recognition process and 1 completed a paper return.

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 6
3 JULY 2023

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

REPORT APPROVED BY THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

INTERNAL DISPUTE RESOLUTION PROCEDURES (IDRP) – UPDATE ON CASES OVER LAST 12 MONTHS**THIS REPORT IS FOR DECISION**

REPORT PRESENTED BY ACO A REED

SUMMARY

This report shares the procedures for resolving internal disputes in relation to pension matters. It also updates Local Pension Board Members on the cases that were considered under this procedure during 1 April 2022 to 31 March 2023.

RECOMMENDATION

1. That Members note the procedures for resolving internal disputes.
2. That Members note the cases considered under the IDRP procedure during the period 1 April 2022 to 31 March 2023.

1. BACKGROUND

- 1.1 Internal dispute resolution arrangements play an important part in the management of public service pension schemes. They enable someone with an interest in the scheme to ask for a matter in dispute to be resolved.
- 1.2 Scheme managers of occupational public service pension schemes must make and implement arrangements for resolving disputes with members and other people with an interest in the scheme.
- 1.3 Where a person with an interest in the scheme is not satisfied with any matter relating to the scheme, they have the right to ask for that matter to be reviewed.
- 1.4 A person has an interest in the scheme if they:-

- Are a member – active, deferred or pensioner
 - Are a widow, widower, surviving civil partner, surviving cohabiting partner or other surviving dependant of a deceased member
 - Are a surviving non-dependent beneficiary of a deceased member
 - Are a prospective member of the scheme
 - Are a person who has ceased to be within any of the above categories; or
 - A person who claims to be within any of the above categories and the dispute relates to whether they are such a person.
- 1.5 Dispute resolution arrangements generally do not apply to certain disputes, e.g. where a court or tribunal has started proceedings relating to the dispute or the Pensions Ombudsman’s Service is investigating the dispute.
- 1.6 An IDRP can be a two-stage procedure with a specified person carrying out the first-stage decision, or a single-stage procedure if this is considered more appropriate. On 10 June, 2021, Welsh Government issued circular WFRSC(2021)09 which replaces the previous approach (outlined in WFRSC(09)(01). Whilst amendments to the Pensions Act 1995 allowed for a single stage procedure, pension schemes have discretion to make provision for two stages. The Scheme Advisory Board in Wales discussed this but decided to retain the two stage process that is currently in existence.
- 1.7 According to the Pensions Regulator, the scheme manager must communicate information about the procedure to members and others. The scheme manager must also provide information about the Pension Ombudsman when an application is received or when notifying an applicant of the decision.
- 1.8 Appendix A attached to the report contains the current Internal Dispute Resolution Procedure (IDRP).
- 1.9 Appendix B attached to the report contains high level information in relation to the cases that have been considered under the Internal Dispute Resolution Procedure (IDRP).

2. ISSUES

- 2.1 There are no immediate issues to report.

3. IMPLICATIONS

3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

3.1.1 There are no additional financial issues arising as a result of this report. However, there may be financial implications arising out of a dispute.

3.2 Regulatory, Strategy and Policy

Legal	Yes	Data Protection / Privacy	Yes
Financial	Yes	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	Yes
Corporate Risk	Yes	Service Policy	Yes
Information Management	Yes	National Policy	Yes

3.3 Resources, Assets and Delivery

Human Resource and People Development	Yes
Assets and Resources (Property/Fleet/ICT/Equipment)	Yes
Service Delivery	No
Procurement	No
Budget Revenue/Capital	Yes

4. EVALUATION & CONCLUSIONS

4.1 An Equality Risk Assessment has been undertaken to assess the potential impact of this report. The assessment concluded that there were no immediate or long term adverse impacts on any individual or group of personnel arising from this particular report.

5. RECOMMENDATIONS

5.1 That Members note the procedures for resolving internal disputes.

5.2 That Members note the cases considered under the IDRP procedure during the period 1 April 2022 to 31 March 2023.

Contact Officer:	Alison Reed Director of People Services
Background Papers	Appendix A – Copy of Internal Dispute Resolution Procedure Appendix B – Cases considered under the IDRP Procedure

APPENDIX A

Stage One: Application

This application may be submitted by a person (or nominated representative) who is (a) an active, deferred or pensioner member of the Firefighters' Pension Scheme, the New Firefighters' Pension Scheme or Firefighters' Pension Scheme 2015; (b) a widow, widower or surviving dependant of a deceased member of the FPS, NFPS or FPS 2015; (c) a surviving non-dependant beneficiary of a deceased member of the FPS, NFPS or FPS 2015; (d) a prospective member -; (e) persons who have ceased to be within any of the categories in (a) to (d); or (f) persons who claim to be a person mentioned in (a) to (e) and the dispute relates to whether he is such a person.

To the Chief Fire Officer, Fire and Rescue Authority

1. I wish to apply for a decision to be made, under section 50 of the Pensions Act 1995, in respect of the disagreement set out in this application.
2. I understand that an application may not be made where, in respect of a disagreement:
 - A notice of appeal has been issued under Rule H3 of the Firefighters' Pension Scheme 1992, Part 8, Paragraph 5 of the New Firefighters' Pension Scheme 2007 or Part 6, rule 3 of the Firefighters' Compensation Scheme (Wales) Order 2007 (appeal to a board of medical referees against a decision on an issue of a medical nature), or Regulation 173 Firefighters' Pension Scheme 2015 (FPS 2015), or
 - Proceedings in respect of this dispute have begun in any court or tribunal, or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. The nature of the disagreement is set out in the attached page(s).

Complete in all cases (in Block capitals)

Full name of Scheme member

Role and employment reference

Address of Scheme member

.....

Member's date of birth Member's National Insurance No.

Complete if complainant is not a Scheme member (in Block Capitals)

Full name of complainant

Address for correspondence

.....

Relationship of complainant to Scheme member (if relevant)

Signature of complainant (or representative)Date

Nature of disagreement

Give a statement of the nature of the disagreement with sufficient details to show why aggrieved. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of complainant (or representative)

Date

Stage One: Letter 1**Fire and Rescue Service Headed Notepaper**

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage One**

Your application under Section 50 of the Pensions Act 1995 for a decision in respect of a disagreement was received on *(date)*.....

I intend to make a decision on the matters raised by your application within two months from the date the application was received.

If, for any reason, I am unable to issue you with a decision within this time-scale you/and your representative *(complete as appropriate)* will be sent:

an interim reply;

the reasons for the delay; and

an expected date for the issue of the decision.

The Money and Pensions Service is available to assist members and beneficiaries of pension schemes in connection with any difficulty with the scheme. The Money and Pensions Service can be contacted at: Holborn Centre, 120 Holborn, London. EC1N 2TD, Telephone 01159 659 570.

Yours sincerely,

(Chief Fire Officer or the person specified by him)

This acknowledgement letter must be sent, in all cases, where a Stage One application is received from a complainant. If there are problems with the way in which the application has been completed, then this letter should be adapted accordingly.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage One: Letter 2**Fire and Rescue Service Headed Notepaper**

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/ NEW FIREFIGHTERS' PENSIONS SCHEME/ FIREFIGHTERS' COMPENSATION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage One**

Further to my letter of *(date of issue of IDRPs Stage One: Letter 1)*....., I regret I am not yet in a position to issue you with a decision.

The reasons for the delay are *(reasons)*

I expect to be able to issue you with a decision on *(date)*.

Yours sincerely,

(Chief Fire Officer or the person specified by him/her)

This letter must be sent if a decision cannot be made within two months of receipt of a Stage One application from a complainant.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage One: Letter 3

Fire and Rescue Service Headed Notepaper

Dear *(name of complainant)*

FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 *(as appropriate)*: PENSIONS ACT 1995, SECTION 50 Internal Dispute Resolution Procedures: Stage One

I have considered your application received on *(date)*.... for a decision to be made under Section 50 of the Pensions Act 1995 in respect of your disagreement referred to in the application.

My decision is as follows:

Give a statement of the decision and make reference to any legislation (including the relevant pension or compensation scheme orders) relied upon for the decision and also including, if a discretion has been exercised under the scheme, a reference to the provisions of the scheme under which the discretion is conferred.

If you are not content with this decision, you have a right to apply for reconsideration of the disagreement by the Fire and Rescue Authority *(complete with appropriate reference to the committee or individuals who will be responsible for Stage 2 consideration)* no later than six months from the date of this notice. A form designed for this purpose can be obtained from *(complete as appropriate)*.

The Money and Pensions Service is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. The Money and Pensions Service can be contacted at: Holborn Centre, 120 Holborn, London, EC1N 2TD, Telephone 01159 659 570.

Yours sincerely,

(Chief Fire Officer or the person specified by him/her)

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage Two: Application

If a person is dissatisfied with the decision of the Chief Fire Officer or the person specified by him at Stage 1 of the IDRPs, an application may be submitted by that person (or nominated representative) for the decision to be confirmed or replaced by the decision of elected members of the fire and rescue authority. The authority may provide for decisions to be taken by or on their behalf by one or more of their number.

To theFire and Rescue Authority

1. I am applying for reconsideration of the decision ofmade under section 50 of the Pensions Act 1995. I understand that the Fire and Rescue Authority will either confirm the decision or replace it.
2. I understand that an application may not be made where, in respect of the matter:
 - A notice of appeal has been issued under Rule H3 of the Firefighters' Pension Scheme 1992, Part 8, Paragraph 5 of the New Firefighters' Pension Scheme 2007 or Part 6, rule 3 of the Firefighters' Compensation Scheme (Wales) Order 2007 (appeal to a board of medical referees against a decision on an issue of a medical nature), Regulation 173 of the Firefighters' Pension Scheme 2015 (FPS 2015) or
 - Proceedings in respect of this dispute have begun in any court or tribunal, or
 - The Pensions Ombudsman has commenced an investigation into a complaint or a dispute referred to him.
3. I attach a copy of the notice of the decision referred to in paragraph 1 and a statement of the reason(s) for dissatisfaction with that decision.

Complete in all cases (in Block capitals)

Full name of Scheme member

Role and employment reference

Address of Scheme member

.....

Member's date of birth Member's National Insurance No.

Complete if complainant is not a Scheme member (in Block Capitals)

Full name of complainant

Address for correspondence

.....

Relationship of complainant to Scheme member (if relevant)

Signature of complainant (or representative) Date

Nature of disagreement

Give a statement of the nature of the disagreement with the decision made by the Chief Fire Officer or the person specified by him. If necessary, continue details on to another page and attach the application form with any supporting documents.

Signature of complainant (or representative)

Date

Stage Two: Letter 1**Fire and Rescue Authority Headed Notepaper**

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME/ FIREFIGHTERS' PENSION SCHEME 2015 (as appropriate):
PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

Your application for a reconsideration of a decision dated made under Section 50 of the Pensions Act 1995 by *(complete as appropriate)* was received on

The Fire and Rescue Authority or one or more of their number will consider the matters raised by your application and will confirm or replace that decision under Section 50 of the Pensions Act 1995 within two months from the date your application was received.

If, for any reason, the Authority/the members of the Authority (complete as appropriate) are unable to issue you with a decision within this time-scale you/and your representative (complete as appropriate) will be sent:

- an interim reply;
- the reasons for the delay; and
- an expected date for the issue of the decision.

The Money and Pensions Service is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. The Money and Pensions Service can be contacted at: Holborn Centre, 120 Holborn, London, EC1N 2TD, Telephone 01159 659 570

Yours sincerely,

Secretary to the Fire and Rescue Authority

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage Two: Letter 2**Fire and Rescue Authority Headed Notepaper**

Dear *(name of firefighter)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 (as appropriate): PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

Further to my letter of, I regret *the Fire and Rescue Authority/ members of the Fire and Rescue Authority appointed to consider the matter (as appropriate)* are not yet in a position to issue you with a decision.

The reasons for the delay are (reasons)

The panel expect to be able to issue you with a decision on *(date)*

Yours sincerely,

Secretary to the Fire and Rescue Authority

This letter must be sent if a decision cannot be made within two months of receipt of a Stage Two application from a complainant.

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

Stage two: Letter 3**Fire and Rescue Authority Headed Notepaper**

Dear *(name of complainant)*

**FIREFIGHTERS' PENSION SCHEME/NEW FIREFIGHTERS' PENSION SCHEME/FIREFIGHTERS' COMPENSATION SCHEME / FIREFIGHTERS' PENSION SCHEME 2015 (as appropriate): PENSIONS ACT 1995, SECTION 50
Internal Dispute Resolution Procedures: Stage Two**

The Fire and Rescue Authority/members of the Fire and Rescue Authority (as appropriate) have considered your application received on (date)..... for reconsideration of the disagreement which was the subject of a decision made by the Chief Fire Officer/by the person specified by the Chief Fire Officer (as appropriate) under Section 50 of the Pensions Act 1995, as indicated in the notice of decision dated (date).....

The decision of the panel, made under Section 50 of the Pensions Act 1995, is as follows:

Give a statement of the decision and an explanation as to whether, and if so to what extent, that decision either confirms or replaces the decision made by the Chief Fire Officer or the person specified by him/her.

Refer to any legislation, including the FPS, NFPS or FCS relied upon for the decision and also including, if a discretion has been exercised under the Scheme, a reference to the provisions of the Scheme under which the discretion is conferred.

If you remain dissatisfied.

- The Money and Pensions Service is available to assist members and beneficiaries of pension schemes in connection with any difficulty with a scheme which remain unresolved. The Money and Pensions Service can be contacted at: Holborn Centre, 120 Holborn, London, EC1N 2TD, Telephone 01159 659 570.
- the Pensions Ombudsman, appointed under Section 145(2) of the Pension Schemes Act 1993 may investigate and determine any complaint or dispute of fact or law in relation to a scheme made or referred in accordance with that Act. He can be contacted at:11 Belgrave Road, London, SW1V 1RB; Telephone 020 7834 9144

Yours sincerely,

Secretary to the Fire and Rescue Authority

If the application was made by a representative of the complainant, ensure this letter is copied to the representative.

APPENDIX B**RESTRICTED - INTERNAL DISPUTE RESOLUTION PROCEDURES****Cases considered (stages 1& 2) in the period 1 April 2022 – 31 March 2023**

Issue	Date Stage 1 outcome issued	Decision summary
OCDS and WDS service and eligibility to be inserted under one contract	January 2023	Pension schemes applied reflecting service in OCDS and then WDS as per Control.

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 7
3 JULY 2023

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

THE PENSIONS REGULATOR RETURNS 2022/2023**THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY ACO A REED

SUMMARY

This report shares the completed Public Service Governance and Administration Survey 2022/23, which was submitted to The Pensions Regulator in relation to the 2015 Firefighters' Pensions Scheme.

RECOMMENDATIONS

That Members note the returns which are shared for information and awareness purposes.

1. BACKGROUND

- 1.1 Public service pension schemes are legally required to provide 'registrable information' to The Pensions Regulator. This includes completing a scheme return each year. The return requests additional information which serves to provide an accurate picture to The Pensions Regulator of public service schemes.
- 1.2 Failure to complete a scheme return by the required date could lead to the scheme manager being fined or receiving other action from The Pensions Regulator.
- 1.3 Appendix A contains the completed return for the Public Service Governance and Administration Survey 2022/23. The survey is designed to understand the governance arrangements, frequency of meetings and seeks confirmation of the understanding and skills that each Local Pension Board should have.
- 1.4 South Wales Fire and Rescue Authority, as the Scheme Manager, submitted the returns on the 17th of February 2023.

2. ISSUES

2.1 There are no issues to report.

3. IMPLICATIONS

3.1 Community and Environment

Equality, Diversity, and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

3.1.1 There are no additional financial issues arising as a result of this report.

3.2 Regulatory, Strategy and Policy

Legal	No	Data Protection / Privacy	No
Financial	No	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	No
Corporate Risk	No	Service Policy	No
Information Management	No	National Policy	No

3.3 Resources, Assets and Delivery

Human Resource and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

4. EVALUATION & CONCLUSIONS

4.1 An Equality Risk Assessment has been undertaken to assess the potential impact of this report. The assessment concluded that there were no immediate or long-term adverse impacts on any individual or group of personnel arising from this particular report.

5. RECOMMENDATIONS

- 5.1 That Members note the return which is shared for information and awareness purposes.

Contact Officer:	Alison Reed Director of People Services
Background Papers	Appendix 1 – TPR Public Service Governance and Administration Survey 2022/2023

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APPENDIX A

Public Service Governance and Administration Survey 2022/23



Introduction

Thank you for taking the time to complete this survey.

Please answer the questions in relation to the following scheme:

FIREFIGHTERS PENSION SCHEME 2015- SOUTH WALES

Within the survey all references to 'the scheme' refer to the above. Where the scheme is locally administered, we mean the sub-scheme or fund administered by the local scheme manager.

Your responses will be kept anonymous unless you consent otherwise at the end of the survey. Linking your scheme name to your answers will help inform The Pensions Regulator's (TPR's) engagement with you in the future.

If you would like to print out a hard copy of this questionnaire to help you when collecting information from colleagues, please click [here](#)*. Please note, however, that we need you to complete the questionnaire through this online survey and not by filling in a hard copy.

This survey should be completed by the scheme manager or by another party on behalf of the scheme manager. They should work with the pension board chair to complete it, and other parties (e.g. the administrator) where appropriate.

There is a space at the end of the survey to add comments about your answers where you feel this would be useful. There is also an option to print/save your responses before submitting them.

** In some internet browsers you may need to right click on the link and select 'open in new tab/window' to download the file*

Please click the arrow below to continue to the questionnaire.

Public Service Governance and Administration Survey 2022/23



Section A - Governance

The first set of questions is about how your pension board works in practice.

A1 Focusing on the scheme's pension board meetings in the last 12 months, please tell us the following:

Please include any board meetings that were held remotely (e.g. via teleconference or online meeting software)

Please write in the number for each of a-c in the boxes below

a) Number of board meetings that were scheduled to take place (in the last 12 months)

b) Number of board meetings that actually took place (in the last 12 months)

c) Number of board meetings that were attended by the scheme manager or their representative (in the last 12 months)

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



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- A2 **Thinking about the 3 pension board meetings that took place, was this more, the same or less than in the previous 12 month period?**
- More
- Same
- Less
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



- A3 **Do the scheme manager and pension board have sufficient time to run the scheme properly?**
- Yes
- No
- Don't know
- A4 **Do the scheme manager and pension board have sufficient resources to run the scheme properly?**
- By resources we mean staffing, IT/systems and available budget**
- Yes
- No
- Don't know
- A5 **Do the scheme manager and pension board have access to all the knowledge, understanding and skills necessary to properly run the scheme?**
- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



- A6 **How often does the scheme manager or pension board carry out an evaluation of the knowledge, understanding and skills of the board as a whole in relation to running the scheme?**
- At least monthly
- At least quarterly
- At least every six months
- At least annually
- Less frequently
- Never
- Don't know
- A7 **On average, how many hours of training per year does each pension board member have in relation to their role on the pension board?**

Please write in the number in the box below

hours per year

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



A8 Does the pension board believe that in the last 12 months it has had access to all the information about the operation of the scheme it has needed to fulfil its functions?

- Yes
 No
 Don't know

A9 Does the scheme have a succession plan in place for the members of the pension board?

By this we mean a plan or process for how you will find, appoint and train suitable new members of the pension board to replace any existing board members who leave or retire.

- Yes
 No
 Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Section B - Managing Risks

The next set of questions is about managing risks.

B1 Does your scheme have any of the following?

