

Firefighters' Pension Scheme Delegations

Report of the Chief Fire Officer

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1 Purpose of Report

This report results from a routine review of the discretionary powers of the Fire Authority under the Firefighters' Pension Schemes.

2 Recommendations

The Fire Authority is asked to

- a) note the review of the Delegation of powers under the Firefighters' Pension Scheme 2015 (as set out in Appendix A to this report) of which items 1-52 remain unchanged.
- b) Consider and approve, or otherwise accept the proposed changes to 1992 scheme – point 40 and the 2006 scheme, points 29 and 30.
- c) Consider and approve the recommendation to formally document each decision to evidence that they have made an informed decision.

3 Background

The Firefighters' Pension Scheme 2015 (the Scheme) sets out a number of discretionary powers, which the Fire Authority may wish to exercise, having regard to the circumstances of an individual case in respect of the pension rights of its firefighters and firefighters' dependents.

In 2002, 2010 and 2014 the Fire Authority agreed delegations and policies in relation to the Firemen's Pension Schemes 1992 and 2006. In 2015, similar delegations and policies were established in relation to the new 2015 Scheme. As the Scheme Manager the Fire Authority are required to review these discretions at intervals to ensure they remain appropriate.

4 Review of Delegations to Officers and Policies

The Appendices list the rules of the Schemes where discretionary powers can be exercised. The 2015 scheme discretions (attached at Appendix A) were last reviewed in 2021. The Head of Human Resources and Administration and the Pensions Officer have since conducted an annual review and no changes to existing discretions are proposed.

However, having also reviewed the discretions for the 1992 Scheme (attached at Appendix B) and 2006 Scheme (attached at Appendix C) it has been determined that the following changes need to be applied.

Further to some additional guidance received via Firefighters Pension Schemes 9FPS) Bulletin 54 – February 2022 (attached at Appendix D) regarding abatement, it has been advised that Fire and Rescue Authorities (FRA) review all existing policies on abatement and make necessary changes to ensure that proper consideration is taken when agreeing when abatement should apply.

Abatement is the ability of the Authority to reduce or stop a member's pension if that member is re-employed by any Fire and Rescue Authority in any capacity after retiring. This is known as in-service abatement.

The general rule on abatement is that on re-employment the salary paid for the new employment added to the pension in payment (plus inflation) cannot be more than the members salary (plus inflation) at the point they retired.

The circumstances of the case that has given rise to this amendment are outlined in the Appendix D on pages 3 and 4 of FPS Bulletin 54. In short, the FRA had applied a blanket policy which stipulated that abatement would apply. This meant that there was no room for 'discussion' in terms of the circumstances in which abatement would not apply. Therefore, it was deemed by the Ombudsman that the FRA in question had not followed a reasonable process when exercising their discretion.

Having reviewed the minutes of the Shropshire and Wrekin Fire and Rescue Authority meeting held on 26 February 2014, these recorded that the FRA had made an amendment to their discretions stating:

Rule K4 of the 1992 Scheme has been amended to increase the scope of the employer's discretion to abate a member's pension, where they are re-employed after retirement. This provision now applies to any scheme member re-employed in any role in any fire and rescue authority and supports Government policy that pension payments should be abated, where a member is re-employed in the public sector and receives a pension and salary exceeding earnings before retirement

A recommendation was then made and agreed by the FRA that this discretion would be adopted, and that abatement would be applied in all cases of re-employment of members of the 1992 scheme and 2006 schemes.

Recommendations:

As a result of this it is therefore proposed, to avoid the application of a blanket policy, that the Fire Authority now amend the discretions of the 1992 scheme – point 40 and the discretions of the 2006 scheme – points 29 and 30 to include:

Cases will be managed on a case-by-case basis and consideration given to whether any exceptional circumstances exist or whether abatement applies.

This has been marked on bold in the attached Appendices B and C.

It is also recommended that fire and rescue authorities formally document each decision to evidence that they have made an informed decision.

This ensures that the Fire Authority is working accordance with the LGA abatement guidance.

5 Financial Implications

There are no financial implications arising from this report.

6 Legal Comment

The Fire Authority has the necessary powers as set out within the body of this report to implement the recommendations in respect of offering Voluntary Scheme Pays arrangements.

It is incumbent on the Fire Authority to consider Pension Scheme Bulletins in order to ensure good governance and also to effectively manage pension arrangements.

Delegations of authority, such as those set out in this report and appendices, are necessary to enable officers and the Fire Authority's Pensions Panel to administer the schemes effectively in the future.

7 Initial Impact Assessment

This report contains merely statements of fact / historical data. An Initial Impact Assessment is not, therefore, required.

8 Equality Impact Assessment

There are no equality or diversity implications arising from this report. An Equality Impact Assessment is not, therefore, required.

9 Appendices

Appendix A

Firefighters' Pension Scheme 2015 Discretions

Appendix B

Firefighters Pension Scheme 1992 Discretions

Appendix C

Firefighters Pension Scheme 2006 Discretions

Appendix D

Firefighters Pension Scheme Bulletin 54

10 Background Papers

There are no background papers associated with this report.

Firefighters' Pension Scheme 2015 Proposed Decisions to be made by, and discretionary powers of, the Fire Authority

2015 agreed Delegations reviewed as at May 2022

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Panel in cases relating to IDRPs.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/action delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
1	Delegation (Regulation 5) The scheme manager must ensure that delegated powers are appropriate and current [Regulation 5 (2)]				X
2	Opting into this scheme (Regulation 12) An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. There is an option for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate. [Regulation 12 (5)]				X
3	Opting out after the first three months (Regulation 16) An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. If the scheme manager considers that day to be in appropriate, it may vary the date to the first day of any later pay period as the scheme manager does consider appropriate. [Regulation 16 (2) (b)].				X

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
4	<p>Pensionable pay (Regulation 17) The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay. [Regulation 17 (1) (d)].</p> <p><i>In 2014 the CFA determined that their policy is to follow existing policy on CPD payments and treat as pensionable pay</i></p>				X
5	<p>Active membership (Regulation 19) A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period. (Presumably this would be linked to Regulation 111 (4) and subject to the member paying the appropriate contributions). [Regulation 19 (c)].</p>			X	
6	<p>Establishment of pension accounts: general (Regulation 28). The scheme manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate. [Regulation 28 (2)].</p>				X
7	<p>Closure and re-establishment of active member's account (Regulation 37). If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has discretion to choose. [Regulation 37 (3), (4) and (5)].</p>				X
8	<p>Closure of deferred member's account after gap in pensionable service not exceeding five years. (Regulation 49). If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment – which one should close. If they fail to make a selection, the scheme manager must make the choice for them. [Regulation 49 (3) and (4)].</p>				X
9	<p>Employer initiated retirement (Regulation 62). An employer can determine that an active member aged 55 or over but under the age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of retirement pension without the early payment reduction. An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case. [Regulation 62 (1) and (2)]</p>			X	
10	<p>Exercise of partial retirement option (Regulation 63). An active member aged at least 55 who would be entitled to immediate payment of pension, if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager. [Regulation 63 (5)].</p>			X	

