

FPS Bulletin 69 – May 2023

Welcome to issue 69 of the Firefighters’ Pensions Schemes bulletin.

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

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

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Calendar of events

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

Table 1: Calendar of events

Event	Date
FPS coffee morning	6 June 2023
SAB	8 June 2023
Northeast Fire Officers' Group	14 June 2023
FPS Technical Working Group	20 June 2023
Midlands Fire Officers' Group	22 June 2023
Eastern Fire Officers' Group	28 June 2023
FPS Communications Working Group	19 July 2023
SAB	14 September 2023
SAB	14 December 2023

Actions arising

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

[Regulations 2023](#): FRAs and administrators should familiarise themselves with the response, ahead of the Home Office's response to the consultation.

[The Pension Regulator data requirements – 2023 scheme return](#): FRAs and administrators to review the data scoring guidance for 2023 ahead of the scheme return.

[Ill health re-assessment IQMP template referral letters available](#): FRAs should send these and the relevant accompanying documentation to the IQMP using the relevant IQMP template referral letter.

[Government Actuaries Department \(GAD\) - updated factors](#): FRAs and Administrators to ensure that they are using the correct factors.

[Data Conference Slides](#): FRAs to view the slides and consider data more strategically now and in the future.

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[Age Discrimination remedy – data sharing](#): Administrators to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA’s administrator on request.

To review your privacy notice and add some additional wording, where relevant. Any amendments should be approved as per your internal processes.

[Automatic enrolment – Call for evidence](#): FRAs to be aware of this call for evidence.

[The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No. 2\) Regulations 2023](#): Interested parties to review the consultation and establish whether you wish to respond to the consultation by 19 June 2023.

Also, consider whether you wish to be part of the round table sessions.

[SAB response to the Consultation on the Firefighters’ Pension Schemes \(Remediable Service\) Regulations 2023](#): FRAs and administrators should familiarise themselves with the response, ahead of the Home Office’s response to the consultation.

[SAB Guidance Note on Pensionable Pay Remedies](#): FRAs to refer to the pensionable pay note when dealing with cases where elements of pay need retrospectively adjusting.

[HMRC Remedy Newsletter](#): Administrators and FRAs to consider whether you wish to volunteer to assist HMRC.

FPS

Consultation on the Firefighters' Pension Schemes (Remediable Service) Regulations 2023

In [FPS Bulletin 67 – March 2023](#) we informed you that the above consultation had been launched. The LGA has responded to the consultation and our response is available on the [Consultations section](#) of the Firefighters' Pension Schemes Regulations and Guidance website.

ACTION: FRAs and administrators to familiarise themselves with the response, for information ahead of the Home Office's response to the consultation.

The Pension Regulator (TPR) data requirements – 2023 scheme return

In [FPS Bulletin 25 – October 2019](#) the LGA provided fire authorities with informal data scoring guidance in order to complete The Pension Regulator's scheme return.

[The Data Scoring Guidance](#) has now been updated for the 2023 return to take account of age discrimination remedy and immediate detriment.

The guidance is available under Data Scoring on the [Guides and Sample documents](#) section the Firefighters' Pension Schemes Regulations and Guidance website.

ACTION: FRAs and administrators should ensure that they are aware of what is included when considering the data scores for the 2023 scheme return.

Ill health re-assessment IQMP template referral letters available

In [FPS Bulletin 63 – November 2022](#), we published an [ill-health reassessment factsheet](#) to help FRAs determine which individuals require a reassessment of their ill-health determination as a result of remedy implementation.

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

ACTION for FRAs: Once affected members of the pension scheme have returned the appropriate member consent letter, FRAs should send these and the relevant

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accompanying documentation to the IQMP using the relevant IQMP template referral letter.

Government Actuaries Department (GAD) – updated factors

In [FPS Bulletin 68 – April 2023](#) we confirmed that the CETV technical note had been suspended, and therefore all CETVs, Pensioner cash equivalents and non-club transfers-in should be suspended.

On 25 May 2023, Home Office confirmed that the following factors had been updated:

- CETVs (x-201 to x-215),
- Pensioner cash equivalents (x-301 to x-312),
- Pension credits (x-313 to x-317),
- Pension debits (x-318 to x-328)

The following should be noted:

- The updated factors have removed Guaranteed Minimum Pension (GMP) factors for all active members (where they had not already been removed) and for pensioner members aged under 69. GMP factors should no longer be needed for these members.
- The updated factors set all National Insurance Modification (NI Mod) factors to zero. For most members, NI Mod no longer has a material impact on benefits.

These factors should be implemented from 29 March 2023.