Please select one answer per row

	Yes	No	Don't know
a) Its own documented procedures for assessing and managing risk (<i>please select 'No' if your scheme relies on your local authority's documented procedures for assessing and managing risk</i>)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
b) Its own risk register (<i>please select 'No' if your scheme relies on your local authority's risk register</i>)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) A documented policy to manage the pension board members' conflicts of interest	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) Processes to monitor records for all membership types on an ongoing basis to ensure they are accurate and complete	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) A process for monitoring the payment of contributions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) A process for resolving contribution payment issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
g) Procedures to identify breaches of the law	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
h) Procedures to assess breaches of the law and report these to TPR if required	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
i) A process for dealing with remediation (<i>by 'remediation' we mean the actions required to remedy the age discrimination in the 2015 schemes. This is also often referred to as either 'McCloud' or 'Sergeant'</i>)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) A process to monitor resourcing levels and address any issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

B2 When were these last reviewed by the scheme manager or pension board?

Please select one answer per row

	In the last 12 months	More than 12 months ago but less than 3 years ago	More than 3 years ago	Never been reviewed	Don't know
b) The scheme's own risk register	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) The documented policy to manage the pension board members' conflicts of interest	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d) The processes to monitor records for all membership types on an ongoing basis to ensure they are accurate and complete	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e) The process for monitoring the payment of contributions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f) The process for resolving contribution payment issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
i) The process for dealing with remediation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
j) The process to monitor resourcing levels and address any issues	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

B3 In the last 12 months, how many of the 3 pension board meetings reviewed the scheme's exposure to new and existing risks?

Please write in the number in the box below

Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

B4 To what do the top three governance and administration risks on your risk register relate?

Please select up to three options below

- Securing compliance with changes in scheme regulations
- Ensuring the scheme is compliant with the pensions dashboards requirements
- Lack of resources/time
- Recruitment and retention of staff or knowledge
- Remediation (i.e. the actions required to remedy the age discrimination in the 2015 schemes; also referred to as 'McCloud' or 'Sergeant')
- Other ongoing court cases
- Record-keeping (i.e. the receipt and management of correct data)
- Production of annual benefit statements
- Systems failures (IT, payroll, administration systems, etc.)
- Cyber risk (i.e. the risk of loss, disruption or damage to a scheme or its members as a result of the failure of its IT systems and processes)
- Administrator issues (expense, performance, etc.)
- Guaranteed Minimum Pension (GMP) reconciliation
- Scheme funding or investment
- Other (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



B5 Which, if any, of the following actions have you taken in relation to the remediation proposals?

By 'remediation' we mean the actions required to remedy the age discrimination in the 2015 schemes. This is also often referred to as either 'McCloud' or 'Sergeant'.

Please select all that apply

- Assessed the possible administration impacts
- Assessed the data requirements
- Commenced a specific data cleansing or data gathering exercise
- Carried out immediate detriment calculations
- Assessed any additional resources likely to be required
- Discussed system requirements with IT suppliers
- Recruited or made plans to recruit additional staff
- Secured budget for additional requirements
- Engaged with your Scheme Advisory Board or relevant authority
- Provided specific information to members
- Established a dedicated project team
- Taken other actions (please specify)
- None of these
- Don't know

Please write in your 'Taken other actions' response in the box below

Updates are sent out to all members advising of major milestones and any significant changes in the McCloud legislative landscape

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Section C - Administration and Record-Keeping Processes

The next set of questions is about administration and record-keeping.

C1 Does the scheme have an administration strategy?

By this we mean policies and procedures that set out the responsibilities of the scheme and its employer(s).

- Yes
- No
- Don't know

C2 Which of the following best describes the scheme's administration services?

- Delivered in house
- Undertaken by another public body (e.g. a county council) under a shared service agreement or outsource contract
- Outsourced to a commercial third party
- Other
- Don't know

C3 In the last 12 months, how many of the 3 pension board meetings had administration as a dedicated item on the agenda?

Please write in the number in the box below

- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C4 Does the scheme's administrator have a formal data management plan or policy?

A data management plan or policy formally records the scheme's approach to managing and improving its pension scheme data

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C5 Does this data management plan or policy set out any of the following?

Please select one answer per row

	Yes	No	Don't know
a) What data is held or used	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Where data is received from or transferred to	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Processes for receiving, sharing and managing data	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

- d) Data quality controls in place (e.g. validation checks)
- e) The approach to measuring data and steps being taken to improve data (e.g. an improvement plan)
- f) A data governance framework

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C6 How often is this data management plan or policy reviewed?

- Annually or more often
- Every 2 years
- Less often
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C7 Is your scheme single employer or multi-employer?

- Single employer scheme (i.e. used by just one employer)
- Multi-employer scheme (i.e. used by several different employers)

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C8 In the last 12 months, has your participating employer...

- | | Yes | No | Don't know |
|--|----------------------------------|-----------------------|-----------------------|
| a) Always provided you with accurate and complete data? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| b) Always submitted the data required each month to you on time? | <input checked="" type="radio"/> | <input type="radio"/> | <input type="radio"/> |

C9 And in the last 12 months, has your participating employer submitted data to you electronically?

- Yes – all data
- Yes – some but not all data
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



C12 Do you automatically test the data received from the employer (i.e. automatic validation)?

For example, checking that there are no duplicate National Insurance numbers or that postcodes are in a valid format

- Yes
 No
 Don't know

C13 Do you provide information or training to the employer on the data they need to provide?

- Yes
 No
 Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C14 In the last 2 years, would you say that the budget you've spent on managing or improving the scheme's data has increased, stayed the same or decreased?

In this context we're referring to data about scheme members such as personal identifiers (e.g. name, national insurance number), contribution records, etc.

- Increased
 Stayed the same
 Decreased
 Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



C16 In the next 2 years, do you expect your budget for managing or improving data to...?

- Increase
 Stay the same
 Decrease
 Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



C17 In the last 2 years, would you say that the investment you've made in administration technology or automation has increased, stayed the same or decreased?

- Increased
 Stayed the same
 Decreased
 Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

C18 What were the reasons for this increased investment in administration technology or automation?

Please select all that apply

- Increased focus or scrutiny by TPR
- To prepare for the pensions dashboards
- To prepare for remediation
- To reduce errors and complaints
- To drive efficiencies and cost savings
- To deliver improved services to members (e.g. online portals)
- To implement digital identity or biometric checks
- Other reason (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

C19 In the ~~next 2 years~~, do you expect your budget for administration technology or automation to...?

- Increase
- Stay the same
- Decrease
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

C20 You mentioned that you have increased your spend on administration technology or automation in the last 2 years. Has this resulted in any of the following benefits?

Please select all that apply

- Reduced errors or complaints
- Efficiencies and cost savings
- Improved services to members
- Greater member engagement
- Other benefits (please specify below)
- None of these
- Don't know

Please write in your 'Other benefits' response in the box below (if applicable)

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

Section D - Annual Benefit Statements

The next set of questions is about members' annual benefit statements.

D1A In 2022, in which of the following ways were your active members sent their annual benefit statements?

Please select all that apply

- Via a digital online portal, with notification by email
- Via a digital online portal, with notification by letter
- Via a digital online portal, with no notification
- By post
- Other way(s) (please specify)
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



D1B In 2022, what proportion of your active members were sent their annual benefit statements in each of these ways?

Please write in the percentage (from 0% to 100%) in each box. If you don't know exactly, please give approximate percentages.

Via a digital online portal, with notification by email

%

By post

%

Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



D2 In 2022, what proportion of active members received their annual benefit statements by the statutory deadline?

Please write in the percentage in the box below. If you don't know exactly, please give an approximate percentage.

%

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



D5 What proportion of all the annual benefit statements the scheme sent out in 2022 contained all the data required by regulations?

Please write in the percentage in the box below. If you don't know exactly, please give an approximate percentage.

%

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

D6 **Looking forwards, how confident are you that all active members will receive their annual benefit statements by the statutory deadline in 2023?**

- Very confident
- Fairly confident
- Not particularly confident
- Not at all confident
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Section E - Reporting Breaches

The next set of questions is about the scheme's approach to dealing with any breaches of the law.

E1 **Do you maintain documented records of any breaches of the law identified?**

- Yes
- No
- Don't know

E2 **Do these records include the decision taken on whether or not to report the breach of the law to TPR?**

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



E3 **Does the pension board receive reports on any breaches of the law identified?**

- Always
- Sometimes
- Never
- Don't know

E4 **In the last 12 months, have you identified any breaches of the law that were not related to annual benefit statements?**

- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Section F - Improvements to Governance and Administration

The next set of questions is about your progress in addressing governance and administration issues.

58

F1 **What do you believe are the top three factors behind any improvements made to the scheme's governance and administration in the last 12 months?**

Please select up to three options below

- | | |
|--|-------------------------------------|
| Improved understanding of underlying legislation and standards expected by TPR | <input checked="" type="checkbox"/> |
| Improved engagement by TPR | <input type="checkbox"/> |
| Improved understanding of the risks facing the scheme | <input checked="" type="checkbox"/> |
| Resources increased or redeployed to address risks | <input checked="" type="checkbox"/> |
| Administrator action (please specify) | <input type="text"/> |
| Scheme manager action (please specify) | <input type="text"/> |
| Pension board action (please specify) | <input type="text"/> |
| Other (please specify) | <input type="text"/> |
| No improvements made to governance/administration in the last 12 months | <input type="checkbox"/> |
| Don't know | <input type="checkbox"/> |

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



F2 **What are the main three barriers to improving the governance and administration of your scheme over the next 12 months?**

Please select up to three options below

- Lack of resources or time
- Complexity of the scheme
- The volume of changes that are required to comply with legislation
- Recruitment, training and retention of staff and knowledge
- Lack of knowledge, effectiveness or leadership among key personnel
- Poor communications between key personnel (board, scheme manager, administrator, etc.)
- Employer compliance
- Issues with systems (IT, payroll, administration systems, etc.)
- The remediation process (also referred to as 'McCloud' or 'Sergeant')
- The pensions dashboards requirements
- Other (please specify)
- There are no barriers
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Section G - Pensions Dashboards

Government has been working on legislation to enable the development of pensions dashboards. Pensions dashboards are digital interfaces such as websites or apps which will enable a person to see all their pensions in one place.

G1 **The Pension Schemes Act 2021 contains provisions to require trustees and scheme managers to provide data to savers through pensions dashboards. Before today, were you aware of this change to pensions law?**

- Yes – aware of this change to pensions law
- No – heard of pension dashboards but not aware of this change to pensions law
- No – hadn't heard of pensions dashboards before this survey
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



G2 **As far as you know, has the scheme manager or a member of the pension board done any of the following?**

Please select all that apply

- Attended or viewed a TPR pensions dashboards webinar
- Listened to a TPR pensions dashboards podcast
- Read TPR's guidance on pensions dashboards
- Engaged with any other material put out by TPR regarding pensions dashboards (please specify)
- None of these
- Don't know

Please write in your 'Other' response in the box below

Information also received through various national forums such as SABW and LGA

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



G3 **How useful did the scheme manager and/or pension board find TPR's guidance on pensions dashboards?**

- Very useful
- Fairly useful
- Not particularly useful
- Not at all useful
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Section I - TPR Codes of Practice and Guidance

The next set of questions is about TPR's Codes of Practice and guidance.

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11 Before this survey, were you aware that TPR produces...?

Yes No Don't know

a) Codes of Practice (a Code of Practice is not a statement of law, but sets out the standards of conduct and practice that TPR expects)

b) Guidance (guidance refers to material published by TPR intended to help explain particular matters or provide examples of good practice)

c) The Public Service Toolkit (the Public Service Toolkit is a free online learning programme for pension board members, and others, to improve their knowledge of their role)

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



12 When did you last use or consult any of...?

In last 3 months 4-6 months ago 7-12 months ago Over 12 months ago Never Don't know

a) TPR's Codes of Practice

b) TPR's guidance

c) TPR's Public Service Toolkit

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



14 Most of TPR's Codes of Practice will soon be replaced by a new 'Single Code'. Before this survey, were you aware of the introduction of a Single Code of Practice?

 Yes No Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



15 Based on what you know about it, to what extent do you agree or disagree that the Single Code of Practice will...?

Please select one answer per row

Strongly agree Tend to agree Neither agree nor disagree Tend to disagree Strongly disagree Don't know

a) Improve how this scheme is governed	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b) Increase the work required by this scheme to meet TPR's expectations	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c) Make it easier to understand TPR's expectations	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Section J - TPR Enforcement Policy

The next questions are about TPR's scheme management enforcement policy.

- J1 Before this survey, were you aware that last year TPR published a new-look enforcement policy that includes a number of changes?
- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Section K - Equality, Diversity & Inclusion

The final set of questions is about pension board equality, diversity and inclusion.

- K1 Diversity data refers to characteristics such as age, gender, ethnicity, religion, etc. Does the scheme formally obtain and record any diversity data in relation to the members of the pension board?
- This question is about the pension board not the scheme's members. Please only answer yes if you record diversity data about the members of the pension board.*
- Yes
- No
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



K2 Does the pension board diversity data that you collect cover any of the following?

Please select all that apply

- Age
- Disability
- Gender
- Race
- Religion or belief
- Sexual orientation
- Gender identity
- Education (e.g. highest qualification attained)
- None of these
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



K3 Thinking about how the scheme uses this diversity data, does it use it for...?

Please select all that apply

- Recruitment of new pension board members
- Developing training for pension board members
- Monitoring purposes
- Anything else (please specify)
- None of these
- Don't know

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23



Public Service Governance and Administration Survey 2022/23



Section L - Attribution

Thank you for completing this survey. Your responses will help TPR understand how schemes are progressing and any issues they may face, which will inform further policy and product developments. Before you submit your answers, there are just a few more questions about your survey responses.

L1 Which of the following best describes your role within the pension scheme?

- Scheme manager*
- Representative of the scheme manager
- Pension board chair
- Pension board member
- Administrator
- Other (please specify)

* In this survey 'Scheme manager' refers to the definition within the Public Service Pensions Act, e.g. the Local Authority, Fire and Rescue Authority, Police Pensions Authority, Secretary of State/Minister or Ministerial department

L2 **What other parties did you consult with to complete this survey?***Please select all that apply*

- Scheme manager
- Representative of the scheme manager
- Pension board chair
- Pension board member
- Administrator
- Other
- Did not consult with any other parties

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

- L3 To inform TPR's engagement going forward, they would like to build an individual profile of your scheme by linking your scheme name to your survey answers. This will only be used for internal purposes by TPR and your scheme name would not be revealed in any published report.

Are you happy for your responses to be linked to your scheme name and supplied to TPR for this purpose?

- Yes, I am happy for my responses to be linked to my scheme name and supplied to TPR for this purpose
- No, I would like my responses to remain anonymous

- L4 **And would you be happy for the responses you have given to be linked to your scheme name and shared with the relevant scheme advisory board? This is to help inform the advisory boards of areas for improvement and to further their engagement with pension boards.**

- Yes, I am happy for my responses to be linked to my scheme name and shared with the relevant advisory board
- No, I would like my responses to remain anonymous

- L5 **TPR may conduct some follow up research on this topic to improve their advice and engagement with schemes such as yours. Would you be willing for us to pass on your name, contact details and relevant survey responses to them so that they, or a different research agency on their behalf, could invite you to take part?**

You may not be contacted and, if you are, there is no obligation to take part. Your contact details will be stored for a maximum duration of 12 months, before being securely destroyed.

- Yes, I am happy to be contacted for follow-up research
- No, I would prefer not to be contacted for follow-up research

Please complete all questions on this page before clicking the right hand arrow below to continue to the next question.

Public Service Governance and Administration Survey 2022/23

- L6 **Please record your name below. This is just for quality control purposes and will not be passed on to TPR (unless you have agreed that they can contact you for follow-up research).**

Kim Jeal, Pensions Manager, South Wales Fire & Rescue Service

- L7 **Finally, please use the box below if you have any other comments or would like to clarify/explain any of the answers you have given.**

Administrator details - Tim Jenkins - Senior Team Manager Rhondda Cynon Taf Pension Fund

If you would like to print and/or save a copy of your responses then please click the 'print' button below. This will open a new browser window (you may need to allow pop-ups from this site for it to open). You can then print this or choose to save it as a pdf document. Please do this before clicking the submit button.

IMPORTANT: Please click the 'tick' button below to submit your survey.

Once you have submitted your survey you will not be able to go back and change any of your answers or print/save a copy of your responses.

AGENDA ITEM NO 8

New Members Training Session – Member Handbook, Terms of Reference &
Toolkit

–

Verbal update on the day

Author: Kim Jeal

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 9
3 JULY 2023

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

REPORT APPROVED BY THE ACO PEOPLE SERVICES

PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)**THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY ACO A REED

SUMMARY

This report shares relevant publications, updates and information relating to pension matters, with Members of the Local Pension Board

RECOMMENDATIONS

That Members review and note the attached publications which are shared for information and awareness purposes. (Attached to the report as Appendix 1-4).

1. BACKGROUND

- 1.1 To support Local Pension Board Members discharge their duties, this report shares recent relevant publications in relation to pension matters. These are not limited to fire pensions.

2. ISSUES

- 2.1 There are no issues to report.

3. IMPLICATIONS**3.1 Community and Environment**

Equality, Diversity and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No

Consultation and Communications	No
Consultation with Representative Bodies	No
Impact Assessment	No

3.1.1 There are no additional financial issues arising as a result of this report.

3.2 Regulatory, Strategy and Policy

Legal	No	Data Protection / Privacy	No
Financial	No	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	No
Corporate Risk	No	Service Policy	No
Information Management	No	National Policy	No

3.3 Resources, Assets and Delivery

Human Resource and People Development	No
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	No

4. EVALUATION & CONCLUSIONS

4.1 An Equality Risk Assessment has been undertaken to assess the potential impact of this report. The assessment concluded that there were no immediate or long-term adverse impacts on any individual or group of personnel arising from this particular report.

5. RECOMMENDATIONS

5.1 That Members review and note the attached publications which are shared for information and awareness purposes. (Attached to the report as Appendix 1-4).

Contact Officer:	Alison Reed Director of People Services
Background Papers	Appendix 1-4 – Publications

FPS Bulletin 65 – January 2023

Welcome to issue 65 of the Firefighters’ Pensions Schemes bulletin. We wish all of our readers a belated 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.

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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	14 and 28 February 2023
FPS Technical Working Group	17 February 2023
FPS Communications Working Group	14 March 2023
North East regional group	15 March 2023
SAB	23 March 2023
SAB	8 June 2023
SAB	14 September 2023
SAB	14 December 2023

Actions arising

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

[Template member consent letters](#): FRAs to identify affected members of the pension scheme who may need to be sent for an ill-health reassessment and arrange for the appropriate member consent letter to be sent to them.

[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.

FPS

Ill-health reassessment factsheet updated

In [FPS Bulletin 63 – November 2022](#), we published an [ill-health reassessment factsheet](#) to help FRAs determine which individuals require a reassessment of their ill-health determination as a result of remedy implementation. This has recently been updated to include FPS 2006 special members. We sought clarity from the Home Office to confirm that special members should be treated in line with FPS 1992 members due to them being assessed against a normal pension age of 55.

Template member consent letters available

Letters for scenarios one and two, seven, and nine as referred to in the [ill-health reassessment factsheet](#) have now been added to the [Retrospective remedy webpage](#).

ACTION for FRAs: Identify affected members of the pension scheme who may need to be sent for an ill-health reassessment and arrange for the appropriate member consent letter to be sent to them.

Potential Industrial Action

In [FPS Bulletin 61 - September 2022](#), we provided information about how strike action affects a member's pension benefits, how the amount that the member needs to repay is calculated, and the importance of continuing to record service breaks. Please refer to the information given in that bulletin to help resolve any queries that you have regarding industrial action. The LGA is planning to provide sample communications for FRAs if industrial action goes ahead, and members wish to repay the missing period of service.

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: compensation scheme (page 50).

