

FPS Bulletin 63 – November 2022

Welcome to issue 63 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.

Contents

Calendar of events	3
Actions arising	3
FPS	4
Age discrimination remedy – Ill-health factsheet on reassessment of cases	4
Pension Scheme Transitional Protections: Injury to Feelings employment tribunal hearing 14-28 October – hearing vacated	4
Technical query log	5
FPS England SAB updates	6
SAB levy 2022-23 – Request for Purchase Order numbers	6
SAB remedy engagement sessions	6
Other News and Updates	7
PDP publishes updated standards	7
PDP Webinars	7
TPO – Factsheets	8
TPR consultation on dashboard enforcement	8
Regulators issue scam warning to pension schemes and savers	10
TPR blogs	10
GAD blog on Public Service Pension Schemes	10
Autumn Statement 2022	11
New ministerial appointments	12

HMRC	12
HMRC publishes newsletter 144	12
Public service pensions remedy newsletter	13
Consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) regulations 2023	13
Events	14
FPS coffee mornings	14
Legislation	14
Statutory Instruments	14
Useful links	15
Contact details	15
Copyright	16
Disclaimer	16

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 and 13 December 2022
Eastern regional group	5 December 2022
SAB	8 December 2022
FPS Communications Working Group	12 December 2022
North West regional group	14 December 2022

Actions arising

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

[Age discrimination remedy – Ill-health factsheet on re-assessment of cases](#): FRAs to review the ill health re-assessment factsheet and ensure that appropriate action is taken where necessary.

[SAB levy 2022-23 – Request for Purchase Order numbers](#): FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the SAB 2022-23 levy letter.

[Consultation on The Public Services Pension Scheme \(rectification of unlawful discrimination\) \(Tax\) regulations 2023](#): FRAs and administrators are encouraged to respond to the consultation.

[Click here to return to Contents](#)

FPS

Age discrimination remedy – Ill-health factsheet on reassessment of cases

The [coffee afternoon held on 8 November 2022](#) had a focus on what retrospective action is required for ill-health cases under the age discrimination remedy.

As a reminder, a re-assessment of ill-health entitlement will not be needed in every case. It is only where, under rollback, the individual would qualify for alternative ill-health benefits and the assessment criteria under the regulations sets a lower qualifying bar.

To help FRAs determine which individuals require a reassessment we have put together a [factsheet to ill-health re-assessments](#) which sets out the final policy in more detail.

Additionally, the factsheet encourages scheme managers to take immediate steps to review the cohort of membership which will require a re-assessment. This is to ensure that, come 1 October 2023, these cases can be dealt with as soon as possible. Full details of what action is needed has been set out in the factsheet. Sample member communications will be provided later.

ACTION: FRAs to review the ill-health re-assessment factsheet and ensure that appropriate action is taken where necessary.

Pension Scheme Transitional Protections: Injury to Feelings employment tribunal hearing 14-28 October – hearing vacated

As notified to FRAs by email on 11 November 2022 and previously to Nominated Contacts on 14 October 2022, we can confirm that that the injury to feelings Employment Tribunal which was scheduled to be heard from 14 – 28 October has been vacated.

The injury to feelings claims were made as part of the Sargeant (age discrimination) litigation and are claims for compensation for non-financial loss.

Vacation of the hearing followed agreement in principle as to issues of non-financial loss, and to provide further time to negotiate the full settlement details between all parties (including FRAs) through their respective legal representatives. In the case of FRAs, approval will then be needed by the Steering Committee before final agreement is reached.

The cost of compensation will be fully met by the Government.

In respect of the claimants this applies to, it is all the named original 2015 claims in England and Wales brought by the FBU (but not claims in Scotland or Northern Ireland). This does not settle the further claims served last year, the FOA (Slater and Gordon) claims nor any of the reverse discrimination claims.

You may receive queries from employees. Unfortunately, we are not able to provide advice and employees will need to seek their own advice. We will continue to keep FRAs updated on any material developments through their nominated contact.

