Dear xxxxxxx

**The Retained Firefighters’ Pension Settlement**

**Second options exercise for the modified scheme for individuals who were employed as retained firefighters for all or part of the period 7 April 2000 to 1 July 2000 inclusive**

When you started your employment as a retained firefighter with [INSERT NAME] Fire and Rescue Service, although you were covered by the same injury and compensation provisions as applied to regular firefighters, you were unable to join the Firefighters' Pension Scheme 1992 (FPS 1992).

Following a legal judgement (more information available in the Legal bit section) we have identified that you meet the criteria to be in scope to *[join/pay for more eligible service, following your option in the first options exercise in]* the retained modified scheme.

The pension benefits on offer under the terms of the modified scheme are comparable, albeit different to those provided under the terms of FPS 1992.

Please note that those who were employed on retained duties **and** as a whole-time regular firefighter under the same contract of employment are not eligible to join the modified scheme.

**What do you need to do?**

Please read the details in this letter and the [accompanying] RDS employee informal guidance [www.fpsmember.org/fps-2006-special-members/second-options-exercise](http://www.fpsmember.org/fps-2006-special-members/second-options-exercise) that sets out the terms of the modified scheme.

If you are interested in *[joining/paying for more eligible service in]* the modified scheme then it is important that you complete the attached form and return it **within 6 months** of the date of this letter to your current employing fire and rescue authority or, in the case where you are no longer employed as a retained firefighter, to your last employing fire and rescue authority.

**Please note** that if you fail to respond to this notification, your option to join the modified scheme may be lost. Once the options exercise has concluded (31 March 2025) there will be no further opportunity to join. The enclosed form **must** be completed **within 6 months** and returned regardless of whether you intend to join.

**Options Exercise**

Following the Legal Judgement and Memorandum of Understanding fire and rescue authorities are required to undertake a second options exercise to provide those individuals affected with an opportunity to [join/pay for more eligible service in] the modified scheme.

If you are interested in *[joining the modified scheme/paying for more eligible service since your option in the first options exercise]* and have previously joined the Firefighters’ Pension Scheme 2006 (FPS 2006) from 6 April 2006 in respect of your retained employment, you will have the option of converting your FPS 2006 service to service in the modified scheme.

If you were part of the first options exercise and have service between 7 April 2000 and 30 June 2000, you will now have the option to purchase all your retained service, providing that it is continuous retained service, from date of employment. You will also be given the choice as to whether you wish to retain your option for your service from 6 April 2006 or change this.

If you express an interest in *[joining/paying for more eligible service in]* the modified scheme on the ‘expression of interest form’ enclosed, the details you provide will be treated at this stage as a request for further information and will not bind you to purchase pension rights. This information will be used to provide you with a personalised statement of the past service in respect of which you may be entitled to purchase, and to provide you with a quote on how much it will cost you to purchase that service. There will be **no commitment** to purchase any service at this stage.

If you were employed as a retained firefighter by more than one fire authority during the relevant period, you should make your latest or current employing fire authority aware, so that they can provide you with your options. You will also need to confirm on your expression of interest form whether you would like to combine the periods of retained service as a single membership. In this case, your last employing fire authority will liaise with your former employing authorities to determine your entitlement.

A Data Sharing Agreement will be put in place, to allow for your previous fire authority to share your personal details, that are required for this exercise.

The employee contribution rate for purchasing the backdated service will reflect the contribution rate payable in FPS 1992 i.e. 11% of pensionable pay before April 2012 and the relevant contribution tariff in FPS 1992 for any period on or after April 2012. There will be several available options for individuals to pay back these contributions, please refer to the accompanying employee information leaflet.

