

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.

LOCAL PENSION BOARD COMMITTEE SUMMONS

SOUTH WALES FIRE & RESCUE AUTHORITY

You are required to attend a meeting of the Local Pension Board Committee **To be held on StarLeaf - Access Code: 4191396287**
on **Monday, 31 January 2022, 0930 hours**

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. Roll Call
3. 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.

4. Chairperson's Announcements
5. To Receive the Minutes of:-
 - Local Pension Board Committee Meeting held on 18 October 2021 3

REPORTS FOR DECISION

6. Report to Review Key Performance Indicators and 9

update report on publications of Annual Benefits Statement

REPORTS FOR INFORMATION

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12.	To consider any items of business that the Chairperson deems urgent (Part 1 or 2)	131

Signature of Proper Officer:



MEMBERSHIP

Councillors:

S	Bradwick	Rhondda Cynon Taff
L	Brown	Monmouthshire
V	Smith	Monmouthshire
D	White	Bridgend
D	King	FRSA
R	Prendergast	Association of Principal Fire Officers
S	Saunders	Fire Brigades' Union

SOUTH WALES FIRE & RESCUE AUTHORITY

MINUTES OF THE LOCAL PENSION BOARD COMMITTEE MEETING HELD ON MONDAY, 18 OCTOBER 2021 VIA STARLEAF

15. PRESENT

Councillor

S Bradwick (Chair)	Rhondda Cynon Taff
L Brown	Monmouthshire
V Smith	Monmouthshire
D White	Bridgend
D King	Fire & Rescue Service Association
R Prendergast	Association of Principal Fire Officers
S Saunders	Fire Brigades' Union
G Tovey	Fire Brigades' Union
M Alexander	Fire Brigades' Union
Mr I Traylor	Pensions Service Director, Rhondda Cynon Taff BC

OFFICERS PRESENT:- ACO A Reed – Director of People Services, Mr C Barton – Treasurer, Mr G Thomas – T/ACO – Corporate Support; Mrs K Jeal – Accountant, Pensions & Budget Team

16. DECLARATIONS OF INTEREST

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

17. CHAIR'S ANNOUNCEMENTS

Response to FBU

The Chair advised FBU Representatives that he would respond to their recent correspondence in relation to quorum arrangements in due course.

18. MINUTES OF PREVIOUS MEETINGS

The minutes of the Local Pension Board Committee held on 28 June 2021 were read and accepted as a true record of proceedings.

19. REVIEW OF LOCAL PENSION BOARD TERMS OF REFERENCE (TOR) QUORATE ARRANGEMENTS

The Director of People Services presented to members an amendment to the Terms of Reference (TOR) for the Local Pension Board. She drew members' attention to Section 4 of Appendix A which highlighted the proposed change namely that at least four people must be present, including the Chair with at least one employee representative being present.

The Chair highlighted issues with non-attendance of union representatives therefore not being included in any debates, as part of the constitution.

FBU Representatives disagreed with a quorum without FBU members being present however apologised for the non-attendance at previous meetings. FBU Representatives agreed to ensure they are represented at future meetings. They further explained that they can be called upon at any time due to the nature of their operational duties.

The Chair explained the Board have not advised the FBU not be in attendance, the issue was about ensuring that the meetings were able to proceed without the need for such a prescriptive quorate arrangement. It was noted that there were currently three FBU representatives present.

The Director of People Services explained that this Committee is not a decision making board and as a way forward agreement is to be made on which representatives will attend future meetings. Mike Alexander and Gareth Tovey agreed to make every effort to attend future meetings and if unavailable, will arrange suitable representation.

In relation to voting, it was re-iterated that members of this board do not have the authority to change any policies however they are in a position to make recommendations to the Scheme Manager, ie the Fire and Rescue Authority.

RESOLVED THAT

- 19.1 Members reviewed and agreed the amendment to the current quorate requirements within the Terms of Reference (TOR) for the Local Pension Board.
- 19.2 FBU Representatives to make contact with Ms Kim Jeal to undertake the necessary training to be able to sit on this Committee.

20. REVIEW OF KEY PERFORMANCE INDICATORS AND UPDATE ON ANNUAL BENEFIT STATEMENT

Mr Traylor presented a report on the Key Performance Indicators, which were set out in the Service Level Agreement (SLA) between SWFRS and Rhondda Cynon Taff County Borough Council. A key element of the SLA is the reporting on actual performance activity against the agreed key delivery service standards. Members were also provided with an update on key activity undertaken during the reporting period and the performance data for the period 1 April 2021 to 31 August 2021.

Councillor Brown required further clarification on intervention targets. Mr Traylor advised that intervention targets are mirrored with local government targets. The intervention targets are included to target those that do not exceed the service standard, each target below 100% is reviewed.

Councillor Brown also queried the varying percentages. Mr Traylor advised that the intervention outturn indicates where an intervention has occurred and was likely to impact the target. The statistics in this column should not fall below 90%. He also advised that less issues are identified with SWFRS as there aren't as many members, this tool also takes into account local authority standards.

Councillor Brown requested further clarity on deferred benefits. Mr Traylor explained that such benefits would remain there until they become payable. Newer schemes will have higher numbers, the number of those on older schemes will reduce over time.

It was noted that neither RCTCBC nor SWFRS provide advice on individual benefits however the Pension Team at SWFRS can go through the annual allowance letters with staff to help make the content clearer around any breaches that have occurred. An appointment can be made with the team however they cannot advise on what steps staff should take.

RESOLVED THAT

- 20.1 Members noted the performance data included within Appendix 1.
- 20.2 Members noted the relevant pension administrative overview and update included within Appendix 2.
- 20.3 A narrative be included under 'Purchasing Modified Membership' for future meetings.
- 20.4 Mr Traylor agreed to provide an update on the Pension Regulator Scheme Return at the next meeting.

Mr Alexander left the meeting to attend an operational call.

21. UPDATE ON MCCLOUD – IMMEDIATE DETRIMENT

The Director of People Services advised Members that it was her intention to provide a training session on the McCloud immediate detriment cases however this will not now go ahead following an update the Service has recently received on this subject. It was noted however, that the training session will be provided at the next meeting.

At the July 2021 meeting of the Fire Authority Members agreed to implement immediate detriment cases, i.e. those wishing to retire from the decision point onwards, and allocation of resources to carry out this work. The Pension Team have commenced this work, using policy documents published by the Home Office and issued in June 2021.

On 8 October, the Service received notification of a framework for managing immediate detriment issues. This framework has been agreed by the LGA and FBU and is enshrined in a Memorandum of Understanding. The Service's view is that this will need to be put to the Fire Authority at its December meeting so that it can formally be adopted. A communication has been issued to those who have contacted the Service with an interest in accessing the arrangements set out in the MOU to advise them of the current situation. FBU representatives will be invited to meet to discuss the MOU in more detail, separately. The picture has moved in terms of what the Service was preparing for and will work closely with Mr Traylor and his team as a way forward in adopting the MOU.

FBU representatives raised concerns with timeframes and queried whether an additional meeting of the Fire Authority could be scheduled prior to December. The Treasurer explained that Fire Authority meetings have already been programmed and bringing this forward would add more pressure on the decision making process and the priority of the Service is to ensure a satisfactory resolution.

RESOLVED THAT

- 21.1 Members agreed to a further report to be presented at the December Fire Authority meeting.
- 21.2 The Director of People Services to schedule a meeting with FBU representatives as soon as possible.

22. UPDATE REPORT FROM SCHEME ADVISORY BOARD (SAB)

The Director of People Services advised that SAB Wales and SAB England have now provided input to the consultation on the Pensions Dashboard which is a national arrangement that will enable individuals to view their pension benefits.

In terms of the Fire sector and Fire Pensions, it was noted that the priority in terms of pensions was to implement McCloud. As it stands, there was a growing view across the sector that onboarding to a central portal when pension information may not be up-to-date may not instil confidence in the new approach. This was in addition to the resourcing implications of onboarding to the new arrangements. The next SAB meeting for Wales is scheduled to take place early November.

Mr Traylor advised Members that Haywood is the software provider and believes the system to be a positive one. RCT will support the process and will provide a further update to the Board, when available.

RESOLVED THAT

Members noted the update provided.

23. PUBLICATIONS, UPDATES, INFORMATION (STANDARD ITEM)

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

RESOLVED THAT

Members noted the publications and updates presented by the Director of People Services for information and awareness purposes.

24. FORWARD WORK PROGRAMME FOR LOCAL PENSION BOARD 2021/2022

The Director of People Services presented the Forward work Programme for 2021/2022.

RESOLVED THAT

Members noted the content of the Forward Work Programme for 2021/2022.

25. 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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SOUTH WALES FIRE & RESCUE AUTHORITY

AGENDA ITEM NO 6
31 JANUARY 2022

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

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

THIS REPORT IS FOR DECISION

REPORT PRESENTED BY CATHERINE BLACK, PENSION SERVICE MANAGER, 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 period 01 April 2021 to 31 December 2021.

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 indented 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 Year Key Performance Appendix 2 – Pension Administration Update

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Appendix 1

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	2021/2022 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	100%	-	-	-	-	-	-	-	-				No cases completed.	100.00%
% Divorce Estimates processed within 10 days	Statement	100	95%	-	100%	100%	-	0%	100%	-	-	100%				One case completed on time.	87.50%
% Preserved Benefits processed within 10 days	Statement	100	90%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% Employer requests for retirement estimates processed within 5 days	Statement	100	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% Retirements from Active membership processed within 5 days	Payment	100	95%	-	100%	100%	100%	80%	75%	60%*	-	100%				5 cases completed on time.	94.12%

Appendix 1

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	0.00%
% Transfers In processed within 10 days	Statement	100	90%	-	-	100%	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	100.00%
% Transfers Out processed within 10 days (Monthly)	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	0.00%
% death grant for active members within 5 days (Monthly)	Payment	100	95%	-	-	-	-	-	-	-	-	-	-	-	-	-	-	No cases completed.	0.00%

*5 cases completed, 2 over target. Non standard cases – one ill health and one with divorce debit

Appendix 1

MONTHLY SERVICE STANDARDS															Relates to last Month Completed		
Scheme FIR (2006 Scheme and Transitioned members)																	
<u>STANDARD MEASURED</u>		<u>TARGET</u>	<u>INTERVENTION</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	2021/2022 Year to Date Actual %
% Refund of contributions processed within 10 days	Payment	100%	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% Divorce Estimates processed within 10 days	Statement	100%	95%	-	100%	100%	-	-	-	100%	-	100%				Two cases completed. On time.	100.00%
% Preserved Benefits processed within 10 days	Statement	100%	90%	100%	100%	100%	100%	100%	100%	-	100%	100%				One case completed. On time.	100.00%
% Employer requests for retirement estimates processed within 5 days	Statement	100%	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% Retirements from Active membership processed within 5 days	Payment	100%	95%	-	100%	-	-	100%	0%*	0%*	-	100%				Two cases completed. On time.	100.00%

Appendix 1

% Preserved Benefits into payment on retirement processed within 5 days	Payment	100%	95%	-	-	-	-	0%	-	0%*	-	-				No cases completed.	0.00%
% Transfers In processed within 10 days	Statement	100%	90%	-	100%	100%	-	-	-	-	100%	100%				Four cases completed. On time	100.00%
% Transfers Out processed within 10 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% death grant for active members within 5 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%
% death grant for pensioner members within 5 days (Monthly)	Payment	100%	95%	-	-	-	-	-	-	-	-	-				No cases completed.	0.00%

*one case completed, over target. Cases completed in 8 days

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 at 14 January 2022

	Status 1 (Actives)	Status 2 (Pending leavers)	Status 4 (Deferred)	Status 5 (Pensioners)	Status 6 (Dependants)
Scheme 090	84.64%	33.33%	61.86%	36.94%	4.47%
<i>Total Membership</i>	<i>303</i>	<i>1</i>	<i>60</i>	<i>417</i>	<i>8</i>
Scheme FIR	46.02%	30.16%	33.87%	47.62%	0.00%
<i>Total Membership</i>	<i>422</i>	<i>19</i>	<i>293</i>	<i>50</i>	<i>0</i>

Scheme Member Complaints

- There are no formal complaints to report this period.

Key Administration Activities

- 20/21 Annual allowance statements issued, reminder letters to be sent regarding HMRC self-assessment submission deadline of 31st January
- Continue to work closely with SWFRA, and other forums, software provider with regard to McCloud remedy requirements, following on from the Government response to the consultation.
- Pension Regulator Annual Return submitted to time. Data scores submitted noted below

	Common Data	Scheme Specific Data
1992 Scheme	99%	98%
2006 Scheme	95%	97%
2015 Scheme	99%	97%

- HMRC Event Report information being compiled for submission by 31st January deadline.

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 7
31 JANUARY 2022

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ACO PEOPLE SERVICES

FIREFIGHTER PENSIONS – REMEDYING AGE DISCRIMINATION**THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY THE ACO PEOPLE SERVICES

SUMMARY

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), as described in the informal Home Office guidance issued on 10 June, 2021. On 8 October 2021 a formal Memorandum of Understanding (MoU) between the Local Government Association (LGA) and the Fire Brigades Union (FBU) was published and expanded the scope for processing ID cases. Since then, the Home Office guidance has been withdrawn and HM Treasury has published a formal note in relation to processing cases. A joint statement by the LGA and FBU has also been published. This report was presented to the Fire & Rescue Authority meeting in December 2021, and is shared for information. At the time of writing this report, further advice is awaited from the LGA so that formal advice can be provided to the Fire & Rescue Authority on the next steps.

RECOMMENDATIONS

1. That Members note the content of the report.
2. That Members agree that work should continue on Immediate Detriment cases as previously agreed, and that work should commence to fully adopt the MoU, subject to receiving further legal advice.
3. That a further report is presented to Members at the February 2022 Fire & Rescue Authority meeting, which details the advice and next steps.

