



**Hampshire
& Isle of Wight**
FIRE & RESCUE AUTHORITY

HIWFRA FIREFIGHTERS' PENSION BOARD

Purpose: Noted

Date: **12 OCTOBER 2022**

Title: **LEGISLATION AND LOCAL GOVERNMENT ASSOCIATION (LGA)
UPDATE REPORT**

Report of Chief Financial Officer

SUMMARY

1. This report, together with attachments, provides the framework for this agenda item.

FPS BULLETINS

2. LGA issue a bulletin at the end of each month; there have been three bulletins issued since the last Fire Pension Board reports were written. The bulletins are emailed out to a variety of contacts but can also be accessed via the www.fpsregs.org website.
3. Bulletins 58, 59 and 60 can be found in APPENDICES A, B and C. There is a lot of information contained within these bulletins; the key items are set out below.

SAB RESPONDS TO HM TREASURY LETTER (BULLETIN 58)

4. On 20 June 2022, the Chair of the SAB wrote an open letter in reply to HM treasury's letter of 23 March 2022 to seek further clarity on the extent of Sections 61 and 62 and the tax implications detailed.
5. This shows that the conversation is still ongoing, and that the SAB are still trying to find a way forward with Immediate Detriment.

SERVICE HISTORY DATA FOR TRANSITIONAL 2015 FPS MEMBERS (BULLETIN 59)

6. Where a member has transitioned from one of the legacy schemes to the 2015 scheme the qualifying service in the 2015 FPS is added to the qualifying service in the legacy schemes to determine whether a member with continuity of service qualifies for retirement benefits.
7. Any reduction in pensionable service due to an unpaid service break such as family leave, industrial action and career breaks will affect the date by the relevant number of days. For example, a member needs a minimum of 25 years across the 1992 /2015 schemes combined to retire before age 55.
8. The Board will be pleased to note that this does not require any change in process as the IBC Pensions Admin Team always report any absences to Hampshire Pension Services when any service details are requested.

FPS 1992 SCOTLAND – COMMUTATION PROVISIONS (BULLETIN 59)

9. The Scottish Public Pensions Agency (SPPA) have amended their commutation provisions from 1 April 2022 to remove the commutation restriction for those retiring before age 55 with less than 30 years' service.
10. SPPA have reported that there had been a significant rise in expected retirements in the first quarter of 2022/23. Due to the timing, it is not clear if this is because of a change of provision or because all members have been moved into the 2015 Scheme from 1 April 2022.
11. The SAB will monitor this impact over a longer period so that more data is available to be considered. If the SAB want to pursue this, then they would need to prepare a business case for the Government to take forward.

PUBLIC SECTOR UNIONS GRANTED JUDICIAL REVIEW OVER McCLOUD COST REMEDY (BULLETIN 59)

12. Unions across the Public Sector sought a judicial review against the UK Government about the McCloud remedy costs in the cost control mechanism. They argued that the cost of rectifying the discrimination should not be met by members.
13. On 4 July 2022, the FBU and the BMA were given permission to judicially review the Government's decision. The review is expected to be heard towards the latter part of 2022.

TPO McCLOUD FACTSHEET PUBLISHED (BULLETIN 59)

14. On 20 July 2022, The Pensions Ombudsman published a factsheet on McCloud which sets out TPO's views on what affected members and schemes can do now and what TPO's present approach to dealing with McCloud complaints.

15. While a member can certainly raise an Internal Dispute Resolution Procedure (IDRP) about McCloud remedy, TPO's current general starting position is that it would not investigate McCloud complaints. It acknowledges that the Government is taking steps to address the discrimination but would carefully look at the facts of each case before deciding whether to investigate or not.
16. TPO may investigate allegations of maladministration, failure to explain what is going on and or engage properly with the member; or where a member is suffering severe financial hardship or other serious injustice and the scheme is not putting in place any interim arrangements within a reasonable period.
17. Where HIWFRA currently has Immediate Detriment paused, should such a case of injustice or financial hardship arise, then the case would be considered on a case-by-case basis and an individual decision could be made to make some form of remedy through the delegation of officers that is in place.

DWP RESPONDS TO CONSULTATION ON THE DRAFT PENSIONS DASHBOARDS REGULATIONS (BULLETIN 59)

18. On 14 July 2022 the DWP responded to the consultation on Pensions Dashboards. The consultation had set out the staging deadlines and for Public Sector Pension Schemes this was 30 April 2024.
19. In both the LGA response and the response from this Board we strongly disagreed with this proposal due to the conflicting pressures faced by employers and administrators, and the requirement to hold value date which at that point would not reflect remediable service benefits.
20. The DWP confirmed in their response that the staging deadline for Public Sector Pension Schemes would therefore be extended to 30 September 2024 and that the deadline for providing value data has been pushed back to 1 April 2025.
21. This allows for more time to prepare for Pensions Dashboards and to implement McCloud remedy. Therefore, the value data that the member will be able to view, will be their remedied benefits which will help to provide credibility to the Pensions Dashboards overall.

SAB REMEDY ENGAGEMENT SESSIONS (BULLETIN 60)

22. Between June and December 2022, there are some joint engagement sessions between the Home Office, the Fire SAB and the Police SAB to consider Scheme Specific versions of the Central Provision Definition Documents (PDDs). The PDDs define the provisions of the Public Service

Pensions and Judicial Act (PSPJOA) 2022 for each of the areas of the 2015 remedy.

23. Sessions are taking place each month and have so far covered:
- (a) Interest
 - (b) Eligibility
 - (c) Remediable Service Statements (RSS)
 - (d) Immediate Choice (IC) and Deferred Choice (DC)
 - (e) Added Pension
 - (f) Transfers In
24. The session on eligibility has resulted in an eligibility factsheet being published by the LGA this is discussed in more detail in the main Pension Board Status report.

FPS AGM (BULLETIN 60)

25. The FPS AGM is being held at LGA offices in London on 25 and 26 October 2022.
26. The first day has a session from 4.30pm to 6.30pm with updates expected from the Pension Regulator and an item on cyber risk and security. The second day runs from 9.30am to 3.30pm and will be the main event.
27. There will be a series of presentations including a view from Government (the Home Office), Pensions Dashboards, an actuarial update, a panel on recent case law, an FBU update – a member's perspective and there will also be three technical workshops to choose from, a) The Compensation Scheme, b) Discretions and c) Pensionable Pay.

RECOMMENDATION

28. That the content of the report be noted by the HIWFRA Firefighters' Pension Board

APPENDICES ATTACHED

29. APPENDIX A - [FPS Bulletin 58](#) (June 2022)

30. APPENDIX B - [FPS Bulletin 59](#) (July 2022)
31. APPENDIX C – [FPS Bulletin 60](#) (August 2022)

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