



Public Service Pensions: Firefighters' Pensions (Amendment) Regulations 2023



McCloud / Sargeant remedy: phase two (retrospective)

Questions for the Home Office:

1. For members who will owe monies following their choice of pension benefits for the remedy period, could it be more financially advantageous for members to pay outstanding pension contributions immediately to avoid interest charges which could accumulate over several years? Under 5.25 the consultation refers to members not being placed in an advantageous or disadvantageous position as a result of the retrospective phase – does this apply in all scenarios?
2. Under 5.54 of the consultation, for deferred choice members who will owe monies, if monies are paid at the point of benefit crystallisation (not at roll back), how will these monies be paid from the pension? Will the outstanding amount be taken from the net (or gross?) lump sum (PCLS) payment? What happens if a member doesn't opt for a lump sum? How will monies be taken from pension income only?
3. Further to the above, how does this apply under section 5.59 for immediate choice members who are required to pay a shortfall in pension contributions? 5.60 refers to a 'single payment' – does this mean that members are not allowed to pay back owed monies in instalments? What if the owed monies were to cause members financial hardship?
4. Under 5.63 of the consultation, does the last sentence mean that former members will still benefit from tax relief in the calculation process of contributions? If yes, are Fire Services required to pay the shortfall in employee pension contributions?
5. What would be classified as sufficient evidence for a member to make a successful claim under the contingent decision process? Excluding those who opted out during the remedy period and 6 pay periods prior to the remedy period as those will be automatically accepted. Will the RSS contain information regarding contingent decisions which will make affected members aware of the opportunity to revisit pension benefit decisions?
6. In relation to question 4 (Added Pension), does consideration need to be given to those who purchased added pension in the 2015 scheme may have purchased added 60ths (years of service) by paying additional pension contributions had the member remained within the legacy scheme?
7. In relation to question 5 (transfers), what would happen if a member transferred in a pension under 'club transfer rules' into the 2015 scheme and subsequently transferred out within the remedy period? If the member had been able to transfer their pension into

the legacy scheme (assuming roll back) – have members been financially disadvantaged? An unlikely scenario but not improbable.

8. To ensure consistency across the industry, when will the 'calculators' be provided from the Home Office when applying interest on arrears and compensation. It's imperative for all Fire Services to be conducting calculations using the same approach.
9. There doesn't seem to be any mention of employer contributions and if these will be owed/reimbursed depending on a member's decision for the remedy period?
10. For the minority of members who may encounter personal taxation issues such as changes to historic Annual Allowances, when is further guidance expected to be provided from the Home Office?