1. BACKGROUND

- 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, 2022, 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.
- 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 will mean 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, the 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. In July 2021, the Fire & Rescue Authority determined that cases described as Immediate Detriment should be processed in line with this guidance. The guidance has since been withdrawn by the Home Office. This was communicated on 29 November 2021. Appendix 1 refers.
- 1.6 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 are intended to be consistent with those set out in the Public Service Pensions and Judicial Offices Bill. Fire & Rescue Authorities have been encouraged to consider adoption of the MOU Framework, with a view to ensuring a consistent approach to Immediate Detriment cases across FRSSs. The MoU is at Appendix 2. The MoU widened the scope of cases to be processed under its terms

and set out that it would include those who have retired since April 2015 (category 2 cases) and those who will retire before the legislation is amended to bring in the Deferred Choice Underpin (DCU) remedy, ie those who will retire before October 2023 (category 1 cases).

- 1.7 On 19 November, the LGA and FBU issued a joint statement following publication of a policy document and Finance Bill which indicated a different direction of travel than expected with regard to late lump sum payments made to remedy the age discrimination. These late lump sum payments would amount to an Unauthorised Payment Charge (UPC) where lump sum payments are paid more than 12 months after retirement. This was contrary to previous expectations on this matter.
- 1.8 The joint statement sets out that further urgent clarification of the position in relation to UPSs is being sought, but also that the FBU cannot accept further delay in their members accessing their entitlements. Appendix 3 refers.
- 1.9 On 29 November, HM Treasury published a note which stated its position. It noted that the Home Office guidance document originally published in August 2020 was the best attempt possible at that time to set out a pathway for processing pipeline cases ahead of legislation and that the guidance did not cover cases where individuals had already retired ('rectification' cases). Home Office and HMT were also clear that the document contained gaps in respect of pipeline cases, and that cases may need to be revisited, though the belief at the time was that it provided a basis to process at least some pipeline immediate detriment cases. The further work done by HMT and HMRC on drafting the remedy in the McCloud Bill (i.e. the Public Service Pensions and Judicial Offices Bill) has highlighted gaps which appear more considerable than initially thought. In some situations, it now appears that section 61 may not give all the powers required to operate the remedy smoothly and predictably, without generating significant uncertainty for schemes, and risking significant second or third adjustments for individuals. Because of this, HMT's current view is now that immediate detriment cases, including those yet to retire, cannot be processed before legislation is in place without considerable risk, uncertainty and administrative burdens for individuals, schemes and employers. The HM Treasury note is at Appendix 4.

2. ISSUE / PROPOSAL

- 2.1 None. Further guidance is awaited from LGA.

3. IMPLICATIONS

- 3.1 The document from HM Treasury places uncertainty on existing powers to correct the tax positions for individuals. The issue is in relation to potential tax burdens for individuals. The document also confirms that where tax is owed on previous contributions, this will be corrected once legislation is in place. Where cases 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. The note highlights that processing cases ahead of the correct provisions could entail significant second or third corrections and so HMT advice is that schemes do not process cases until these are in place and thus allow for a smooth and predictable experience for themselves and for members. Further advice is awaited from LGA on these matters.
- 3.2 Discussions with our Pensions Administrator have continued and officers are continuing to work through the preparations to allow cases to be processed upon receipt of further advice from the LGA.
- 3.3 At this time it is not possible for an estimate to be made on what those charges will amount to or whether funding will be made available by central or Welsh Government to compensate the Service.

3.4 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

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

3.5 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

3.5.1 Proceeding to implement Immediate Detriment cases 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.

3.6 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

3.7 Given the scale of the piece of work to implement this remedy, we have assessed our internal resources and the project can be managed from within existing resources, although in order to release existing staff to undertake this project, roles and responsibilities are being transferred to other individuals across the Service.

3.8 The long term financial liabilities of implementing the remedy have been estimated by the Government Actuary Department (GAD) and included in the Authority's Balance Sheet, with regards costs associated with the Fire Pensions Funds, and officers are maintaining close dialogue with Welsh Government officials as Welsh Government provide deficit funding for the overall costs of the pension schemes. However, it is impossible to accurately assess the final cost until the remedy is agreed and employees have individually made their choice as to which scheme they wish to be part of for the remedy period. The future revenue implications for the Service and any funding available have not yet been determined or agreed.

3.9 There is also the possibility of us incurring administrative and software costs that our Administrator may pass on to us.

4. EVALUATION & CONCLUSIONS

- 4.1 It is proposed that the preparatory work continues whilst advice is awaited from the LGA.
- 4.2 A further report will be presented to the Fire & Rescue Authority in February 2022.

5. RECOMMENDATIONS

- 5.1 That Members note the content of the report.
- 5.2 That Members agree that work should continue on Immediate Detriment cases as previously agreed, and that work should commence to fully adopt the MoU, subject to receiving further legal advice.
- 5.3 That a further report is presented to Members at the February 2022 Fire & Rescue Authority meeting, which details the advice and next steps.

Contact Officer:	ACO Alison Reed
Background Papers	Home Office informal Immediate Detriment guidance (June 2021) https://www.fpsregs.org/images/Age-discrimination/Home-Office-informal-immediate-detriment-guidance-10-June-2021.pdf
	Local Government Association (LGA) informal Immediate Detriment information note – Version 2 https://www.fpsregs.org/images/Age-discrimination/LGA-immediate-detriment-information-note-version-2-June-2021.pdf
Appendices	Appendix 1 – Home Office/LGA guidance https://www.fpsregs.org/images/Age-discrimination/Home-Office-informal-immediate-detriment-guidance-10-June-2021.pdf Local Government Association (LGA) informal Immediate Detriment information note https://www.fpsregs.org/images/Age-discrimination/LGA-immediate-detriment-information-note-version-2-June-2021.pdf Appendix 2 – LGA and FBU MoU Appendix 3 - Joint statement LGA and FBU Appendix 4 - HM Treasury note

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APPENDIX 1

To: Fire Pension Scheme Practitioners, Regional Chairs, Directors of HR, Fire Finance Network.

Cc: Chief Fire Officers, Chair/ Portfolio Holders, Scheme Advisory Board, Local Pension Board Chairs and Lead Contacts, Home Office Fire Team, Devolved Government Fire Leads and Boards.

Dear colleagues,

I am writing to let you know that the Home Office has withdrawn its informal guidance on immediate detriment, with immediate effect. Please see the attached note from HM Treasury confirming this decision. An update on funding has also been provided in the email below.

We appreciate that this may be a cause of concern to colleagues who are considering to adopt or who have adopted the [MoU and Framework](#). We are considering the various aspects within the note and will write to FRAs and FRSs with further information as soon as possible.

Best wishes,
Claire

Claire Hey (she/ her)

Local Government Association | Senior **Pensions Adviser**
FPS Scheme Advisory Board | **Board Secretary**

From: Wadha Salah <Wadha.Salah@homeoffice.gov.uk>

Sent: 29 November 2021 15:18

To: Claire Hey <Claire.Hey@local.gov.uk>

Cc:

Subject: Pensions Update: Home Office informal and non-statutory immediate detriment guidance

Sent on behalf of Peter Spreadbury, Deputy Director, Police Workforce and Professionalism Unit

Withdrawal of informal and non-statutory Home Office Immediate Detriment guidance

I wanted to inform you that I have today written to the Chair of the Firefighters' Scheme Advisory Board advising that the Home Office has withdrawn our existing informal and non-statutory guidance in relation to processing certain kinds of immediate detriment case ahead of legislation.

Although the decision remains for scheme managers to make, the Government does not advise schemes to process any immediate detriment cases before the legislation is in place, given the risk and uncertainty.

I also want to take this opportunity to provide some further clarity in relation to the funding position. As the Government does not advise that immediate detriment cases should be processed in advance of the legislation coming into force, we will not be in a position to provide any additional funding for those costs which are paid outside of the pension account. These costs include payments that are not considered to be legitimate expenditure under the pension scheme regulations and any associated administration costs including any charges from your pension administrator. These will need to be funded locally by your fire and rescue authority from local budgets.

In relation to immediate detriment costs paid from the pension account in the course of processing pipeline cases, FRAs will need to ensure that these payments comply with the financing regulations of the pension scheme. If they are considered to be legitimate expenditure then they will be considered for payment as part of the established processes for claiming the AME top up grant.

As it is for individual Fire and Rescue Authorities as the Scheme Manager to make decisions in relation to immediate detriment, I would be grateful if colleagues from the LGA could bring this update and the attached note to the attention of FRAs and Chiefs.

Your sincerely,

Peter

Wadha Salah

Policy Adviser, Police Workforce and Professionalism Unit
Policing Policy Directorate, Public Safety Group

Home Office



**To: Fire and Rescue Authorities and Services
Fire Brigades Union members**

FRAMEWORK FOR MANAGING IMMEDIATE DETRIMENT ISSUES

You will be aware of legal cases brought in the High Court against the London Fire Commissioner (LFC) and Nottinghamshire and City of Nottingham Fire and Rescue Authority (NFRA). The cases concerned Immediate Detriment issues in relation to the McCloud/Sargeant judgment and the claimants were supported by the Fire Brigades Union (FBU).

It was apparent similar issues would arise more widely across the sector. The FBU was clear that matters for affected individuals needed to be resolved sooner rather than later and it would, if necessary, support further legal cases. Many Fire and Rescue Authorities (FRAs) across the UK on an individual basis had indicated that they wished to be able to deal with Immediate Detriment issues as soon as possible. The problem was not an unwillingness to do so but rather the need to identify and develop a suitable mechanism to be able to do so in a way which minimised the risks while the Government is putting in place the McCloud/Sargeant remedying legislation.

With that in mind, the Local Government Association (LGA) and the FBU have been in discussions to identify a mutually acceptable Framework, setting out a mechanism for handling Immediate Detriment cases, to assist all parties prior to completion and implementation of the McCloud/Sargeant remedying legislation. This would help in resolving the genuine difficulties that had arisen for FRAs in making payments to those affected (including for example issues around unauthorised payment charges and contribution holidays) and in removing the potential for further court claims (not just against NFRA and LFC).

During the course of the discussions, the Government laid primary legislation before Parliament in the Public Service Pensions and Judicial Offices Bill and will make secondary legislation pursuant to the Bill (together, the Remedying Legislation) to provide the affected pension scheme members with a remedy for the discrimination found in the McCloud/Sargeant claims.

Following a series of complex discussions including respective legal representatives, which were also able to utilise the longstanding national relationship between the LGA and FBU, we are pleased to advise you that agreement has today been reached on the attached Memorandum of Understanding and Framework.

We believe the Memorandum of Understanding and Framework are consistent with the principles currently set out in the Bill and will mean that appropriate action can be taken. As and when parts of the Remedying Legislation covering the relevant part of the Framework come into effect the MoU and Framework indicate that the relevant Remedying Legislation will then be used instead.

Each FRA is asked to consider adoption of the Framework and we would encourage such adoption in order to provide a consistent approach to Immediate Detriment cases across the fire and rescue service.

You may also wish to be aware that, separately, we and respective legal representatives have worked with NFRA and LFC in respect of the High Court cases and can also advise that settlement has been reached. Settlement took into account the principles in the Framework, however, as is the norm in such settlements, details will remain confidential. The Summary Judgment hearing due to be heard in the High Court later this month is therefore no longer required.



Jeff Houston
Local Government Association



Matt Wrack
Fire Brigades Union

8 October 2021

Dated 8 October 2021

MEMORANDUM OF UNDERSTANDING

PARTIES

- (1) Local Government Association of 18 Smith Square, Westminster, London, SW1P 3HZ (the **LGA**); and
- (2) Fire Brigades Union of Bradley House, 68 Coombe Rd, Kingston-upon-Thames, Surrey, KT2 7AE (the **FBU**).

1 BACKGROUND

- 1.1 The LGA represents Fire & Rescue Authorities (**FRAs**) in England, Scotland, Wales and Northern Ireland in connection with the matters covered by this memorandum of understanding (**MoU**).
- 1.2 The FBU is a trade union that represents firefighters and other employees employed by the FRAs (together the '**Members**') who are affected by the matters covered by this MoU.
- 1.3 The LGA (on behalf of the FRAs) and the FBU (on behalf of the Members) wish to record the basis on which they will collaborate with each other to ensure that Members who have (or will) suffer an "**Immediate Detriment**" (as described in para. 4.1 below) by reason of their retirement (or impending retirement), following the decision made by the Court of Appeal on 20 December 2018 and the Employment Appeal Tribunal on 12 February 2021 in the *Sargeant* claims, are provided with a remedy as swiftly as possible.
- 1.4 A framework (the **Framework**) and a timetable for providing a remedy for each affected Member is set out in Annex 1 and Annex 2 to this MoU, which the parties expect the FRAs and Members to adhere to. Nothing in the MoU shall be interpreted to mean that the FBU will not initiate or support legal proceedings on behalf of any Member whose case is not dealt with in accordance with the Framework or that timetable.
- 1.5 The MoU only covers compensation relating to any shortfall in the pension commencement lump sum, pensions benefits and contributions payable to or payable by a Member (including issues relating to tax relief, interest and charges connected to those amounts) as set out in Annex 1. This MoU does not cover any additional remedies currently under consideration in the Employment Tribunal.
- 1.6 In this MoU:
 - 1.6.1 references to a Member's **Legacy Scheme** are references to the pension scheme in which the Member was an active member on 31 March 2012; and
 - 1.6.2 references to the **2015 Scheme** are references to the firefighters' pension schemes in England, Wales and Scotland created under the Public Service Pensions Act 2013.