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
11	<p>Review of ill-health award or early payment of retirement pension (Regulation 68). The scheme manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has been receiving the award for less than 10 years, and for reviewing the early payment of deferred pension on ill-health grounds for so long as the recipient is below deferred pension age. [Regulation 68 (1) and (2)].</p> <p><i>In 2014 the CFA determined to follow guidance (on intervals) provided by the IQMP on assessment</i></p>				X
12	<p>Consequences of Review (Regulation 69). If, following the review of a lower tier ill-health pension under Regulation 68, the scheme manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill-health, the employer must consider whether or not to make an offer of re-employment. [Regulation 69 (3)].</p>			X	
13	<p>Commencement of pensions (Regulation 70). If a deferred member requests, and is entitled to, the early payment of retirement pension on grounds of ill-health, the scheme manager must determine that date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the member's request for early payment. [Regulation 70 (7)].</p> <p>If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age, or requests early payment with an early payment reduction before deferred pension age, the scheme manager will decide the payment date after the claim for payment has been made. [Regulation 70 (8)].</p>			X	
14	<p>Allocation election (Regulation 72). The scheme manager must give consent for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member. (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent on the active member). [Regulation 72 (3) (b) and (4)].</p>			X	
15	<p>Adjustment of allocated benefit (Regulation 75). If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependent's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager. [Regulation 75 (1) and (2)].</p>			X	
16	<p>Meaning of "surviving partner" (Regulation 76). A cohabiting partner may be considered a "surviving partner" and potentially qualify for a pension provided they meet certain conditions, one of which is that they must have been in a "long-term relationship" – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years. [Regulation 76 (1) (b) (v) and (2)].</p>			X	

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
17	Person to whom lump sum death benefit payable (Regulation 95). The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable. (Regulation 95).	X			
18	Surviving partner's pensions and eligible child's pensions: suspension and recovery (Regulation 101). A scheme manager has the right to cease paying a surviving partner's pension and/or eligible child's pension and recover any payment made in respect of a pension where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 101 (2) and (3)]. <i>In 2014 the CFA determined this was to be paid to child and only paid to parent or guardian in exceptional circumstances(in line with LGPS)</i>			X	
19	Provisional awards of eligible child's pensions: later adjustments (Regulation 102). If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively. (This does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.) [Regulation 102 (2) and (3)].			X	
20	Adjustment of benefits to comply with FA 2004 where members die over 75 (Regulation 104). If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the person death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under the section of the Act. [Regulation 104 (1) (a) and (2)].			X	
21	Member contributions (Regulation 110). Where there is a change in scheme employment or a material change which effects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied [Regulation 110 (5)]. When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded. [Regulation 110 (7) (h)].				X

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
22	Contributions during absence from work due to illness, injury, trade dispute or authorised absence (Regulation 111). Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions. [Regulation 111 (2), (3) and (4)].				X
23	Deduction and payment of contributions (Regulation 114). Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member [Regulation 114 (1)]. Contributions due in respect of absence from work on reserved forces service leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951. [Regulation 114 (2)]. Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager. [Regulation 114 (3)].				X
24	Statement of entitlement (Regulation 135). The scheme manager must specify in a statement of entitlement the “guarantee date” date by reference to which the cash equivalent or club transfer value is calculated; this date must fall within the three months beginning with the date of the member’s application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member’s application if, for reasons beyond the scheme manager’s control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period. [Regulation 135 (4)].				X
25	Request for acceptance of a transfer payment (Regulation 141). There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non-occupational pension scheme. The scheme manager has the discretion to extend this period. [Regulation 141 (3)].				X
26	Transfer statement (Regulation 142). The scheme manager can require an active member to ask the scheme manager of a previous non-club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement, [Regulation 142 (2)].				X
27	Club transfer value statement (Regulation 144). The scheme manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement. [Regulation 144 (2)].				X

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
28	Appeal concerning entries on the certificate (Regulation 148). If a member is not satisfied with a certificate setting out the details in their pension account (s) as required under Regulation 146, they can require the scheme manager to deal with their disagreement under arrangement implemented by the scheme manager in accordance with the requirements of section 50 of the Pension Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The scheme manager must have these arrangements in place. [Regulation 148 (1)].				X
29	Determinations by the scheme manager (Regulation 151). It is the scheme manager that must determine whether a person is entitled to an award or to retain an award. [Regulation 151].			X	
30	Role of IQMP in determinations by the scheme manager (Regulation 152).1) The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion. [Regulation 152 (1)]. 2)If a person wilfully or negligently fails to submit a medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence. (Regulation 152 (7))			2) X	1) X
31	Review of medical opinion (Regulation 153.)1) Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion. [Regulation 153 (1)] 2)Upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly. [Regulation 153(4) and (5)].			2) X	1) X
32	Notice of appeal (Regulation 155). If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under Regulation 154 (4). If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154 (4) documents were supplied. [Regulation 155 (2)].			X	

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
33	<p>Reference of appeal to the board (Regulation 156 – see also Regulation 161). Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded the board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal. [Regulation 156 (8) to (12)].</p> <p><i>In 2014 the CFA determined to require appellant to pay under the terms stated in the order</i></p>				X
34	<p>Procedure where appeal to be pursued (Regulation 157). The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant). [Regulation 157 (6) to (9)].</p>				X
35	<p>Expenses of each party (Regulation 161). If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1) as the scheme manager considers appropriate, [Regulation 161 (2)].</p> <p>If the appellant withdraws the appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1) as the scheme manager considers appropriate. [Regulation 161 (3) (a)].</p> <p>If the appellant's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160 (1) as the scheme manager considers appropriate. [Regulation 161 (3) (b)]</p> <p><i>In 2014 the CFA determined to require appellant to pay under the terms stated in the order</i></p>				X
36	<p>Appeals on other issues (Regulation 163). If a member disagrees with a scheme manager's determination of award under regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedure Consequential and Miscellaneous Amendments) Regulations 2008 [Regulation 163].</p>		X		

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
37	Commutation of small pensions (Regulation 167). If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances. [Regulation 167 (3)]				X
38	Payments for persons incapable of managing their affairs (Regulation 168). If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such a manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person. [Regulation 168]			X	
39	Payments due in respect of deceased persons (Regulation 169). If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration. [Regulation 169].			X	
40	Forfeiture: offences committed by members, surviving partners or eligible children (Regulation 171). If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension. [Regulation 171 (1), (2), (3) and (5)]. Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member. [Regulation 171 (4)].	X			
41	Forfeiture of pensions: offences committed by other persons (Regulation 172). If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, if a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 172 (1) to (5)].	X			