FPS England SAB updates

Barnett Waddingham Case Study on FPS Remedy 2015 – Your Questions Answered Member Communications

In [FPS bulletin 54 - February 2022](#), we advised that following the Scheme Advisory Board (SAB) [meeting of 30 September 2021](#) an action was taken to commission a suite of illustrative member scenarios to provide members with a better understanding of the implications of the McCloud/ Sargeant remedy on their benefits. This included a selection of members' personas across the schemes, with benefits illustrated at a range of key retirement milestones.

Barnett Waddingham was appointed to deliver this work following a successful procurement exercise and as part of the project, warm-up communications were produced to answer some key concerns or recurring questions that members have about the changes which took place on 1 April 2022 and beyond.

[Click here to return to Contents](#)

The [FPS 2015 Remedy 'fact checker'](#) was developed by Barnett Waddingham, in collaboration with the SAB the Board secretariat, and the Scheme Management & Administration committee.

The document text was added as a new page to the [FPS Member 2015 Remedy section](#), with the PDF available as a download.

Barnett Waddingham has since produced a case study about working with the scheme to provide this information for members on the remedy changes and this can be read at [Appendix 1](#).

SAB levy 2022-23 – Reminder for Purchase Order numbers

In [FPS bulletin 63- November 2022](#), we confirmed that the SAB budget for 2022-23 had been approved by the minister.

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 regarding the employer advice service provided to them by the LGA.

Please can we politely remind FRAs, if they have not done so already, 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 in order that an invoice can be sent accordingly.

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 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 February 2023, with two topics discussed at each meeting. These discussions will help to inform the drafting of secondary legislation, ahead of formal consultation. Formal consultation is now expected to commence during February 2023.

The most recent session considered Annual Allowance and bereavement. 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 consumer protection video

The Pensions Dashboards Programme (PDP) has recently published [an explainer video on consumer protection](#).

The video explains what protections will be in place to ensure dashboards are safe and secure.

Please see [the consumer protection page of PDP's website](#) for more information on this topic.

Automatic Enrolment trigger remains the same

On 26 January 2023, Department for Work and Pensions (DWP) published its [review of the automatic enrolment thresholds for 2023/24](#).

The Pensions Act 2008 requires DWP to annually review various thresholds relevant for automatic enrolment rules. As is relevant for the FPS, the earnings trigger remains at £10,000 for 2023/24.

Dominic Harris starts as Pensions Ombudsman

On 16 January 2023, Dominic Harris started as the Pensions Ombudsman.

Dominic's term of office is five years.

Dominic has recently sent an introductory message to TPO's contact list:

"The New Year has brought with it a "New Ombudsman", and so I thought I would take this opportunity to introduce myself and say how excited I am to be joining TPO.

This is an organisation that is so important in ensuring that pension scheme members and their dependants have access to support and justice, for free, in what can often be complex and stressful disputes. It really does level the playing field. I have looked on from the other side of the fence at the work

TPO does – and am proud to be a part of it over the next few years. Clearly, Anthony Arter has done a sterling job over his tenure, and I am looking forward to building on his great work.

I look forward to understanding better how TPO works and some of the challenges we face. It is so important that we continue to work collaboratively to improve dispute resolution across the industry. I hope I will be able to meet many of you over the coming months."

You can find out more about Dominic on the ['who we are' page of TPO's website](#).

Please email stakeholder@pensions-ombudsman.org.uk if you would like to join TPO's contact list.

[Public sector unions granted judicial review over McCloud cost remedy](#)

In [FPS bulletin 62 – October 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 the dates for the hearing are from 30 January to 3 February 2023.

HMRC

[LGA and SAB responses to the consultation on the Public Services Pension Scheme \(rectification of unlawful discrimination\) \(Tax\) Regulations 2023](#)

In [FPS bulletin 63-November 2022](#), we advised that HMRC had 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 closed on 6 January 2023.

The consultation sought 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.

We are pleased to share both the LGA and SAB responses to the consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) Regulations 2023 as follows:

[LGA response to the consultation on the Public Services Pension Scheme \(rectification of unlawful discrimination\) \(Tax\) regulations 2023](#)

[Click here to return to Contents](#)

[SAB response to the consultation on the Public Services Pension Scheme \(rectification of unlawful discrimination\) \(Tax\) regulations 2023](#)

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.

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

[5 January 2023 – Remedy timetabling](#)

[26 January 2023 – HMT Remedy Directions](#)

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](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPC Bulletins](#)
- [LGPS member site](#)

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- [Scottish Public Pensions Agency - Firefighters](#)
- [Welsh Government Fire circulars](#)

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FPS Bulletin 66 – February 2023

Welcome to issue 66 of the Firefighters' Pensions Schemes bulletin.

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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	14 and 21 March 2023
FPS Communications Working Group	14 March 2023
North East regional group	15 March 2023
South East regional group	15 March 2023
Midlands regional group	22 March 2023
SAB	23 March 2023
Data conference	17 May 2023
SAB	8 June 2023
SAB	14 September 2023
FPS AGM	19 and 20 September 2023
SAB	14 December 2023

Actions arising

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

[Data collection for the 2015 remedy](#): FRAs to ensure that the data collection template is completed and sent to administrators so that administrators and FRAs are prepared for the implementation of remedy from 1 October 2023.

[Pension scheme migration](#): Migrate to the Managing Pension Schemes service as soon as possible.

[The Bereavement benefits remedial order 2022](#): FRAs and administrators to share this information in communications with pensioners.

FPS

New webpage on the FPS Member website

We are pleased to let you know that a new page relating to the 2015 Remedy is now available for members on the FPS Member website. The new page provides information on:

- [Whether members may be affected by remedy](#)
- [What members can expect if they have already retired](#)
- [What members can expect if they plan to retire before October 2023](#)
- [What active and deferred members can expect](#)

These pages provide a useful timeline for those affected, with the aim of helping to manage their expectations and provide useful information for them.

Data collection for the 2015 Remedy

In the [FPS Bulletin 44- April 2021](#), we advised that remedy data collection tools had been created with the assistance of software suppliers and the Fire Communications Working Group to help FRAs compile the relevant data needed to prepare for the 2015 Remedy. To credit members with their original legacy scheme membership for

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the remedy period, administrators will need additional data from FRAs to rebuild the final salary record. For example, an unprotected member who transitioned to FPS 2015 from FPS 1992 on 1 April 2015 and remains in employment will need a final salary record creating for the full seven years from 1 April 2015 to 31 March 2022. The data collection template and notes are as follows:

[FPS remedy data collection template](#)

[FPS remedy data collection notes for completion](#)

[Age discrimination remedy data collection - Guidance for administrators and FRAs – version 2 clean](#)

Additionally, we have previously provided an [age discrimination payroll overview workshop](#), which may also be useful to FRAs when trying to understand the payroll requirements for age discrimination remedy.

FRAs should have already started work with their administrators to identify all eligible members and consider any processes or additional resources that need to be put in place to identify the data required in good time for 1 October 2023 when the Police and Firefighters' Pension Schemes (Amendment) Regulations 2023 come into force.

ACTION: FRAs to ensure that the data collection template is completed and sent to administrators so that administrators and FRAs are prepared for the implementation of remedy from 1 October 2023.

FPS Contribution Bandings for 2023-24

The [contributions banding factsheet](#) which confirms the contribution rates that apply for 2023-24 as set out in the scheme regulations is now available and confirms that there are no changes to the relevant rates for 2023-24.

Matthews pre-work factsheet for FRAs

In [FPS Bulletin 55 – March 2022](#), we confirmed that a second retained firefighters' options exercise would take place. The regulations to implement the second options exercise in England are currently being drafted by the Home Office and will be consulted on before they are laid before Parliament. The Home Office has a

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maximum period of 18 months to draft, consult, and introduce the necessary secondary legislation.

FRAAs will be expected to start the second options exercise as soon as possible after the legislation comes into force. The exercise will run for a maximum period of 18 months.

Ahead of the legislation coming into force, FRAAs are advised to take steps to identify retained firefighters who were employed between the relevant dates. With thanks to Claire Neale and the Matthews Technical Working Group, a [Matthews pre-work for FRAAs factsheet](#) is now available which is designed to help FRAAs to identify the work which should be done before the Matthews legislation comes into force.

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: pension sharing, page 109, survivor's pensions, page 127 and transfers, page 133.

FPS England SAB updates

SAB meeting 23 January 2023

The Scheme Advisory Board (SAB) last met on 23 January 2023 and discussed the following areas:

- Temporary in the context of the FPS
- Retrospective correction of pensionable pay
- PDD engagement sessions to date
- Remedy timetabling
- Commutation in the FPS 1992 Scotland
- HMRC tax consultation

Additionally, the SAB was pleased to invite Angela Bell and Lucy Stone from The Pension Regulator to the meeting to give an update on pension dashboards. Angela and Lucy [provided a comprehensive presentation](#) which included:

- Pensions dashboards - current challenges and opportunities
- How pensions dashboards will work
- Consultations and regulations
- Preparing for pensions dashboards
- Commonly asked questions
- Compliance and enforcement policy

Other News and Updates

Appointment to the Bluelight team

Following a successful recruitment campaign, we are delighted to announce that Tara Atkins has been appointed to the Bluelight Team in the role of Firefighters' Pensions Adviser (Communications) and will join the LGA on 20 March 2023.

Tara has over 23 years' public service pension experience, including the LGPS, Police, Teachers, NHS, and Firefighters' Pension Schemes. Tara commenced Local Government employment in July 1999 at West Sussex County Council, where she commenced in the Pensions Administration Team, working her way up to Team Leader until she moved into the County Council's Subject Matter Expert Role in 2012, when the Administration Team were outsourced to a third party.

Tara's role at the LGA is to provide support to FRAs and FPS practitioners and she will lead the development of national FPS communications.

DWP appoints new chair of MaPS

[The Department for Work and Pensions \(DWP\) has appointed Sara Weller CBE](#) as the new permanent Chair of the Money and Pensions Service (MaPS).

Since September 2022 Sara served as a non-executive board member. Sarah will formally take up the role of permanent Chair on 29 March 2023.

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DWP appoints Mary Starks to lead review of TPR

The [review of the Pensions Regulator](#) (TPR) will examine how it is performing its role and where it can improve, providing greater efficiency and value to taxpayers. The report into the review is due to be delivered in May 2023.

Pensions dashboards newsletter

Earlier this month, the Pensions Dashboards Programme (PDP) published its [February 2023 newsletter](#).

The newsletter contains articles on:

- new connection hub, providing useful resources and information to prepare for connection to the ecosystem
- pensions dashboards myth busting video, demystifying some of the topics around dashboards
- understanding the dashboards available point and how it is different from connecting to dashboards
- inviting PDP to an event such as a regional pension office meeting
- following PDP on Twitter and LinkedIn and signing up for newsletters

The Bereavement Benefits (Remedial) Order 2022

On 15 December 2022, the Department for Work and Pensions [re-laid the above order and published their response to last year's consultation](#).

The Order extends eligibility for Widowed Parent's Allowance (WPA) and the higher rate of Bereavement Support Payment (BSP). Eligibility now includes surviving cohabiting partners with dependent children, who were not in a legal union with the deceased on the date of death. It has retrospective effect back to the 30 August 2018.

Prior to the changes, only those who had been married to, or in a civil partnership with, their deceased partner would be eligible for WPA or BSP.

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Currently:

- WPA is up to £126.35 per week
- BSP is a one-off amount of up to £3,500 and 18 monthly payments of up to £350.

Eligible beneficiaries can claim back to 30 August 2018. The monetary value is clearly significant to those eligible.

ACTION: FRAs and administrators to share this information in communications with pensioners.

Tax rules for 2015 remedy laid

In [FPS Bulletin 63 - November 2022](#) we advised that HMRC had published a technical consultation on a draft statutory instrument, which would ensure that the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.

Following that consultation, on 6 February 2023, the [Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023](#) were laid. They apply to relevant public service pension schemes in England, Wales and Scotland and come into force on 6 April 2023, but some provisions will have retrospective effect.

The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes because of the 2015 remedy. The regulations 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.

Public Service Pension Indexation and Revaluation 2023

On 20 February 2023, HM Treasury (HMT) issued [written statement HCWS566](#) confirming the Public Service Pension Indexation and Revaluation for 2023.

Public service pensions will be increased in line with the annual increase in the Consumer Prices Index up to September 2022. The statement confirms that the increase from 10 April 2023 is 10.1 per cent except for those public service pensions which have been in payment for less than a year, which will receive a pro-rata increase. The Pensions Increase (Review) Order is expected to be laid during March 2023; however, [the pensions increase multiplier tables](#) are available now.

The statement also confirms that the FPS 2015 will use the figure of 7 per cent for the earnings element of revaluation for active members to be applied at one second after midnight on 31 March 2023.

HMRC

[Pension schemes newsletter 146 and 147](#)

On 31 January 2023, HMRC published [pension schemes newsletter 146](#). It contains articles on relief at source, pension flexibility statistics, migrating to the Managing Pension Schemes service, accounting for tax (AFT) returns, and pension scheme transfers

ACTION for FRAs: Migrate to the Managing Pension Schemes service as soon as possible.

On 28 February 2023, HMRC published [pension schemes newsletter 147](#). It contains articles on relief at source, public service pensions remedy, and AFT returns.

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.

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

[14 February 2023 – Remedy pre-work special](#)

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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.

LGA/ National Police Chiefs' Council data conference – London – 17 May 2023 (save the date)

The LGA and NPCC are excited to announce that they will be holding a joint data conference on 17 May 2023 at 18 Smith Square, London. The conference will concentrate on understanding and controlling data and will include panel sessions and a data planning workshop. Example themes which will be explored are:

- Successful project implementation
- Engaging members
- Cost of the scheme
- Owning the narrative

The full programme and booking link will be available shortly.

FPS AGM – London – 19 to 20 September 2023 (save the date)

The Fire Pensions Annual Conference will take place from 19 to 20 September this year. The two-day programme will allow delegates to network with fellow colleagues and hear the latest news on the Firefighters' Pension Scheme from the scheme's key stakeholders.

The full programme and booking link will be available in due course.

Legislation

SI	Reference title
SI 2023/113	<u>Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023</u>
SI 2023/134	<u>The Bereavement Benefits (Remedial) Order 2023</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 67 – March 2023

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Table 1: Calendar of events

Event	Date
FPS coffee morning	11 April 2023
Matthews Technical Working Group	11 April 2023
FPS Communications Working Group	14 April 2023
Data conference	17 May 2023
SAB	8 June 2023
SAB	14 September 2023
FPS AGM	19-20 September 2023
SAB	14 December 2023

Actions arising

[Consultation on the Firefighters' Pension Scheme \(Remediable Service\) Regulations](#)

[2023](#): All interested parties are encouraged to respond to the consultation by the deadline of 23 May 2023.

[Top up grant 2023 – Collection of pensions accounting data](#): FRAs to start preparing their pensions income/expenditure data in order to submit their returns by the Home Office deadline.

[Spring budget 2023](#): FRAs and administrators to share this information with the relevant parties within their organisation.

[DWP announces delays to dashboard connection deadlines](#): FRAs and administrators to make sure that relevant parties within their organisation are aware of the announcement and TPR's actions.

FPS

[Consultation on the Firefighters' Pension Schemes \(Remediable Service\) Regulations 2023](#)

On 28 February 2023, the Home Office published [a consultation on the Firefighters' Pension Schemes \(Remediable Service\) Regulations 2023](#). These regulations concentrate on the retrospective elements of the 2015 Remedy that are required to fully deliver the remedy. This includes establishing the deferred choice underpin (DCU) and the changes needed to offer pensioners and beneficiaries of deceased scheme members an immediate choice between legacy or reformed scheme benefits.

The LGA will respond to the consultation and share our response before the consultation closes on 23 May 2023.

ACTION: All interested parties are encouraged to respond to the consultation by 23 May 2023.

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Top up grant 2023 – Collection of pensions accounting data

On 2 March 2023, the Home Office sent an email to Claim Certifiers and Administrators to advise that FRAs should now be working towards submitting audited 2021/22 and unaudited 2022/23 pensions income/expenditure data as part of this year's top up grant claim. This year's pension accounting data will need to be submitted on the DELTA online data collection system. Notification will be sent via DELTA when the forms go live in the first week of April.

The Home Office has indicated that it will undertake additional internal checks on any financial data submitted. The additional internal checks involve an in-depth and formal check on the audited and unaudited pension income/expenditure data submitted by FRAs.

As part of this additional check, it will be requesting that all FRAs provide the following information:

- Electronic copies of the trial balances from their audited accounts where the pensions income/expenditure data was extracted; and
- Any post balance sheet adjustment events (showing audit adjustments).

The deadline for completing the returns will be mid-May. This should allow sufficient time for the claims to be scrutinised and approved.

It is important to note that the Department will only be able to make Top Up grant payments on any claims that it can validate as being correct and, as such, failure to provide the requested information, or the submission of incomplete information, will delay any grant payments due in July. It is therefore critical that the accounting data submitted on each FRA's claim form reconciles with trial balances that are submitted as supporting evidence.

The Home Office will be writing to FRAs to formally commission this data in April. However, it is essential that FRAs start making preparations now in order to be able to extract the correct data from their accounts and collate the supporting evidence for their claims.

ACTION: FRAs to start preparing their pensions income/expenditure data in order to submit their returns by the Home Office deadline.

FPS annual update 2023

We confirmed in [FPS Bulletin 66 – February 2023](#) that FPS contribution rates remained unchanged for 2023-24.

All relevant thresholds and rate changes for 2023 are available in the [FPS annual update 2023](#).

All relevant legislation can be viewed on our website under annual update Statutory Instruments.

Website downtime

Please be aware that both the FPS Regulations and Guidance and the FPS Board websites will be unavailable on the morning of 19 April 2023 for an upgrade. As the existing page design template is no longer available in the new version of the website's content management system, users will notice that both sites have a new look following the upgrade.

Downtime will commence at five o'clock in the morning and it is anticipated that this will last for a few hours.

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: survivor benefits, page 130 and two-pensions, page 141.

FPS England SAB updates

SAB meeting 23 March 2023

The Scheme Advisory Board (SAB) last met on 23 March 2023 and the meeting covered following areas:

- GAD update on the Matthews remedy
- Home Office retrospective remedy consultation
- First Actuarial Spring budget update for the SAB
- GAD update on the 2020 valuation

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](#)

Other News and Updates

Farewell from Claire Hey

As readers may know, I am leaving the LGA on 23 April 2023 to take up a role with Heywood Pension Technologies.

It has been a pleasure and a privilege to work with so many committed stakeholders across the Fire sector during my six years with the LGA, and I feel humbled by the support and friendship extended to me during that time.

Following an extremely competitive recruitment process, I am delighted to announce that Claire Johnson has been appointed to the senior adviser role on a permanent basis. And that, as Claire is currently on maternity leave, Elena Johnson has been promoted on a temporary basis to lead the team.

This month I was also delighted to welcome Tara Atkins to the team to lead on

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communications – as reported in [FPS Bulletin 66](#).

I wish the team all the best for the future and know that they will provide exceptional support and guidance to the sector as we progress through the various challenges ahead.

Judgment on cost cap mechanism

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. The review took place from 31 January 2023 to 3 February 2023.

On 10 March 2023, [the High Court ruled](#) that HM Treasury’s decision to include the McCloud/ Sargeant remedy in the cost cap mechanism was not unlawful. The judge ruled in favour of HM Treasury on all grounds. The judge also refused permission to appeal, but the FBU and other parties are able to apply for permission to appeal directly to the Court of Appeal.