2 OBJECTIVES

- 2.1 The parties acknowledge the importance of ensuring that Members who have suffered (or will suffer) an Immediate Detriment (as described in para. 4.1 below) receive compensation or are otherwise remedied now. They recognise that the Government has laid primary legislation before Parliament in the Public Service Pensions and Judicial Offices Bill (the **Bill**), and will make secondary legislation pursuant to the Bill (together, the **Remedying Legislation**) to provide the affected Members with a remedy for the discrimination found in the *Sargeant* claims.

The parties believe that the Framework is consistent with the principles currently set out in the Bill. In particular, any compensation or remedy provided to Members under this MoU:

2.1.1 amounts to “compensation” of the type anticipated by clause 21¹ of the Bill; and/or

2.1.2 is to be taken into account when assessing whether the Member has:

(a) “benefited from an immediate detriment remedy” for the purposes of clause 29 of the Bill; and/or

(b) been provided with a remedy under any scheme regulations of the type anticipated by clause 28 of the Bill

(to avoid a situation where the Member receives additional recoveries under the Bill which have already been compensated for under this MoU).

2.2 This MOU is separate from, and is not subject to or dependent on, any guidance issued in relation to “Immediate Detriment” before the Remedying Legislation comes into force.

3 PRINCIPLES OF COLLABORATION

3.1 The LGA will request that the FRAs, and the FBU will request that its Members, adopt the following principles:

3.1.1 Collaborate and co-operate. To adhere to the Framework so that activities are delivered and actions taken as required;

3.1.2 Act in a timely manner. Recognise the importance of moving things forward swiftly and responding accordingly to reasonable requests for support; and

3.1.3 Act in good faith to support achievement of the objectives and adherence to these principles.

4 IMMEDIATE DETRIMENT CASES IN SCOPE

4.1 The Framework will apply to Immediate Detriment cases that have already arisen, or arise before the Remedying Legislation comes into force, namely cases for:

4.1.1 Members who, at the date of this MoU, are employed by an FRA and:

(a) become eligible to retire (for any reason, including ill-health) and draw any pension and/or lump sum benefit and want to have all their benefits paid from their Legacy Scheme (not the 2015 Scheme); or

(b) do not qualify for a lower-tier (and therefore higher-tier) ill-health pension under the single pot ill-health retirement arrangement provided for in the 2015 Scheme and are therefore left without an immediately payable pension, but would be entitled to such a pension under their Legacy Scheme

(Category 1 cases);

4.1.2 Members who, at the date of this MoU:

¹ In this MoU, references to clause numbers in the Bill refer to the clauses as numbered on the date when the MoU is signed.

- (a) have already retired (for any reason, including ill-health) and who are receiving a pension under the 2015 Scheme, and who wish to be treated as having retired as a member of their Legacy Scheme; or
- (b) have left the fire and rescue service and did not qualify for a lower-tier (and therefore higher-tier) ill-health pension under the single pot ill-health retirement arrangement provided for in the 2015 Scheme, and are therefore left without a pension in payment but would be entitled to such a pension under their Legacy Scheme

(Category 2 cases).

- 4.2 The Category 2 cases include the claims set out in High Court claim number QB-2021-000636, although the parties acknowledge that the claimants and the defendants in that claim will (subject to agreeing the position on legal costs) need to file a consent order recording any settlement achieved in accordance with the Framework set out in this MoU.

5 FRAMEWORK

- 5.1 The parties intend that the various issues that arise in relation to Category 1 and Category 2 cases will be resolved in accordance with the Framework set out at Annex 1 to this MoU.
- 5.2 The parties anticipate that the Remediating Legislation will provide a mechanism that will allow some matters to be dealt with more conveniently once it comes into force. These matters are:
- 5.2.1 compensation for any tax relief foregone on the arrears of contributions payable by the Member (except for Category 1 cases where the contribution arrears can be processed through PAYE);
 - 5.2.2 interest payable by the Member on the arrears of contributions;
 - 5.2.3 interest payable to the Member on adjusted employee contributions under the 2006 Scheme; and
 - 5.2.4 CETVs and added pension (for Category 1 cases).
- 5.3 These matters (and only these matters) will be calculated and processed once the Remediating Legislation is in force. Where applicable, the way they will be dealt with until that point is reached is set out in Annex 1. The parties agree that the mechanism provided by the Remediating Legislation will be used to make the calculation and the amounts will be processed in accordance with the Remediating Legislation.
- 5.4 The LGA and the FBU will encourage the relevant FRA and Member to document the agreed compensation or remedy in line with the template set out at Annex 3 to this MoU (the **Compensation Record**). This does not apply to the High Court claim referred to in para. 4.2 above where the terms of any settlement will be recorded in a confidential settlement agreement attached to a consent order.
- 5.5 The FBU agrees that it will not provide any financial or other support to Members who have received compensation or are otherwise remedied under the Framework to bring any court or tribunal proceedings relating to matters which have been (or are being) addressed under the Framework (or, in the case of those matters listed at para. 5.2 above, will be addressed under the Remediating Legislation). The FBU's agreement does not apply, however, to any question or dispute as to whether the Framework has been applied correctly in accordance with this MoU, or to any question or dispute regarding a matter that is not covered by the Framework.

6 CONCERNS OR COMPLAINTS

- 6.1 If either party has any issues, concerns or complaints about any matter in this MoU that party shall notify the other party and the parties shall then seek to resolve the issue through discussion (consistent with the objectives and principles set out at paras. 2 and 3 above). Those discussions may involve the relevant FRA and Member where appropriate.
- 6.2 Either party may terminate such discussions at any time. Where it has been agreed that the Framework is being used, the fact that such discussions could be commenced or have been commenced will not act as an impediment to any Member who alleges that the FRA concerned is not dealing with their case in accordance with the Framework and seeks relief from the Court. Nor will it act as an impediment to the FBU providing legal or other support to such a Member.

7 REVIEW, TERM AND TERMINATION

- 7.1 This MoU shall commence on the date of signature by both parties.
- 7.2 The parties will meet periodically on dates to be agreed between them (the first such meeting to take place within five weeks of the date of this MoU) to:
- 7.2.1 review the application of the Framework and the process set out in Annex 2, paying attention, in particular, to the timetable for processing cases in the light of the number of cases being dealt with by FRAs; and
 - 7.2.2 discuss whether any changes to the Framework are needed if the passage of the Bill (and the secondary legislation made pursuant to the Bill) adversely affects the ability of an FRA or a Member to implement the Framework and/or the process set out in Annex 2 and work in a spirit of cooperation to agree those changes.
- 7.3 If, on the date Remediating Legislation applicable to an issue set out in Annex 1 comes into force, a case that includes that issue is still being processed under the Framework, that issue will instead be processed under the Remediating Legislation and that fact will be noted in the Compensation Record (Annex 3). For the avoidance of doubt the rest of the issues in the case will be dealt with in accordance with Annex 1.
- 7.4 If all of the issues relevant to a case are covered by Remediating Legislation which has come into force before a Compensation Record is signed by the Member and the FRA that case will instead be processed under the Remediating Legislation.
- 7.5 This MoU will automatically expire on the last date on which Remediating Legislation applicable to all of the issues set out in Annex 1 comes in to force and will in any event expire on 1 October 2023. However, the parties agree that the timeframes set out in Annex 2 will continue to apply to the issues set out in Annex 1 where those issues are being processed under the Remediating Legislation provided that the timeframes do not put an FRA in breach of its obligations under the Remediating Legislation.
- 7.6 This MoU may be terminated (in whole or in part) by agreement in writing between the parties.
- 7.7 This MoU may be terminated by either party if the other party is in serious or repeated breach of its terms, and does not remedy the breach within 21 days of notice being given requiring it to do so.

8 VARIATION

- 8.1 This MoU, including Annexes 1, 2 and 3, may only be varied by written agreement of the parties.

9 CHARGES AND LIABILITIES

- 9.1 Liability for the legal costs incurred in High Court claim number QB-2021-000636 will be payable in accordance with any agreement reached between the parties to that claim or any order made by the Court in those proceedings.
- 9.2 Subject to para 9.1, and except as otherwise provided, the parties, FRAs and Members shall each bear their own costs and expenses incurred in agreeing to and implementing this MoU and the Framework.
- 9.3 Each party shall remain liable for any losses or liabilities incurred due to their own actions and neither party intends that the other party shall be liable for any loss it suffers as a result of this MoU.

10 STATUS

- 10.1 This MoU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the parties from this MoU. The parties enter into the MoU intending to honour all their obligations.
- 10.2 Nothing in this MoU is intended to, or shall be deemed to, establish any partnership or joint venture between the parties, constitute either party as the agent of the other party, or authorise either of the parties to make or enter into any commitments for or on behalf of the other party.

11 GOVERNING LAW AND JURISDICTION

- 11.1 This MoU shall be governed by and construed in accordance with the laws of England and Wales and, without affecting the procedure set out in para. 6, each party agrees to submit to the non-exclusive jurisdiction of the courts of England and Wales.

Signed by **JEFF HOUSTON**

for and on behalf of the **LGA**



.....

HEAD OF PENSIONS

8th October 2021

[Date]

Signed by **MATT WRACK**

for and on behalf of the **FBU**



.....

GENERAL SECRETARY

8 October 2021

CONTACT POINTS

LGA

Name: Gill Gittins

Office: 18 Smith Square, London, SW1P
3HZ

Tel No: 07775 538917

E-mail Address: FireQueries@local.gov.uk

FBU

Name: Mark Rowe

Office: Bradley House, Coombe Road,
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7AE

Tel No: 07834 656090

E-mail Address: Mark.Rowe@fbu.org.uk

ANNEX 1 – FRAMEWORK

Issue	Category 1 cases	Category 2 cases
Shortfall in retirement lump sum and past pension payments	Retirement lump sum and benefits paid on retirement through Legacy scheme (so that no shortfall arises).	Pay as lump sums (comprising pension lump sum and arrears lump sum likely made in two payments) through the 1992 scheme (as arrears). Pension arrears will be subject to PAYE, but if any additional income tax is payable by the member that would not have been payable if the member had never been treated as a member of the 2015 Scheme, the FRA will compensate the member for that tax liability.
Interest on shortfall in retirement lump sum and past pension payments	No interest due because correct lump sum and pension benefits will be paid on retirement.	Interest paid at 3% p.a. simple, from the date lump sum / benefits should have been paid.
Employee contributions: 1992 Scheme	Member pays shortfall (since 2015) through payor as a deduction from retirement lump sum.	Member pays any shortfall (since 2015) as a deduction from retirement lump sum. If no lump sum is payable, the member will need to pay any contributions owed from their own resources and to be given a reasonable time to pay based on their individual circumstances.
Employee contributions: 2006 Scheme	Compensation for excess contributions to be paid on retirement. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	FRA to pay compensation for excess contributions. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.
Tax relief on employee contributions	<p>Process through PAYE to the extent possible if time/amount allows. If time does not allow, then any tax relief not collected through PAYE will be calculated and paid when the remedying legislation is in force.</p> <p>FBU and FRAs will encourage members to give as much notice of retirement as possible to facilitate payment through PAYE.</p>	Compensation for any tax relief foregone will be paid to the individual when the remedying legislation is in force. So, for now, individuals will pay the gross amount of contributions due.

Interest payable on adjusted employee contributions (1992 Scheme)	Interest to be paid by the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation). If tax relief was not processed through PAYE (because time/amount did not allow), where the individual is due to receive a future payment to compensate him or her for the tax relief foregone, the interest amounts will be deducted from that payment.	Interest to be paid by the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation). Where the individual is due to receive a future payment to compensate him or her for the tax relief foregone, the interest amount will be deducted from that payment.
Interest payable on adjusted employee contributions – compensatory amount (2006 Scheme)	Interest to be paid to the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation).	Interest to be paid to the individual once the remedying legislation is in force (and at the rate specified in directions made under that legislation).
Contribution holidays: excess employee contributions	Compensation for excess contributions to be paid on retirement. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.	FRA to pay compensation for excess contributions. Amount paid will be FRA's best estimate of an amount equivalent to the net contributions paid by the member.
CETVs and added pension	If an issue arises, then look at it at that point. Individual and FRA will work together to agree a holding compromise that the CETV/added pension will stay in the 2015 scheme until the legislative solution arrives.	Deal with as and when arises.
Annual Allowance charges	<p>Recalculate pension input amount for each year of remedy.</p> <p>If an annual allowance charge would have arisen if the individual had not been transferred to the 2015 Scheme, the charge remains payable by the member (through scheme pays or otherwise).</p> <p>If an annual allowance charge would not have arisen (or a lesser charge applied) if the member had not transferred to the 2015 Scheme, the member will pay that charge and the FRA will compensate the member for the annual allowance</p>	<p>Recalculate pension input amount for each year of remedy.</p> <p>If an annual allowance charge would have arisen if the individual had not been transferred to the 2015 Scheme, the charge remains payable by the member (through scheme pays or otherwise).</p> <p>If an annual allowance charge would not have arisen (or a lesser charge applied) if the member had not transferred to the 2015 Scheme, the member will pay that charge and the FRA will compensate the member for any annual allowance</p>

	charge that is demanded (or any excess over the lesser charge that would have applied).	charge that is demanded (or any excess over the lesser charge that would have applied).
Scheme pays (MSP/VSP)	Member pays tax through VSP for statutory tax years for which it becomes due.	Member pays tax through VSP for statutory tax years for which it becomes due.
Converting scheme pays debits	FRA to recalculate the pension debit as if taken at time of original scheme pays election using actuarial factors applicable at time.	FRA to recalculate the pension debit as if taken at time of original scheme pays election using actuarial factors applicable at time.
Converting pension sharing debits	Deal with on a case by case basis as issues arise.	Deal with on a case by case basis as issues arise.
Dependents	Deal with on a case by case basis as issues arise (and in accordance with the timeframes set out in Annex 2 where reasonably practicable).	Deal with on a case by case basis as issues arise (and in accordance with the timeframes set out in Annex 2 where reasonably practicable).
Taper members	Tapering to stop (because that is the only step that is consistent with the ET decision).	Tapering to stop (because that is the only step that is consistent with the ET decision).
Unauthorised payments	N/A	The FRA will compensate the member for unauthorised payment charges which the member has had to pay and which he or she would not have had to pay if the member had not transferred to the 2015 Scheme.