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
42	Forfeiture of lump sum death benefit: offences committed by other persons (Regulation 173). If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled. [Regulation 173].	X			
43	Forfeiture: relevant monetary obligations and relevant monetary losses (Regulation 174). If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme. "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176. [Regulation 174].	X			
44	Set-off (Regulation 175). A scheme manager has a discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture). The procedure is set out in Regulation 176. [Regulation 175].	X			
45	Payment on behalf of member of lifetime allowance charge (Regulation 178.) At a scheme member's request, the scheme manager may pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs. [Regulation 178].				X
46	Evidence of entitlement (Regulation 184). 1) The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount the scheme. [Regulation 184 (1) and (2)]. 2) If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme. [Regulation 184 (3)].			2 X	1) X

Provision of Firefighter's Pension Scheme 2015		Level of Decision			
		A	B	C	D
47	Amount of accrued added pension may not exceed overall limit of extra pension (Schedule 1, Part 1, Paragraph 4). The total amount of accrued added pension must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member). [Schedule 1, Part 1, Paragraph 4].				X
48	Member's election to make periodical contributions for added pension (Schedule 1, Part 1, Paragraph 7). If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid. [Schedule 1, Part 1, Paragraph 7 (3)].				X
49	Periodical payments (Schedule 1, Part 2, Paragraph 8). If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment. [Schedule 1, Part 2, Paragraph 8 (3)].				X
50	Periodical payments during periods of assumed pensionable pay (Schedule 1, Part 2, Paragraph 10). After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager can extend this period of six months. [Schedule 1, Part 3, Paragraph 10 (4)].				X
51	Meaning of "tapered protection closing date" (Schedule 2, Part 1, Paragraph 3). The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2, Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls. The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9 (5) or 21 applies (members returning to pensionable service) is determined by the scheme manager. [Schedule 2, Part 1, Paragraph 3 (3); Schedule 2, Part 2, Paragraph 9 (5); and Schedule 2, Part 3, Paragraph 21].				X
52	That the Authority will satisfy a tax charge on a members behalf using Voluntary Scheme Pays (VSP) where the test of 'exercised reasonably where there are sufficient ground for doing so' are met. That test consisting of the two circumstances: <ul style="list-style-type: none"> Transitional members with service in one of the 1992 or 2006 Schemes, and the 2015 Scheme, are able to access a VSP arrangement in the same way that a protected 1992 or 2006 scheme member, or a member with service only in the 2015 Scheme, can do so through Mandatory Scheme Pays. Scheme members with a tapered annual allowance are able to use a VSP arrangement to pay a tax charge in a circumstance where the pension growth in one scheme (or more schemes) is less than the £40,000 general AA limit but more than their own tapered AA limit. 				X

FIREFIGHTER'S PENSION SCHEME ORDER 1992
Decisions to be made by and discretionary powers of the fire authority

Agreed Delegations as at January 2014 with proposals for new delegations shown as NEW (amended May 2022)

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRPs, with the exception of item 2, where the Authority will be the first and only decision maker and item 43 where the Authority would be advised by the Human Resources Committee.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

PROVISION OF FIREMEN'S PENSION SCHEME 1992		LEVEL OF DECISION			
		A	B	C	D
1	Determination of eligibility for membership of FPS [Rule A3]				X
2	Permission for CFO to retire before attaining age 55 [Rule B1(2)(b)]	X			
3	Discretion to determine that any or all of the following benefits may be treated as pensionable for the credit to the firefighter of additional pension benefit: additional skills/responsibilities; continual professional development; difference in basic pay on temporary promotion; any performance related payment not consolidates into basic pay. [Rule B5C] added from 01.07.13 by SI 2013/1392			NEW	
4	Consent for one quarter pension to be commuted in the case of a firefighter who, upon retirement, would otherwise not be permitted to commute such portion of pension as would provide a greater lump sum than two and a quarter times the full amount of pension. (In exercising their discretion the fire and rescue authority must have regard to the economical, effective and efficient management of their functions, and the costs likely to be incurred in the particular case and which are transferrable to the Firefighters Pension Fund in accordance with Rule LA2(10).) [Rule B7(5A)] Added with effect from 1.7.2013 by 2013/1392	NEW			
5	Commutation of trivial pension [Rule B8]				X

PROVISION OF FIREMEN'S PENSION SCHEME 1992		LEVEL OF DECISION			
		A	B	C	D
6	Acceptance of condition of normal life expectancy for allocation purposes [Rule B9(6)].				X
7	Decision to increase level of spouse's or civil partner's award where firefighter and spouse were living separately at the date of death and where normal level of benefit is accordingly reduced under FPS rules [Rule C8(6)]			X	
8	Decision to allow a gratuity to be paid, in whole or in part, to the surviving spouse where it would otherwise not be payable because husband and wife were living separately at the date of death. [Rule C8(7)]			NEW	
9	Decision to reinstate all or part of a spouse's or civil partner's pension or gratuity if, following termination on remarriage, formation of a civil partnership or subsequent civil partnership, the other party dies [Rule C9]		X		
10	Decision to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased. [Rule D5(5)] Added with effect from 1.7.2013 by 2013/1392			NEW	
11	Decision to terminate a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement. Such an award is payable for life unless the fire and rescue authority are satisfied that the child is no longer permanently disabled, or that the child's allowance should not have been awarded. [Rule D5(3) and (9)(c)] Added with effect from 1.7.2013 by 2013/1392	NEW			
12	Award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the FPS in respect of the same firefighter [Rule E3]			X	
13	Decision to commute to a lump sum a spouse's or civil partner's pension which is of limited amount [Rule E5 subject to limitations in Rule E7]				X
14	Decision to commute to a lump sum a child's pension [Rule E6 subject to limitations in Rule E7]				X
15	Decision to substitute a higher amount of child's flat-rate award where neither of the child's parents is alive [Rule E9(6)]			X	
16	Decision as to amount of pensionable service (to be set out in Certificate of Pensionable Service with notice of right of appeal) [Rule F1]				X
17	Decision that the fire and rescue authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighters' period of absence without pay where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service.			X	
18	Extension of 6 month time limit for election to pay certain sums in order that earlier pensionable service may count on rejoining the fire service [Rule F4(3)(c), and Rule F5(1)(c)].			X	
19	Extension of 12 month time limit for acceptance of "mis-selling" transfer value payment [Rule F6A (3)(b)]				X
20	Adjustment of service on payment of mis-selling transfer value to take account of any earlier service credit [Rule F6A(6)]		X		
21	Discretion to accept a transfer value [Rule F7(1) subject to Rule F7(2) and (3)]				X
22	Extension of 6 month time limit for a former firefighter to request payment of a transfer value to another pension scheme [Rule F9(2)]		X		
23	Extension of 12 month time limit after leaving in which a former firefighter must be subject to a new scheme and may request a transfer value after having previously received a gratuity/repayment of pension contributions [Rule F9(5)]		X		
24	Determination of pensionable pay [Rule G1(1)]				X
25	Discretion to deduct pension contributions from instalments of pay [Rule G2(2)]		X		
26	Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity or adoption leave must be made. [Rule G2A(3)].			X	