DWP supports expansion of auto enrolment

On 3 March 2023, [the Department for Work and Pensions \(DWP\) confirmed](#) it will support the private members bill expanding Auto Enrolment. [The Pensions \(Extension of Automatic Enrolment\) \(No.2\) Bill 2023](#) proposes to give the government powers to make regulations which:

- abolish the Lower Earnings Limit for contributions – currently £6,250, and
- reduce the age of auto enrolment for eligible jobholders – down from 22 to 18.

The government has not given a timetable for when the changes may take effect.

DWP announces delays to dashboard connection deadlines

On 2 March 2023, the government confirmed its intention to legislate to amend schemes’ connection deadlines. This follows a [written ministerial statement](#) issued by DWP announcing the delays. Delays are necessary to give the Pensions Dashboards Programme (PDP) the time it needs to meet the challenges in developing the digital architecture. DWP will provide an update on dashboards to Parliament before Summer 2023 recess.

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It is not clear if connection deadlines for public service pension schemes will change.

Following the announcement, The Pensions Regulator (TPR):

- will write to those schemes affected by the announcement to confirm when new deadlines are set – [example communication](#)
- has [published updated guidance and checklist](#), to help schemes focus on what they should be doing now to prepare for their dashboard duties
- will produce a ‘content toolkit’ with key messages for administering authorities to copy / paste / edit / include as appropriate in their communications
- held a free webinar on 30 March 2023 about ‘getting to grips with your data’

ACTION: FRAs and administrators to make sure that relevant parties within their organisation are aware of the announcement and TPR’s actions

Spring budget 2023

On 15 March 2023, the Chancellor of the Exchequer delivered his [Spring Budget 2023](#). See [HMRC’s newsletter 148](#) and [Policy paper](#) for more information.

The [Finance \(No.2\) Bill 2022/23](#) was published on 23 March 2023. With effect from 6 April 2023, the Bill proposes to enact some of the changes announced at the Spring budget. This includes:

- increasing the annual allowance from £40,000 to £60,000
- increasing the money purchase annual allowance from £4,000 to £10,000
- increasing the adjusted income level for the tapered annual allowance from £240,000 to £260,000
- increasing the minimum tapered annual allowance from £4,000 to £10,000
- abolishing lifetime allowance (LTA) charges arising in relation to benefit crystallisation events occurring on or after 6 April 2023

- allowing members to accrue new pension benefits, join new arrangements or transfer, without losing enhanced protection or fixed protection where the protection was applied for before 15 March 2023
- changing the taxation of the LTA excess lump sum, so that it is taxed as pension income (taxable at marginal rate rather than 55 per cent)
- notwithstanding the LTA charge being abolished, ensuring that payments of (or any part of) serious ill-health lump sums, defined benefit lump sum death benefits or an uncrystallised funds lump sum death benefits that would have incurred an LTA charge remain taxable payments, with the excess taxed as pension income (taxable at marginal rate rather than 55 per cent).

Legislation will be introduced in a future Finance Bill to remove the lifetime allowance from pensions tax legislation.

The SAB's actuarial adviser, [First Actuarial has produced a bulletin](#) which also covers these changes.

ACTION: FRAs and administrators to share the above with the relevant parties within your organisation.

PDP issues March newsletter

In March 2023, PDP [published their March newsletter](#). The newsletter contains articles on:

- DWPs written ministerial statement on pensions dashboards connection times
- FAQs on connection deadlines and revised timeline
- pensions dashboards myth busting videos
- signing up for a new FAQ newsletter
- new PDP website homepage.

[GAD publishes blog on pensions dashboards data matching](#)

GAD has published [a blog on the role of data matching](#) for pensions dashboards success. The blog looks at the questions administrators need to ask when deciding what data to use. It also emphasises the need for regular data quality reporting and cleansing. In the blog, GAD Pensions Consultant Taylor Brightwell-Smith noted the particular challenge public service pension schemes face with their data and said:

“Public service pension schemes have an added challenge that many other defined benefit schemes do not. They remain open to new members. This means that the data position will never be static. It will continue to ebb and flow. This poses a challenge to schemes when considering their future interactions with pensions dashboards. They will need to take stock of their data when considering the logic of their matching criteria. No one-size fits all.”

The blog continued:

“That's the reasoning behind matching criteria not being prescribed in legislation. Schemes need to understand their own data challenges and cleanse as far as possible. This will lay the foundation for robust matching criteria to return results to dashboards quickly and accurately.”

Taylor Brightwell-Smith is due to be a panel member during the [Fire and Police Data Conference](#) on 17 May 2023.

[Police remedy consultation launched](#)

On 28 February 2023, [the Home Office published a consultation](#) to enact the second phase of the McCloud remedy for the Police Pension Scheme.

The consultation closes on 23 May 2023.

[The Pension Regulator publishes blog](#)

On 21 March 2023, Charles Counsell, the Chief Executive of TPR published [a blog](#) which covers delivering the best possible outcome for savers and the steps TPR is taking to become a data-led, digitally enabled organisation.

SCAPE Discount Rate methodology consultation response

In [FPS Bulletin 46 – June 2021](#), we indicated that a public [consultation on the discount rate \(the “SCAPE rate”\) methodology](#) had been launched. The Superannuation Contributions Adjusted for Past Experience (SCAPE) discount rate is a discount rate used in the valuation of unfunded public service pension schemes to set employer contribution rates.

The consultation sought views on the appropriate methodology for setting the discount rate used in scheme valuations. The consultation closed on 19 August 2021.

On 30 March 2023, the UK Government [announced](#) the publication of its [response to the June 2021 consultation](#) on the methodology used to set the SCAPE discount rate and has concluded that the existing methodology best meets the balance of the Government’s objectives for the SCAPE discount rate, and therefore does not intend to modify the methodology.

The SCAPE discount rate to be used as part of the ongoing 2020 valuations will therefore be based on the expected long-term Gross Domestic Product growth figures, published by the Office for Budget Responsibility in July 2022. Based on these figures, the new SCAPE discount rate is CPI+1.7% p.a.

Administrators will recognise that usually where the SCAPE rate changes, CETV calculations are suspended until the factors can be amended in line with the new SCAPE rate. We understand that HMT will shortly suspend the [technical note](#) used for the SCAPE rate in calculating CETVs and we will notify you when this happens

HMRC

Pension schemes newsletter 148

On 16 March 2023, HMRC published [pension schemes newsletter 148](#). It contains articles on the Spring Budget 2023, net pay arrangements for low earners, accounting for tax returns and event reporting.

The newsletter also confirms where unfunded public service pension schemes

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operate final salary and CARE scheme as different arrangements, they will be treated as one arrangement when calculating the annual allowance.

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.

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

[14 March 2023 – Pensions dashboard preparations](#) (TPR)

[21 March 2023- Home Office retrospective remedy 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.

Fire and Police pensions data conference - 17 May 2023

We are pleased to invite readers to a data conference being held at 18 Smith Square, London on Wednesday 17 May 2023, from 10.00 to 15:30. This conference is being held jointly with the National Police Chiefs' Council (NPCC).

With McCloud remedy and pensions dashboards fast approaching, the conference will explore the following themes:

- successful project implementation
- member engagement
- costing the schemes
- owning the narrative

We have put together an agenda of industry speakers to reflect on why data is so

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important for the Firefighters and Police Pension Schemes and how technology can help us to get it right.

The event is aimed at Fire and Rescue Authorities and Police Authorities including scheme managers and Local Pension Board representatives, pension practitioners and administrators, along with software providers and industry professionals.

[Book your place now!](#)

Training and events - 2022/23 facts and figures

Between April 2022 and March 2023, we have delivered 20 local or regional training sessions for Local Pension Boards (LPBs) and scheme managers as follows:

Local Pension Board Training: Avon, Bedfordshire, Cheshire, Cumbria, Devon and Somerset, Durham and Darlington, East Sussex, Gloucestershire, Greater Manchester, Hampshire and IOW, Hertfordshire, Kent, Mid and West Wales, Northern Ireland, South Yorkshire, Staffordshire, West Midlands.

Scheme manager training: London Fire Commissioner, West Midlands, and West Sussex.

We have provided administrator updates to Hampshire County Council, WYPF, and XPS, as well as Scheme Advisory Board training for the SABs in England, Wales, and Northern Ireland.

Four meetings of the English SAB have taken place with eight additional SAB collaboration sessions on remedy with NPCC and the Home Office. We have attended 15 regional Fire Pension Officer Group meetings and have facilitated three communications group and three technical group meetings.

We were also pleased to hold our first in-person two-day AGM since the pandemic. Information about our events can be found on our [Events page](#).

Finally, we have been regular virtual visitors to the devolved SAB meetings to provide an overview of issues arising in England and continue to represent FPS interests at sector specific forums including HMT led meetings.

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Legislation

SI	Reference title
SI 2023/338	The Pensions Increase (Review) Order 2023
SI 2023/279	The LGPS (Amendment) Regulations 2023
SI 2023/270	The Guaranteed Minimum Pensions Increase Order 2023
SI 2023/252	The Public Service Pensions Revaluation Order 2023

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [Khuf 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 68 – April 2023

Welcome to issue 68 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
Police and Fire Data Conference	17 May 2023
FPS coffee morning	6 June 2023
SAB	8 June 2023

FPS Technical Working Group	20 June 2023
FPS Communications Working Group	19 July 2023
SAB	14 September 2023
Fire Pensions Annual Conference	19 and 20 September 2023
SAB	14 December 2023

Actions arising

[Consultation on the Firefighters' Pension Scheme \(Remediable Service\) Regulations 2023](#): All interested parties are encouraged to respond to the consultation by the deadline of 23 May 2023.

[Consultation on Retained Firefighters' Pensions: Proposed changes to the Firefighters' Pension Scheme \(England\) 2006](#): All interested parties are encouraged to respond to the consultation by the deadline of 9 June 2023.

[SCAPE Discount Rate Methodology Consultation Response](#): The CETV technical note was suspended on 30 March 2023. All CETV's, Pensioner cash equivalents and non-club transfers-in should be suspended until the revised technical note is published.

[Fire England – Commutation on retirement factors and guidance updated](#): The new factors are effective from 3 April 2023. Please ensure that you are using the revised factors for any retirements after this date.

[Secondary Contracts](#) – FRAs may wish to review their contracts to ensure that a secondary contract has been awarded correctly.

[A Matthews poster](#) has been published under the [Second options exercise – Resources](#) on the Special members of FPS 2006 page: FRA's will need to personalise the poster and publicise the second options exercise at their fire authority and fire stations.

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[Bluelight Inbox Technical Queries](#) - As covered in [Bulletin 58 – June 2022](#), please can we remind you to complete the [query form](#) for all technical queries that are sent to the Bluelight inbox.

[Generic text for estimate/retirement letters](#): FRAs to consider including within their estimates and/or retirement letters to members.

[Request for contact details](#): FRAs and administrators are reminded to include a request to members to keep them updated of any change of contact details in correspondence which is issued to them.

[Annual Allowance – Impact of the backdated pay award](#): FRA's and administrators to consider the factsheet when determining their calculations for Annual Allowance where a backdated pay award has occurred.

FPS

[Consultation on the Firefighters' Pension Schemes \(Remediable Service\) Regulations 2023](#)

As a reminder in [FPS Bulletin 67 – March 2023](#) we informed you that the above consultation had been launched.

The LGA will respond to the consultation and share our response before the consultation closes on 23 May 2023.

ACTION: All interested parties are encouraged to respond to the consultation by 23 May 2023.

[Consultation on the retained Firefighters' Pensions: Proposed changes to the Firefighters' Pension Scheme \(England\) 2006](#)

On 31 March 2023, the Home Office published [a consultation on the proposed changes to the Firefighters' Pension Scheme \(England\) 2006 in relation to retained Firefighters'](#). These regulations concentrate on providing further remedy to those individuals who were employed as retained firefighters between 7 April 2000 and 5 April 2006 inclusive providing access to the modified section of the Firefighters'

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Pension Scheme 2006 (referred to as ‘the modified scheme’).

The LGA will respond to the consultation and share our response before the consultation closes on 9 June 2023.

ACTION: All interested parties are encouraged to respond to the consultation by 9 June 2023.

Fire England – Commutation on retirement factors and guidance update

On 3 April 2023, following the announcement of the revised SCAPE rate, the Government Actuary’s Department (GAD) published [revised commutation on retirement from FPS 1992 factors and guidance](#).

The factors are effective from 3 April 2023.

ACTION: Please ensure that you are using the correct factors for any retirements following 3 April 2023 (inclusive).

Secondary Contracts – Injury and death benefits

We have received several enquiries with regards to secondary contracts and eligibility under the Firefighters’ Compensation Scheme.

The position has not changed since the introduction of the compensation scheme in 2006 and was communicated to FRAs when we were considering implications of [COVID-19 resilience cover](#).

In order to determine the pensionable consequences of the secondary contracts, with particular reference to the compensation scheme, FRAs should consider the [Secondary Contract – Injury and Death benefits factsheet](#).

ACTION: FRAs may wish to review their contracts to ensure that a secondary contract has been awarded correctly.

Matthews Poster

At the Matthews Technical Working Group and [Firefighters Communications Working Group](#) we discussed the request for a poster to assist FRAs with engaging

with retained/on call firefighters ahead of the Matthews second options exercise.

The poster has been published under the [Second options exercise – Resources](#) on the special members of FPS 2006 page.

ACTION: FRAs will need to personalise the poster and publicise the Matthews second options exercise at their fire authority and fire stations.

Annual Benefit Statements 2023

As annual benefit statements (ABS) in 2023 will be based on current scheme regulations up to 31 March 2023, it is recommended that the same approach is adopted as in 2022. [FPS Bulletin 57 – May 2022](#) provides more information.

The standard ABS template, annexes, notes and factsheet have been updated with the new scheme year and published on the [FPS Regulations and Guidance website](#).

FPS 1992 Commentary

Eunice Heaney has very kindly provided updated FPS 1992 Commentary content and a new page [FPS 1992 Commentary](#) has been added to the restricted Member Area on the Firefighters Regulations and Guidance website.

Ill Health process guide

An [ill health process guide](#) has been published to help FRAs navigate the ill health process, and understand their role, as employer and the content of the ill health certificates.

The process guide has been published under resources on the [ill health and injury](#) pages on the restricted Member Area of the Firefighters Regulations and Guidance website.

LTA Factsheet

The [LTA factsheet for members](#) has been updated to reflect the spring budget announcements, as covered in [FPS Bulletin 67 – March 2023](#). The factsheet can be found in the [Guides and sample documents section](#) of the Firefighters Regulations and Guidance website.

Annual Allowance – impact of backdated pay award

A [factsheet](#) has been produced to assist FRAs and administrators regarding the impact of the back dated pay award on the Annual Allowance calculations.

ACTION: FRAs and administrators to consider the factsheet when determining their calculations for Annual Allowance where a backdated pay award has occurred.

Generic text for estimate/retirement letters

The Fire Communications Working Group has agreed template wording below for FRAs to include within their estimate/retirement letters to cover re-employment:

If you have membership in the 1992 Firefighters' Pension Scheme and you are retiring under the age of 55 and not on Ill Health, you will have a Protected Pension Age (PPA) which enables you to draw your benefits before age 55.

For employees who have a PPA and are re-employed with a Fire and Rescue Service or a Sponsoring Employer¹ in any role in any capacity, between the ages of 50 and 54 inclusive, they may be subject to additional tax charges, unless certain conditions are applied.

This will also apply if an employee remains in employment as a retained/on call firefighter beyond retirement from a wholetime role.

To satisfy the conditions to retain your PPA and to avoid the additional tax charges, you must leave all employments with the Fire and Rescue Service or Sponsoring Employer on the same date and have at least one calendar month break before you are re-employed; your pension must also be subject to abatement.

[Further information relating to XXX's retirement policy is available from your employer.]

Failure to notify the Pensions Team of any re-employment may result in your pension being overpaid and you will be required to repay any overpaid pension.

¹ Local Authority when an FRA is part of the Local Authority

ACTION: FRAs to consider including within their estimate and/or retirement letters.

Industrial Action template letter

A template letter has been produced to cover pension contribution repayment requests from members should there be any instances of industrial action in future years. The template letter has been published in the [Guides and sample documents section](#) of the Firefighters regulations and guidance website.

Request for contact details

FRAs are requested to remind members, in correspondence, which is sent out, to keep their administrators updated of any change in address or contact details.

ACTION: FRAs to include a request in correspondence to all members.

HMRC retained firefighter bulletin

We are aware that HMRC have recently sent out emails to Fire Authorities in England, Wales and Northern Ireland asking for further information in relation to National Insurance refunds for retrospective entry into the pension scheme. Each Fire Authority scheme has received information bespoke to them. HMRC have provided further clarity around the information they have requested which can be located in the [first options exercise resource area](#) of the Regulations and Guidance website.

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 queries added this month.

As covered in [Bulletin 58 – June 2022](#), please can we remind you to complete the [query form](#) for all technical queries that are sent to the Bluelight inbox.

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

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form when submitting a technical query.

FPS England SAB updates

SAB representation at Matthews Technical Working Group

In [FPS Bulletin 61-September 2022](#), we advised that a Matthews Technical Working Group had been set up to assist with the technical aspects of the implementation of the Matthews second options exercise. This group has met on a regular basis from that point with representation from the Home Office, the Government Actuary's Department, fire authorities and administrators. From April 2023, representation will include SAB members.

SAB website

You can use the links below to find out about the latest updates on the work of the SAB and its committees on the [SAB website](#):

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

Other News and Updates

SCAPE Discount Rate Methodology Consultation Response

In [Bulletin 67- March 2023](#) we informed you that the SCAPE discount rate had changed.

Administrators will recognise that when the SCAPE rate changes, CETV calculations are suspended until the factors can be amended in line with the new SCAPE rate.

On 11 April 2023 we confirmed that the CETV technical note had been suspended.

ACTION: All CETV's, Pensioner cash equivalents and non-club transfers-in should be suspended until the revised technical note is published.

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The Pension Regulator (TPR) dashboard webinar

TPR held a webinar on dashboards on 30 March 2023. The webinar covered data preparation duties and the steps schemes need to take to ensure their data is accurate, complete, up-to-date and digitally accessible. You can watch a [recording of the webinar](#) on their website.

The Pensions Regulator Corporate plan 2023/24

On 21 April 2023, TPR published [its Corporate Plan for 2023/24](#).

The plan outlines TPR's key priorities for the year. These include:

- working with the Financial Conduct Authority and DWP to develop a value for money framework
- launching the new defined benefit funding code
- laying foundations for a significant increase in addressing quality outcomes in defined contribution schemes
- increasing its attention on tackling scammers
- supporting schemes to prepare for dashboards.

The document also includes TPR's plans beyond March 2024.

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

Voluntary NI contributions deadline extended

In [a written ministerial statement](#) published on 7 March 2023, the Government announced that it was extending the deadline to pay voluntary National Insurance (NI) contributions from 5 April 2023 to 31 July 2023. This applies for tax years 2006/07 to 2016/17. This came after HMRC and DWP had experienced a recent surge in customer contact.

Paying voluntary NI contributions enables individuals to fill gaps in their NI record to boost their State Pension.

For more information, see [the policy paper](#) the Government published on 24 March 2023.

McCloud remedy consultation – Welsh firefighters’

The Welsh Government has published [a consultation setting out the proposed McCloud remedy](#) for the Welsh Firefighters Pension Scheme, The consultation closes on 23 June 2023.

HMRC

Lifetime allowance guidance newsletter – March 2023

On 27 March 2023, HMRC published [Lifetime allowance guidance newsletter – March 2023](#). It contained articles on:

- pension commencement lump sum and lifetime allowance protections
- taxable lump sums and employer PAYE payroll reporting
- the public service pensions remedy
- the lifetime allowance working group

HMRC issues newsletter 149

On 26 April 2023, HMRC published [newsletter 149](#). The newsletter contains articles on:

- the annual allowance calculator – currently members cannot use it for tax year 2023/24
- Pension Scheme Returns
- reminding schemes to use the Managing Pension Schemes service to submit any new Accounting for Tax returns for any quarter beginning on or after 1 April 2020
- an update on submitting Event Reports.