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.

Queries regarding the following have been added:

- Widow's benefits upon re-marriage - page 119
- Aggregation for FPS 2006 Special Members – page 19
- AA for Immediate Detriment – page 16
- Ill-health calculation for transitional member – page 90

FPS England SAB updates

SAB levy 2022-23 – Request for Purchase Order numbers

We are pleased to confirm that the Scheme Advisory Board (SAB) budget for 2022-23 has been approved by the minister and the invoicing process has started.

In 2014, FRAs entered a shared arrangement to fund a technical adviser post to support FRAs with their understanding and management of the Firefighters' Pension Schemes. The employers' voluntary subscription is included in the final levy.

The total levy for the 2022-23 year will be £6.27 per firefighter, which is calculated at £4.39 for the SAB and £1.88 for employers. A letter was sent by email to Chief Fire Officers and HR Directors on 21 November 2022 advising them of this.

Devolved FRAs have also been sent levy requests with regard to the employer advice service provided to them by the LGA.

The first stage of the process is for FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the letter.

ACTION: FRAs to provide a valid purchase order number, stating the number of employees eligible to join one of the Firefighters' Pension Schemes as of 1 April 2022, using the form provided with the SAB 2022-23 levy letter.

SAB remedy engagement sessions

As reported in [FPS Bulletin 57 – May 2022](#), the Scheme Advisory Board (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.

[Click here to return to Contents](#)

The most recent sessions considered contingent decisions, divorce and CETVs. Material from some sessions has been added to a new page called '[age discrimination remedy – Provision Definition Documents](#)' in the member restricted area of the FPS Regulations and Guidance area for the benefit of practitioners.

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

Other News and Updates

PDP publishes updated standards

On 16 November 2022, the [Pension Dashboard Programme \(PDP\) published its revised standards](#) for connecting to the dashboards ecosystem. They cover the technical and operational detail that underpins dashboards legislation. The revised standards incorporate feedback from the consultation published in July 2022 – see [FPS bulletin 59 – July 2022](#) for more information.

Although the revised standards are pending final approval by the Secretary of State for Work and Pensions, they have been published to give schemes advance notice of the duties that they will need to comply with.

PDP also confirmed the process for updating the standards going forward, including the principles for decision-making and the notice period for industry.

A consultation on the draft design standards for qualifying pensions dashboards will take place in the winter.

PDP Webinars

PDP will host the following webinars in December 2022:

- 5 December 2022 - Dashboards standards: data, reporting and technical standards
- 7 December 2022 – Dashboards standards: code of connection, early connection and governance

[Click here to return to Contents](#)

- 8 December 2022 – Dashboards standards: design standards consultation

Visit [PDP's events and meetings webpage](#) to sign up for their webinars.

TPO – Factsheets

The Pensions Ombudsman (TPO) published two new factsheets in November:

- [Determination by the Ombudsman factsheet](#) explains what happens after TPO has issued a determination including complying with the direction and how to appeal on a point of law
- [Privacy and Personal Information Policy](#) explains why and when TPO collects personal information about third parties.

You can find and search [all TPO publications](#) on their website.

TPR consultation on dashboard enforcement

On 24 November 2022, the Pensions Regulator (TPR) launched a consultation on its dashboards compliance and enforcement policy.

The draft policy sets out TPR's expectations for scheme managers to achieve compliance with the Pensions Dashboards Regulations 2022 – 'the Regulations' and provides clarity on its approach to enforcement. Governing bodies of occupational pension schemes and third parties such as employers, administrators, and Integrated Service Providers (ISPs) are in the scope of the draft policy. TPR has the power to pursue these parties if it believes there has been a breach of the Regulations.