PROVISION OF FIREMEN'S PENSION SCHEME 1992		LEVEL OF DECISION			
		A	B	C	D
27	Discretion not to accept firefighter's election to purchase increased benefits through the payment of additional contributions unless firefighter has undergone a medical examination at own expense and satisfied authority as to his/her good health		X		
28	Discretion of fire authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is likely to cause financial hardship [Rule G7 (3)]			X	
29	Determination, in first instance, of entitlement to, and type of award, under FPSO [Rule H1(1)]	X			
30	Requirement to use, but right to select, independent qualified medical practitioner for providing a medical opinion. [Rule H1(2)].				X
31	Discretion to determine award without medical evidence if firefighter refuses to submit to medical examination [Rule H1(3)]	X			
32	Determination of whether new evidence presented by the firefighter, following a determination under Rule H1, should be copied to IQMP with an invitation for the IQMP to reconsider his/her opinion. [Rule H1A(1)(c)] Introduced with effect from 1 July 2013 by SI 2013/1392.				NEW
33	Requirement to reconsider Rule H1 decision after receiving a Rule H1A response from IQMP. [Rule H1A(4)] Introduced with effect from 1 July 2013 by SI 2013/1392.				NEW
34	Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by the fire and rescue authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of an authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature. [Rule H3]	X			
35	Discretion to commute a small pension due to a pension credit member.[Rule 1A2(1)]				X
36	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment. [Rule K1(1) and (2)].				X
37	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under age 60 and in receipt of a deferred pension has become capable of firefighting and performing any other duties appropriate to his former role as a firefighter. [Rule K1(3)].				X
38	Requirement to decide whether to offer a person, whose ill-health pension has been reviewed under Rule K1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role. [Rule K1A(2)].			X	
39	Discretion to reduce the level of an ill-health pension to not less than half of full amount where firefighter contributed to infirmity by own default [Rule K3(1)]	X			
40	Discretion to withdraw whole or part of a person's pension during any period of his/her re-employment as a regular firefighter in a brigade. Cases will be managed on a case-by-case basis and consideration given to whether any exceptional circumstance exists and whether abatement applies [Rule K4]		X		
41	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences [Rule K5(1)]	X			

PROVISION OF FIREMEN'S PENSION SCHEME 1992		LEVEL OF DECISION			
		A	B	C	D
42	Discretion to restore pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner [Rule K5(5)]	X			
43	Determination of intervals at which instalments of pension shall be paid [Rule L3(1)(b)]		X		
44	Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability. [Rule L3(1)].				X
45	Discretion to decide an earlier payment date for survivor's benefits (other than an injury gratuity) than the date prescribed where the deceased received a gratuity or lump sum and option to pay gratuity in instalments rather than as a single lump sum [Rule L3(7) and (8)]				X
46	Discretion as to recipient of any sum payable to a minor [Rule L5(1)]				X
47	Discretion as to recipient of payments due to a person incapable of managing his/her own affairs [Rule L5(2)]				X
48	Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965 [Rule L5(3)]				X
49	Discretion of fire authority to withhold sums due to a firefighter where there has been a loss to the funds of the fire authority as a result of fraud, theft or negligence on the part of that person [Rule L5(6)]	X			
50	Discretion to deduct from an award any outstanding balance of payments in respect of previous service. [Schedule 6, Part 1, paragraph 1(4)].				X
51	Decision as to contribution rate payable by firefighter by reference to pensionable pay. [Schedule 8, Part A1].				X
52	Discretion to extend 28 day time limit in which a firefighter must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents referred to un Rule H2(4) to that person [Schedule 9, Part 1 (1)(2)]	X			
53	Discretion to decide the fire and rescue authority's representation at Medical Appeal Board interview. [Schedule 9, Part 1, paragraph 4(5)].				X
54	Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board. [Schedule 9, Part 1, paragraph 5].			X	
55	Discretion, where Medical Appeal Board decides an appeal in favour of the fire and rescue authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay to the authority such sum as the authority think fit, not exceeding the total amount of fees and allowances payable to the Board as determined by the Secretary of State. [Schedule 9, Part 1, paragraph 8(2)]		X		
56	Discretion, where the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, to require the appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board. [Schedule 9, Part 1, paragraph 8(2A)] As amended with effect from 1.7.2013 by SI 2013/1392.		NEW		

GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

CHART ITEM NUMBER	AGREED/NEW SUGGESTED POLICY
9	Allow in all cases (agreed January 2002)
20	Adjust in all cases (to avoid excess service credit) (agreed January 2002)
22	Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002)
23	Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002)
25	Require in all cases (standard practice) (agreed January 2002)
27	Require a medical examination in all cases (agreed January 2002)
40	Require withdrawal of pension in all cases (agreed January 2002)
43	Allow payment monthly, in advance (current practice) (agreed January 2002)
55	Require appellant to pay said fees where Medical Appeals Board decide that appeal was "frivolous, vexatious or manifestly ill-founded" (agreed January 2002)
56	Require appellant to pay said fees where he/she withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date for an interview or medical examination by the Medical Appeals Board less than 22 working days before the appointed date (NEW)

NEW FIREFIGHTERS' PENSION SCHEME ORDER 2006
Decisions to be made by and discretionary powers of the fire authority

Agreed Delegations as at January 2014 with proposals for new delegations shown as NEW

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRPs.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
1	Determination of eligibility for membership of NFPS. [Part 2, Rule 1] .			X	
2	Discretion to accept the status of "nominated partner" where the firefighter member and partner had been in a relationship for less than 2 years. [Part 2, Rule 1(7)] .			X	
3	Decision, by agreement with firefighter, as to last day of membership where firefighter on unpaid leave or absent without permission on the day on which he/she leaves the Scheme. [Part 2, Rule 4] .			X	
4	Discretion to refuse a firefighter's request for early payment of a deferred pension ("member-initiated early retirement") where this is likely to be less than the GMP at State pensionable age. [Part 3, Rule 5] .	X			
5	Discretion to retire from the authority's employment with a pension, a firefighter aged 55 but under normal retirement age, on the grounds of economical, effective and efficient management of their functions ("authority-initiated early retirement"). [Part 3, Rule 6] .			X	

