

## FPS Bulletin 72 – August 2023

Welcome to issue 72 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
Northwest Fire Pensions Officer Group	13 September 2023
SAB	14 September 2023
<a href="#">Firefighters’ Annual Conference Day one</a>	19 September 2023
FPS Technical Working Group	19 September 2023
<a href="#">Firefighters’ Annual Conference Day two</a>	20 September 2023
Northeast Fire Pensions Officer Group	4 October 2023

Event	Date
SAB	14 December 2023

## Actions arising

[Age Discrimination Remedy – Warm up letters](#): FRAs/administrators should use these to communicate with their members ahead of October 2023.

[Age Discrimination Remedy – Remediable Service Statements](#): Administrators are recommended to use the template covering letter, where the RSS is not yet available with existing retirement option letters offering the member a choice of legacy and reformed scheme benefits.

FRAs should have regard to the LGA’s proposed approach and understand that any decision to retire a member into the legacy scheme without a choice, is a scheme manager decision, and should be by exception only. FRAs should ensure that they understand the implications of retiring members into the legacy scheme without a choice.

[Age Discrimination Remedy – Remedy tax and contributions: input and output specification](#): FRAs and administrators should familiarise themselves with the draft inputs, so that they can ensure they are holding all the relevant data.

[The Pension Regulator – Scheme Return](#): FRAs to ensure that their scheme return contact details are up to date.

## FPS

### Age Discrimination Remedy - Warm up letters

Further to [FPS Bulletin 71 – July 2023](#), confirming that we have published warm up letters for FRAs/administrators to use, we have now published a deferred letter on the [Age Discrimination Remedy – retrospective remedy webpages](#).

**ACTION:** FRAs/administrators should use these to communicate with their members ahead of October 2023.

### Age Discrimination Remedy – Remediable Service Statements

Following our Coffee Morning on the [Age Discrimination Remedy Consultation Response and Regulations](#) a question was raised with regards to Deferred Choice Remediable Service Statements (DC-RSS). The issue was whether, if the DC - RSS is not available by 1 October 2023, whether an administrator/FRA can rely upon [Part 3, Chapter 3, Regulation 8 \(c\)](#), of The Firefighters’ Pensions (Remediable Service) Regulations 2023 which states the following:

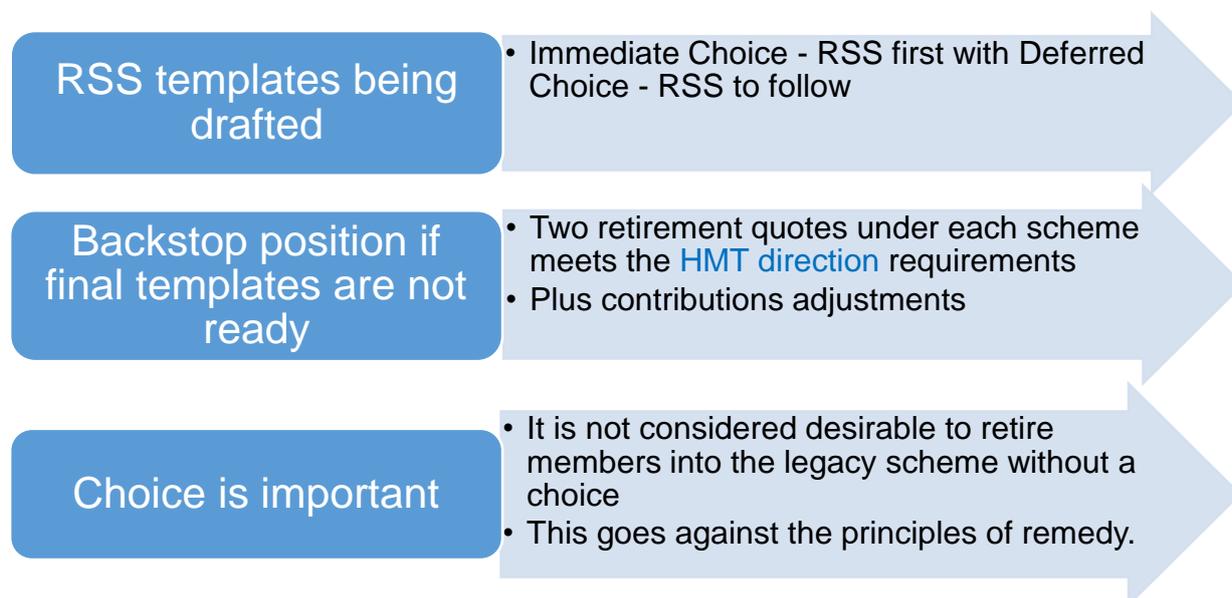
**(8) No benefits are payable under the legacy scheme in respect of M’s pensionable service under that scheme unless—**