Events

FPS coffee mornings

Our MS Teams coffee mornings are continuing regularly with the next session being held in June 2023. 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

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Bluelight team.

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

[11 April 2023 – Home Office Matthews 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.

[Fire and Police pensions data conference – 17 May 2023](#)

As detailed in [FPS Bulletin 67 – March 2023](#) we are holding a data conference jointly with the National Police Chiefs Council (NFCC).

The event is now fully booked; however you can email events@local.gov.uk to put your name on the waiting list, or to request dial in details.

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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helpful if readers could bring any perceived errors or omissions to the attention of the Bluelight team by emailing bluelightpensions@local.gov.uk.

THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 10
3 JULY 2023

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ACO PEOPLE SERVICES

FIREFIGHTER PENSIONS – UPDATE ON CURRENT NATIONAL EXERCISES: MCCLOUD AND O'BRIEN**THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY THE ACO PEOPLE SERVICES

SUMMARY**McCloud**

In July 2021, the Fire & Rescue Authority, as Scheme Manager, agreed to provide pension benefit options for those individuals who were considered to be in scope for Immediate Detriment (ID), ie those who are currently in service but intending to retire and have provided notice of their intention to do so. This policy decision came into effect from October 2021. This report provides an update on the number of ID cases that have been processed since October 2021. It also confirms next steps in relation to remedying all cases of age discrimination cases.

O'Brien

A further exercise will commence in October 2023 to revisit the first options exercise that was undertaken between 2013 and 2015, which offered all On Call staff, with Service prior to July 2000, the ability to buy pension scheme membership, based on new legislation that came into effect, based on determined discriminatory practices. The initial exercise took 18 months to implement, and the same timescales have been placed on this second exercise commencing October 2023. Preparatory work is currently underway.

RECOMMENDATIONS

That Members note the content of the report.

1. BACKGROUND - MCCLOUD

- 1.1 Following Lord Hutton's 2011 review of public sector pensions, the Public Service Pensions Act (2013) provided the legal framework to reform public sector pension schemes. Reforms included restricting existing final salary schemes, extending retirement ages, and introducing career average schemes. In 2015 all main public service pension schemes were reformed to provide defined benefits on a career average basis and extend the normal retirement age of members. The pension scheme regulations were amended to introduce these changes. The amended regulations also provided protection for members of existing final salary schemes. This protection was age related and members reaching the normal pension age of 55 by 31 March 2012, were afforded full protection with other members receiving protection on a tapered basis depending on their age. This protection was known as transitional protection and members who did not qualify for protection were moved out of their legacy schemes directly onto the new 2015 Firefighters Pension Scheme on the 1st April 2015.
- 1.2 In 2018 the Court of Appeal ruled that the transitional protection element of the 2015 public service pension reforms constituted unlawful age discrimination in the Firefighters' Pension Schemes. This is referred to as the McCloud/Sargeant case. On the back of this decision the Government confirmed that it would remove the difference in treatment across all main public service pension schemes. Since then, there have been further challenges in the courts in relation to the powers of Fire & Rescue Authorities and their ability to implement the outcome of the McCloud/Sargeant judgement.
- 1.3 In October 2020 the UK Government undertook to consult the public on the way forward in relation to public service pension schemes and in particular how it should respond to the detail outlined in the judgement. The outcomes of the consultation were published on 4 February 2021, with an option called 'the Deferred Choice Underpin' being adopted. This means that members will make their decision between scheme benefit options shortly before their benefits are paid from the scheme, at the point of retirement. In the meantime, members will be deemed to have accrued benefits in their legacy schemes rather than reformed schemes, for the remedy period until they make that choice. The remedy period has been determined as 1 April 2015 to 31 March 2022. The UK Government response to the consultation can be accessed via this link- <https://www.gov.uk/government/consultations/public-service-pension-schemes-consultation-changes-to-the-transitional-arrangements-to-the-2015-schemes>

- 1.4 On 12 February 2021, an Employment Appeal Tribunal (EAT) gave its judgement on an appeal by the Fire & Rescue Authorities based on Schedule 22 of the Equality Act. The appeal was based on the argument that the Fire & Rescue Authorities did not make the legislation which was found by the Court of Appeal to be discriminatory on the grounds of age but were bound to follow it because it was the law. Schedule 22 can give a defence where an employer is required by legislation to act towards its employees in a way which is discriminatory. The Employment Appeal Tribunal's judgement was that Fire & Rescue Authorities cannot rely on the Schedule 22 defence. Effectively the Employee Appeal Tribunal held that the Fire & Rescue Authorities in their capacity as the scheme manager could have decided not to follow discriminatory legislation and, in fact, should have done so by refusing to treat firefighters as having transferred into the Firefighters Pension Scheme 2015. This is because it held that Section 61 of the Equality Act 2010 prohibits Fire & Rescue Authorities from acting in a manner which discriminates on the grounds of age, and it prioritises that obligation over the other provisions in the pension scheme which would oblige the Fire & Rescue Authorities to act in that way. In addition, it held that under Section 62 of the Equality Act 2010, as scheme managers the Fire & Rescue Authorities have vested in them the power to pass a resolution making alterations to the scheme, which would have the effect of removing such discrimination.
- 1.5 On 10 June 2021, the Home Office and Local Government Association issued informal guidance on processing Immediate Detriment cases. Whilst this guidance applied to Fire & Rescue Services in England, communication from Welsh Government did confirm that although they do not have the power to issue statutory guidance or directions to scheme managers on such matters, the English and Welsh schemes are substantively identical, as are the issues surrounding the processing of immediate detriment claims, and it was accepted that the Home Office/LGA guidance contains useful information for scheme managers in handling such claims.
- 1.6 Immediate Detriment is the term used to refer to firefighters who will retire from the scheme before the secondary regulations are amended to bring in the age discrimination remedies. There are two main categories of immediate detriment-
1. Those who have retired since April 2015 – Category 2 cases
 2. Those who will retire before the legislation is amended to bring in the Deferred Choice Underpin (DCU) remedy. So those that retire before October 2023 – Category 1 cases

- 1.7 The guidance from Government at this point, was the members who have already retired should not be processed under immediate detriment guidance due to complex issues that have not yet been resolved. Therefore, it was cases described in point 2 above that were the focus of our initial work. The Home Office/LGA guidance was described as providing informal guidance to support Fire & Rescue Authorities to process immediate detriment cases. The wider piece of work, needed to be completed by FRAs, to implement full remedy will need to be concluded by October 2023. Once completed this information is passed to pension scheme administrators who then have 18 months to send out Remediable Service Statements to all affected members. Ahead of that date both primary and secondary legislation is required, as well as administration work to implement the changes. Under the remedy proposals the Deferred Choice Underpin will need to be implemented by October 2023.
- 1.8 On 8 October 2021, the Local Government Association and Fire Brigades Union, published a joint statement, including a Memorandum of Understanding, the principles of which were intended to be consistent with those set out in the Public Service Pensions and Judicial Officers Bill. Fire & Rescue Authorities were encouraged to consider adoption of the MOU Framework, with a view to ensuring a consistent approach to Immediate Detriment cases across Fire & Rescue Services going forward.
- 1.9 The Public Service Pensions and Judicial Offices Bill has been laid before Parliament and will make secondary legislation pursuant to the Bill (namely the 'Remedying Legislation') to provide the affected pension scheme members with a remedy for the discrimination found in the McCloud/Sargeant claims.
- 1.10 On 29 November 2021 HM Treasury issued a statement in relation to the complexities of processing ID cases without formal legislation in place. The issues centred around the complexities of tax and tax relief, in particular. It was HMT's view at this point, based on the analysis that cases could not be smoothly and predictably processed until new legislation is in place and that there are risks and uncertainties for schemes and for individuals if cases are processed ahead of that. The note stated that for cases that have already been dealt with, or are in the process of being dealt with, the new legislation will give powers intended to allow schemes to put these individuals into the correct position, drawing on the provisions of the McCloud Bill. It pointed out that this could entail significant second or third corrections and so HMT would not advise that schemes continue to process cases on the assumption these provisions will mean a smooth and predictable experience for themselves and for members. The note confirms that the Home Office guidance that

was issued in June 2021 has been withdrawn. It also confirms that it is up to schemes to choose to process cases, or not, based on their own assessment of the competing legal risks, but at that stage it was not possible to give any guarantees that the remedy and its tax consequences would work as intended for everyone before the legislation was in place.

- 1.11 In April 2022, the Local Government Association wrote to HM Treasury with the aim of obtaining an understanding of the issues raised by HMT. There is currently no further update to report.
- 1.12 The FBU has also issued a statement confirming that the latest information does not alter the FBU position in relation to immediate detriment cases. It is their firm view that cases must be resolved as previously directed by the courts and if necessary, the union will take legal action if FRAs do not proceed.
- 1.13 Both the Home Office and Welsh Government have now published their individual consultations on regulation amendments to deliver Public Sector Pensions Remedy for Firefighters' Pensions – Retrospective. The Home Office consultation closed on the 23rd May and the WG consultation closed on 23rd June. The FRA has submitted a formal response to the Home Office and Welsh Government. A response has also been submitted to HMRC to its consultation on rectifying unlawful discrimination in pension schemes. All consultation responses can be found at Appendix 2.

2. BACKGROUND – O'BRIEN

- 2.1 From 6 April 2006, the Firefighters' Pension Scheme 1992 (FPS 1992) was closed to new members, although it remained in force for those regular firefighters who were already in the scheme. The exclusion of On-Call firefighters from the FPS 1992 was challenged under the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and this resulted in a settlement which allowed certain On-Call firefighters with service between 1 July 2000 and 5 April 2006 to become members of a pension scheme. Eligible firefighters were asked whether they wanted to join this scheme in a previous options exercise, this was the "first options exercise" often referred to as Matthews.

More recently, this judgment was challenged at the European Court of Justice in relation to fee-paid judges. The Court ruled in that case that service going back to the start of employment could be considered. The government accepted that the same principles apply to certain On-Call firefighters, whether they have made a legal claim or not.

A second options exercise will therefore now take place to allow eligible On-Call firefighters to buy pension service as a special member of the FPS 2006, backdated to the start date of their employment.

The following individuals are eligible for the second options exercise:

1. On-Call firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive)
2. On-call firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive) as well as on any date between 1 July 2000 and 5 April 2006 (inclusive)
3. On-call firefighters employed on any date between 1 July 2000 and 5 April 2006 (inclusive), 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 opportunity to do so.

On-Call firefighters employed on any date between 1 July 2000 and 5 April 2006 (inclusive), but not on any date between 7 April and 1 July 2000, who were given opportunity to take part in the first options exercise but did not choose to do so within the legal time limits are not eligible for the second options exercise.

On 31st March 2023 The Home Office launched a formal consultation on the Firefighters' Pension Scheme (England) 2006 for Retained Firefighters' Pension. The deadline for formal responses is the 9th June 2023 and these again need to be enacted before the 1st October 2023 in order that they can be implemented as set out in national communications. FRAs will have 18 months to undertake the exercise. The FRA has submitted its response on this consultation.

3. IMPLICATIONS

3.1 Community and Environment

Equality, Diversity and Inclusion	No
Welsh Language	No
Wellbeing of Future Generations (Wales) Act 2015	No
Socio Economic Duty	No
Sustainability/Environment/Carbon Reduction	No
Safeguarding	No
Consultation and Communications	No
Consultation with Representative Bodies	Yes
Impact Assessment	Yes

- 3.2 Regular dialogue with the Representative Bodies has commenced and will continue on a regular basis going forward.

3.3 Regulatory, Strategy and Policy

Legal	Yes	Data Protection / Privacy	No
Financial	Yes	Health, Safety and Wellbeing	No
Procurement	No	Governance & Audit	Yes
Corporate Risk	Yes	Service Policy	No
Information Management	No	National Policy	Yes

- 3.4 Proceeding to implement Immediate Detriment cases (McCloud) without the relevant legislative processes in place presents an element of risk. However, this is partly mitigated by utilising the technical expertise of Service personnel as well as RCT Pensions and the Local Government Association.

3.5 Resources, Assets and Delivery

Human Resource and People Development	Yes
Assets and Resources (Property/Fleet/ICT/Equipment)	No
Service Delivery	No
Procurement	No
Budget Revenue/Capital	Yes

- 3.6 Given the scale of the above national exercises and in order to implement both the McCloud and O'Brien changes, within the given timescales, we are currently assessing our internal resources.
- 3.7 Following audit of the 2021/22 accounts by the Wales Audit Office, no concerns were expressed regarding the legality or accounting methodology adopted by the Service in respect of the Category 1 ID cases (McCloud) processed to date and accordingly, the Service intends to continue processing cases in the same manner. The Service and Authority has acknowledged the risks involved in processing ID cases prior to the full legislation being put in place however, there are also significant financial risks involved in not progressing the outcome of the various High Court judgements . Officers are maintaining close dialogue with all stakeholders involved in the resolution of this matter. The long-term financial liabilities of implementing the remedies have been estimated by the Government Actuary Department (GAD) and included in the Authority's Balance Sheet. It is impossible to accurately assess the final impact until the remedy is agreed and all employees have individually made their choice as to which scheme they wish to be part of for the remedy period. As a result, the future revenue implications for the Service cannot yet be determined.

- 3.8 There is also the possibility of us incurring administrative and software costs that our Administrator may pass on to us in order to progress cases under both McCloud and O'Brien.

4. EVALUATION & CONCLUSIONS

McCloud

- 4.1 Whilst the document from HM Treasury (November 2021) placed uncertainty on existing powers to correct the tax positions for individuals, the question in relation to powers has been tested previously at ET. The Authority therefore has the powers to process cases under Section 61 of the Equality Act, albeit these powers do not stretch to decisions needed around taxation implications.
- 4.2 At its February 2022 meeting, the Fire Authority confirmed its approach to processing cases, this was to continue to process category 1 cases and in parallel to continue the work already underway to understand the implications of processing category 2 cases. Only if there are further concerns identified in relation to legal, taxation or funding issues, will a further report be generated to the Fire & Rescue Authority.
- 4.3 That work continues to progress category 1 cases as described in this report.
- 4.4 It is important to note that all cases processed as ID will need to be revisited once the full details of the Government's approach is finalised and legislation is in place. The legislation is expected to be in place by October 2023.

O'Brien

- 4.5 Activity in relation to O'Brien has so far focussed on publishing initial communications to all those that are not in scope for this exercise, based on the published criteria, with 363 individuals identified. Those with queries with regards their entitlement to be part of this project have started to contact the Service directly with their details. Work regarding those that are in scope for remedy cannot commence until the regulations are amended and published. 460 individuals have been identified as in scope at this point. They are anticipated to be in force from the 1st October 2023.

5. RECOMMENDATIONS

- 5.1 That Members note the content of the report.

Contact Officer:	ACO Alison Reed
Background Papers	Appendix 1 – number of ID (McCloud) cases processed. Appendix 2 – response to Home Office consultation on retrospective remedy

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APPENDIX 1

McCLOUD REMEDY
NUMBER OF CATEGORY 1 CASES

Between October 2021 to March 2022	8
April 2022 to March 2023	31
April 2023 onwards	5

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South Wales
Fire and Rescue Service

Fire Pension Team

22 May 2023

Police Workforce and Professionalism Unit

Home Office

6th Floor, Fry Building

2 Marsham Street

London

SW1P 4DF

Sent by email to: Firepensionspublicservicepensionsremedy@homeoffice.gov.uk

Consultation on firefighters' pensions retrospective remedy: South Wales Fire & Rescue Service response

SWFRS submits its response to the Home Office consultation seeking views on the draft Firefighters' Pensions (Remediable Service) Regulations 2023 designed to deliver the second set of changes to remove the transitional protections seen between 1 April 2015 and 31 March 2022. Thank you for the opportunity to provide this response.

We are pleased to provide our responses to the consultation questions below.

Yours faithfully

Alison Reed

Assistant Chief Officer SWFRS

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Consultation questions

Question 1.

In and out of scope: Do the proposed amendments to scheme regulations clearly define which members of the firefighters' pension schemes meet the criteria to be eligible for the remedy?

Although the consultation document is entitled Firefighters' Pensions (Amendment) Regulations 2023, the draft regulations do not appear to be amendment regulations and are entitled The Firefighters' Pensions (Remediable Service) Regulations 2023.

The draft regulations themselves do not clearly define which members of the firefighters' pension schemes meet the criteria to be eligible for remedy.

They state that "remediable service as a firefighter" means, "in relation to a member, the member's remediable service in an employment or office that is pensionable service under a firefighters' pension scheme".

Remediable service itself is defined in the Public Service Pensions and Judicial Offices Act 2022 (PSPJOA) which sets out four conditions in Section 1 which must all be met for service to be considered 'remediable'.

Whilst the draft regulations state that "A term used in these Regulations which—is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and is not defined differently in these Regulations, has the meaning given in, or for the purposes of, that provision", the reference to the eligibility conditions in the draft regulations would make this clearer for the sector to understand because this is the basis on which all other provisions in the legislation rely. In addition, the nature of the Fire Service with multiple and sometimes simultaneous memberships means that this extra wording could be helpful.

Question 2. DCU timing of Remediable Service Statement (RSS): Do the policy proposals about the timing of when a scheme member can request an RSS in anticipation of retirement strike the right balance between a suitable period to make a decision, proximity to retirement date and any administrative considerations?

The requirement for a deferred choice member to notify the scheme manager of their intention to claim benefits between 12-6 months prior to their intended retirement date under Regulation 12 (2) does not strike the right balance between a suitable period to make a decision and their proximity to their retirement date.

We believe that this period is too far in advance of the member's retirement date and that there is a significant disconnect between this time period and the date by which a member is required to hand their notice in, or when a deferred member would be written to about their pension benefits coming into payment.

It is suggested that the member's deferred choice election is not made any earlier than four months before benefits become payable in line with the 1992 scheme lump sum provisions. This is because a member's

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benefits have the potential to change if such a long period of time lapses between their RSS being issued and their benefits coming into payment.

We note that the member must make an election within 12 weeks of the date that the RSS has been issued and that there is provision for the scheme manager to allow an RSS election at such other period that the scheme manager considers reasonable in all the circumstances. Leaving this open to the interpretation different scheme managers will increase the risk of inconsistency in the Fire sector.

Additionally, we feel that 12 weeks may not be enough time for some members or dependants to make an election, particularly in cases where a member may require financial advice or in death cases.

In relation to making a deferred choice election, there should be a specified timeframe to return a decision. This would relieve an additional burden on administrators who will have to monitor this process.

SWFRS would like to raise the issue of members retiring soon after the regulations come into force. They will become deferred choice members on that date, but there will not be time for them to make a deferred choice election in line with the proposals in the draft legislation currently. These members will have already given notice, so the deadline for making such a choice will have passed. It would not be right to prevent them from retiring to allow time for such a choice and they should be entitled to retire as expected. It is our view that a solution for this scenario should be made clear in the regulations.

Question 3. Ill-health Retirement: Do you think the proposed arrangements for members that qualify for ill-health retirement during the remedy period (1 April 2015 – 31 March 2022) may cause any adverse impacts?

Yes. The proposed ill health regulations do not sufficiently legislate for the changes needed for the firefighters' pension schemes to ensure that the age discrimination remedy is enacted accordingly.

The incorrect paragraph has been referred to under Regulation 49(1). We believe this should be "rule 2 of Part 3 of paragraph 2 of Schedule 1 to the 2006 Order" and not paragraph 1.