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
6	Discretion to determine that any or all of the following benefits may be treated as pensionable for credit to the firefighter of additional pension benefit: Any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member's duties under the contract of employment but are within the wider functions of the job; the amount (if any) paid in respect of a firefighter member's continual professional development; the difference between the firefighter member's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role; any performance related payment which is not consolidated into his standard pay. [Part 3, Rule 7B] <i>Replaced with effect from 1.7.2013 by 2013/1393</i>			NEW	
7	Discretion to commute a small pension payable to firefighter to a trivial commutation lump sum. [Part 3, Rule 10] .				X
8	Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner. [Part 3, Rule 11, paragraphs 2(b) and 3] .	X			
9	Acceptance of good health and normal life expectancy for allocation purposes. [Part 3, Rule 11, paragraph 6(a)] .				X
10	Discretion to withhold all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased. [Part 4, Rule 1, paragraph 3] .			X	
11	Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter member, to commute their pension to a trivial commutation lump sum. [Part 4, Rule 5] .				X
12	Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased. [Part 4, Rule 7, paragraph 5] .			X	
13	Decision to cease payment of a child's pension where the fire and rescue authority are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded. [Part 4, Rule 7, paragraph 9] .	X			
14	Discretion, subject to consent of child's remaining parent, to commute a child's pension to a trivial commutation lump sum. [Part 4, Rule 12] .				X
15	Discretion as to recipient(s) of death grant. [Part 5, Rule 1, paragraph 10] .	X			
16	Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed. [Part 5, Rule 1, paragraph 12] .				X
17	Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension to a trivial commutation lump sum. [Part 6, Rule 2] .				X
18	Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the fire and rescue authority think fit. [Part 6, Rule 5, paragraph 2] .	X			
19	Determination, in the first instance, of entitlement to and type of award due under the NFPS. [Part 8, Rule 2, paragraph 1] .	X			
20	Requirement to use, but right to select independent qualified medical practitioner for providing a medical opinion. [Part 8, Rule 2, paragraph 2] .				X
21	Discretion to determine award without an independent qualified medical practitioner's opinion if the firefighter wilfully or negligently fails to submit him or herself to medical examination and the medical practitioner is unable to give an opinion on the basis of medical evidence available to him/her. (The award to be based on such evidence as the authority think fit, or without medical evidence. [Part 8, Rule 2, paragraph 6] .	X			

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
22	Discretion to agree with person concerned that the independent qualified medical practitioner should be given the opportunity to review his/her medical opinion if new evidence is presented within appropriate time-scales. [Part 8, Rule 3, paragraph 1] .				X
23	Confirmation or revision of decision following an independent qualified medical practitioner's reconsideration of opinion. [Part 8, Rule 3, paragraphs 4 and 5] .			X	
24	Discretion to extend time limit for an appeal against the authority's decision based on medical advice. [Part 8, Rule 4, paragraph 4] .			X	
25	Requirement to deal with appeals under Internal Dispute Resolution Procedures. [Part 8, Rule 5] . <i>Mentioned here because a fire and rescue authority has certain discretions regarding those procedures.</i>	X			
26	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and of undertaking regular employment. [Part 9, Rule 1, paragraph 1] .				X
27	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under State pensionable who for less than 10 years has been in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role, and of undertaking regular employment undertaking regular employment. [Part 9, Rule 1, paragraph 2] .				X
28	Requirement to decide whether to make to a person whose ill-health pension has been reviewed under Part 9 Rule 1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role. [Part 9, Rule 2, paragraph 3(b)] .			X	
29	Discretion to withdraw the whole or part of a Part 3 (personal award) pension paid to a former regular firefighter during any period of re-employment as a regular firefighter, or to a retained or volunteer firefighter during any period of re-employment as a retained or volunteer firefighter. If this discretion is not used and the pension is not withdrawn or abated, the authority must pay into the Firefighters' Pension Fund an amount equal to the amount which could have been withdrawn or abated (in accordance with Part 13, Rule 2, paragraph 11) [Part 9, Rule 3, paragraphs 1 and 2] . <i>Amended with effect from 1.7.2003 by SI 2013/1393.</i>		X		
30	Discretion to abate a pension under Part 3 (personal award) for so long as the recipient is employed in any capacity by any fire and rescue authority. If this discretion is not used and the pension is not withdrawn or abated, the authority must pay into the Firefighters' Pension Fund an amount equal to the amount which could have been withdrawn or abated (in accordance with Part 13, Rule 2, paragraph 11) [Part 9, Rule 3, paragraph 3] . <i>Amended with effect from 1.7.2003 by SI 2013/1393.</i>		NEW		
31	Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of firefighter's dismissal from the fire and rescue authority's employment. [Part 9, Rule 4] .	X			
32	Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences. [Part 9, Rule 5, paragraphs 1 to 3] .	X			
33	Discretion, at any time and to such extent as the fire and rescue authority think fit, to restore a pension withdrawn under Part 9, Rule 5, or to apply it for the benefit of any dependant of the pensioner. [Part 9, Rule 5, paragraph 4] .	X			

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
34	Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums). [Part 9, Rule 6] .			X	
35	Decision as to the amount of qualifying service which a firefighter may reckon. [Part 10, Rule 1]			X	
36	Decision as to the amount of pensionable service a firefighter may reckon. [Part 10, Rules 2 and 3] .			X	
37	Discretion that the fire and rescue authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighter's unpaid period of absence where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service. [Part 10, Rule 4, paragraph 3] .			X	
38	Determination of pensionable pay. [Part 11, Rule 1] See also Part 3, Rule 7B replaced with effect from 1.7.2013 by 2013/1393.				X
39	Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due (or by any other method of payment that may be agreed between the fire and rescue authority and the member). [Part 11, Rule 3, paragraph 2] .		X		
40	Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made. [Part 11, Rule 4, paragraph 3] . <i>This should also include paternity leave but this has not yet been written into the Scheme rules.</i>			X	
41	Discretion to deduct contributions in respect of unpaid additional maternity or adoption leave from the death grant payable under Part 5 if the member dies without giving notice within the election time limit that he/she wishes to pay such contributions. [Part 11, Rule 4, paragraph 6] . <i>This should also include paternity leave but this has not yet been written into the Scheme rules.</i>			X	
42	Discretion to allow a part-time regular firefighter to purchase pro rated additional service. [Part 11, Rule 5, paragraph 5] .				X
43	Discretion to allow a retained or volunteer firefighter to purchase additional service. [Part 11, Rule 5, paragraph 6] .				X
44	Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances. [Part 11, Rule 8, paragraph 1] .				X
45	Decision as regards timing of recommencement of payment of additional contributions to purchase service where agreed with member that discontinuance should be no greater than 6 months. [Part 11, Rule 8, paragraph 2] .				X
46	Discretion to extend time limit for the payment of contributions in respect of periods of unpaid service or absence. [Part 11, Rule 9, paragraph 4(c)] .				X
47	Selection of "the guarantee date" for statement of cash equivalent transfer value entitlement. [Part 12, Rule 3, paragraphs 1 and 2] .				X
48	Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period. [Part 12, Rule 3, paragraph 6] .				X
49	Discretion to extend the one-year time limit for an application for a transfer payment into the NFPS from another pension arrangement. [Part 12, Rule 9, paragraph 1] .		X		
50	Discretion to accept a transfer value. [Part 12, Rule 10, paragraph 1, subject to paragraph 3] .				X