ANNEX 2 – THE PROCESS

- 1 Any Member who believes that he or she is a Category 1 or a Category 2 case, and any person who believes that he or she is a dependant of a Category 1 or a Category 2 case Member ('an **Applicant**'), may give notice to the FRA which last employed the Member concerned requiring the FRA to investigate their case. Any such notice must be given in writing (by post or by email).
- 2 Within 14 days of receipt, the FRA shall acknowledge receipt of any such notice in writing (by post or by email), and inform the Applicant:
 - 2.1 either that the FRA accepts that the Applicant is entitled to a remedy under the Framework; or
 - 2.2 explain why, in the FRA's view, the Applicant is not entitled to a remedy under the Framework.
- 3 If the FRA accepts that the Applicant is entitled to a remedy under the Framework, as soon as reasonably practicable and in any event within 62 days after receiving an application under paragraph 1, the FRA shall send to the Applicant:
 - 3.1 In a Category 1 Case:
 - 3.1.1 a statement of the benefits that the Member would be entitled to receive if he or she retires under the rules of the Member's Legacy Scheme;
 - 3.1.2 a statement of the benefits that the Member would be entitled to receive if he or she retires under the rules of the 2015 Scheme; and,
 - 3.1.3 a form inviting the Applicant to choose to take benefits in accordance with the rules of the 2015 Scheme or the Member's Legacy Scheme.
 - 3.2 In a Category 2 Case:
 - 3.2.1 a statement of the benefits that the Member would have received if he or she had retired under the rules of the Member's Legacy Scheme, calculated as at the date of retirement or, in the case of a Member who left employment without an immediate pension, as at the date of leaving;
 - 3.2.2 a statement of the benefits that the Member received or was prospectively entitled to receive under the rules of the 2015 Scheme, calculated as at the date of retirement or, in the case of a Member who left employment without an immediate pension, as at the date of leaving;
 - 3.2.3 a statement of the arrears of pension and lump sum that the FRA will pay if the Applicant chooses to take benefits under the terms of the Member's Legacy Scheme;
 - 3.2.4 a statement of the arrears of contributions that will have to be paid or that will be reimbursed (if any) if the Applicant chooses to take benefits under the terms of the Member's Legacy Scheme;
 - 3.2.5 a statement of any tax adjustments that will have to be made if the Applicant chooses to take benefits under the terms of the Member's Legacy Scheme (including details of any "scheme pays" election that the Applicant might be able to make); and

3.2.6 a form inviting the Applicant to choose to take benefits in accordance with the rules of the 2015 Scheme or the Member's Legacy Scheme.

4 If the Member's entitlements under their Legacy Scheme cannot be determined without further medical advice, the period between the date of the request for further medical advice and the date when that advice is received shall be ignored for the purposes of the timetable set out in paragraphs 2 and 3 above.

5 Once the FRA receives notice of the Applicant's election, and if the Applicant chooses to receive benefits under the rules of the Member's Legacy Scheme:

5.1 In a Category 1 Case, the Applicant's entitlements shall be progressed as "business as usual".

5.2 In a Category 2 Case, the FRA shall:

5.2.1 adjust the Applicant's pension debit if required to allow for any "scheme pays" election that the Applicant makes on account of any annual allowance charge that would have arisen if the Member had never been treated as a Member of the 2015 Scheme;

5.2.2 begin to pay benefits in accordance with the Legacy Scheme rules with effect from the next pension payroll date which is at least one month after the receipt of the Applicant's election;

5.2.3 as soon as reasonably practicable and in any event within 28 days after receipt of the Applicant's election, pay to the Applicant the arrears of pension and lump sum, calculated under 3.2.3 above and rolled forward to the date of payment, with interest calculated in accordance with the Framework to the date of payment, plus compensation for any excess contributions paid, after deducting:

(a) any arrears of contributions calculated under 3.2.4 above; and

(b) any additional tax required to be paid under PAYE on arrears of pension that would have arisen if the Member had never been treated as a Member of the 2015 Scheme.

If the deductions to be made under paragraph 5.2.3(a) and (b) exceed the arrears to be paid under 5.2.3, the FRA shall not be obliged to begin to pay benefits under the Legacy Scheme rules in accordance with 5.2.2 until a reasonable schedule for payment of the excess has been agreed between the Applicant and the FRA.

6 In a Category 2 case, no further action is required if the Applicant chooses to continue to receive benefits under the Rules of the 2015 Scheme.

7 Until the Applicant makes an election under paragraph 3.1.3 or 3.2.6, no further action is required.

8 Giving effect to the Applicant's election under paragraph 3.1.3 or 3.2.6 to receive benefits calculated in accordance with the Legacy Scheme rules shall be conditional on the Applicant signing and returning a settlement agreement substantially in the form of the record of agreed compensation and remedy set out in Annex 3 to the MoU.

9 The member and an FRA's commitment to adhere to the process and timeframes as set out above is in consideration of the Principles of Collaboration and the ongoing review of the Framework as provided for at clauses 3 and 7.2 of the MoU respectively.

ANNEX 3 – RECORD OF AGREED COMPENSATION / REMEDY

I [NAME OF MEMBER] have agreed with [NAME OF FRA] in its capacity as both an employer and scheme manager to receive compensation and/or a remedy in line with the framework set out in the MoU dated [DATE] between the LGA (on behalf of FRAs) and the FBU (on behalf of its members).

I am a “Category [1/2]” case.

I understand and agree that:

- the Government has proposed to make new legislation that is intended to provide me with the pension benefits that I could have received if the pension changes made in 2015 had not been made, but that new legislation may not come into force until October 2023;
- some of the issues relating to my pension benefits have not been fully resolved and will not be fully resolved until the new legislation comes into force in October 2023, and as a consequence some payments (including tax relief and some interest amounts) might be calculated and processed once the new legislation comes into force. These issues are noted in the table below;
- The compensation I have received will be taken into account for the purposes of the new legislation (to avoid a situation where I receive additional amounts under the new legislation which have already been compensated for under the agreed framework);
- I understand that survivor benefits under the 1992 Firefighters Pension scheme are payable only to a legal spouse or civil partner, meaning a partner with whom I have entered into a formal registered civil partnership. If I choose to receive benefits under the rules of the Firefighters’ Pension Scheme 1992 and I am unmarried and not in a civil partnership at the date of my death then a survivor’s pension will not be payable;
- The decision I make to receive benefits under the rules of the Firefighters’ Pension Scheme 1992/ Firefighters’ Pension Scheme 2006/ Firefighters’ Pension Scheme 2015 [delete as applicable] is irrevocable. Neither I nor my dependants will be given an option to reconsider this decision once the new legislation comes into force;
- The way in which the issues relevant to my case are dealt with under the framework (as noted in the table below) amounts to a full and final settlement of my claim. I will not commence or continue any court or tribunal proceedings against [NAME of FRA] (in its capacity as employer or pension scheme manager) in relation to any matters that are covered by this agreement (other than a failure to abide by the terms of this agreement); and

The issues in my case have or will be addressed as follows:

[PARTIES TO INSERT RELEVANT ROWS FROM THE ANNEX 1 FRAMEWORK TABLE WITH AN ADDITIONAL COLUMN TO DOCUMENT THE ACTUAL PAYMENT, ADJUSTMENT AND/OR RECORD ALTERATION MADE FOR EACH SPECIFIC ISSUE FOR THAT MEMBER.]

Signed by [NAME of MEMBER] on [DATE]

Signed by [NAME] on behalf of [FRA] on [DATE]

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**To: Fire and Rescue Authorities and Services
Fire Brigades Union members**

FRAMEWORK FOR MANAGING IMMEDIATE DETRIMENT ISSUES - UPDATE

1. We write to update you on a matter relating to the Memorandum of Understanding (MoU) agreed between the LGA and FBU on 8 October 2021, which set out a mechanism for handling Immediate Detriment cases, to assist all parties prior to completion and implementation of the McCloud/Sargeant remedying legislation. It includes a Framework under which members in scope could receive benefits prior to all remedying legislation being in force.
2. The content of the Framework was based on the understanding of the Public Service Pensions and Judicial Offices Bill (draft primary legislation). The Government needs also to make secondary legislation pursuant to the Bill (together, the Remedying Legislation) to provide affected pension scheme members with a remedy for the discrimination found in the McCloud/Sargeant claims.
3. Since publication of the Framework, HMRC has published a policy document and a Finance (No.2) Bill which both now indicate a move towards making payments of lump sums paid more than 12 months after retirement ('late lump sums') authorised.
4. This is contrary to the earlier indications given by the Government and the provisions of the Pensions and Judicial Offices Bill that late lump sum payments would be unauthorised and that under the remedy FRAs would be required to compensate the member for any tax charges which could ultimately be reclaimed from Government. This change will only affect Category 2 members who left the scheme more than 12 months ago.
5. Category 2 members are defined as Members who, at the date of the MoU (8 October):
 - (a) have already retired (for any reason, including ill-health) and who are receiving a pension under the 2015 Scheme, and who wish to be treated as having retired as a member of their Legacy Scheme; or
 - (b) have left the fire and rescue service and did not qualify for a lower-tier (and therefore higher-tier) ill-health pension under the single pot ill-health retirement arrangement provided for in the 2015 Scheme, and are therefore left without a pension in payment.
6. Currently both the extent (whether such authorisation would apply in all cases) and the timing (the date from which payments become authorised) are not yet clear and may not become clear until secondary legislation implementing the Finance (No.2) Bill is available. Any payments outside of the extent or prior to the implementation of these provisions would continue to be unauthorised and would carry the risk that the FRA may not be able to recover those compensation costs. This is because despite the FRAs continued position that the Government must fund all the costs of remedy, the Government has indicated that where immediate detriment payments are made that are not consistent with its proposed method of providing remedy it will not fund the costs of those payments.

7. Government's position in the policy document and Finance (No.2) Bill was unexpected and accordingly has been discussed at a recent MoU review meeting. Clarification is currently being sought on the extent and timing of this change and in any case, joint contact will be made by the LGA and the FBU to UK Government seeking to achieve a change of position, primarily on making all late lump sum payments made to remedy the discrimination found in the McCloud/Sargeant claims authorised regardless of when the payments were made. Depending on the outcome of that, contact will also be made with the governments of Scotland, Wales and Northern Ireland where the consequences of this UK Government change could impact upon them specifically.
8. The LGA and the FBU will continue discussions on this issue in a spirit of cooperation as the MoU requires. This decision should not in general delay an FRAs decision to adopt the Framework. Both parties agree that the Framework remains a pragmatic way forward in order that issues can be dealt with as soon as possible and to avoid further legal cases. In particular, they agree that:
 - Any problems with paying a top-up lump sum can only arise where members retired or left more than 12 months ago. Therefore, if a member is approaching the anniversary of their departure, their case should be processed urgently.
 - This problem does not affect any other payments under the Framework.
 - FRAs should continue to provide affected members with their lump sum calculation.
9. The reason why clarification or a change of position from UK government is being sought as a matter of urgency is because this new HMRC position means an FRA will need to be mindful of the risks that would be created in proceeding to make top-up lump sum payments until such time as the HMRC position is amended or an implementation date is clear. It should be noted that the difficulties apply to any such late lump sum payments irrespective of whether they are made under the Framework process or not.
10. The FBU recognises that there is an issue, but it cannot accept any further delay. Accordingly, its position is that if FRAs do not operate the provision in the Framework as originally intended, it will assist members in pursuing legal action to secure their entitlements. That may take the form of complaints to the Pensions Ombudsman where compensation would be sought for the distress and inconvenience caused by late payment or non-payment.
11. We will continue to keep you updated on this matter.



Jeff Houston
Local Government Association



Matt Wrack
Fire Brigades Union

Processing immediate detriment cases – November 2021

This note sets out HM Treasury's best assessment at this point on the advisability of processing immediate detriment cases before new legislation to enact the McCloud remedy is in place, and the implications of this assessment for the Home Office guidance on processing immediate detriment cases published in August 2020 and revised in June 2021.

Background

Before the McCloud legislation is in place, any corrections to individuals' pension arrangements depend on an interpretation of how section 61 Equality Act 2010 would operate.

The government made clear in its July 2020 consultation and February 2021 consultation response that it accepts that members who moved to the reformed pension schemes on or after 1 April 2015 and have subsequently retired already have an entitlement to be treated as a member of their legacy scheme for the remedy period if they wish. This is based on the view that section 61 Equality Act 2010 permits pension scheme regulations to be read as though discriminatory provisions do not apply, allowing members in this position to be treated as a member of their legacy scheme.

It was initially thought that section 61 would be sufficient to allow the position of unprotected individuals due to retire before the deferred choice underpin is implemented ('pipeline' immediate detriment cases), who wished to receive legacy scheme benefits, to be corrected before the McCloud Bill, scheme regulations and relevant tax legislation came into force. This was reflected in the position set out in the July 2020 consultation document, which stated that the government would work with schemes to give members of reformed schemes due to retire before 2022 a choice of benefits, where this was administratively possible. It was acknowledged that there were still some policy and administrative issues to work through, and the consultation document noted the complexity involved and that systems changes may be required.