In monitoring compliance, TPR will focus on behaviours or breaches they consider pose the greatest risk to savers. Areas of particular interest are:

- connection: connecting by the scheme's statutory deadline, connecting all active, deferred and pension credit members, and remaining connected in line with relevant standards

[Click here to return to Contents](#)

- matching and returning accurate data: connecting the right member with the right data, failure to find a saver (i.e. failing to return a match made or a possible match) and failure to provide data in line with legal requirements.

TPR expects schemes to:

- operate adequate internal controls including risk management processes and processes to identify breaches of the law
- keep clear audit trails of steps to achieve compliance and resolve issues
- record their matching policy and data improvement process

TPR will monitor compliance using multiple sources of evidence. It may request additional evidence from schemes when it has concerns or to identify best practice.

Any enforcement action will be balanced against the outcome it may achieve.

Breaches of the law that are persistent, intentional or indicate dishonesty are likely to be of higher priority.

TPR may issue compliance notices to trustees, scheme managers or third parties when a breach occurs. The purpose of a compliance notice is to stop non-compliance and avoid a repeat of the breach.

It may issue penalty notices to those parties in response to a breach or when they fail to comply with a compliance notice. Each penalty can be up to £5,000 for an individual and up to £50,000 in other cases. TPR will work with partner agencies and regulators and, where appropriate and permitted by law, share information with them.

You can find a [link to the consultation on the TPR website](#). The consultation closes on 24 February 2023.

Regulators issue scam warning to pension schemes and savers

TPR joined forces with the Financial Conduct Authority and the Money and Pensions Service to issue a [scam warning to pension schemes and savers](#) on 11 November 2022. The statement warns of an increased risk from scammers because of the current economic uncertainty.

The warning urges savers to:

- contact [MoneyHelper](#) for free, impartial advice before making any hasty decisions
- check that they are dealing with a legitimate firm by visiting the [ScamSmart website](#)
- know [how to spot pension scams](#) and avoid them.

TPR blogs

TPR published two blogs in November 2022:

- [TPR blog on automatic enrolment](#) considers the successes of ten years of automatic enrolment, urges employers to ensure they comply with their re-enrolment duties and look forward to improved member engagement
- [TPR blog on equality diversity and inclusion](#) outlines TPR's strategy to move towards a fairer and more inclusive culture within their organisation and across the pensions industry.

GAD blog on Public Service Pension Schemes

The Government Actuary's Department (GAD) has published a blog about the pressures faced by administrators of public service pension schemes. [GAD's blog 'Looking ahead in public service pension administration'](#) considers:

- the challenges of translating the McCloud remedy into administration processes
- the importance of data quality for pensions dashboards

[Click here to return to Contents](#)

- the complexity of administration provider or administration system procurement

Autumn Statement 2022

The Chancellor of the Exchequer delivered his Autumn Statement to Parliament on 17 November 2022. The statement confirmed the following policies that have a direct or indirect impact on pension scheme members:

- The State Pension triple lock was maintained and working age benefits will increase in line with inflation in April 2023. Next year's State Pension increase will be 10.1 per cent.
- [The DWP review of the State Pension age](#) will be published early in 2023. The review is currently underway to consider whether the existing timetable to increase the State Pension age remains appropriate. The Government must publish the review by 7 May 2023.
- No changes to the annual allowance, tapered annual allowance or Money Purchase Annual Allowance in 2023/24.
- No changes to the Lifetime Allowance which will remain at its current level of £1,073,100 until the end of the 2025/26 year.
- Current personal tax thresholds for income tax and national insurance (in England and Wales) will be frozen until April 2028.
- The additional rate threshold (in England and Wales) will reduce from £150,000 to £125,140 from April 2023. This is the threshold beyond which individuals pay income tax at 45 percent.

You can find the [Autumn Statement 2022 documents](#) on the Government's website. The lifetime allowance and annual allowance figures are confirmed in the [Autumn Statement 2022: Policy Costings](#).

New ministerial appointments

[Laura Trott MP](#) was appointed Parliamentary Under Secretary of State at the Department for Work and Pensions (DWP) in October, and she was confirmed as the new minister for pensions on 7 November 2022.