The incorrect rule and paragraph has been referred to when defining higher tier and lower tier under the 2006 regulations, in regulation 50, and believes it should read: "higher tier award" means, in relation to - (b) the 2006 scheme, an award determined in accordance with rule 2(3) of Part 3 of Paragraph 2 of Schedule 1 of the 2006 Order; "lower tier award" means in relation to - (b) the 2006 scheme, an award determined in accordance with rule 2(2) of Part 3 of paragraph 2 of Schedule 1 of the 2006 Order.

SWFRS has concern over the process which Regulation 51 (3) puts into place concerning whether a 1992 scheme member is entitled to a lower or higher tier ill health award. The regulation states the following:

"The IQMP must— a. examine or interview M as the IQMP thinks appropriate, b. decide the questions referred to the IQMP under paragraph (2), and c. give the authority and M a written opinion containing a decision on those questions."



There should not be a requirement to examine or interview M where it is not necessary. A paper exercise should be sufficient for this exercise. Referring members back for examination where this is not necessary will cause an undue burden on fire authorities as well as IQMPs, and undue distress to members.

Regulation 51 (5) states the following: "For the purpose of deciding the questions in paragraph (2) the IQMP may only have regard to information that was available or could have been produced at the time of the original decision."

SWFRS feels that the word **may** should be changed to **must**. The legislation should be designed to compare the benefits in the alternative scheme based on the same evidence which was used at the time of the original determination. This is highlighted in Regulation 50 (2) of the draft legislation as follows:

"No question relating to M's entitlement to ill-health benefits that has been decided following referral to an IQMP is to be re-opened by virtue of any provision of PSPJOA 2022 or of these Regulations."

Under reassessment, the consultation document states in paragraph 5.68 that "reassessment is only needed for IC IHR cases. This means a retrospective ill-health assessment will only be needed for cases where a member (who has remedy period service) has been ill-health retired or dismissed on capability grounds during the remedy period, be that from the legacy scheme or the 2015 reformed pension scheme depending on their circumstances."

The draft legislation does not appear to achieve the policy intent of including those who have been dismissed on capability grounds. The draft legislation under Regulation 49(1) only includes the following scenarios:

"This Chapter applies in relation to an immediate choice member ("M") who, during the period beginning on 1st April 2015 and ending on 31st March 2022, became entitled to—

- a. an ill-health award under regulation B3(a) of the 1992 Order.
- b. an ill-health pension under rule 2 of Part 3 of paragraph 1 of Schedule 1 to the 2006 Order.
- c. an ill-health pension under regulation 65 of the 2014 Regulations."

The proposed legislation will need amending in order to ensure that cases where members have been dismissed on capability grounds are included within the reassessment exercise.

Regulation 51 (6) does not conclude or provide what should happen if the IQMP does make this decision and will therefore need amending in order to ensure it does.

SWFRS also seeks clarification on the reference within the draft legislation to a five-year review period quoted under Regulation 51 (7) (b)(i). Although fire authorities do review ill health pensions, a specific five-year review period is not a provision of the firefighters' pension schemes and so it is unclear what the relevance of this part of the regulations is. If this provision is enacted for members affected by the age discrimination remedy, this

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would mean that they would be treated differently to those members not affected by the age discrimination remedy.

Under Chapter 2, Part 7, Regulation 52, the draft regulations state that:

“The scheme manager must, as soon as reasonably practicable after 1st October 2023 and having consulted the scheme actuary, determine the value of M’s remediable ill-health benefits as if they had been secured in M’s alternative scheme.”

No further information is given in relation to the process which happens after that point. This should then link back to the requirements to issue an RSS accordingly.

Clarity is also sought on the ill health reassessment position of special 2006 members. These members have not been specifically mentioned in the draft legislation however these members, under the pension scheme regulations, are assessed for ill health up to their normal pension age of 55. Therefore, a special 2006 member who was awarded an ill health pension would need to be reassessed for entitlement under the FPS 2015 which has a normal pension age of 60.

All cases which require reassessment should be detailed in the proposed regulations.

Question 4. Added pension: Do you think the policy proposals in relation to scheme members with added pension puts all eligible members in the same position?

The policy proposals in relation to scheme members with added pension puts all eligible members in the same position, however this does not reflect the different intentions they may have had when paying for additional benefits. The Home Office should consider that the intention of the members in question was to buy extra pension to increase their retirement income. Implementing a full refund of contributions as compensation does not achieve this intention, as this may not achieve the level of pension the member was aiming/planning for, even allowing for the rollback of benefits.

Although members may choose to buy added pension with their compensation payment, this does not have the effect of purchasing service in the legacy scheme and buying this added pension at this later time may mean that it is more expensive for members to purchase.

Although we note that the Home Office believes that the contracts cannot be retained on grounds of equality with those who have not suffered age discrimination, we would like clarity as to why added pension contracts cannot, for some members, be retained in the 2015 scheme until the time when the member makes their retirement choices. Members who have a choice between 2006 and 2015 scheme benefits for the remedy period may be better off under the 2015 scheme and could use that added pension accordingly. Additionally, this is inconsistent with the way in which transfers are being treated for remedy, as these remain in the 2015 scheme until the member makes their deferred choice election.

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It would be useful for the consultation response to document the reasons why an Additional Pension Benefit (APB) has not been chosen as an option for members to have in place of the added pension. APBs can be calculated on an actuarial basis and can apply to all firefighters' pension schemes.

We note that the regulations require the scheme manager to consult with the scheme actuary. We assume that processes and factors will be supplied on a general basis rather than the actuary having to be consulted for each and every individual case. We would welcome confirmation of this.

Whilst Regulation 5 covers when an amount is owed to the scheme manager, it does not provide for how they would be expected to pay it. We would therefore welcome this being covered in the consultation response.

SWFRS is of the view that Regulations 26 and 27 should reference the date 1 October 2023 and not 30 September 2023, to ensure consistency with all other date references within the Regulations.

Question 5. Transfers: Do you think that the policy proposals that transfers that came into the 2015 reformed pension scheme will be held in the 2015 reformed pension scheme until the point of decision achieves the policy intention of preserving transfer rights?

SWFRS agrees that the policy proposals achieve the policy intention of preserving transfer rights.

It is our understanding that retention of transfers in the reformed scheme is the default position under the PSPJOA and hence regulations are needed to move the rights. We understand that it is the intention to do this at the point a benefit election is made and agree that this is a sensible policy given that there are limits on what the legacy scheme can provide. We hope that the final regulations will be clear in this regard.

Nevertheless, we would like to highlight the administratively complex issues that this will cause. Administrators will need to ensure that the value of the transfer is kept up to date on the member's record until they make their choice.

There is also concern from stakeholders as to the amounts which need to be shown on the RSS and how to reflect to the member what their benefits in the legacy scheme will be. If a member is expected to end up having to retain part of the transfer in the 2015 scheme or receive a compensation payment in lieu, then it is not clear what the RSS should show.

The consultation document states that "if the current rules at the time would not allow all the transfer or loses part of the transfer value due to breaching the pensionable service cap in the legacy scheme and has no 2015 reformed pension scheme service, a member will be paid equivalent value in the legacy scheme benefits as an adjustment of contributions accordingly based on an actuarial calculation". We would welcome examples from the actuary detailing how this will be calculated. The draft regulations do not provide enough detail for schemes to proceed at the moment.

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We would also like clarity as to the reason why an Additional Pension Benefit has not been chosen because an APB can be used in all firefighters' pension schemes.

In Regulation 30 under the definition of "remediable club transfer value" it references interchange arrangements, under a), and we would welcome clarity on what this relates to, as this is not terminology used within Part F of the 1992 Order.

We would also like to highlight in the same definition under b) that the reference to Part 11 of paragraph 1 of Schedule 1 of the 2006 Order, is incorrect and should be Part 12.

In addition, under the definition of "remediable transfer value" the reference under b) to Part 11 of paragraph 1 of Schedule 1 of the 2006 Order, is also incorrect and should also be Part 12.

SWFRS would like clarity on Regulation 32 (6), as to how it is expected for FRAs/administrators to be able to pay a compensation amount to the ex-scheme member where they have been unsuccessful in paying the remediable amount of transfer value to the scheme that it was originally transferred to, as they would no longer have contact with them. Guidance on the processes to follow is needed from the Home Office.

Under Regulation 42, where it references 141(2)(b) of the 2014 Regulations, that it is incorrect where it then states: "as if for "P's first day of eligible service" there were substituted "1st October 2023"". This is believed to be incorrect because Regulation 141(2)(b) references Normal Pension Age, and not as suggested above, as follows: "(b) subject to paragraph (3), must be made before the beginning of the period of one year ending with the date on which the member reaches normal pension age."

The reference in Regulation 45 (6) to the PSP Directions for the definition of "relevant pension year" should be to direction 4(14)(f)(i). This is because whilst the definition is the same, the reference to 5(16)(c)(i) is under the Voluntary Contributions section and may cause confusion when dealing with transfers.

Question 6. Bereavement: Do the proposed amendments to scheme regulations achieve the policy intention of ensuring that the resulting 'member representative' can make an immediate choice or deferred choice in relation to the remedy period service of a deceased member?

We agree that the policy intention ensures that the resulting 'member representative' can make an immediate choice or deferred choice in relation to the remedy period service of a deceased member.

The amendments achieve the policy intention but note that since there is some flexibility, consistency will be important.

SWFRS welcomes that children's pensions will not reduce as a result of decisions made.

We would welcome in the Schedule "Eligible decision-makers for deceased members":

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In "Interpretation", 2(c) an expanded definition of "surviving adult", as we believe that this definition is too vague, and currently this could include an adult "child" who may be eligible for a child's pension, which we do not believe to be the intention.

In "Sole beneficiary: M's estate", Regulation 5, SWFRS would welcome that this is amended to include:

- a) M's personal representative, or
- b) where M has no personal representative, the scheme manager.

It is our understanding that "the estate" is usually everything owned by the deceased, rather than a person or body, who can decide.

In "Multiple beneficiaries: one or more adults and one or more children", 11 (2)(c), we would welcome that this is amended to include:

(iii) where no decision about whether to make an election has been received by to the scheme manager by the day four weeks before an election must in accordance with these regulations, be received by - the scheme manager.

This will then allow for any occasions where the children who are 18 or over and the guardian of the relevant children who are under 18, cannot agree to decide.

Under Part 1, Regulation 2, SWFRS notes that the meaning of eligible child is given as:

- (a) "eligible child" means, in relation to—
 - (a) the 1992 scheme, the meaning given in Part 1 of Schedule 2 to the 1992 Order.
 - (b) the 2006 scheme, the meaning given in rule 6 of Part 4 of paragraph 1 of Schedule 1 to the 2006 Order.
 - (c) the 2015 scheme, the meaning given in regulation 85 of the 2014 Regulations.

In relation to the 1992 Order, the 1992 Schedule refers to Child, not eligible child and therefore the interpretation is incorrect. The term "eligible child" does not exist in the 1992 Schedule.

Question 7. Contingent decisions: Do you think that the proposals with regards to contingent decisions give members opportunities to revisit pension benefit decisions taken during the remedy period?

The proposals provide members with opportunities to revisit pension benefit decisions in some circumstances however the processes do not exist in the draft legislation, and this could lead to inconsistency of processes across fire authorities. Ultimately this may lead to further legal challenge which is something which needs to be avoided.



Opt outs

For opt out cases clarity is needed on the dates under which a scheme manager can refuse a contingent decision application. Under Part 3 Chapter 1 (6)(b) the draft regulations state:

“But the scheme manager must not refuse an application where the decision by virtue of which M’s service became opted-out service was communicated to the scheme manager during the period—

(a) beginning on the day six months before M would have (but for the opt-out decision) become a member of the reformed scheme, and

(b) ending at the end of 28th February 2022.”

SWFRS would like to express concern that the date quoted is 28 February 2022. We believe that this date should be 31 March 2022.

Additionally, clarity over the detail of Regulation 5 is needed, which states the following:

“The scheme manager must refuse an application where either of the following conditions are not met—

(a) the decision by virtue of which M’s service became opted-out service was communicated to the scheme manager on or after 12th March 2012.

(b) the decision by virtue of which M’s service became opted-out service was made pursuant to a relevant breach of a non-discrimination rule(a);”

This regulation appears to state that either of the two conditions should be met when a scheme manager decides if they are able to refuse an application. We seek clarity as to whether this was the intention of the Home Office policy.

There is no detail about how the contributions owed for the opted-out service are to be recouped, whether by lump sum upfront, periodical contributions or payment at the member’s retirement election by lump sum. It therefore follows that there are no details as to whether interest is payable by the member to the scheme and under what terms, or whether tax relief applies. It is also unclear currently whether the Government Actuary’s Department calculator will be able to be used for this purpose to assist in calculations once these details have been clarified. We therefore urge the Home Office to clarify the above points in the consultation response.

We would like guidance to be issued to provide further detail on the information which should be provided by the firefighter when a firefighter has to prove that they opted out due to pension reform. Paragraph 5.85 of the consultation document provides examples of evidence which a firefighter can use to assist in the contingent decision process as follows; however, these appear to be intended for guidance and are not mentioned in the draft legislation:

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“• the member had explicitly made clear (for example, in correspondence) that they did not believe the 2015 reformed pension scheme was worth the contributions they would have had to pay for membership, for example, because of the higher pension ages and implications for pensions taken before NPA

- a complaint letter confirming opt-out will follow if reform is implemented and opt-out request is received within reasonable timescale
- if a member was a litigant in an ‘injury to feelings’ claim”

In order to avoid future litigation, we believe that it should be made clear what evidence will be accepted for these claims and guidance provided. This is imperative to avoiding future legal claims.

In seeking this guidance, we note that there are other pensions aspects which may be part of a contingent decisions claim as well as those that arise from other financial but non pensions related losses. Examples of the pension related losses might relate to the amount of pension exchanged for a lump sum, and decisions regarding the timing of retirement. People who did not repay periods of unpaid leave may wish to consider this through a contingent decision. This is not currently listed as a possible contingent decision in the proposed regulations, Such cases will require further thought and guidance otherwise it will lead to inconsistency in decision making by each scheme manager of fire authorities affected by remedy.

For note, Welsh Government, have moved away from the need for members to prove that their decision to opt out, during the remedy period, was related to the pension scheme changes. Legislatively, there is no requirement for them to give a reason for opting out and WG felt that this would only introduce another area of possible legal challenge. If a request is made, to buy back service, by someone who has opted out during the remedy period, Welsh FRAs will give the option without question.

We would also like to highlight that in the footnote, linked to Regulation 4(1) it incorrectly references the Police 1987 Scheme, instead of the Firefighters 1992 Scheme.

Question 8. Are there any other areas which you think should be addressed in these regulations in order to ensure that all eligible members receive a choice of pension benefits at their point of retirement, for the period for which the discrimination existed (1 April 2015 - 31 March 2022) on 1 October 2023?

Abatement

Whilst we agree that abatement is already covered in existing legislation, the exclusion of abatement in the draft legislation makes it unclear how these cases, which have arisen due to remedy, should be treated when members receive a choice of pension benefits at the point of retirement.

The consultation document states:

“5.73 Where a fire and rescue authority exercised their discretion not to apply abatement, they will need to retrospectively recalculate the amount that they are required to pay into their local pension fund account.

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5.74 In all other cases where abatement was applied, the fire and rescue authority will need to retrospectively revisit (back to retirement) the amount of pension that should be abated. Any overpayments of pension will need to be recovered and any underpayments will need to be repaid. Both underpayments and overpayments will have interest applied.

5.75 When presented with their choice, the member will need to consider how their decision will impact each aspect of the abatement calculation. Remediable Service Statements (RSS) will detail how abatement rules would apply under both schemes.”

The draft regulations make no mention of the above processes to follow, the requirement for the RSS to reflect this or the requirement to add interest to the calculation. Without clarity of these points in the regulations, inconsistent processes will prevail across the fire authorities.

Question 9. Are there any additional points not covered in this consultation paper that need to be considered as part of the proposed amendments to scheme regulations?

Contributions

The PSPJOA provides the statutory power to adjust contributions. We note that some legal authorities believe that the draft regulations do not link adequately to this, and we note that the regulations as drafted do not cover the Home Office’s intentions in this regard. It would be useful for the regulations to directly link the power to adjust contributions back to the PSPJOA.

Additionally, the consultation refers to contribution adjustments on roll back. Roll back is understood to mean from 1 October 2023 however in order for a member to decide if they wish to make good the contribution amount, they will have needed to have received their RSS. We believe that the wording needs to be more precise.

We note that there will be flexibility to meet an adjustment of contributions at roll back, any time before the member makes their deferred choice election and that they can be deducted from the lump sum at retirement if not paid already. We understand from the Home Office that if a member wishes to pay the adjustment at a point in-between their deferred choice election and roll back, that this would be done based on the figure due on the yearly RSS. This is not clear from the regulations and that this should be detailed to avoid inconsistency and challenge from members. We look forward to the regulations being amended to reflect this.

In contrast, the Welsh Government is consulting on spreading the contributions over a maximum ten-year period to try and avoid fresh claims of age discrimination. We assume that the Home Office has taken legal advice with regard to age discrimination claims and has been advised that the different treatment is objectively justifiable. If the HO regulations differ from those being proposed in Wales, this difference, could introduce further discrimination simply based on which FRA you are employed by.

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Contribution holidays are not mentioned in the policy or draft regulations. Given that these came into effect for some 1992 Scheme members in October 2016 depending on age and length of service, it is possible that some members who were in the 2015 scheme may, if they opt for legacy benefits, also be entitled to a contribution holiday for the relevant period. While we note that contribution holidays were always retrospective, it would be helpful to have guidance as to how to implement these for any affected members. For example, can any repayment of contributions be netted off against other contributions required from the member, or should the processes be handled separately? Further, it would be useful to have a specific provision in the Regulations stating that the same application of interest applies to contribution holidays as to other elements of compensation.

Immediate Detriment

We understand that further regulations may need to be issued by either the Home Office or HMRC in relation to immediate detriment. The PSPJOA itself is not sufficient for this purpose and HM Treasury has previously indicated that schemes will need to set out in their scheme regulations which parts of the PSPJOA apply to members who have received an "interim payment". HM Treasury has indicated that schemes can use the power in Sections 22 and 31 of the PSPJOA to bring immediate detriment cases within the required rectification provision. The tax position will not change unless scheme regulations ensure that full retrospection applies (as per Section 2(1) of the PSPJOA).

HM Treasury have indicated that further tax regulations may be introduced, depending on how these cases are addressed in scheme regulations, although these tax regulations will not be able to make any payments retrospective. Whether these consequential tax regulations are required will be determined by HMRC once scheme regulations are finalised.

It is not clear in the draft regulations if this intention has been realised. The draft regulations indicate that a new election cannot be made but do not appear to do any more than treat the payments already made as lump sum or pension payments. Regulation 53 (3) states:

"Any amount paid by way of benefits or compensation pursuant to the agreement or (as the case may be) determination by virtue of which the relevant condition has been met is to be treated for the purposes of section 14 of PSPJOA as—

- (a) a lump sum benefit if the amount was paid by way of a lump sum.
- (b) a pension benefit, if the amount was paid otherwise than by way of a lump sum."

There is no mention of the process which the scheme manager has to follow either and this could lead to further legal challenges.

This is an extremely important issue for our sector, and we would welcome clarity on immediate detriment without delay.

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Revisiting commutation decisions

We note that there are no details in the consultation which explain whether an immediate choice member, who retired under the legislation in place prior to 1 October 2023, can revisit their commutation decision now that they are in receipt of their RSS.

As this will affect a large number of immediate choice members, we ask that the Home Office clarifies this position and caters for this in the final legislation.