Consistent with that, the Home Office guidance document originally published in August 2020 was the best attempt possible at that time to set out a pathway for processing pipeline cases ahead of legislation. The document was produced in response to specific requests from the Firefighters' Scheme Advisory Board and in recognition of the particular pressures affecting the locally administered schemes. In producing the document, the complexity of these issues became increasingly apparent. The guidance did not therefore cover cases where individuals had already retired ('rectification' cases). Home Office and HMT were also clear that the document contained gaps in respect of pipeline cases, and that cases may need to be revisited, though the belief at the time was that it provided a basis to process at least some pipeline immediate detriment cases.

The February 2021 consultation response also reflected this position and acknowledged the particular complexities associated with rectification cases. The updated version of the Home Office guidance document published this year following further discussions with the sector was an attempt to provide more detail in some areas where this was possible, and to correct areas where thinking had moved on as a result of the further work that had been done. Both of these guidance documents were produced in good faith based on the best information available at the time, and it was made clear that there were still gaps and uncertainties.

Current assessment

The further work done by HMT and HMRC on drafting the remedy in the McCloud Bill (i.e. the Public Service Pensions and Judicial Offices Bill) has made it clear that these gaps and uncertainties are considerably greater than was previously thought. In some situations, it now appears that section 61

may not give all the powers required to operate the remedy smoothly and predictably, without generating significant uncertainty for schemes, and risking significant second or third adjustments for individuals.

Because of this, HMT's current view is now that immediate detriment cases, including those yet to retire, cannot be processed before legislation is in place without considerable risk, uncertainty and administrative burdens for individuals, schemes and employers.

The fundamental issue is that to support correction of immediate detriment cases before new legislation is in place, section 61's impact on some fairly obscure aspects of the McCloud remedy needs to be understood. Any such interpretation of how section 61 comes into play on these points is novel and contestable, and actions taken on the basis of it are risky.

This risk has become more apparent over time, as HMT and HMRC have worked through the McCloud remedy and its tax consequences in more detail. On some of these points, the effect of section 61 would only be known for certain if it is tested in a court of law. This means schemes face significant uncertainty on how to proceed.

For example, where an individual's situation is corrected before legislation is in place, analysis at this point suggests it is not certain that section 61 will allow contributions paid in the past to reformed schemes to have been paid, as a matter of fact, into legacy schemes. This could call into question certain aspects of the remedy, including those contributions' tax relievable status. That could mean that the individuals in question will owe tax on contributions made in the past to their reformed scheme. This issue could affect all individuals who have made contributions into their reformed scheme – not just those for whom an adjustment in the amounts of contributions is required. Schemes and employers could then face difficult decisions over how to deal with those past contributions, plus significant administrative burdens as they attempted to fully unwind historic situations. Some individual members could lose out – potentially temporarily, but to a significant degree if tax is owed on past contributions but compensation for tax relief on contributions now being made into the legacy scheme is not available until the full remedy is in place. Individuals may also face significant second, and sometimes third, corrections once legislation is in place, as some of these problems are corrected.

Other areas of uncertainty exist and based on the experience so far of preparing the McCloud remedy, it is reasonable to conclude that further issues could emerge as work continues on the detailed McCloud remedy for changes to tax legislation and through scheme regulations.

The legislation the government is putting in place, through the McCloud Bill and tax legislation, and through the scheme regulations changes, aims to address uncertainties to deliver proportionate and reasonable results which are robust to further challenge on the grounds of discrimination, in line with the policy set out in the consultation and response documents. It is HMT's view at this point, based on the analysis as it currently stands, that cases cannot be smoothly and predictably processed until this legislation is in place and that there are risks and uncertainties for schemes and for individuals if cases are processed ahead of that.

Therefore HMT and Home office do not advise that schemes process pipeline immediate detriment cases before the legislation is in place, given the uncertainty of how to proceed on some elements, and the significant risk of generating unintended tax consequences that may, to a greater or lesser extent, then need to be reversed once legislation is in force.

It is of course still up to schemes to choose to process cases or not based on their own assessment of the competing legal risks, but at this stage it is not possible to give any guarantees that the remedy and its tax consequences will work as intended for everyone, before the legislation is in place.

Implications for the Home Office guidance

Whilst section 61 permits individuals affected to be treated as members of their legacy scheme, given the uncertainty around how it operates on some of the detailed elements of the McCloud remedy, HMT no longer views the current version of the Home Office guidance as accurately representing the situation. Unfortunately, that uncertainty also means the guidance cannot be revised to give schemes a clear way forward on how to process these cases that is certain to be correct. Home Office have therefore taken the difficult decision to withdraw this guidance.

It is also important to note that if schemes process cases and run up against tax issues which it is not straightforward to resolve – because the situation is either ambiguous under current rules due to uncertainty about how section 61 acts on some elements, or the current rules generate unwelcome tax outcomes – they will have to operate within the existing tax legislation and HMRC will not be able to help resolve those issues. This may mean that individuals could face unwanted tax bills and/or corrections to their tax affairs, which may then need to be corrected again once the legislation is in place.

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. However, 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.

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 8
31 JANUARY 2022

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ASSISTANT CHIEF OFFICER PEOPLE SERVICES

THE PENSIONS REGULATOR RETURNS**THIS REPORT IS FOR INFORMATION**

REPORT PRESENTED BY ACO A REED

SUMMARY

This report shares the completed public service pension scheme returns that were submitted to The Pensions Regulator in relation to the 1992, 2007 and 2015 Firefighters' Pensions Schemes.

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 the 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 a publication issued by The Pensions Regulator titled "A quick guide to information that must be provided to us".
- 1.4 Appendix B contains the completed returns for the 1992, 2007 and 2015 Firefighters' Pension Schemes. The returns include scheme data, scheme manager information, Local Pension Board membership, employer details and administrator details.
- 1.5 South Wales Fire and Rescue Authority, as the Scheme Manager, submitted the returns within the deadline of 10 November 2021.

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 returns which are shared for information and awareness purposes.

Contact Officer:	Alison Reed Director of People Services
Background Papers	Appendix A – Quick Guide Appendix B – Scheme returns for 1992, 2007 & 2015 Firefighters' Pension Schemes

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Information for public service scheme managers

A quick guide to information that must be provided to us

There is certain information that public service pension schemes are legally required to provide to us. This quick guide outlines the kind of information that must be provided and why, as well as some best practice tips to help you meet the legal requirements.

The legal duties include:

- providing us with 'registrable information' and keeping this information up to date
- ensuring that the scheme return is provided accurately and on time.

What information must be provided?

Registrable information

Managers of public service pension schemes are legally required to provide ‘registrable information’ to us, and to keep this information up to date. This information includes the scheme name, address and scheme type, membership data, and name and addresses of employers. We are required to capture this information in a register and we also use it to inform the Pensions Tracing Service, which helps people find lost pensions.

Other information

In addition to registrable information, we collect additional information each year via the scheme return to build an accurate picture of the landscape, so we can regulate effectively and provide relevant educational materials. We also use this information to make sure we can contact the relevant people running the schemes.

Information we collect in this way includes details for scheme contacts, pension board members and various service providers such as administrators. It is a legal requirement for scheme managers to provide the scheme return.

How do I go about actually completing a scheme return?

You’ll need to do this via Exchange, our online service at: <https://exchange.thepensionsregulator.gov.uk/>

If you’ve used Exchange before, log on using your registered email address and password. Choose the scheme from the ‘My schemes’ page and select the ‘Scheme maintenance’ option. If you haven’t used Exchange before, you’ll need to register. This is very straightforward to do.



Best practice tip

In larger schemes, several people may need to have access to the information on Exchange. You can provide access to as many people as required by going to Exchange, logging in, and then selecting ‘Manage who can access this scheme online’ from the Scheme options menu. We recommend you do this in advance of receiving the scheme return notice.

If I manage multiple schemes, do I need to complete a return for each scheme?

If you manage more than one scheme, you’ll need to complete a scheme return for each separate scheme. For example, a fire and rescue authority in England might need to complete a scheme return for the Firefighters’ Pension Scheme 1992, another for the New Firefighters’ Pension Scheme 2006 and a third one for the Firefighters’ Pension Scheme 2015.

Does this mean that some people will be counted more than once?

Yes it will. If a person is a deferred member of one scheme and an active member of another scheme, they should appear in the appropriate data category for both schemes. This gives us an accurate picture of the active, deferred and pensioner members connected to each individual scheme.

What is the deadline for completing the scheme return?

The deadline is stated on the scheme return notice itself and is usually six weeks from the date of the notice.



Best practice tip

The information we are asking for is straightforward, but give yourself time to complete the scheme return in case you need to go and find certain information about your scheme. Our website lists the information you'll need to provide, so it's worth reading this and preparing the information in advance to save time.

What if I can't complete the scheme return within the deadline?

We don't anticipate schemes having problems completing the scheme return on time as the information asked for is not technical or complicated. However, completing the scheme return by the deadline is a legal requirement and failure to do this could lead to a fine or other action being taken. If schemes are having problems, then they should contact us as soon as possible.

Your ongoing duties

It is the scheme manager's legal duty to keep registrable information up to date, notifying us as soon as reasonably practicable if there are any changes. Schemes can update their information at any time, via Exchange – they shouldn't wait for the annual scheme return. Keeping your scheme information up to date will help you to complete your annual scheme return more quickly and efficiently.



Best practice tip

We've had a number of cases where the scheme return contact has retired or changed job but no new details have been provided to us. To help you meet your legal obligations, make sure the scheme return contact is kept up to date.

How to contact us

Napier House
Trafalgar Place
Brighton
BN1 4DW

www.pensionseducationportal.com

Free online learning for those running public service schemes



A quick guide to
information that must be provided to us
Information for public service scheme managers
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Scheme return
2020 - 2021

The Pensions Regulator

Your scheme details:

South Wales Firemens Pension Scheme 1992

Date produced: **10 November 2021**

PSR number: 10079094

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

1. Introduction

The following are the details that were on the scheme return submitted on 10 November 2021 09:06 AM.

The scheme return details were confirmed by Mrs Kimbely Henderson Jeal.

2. Scheme details (includes membership details)

Basic details	
Scheme name	South Wales Firemens Pension Scheme 1992
PSR number	10079094
Scheme address	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Closed to new members since 01 April 2007
Scheme year-end (DD/MM)	31/03 since 01 April 1947
HMRC reference number (PSTR)	00616644RY

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	111
Deferred members	68
Pensioner members	1252
Total of members	1431

Number of members as at 31 March 2021 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2020 and 31 March 2021.	
Active members	59
Deferred members	66
Pensioner members	1283
Total of members	1408

3. Governance Details

PSR number: 10079094

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Manager of the scheme	
Role or organisation name	Manager of the Scheme, South Wales Fire & Rescue Authority
Address of manager of the scheme	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232353
Email address	a-reed@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Councillor Steve Bradwick
Pension board member type	Employer
Chair of pension board	Yes
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	Steven.A.Bradwick@rctcbc.gov.uk

Pension board member	
Name of pension board member	Councillor Val Smith
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	valsmith@monmouthshire.gov.uk

PSR number: 10079094

Pension board member	
Name of pension board member	Mr Richard Prendergast
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	r-prendergast@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Mr David King
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	daveking@tiscali.co.uk

Pension board member	
Name of pension board member	Councillor Louise Brown
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	louisebrown@monmouthshire.gov.uk

PSR number: 10079094

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Pension board member	
Name of pension board member	Councillor David White
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	Cllr.David.White@bridgend.gov.uk

Pension board member	
Name of pension board member	Mr Michael Alexander
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	M-Alexander@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Mr Gareth Tovey
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	GJ-Tovey@southwales-fire.gov.uk

PSR number: 10079094

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3. Record-keeping

Common data	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	November 2021
What percentage of this data have you assessed to be present and accurate?	99%

Scheme-specific ('conditional') data	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	November 2021
What percentage of this data have you assessed to be present and accurate?	98%

PSR number: 10079094

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5. Employer details

Employer	
Employer's name	South Wales Fire Authority
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	South Wales Fire & Rescue Service Unit 2 Forest View Business Park Llantrisant PONTYCLUN CF72 8LX United Kingdom
Employer status	Active since 01 January 1996
Employer email address	pensions@southwales-fire.gov.uk

PSR number: 10079094

6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

Third party administrator	
Organisation name	Rhondda Cynon Taf Pension Fund
Address of administrator	Rhondda Cynon Taff County Borough Council Council Offices Bronwydd PORTH Mid Glamorgan CF39 9DL United Kingdom
Telephone number	01443 680646
Email address	catherine.black@rctcbc.gov.uk

In-house administrator	
There is currently no in-house administrator listed as involved with this scheme. Details required are name and address, telephone number and email address.	

Auditor	
Organisation name	Wales Audit Office
Address of auditor	Wales Audit Office 24 Cathedral Road CARDIFF CF11 9LJ United Kingdom
Telephone number	02920320500

PSR number: 10079094

PSR number: 10079094

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7. Contact details

Scheme contact details	
Name of contact	Mrs Kimbely Henderson Jeal
Job title	Accountant (People Services)
Address of contact	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232189
Email address	k-jeal@southwales-fire.gov.uk

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

Consent to electronic service details	
Confirmed by contact name	Mrs Kimbely Henderson Jeal
Confirmed date	08/10/2021
Email address	k-jeal@southwales-fire.gov.uk

PSR number: 10079094

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

Scheme return
2020 - 2021

The Pensions Regulator

Your scheme details:

Firefighters' Pension Scheme (Wales) 2007 - South Wales

Date produced: **10 November 2021**

PSR number: 10276791

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

1. Introduction

The following are the details that were on the scheme return submitted on 10 November 2021 09:08 AM.

The scheme return details were confirmed by Mrs Kimbely Henderson Jeal.