Guy Opperman MP, who served as the Minister for Pensions until 8 September 2022, returned to the DWP as Minister of State on 27 October 2022.

[The Rt Hon Chris Philp MP](#) was appointed as the Minister for Crime, Policing and Fire on 26 October 2022.

HMRC

HMRC publishes newsletter 144

On 3 November 2022, HMRC published [Pension schemes newsletter 144](#). The newsletter includes articles about:

- Requesting a refund through the Managing Pension Schemes Service. You can find out more information on how to [Request a pension scheme refund or reallocation](#) online.
- Migrating from the Pension Schemes Online service to the Managing Pension Schemes service.
- The Accounting for Tax (AFT) return for 1 July to 30 September 2022 must be submitted by 14 November 2022 to avoid interest and penalties.
- AFT returns for any quarter from 1 April 2020 onwards can only be submitted on the Managing Pension Schemes service.

The [Managing Pension Schemes user panel](#) that gives feedback on the service and helps to inform future developments.

Public service pensions remedy newsletter

On 25 November 2022, HMRC published [Public service pensions remedy newsletter](#). The newsletter summarises the draft regulations and guidance that they are currently consulting on and confirms that HMRC is not able to respond to member queries related to the remedy.

Consultation on the Public Services Pension Scheme (rectification of unlawful discrimination) (Tax) regulations 2023

On 25 November 2022, HMRC published a [technical consultation on a draft statutory instrument](#), which ensures the pensions tax framework will apply as intended to pension scheme administrators and members affected by the public service pensions remedy.

The consultation seeks views from pension scheme administrators on the draft regulations. The regulations set out changes to how the pensions tax rules will apply to pension scheme administrators and members of public service pension schemes as a result of the public service pensions remedy.

The regulations will make changes to how pensions tax legislation operates in certain circumstances, including changes to how schemes will need to report and pay extra tax charges or reclaim overpaid tax and ensure that schemes can pay pension benefits as authorised payments.

This legislation is intended to take effect from 6 April 2023, but some provisions will have a retrospective effect.

The consultation documents include an explanatory memorandum and guidance for administrators on the draft regulations.

We will respond to the consultation and share our response before the consultation closes on 6 January 2023.

ACTION: FRAs and administrators are encouraged to respond to the consultation.

[Click here to return to Contents](#)

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 Tuesday 6 December at 10:00.

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

[8 November 2022 – Retrospective ill-health reassessment](#)

[22 November 2022 – Discretions workshop](#)

[29 November 2022 – Compensation scheme workshop](#)

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.

Legislation

Statutory Instruments

SI	Reference title
2022/1220	<u>The Pensions Dashboards Regulations 2022</u>
2022/1229	<u>The Occupational Pensions (Revaluation) Order 2022</u>
2022/1230	<u>The Police, Fire and Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022</u>

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

Contact details

Claire Hey (Senior Pensions Adviser)

Telephone: 07825 731 924

Email: claire.hey@local.gov.uk

Claire Johnson (Firefighters' Pensions Adviser – Employers)

Telephone: 07920 861 552

Email: claire.johnson@local.gov.uk

Elena Johnson (Firefighters' Pensions Adviser – Governance)

Telephone: 07770 763 031

Email: elena.johnson@local.gov.uk

[Click here to return to Contents](#)

Copyright

Copyright remains with Local Government Association (LGA). This bulletin may be reproduced without the prior permission of LGA provided it is not used for commercial gain, the source is acknowledged and, if regulations are reproduced, the Crown Copyright Policy Guidance issued by HMSO is adhered to.

Disclaimer

The information contained in this bulletin has been prepared by the Bluelight Pensions team, part of the Local Government Association (LGA). It represents the views of the team and should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of legislation. No responsibility whatsoever will be assumed by the LGA for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this bulletin.

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 bluelightpensions@local.gov.uk.