- (a) a deferred choice decision is made in relation to M’s remediable service as a firefighter,
- (b) a section 10 election is deemed to have been made under [regulation 16](#) in relation to that service,
- (c) M has notified the scheme manager that they intend to claim benefits under a firefighters’ pension scheme in respect of their remediable service as a firefighter and it was not reasonably practicable for the scheme manager to provide a remediable service statement in respect of M in accordance with regulation 4(2)(c)(i) before the date on which such benefits become payable, or
- (d) M is deceased.

This implies that if the DC – RSS is not available, the member’s pension benefits can be paid from the legacy scheme, without a DC – RSS having been issued, and the member therefore not having made an informed choice. The Home Office has confirmed that this regulation does allow for that to happen. The LGA’s view is that the member **should** have a choice, and that Regulation 8 should only be relied upon in exceptional circumstances.

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We have set out the current position and our understanding and proposed approach as below:



We have created a template covering letter explaining the purpose of the DC – RSS, to be used with two retirement quotes, one for the legacy scheme and one for the reformed scheme, along with the contribution adjustment information. This template covering letter has been published on the [Age Discrimination Remedy – retrospective remedy webpages](#).

**ACTION:** Administrators are recommended to use the template covering letter, where the RSS is not yet available with existing retirement option letters offering the member a choice of legacy and reformed scheme benefits.

**ACTION:** FRAs should have regard to the LGA’s proposed approach and understand that any decision to retire a member into the legacy scheme without a choice, is a scheme manager decision, and should be by exception only. FRAs should ensure that they understand the implications of retiring members into the legacy scheme without a choice.

## Age discrimination – Contributions Calculator

In [FPS Bulletin 71 – July 2023](#) we informed you of the Government Actuary's Department (GAD) work on the contribution calculator inputs.

We are now happy to share the [Remedy tax and contributions calculator: input and output specification.](#), which is published on the Firefighters' Pensions regulations and guidance website.

**ACTION:** FRAs and administrators should familiarise themselves with the draft inputs, so that they can ensure they are holding all the relevant data.

## 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.

This month we have received one technical query which related to:

- Deferred benefits being brought into payment if someone has opted out, page 69.

Whilst this is a query that we have already previously received a similar question on, clarity was sought from the Home Office, and this has been reflected on the technical log.

## FPS England SAB updates

### 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](#)

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- [Committee meetings and agenda papers](#)

The next SAB meeting will be on 14 September 2023.

## Other News and Updates

### Firefighters Pensions Team

In respect of the LGA Firefighters' Pensions Team, we say goodbye this month to Elena Johnson. Elena has been acting up as Senior Pensions Adviser in the team whilst Claire Johnson has been on maternity leave and will leave the LGA on 31 August 2023. We wish Elena every success for the future.

From the beginning of September Claire Johnson will return from maternity leave into her new role as Senior Firefighters' Pensions Adviser.

### The Pensions Dashboards (Amendment) Regulations 2023

Further to FPS Bulletin [70 – June 2023](#) and [71 – July 2023](#), [The Pensions Dashboards \(Amendment\) Regulations 2023](#) came into force on 9 August 2023. The Pensions Regulator (TPR) has provided [a summary of the regulations](#) on their Pension Dashboard guidance pages.

TPR strongly advise scheme managers to continue preparing for dashboards, by engaging with those that support them with their dashboard duties, such as administrators and ISP providers:

- to assess the potential impact of these changes on their schemes,
- to agree a practical delivery plan and
- to continue activity on getting to grips with members' data.

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## **Pensions Dashboards Programme Newsletter**

In August 2023, the Pensions Dashboards Programme (PDP) published its [August newsletter](#). There are articles on:

- The reset update
- Financial Conduct Authority updated rules
- Frequently asked questions on pensions dashboards
- Inviting PDP to an event.

## **The Pension Regulator (TPR) – Scheme Return**

As in previous years the scheme return notice will be sent out from October 2023. TPR are encouraging FRAs to ensure that their scheme return [contact details are up to date](#).

More information about the scheme return, and how to prepare can be found on TPR's [public service scheme return](#) webpages.