2. Scheme details (includes membership details)

Basic details	
Scheme name	Firefighters' Pension Scheme (Wales) 2007 - South Wales
PSR number	10276791
Scheme address	South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant RCT CF72 8LX United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Closed to new members since 01 April 2015
Scheme year-end (DD/MM)	31/03 since 06 April 2006
HMRC reference number (PSTR)	00680186RY

Number of members as at 31 March 2020

The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.

Active members	19
Deferred members	399
Pensioner members	15
Total of members	433

Number of members as at 31 March 2021

The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2020 and 31 March 2021.

Active members	18
Deferred members	433
Pensioner members	29
Total of members	480

3. Governance Details

PSR number: 10276791

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

Manager of the scheme	
Role or organisation name	South Wales Fire & Rescue Authority
Address of manager of the scheme	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232159
Email address	a-reed@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Councillor Steve Bradwick
Pension board member type	Employer
Chair of pension board	Yes
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	Steven.A.Bradwick@rctcbc.gov.uk

Pension board member	
Name of pension board member	Councillor Val Smith
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	valsmith@monmouthshire.gov.uk

PSR number: 10276791

Pension board member	
Name of pension board member	Mr. David King (RFU)
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	davejking@tiscali.co.uk

Pension board member	
Name of pension board member	Mr Richard Prendergast
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	r-prendergast@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Councillor Louise Brown
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	louisebrown@monmouthshire.gov.uk

PSR number: 10276791

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Pension board member	
Name of pension board member	Councillor David White
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service HQ Unit 2 Fforst View Business Park Ynysmardy Llantrisant CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	Cllr.David.White@bridgend.gov.uk

Pension board member	
Name of pension board member	Mr Gareth Tovey
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	GJ-Tovey@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Mr Michael Alexander
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	M-Alexander@southwales-fire.gov.uk

PSR number: 10276791

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PSR number: 10276791

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3. Record-keeping

Common data	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	November 2021
What percentage of this data have you assessed to be present and accurate?	95%

Scheme-specific ('conditional') data	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	November 2021
What percentage of this data have you assessed to be present and accurate?	97%

PSR number: 10276791

5. Employer details

Employer	
Employer's name	South Wales Fire Authority
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Employer status	Active since 01 January 1991
Employer email address	pensions@southwales-fire.gov.uk

PSR number: 10276791

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

6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

Third party administrator	
Organisation name	Rhondda Cynon Taf County Council
Address of administrator	Pensions Department Bronwydd Porth Rhondda Third-Party CF39 9DL United Kingdom
Telephone number	01443 680611
Email address	pensions@rctcbc.gov.uk

In-house administrator	
There is currently no in-house administrator listed as involved with this scheme. Details required are name and address, telephone number and email address.	

Auditor	
Organisation name	Wales Audit Office
Address of auditor	Wales Audit Office 24 Cathedral Road CARDIFF CF11 9LJ United Kingdom
Telephone number	02920320500

PSR number: 10276791

PSR number: 10276791

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7. Contact details

Scheme contact details	
Name of contact	Mrs Kimbely Henderson Jeal
Job title	Accountant (People Services)
Address of contact	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232189
Email address	k-jeal@southwales-fire.gov.uk

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

Consent to electronic service details	
Confirmed by contact name	Mrs Kimbely Henderson Jeal
Confirmed date	04/11/2021
Email address	k-jeal@southwales-fire.gov.uk

PSR number: 10276791

Scheme return
2020 - 2021

The Pensions Regulator

Your scheme details:

The Firefighters Pension Scheme Wales 2015

Date produced: **10 November 2021**

PSR number: 10276724

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

1. Introduction

The following are the details that were on the scheme return submitted on 10 November 2021 09:15 AM.

The scheme return details were confirmed by Mrs Kimbely Henderson Jeal.

2. Scheme details (includes membership details)

Basic details	
Scheme name	The Firefighters Pension Scheme Wales 2015
PSR number	10276724
Scheme address	South Wales Fire and Rescue Service Headquarters Forest View Business Park Llantrisant RCT CF72 8LX United Kingdom
Scheme type	Occupational
Benefit type	Defined benefit
Current status	Open to new members since 01 April 2015
Scheme year-end (DD/MM)	31/03 since 01 April 2015
HMRC reference number (PSTR)	00824190RY

Number of members as at 31 March 2020 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2019 and 31 March 2020.	
Active members	1102
Deferred members	291
Pensioner members	16
Total of members	1409

Number of members as at 31 March 2021 The Pensions Regulator requires to know the number of members present at the scheme year-end between the dates 1 April 2020 and 31 March 2021.	
Active members	1082
Deferred members	482
Pensioner members	20
Total of members	1584

3. Governance Details

PSR number: 10276724

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Manager of the scheme	
Role or organisation name	South Wales Fire & Rescue Authority, Scheme Manager
Address of manager of the scheme	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232024
Email address	a-reed@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Councillor Steve Bradwick
Pension board member type	Employer
Chair of pension board	Yes
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	Steven.A.Bradwick@rctcbc.gov.uk

Pension board member	
Name of pension board member	Councillor Val Smith
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	valsmith@monmouthshire.gov.uk

PSR number: 10276724

Pension board member	
Name of pension board member	Mr. Richard Prendergast
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	r-prendergast@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Mr. David King (RFU)
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	davejking@tiscali.co.uk

Pension board member	
Name of pension board member	Councillor Louise Brown
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443232000
Email address	louisebrown@monmouthshire.gov.uk

PSR number: 10276724

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Pension board member	
Name of pension board member	Councillor David White
Pension board member type	Employer
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	Cllr.David.White@bridgend.gov.uk

Pension board member	
Name of pension board member	Mr Gareth Tovey
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	GJ-Tovey@southwales-fire.gov.uk

Pension board member	
Name of pension board member	Mr Michael Alexander
Pension board member type	Member
Chair of pension board	No
Address of pension board member	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232000
Email address	M-Alexander@southwales-fire.gov.uk

PSR number: 10276724

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

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3. Record-keeping

Common data	
Have you measured your common data in the last three years?	Yes
When did you last measure your common data?	November 2021
What percentage of this data have you assessed to be present and accurate?	99%

Scheme-specific ('conditional') data	
Have you measured your scheme-specific ('conditional') data in the last three years?	Yes
When did you last measure your scheme-specific ('conditional') data?	November 2021
What percentage of this data have you assessed to be present and accurate?	97%

PSR number: 10276724

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5. Employer details

Employer	
Employer's name	South Wales Fire and Rescue Service
Employer type	Participating Employer
Organisation type	Government / public body
Address of employer	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Employer status	Active since 01 April 2015
Employer email address	pensions@southwales-fire.gov.uk

PSR number: 10276724

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6. Service provider details

Insurance company	
There is currently no insurance company listed as involved with this scheme.	

Third party administrator	
Organisation name	Rhondda Cynon Taf County Council
Address of administrator	Pensions Department Bronwydd Porth Rhondda Third-Party CF39 9DL United Kingdom
Telephone number	01443 680646
Email address	catherine.black@rctcbc.gov.uk

In-house administrator	
There is currently no in-house administrator listed as involved with this scheme. Details required are name and address, telephone number and email address.	

Auditor	
Organisation name	Wales Audit Office
Address of auditor	Wales Audit Office 24 Cathedral Road CARDIFF CF11 9LJ United Kingdom
Telephone number	02920320500

PSR number: 10276724

PSR number: 10276724

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7. Contact details

Scheme contact details	
Name of contact	Mrs Kimbely Henderson Jeal
Job title	Accountant (People Services)
Address of contact	South Wales Fire & Rescue Service Unit 2, Forest View Business Park Llantrisant PONTYCLUN Mid Glamorgan CF72 8LX United Kingdom
Telephone number	01443 232189
Email address	k-jeal@southwales-fire.gov.uk

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

Consent to electronic service details	
Confirmed by contact name	Mrs Kimbely Henderson Jeal
Confirmed date	08/10/2021
Email address	k-jeal@southwales-fire.gov.uk

PSR number: 10276724

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

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THIS REPORT IS NOT EXEMPT AND IN THE PUBLIC DOMAIN**SOUTH WALES FIRE & RESCUE AUTHORITY**AGENDA ITEM NO 9
31 JANUARY 2022

LOCAL PENSION BOARD COMMITTEE

REPORT OF THE ASSISTANT CHIEF OFFICER 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 A).

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 A).

Contact Officer:	Alison Reed Director of People Services
Background Papers	Appendix A – Publications



FPS Bulletin 49 – September 2021

Welcome to issue 49 of the Firefighters' Pensions Schemes bulletin. We hope that readers remain safe and well.

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 or suggested items for future issues, please email claire.hey@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 claire.hey@local.gov.uk

Table 1: Calendar of events

Event	Date
FPS coffee morning	12 and 26 October 2021
South West and Wales regional group	5 October 2021
Aon Pensions Dashboards webinar	6 October 2021
Fire Finance Network conference	13-14 October 2021
Midlands regional group	21 October 2021
North East regional group	18 November 2021
SAB	9 December 2021

FPS

Two pension award case study

Certain unique elements of the Firefighters' Pension Schemes continue to cause administrative complexities; entitlement to two pensions being one example that requires good communication and collaboration between an FRA and their administrator.

One FRA has shared their experiences in this [two pension award case study](#), taking readers on a journey from an initial query, identification and resolution of an issue, breach recording, and review of internal processes.

This detailed case study has been shared as an example of best practice and to raise awareness of two pension entitlements. It is a strong example of partnership working between an FRA, their administrator, and a representative body, and also demonstrates thorough consideration of the Pension Regulator's breach processes.

We welcome case studies on any examples of good practice that FRAs would like to share. Please email bluelight.pensions@local.gov.uk with submissions for future issues.

LGA vacancy - Firefighters' Pensions Adviser - Employers

We are looking for someone to join us at the LGA to provide high-quality support to FRAs and FPS practitioners as a [Firefighters' Pensions Adviser – Employers](#) on a home or office-based contract.

The ideal candidate will have knowledge and experience of the FPS and excellent communication skills to support scheme stakeholders through a number of upcoming legislative developments that will require clear and comprehensive information and will bring with them significant administrative and communication challenges.

The closing date for applications has been extended to 11 October 2021 and interviews will now take place in the week commencing 25 October 2021.

Please contact claire.hey@local.gov.uk with any questions about the role.

Technical query log

The current [log of queries and responses](#) is available on 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: abatement (page 11), deferred benefits (page 58), pension sharing (page 92), and survivors pension (page 105).

Please bear with us if you experience a delay in response to your technical query. As you can imagine, much of our resource is currently focused on remedy-related issues.

FPS England SAB updates

SAB LPB effectiveness committee vacancy

We have a vacancy on the [Local Pension Board \(LPB\) effectiveness committee](#) for an FRA LPB representative. The LPB effectiveness committee considers how local pension boards and scheme managers can be supported centrally and has been particularly active in designing board surveys and developing draft guidance for joint LPB applications.

[Click here to return to Contents](#)

This is a great opportunity for an LPB member to get more involved with governance at a national level and represent the views of the sector.

The required commitment is usually three to four meetings per year and these are currently being held virtually. If you are interested in sitting on the committee or would like more information, please email bluelight.pensions@local.gov.uk.

Other News and Updates

Public Service Pensions and Judicial Offices Bill receives Second Reading

The Bill received its [Second Reading in the House of Lords](#) on 7 September 2021 and will now move to the Committee Stage (first sitting on 11 October 2021).

James Younger, Viscount Younger of Leckie, confirmed at the Second Reading that the Government:

- is aiming for the Bill to receive Royal Assent in early 2022
- will be depositing policy statements in the House Library in the coming weeks
- expects that some technical amendments will be required during the Bill's passage through Parliament.

The Bill was introduced to Parliament on 19 July 2021.

Government suspends earnings part of 'the triple lock'

The government announced on 7 September 2021 that it will be introducing legislation to [suspend the earnings part of the triple lock for one year](#).

As a result, basic and new State Pensions will increase in April 2022 by the higher of 2.5 per cent or inflation. This will also apply to those receiving the standard minimum guarantee in Pension Credit and widows' and widowers' benefits in Industrial Death Benefit.

The earnings part of the triple-lock was estimated to be above 8 per cent due to "unprecedented fluctuations to earnings caused by the COVID-19 pandemic".

Auto-enrolment news

On 21 September 2021, the Minister for Pensions and Financial Inclusion, Guy Opperman, confirmed in an [answer to a Parliamentary written question](#) that the Government is still committed to implementing the recommendations from the [2017 Automatic Enrolment review](#) in the mid-2020s.

In other news, Mel Charles, Director of Automatic Enrolment at the Pensions Regulator (TPR), published [a blog on automatic enrolment duties](#) on 26 August 2021. Mel reminds employers that, despite the effects from the pandemic, they must not neglect these duties.

PLSA publishes ‘An Employer’s Guide to Talking About Workplace Pensions’

On 15 September 2021, the Pensions and Lifetime Savings Association (PLSA) published ‘[An Employer’s Guide to Talking About Workplace Pensions](#)’.

The guide provides background on what employers (and pension schemes) can and cannot say with the intention of helping them navigate the advice / guidance boundary.

We reported in [FPS Bulletin 45](#) that TPR had produced similar [guidance on providing support to employees on financial matters](#) without being subject to Financial Conduct Authority regulation.

HM Treasury responds to Committee’s report on public service pensions

On 2 September 2021, [HM Treasury \(HMT\) responded to the report on public service pensions](#) from the House of Commons Committee of Public Accounts. The Committee published the report on 11 June 2021 and made six conclusions alongside recommendations for each one.