The updated factors should be used in conjunction with the relevant existing guidance notes in force for the Firefighters' Pension Schemes.

The factors are published on the relevant [GAD guidance pages](#) of the Firefighters Pension Scheme regulations and guidance website.

ACTION: FRAs and administrators to ensure that they are using the revised factors from 29 March 2023.

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Age Discrimination remedy - Data Sharing

As a reminder, in [FPS Bulletin 59 – July 2022](#), we covered that following a detailed discussion at the Fire Technical Working Group (FTWG) on Monday 25 July 2022 it was decided that, to remove any GDPR issues, the information should be shared with the current administrator instead of the current FRA. This is because the administrator has a legitimate reason for needing the data.

Administrators and FRAs may also want to consider adding some additional wording to their privacy notices to cover this.

Example text is as follows:

“From time to time, we will share your personal data with third parties, including our contractors, advisors, government bodies, and dispute resolution and law enforcement agencies. We do this in order to comply with our obligations under law, and to help us provide services and carry out our duties, rights and discretions in relation to the Firefighters’ Pension Scheme(s).

Occasionally, we may request/provide some of your data from/to a previous pension administrator for the purposes of enabling us to understand your pension rights from the scheme.”

ACTION: Administrators to share pensionable data for members who are subject to age discrimination remedy and have had an inter-brigade transfer during the remedy period with the current FRA’s administrator on request.

To review your privacy notice and add some additional wording, where relevant. Any amendments should be approved as per your internal processes.

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.

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Queries have been answered this month in the following categories:

- Ill Health retirement – Payable under the Scottish Compensation Regulations page 93
- Cross Border transfers page 144

FPS England SAB updates

SAB response to the Consultation on the Firefighters' Pension Schemes (Remediable Service) Regulations 2023

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

The Scheme Advisory Board has responded to the consultation and the response is available on the [Consultations section](#) of the Firefighters' Pensions SAB (England) website.

ACTION: FRAs and administrators to familiarise themselves with the response, for information ahead of the Home Office's response to the consultation.

SAB Guidance Note on Pensionable Pay Remedies

The legal adviser to the SAB, Weightmans, have written a [useful note on pensionable pay remedies](#). There are a number of [pensionable pay resources](#) available relating to the various landmark High Court decisions and Pension Ombudsman determinations about firefighters' pay, and what elements are pensionable under the Firefighters' Pension Scheme. The note provides an implementation plan for remedying cases in which pay has not been treated as pensionable but should have been under the scheme rules. It also highlights some issues that remain unresolved.

ACTION: FRAs to refer to the pensionable pay note when dealing with cases where elements of pay need retrospectively adjusting.

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SAB collaboration session on Matthews remedy

In [FPS Bulletin 61 – September 2022](#), we confirmed that the SAB, the LGA, and the Home Office were working together in the form of collaboration sessions on Matthews to discuss Matthews legislation and policy, the interaction between Matthews and McCloud and the proposed timeline for implementation. The first session took place during September 2022 and an additional session took place on 25 May 2023. Additionally, the Matthews Technical Working Group has met regularly since that time and now has SAB representation within the group.

SAB website

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

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

The next SAB meeting is on 8 June 2023.

Other News and Updates

The Scottish Firefighters' Pension Schemes' Consultation on implementing the 2015 Remedy

On 16 May 2023, the Scottish Public Pensions Agency (SPPA) published [Firefighters' Pension Scheme Consultation on the implementing the 2015 remedy](#). These regulations concentrate on the retrospective elements of the 2015 Remedy that are required to fully deliver the remedy.

The consultation closes on 23 July 2023.

The Police Pension Schemes' Consultation response to Retrospective remedy

The National Police Chiefs Council (NPCC) has responded to the consultation and their response is available on the [age discrimination – useful information](#) page on the restricted member area of the Firefighters' Pension Schemes Regulations and

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Guidance website.

Public Service Pensions – cost control mechanism and reformed scheme only design

On 15 May 2023, HM Treasury (HMT) published a [written ministerial statement](#) and [further detail](#), on the cost control mechanism and reformed scheme only design.

The publications confirm only the reformed scheme design will be included in the cost control mechanism. Any cost increases associated with final salary benefits and the impact of the underpin, will be excluded.

Automatic enrolment - call for evidence

On 15 May 2023, the Department for Work and Pensions (DWP) [published a call for evidence](#) on the alternative quality requirement used by defined benefit schemes for automatic enrolment (AE). The call for evidence closes on 19 June 2023.

The existing requirements allow for simpler alternative tests to be used so the scheme can demonstrate it is of sufficient quality to be used by employers to fulfil their AE duty. The call for evidence aims to conclude whether the government's policy in this area continues to be achieved.