**ACTION:** FRAs to ensure that their scheme return contact details are up to date.

## **The Pensions Ombudsman - Incorrect information member factsheet**

On 31 July 2023, the Pensions Ombudsman (TPO) published [a member factsheet called 'Incorrect information'](#).

The factsheet outlines what members should do if they have a complaint about receiving incorrect information.

## **Pensions Administration Standards Association - Data guidance on DB benefit accuracy**

On 14 August 2023, the Pensions Administration Standards Association (PASA) published [new data guidance on benefit accuracy for defined benefit \(DB\) schemes](#).

[PASA has previously issued guidance focused on data quality](#) and they are building on this by now focusing on benefit accuracy.

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### **Government Actuary appointed**

On 2 August 2023, [HM Treasury announced the appointment of Fiona Dunsire](#) as the new Government Actuary. Fiona joins the Government Actuary's Department on a five-year fixed term appointment.

### **The Money and Pensions Service publish 2023/24 corporate plan**

On 17 August 2023, the Money and Pensions Service (MaPS) [published its 2023/24 corporate plan](#).

The report outlines five priority themes designed to help the delivery of MaPS' main services and to help savers get the guidance and advice they need on money, debt and pensions.

### **The Money and Pensions Service publish review into pension scams**

On 10 August 2023, the Money and Pensions Service (MaPS) [published its evidence review into pension scams in the U K](#).

The key findings are:

- There remain significant challenges to estimate the scale of the problem.
- The types of scams and tactics are very similar to investment scams.
- The financial and emotional cost to individuals is high, going beyond financial loss and impacting on health and relationships.
- Once an individual has been targeted there is a high risk of retargeting.
- Government bodies, administrators and other organisations have at their disposal a range of touchpoints to provide strong protection against scams.

## HMRC

### Secure Data Exchange Service (SDES)

In [FPS Bulletin 71 – July 2023](#), we let you know about the Secure Data Exchange Service, which is the service that HMRC will use to share member data with Schemes, relating to the HMRC member tax calculator.

HMRC have since confirmed that they will be in contact with each scheme manager contact shortly with the required links so that FRAs can register for SDES. They have asked that schemes register as soon as possible on receipt of the invitation.

We understand therefore that you will receive some additional information from HMRC that will enable you to do this.

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

In [FPS Bulletin 69 – May 2023](#), we informed you that HMRC had published their consultation on The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (no.2) Regulations 2023.

On 17 August 2023, the Government laid [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No.2\) Regulations 2023](#). The Regulations come into force on 14 September 2023.

### HMRC Public Service Pensions Remedy Newsletter

On 18 August 2023, HMRC published their August edition of the [Public Service Pensions Remedy Newsletter](#). Within this edition they cover:

- [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No.2\) Regulations 2023](#) has been laid and will come into force on 14 September 2023.
- Reporting of annual allowance (AA) tax charge for 2022 to 2023.
- Scheme pays extended to fully retired members.
- Scheme administrators' applications for repayment of overpaid tax.

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- Lifetime allowance excess lump sum that is no longer a lifetime allowance excess lump sum due to remedy.
- Benefits from member voluntary contributions (MVCs) in payment before the remedy comes into force.
- Changes consequential to Finance (No 2) Act 2023

## Events

### 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:

#### [Retrospective remedy consultation response and regulations](#)

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.

### Firefighters' Pensions AGM – London – 19 and 20 September 2023

As cover in [FPS Bulletin 71 – July 2023](#) bookings are now opened for the AGM.

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 from:

- The Chair of the Scheme Advisory Board
- The Home Office
- The Pensions Regulator

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- The Government Actuary's Department
- Communications and engagement
- 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:

- Retrospective remedy - communications, and
- Matthews second exercise

Day 1 – Tuesday 19 September 2023 16:30 – 18:30

Primarily for Scheme Managers and Local Pension Board chairs, day 1 of the conference will provide practical guidance on the role of the scheme manager and will offer the opportunity to network with counterparts in other FRAs.

Following this session there will be a drinks reception on the terrace from 18:45.

Day 2 – Wednesday 20 September 2023 10.00 – 15:30

Day 2 of the conference provides delegates with an annual update on the Firefighters' Pension Scheme from key stakeholders.

Bookings are open on the LGA Events page.

[Firefighters' Pensions Annual Conference Day One](#)

[Firefighters' Pensions Annual Conference Day Two](#)

## **Legislation**

### **Statutory Instruments**

[The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No. 2\) Regulations 2023](#) [SI 912/2023]

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## Useful links

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

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