HMT agrees with five of the recommendations and sets out how it will progress these. It has already announced most of the actions (such as [consulting on the SCAPE discount rate methodology](#)). Additionally, HMT will:

- commission other government departments for analysis of the latest participation data for each public service scheme
- work with departments to standardise data collection on participation rates, including whether it could be broken down by member characteristics
- ask departments to update it on measures they are taking to improve participation among specific groups
- write to the Committee with an update in six months on the work to implement the McCloud judgment and to resolve the issues with the cost control mechanism
- write to the Committee by the end of 2021 with an assessment of how it is meeting the objectives of the 2014 / 15 pension reforms.

HMT disagrees with the Committee’s conclusion that it has done little to identify and manage the stark differences in average pensions between genders and other groups. It argues that such differences are a function of past differences in earnings rather than in differences in pension provision itself.

HMRC

HMRC newsletters/bulletins

On 30 September 2021, HMRC published [Pension schemes newsletter 133](#) containing important updates and guidance for schemes. Articles include:

- relief at source — annual return of information and notification of residency status reports
- pension scheme migration
- reporting multiple small pots payments using Real Time Information (RTI)
- updates to the HMRC Pensions Tax Manual

Events

FPS coffee mornings

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

The next session is due to take place on 12 October 2021.

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

[31 August 2021 – One-pot ill-health and death recap](#)

[14 September 2021 – Remedy project management update](#)

[28 September 2021 – Scheme valuations and cost control overview](#) (First Actuarial)

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

Legislation

SI	Reference title
2021/1047	The Pensions Regulator (Employer Resources Test) Regulations 2021

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](#)
- [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 bluelight.pensions@local.gov.uk.



FPS Bulletin 50 – October 2021

Welcome to issue 50 of the Firefighters' Pensions Schemes bulletin. We hope that readers remain safe and well.

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 or suggested items for future issues, please email claire.hey@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 claire.hey@local.gov.uk.

Table 1: Calendar of events

Event	Date
FPS coffee morning	9 and 23 November 2021
Eastern regional group	2 November 2021
SAB SMA committee	4 November 2021
North West regional group	10 November 2021
North East regional group	18 November 2021
Eversheds Sutherland pensions conference	1 December 2021
Eastern regional group	7 December 2021
SAB	9 December 2021

FPS

Immediate Detriment Framework

On 8 October 2021, the [FBU and LGA published a joint statement](#) to announce the agreement of a [Memorandum of Understanding and Framework](#) for managing immediate detriment cases arising from the McCloud/ Sargeant age discrimination judgment.

We have prepared guidance to assist FRAs in adoption of the Immediate Detriment Framework. The guidance is available on the [age discrimination page](#) of the FPS Regulations and Guidance website and will be kept under review. Log-in details are required to access the page and can be provided to practitioners and administrators only.

FPS Member website resources added

A new section has been added to the FPS member website, www.fpsmember.org, titled [2015 Remedy](#). This section provides a background to the McCloud/ Sargeant age discrimination ruling and a series of frequently asked questions. More information will be added over the coming months.

Fire and Rescue workforce and pensions statistics published

The Home Office published [workforce and pensions statistics](#) for Fire and Rescue Services (England) on 21 October 2021. The pension scheme statistics, covering April 2020 to March 2021, reflect data returns on income, expenditure and membership submitted by all FRAs in England.

Some key results:

- Firefighters' Pension Scheme expenditure in 2020-21 was around £902 million.
- 84 per cent of expenditure was "recurring outgoing payments" and 15 per cent was "commutation payments". "Transfers" and "miscellaneous expenditure" totalled less than 1 per cent
- Firefighters' Pension Scheme income in 2020-21 was around £393 million.
- Employer contributions rose by 1 per cent to £262 million.
- In 2020-21, 67 per cent of income was "employer contributions", 30 per cent was "employee contributions" and the remaining three per cent comprised transfers, miscellaneous income, and ill-health charges.
- The Firefighters' Pension Scheme deficit in 2020-21 was around £509 million; a two per cent decrease compared with the previous year (£521 million).
- On 31 March 2021, the total number of pensioner members was 44,961. Of these, 90 per cent were members of FPS 1992.

Consultation on FPS Wales

On 25 October 2021, the Welsh Government launched a consultation on amendments to firefighters' pension schemes in Wales.

The consultation relates to proposed amendments to the Firefighters' Pension Scheme (Wales) Regulations 2015 which will require all current members of the firefighters' pension schemes dating from 1992 and 2007 to join the 2015 Scheme on 1 April next year.

The consultation closes on 20 December 2021 and is available at the following link:

[Amendments to firefighters' pension schemes in Wales 2021 | GOV.WALES](#)

Technical query log

The current [log of queries and responses](#) is available on the FPS Regulations and Guidance website. The queries have been anonymised and divided into topics. The log is updated monthly in line with the bulletin release dates.

No new queries have been added this month.

Please bear with us if you experience a delay in response to your technical query. As you can imagine, much of our resource is currently focused on remedy-related issues.

FPS England SAB updates

SAB LPB effectiveness committee vacancy

We have a vacancy on the [Local Pension Board \(LPB\) effectiveness committee](#) for an FRA LPB representative. The LPB effectiveness committee considers how local pension boards and scheme managers can be supported centrally and has been particularly active in designing board surveys and developing draft guidance for joint LPB applications.

This is a great opportunity for an LPB member to get more involved with governance at a national level and represent the views of the sector.

The required commitment is usually three to four meetings per year, and these are currently being held virtually. If you are interested in sitting on the committee or would like more information, please email bluelight.pensions@local.gov.uk.

Other News and Updates

HMT consultation response: cost control mechanism

On 4 October 2021, HM Treasury (HMT) published its response to the cost control mechanism (CCM) consultation. The [full response to the CCM consultation](#) is available online.

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In summary, the government is proceeding with its three proposed options for reform:

- **Reformed scheme only design so the mechanism considers only past and future service in the reformed schemes.**

This measure is intended to ensure the right balance of risk between the member and the Exchequer, and to improve the stability of the mechanism.

- **Widen cost corridor from two per cent to three per cent of pensionable pay.**

The government expects a widened cost corridor of three per cent to balance effective cost control with stability. While the government acknowledged the Scheme Advisory Board's (SAB's) comments on scheme specific corridors, this was felt to be overly complex and more difficult for members to understand.

- **Economic check**

An economic check will be introduced so that any future breaches will only be implemented, and benefits amended, if the breach would still have happened taking long-term economic assumptions into account. The check will be linked to the Office of Budget Responsibility's independent measure of long-term GDP growth.

The government is aiming to implement all three reforms for the 2020 scheme valuations. The reformed scheme only design and economic check will be introduced through primary legislation. The widened cost corridor will be provided for in scheme regulations (secondary legislation).

HMT's response to the [consultation on the discount rate methodology](#) is expected soon.

The Public Service Pensions (Valuations and Employer Cost Cap) (Amendment) Directions 2021

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

In February 2019, HMT paused the cost cap element of the 2016 valuations. This was due to the uncertainty regarding the cost following the McCloud and Sargeant litigation. There is now sufficient certainty regarding the costs and this direction allows schemes to conclude their 2016 valuations.

In a written statement made in February 2021 [[HCWS757](#)], the government said that early estimates indicated that some schemes could breach the cost ceiling when the valuations were finalised. However, the government decided that any impact on member benefits would be waived, as the mechanism may not have been working as intended.

The government also confirmed that any changes to employer contribution rates resulting from the 2020 valuations will be delayed to April 2024.

[Click here to return to Contents](#)

September 2021 CPI rate announced

On 20 October 2021, the Office for National Statistics announced [the Consumer Prices Index \(CPI\) rate of inflation for September 2021 as 3.1%](#).

Section 59 of the Social Security Pensions Act 1975 (as amended) provides for public service pensions to be increased annually by the same percentage as additional pensions (State Earnings Related Pension and State Second Pension). In recent years, such benefits have been increased in line with the increase in CPI in the previous 12 months to September.

New webpage on how to avoid the Ombudsman

In October 2021, the Pensions Ombudsman (TPO) launched a new page on its website called [‘How to avoid the Ombudsman’](#). It contains 'top tips', links to case studies, key determinations, and new frequently asked questions.

TPO also published [guidance on communicating with pension scheme members](#). The note sets out simple steps that can be taken to resolve pension disputes and complaints without the need for TPO to be involved.

PDP staging call for input summary

Between 27 May and 9 July 2021, the Pensions Dashboards Programme (PDP) ran a staging call for input outlining the proposed order and timings for pension providers and schemes (data providers) to connect to the pensions dashboard.

The [SAB responded to the call for input](#), suggesting that staging for the Firefighters' Pension Scheme should be after the age discrimination remedy has been implemented and the first set of annual benefit statements issued successfully in Autumn 2024.

PDP received just over 60 responses to the call for input from a variety of stakeholders. These will be used to feed into further policy development of pension dashboards. It has published a [summary of the key themes](#) drawn from the responses, commenting under section 2.1.3.3:

“Those who disagreed with public service schemes staging as early as possible within the first wave, highlighted that implementing the McCloud remedy is the strongest priority over the next three years and it will take significant resources to implement the required changes. The McCloud remedy would make it hard for public service schemes to provide accurate ERI values until a much later date: the first time that the two sets of data will be provided in Annual Benefit Statements will be in 2024.”

PDP has shared the responses with the Department for Work and Pensions (DWP), the Financial Conduct Authority (FCA) and The Pensions Regulator (TPR) to inform policy development on staging. DWP's consultation on draft regulations is expected at the end of the year and will set out the staging proposition.

HMRC

HMRC newsletters/bulletins

On 29 October 2021, HMRC published [Pension schemes newsletter 134](#) containing important updates and guidance for schemes. Articles include:

- Autumn Budget 2021
- extension to some of the temporary changes to pension processes as a result of coronavirus (COVID-19)
- relief at source declaration
- pension scheme migration
- accessing your business tax account
- pension flexibility statistics
- registration statistics

At the Autumn Budget on 27 October 2021, the government announced it will introduce legislation in 2022 to extend scheme pays reporting and payment deadlines for annual allowance charges. The policy paper and draft regulations relating to this change can be found in [FPS Bulletin 47](#).

Contracting-out reconciliation update

On 11 October 2021, HMRC published [Countdown Bulletin 56](#) with updates on:

- the closure of Scheme Cessation and Scheme Reconciliation eRooms
- raising queries with HMRC

Events

FPS coffee mornings

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

The next session is due to take place on 9 November 2021.

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

[12 October 2021 - Immediate Detriment Framework](#)

[26 October 2021 – General FPS update](#)

A new [FPS coffee mornings page](#) has been added to the Events menu of the FPS Regulations and Guidance website to hold previous presentations.

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

[Click here to return to Contents](#)

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](#)
- [Welsh Government Fire circulars](#)

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inconvenience, or any other obligation or liability incurred by readers relying on information contained in this bulletin.

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FPS Bulletin 51 – November 2021

Welcome to issue 51 of the Firefighters' Pensions Schemes bulletin. We hope that readers remain safe and well.

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 or suggested items for future issues, please email claire.hey@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 claire.hey@local.gov.uk.

Table 1: Calendar of events

Event	Date
FPS coffee morning	7 and 21 December 2021
Eversheds Sutherland pensions conference	1 December 2021
Eastern regional group	7 December 2021
SAB	9 December 2021
North East regional group	16 February 2021

FPS

Home Office consultation: Amendments to the FPS in England 2022

On 8 November 2021, the Home Office launched a consultation on the amendments to the pension scheme regulations to deliver the first set of changes to remove the transitional protections from the FPS 2015.

These changes enact the policy announced in February of this year and are consequential to the provisions in the [Public Service Pensions & Judicial Offices Bill](#) (PSPJO) currently before Parliament. The changes are intended to come into force on 1 April 2022.

This is part of the package of measures that the government is undertaking to remove the discrimination identified by the courts in the McCloud and Sargeant cases. The second phase will address the issue of giving members a retrospective choice of benefits for the remedy period. The Home Office will consult on this separately next year.

Please find details of the consultation and associated documents at the link here:

[Amendments to the firefighters' pension schemes in England 2022 - GOV.UK](https://www.gov.uk/government/consultations/amendments-to-the-firefighters-pension-schemes-in-england-2022)
(www.gov.uk)

The consultation is open until Sunday 2 January 2022.

As it will be for individual Fire and Rescue Authorities (FRAs) as the Scheme Manager to apply the regulations, FRAs are encouraged to respond to the consultation.

Immediate Detriment Framework updates

On 19 November 2021, the [FBU and LGA published a joint statement](#) to update colleagues on the impact of [HMRC's policy note](#) of 27 October 2021 and the [Finance \(No.2\) Bill](#).

The guidance to FRAs available on the [age discrimination page](#) of the FPS Regulations and Guidance website has been updated accordingly. Log-in details are required to access the page and can be provided to practitioners and administrators only.

Sample letters to assist FRAs in administering the Framework have also been added to this page. Please note that these letters have not been developed by the communications group and are not endorsed but have been shared by FRAs/ administrators as examples of good practice and to reduce duplication of work. Some cases may require additional information or slightly alternative information to be added / amended on an ad-hoc basis.

On 29 November 2021, we wrote to FRAs and other stakeholders to tell them that the [Home Office has withdrawn its informal and non-statutory guidance](#) on processing certain kinds of immediate detriment case ahead of legislation, with immediate effect. All versions of the guidance have been removed from the FPS Regulations and Guidance website.

The Home Office also gave the following update on funding:

“I also want to take this opportunity to provide some further clarity in relation to the funding position. As the Government does not advise that immediate detriment cases should be processed in advance of the legislation coming into force, we will not be in a position to provide any additional funding for those costs which are paid outside of the pension account. These costs include payments that are not considered to be legitimate expenditure under the pension scheme regulations and any associated administration costs including any charges from your pension administrator. These will need to be funded locally by your fire and rescue authority from local budgets.