ACTION for FRAs: FRAs to be aware of this call for evidence.

Consent and authorisation wording for dashboards

The Pensions Dashboards Programme (PDP) commissioned Ipsos to undertake [research to help develop consents and authorisation wording](#) for dashboards.

A research group covering a range of ages, income levels and pension types was asked to provide feedback on draft versions of consent and authorisation wording that would appear on dashboards. The wording explained what the Money and Pensions Service would and would not do with users' data and asked for consent for these uses. The feedback was positive and will be used to further shape the wording.

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Pensions Dashboards Latest news

In May 2023, PDP [published their Progress update report on dashboards](#). There are articles on:

- The Department for Work & Pensions (DWP's) written ministerial statement on pensions dashboards connection times confirming that there will be an update before Parliament's summer recess
- Programme reset following the written ministerial statement – reset got underway on 20 March and more information will be available before parliamentary recess starting in July
- Consent comprehension research - a research into users' understanding of how their data will be used during the dashboards journey
- Preparing for dashboards – connection, data, matching, awareness and understanding legal and regulatory obligations
- Updates from DWP, the Financial Conduct Authority and the Pensions Regulator
- Useful resources
- Subscribing to PDP's newsletter

Pensions Dashboards (Prohibition of Indemnification) Act 2023

On 2 May 2023, the [Pensions Dashboards \(Prohibition of Indemnification\) Act 2023](#) received Royal Assent.

The Act will prohibit trustees and managers of occupational and personal pension schemes from being reimbursed out of scheme assets for any penalties imposed on them under [the dashboard regulations](#).

The Act applies to the United Kingdom and comes into force on a date determined by the Department for Work and Pensions (or, in the case of Northern Ireland, the Department for Communities).

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[‘Where to go for help with your pension complaint’ factsheet](#)

On 27 April 2023, The Pensions Ombudsman (TPO) published a factsheet titled [‘Where to go for help with your pension complaint’](#).

The factsheet assists members when deciding whether to refer their complaint to TPO or the Financial Ombudsman Service.

[Capita cyber security incident](#)

On 12 May 2023, [the Pensions Regulator \(TPR\) updated its website](#) with a page covering the Capita cyber security incident. This follows a security breach where it is now known that some data has been exfiltrated from Capita’s servers.

TPR encourages all administrators who use Capita’s services to check whether their pension scheme data could be affected.

[Club transfers – extending the 12-month time limit](#)

On 26 April 2023, the cabinet office clarified a club transfer may take place outside the 12-month time limit, in exceptional circumstances and providing both the sending and receiving schemes agree. Colin Hennem (Pensions Technical Manager) confirmed:

“[the Club Memorandum](#) requires a transfer to be calculated on Club terms if the member confirms in writing that they wish the transfer to proceed within 12 months of joining the new Club scheme. The Club Memorandum is silent on what should happen if that confirmation is sent outside the 12-month time limit. However, it has long been our policy that the two schemes involved may agree to a Club transfer outside the 12-month time limit (i.e. a belated Club transfer) if there are exceptional circumstances that prevented the member from sending the confirmation within the 12 month time limit - e.g. if there were delays in providing the necessary quotes that were outside the member's control. In the past, when the additional cost of the more generous Club transfer terms was met by the receiving scheme, our view was that it was only necessary for the receiving scheme to agree to a belated Club transfer. However, under the 'inner' Club arrangements, the additional cost of the more generous terms is spread more evenly between the two schemes. Therefore, I think

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it is appropriate that a belated Club transfer can only proceed if both the sending and receiving schemes agree to this. The Cabinet Office (as Secretary to the Club) has no authority to compel the schemes in question to agree to a belated Club transfer.”

ACTION: Administrators to incorporate this into their club transfer process

NHS Pension Scheme consultation: changes to contribution thresholds

On 3 May 2023, the Department of Health and Social Care launched a consultation on uplifting the member contribution thresholds in the NHS Pension Scheme 2015 (England and Wales) for 2023/24. The consultation closed on 17 May 2023.

You can access the consultation documents on [the relevant page of gov.uk](#).

HMRC

The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023

On 23 May 2023, HMRC published a consultation on [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No.2\) Regulations 2023](#) which set out changes to how pensions tax rules will apply as a result of the public service pensions remedy.

The draft regulations supplement [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023](#) ('first set of regulations'), which came into force on 6 April 2023.

As part of the consultation, HMRC will be holding several round tables. This will provide an opportunity to raise any technical points on the draft regulations. If you would like to be involved, email polycypensions@hmrc.gov.uk, putting 'Public service pensions remedy tax regulations round tables' in the subject line.