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
51	Determination, if so required by the firefighter, of accuracy of information contained in certificate of pensionable service to be supplied on firefighter's transfer to another English fire and rescue authority – the determination to be decided via Internal Dispute Resolution Procedures set up by authority. [Part 12, Rule 12, paragraphs 3 to 5] .	X			
52	Discretion to extend 12-month time limit for acceptance of "mis-selling" transfer value payment. [Part 12, Rule 14, paragraph 3] .				X
53	Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit. [Part 12, Rule 14, paragraph 6] .		X		
54	Requirement to estimate amounts payable to, and out of, the Firefighters' Pension Fund for each financial year and discretion to submit revised information to Secretary of State. [Part 13, Rule 4, paragraph 4] .			X	
55	Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability. [Part 14, Rule 3, paragraph 2(a)] .	X			
56	Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods. [Part 14, Rule 3, paragraph 2(b)] .	X			
57	Discretion to recover all or part of an overpayment following a pensioner's death of which the fire and rescue authority were not informed (possibly by making an off-set against any other awards payable under the NFPS in respect of the deceased). [Part 14, Rule 3, paragraph 5] .				X
58	Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit. [Part 14, Rule 5, paragraph 1] .				X
59	Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs. [Part 14, Rule 5, paragraph 2] .				X
60	Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965. [Part 14, Rule 6, paragraph 1] .	X			
61	Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the fire and rescue authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment. [Part 14, Rule 6, paragraphs 4 to 6] .	X			
62	Discretion to require a person who is or may be entitled to a pension or a lump sum under the NFPS to provide the fire and rescue authority with supporting evidence as to identity and to continuing entitlement to any payment under the Scheme, and discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement. [Part 15, Rule 3] .				X
63	Decision as to date of issue of annual benefit statements and relevant date for the pension illustration. [Part 15, Rule 4] .				X
64	Decision as to contribution rate payable by firefighter by reference to pensionable pay. [Annex A1] .				X
65	Discretion to extend 28 day time limit, in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the documents under Part 8, Rule 4, paragraph 4, provided the authority are of the opinion that the person's failure to lodge the appeal within the 28 days was not due to his/her own default. [Annex 2, paragraph 1(2)] .	X			
66	Discretion to decide fire and rescue authority's representative at Medical Appeal Board interview. [Annex 2, paragraph 6(5)] .				X

PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006		LEVEL OF DECISION			
		A	B	C	D
67	Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board. [Annex 2, paragraph 7(1)] .			X	
68	Discretion, where Medical Appeal Board determines an appeal in favour of the fire and rescue authority and states that, in its opinion, the appellant's appeal was "frivolous, vexatious or manifestly ill-founded", to require the appellant to pay to the fire and rescue authority such sum as the authority think fit, not exceeding the total amount of fees and allowances payable by the authority to the Board under Annex 2, paragraph 9(1). [Annex 2 paragraph 10(2)] .		X		
69	Discretion, where appellant gives notice to the Medical Appeal Board, withdrawing the appeal or requesting cancellation of, postponement of, or adjournment of, the date appointed for the medical examination, less than 22 working days before the appointed date, withdraws appeal less than 22 working days before the date appointed for interview or medical examination, to require the appellant to pay to the fire and rescue authority such sum as they think fit, not exceeding the Medical Appeal Board's total amount of fees and allowances payable to the Board by the authority under Annex 2, paragraph 9(1). [Annex 2, paragraph 10(3)] <i>Amended with effect from 1.7.2013 by SI 2013/1393.</i>		NEW		

GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

CHART ITEM NUMBER	AGREED/NEW SUGGESTED POLICY
29	Require withdrawal of pension in all cases (agreed June 2010)
30	Require abatement in all cases (NEW)
39	Require in all cases (standard practice) (agreed June 2010)
49	Shall not extend the one-year time limit (parity with LGPS) (NEW)
53	Adjust in all cases (to avoid excess service credit) (agreed June 2010)
69	Require appellant to pay under the terms stated in the Order (agreed June 2010)
70	Require appellant to pay under the terms stated in the Order (NEW)

FPS Bulletin 54 – February 2022

Welcome to issue 54 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	8 and 22 March 2022
Fire Communications Working Group	1 March 2022
FPS Technical Group	7 March 2022
LGA Annual Fire Conference and Exhibition	15 – 16 March 2022
Eastern Region Fire Pension Group	21 March 2022
SAB	24 March 2022
SAB	23 June 2022
SAB	8 September 2022
SAB	8 December 2022

Actions arising

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

[Abatement](#): Scheme managers to review abatement policy in light of Pensions Ombudsman determination PO-25374.

[Prospective remedy \(1 April 2022\)](#): All parties to ensure changes needed for 1 April 2022 are in place before that date.

[Administrator remedy self-assessment](#): Administrators to complete self-assessment survey by 18 March 2022.

FPS

Immediate Detriment Framework update on current position

We know that FRAs are keen to understand the current position of the Immediate Detriment Framework while they continue to consider adoption. For the time being, the current position as reported in [FPS Bulletin 52 – December 2021](#) remains unchanged and FRAs taking decisions on cases following the withdrawal of the Home Office guidance should speak to their nominated contact.

The LGA is continuing to press the government for further advice, and we are aware that similar issues are now arising across the other public service schemes. We will provide a more substantive update as soon as we are able.

To assist us with these discussions and to identify any necessary solutions we have approached FRAs to clarify their current position on immediate detriment and adoption of the Framework as well as any barriers they are encountering. FRAs were asked to respond no later than 28 February and, at publication, we have received 25 replies.

As we are still waiting for a proportion of FRAs to respond, we are intending to extend the deadline to Friday 4 March. FRAs who are yet to submit a response will be contacted directly and encouraged to do so where possible.

Abatement update

Subscribers to our Coffee Mornings will recall that the session held on 7 February 2022 was dedicated to abatement. This was in light of the recent [Pension Ombudsman ruling – PO25374](#).

In summary, the FRA identified a re-employed pensioner who should have been abated on reemployment but wasn't and, as a result, an overpayment of pension was identified, which the FRA sought to recover. The member challenged this as they believed that the FRA had a duty of care to alert them at the outset that their pension would be abated.

The complaint was partially upheld. The Ombudsman determined that the FRA didn't have an additional duty of care to the member other than the requirement to provide factually correct information. The complaint was upheld to the extent that the FRA did not follow reasonable process when exercising their discretion under rule K4 of FPS 1992 and making its decision to abate the members pension.

For those wishing to familiarise themselves with the presentation, the [abatement slides](#) are available on the [Coffee Morning section](#) of the [FPS Regs and guidance website](#).

As suggested at the session, we have taken advice from the SAB's legal advisor. They were asked to provide an informal view on the PO determination and, as a result, should FRAs consider changing their policy on blanket abatement.

The response confirmed that the PO determination is correct. The determination is supported by case law on exercising discretions, and the process that should be followed.

The main issue here is that the FRA had a blanket policy which stipulated abatement would apply. This meant that there was no room for 'discussion' in terms of the circumstances in which abatement would not apply.

The Board's legal advisor confirmed that it would have been fine for the policy to state that only in exceptional circumstances would abatement not apply, but even then, the FRA would need to show on a case-by-case basis that consideration was given as to whether any exceptional circumstances existed.