In relation to immediate detriment costs paid from the pension account in the course of processing pipeline cases, FRAs will need to ensure that these payments comply with the financing regulations of the pension scheme. If they are considered to be legitimate expenditure then they will be considered for payment as part of the established processes for claiming the AME top up grant.”

We appreciate that this may be a cause of concern to colleagues who are considering to adopt or who have adopted the [MoU and Framework](#). We are considering the various aspects within the note and will write to FRAs and FRSs with further information as soon as possible.

[Age discrimination remedy - member letters 1 April 2022](#)

Under the communications pillar of the LGA’s remedy [Project Implementation Document](#) deliverables, we said that we would provide communications to explain the effect of protected members moving to FPS 2015 with effect from 1 April 2022 and communications to members not affected by the changes to benefits.

A suite of letters has been developed in collaboration with the Fire Communications Working Group. These can be given by FRAs to scheme members ahead of prospective remedy implementation on 1 April 2022. This includes a tailored version for each member cohort: protected, taper protected, unprotected, and out of scope.

The letters are available on the new [prospective remedy page](#) of the FPS Regulations and Guidance website.

Guide to combining pension scheme service updated

The guide to combining pension scheme service in the FPS has been updated with new or amended definitions of remedy membership cohorts.

We have also replaced references to the “modified scheme” with the correct terminology of FPS 2006 special members/ membership, ahead of the anticipated second options exercise, to make sure that we are using consistent wording in all documents.

Clean and tracked versions of the guide can be found on our [guides and sample documents webpage](#) under the ‘Aggregation’ heading.

A to Z of pension terms updated

As part of our ongoing development of the FPS Member website, the [A to Z of pensions terms](#) page has been expanded significantly. We welcome any suggestions for additional content that would be useful to increase understanding of pensions terminology. Please email bluelightpensions@local.gov.uk.

Technical query log

The current [log of queries and responses](#) is available on 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: combining service (page 17). Queries from earlier months have been grey shaded to differentiate from new items.

Please bear with us if you experience a delay in response to your technical query. As you can imagine, much of our resource is currently focused on remedy-related issues.

As a reminder, the recently reinstated [Knowledge Hub technical forum](#) can be used as an alternative, if you need an informal steer from sector colleagues in the meantime. See [FPS Bulletin 47 – July 2021](#) for more information.

FPS England SAB updates

SAB SMA committee vacancy

We have a vacancy on the [Scheme Management and Administration \(SMA\) committee](#) for an FRA LPB representative. The main objectives of the committee are to provide guidance to the SAB to understand the value and cost of administration and to consider how scheme managers and administrators can best be supported by identifying best practice.

This is a great opportunity for an LPB member to get more involved with governance at a national level and represent the views of the sector.

The required commitment is usually three to four meetings per year, and these are currently being held virtually. If you are interested in sitting on the committee or would like more information, please email bluelight.pensions@local.gov.uk.

Other News and Updates

Finance (No.2) Bill 2021/22

On 2 November 2021, HM Treasury (HMT) formally introduced the Finance (No.2) Bill 2021/22 to Parliament. The Bill includes several provisions that may affect the administration of the FPS.

Clause 9: Changes to annual allowance scheme pays deadlines

This clause changes deadlines associated with mandatory scheme pays. The period within which some members must give notice of their election will be extended. The deadline for administrators to provide information about annual allowance tax charges will also change.

Clause 11: Tax impacts resulting from the McCloud remedy

The clause provides HMT with the power to make regulations to address tax impacts that arise because of implementing the McCloud remedy. Provisions made under this section may be retrospective and may be different for different member types. The changes will have effect from 6 April 2022 or later.

You can follow the [progress of the Finance \(No.2\) Bill 2021/22](#) on the UK Parliament website.

Proposed amendments to the PSPJO Bill

Amendments to the PSPJO Bill have been proposed. You can read the proposed changes in the [marshalled list of amendments](#). You can follow the [progress of the PSPJO Bill](#) on the UK Parliament website.

Legal challenge: remedy costs and cost control mechanism

Unions across the public sector have launched a judicial review against HMT about including McCloud/ Sargeant remedy costs in the cost control mechanism. The FBU, GMB, and BMA argue that the cost of rectifying the discrimination should not be met by scheme members.

The provisional results of the 2016 cost cap valuation showed that all public service schemes were cheaper than expected. This would have led to a reduction in contributions or improvements in benefits from April 2019 had the cost control process not been paused.

Pension scams: new restrictions on transfers

On 8 November 2021:

- the Government published its [Response to Pension scams: empowering trustees and protecting members consultation](#)
- [The Occupational and Personal Pension Schemes \(Conditions for Transfers\) Regulations 2021](#) [SI 2021/1237] were laid
- the Pensions Regulator (TPR) published [TPR guidance on dealing with transfer requests](#), which includes a helpful flowchart setting out the transfer process.

The regulations take effect from 30 November 2021. They introduce further legal restrictions on a member's statutory right to transfer. The regulations give pension managers and administrators tools to act if they have suspicions about the circumstances that have led the member to request a transfer. The member will no longer be able to insist on a statutory transfer taking place in these circumstances.

PDP November newsletter

The Pensions Dashboards Programme (PDP) has published its [November newsletter](#). The newsletter includes links to:

- the PDP director's blog reflecting on recent achievements and looking forward to activity in the next few months
- the October progress update report
- dashboard providers' update, and confirms that successful applicants to help test the pensions dashboards ecosystem will be announced in December
- the identity hub which provides information about the approach to procuring an identity service
- the technical glossary which includes definitions of key terminology.

TPO stakeholder survey

The Pensions Ombudsman (TPO) is seeking your views on how you think it is doing and where it can improve things. TPO would be grateful if you could complete the [Stakeholder survey](#) which is open until Wednesday 8 December 2021.

One of TPO's strategic goals is to support and influence the pensions industry and the wider alternative dispute resolution sector to deliver effective dispute resolution. Your feedback is important as it will help to shape TPO's future planning, identify areas for improvement and improve the complaints process for its customers.

HMRC

HMRC newsletters/bulletins

On 30 November 2021, HMRC published [Pension schemes newsletter 135](#) containing important updates and guidance for schemes. The newsletter includes

[Click here to return to Contents](#)

articles on:

- Relief at source
- Pension scheme migration
- Accessing your business tax account
- Annual allowance charge — members declaring their annual allowance charge on their Self Assessment tax return
- Accounting for tax return

Managing Pension Schemes service

On 18 November 2021, HMRC published a [Managing Pension Schemes newsletter](#) and new [GOV.UK guidance](#) with information on the new feature available on the Managing Pension Schemes service. These also include information on how to prepare to migrate your pension schemes to the Managing Pension Schemes service.

Pension scheme administrators can now view a list of schemes they need to migrate to the Managing Pension Schemes service. Currently it's a 'read only' list. You won't be able to migrate any pension schemes at this point. Only schemes with a status of 'open' on the Pension Schemes Online service will be included in the list.

To view the list of schemes, you'll need to be [enrolled on the Managing Pension Schemes service](#) using your existing 'A0' administrator ID. Scheme administrators with [multiple administrator IDs](#) will need to have completed the process of setting up their 'Master' and 'Ancillary' IDs, and have enrolled using their 'Master' ID.

HMRC will continue to keep you updated on the Managing Pension Schemes service through their [Pension Schemes Newsletters](#).

Please email migration.mps@hmrc.gov.uk if you have any further questions or feedback on the Managing Pension Schemes service, including the migration of pensions schemes.

2020/21 Event Reporting - Annual Allowance Statements and Lifetime Allowance

As last year, HMRC is prepared to accept scheme data regarding pension savings statements for 2020/21 from PCM customers on an excel spreadsheet rather than through the scheme's Event Report. All other scheme events for 2020/21, with the exception of the lifetime allowance protection regimes (see below), must be submitted via Pensions Online.

This concession is on the clear understanding that the pension savings statement data represents part of the scheme's formal reporting obligations for the 2020/21 Event Report. The data must be submitted by 31 January 2022 and HMRC reserves the right to open enquiries based on any of the pension savings statement information provided.

The data required for each member is:

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

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

Guidance is included at [HMRC Pensions Tax Manual 161600](#) and [HMRC Pensions Tax Manual 167000](#)

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

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

Lifetime Allowance

You may recall from last year that, in accordance with article 6.2 of the [Pension schemes newsletter 85 - March 2017](#), the Event Report has not yet been amended to include lifetime allowance protections that members applied for online. If you need to submit these details to HMRC, you can also submit them on a password protected spreadsheet and send the password in a separate email.

You should put 'Lifetime allowance – Event Reporting' in the subject line of your email and send this to pensions.businessdelivery@hmrc.gov.uk and, again, copy in your PCM. This data must also be provided by 31 January 2022.

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

Events

FPS coffee mornings

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

[Click here to return to Contents](#)

The next session is due to take place on 7 December 2021.

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

[9 November 2021 – FRA remedy self-assessment survey](#)

[23 November 2021 – Immediate Detriment Framework update - UPCs](#)

An [FPS coffee mornings page](#) has been added to the Events menu of the FPS Regulations and Guidance website to hold previous presentations.

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

Legislation

SI	Reference title
2021/1237	The Occupational and Personal Pension Schemes (Conditions for Transfers) Regulations 2021

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](#)
- [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 bluelight.pensions@local.gov.uk.

AGENDA ITEM NO 10

Update report from Scheme Advisory Board

-

To be presented verbally on the day

Presenting Officers: ACO Alison Reed

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**FORWARD WORK PROGRAMME FOR
LOCAL PENSION BOARD 2021/2022**

Report Name	Purpose of piece of work	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Report on Scheme Data for Firefighters Pension Scheme	To provide the Local Pension Board with FACTUAL STATS, Scheme Membership data and an update position on the fund.	ACO People Services Contact Officer – Ian Traylor, RCT Pensions Officer	28 June 2021	Presented
Report to review Local Pension Board Terms of Reference	The purpose of the report is to set out the Terms of reference for the LPB.	ACO People Services Contact Officer – ACO Alison Reed	28 June 2021	Presented
Report to review Local Pension Board Service Level Agreement	The purpose of the report is to review the Service Level Agreement (SLA)	ACO People Services Contact Officer – ACO Alison Reed	28 June 2021	Presented
Report to review Key Performance Indicators	To update Members	ACO People Services Contact Officer – Ian Traylor, RCT Pensions Officer	28 June 2021	Presented

Report Name	Purpose of piece of work	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Update on Internal Dispute Resolution Procedures (IDRP)	To update Members	ACO People Services Contact Officer – ACO Alison Reed	28 June 2021	Presented
Report on McCloud – Tapering – Verbal Update	To update Members	ACO People Services Contact Officer – ACO Alison Reed	28 June 2021	Presented
Standard item – Recent publications, updates, information	To update Members	ACO People Services Contact Officer – ACO Alison Reed	28 June 2021	Presented
Training Session for Members	To update Members	ACO People Services Contact Officer – Kim Jeal – HR Manager	28 June 2021	Presented

Report Name	Purpose of piece of work	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Update report on Publication of Annual Benefits Statement	To update Members	ACO People Services Contact Officer – Ian Traylor, RCT Pensions Officer	18 October 2021	Presented
Report to review Key Performance Indicators	To update Members	ACO People Services Contact Officer – Ian Traylor, RCT Pensions Officer	18 October 2021	Presented
Update report on McCloud – Immediate Detriment	To update Members	ACO People Services Contact Officer – ACO Alison Reed	18 October 2021	Presented
Update report from Scheme Advisory Board	To update Members	ACO People Services Contact Officer – ACO Alison Reed	18 October 2021	Presented

Report Name	Purpose of piece of work	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
Standard item – Recent publications, updates, information	To update Members	ACO People Services Contact Officer – ACO Alison Reed	18 October 2021	Presented
Training Session for Members	To update Members	ACO People Services Contact Officer – Kim Jeal – HR Manager	18 October 2021	Presented
Report to review Key Performance Indicators	To update Members	ACO People Services Contact Officer – Ian Traylor, RCT Pensions Officer	24 January 2022	On Agenda
Update report on Firefighters Pensions – Remedying Age Discrimination	To update Members	ACO People Services Contact Officer – ACO Alison Reed	24 January 2022	On Agenda

Report Name	Purpose of piece of work	Lead Director/ Contact Officer	Expected Date of Decision/ Submission/ Review	Progress
The Pensions Regulator Returns 2020-2021	To update Members and for awareness and discussion	ACO People Services Contact Officer – Kim Jeal	24 January 2022	On Agenda
Standard Item - Recent Publications, Updates, Information	To update Members	ACO People Services Contact Officer – ACO Alison Reed	24 January 2021	On Agenda
Update report from Scheme Advisory Board - Verbal	To update Members	ACO People Services Contact Officer – ACO Alison Reed	24 January 2021	On Agenda
Training Session for Members	To update Members	ACO People Services Contact Officer – Kim Jeal – HR Manager	24 January 2022	On Agenda

Dates of meetings – 28 June, 2021, 18 October, 2021, 24 January, 2022

ACO Alison Reed – Director of People Services

Chris Barton – Treasurer

Kim Jeal – HR Manager

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.	Roll Call	
3.	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.	
4.	Chairperson's Announcements	
5.	To Receive the Minutes of:-	
	<ul style="list-style-type: none"> • Local Pension Board Committee Meeting held on 18 October 2021 	3
	REPORTS FOR DECISION	
6.	Report to Review Key Performance Indicators and update report on publications of Annual Benefits Statement	9
	REPORTS FOR INFORMATION	
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10.	Update report from Scheme Advisory Board – To be presented verbally on the day	123
11.	Forward Work Programme for Local Pension Board 2021/2022	125
12.	To consider any items of business that the Chairperson deems urgent (Part 1 or 2)	131