Scheme Manager discretions

As noted, there are a large number of discretions required by the draft regulations and consultation. Successful remedy will depend on the creation of consistent policies and treatment of members in terms of decisions and communications.

We have listed below some of the areas where processes are required and ask that where possible these processes are defined in the regulations:

- Abatement
- Dealing with members who have not made elections
- Dealing with timescales for deciding on reasonable timeframes for deferred choice election. Under Regulations 12 and for remediable credit adjustment under 20(5) and for processes such as remediable arrangements for AVCs
- Contingent decisions - considerations under 5.79 of guidance and Regulation 5 (4).

Also, under Regulation 28 (3)

- Waiving of overpayments - processes for making decisions to waive liabilities. Similarly for waiving amounts owed by the member (Regulation 60)
- Dealing with payments already made under immediate detriment – principles to be followed given lack of guidance in Regulation 53
- Processes for dealing with interest and indirect compensation where directions are not sufficient.

Definition of roll back

Section 5.12 in the consultation document states the following:

“Roll back is the term used to describe the process by which in-scope members are placed back into the relevant legacy scheme(s)”.

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The term roll back does not appear to be defined in the draft legislation and we feel that this does need defining.

Immediate Choice Decision

Under Regulations 7 and 8, SWFRS believes that if the scheme manager is the decision maker, then they should have the same information as that which would be provided within the RSS, to allow them to make the choice. This is not however covered within Regulation 7, and Regulation 8 implies that they would not be provided with this.

GAD Guidance

There are many references within the draft regulations which state that the scheme manager must consult with the Scheme Actuary. We would welcome clarity on whether this is what is trying to be achieved, or whether it is that GAD guidance will need to be referred to. If it is the latter, we would suggest that these references are changed to the same as within existing Firefighters' Pension Scheme Regulations as follows:

"in accordance with actuarial guidance"

"Actuarial guidance" means actuarial guidance issued by the Secretary of State after consultation with the scheme actuary.

Question 10. Do any of the proposed amendments unlawfully discriminate against a particular protected characteristic, fail to advance equality of opportunity between those who share a protected characteristic and those who do not, or fail to foster good relations between people who share a protected characteristic and those who do not?

We note that no EIA has been supplied alongside the consultation to consider equalities.

We believe that the some of the amendments require objective justification in order to ensure that differences between members are not classed as discrimination and we look forward to viewing the EIA as soon as possible.

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HM Revenue and Customs

19 June 2023

Sent by email to: polycypensions@hmrc.gov.uk

Consultation: The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No2) Regulations 2023

Thank you for your technical consultation seeking views on the draft Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No2) Regulations 2023 ('the Regulations').

I respond on behalf of South Wales Fire & Rescue Service. This response has been drafted with particular reference to the Firefighters' Pension Scheme (FPS). This response sets out the Services view on the draft regulations and guidance in respect of the FPS.

While not directly relevant to the consultation, we would like to provide some background and context to the administration and management of the scheme, which provide unique challenges to the implementation of remedy.

Under the scheme regulations, FRAs are responsible for the management and administration of their scheme and are defined in law as the scheme manager. This puts the responsibility to comply with overriding pension legislation on each of the political bodies charged with governance of the Fire and Rescue Service (FRS). Each FRA is required to administer the pension scheme either in-house or through appointing a third-party administrator.

While the scheme manager remains the legally responsible scheme administrator for the purposes of section 270 of the Finance Act 2004, in practice the FRA or delegated scheme manager relies heavily on the expertise of the appointed pension administrator to comply with the tax regulations and will rely on the appointed pension administrator to undertake the 'rollback' provisions under the Public Service Pensions and Judicial Offices Act (PSPJOA) 2022.

It is the responsibility of each administrator to contract a software supplier that underpins their solution. There are two software suppliers who supply pension administration software for the FPS: Civica and Heywood Pension Technologies.

Please do not hesitate to contact me if you have any questions about this response.

Yours faithfully,

Alison Reed

Assistant Chief Officer

South Wales Fire & Rescue Service

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Comments on the Regulations and Guidance

In responding to this consultation, our response concentrates on the application of the Regulations to the FPS but also includes general comments.

The Service welcomes the provisions for dealing with the PIA when a member's added pension is extinguished due to the age discrimination remedy as this makes it administratively easier.

The Service also welcomes the provisions under Regulation 5 which make dealing with an adjustment to the PIA in respect of pension debit benefits simpler to deal with.

In terms of Part 3 – Benefits, we are pleased that the correct tax treatment of payments made under Regulations 7-13 has been clarified and that these are now deemed to be authorised.

With regards to Regulation 16, it is noted that the scheme can reclaim the overpaid lifetime allowance excess lump sum. There are currently no guidelines as to how this may be done by schemes. We would welcome details of the processes which need to be followed at the earliest opportunity.

In relation to Regulation 18, the member can claim a refund for overpaid tax charges relating to an unauthorised payment. It is currently unclear what the process will be for members to do this. We would be grateful for a step-by-step guide as to how this will be done and how this will be communicated clearly to members.

Under Regulation 19 scheme administrators will have to make an application to reclaim the overpayment of a scheme sanction charge. We would welcome further details on the process for this and would welcome a demonstration or training sessions showing how this would be done. If this process is being developed currently, we would be keen to have some input into that development, along with key administrators and other fire authorities.

We note that once the scheme administrator provides HMRC with information in a form prescribed by HMRC, that HMRC will raise a credit on the pension scheme's account – and notify the pension scheme that the credit is there. Again, we would like clarity as to how this will work in practice. This may ultimately lead to further steps needing to be created in administrator and FRA processes. We will need to evaluate the time required for these new processes when planning the allocation of resources.

In relation to Regulation 14, the Service seeks clarity as to whether, if the overpaid amount is not repaid in full, for example because the amount is being repaid in instalments instead, whether the payment remains unauthorised.

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The Service welcomes the provisions in Regulations 27-29 which mean that a member affected by remedy for the years 2019-2020 to 2022-23 does not need to submit, notify or correct a self-assessment return under the standard regime in relation to relevant pension tax charges.

The Service would however like clarity in respect of the earlier out-of-scope years and how the process will work for those members who need compensating for overpaid tax for those years.

The Service would also like clarification in relation to immediate detriment cases whereby fire authorities have paid a member's benefits and an increased tax charge has been incurred.

We would like clarity confirming whether a member can also benefit from the in-scope years quoted, and additionally what the process is for the tax charges for the out-of-scope tax years.

The Service would also like clarity explaining what happens when a fire authority has recalculated an annual allowance charge for an out-of-scope year, paid the extra tax over to HMRC and received a late payment interest charge on the tax owed. As this consultation states that the aim is to put the member back into the position that they would have been in had the discrimination not occurred, we would like confirmation that the fire authorities can reclaim this late payment interest charge back from HMRC and we would welcome confirmation of the process for this at the earliest opportunity.

We note that Regulation 29 requires members or a deceased member's representative to keep documents in relation to Regulation 27 for four years after the relevant reporting deadline for the individual. We would like details which show the communication methods which HMRC will use to ensure that the relevant individuals will be aware of this requirement so as to avoid a potential £3,000 fine.

We note that in the consultation guidance under 8.3.2 that where a member has to pay more 'relevant pension tax charges' that members are only given 30 days from the date of the assessment to pay the tax and that interest will be payable after the 30 days. The Service feels that this time frame is not long enough for members to pay this tax to HMRC and that a longer timeframe needs to be applied in these cases, due to the specific circumstances involved in this age discrimination remedy. It is possible that given the volume of recalculations required, by pension scheme administrators, that any assessments will need to be done in batches, which could potentially delay the members receiving information on the additional tax charges.

The Service would welcome confirmation on how HMRC are going to guard against duplicate payments in respect of an individual's account. For example, if the scheme paid the charge on behalf of the member but the member seeks to claim the money directly from HMRC.

We note that under Regulation 35 HMRC has 4 years from the end of the tax year in which the overpayment happened to assess the amount that should not have been repaid to the member. However, we would like reassurances that processes will be put in place to prevent a duplication of payments in the first place.

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As part of the Consultation on The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023, Regulation 10 did not allow for a member to reverse a decision they may have made to settle an Annual Allowance Tax Charge (AATC) by lump sum, for example where the charge was under £2,000 but now exceeds that amount. In our view, this does not fully reinstate the individual to their pre-reform position as they may have made a different decision at that time, and we would welcome HMRC amending the provisions for this.

Finally, our view is that it would have made the Regulations easier to use had they been a set of amending regulations rather than a full second set to avoid the need to refer to two sets of documents.

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Gwasanaeth Tân ac Achub
De Cymru



South Wales
Fire and Rescue Service

Fire Services Branch

20th June 2023

Welsh Government

Rhydycar

Merthyr Tydfil

CF48 1UZ

Sent by email to: fire@gov.wales

Consultation on Remedying Age Discrimination in Firefighters' Pensions in Wales 2023

SWFRS submits its response to the Welsh Government consultation seeking views on the draft Remedying Age Discrimination in Firefighters' Pensions in Wales 2023 designed to deliver the second set of changes to remove the transitional protections seen between 1 April 2015 and 31 March 2022.

We are pleased to provide our responses to the consultation questions below.

Yours faithfully

Alison Reed

Alison Reed

Assistant Chief Officer SWFRS

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RAISING AWARENESS - REDUCING RISK

Gwasanaeth Tân ac Achub
De Cymru



South Wales
Fire and Rescue Service

Fire Services Branch

20th June 2023

Welsh Government

Rhydycar

Merthyr Tydfil

CF48 1UZ

Sent by email to: fire@gov.wales

Consultation on Remedying Age Discrimination in Firefighters' Pensions in Wales 2023

SWFRS submits its response to the Welsh Government consultation seeking views on the draft Remedying Age Discrimination in Firefighters' Pensions in Wales 2023 designed to deliver the second set of changes to remove the transitional protections seen between 1 April 2015 and 31 March 2022.

We are pleased to provide our responses to the consultation questions below.

Yours faithfully

Alison Reed

Assistant Chief Officer SWFRS

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Membership - Multiple Contracts

Consultation question 1

How far do you agree with our proposal that, where an entitled member had multiple employment contracts during the remedy period with the same employer, all those contracts should be covered by the remedy, regardless of when they were entered into?

Yes, fully agree with this approach and it avoids any accidental discrimination based on contract start dates etc.

Opted out members

Consultation question 2

How far do you agree with our proposal that all affected members who opted out of 2015 Scheme membership during the remedy period should be entitled to opt back into their legacy schemes retrospectively, without having to show why they originally opted out?

Yes, fully agree with this approach for the remediable period only, with no requirement for the member to prove that their decision to opt out was based on the introduction of the reformed scheme. Also agree that optants out prior to April 2015 should **not** be able to buy back service that does not fall between April 2015 and March 2022, as this potentially introduces further discrimination as the new legislation is only intended to deal with matters after 1st April 2015.

Contributions

Consultation question 3

How far do you agree with our proposal that scheme managers should be required to repay surpluses in contributions as a single lump sum only?

Yes, fully agree with this approach. There shouldn't be any reason that the Scheme Manager cannot repay contributions surplus amounts to these groups of individuals, nett of any tax or interest adjustments needed, although any tax or interest calculations should only be those allowed as part of the PSPS HMRC Tax Discrimination changes.

Consultation question 4

How far do you agree with our proposals that scheme members with a contributions deficit should be allowed to choose whether to repay it as a lump sum or (if the deficit is at least £100) in instalments over a period of up to 10 years?

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Yes, fully agree with this approach and gives parity to the repayment options afforded to those included in the RDS Modified exercise in 2014, thus avoiding cross scheme discrimination challenges. This approach also helps to alleviate financial hardship by offering periodic payments over a 10-year period or until the point of retirement.

Indicative choice

Consultation question 5

How far do you agree with our proposals that scheme members who are entitled to a refund of remedy period contributions should be entitled to waive it, to avoid having to repay it on retirement?

Yes, this approach seems logical and avoids the member having to pay owed contributions at the point the retirement decision is made at a point in the future. It is worth noting though that where individuals are making an "Indicative Choice" this should follow a formal process and should require both the Scheme Manager and the individual making a signed declaration of this arrangement. Given the length of time before some individuals may retire, an accurate record would need to be kept of refunds made or in this case not made. It might be helpful if all 3 FRs in Wales take the same approach especially as transfers across the Services can happen at various junctures in an individual's career and this critical information would need to transfer with the individuals.

Choice mechanisms

Consultation question 6

How far do you agree with our proposals that immediate choice elections must be made in writing, and will be irrevocable?

Yes, we agree with the proposal that immediate choice elections, must be made in writing and once made are irrecoverable. This ensures that the administrative burden is managed appropriately on behalf of both the Scheme Managers and Administrators and the risk of error when pension recalculations are done is kept to a minimum.

Consultation question 7

How far do you agree with our proposals that deferred choice elections:

- must be made in writing.
- must be made no later than the later of the date one year before benefits become payable, and the date the member gives notice of a claim for pension benefits and
- can be revoked and remade by the member before benefits come into payment?

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We agree that an election for a deferred choice decision should always be made in writing and is allowed to be revoked and remade up to the point the benefits come into payment, however cognisance should be given to the extra work and time required should a member change their options choice shortly prior to retirement, as a recalculation of benefits would need to be undertaken by the Scheme Manager and Administrators, thus potentially extending the time that it takes to release the pensions and lump sum into payment.

With regards the timing of the election of a deferred choice, we agree that it should be no later than the date that the member elects to retire or access their deferred pension but **no earlier** than a year before their retirement date. The current wording used could cause some confusion.

Consultation question 8

How far do you agree with our proposals that deferred choice members who wish to retire shortly after 1 October 2023, and for whom the deadline for making a deferred choice has already passed on that date, should be able to retire on the basis that their remedy period service was in their legacy scheme; and that they should be able to make an immediate choice themselves following retirement?

SWFRS have been undertaking Immediate Detriment retirements since October 2021. Until our administrators are in a position to send out RSS and given administrators technically have 18 months to provide RSS to all members, we will continue to process retirements in this way, in order that retiring members are not treated any differently to those retiring prior to 1st October 2023, which could introduce a different form of discrimination.

Consultation question 9

How far do you agree with our proposals that members who have multiple contracts with the same employer should make separate immediate or deferred choices in respect of each contract?

We agree that where members have multiple pensionable contracts, in the Fire Schemes, that they provide, in writing, their deferred or immediate choice decisions, separately for each contract within the same timeframes set out in our response to Question 7. Members could technically retire from one contract and continue in the other, this also allows for timing differences created in these types of scenarios, as well as allowing a different choice upon retirement for their remaining contracts. This of course is a separate issue to the aggregation of contracts.

Default mechanism

Consultation question 10

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How far do you agree with our proposal that members or their survivors who do not make an immediate or deferred choice by the stipulated deadline should be deemed automatically to have chosen remedy period service in their legacy scheme?

Whilst the principal of the default mechanism makes sense and is less onerous on Scheme Managers and Administrators there maybe scenarios were, for example, the member or survivors of a deceased member have not received information on making a deferred choice, for whatever reason and the Scheme Manager or Administrators could potentially face challenge on this position.

- For those whose legacy scheme is the 2007, the benefits are not necessarily as advantageous as those in the 2015 Scheme, and
- there may also be individuals whose legacy scheme is the 1992, who would also benefit from the remedy period being paid from the 2015 Scheme, simply because they reached the maximum 30 years' service prior to April 2015, were protected members, and have continued to pay contributions, until their transfer to the 2015 Scheme in April 2022.

In other public sector schemes, i.e., LGPS, administrators will automatically pay benefits that provide the best benefits to the member and will not be contacting individuals to afford a choice. Whilst we appreciate that the survivor benefits in the 1992 differ considerably to those in the 2015 Scheme, moving service to the 2015 actually broadens the eligibility criteria for survivor benefits.

Would it be more prudent, where attempts have been made to contact individuals without a response, for Scheme Managers to have the discretion to be able to pay benefits from the scheme that gives the best value to the individuals and thus following the principle of other public sector schemes in these situations?

Ill health retirement

Consultation question 11

How far do you agree with our proposal that entitled members who were granted IHR during the remedy period should be reassessed against the criteria of their legacy scheme or 2015 Scheme as the case may be, and offered an immediate choice between the entitlements that result; but that they cannot have an automatic right to be re-employed?

Yes, we fully agree with this approach, thus affording those members an immediate choice as to which scheme their remedial service should be paid out of. However, from an employer perspective there are likely to be additional costs incurred with regards additional IQMP assessments. We would ask whether the Service or WG will fund these additional costs should they arise?

Consultation question 12

How far do you agree with our proposal that scheme managers should not be required to re-examine cases where entitled members were not granted IHR and continued in employment?

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We agree that Scheme Managers should not be required to re-assess any individual that was not ill health retired, during the remedy period due to them being able to continue in employment, earn a salary and continue to pay pension contributions throughout this period. Immediate or deferred choice should be afforded as part of the normal remedy exercise.

Consultation question 13

How far do you agree with our proposal that scheme managers should be required to:

- re-examine cases where affected members whose legacy scheme is the 1992 Scheme were not granted IHR but were dismissed on related grounds of poor fitness and/or attendance? and
- offer an immediate choice between a 1992 Scheme ill health pension and a deferred 2015 Scheme pension to any member who is found to have qualified for IHR under the former Scheme?

Yes, we fully agree with this approach, and it is likely to put that member back in the position that they would have found themselves in prior to the changes in 2015.

It seems unlikely under this type of scenario that the individual would not choose to take the 1992 IHR pension but under the remedy principle of offering choice to eligible members the alternative would be to allocate the whole of the remediable period to a deferred 2015 Scheme pension.

Survivors and survivor benefits

Consultation question 14

How far do you agree with our proposal that, where an entitled scheme member dies without making an immediate or deferred choice:

- that choice should instead be made by an “eligible decision-maker” as defined in paragraph 111 above and
- that the 2015 Scheme criteria should be used in all cases to identify the eligible decision-maker.

Yes, we agree with the above proposal, as this seems a fairer approach and more likely follows the life decisions that the deceased member has made, although if a decision cannot be agreed/reached, for whatever reason, by the different “survivor” situations it might be appropriate for the Scheme Manager to be able to use a decision-making discretion, which in the main maximises the benefits payable to the survivors.

Consultation question 15

How far do you agree with our proposals that:

- If there is no agreement on the identity of the eligible decision-maker, or if the eligible decision-maker fails to make a decision by the deadline, the scheme manager must deem that an election for remedy period service in the 2015 Scheme has been made and

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- If a scheme member makes a valid immediate or deferred choice before s/he dies, that choice will be honoured, and that no survivor would be entitled to revisit it.

We agree that Scheme Managers should have the discretion to make a decision on legacy v reformed scheme benefits where no decision is received or where a decision cannot be agreed upon, although we do not agree that the default position should be that the benefits should be automatically paid from the 2015 scheme. Whilst we appreciate that in a lot of cases the 2015 scheme would maximise survivor eligibility and some benefits payable, there may be instances where in a particular scenario it would be beneficial for the benefits to be paid from the legacy scheme if this is the 1992 scheme.

As we would not expect there to be many instances where no decision is forthcoming from an eligible survivor, we propose that in such instances that the Scheme Manager discretion would ensure that benefits would be maximised, whether this is the legacy or reformed scheme.

No survivor should be able to change a previous decision communicated by the deceased member, as long as it was made formally and in writing and once pensions are in payment decisions are irrecoverable.

We have made the same observations as part of our response to Question 10, with regards the eligible decision maker not having received any information, for whatever reason.

Consultation question 16

How far do you agree with our proposals that:

- Historic overpayments of survivor benefits to survivors who eligible decision-makers are should be recovered from them, but overpayments to other survivors should be written off and
- Only the eligible decision-maker would be eligible to receive a contributions surplus, or liable to repay a contributions deficit, arising from her or his choice.