Action for FRAs – To review all existing policies on abatement and make necessary changes to ensure that proper consideration is taken when agreeing whether abatement should apply. It is also recommended that FRAs formally document each decision to evidence that they have made an informed decision.

In addition to the above, FRA may now wish to revisit previous decisions and possibly 'correct' any prior procedural deficiencies by now considering whether any 'exceptional circumstances' (as outlined in the FRAs policy) apply. If there are and were 'exceptional circumstances' that existed, then the FRA would need to address those on a case-by-case basis.

We are currently in the process of updating the abatement guidance, however, as the existing factsheet doesn't make any reference to the application of a blanket abatement policy FRAs can be assured that they can still use the document.

Preparation for 1 April 2022

With April only weeks away we thought it would be prudent to provide FRAs and administrators with some guidance as to what **must** happen to ensure a smooth transition for their members.

It should be common knowledge by now that with effect from 1 April 2022 **all** protected members will be treated as members of the FPS 2015. The [Public Service Pensions & Judicial Offices Bill](#) (PSPJO Bill) is clear that no-one can remain in the legacy scheme from 1 April 2022. Payroll and administration systems **must** show the member in the reformed scheme from 1 April 2022, this includes ensuring that the correct contributions are being deducted.

You **must** also ensure that members are clear on which scheme they are in from 1 April 2022. To assist you with this, we have provided a [suite of letters](#) which we recommend are used when communicating with members. In addition, as per our disclosure factsheet, members **must** be informed of any change in their contribution banding. It is recommended that this is communicated immediately, however, the regulations do provide FRAs with three months' grace.

Failure to comply with the above direction would constitute a legal risk for the FRA which could result in further litigation.

Scheme members with fixed or enhanced lifetime allowance (LTA) protection

If, as an employer or administrator of the FPS you think that some of your members may hold a form of fixed or enhanced protection from LTA charges, you need to tell them, if you haven't already, to act before 1 April 2022 if they want to avoid losing their protection.

Your members may wish to seek independent financial advice to help them to understand the impacts and decide the best course of action regarding protections from lifetime allowance charges.

The government's remedy proposals mean that individuals who originally lost their enhanced or fixed protection solely due to joining the reformed scheme (and not due to a subsequent action, such as benefit accrual) will not have lost their protection. However, they will lose their protection if they accrue benefits under the reformed scheme from 1 April 2022.

To keep fixed or enhanced protection:

- individuals who have not yet joined the reformed scheme will need to opt out of joining that scheme by 1 April 2022.
- individuals already in the reformed scheme will need to stop accruing benefits from 1 April 2022.

Members will need to speak to their scheme administrator about how to:

- opt out of the reformed scheme
- stop accruing benefits from 1 April 2022

Further guidance on what members need to do to reinstate their protection because of the Sargeant remedy will be provided by HMRC/ HM Treasury at a later date.

FPS contribution rates 2022-23

Banded contribution rates were introduced to the Firefighters' Pension Scheme 1992 and the Firefighters' Pension Scheme (England) 2006 by Statutory Instruments [2012/953](#) and [2012/954](#) respectively.

These rates have subsequently been amended each year by an amendment order to the schemes. The most recent amendments¹, which came into force on 1 April 2015, listed the rates applicable from 2015-2016 to 2018-2019, including contribution rates for Special Members of the Firefighters' Pension Scheme (England) 2006.

The Firefighters' Pension Scheme 2015 was introduced on 1 April 2015 by SI 2014/2848. [Regulation 110](#) set out details rates applicable from 2015-2016 to 2018-2019.

For 2019-2020, FRAs were instructed that the 2018-2019 rates would continue to apply, due to the pause of the cost-cap mechanism. These rates will continue to apply for 2022-2023. The [contribution rate factsheet](#) reminds FRAs of the contribution rates set out in the above Regulations and Orders which will apply from 1 April 2022.

Administrator self-assessment survey launched

As mentioned in [FPS Bulletin 53 – January 2022](#), we are pleased to confirm the launch of our administrator self-assessment survey. The survey was emailed directly to administrators on 24 February 2022. We are hoping that the survey will give us a better understanding of the preparations which administrators have made in relation to the implementation of the age discrimination remedy as well as their readiness for Matthews and Pension Dashboards.

Once the survey has closed, we will analyse the data and provide a report to the SAB for a forthcoming meeting. Welsh administrators are also invited to complete the survey and the data will be shared with the Welsh Scheme Advisory Board.

We ask that administrators are as open as possible when completing the survey, as it will help us understand the challenges you are facing and consider what additional support and advice is needed.

It would be greatly appreciated if responses could be submitted by 18 March 2022.

Technical query log

The current [log of queries and responses](#) is available on 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.

¹ [SI 2015/579](#), [SI 2015/590](#)

Queries have been answered this month in the following categories: Compensation Scheme (page 41) and Special Member (page 73). Queries from earlier months have been grey shaded to differentiate from new items.

FPS England SAB updates

FPS Remedy 2015 – Your questions answered

Following the Scheme Advisory Board (SAB) [meeting of 30 September 2021](#) an action was taken to commission a suite of illustrative member scenarios to provide members with a better understanding of the implications of the McCloud/ Sargeant remedy on their benefits. This is to include a selection of members personas across the schemes, with benefits illustrated at a range of key retirement milestones.

Barnett Waddingham was appointed to deliver this work following a successful procurement exercise and as part of the project, suggested delivery of a warm-up communication to answer some key concerns or recurring questions that members have about the changes that are due to take place on 1 April 2022 and beyond.

Even though there is a lot of information available, we still find that there are many 'myths', 'untruths', 'fake news' etc. circulating and it is clear from activity on various social media platforms that some firefighters do have gaps in their knowledge when it comes to remedy. We find it concerning that employees may be relying on these forums to make life changing decisions and feel that it is appropriate and desirable for individuals to be fully armed with factual information before making such decisions.

We are therefore pleased to present the [FPS 2015 Remedy 'fact checker'](#) which has been developed by Barnett Waddingham, in collaboration with the SAB the Board secretariat, and the Scheme Management & Administration committee. We hope that this document will alleviate some concerns and answer some unknown questions for the FPS membership.

This document is intended to be circulated as widely as possible. We ask that you distribute this within your authorities using your normal communication channels, including uploading to any internal or external member-facing websites as appropriate. The document text has been added as a new page to the [FPS Member 2015 Remedy section](#), with the PDF available as a download.

Please note that the text around Annual Allowance limits has been updated since the original version was circulated on 10 February, to confirm the lower tapering limit as £4,000 and add context around when this might apply.

The illustrative scenarios are currently being finalised and will be provided in early March.

Joanne Livingstone responds to letter from South Yorkshire Local Pension Board

On 25 January 2022, the chair of South Yorkshire FRA's Local Pension Board (LPB) wrote to the chair of the Scheme Advisory Board (SAB) to express concern about the withdrawal of the Home Office informal guidance on immediate detriment.

