

## FPS Bulletin 61 – September 2022

Welcome to issue 61 of the Firefighters' Pensions Schemes bulletin.

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

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

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## Calendar of events

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

Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee morning</a>	11 October 2022
FPS Technical Group	25 October 2022
FPS AGM	<a href="#">25 October 2022</a> <a href="#">26 October 2022</a>
SAB	8 December 2022
FPS Communications Working Group	12 December 2022

## Actions arising

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

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

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## FPS

### Immediate Detriment Framework guidance updated

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

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

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

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

### Potential industrial action

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

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

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

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

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

As qualifying service in the FPS 2015 is added to qualifying service in the FPS 1992 or 2006 to determine whether a member with continuous transitional service qualifies for retirement benefits, any reduction in pensionable service due to industrial action will affect that date by the relevant number of days (for example, a member needs a minimum of 25 years across the FPS 1992/2015 combined to retire before age 55). Therefore, any days lost to industrial action, that the member chooses not to repay, should be reported by the FRA to their pension scheme administrator.

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

### **[Member communications following eligibility factsheet](#)**

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

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

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

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

### Technical query log

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

No new queries have been added this month.

## FPS England SAB updates

### SAB levy 2022-23

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

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

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

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## **SAB meeting 8 September 2022**

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

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

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

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

## **SAB remedy engagement sessions**

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

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

The most recent sessions considered contributions and ill health.

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

## **SAB collaboration sessions on the Matthews remedy**

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

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

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

## Other News and Updates

### TPR scheme return

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

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

### TPR warns employers about auto-enrolment duties

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

### PDP consultation response

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

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

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

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

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

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

### **Public sector exit payments**

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

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

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

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

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

### **Pensions awareness campaign postponed**

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

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

## **HMRC**

### **HMRC publishes Pension Schemes Newsletter 142**

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

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

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## Events

### FPS coffee mornings

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

The next session is due to take place on 11 October.

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

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

[27 September 2022 – Matthews communications](#)

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

### AGM – 25 and 26 October

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

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

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

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

- Firefighter compensation scheme
- Discretions
- Pensionable pay

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

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

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

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

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

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

We look forward to welcoming you to the event!

## Useful links

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

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- [Welsh Government Fire circulars](#)

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