***[Time-limited death grant***

*If you are the surviving spouse or civil partner of someone who was employed as a retained firefighter during the relevant period and who continued in that employment until they died before 6 April 2006, then you may be entitled to receive the payment of a death grant equal to 2.5 times the pensionable pay that the deceased earned in their last year of service, as determined by the fire authority. Your entitlement will be subject to the submission of an application to the deceased member’s last employing fire authority before the 31 March 2025*

***Time-limited additional death grant***

*If you are the surviving spouse or civil partner of any person who was employed as a retained firefighter on or after 7 April 2000 and has continuous retained service prior to this date. Then you will be entitled to receive an additional death grant payment equal to 0.1 x pensionable pay for each full qualifying year of continuous service prior to 7 April 2000. An application must be made to the fire authority before 31 March 2025.*

***Please note*** *that where there is no surviving spouse or civil partner, an eligible child of the deceased member, to be determined as on the date of the deceased’s death, may make the application to the fire authority for the death grant before the 31 March 2025. Where the child is still a minor, the legal guardian of the child can make the application on behalf of the child]*

**Compensatory Injury Awards**

Under the current terms of the Firefighters’ Compensation Scheme there is a protected right for retained firefighters appointed before 6 April 2006 to receive a whole-time equivalent injury award and compensatory ill-health pension where they are permanently disabled whilst undertaking their role as a firefighter i.e. a qualifying injury. You will wish to note that this protected right **was removed** from the 1 April 2014 regardless of whether you elected to join the modified scheme.

Any retained firefighter who suffers a qualifying injury on or after 1 April 2014 will receive a pro-rated injury award to reflect the part-time status of their employment. This is the same treatment. The removal of these rights **will not affect** those former retained firefighters currently in receipt of an injury award.

**Next Steps**

Once we have received your completed expression of interest form we will respond to you in writing setting out the amount of service you are entitled to purchase and the full cost of purchasing this past service. Once you have received the quote you will **have 6 months** to confirm that you wish to *[join/pay for more eligible service in]* the modified scheme; it will be at this stage that you will be required to commit to paying the backdated contributions, including interest, if you wish to *[join/pay for more eligible service in]* the modified scheme. Further details can be found in the [employee information guide](https://fpsmember.org/sites/default/files/documents/RDS-employee-information-guide.pdf).

Where practical acknowledgements will be sent by email, and guidance documentation will be linked to the [www.fpsmember.org](http://www.fpsmember.org) If you require anything in hard copy, please contact us directly.

If you have any questions about membership of the new modified scheme or would like additional information about this options exercise, please contact me on the number below.

Yours sincerely

XXX

The Legal Bit

Following the Court’s decision in the Employment Tribunal case (Matthews and others v Kent and Medway Towns and Fire Authority and others) in March 2006 involving retained firefighters who made a claim for equal treatment with whole-time regular firefighters under the Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000, the Government introduced in 2014 the terms of the Retained Firefighters’ Pension Settlement. The Settlement offered new pension arrangements (the “*modified scheme”*) for all employees who were employed as retained firefighters between 1 July 2000 and 5 April 2006 inclusive.

An options exercise took place between 2014 and 2015 to allow eligible individuals to join the modified scheme.

In November 2018, a European Court of Justice decision was made, O’Brien v Ministry of Justice, concerning fee paid judges in the Judicial Pension Scheme. The judgement held that remedy could extend back before the Part-time Workers Directive and was required to be implement to 7 April 2000. As a binding judgement, those findings apply across all such claims and therefore the UK Government recognised the right applies to retained firefighters’ claims or potential claims.

Following negotiations on the scope and mechanics of the settlement, a Memorandum of Understanding (MoU) was agreed by all parties.

The MoU sets out the criteria of who is in scope for the second options exercise. Individuals must meet one of the following criteria:

1. Retained firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive);
2. Retained firefighters employed on any date between 7 April 2000 and 30 June 2000 (inclusive) as well as on any date between 1 July 2000 and 5 April 2006 (inclusive);
3. Retained firefighters employed on any date between 1 July 2000 and 5 April 2006 (inclusive), but not on any date between 7 April and 1 July 2000, who were eligible to take part in the first options exercise but were not given opportunity to do so.