The LGA will respond to the consultation before the consultation closes on 19 June 2023.

ACTION: Interested parties to review the consultation and establish whether you

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wish to respond to the consultation by 19 June 2023.

Also, consider whether you wish to be part of the round table sessions.

Proposed Public Service Pension Schemes – Rectification of Unlawful Discrimination – Tax Administration Regulations Summary

HMRC have published a summary paper which provides a short introduction to the consultation reference above.

This has been published on the [age discrimination – retrospective remedy](#) pages of the Firefighters’ Pension scheme regulations and guidance website.

Remedy newsletter – May 2023

On 23 May 2023, HMRC published [Remedy newsletter May 2023](#). The newsletter provides information on the following topics:

- Draft regulations: summarises the draft rectification regulations mentioned in the article above.
- HMRC processes: HMRC is currently developing processes it will need to support the McCloud remedy. As part of this, they will provide a single point of contact for each public service organisation.
- Guidance: HMRC is currently drafting McCloud remedy guidance, which they hope to publish in Autumn 2023. In advance of this, they would like to test some of the guidance with users to make sure it is covering what is needed. If you would like to volunteer, email publicservicepensionsremedy@hmrc.gov.uk and put ‘Guidance testing’ in the subject line.

ACTION: Consider whether you wish to volunteer to assist HMRC

Events

Fire and Police Data Conference

We were pleased to welcome 140 delegates (60 in person to Smith Square and 80 virtually) on 17 May 2023, to hear a host of industry experts take part in panel

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sessions to reflect on why data is so important for the Firefighters' and Police Pension Schemes.



Our hosts for the day were Phil Wells, Assistant Chief Officer, Bedfordshire Police and Gavin Chambers, Assistant Chief Officer, Bedfordshire Fire.

The day was split into four interactive panel sessions and a workshop. The sessions were:

- Successful Project Implementation.
- Engaging members after dashboards.
- Cost of the Scheme.
- Owning the narrative to make strategic decisions.

The audience first heard from Clair Alcock, Head of Police Pensions, NPCC, who spoke about successful project implementation on the imminent McCloud exercise.



Jo Darbyshire, Managing Director, LPPA, then held our first panel of the day. Her panellists were Taylor Brightwell-Smith, Pensions Consultant, GAD, Leanne Ferreira, Project Specialist, XPS and Helen Scargill, Client Relationship Manager, West Yorkshire Pension Fund. The panel were asked questions to share their knowledge, experience, and concerns over the McCloud Data exercise.



Delegates both in person and virtually took part in a workshop to discuss: How FRAs were ensuring the quality of data to be provided to their administrators? How had their experience been so far, including any unexpected challenges and how had they overcome them? What their lessons learnt so far had been?

We then welcomed Andrew Lowe, Co-Chair of PASA Dashboard Committee, ITM, who gave a presentation on engaging members after dashboards, before joining our second panel, chaired by Chris Connelly, Chief Strategy Officer, Heywoods Pension

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Technologies, and the other panellists Graeme Hall, Operations Manager, XPS, and Paul Turpin, Pensions Advisor, Police Federation.



The afternoon session was opened by James Allen, First Actuarial and Robert Fornear, GAD, who gave an insightful overview of the valuation process, including calculations, assumptions, and outcomes. Not the easiest of sessions for them following lunch, but I think it would be fair to say that they kept us all engaged and provided a very useful session.



The final session of the day was delivered by John Simmonds, Principle, CEM Benchmarking. John provided a useful session on benchmarking before joining our final panel of the day, chaired by Jo Donnelly, Head of Pensions, LGA, and other panellists Jennifer Atthey, Senior Manager, Isio, Alison Murray, Partner, Aon and Jo Darbyshire, Managing Director LPPA. Jo was able to share LPPA's experience of using CEM Benchmarking's services, and what they use the outcomes for. Alison and Jennifer were able to share the barriers that they had both experienced when

collecting data to provide separately the Fire and Police Scheme Advisory Boards with a report on the Cost of the Scheme



View the presentation [slide decks from the data event held on 17 May 2023](#)

ACTION: For FRAs to view the slides and consider data more strategically now and in the future.

FPS coffee mornings

Our MS Teams coffee mornings are continuing on a regular basis. The informal sessions lasting up to an hour allow practitioners to catch up with colleagues and hear a brief update on FPS issues from the LGA Bluelight team. We are pleased to include the presentations from recent sessions below:

[23 May 2023 – Data Conference – Workshop Feedback](#)

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

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Legislation

Acts

[Pensions Dashboards \(Prohibition of Indemnification\) Act 2023](#)

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

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