Yes, we fully agree with this approach that only the eligible decision maker should have retrospective pensions in payment and contributions adjustments made and that other survivor (those that live in a different household) benefits would remain the same, with no retrospective adjustments needed.

Consultation question 17

How far do you agree with our proposals that:

- Death lump sums for members who died during the remedy period should be recalculated in line with the eligible decision-maker's choice, and any reduction in a lump sum paid to the eligible decisionmaker should be recovered from her or him; but
- Surpluses in death lump sums that were paid to persons other than the eligible decision-maker, or to the deceased's estate, should be written off.

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- Where an affected member died during the remedy period leaving no-one entitled to a survivor's pension, but with a valid nominee for a 2015 Scheme death lump sum, the scheme manager should simply pay that sum without needing to offer the nominee a choice.

Yes, we fully agree with the above proposal and is in line with the proposed legislation for other survivor benefits above.

Added pension benefits

Consultation question 18

How far do you agree with our proposals that:

- Entitled members who purchased 2015 Scheme additional pension during the remedy period will be able to receive a refund of the cost of that, plus interest but
- Members who are to make an immediate choice will not receive that refund if they make an immediate choice in favour of the 2015 Scheme.

We agree with the principal that Added Pension paid into the 2015 Scheme cannot be transferred into the legacy scheme to buy added service, however rather than refunding the member the Added Pension amount that they have already paid, might it be possible to offer that individual either a refund or for the amount already paid to remain in the 2015 Scheme going forward, thus adding to the CARE pension in the future, albeit payment dates may need to be revisited so that they are not attached to scheme membership prior to April 2022. (choice)

The individual has already paid this amount based on an Added Pension principle at some point in the past and this approach meets the governments overarching agenda for individuals to pay into their pension funds for their future retirements.

Consultation question 19

How far do you agree with our proposals that

- Affected members would have a right retrospectively to purchase added pension benefits in their legacy schemes during the remedy period, on the same terms as applied to such purchase and with the cost of doing so adjusted for interest and
- Any such choice must be made within one year of a member receiving her or his initial remediable service statement.

Yes, we agree with the principal that affected members would have a right to retrospectively purchase added pension benefits in their legacy schemes, which would enable them to buy additional 60ths rather than actual

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service, however there are specific rules that apply in these instances in addition to the “within 3 years of joining the scheme” rule.

There are also some age-related factors that would need to be taken into consideration and actual dates of retirement, for those that have already retired from the legacy schemes.

Details referred to above can be found in the **“CAN I MAKE VOLUNTARY PAYMENTS TO INCREASE MY BENEFITS?”** section of the Firefighters' Pension Scheme 1992 Guidance document.

Divorce and dissolution

Consultation question 20

How far do you agree with our proposals for pension attachment orders, namely that:

- Where a pension attachment order is already in force, but the pension is not yet in payment, no action is to be taken.

We agree in full that where the pension is not yet in payment, no action needs to be taken as the future pension payment will be determined by the choice that the pension debit member makes as part of the remedy exercise.

- Where a pension attachment order is already in force and the pension is already in payment, the pension payable to the pension credit member may change as a result of the pension debit member’s immediate choice, but that any historic overpayment of such pension arising from the choice is written off.

Where both the pension debit and pension credit members payments have already crystallised care should be taken not to detrimentally impact the pension credit members payments, by virtue of them being “non decision makers”, in the same way that protections have been afforded to children that are in receipt of Survivor Benefits but don’t live in the same household as the “eligible decision maker”.

It seems unfair to reduce the pension in payment of a pension credit member simply based on a decision taken by the pension debit member, as part of the remedy exercise. Whilst these cases might be rare, we cannot assume that there won’t be any i.e., where a pension debit member initially retires from the 1992 Scheme and subsequently enters into a cohabiting relationship after both the debit and credit member payments have crystallised. When the pension debit member is offered their immediate choice options, they then decide that their remediable service is to be rolled into the 2015 reformed scheme, simply to ensure that their cohabiting partner would be entitled to survivor benefits should they die.

This scenario is likely to reduce the pension in payment, for both members, even though the pension credit member has not been involved in that decision (non-decision maker).

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We refer you to paragraph 124 of the consultation document, which refers to “non eligible decision makers” that live in a different household to the “eligible decision maker” and that their pensions in payment should not be at detriment based on another’s decision.

- For divorces and dissolutions taking place in the future but before the pension debit member has made a deferred choice, CETVs for remedy period service in the 2015 and legacy schemes should be calculated, and the court should use the higher of the two.

We agree with the overarching principal of the comparison being made between the 2 CETVs is important for the court to make a decision, however the ultimate decision, unless it is separated, is still linked to the decision that the pension debit member makes, at a point in the future.

CETV requests are managed solely by our pensions administrators linking in directly with GAD and this process is not something that the Service currently has any involvement with.

Current process allows for 1 free CETV provision, per annum, so the question is who will pay GAD for the second CETV provided for these cases? Are the costs to be paid by the Service. WG, the pension fund or can these costs be passed onto the individual members on a case-by-case basis?

Additionally, whilst the Scheme Manager is ultimately responsible and our pensions administrators manage the process and the relationship with GAD, from a resource point of view, will GAD be in a position to be able to service, in a timely manner, the additional information requests that will be requested nationally in order to service these changes?

Pension sharing orders

Consultation question 21

How far do you agree with our proposals for pension sharing orders already in place on 1 October 2023, namely that:

- Remediable service statements for entitled pension debit members include pension debits based on remedy period service in the legacy and 2015 Schemes (and immediate and deferred choices are made accordingly).

Yes, we fully agree with the approach, and it is in line with the principle of offering choice to affected members.

- Scheme managers should recalculate CETVs at the point of divorce or dissolution based on the scheme of which the debit member was not a member at the time; and

We agree with the principal of a comparison being made between the 2 CETVs is important, the first provided at the point of divorce or dissolution and the second being provided post October 2023.

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CETV requests are managed solely by our pensions administrators linking in directly with GAD and is not something that the Service currently has any involvement with and also doesn't hold any record of. From a resource point of view, will GAD be able to service the additional requests that they are going to receive around second/revised CETVs? Again, this isn't something that is within the control of the FRS.

Whilst we accept the Scheme Manager has ultimate responsibility for ensuring that any recalculations are done correctly and within the legislation, we would need to work very closely with our administrators even to identify which members are affected.

Who will pay GAD for the second CETV provided for these cases? Are the costs to be paid by the Service. WG, the pension fund or can these costs be passed onto the individual members on a case-by-case basis?

- If that CETV is higher than the one used by the court, then the pension credit member should receive a pension credit for the difference between them.

Yes, fully agree with this approach that the pension credit member be awarded the difference between the 2 CETVs if higher and no change otherwise, with retrospective payments being made if pension payments are already being received.

Consultation question 22

Do you favour such a pension credit being applied automatically to the pension credit member's benefits in whichever scheme had the higher CETV; or should such members be offered a choice about that?

The question around which scheme this increase should be applied to is not straight forward and there is a real risk that by automatically applying this increase to which ever scheme gave the higher CETV could have implications for that pension credit member.

In order to avoid any unintended consequence giving a choice to the pension credit member would be the best course of action, although we acknowledge that technically they have not suffered any detriment.

Consultation question 23

How far do you agree with our proposals for pension sharing orders that are made on or after 1 October 2023, namely that:

- For active and deferred members, the CETV provided to the court should be based on remedy period service in the legacy scheme.

Yes, we fully agree with the approach and is fully reflective of the principle of returning the member to the position that they would have been in if they had remained in their legacy schemes until April 2022.

- Where such members then make a deferred choice for remedy period service in the 2015 Scheme, their pension debit is adjusted accordingly (but the pension credit member's benefits do not change); and

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Yes, we fully agree with the approach and is fully reflective of the principle of returning the member to the position that they would have been in if they had remained in their legacy schemes until April 2022.

Whilst the pension debit member may make a future deferred choice, this should not impact on the pension credit member, as the initial valuation provided to the court was provided from the then correct scheme. i.e., legacy and it remains that the pension credit member has not suffered any detriment.

- For retired members who enter into a divorce or dissolution after making an immediate or referred choice, the CETV provided to the court reflects that choice.

Yes, we fully agree with this approach, CETV figures would be provided after an immediate choice had been made by the pension debit member which ensures that upon divorce or dissolution the correct CETV is provided to the court.

Pension offsetting

Consultation question 24

How far do you agree with our proposals for pension offsetting arrangements, namely that:

- Where offsetting arrangements are already in place when our regulations come into force, no action is taken; and

Yes, we agree with this approach especially as there is no pension credit member and there would be no means of rectifying previously agreed offsetting arrangements. Also, the Service and its administrators would not hold information on the other party, only on the actual pension member.

- For divorces and dissolutions taking place in the future but before the pension debit member has made a deferred choice, CETVs for remedy period service in the 2015 and legacy schemes should be calculated, and the court should use the higher of the two.

Yes, agree with the approach and it is consistent and comparable with other areas discussed above under pension attachment orders and pension sharing orders.

Transfers between schemes

Consultation question 25

How far do you agree with our proposals for club transfers during the remedy period, namely that:

- The scheme manager for the sending scheme should calculate the alternative set of benefits for unprotected members based on legacy scheme service during the remedy period and communicate that to the scheme manager for the receiving scheme, who should convert that into service in the relevant legacy scheme.

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Yes, we fully agree with this approach, and it should be for the receiving Scheme Manager to then manage the choice that the member then makes based on the provided RSS, immediate or deferred choices.

- The scheme manager for the sending scheme should calculate the alternative CARE scheme benefits for protected members and communicate that to the receiving scheme manager so that an alternative benefit amount can be created in the receiving scheme; but

Yes, we fully agree with this approach, and it should be for the receiving Scheme Manager to then manage the choice that the member then makes based on the provided RSS, immediate or deferred choices.

- Other than for transfers to or from the LGPS, there is no need to amend the actual payment from the sending scheme to the receiving scheme.

Yes, we fully agree with this approach, although our Finance Teams will need to advise on how these amounts are reflected in the Pension Fund, with no corresponding payment in or out. They may wish to take advise for WAO on the correct accounting treatment in these instances.

Consultation question 26

How far do you agree with our proposals for non-club / CETV transfers during the remedy period and up to 30 September 2023 namely that:

- The scheme manager for the sending scheme should recalculate the CETV based on service during the remedy period in the scheme other than the one from which the member transferred. Any contributions deficit, net of tax, should be deducted from it, and any contributions surplus, net of tax, should be added to it.

Yes, we fully agree with this methodology, and this should link to the changes that HMRC are currently consulting on with regards tax treatment for retrospective changes in the Fire Schemes.

- If the result is higher than the CETV that was used at the time of transfer, the scheme manager should make a supplementary transfer payment for the difference, plus interest, to the scheme manager of the receiving scheme.

Yes, we fully agree with the approach and as any increase would simply be sent to the receiving fund, there is no choice for that member to make, as they are no longer a member of that scheme.

- If the receiving scheme cannot accept such a payment, it should instead be made to the member directly, as compensation.

Yes, we fully agree with this approach. Whether or not the receiving scheme can or will accept the additional payments is not within the control of the Scheme Manager and as such paying the amount as compensation is appropriate.

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Consultation question 27

How far do you agree with our proposals for transfers in the future, namely that:

- The scheme manager for the sending scheme should calculate two transfer values or CETVs, based on the member's remedy period service being in the 2015 Scheme and her or his legacy scheme.

Yes, we fully agree with the approach and as any increase would simply be sent to the receiving fund, there is no choice for that member to make, as they are no longer a member of that scheme.

- For CETVs to schemes outside the public sector if the member has not yet made good any contributions deficit or received any contributions surplus, that should be subtracted from or added to the relevant value.

Yes, we fully agree with this methodology, and this should link to the changes that HMRC are currently consulting on with regards tax treatment for retrospective changes in the Fire Schemes.

- The higher of the two values should then be used for the purposes of the transfer.

Yes, we fully agree with this approach. Whether or not the receiving scheme can or will accept the additional payments it not within the control of the Scheme Manager and as such paying the amount as compensation is appropriate.

Consultation question 28

How far do you agree with our proposals to allow affected members to revisit and reverse transfer decisions made during the remedy period, provided that both the sending and receiving scheme can permit a transfer to be retrospectively made or reversed?

Yes, we agree with this approach, although as the Scheme Manager we currently have no involvement in valuing or enabling incoming or outgoing transfers of any nature.

Our pension scheme administrators are responsible for these interactions, so again whilst the Scheme Manager is responsible for ensuring that these adjustments are calculated and paid correctly, we would need to work closely with them to ensure that this is being done in an accurate and timely manner.

Again, we have concerns with regards the requirement for revised CETVs to be calculated, and GADs ability to resource these requests that all FRSSs, to varying degrees, will need nationally.

Equalities issues

Consultation question 29

We are interested in understanding whether the proposals in this consultation document will have an impact on people with protected characteristics. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

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Do you think that the proposals in this consultation will have any positive or negative impacts on people with protected characteristics? If so, which and why/why not?

A comprehensive IIS and EIA have been provided by WG which we believe considers all areas of the pension member community.

The Welsh language

Consultation question 30

We would like to know your views on the effects that the above proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

In working closely with the Language Commissioners, the Service currently offers correspondence options in both English and Welsh and we assume that WG will also provide Pension Scheme Regulation documents through the medium of both English and Welsh.

Consultation question 31

Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language

In working closely with the Language Commissioners, the Service currently offers correspondence options in both English and Welsh and we assume that WG will also provide Pension Scheme Regulation documents through the medium of both English and Welsh.

Other issues

Consultation question 32

Do you have any other comments on our proposals which are not covered by the other questions in this consultation?

We include below some further concerns and observations:

- The ability of other agencies, to service the additional workflows that will be a consequence of the changes in legislation for the remedy period i.e., additional CETV requests to GAD, the additional burden on administrators in firstly identifying and then revisiting cases that need additional CETVs etc, the burden on the administrators in firstly identifying transfers into and out of the Fire Pensions

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Scheme in order that they can request additional CETVs and then linking in with the corresponding pension funds, on-going additional workloads of administrators in managing the DCU into the future for affected members

- Once affected members are returned to their legacy schemes, from 1st October 2023, we are concerned that the amount of work involved in then communicating with members with regards their repayment options for any deficit in contributions and then managing these options, into the longer term, for 1400+ members, either by a way of a lump sum payment directly into the Pensions Fund or alternatively via our payroll system, will need careful and accurate management by the Service and may even have cost implications with regards the need for additional resources going forward.
- The options communication exercise will come directly after and as a result of the McCloud remedy exercise, which as you are aware requires the Service to provide, for both active, pensioner and deferred members, both pensionable pay and service history information, for both the legacy and reformed schemes, between April 2015 and March 2022. This exercise alone is proving difficult to both resource and manage, with an ongoing reporting issue identified with our administrators of particular concern.
- The above contributions repayment communications exercise will come at the same time as the O'Brien exercise, which is also due to commence on the 1st October 2023 and will have resourcing implications for the Service.
- Funding for additional activity costs – will additional funding be available from WG, HO to service the above additional activity or will these costs be borne by the FRAs or indeed the agencies themselves?
- Given the HO Consultation on Remedying Discrimination in Firefighters Pension Schemes in England has now closed and if due to responses received it decides to make changes to the legislation, will WG also be obliged to include those changes in its legislation and how will any changes impact on the timetable for enacting the Welsh legislation before 1st October 2023?

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**FORWARD WORK PROGRAMME FOR
LOCAL PENSION BOARD 2023/24**

Expected Date of Report	Report Name	Purpose of Piece of Work	Information or Decision	Lead Director/ Contact Officer	Progress
3 July 2023	TPR Public Service Governance and Administration Survey 2023	To update Members	I	ACO PS Contact Officer: Kim Jeal	
3 July 2023	New Members Training Session – Members Handbook, Terms of Reference & Toolkit	To update Members	I	ACO PS Contact Officer: Kim Jeal	
3 July 2023	To review Key Performance Indicators and Scheme Data for Firefighters Pensions Scheme	To update Members	D	ACO PS Contact Officer: Ian Traylor, RCT Pensions Officers	
3 July 2023	Internal Dispute Resolution Procedures – Update on cases over last 12 months	To update Members	D	ACO PS Contact Officer: Alison Reed	

Expected Date of Report	Report Name	Purpose of Piece of Work	Information or Decision	Lead Director/ Contact Officer	Progress
3 July 2023	Standard Item – Recent publications, updates, information	To update Members	I	ACO PS Contact Officer: Alison Reed	
3 July 2023	Update on current National exercises: McCloud and O'Brien	To update Members	I	ACO PS Contact Officer: Alison Reed	
3 July 2023	Update on Pension Consultations	To update Members	I	ACO PS Contact Officer: Alison Reed	
16 Oct 2023	Update report on Publication of Annual Benefits Statement	To update Members	I	ACO PS Contact Officer: Ian Traylor, RCT Pensions Officer	

Expected Date of Report	Report Name	Purpose of Piece of Work	Information or Decision	Lead Director/ Contact Officer	Progress
16 Oct 2023	To review Key Performance Indicators and Scheme Data for Firefighters Pensions Scheme	To update Members	D	ACO PS Contact Officer: Ian Traylor, RCT Pensions Officer	
16 Oct 2023	Standard Item – Recent publications, updates, information	To update Members	I	ACO PS Contact Officer: Alison Reed	
16 Oct 2023	Update on current national exercises: McCloud and O'Brien	To update Members	I	ACO PS Contact Officer: Alison Reed	
16 Oct 2023	Verbal update report from Scheme Advisory Board	To update Members	I	ACO PS Contact Officer: Alison Reed	
16 Oct 2023	Update on Pension Consultations	To update Members	I	ACO PS Contact Officer: Alison Reed	

Expected Date of Report	Report Name	Purpose of Piece of Work	Information or Decision	Lead Director/ Contact Officer	Progress
16 Oct 2023	Local Pension Board Risk Register	To update Members	I	ACO PS Contact Officer: Alison Reed	
16 Oct 2023	Training Session for Members	To update Members	I	ACO PS Contact Officer: Kim Jeal	
22 Jan 2024	To review Key Performance Indicators and Scheme Data for Firefighters Pension Schemes	To update Members	I	ACO PS Contact Officer: Ian Traylor, RCT Pension Officer	
22 Jan 2024	Verbal update report from Scheme Advisory Board	To update Members	I	ACO PS Contact Officer: Alison Reed	
22 Jan 2024	Update on current National exercises: McCloud and O'Brien	To update Members	I	ACO PS Contact Officer: Alison Reed	

Expected Date of Report	Report Name	Purpose of Piece of Work	Information or Decision	Lead Director/ Contact Officer	Progress
22 Jan 2024	Standard Item – Recent publications, updates, information	To update Members	I	ACO PS Contact Officer: Alison Reed	
22 Jan 2024	The Pension Regulator Returns 2021-2022	To update Members and for awareness and discussion	I	ACO PS Contact Officer: Kim Jeal	
22 Jan 2024	Training Session for Members	To update Members	I	ACO PS Contact Officer: Kim Jeal	
22 Jan 2024	Local Pension Board Risk Register	To update Members	I	ACO PS Contact Officer: Alison Reed	

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AGENDA ITEM NO 12

**To consider any items of business that the Chairperson deems urgent
(Part 1 or 2)**

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1. Apologies for Absence
2. Declarations of Interest

Members of the Fire & Rescue Authority are reminded of their personal responsibility to both verbally and in writing declare any personal and/or prejudicial interests in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Fire & Rescue Authority's Standing Orders and the Members Code of Conduct.

3. Chairperson's Announcements

4. To receive the minutes of:

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