Joanne Livingstone responded on 18 February outlining action taken by the Board to date and asking for agreement for the letters to be made public. The exchange of letters has been published to a new page on the SAB website called [‘correspondence’](#).

The SAB is currently still awaiting a response to its letter to HM Treasury of 17 December 2021.

SAB SMA committee vacancy

The Board continues to carry a vacancy on the [Scheme Management and Administration \(SMA\) committee](#) for an FRA LPB representative. The main objectives of the committee are to provide guidance to the SAB to understand the value and cost of administration and to consider how scheme managers and administrators can best be supported by identifying best practice.

This is a great opportunity for an LPB member to get more involved with governance at a national level and represent the views of the sector.

The required commitment is usually three to four meetings per year, and these are currently being held virtually. If you are interested in sitting on the committee or would like more information, please email bluelightpensions@local.gov.uk.

Other News and Updates

Head of pensions

As some of you will be aware, Jeff Houston is retiring from the role of Head of Pensions at the LGA and Secretary to the Local Government Pension Scheme Advisory Board (SAB) in England and Wales on 31 March 2022.

We are pleased to confirm that following a competitive recruitment exercise Joanne Donnelly will be taking over the role from 1 April 2022. Jo is currently Senior Pensions Secretary at the LGA and Deputy SAB secretary. She previously worked at HM Treasury.

DWP consultation on pensions dashboards

As reported in [FPS Bulletin 53 – January 2022](#), on 31 January 2022 the Department for Work and Pensions (DWP) published a [consultation on draft Pensions Dashboards Regulations](#). The consultation will run for six weeks and close on 13 March 2022.

Pensions Dashboards will allow individuals to see information about all their pensions, including the State Pension, in one place. These draft regulations set the requirements to be met to deliver this and will place a legal duty on pension providers to provide information to the dashboards.

The consultation proposes a staging deadline of the end of April 2024 for public service pension schemes, including the FPS. This means that FPS administrators will need to be able to connect to the digital architecture by this date and be ready to provide individuals' data to them via the dashboards.

We will be responding to the consultation on behalf of the LGA and the SAB. Our response will express concern about FPS administrators' ability to meet the staging deadline given the other pressures they face and the data that will be available at that time.

We expect the McCloud remedy regulations to come into force from 1 October 2023. FPS administrators will already be under huge pressure at this time, implementing the retrospective part of remedy. We anticipate that the second options exercise for special members of FPS 2006 (Matthews) may be underway by then too, adding further resource pressure on FRAs and their administrators.

We have significant concern that the information available in April 2024 will not reflect both the legacy and reformed scheme benefits that a member could choose from at retirement. This is because the first set of annual benefit statements that will include remedy benefits will not be issued until August 2024. Providing members will incorrect or incomplete information could undermine the credibility of the dashboard and decrease member engagement.

For these reasons, our response will state that we are doubtful that a staging deadline of April 2024 is achievable.

TPO webinars

As a reminder, the Pensions Ombudsman (TPO) is running a series of short webinars at the end of March. Topics will include:

- A general introduction to TPO
- The work of the Early Resolution Service
- Volunteers
- How to Avoid The Ombudsman

To register your interest in attending any of these events, email stakeholder@pensions-ombudsman.org.uk.

The Ombudsman has also added three new factsheets to its website:

- [Death benefits](#)
- [Ill health pensions](#)
- [Pension scams](#)

State Pension age review: call for evidence

Under the Pensions Act 2014, the Government must undertake an independent review of the State Pension age every six years. Baroness Neville-Rolfe will prepare an independent review making recommendations to the Government on what metrics it should consider when setting the State Pension age in future.

On 9 February 2022, DWP launched a call for evidence to gather views on this subject to feed into that review. The [independent report call for evidence](#) will close on 25 April 2022.

The call for evidence seeks views from members of the public and all interested parties on various points including:

- Intergenerational fairness
- Notice periods for State Pension age changes
- Changes in working patterns
- Predicted future changes to the workplace
- Sustainability and affordability
- Options for taking into account differences in circumstances when setting State Pension age
- What metrics should be considered to determine State Pension age.

Automatic enrolment trigger remains the same

DWP has published its review of the automatic enrolment trigger for 2022/23. The earnings trigger will remain at £10,000. This is a real term decrease in the value of the trigger and the Government estimates this will bring a further 17,000 savers into pension savings, when compared to increasing the trigger in line with average wage growth.

HMRC

HMRC publishes Pension Schemes Newsletter 137

On 28 February 2022, HMRC published [Pension Schemes Newsletter 137](#), which contains articles on:

- Public service scheme members with fixed or enhanced protection
- Loss of Lifetime Allowance protection
- Relief at source
- Digitisation of relief at source
- Scheme Pays reporting
- The managing pension schemes service

Managing Pension Schemes service – migration of schemes

[Pension schemes newsletter 137](#) provides an update on the migration of pension schemes from the Pension Schemes Online service to the Managing Pension Schemes service. The feature for migrating pension schemes will be available from 11 April 2022.

Scheme administrators must be [enrolled on the Managing Pension Schemes service](#) to be able to migrate their pension schemes.

To migrate pension schemes to the Managing Pension Schemes service, you'll need to provide some up-to-date information for each scheme. The information can be found in [Appendix A of Pension Schemes Newsletter 136](#). We'd encourage you to start collating this information, so you're prepared to migrate your pension scheme(s).

On the 11 April HMRC will provide further guidance on the new features being added to the Managing Pension Schemes service.

Please email migration.mps@hmrc.gov.uk if you have any questions or feedback on the Managing Pension Schemes service.

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 8 March 2022 and will focus on preparations for 1 April 2022.

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

[7 February 2022 – Pension Dashboards – an overview \(The Pensions Regulator\)](#)

[22 February 2022 – Pension Dashboards \(Featuring Heywood Pension Technologies\)](#)

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

SI	Reference title
2022/88	The Pension Protection Fund and Occupational Pension Schemes (Levy Ceiling) Order 2022
2022/158	The Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) (Amendment) Regulations 2022

Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [FPS Member](#)
- [Khuf 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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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 bluelight.pensions@local.gov.uk.

For those grappling with Firefighters' pensions, Perspective provides the very best tool to find the right answer!



KEY FEATURES

- Consolidated versions of the 3 main sets of Scheme Regulations (and for each scheme, different jurisdictions: for example, we have separate versions of the 1992 Pension Scheme Order for each of England, Wales and Scotland);
- Ability to see Firefighters' Regulations as in force on any date in the past or at any date in the future (known as Time Travel);
- Help schemes deal with the legislative implications of McCloud;
- News stories, consultations and regulatory updates relating to Firefighters' pensions included in our daily news service;
- Ability to annotate the text of any legislative or other document, enabling your most experienced team members to share their knowledge with their less experienced colleagues;
- Powerful search engine allowing you to search the whole of Perspective (over 30,000 documents) or confine the search to documents relating to firefighters' pensions.

Perspective

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