



Firefighters Pension Update November 2020

Calendar of events

Event	Date
FPS coffee and catch up	Every second Tuesday from 3 November 2020
Eastern regional FPOG	19 November 2020
SAB	10 December 2020
North East regional group	17 February 2021
SAB	11 March 2021
SAB	24 June 2021
SAB	9 September 2021
SAB	9 December 2021

In the Loop – McCloud/Sargeant - Fire Pensions Issue 1

XPS issued the first in a series of bulletins specific to the developments surrounding the implementation of public sector pension reform.

A dedicated Pensions Remedy page has been created on myownpension.co.uk

XPS have continued to collect hours and service data for all members, however there is no guarantee that this information has been provided for all members. Final decisions have yet to be made on how and when this information will be requested and is brought to your attention now for consideration and planning.

Action required

To avoid unnecessary delay on processing current or new ill-health retirements once central guidance is provided, CFB should contact XPS if any member is retiring under the conditions set out in the bulletin.

CFB to make payroll and HR functions aware of the data collection exercise, including third party providers and continue to notify details of changes in hours and service.

CFB to make sure that any information received is shared with the right people, as a minimum it is recommended that bulletins and information are shared with:-

- Remedy Lead
- Head of Finance
- Head of HR
- Head of Payroll

Cost Cap – Restriction of exit payments in the public sector

The restriction of Public Sector exit Payments Regulations 2000 came into force on 4th November 2020.

The regulations have limited application for the FPS as exemptions apply to two of the exit payments which would otherwise fall within the scope of the 95K cap; enhanced commutation (FPS 1992) and Authority Initiated Early Retirement (AIER) (FPS 2006 and FPS 2015) on fitness grounds.

In some limited circumstances of AIER the cap would still apply and we understand that the Home Office is working with Government Actuary's Department (GAD) to establish how the assessment against the cap can be undertaken for the fire scheme. This will be achieved through regulatory change or statutory GAD guidance.

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COVID-19 Webpage

LGA continue to update their COVID-19 webpage which was developed to give informal guidance to FRA's and administrators during the COVID-19 pandemic.

<http://www.fpsregs.org/index.php/covid-19-and-the-fps>

Home Office Immediate detriment note update

The Home Office advised that they would not be in a position to respond to the queries raised until October 2020.

LGA are currently working on providing further clarity to FRA's in 3 areas:-

- Legal status of the note
- A general information note on the key issues
- Support for practitioners

[FPS AGM 22 and 23 September 2020](#)

LGA delivered this year's fire pension conference in a virtual format over 2 days, the AGM presentation is available via the link in bulletin 37.

The AGM was attended by representatives from XPS and Cleveland Fire Brigade.

[Pension Savings Statement](#)

XPS issued bulletin FIR2020-009 providing information on pension saving statements and the important changes this year.

This year statements have been issued via XPS Member Self Service site and those members affected have been emailed directly to inform them that their statement is available to access.

FPS Bulletin 38

[The SAB Immediate Detriment Request](#)

The SAB requested information on the number of members who are likely to become eligible for payment of benefits under the terms of the Home Office immediate detriment note, which includes:-

Any member refused ill-health retirement under the FPS 2015 as the lower ill health criteria was not met.

1992 transition members of FPS 2015 who reach age 55 before 31 March 2022.

1992 transition members of FPS 2015 who reach 30 years' service before 31 March 2022.

1992 transition members of FPS 2015 who will have 25 years+ service and be over 50 by 31 March 2022.

The SAB also want to understand what percentage of the FPS 2015 membership within the immediate detriment (ID) category are likely to be affected by complicating factors, such as divorce or transfers.

XPS are currently gathering this data to provide by 30th November 2020.

Special Members of FPS 2006 – Second options exercise

Special members were introduced to FPS 2006 in 2014, following Matthews v Kent and Medway Towns Fire Authority 2006 UKHL 8 which allowed retained firefighters employed between 1 July 2000 and 5 April 2006 to join the FPS 2006 with retrospective effect to 1 July 2000.

Following the European Court of Justice's decision in *O'Brien v Ministry of Justice*, the UK Government have recognised the right for retained firefighter employed before 1st July 2000 to elect to become special member from the start date of their employment.

This will necessitate a second options exercise, for which legal discussions have commenced between central government and LGA on behalf of FRA's and trade union representatives.

No timescales are known at this stage, however LGA have published a special members factsheet which provides a brief background and comments on the expectations of a second exercise. The factsheet can be found via the link in bulletin 38.

No further action is needed at this time by FRA's or their administrators

Immediate detriment information note

LGA's immediate detriment information note and accompanying template matrix as referred to in Bulletin 37 has now been published and can be found on the age discrimination remedy webpage.

This note provides additional information to FRA's on the key considerations on implementing the Home Office informal guidance on immediate detriment.

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