



## FPS Bulletin 37 – September 2020

Welcome to issue 37 of the Firefighters' Pensions Schemes bulletin.

We hope that readers remain safe and well.

Although restrictions on travel and social distancing are gradually easing, face-to-face meetings and training remain suspended for the time being. However, the Bluelight team are available at home by mobile, email or video (MS Teams, Skype, or Zoom).

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 or suggested items for future issues, please email [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk).

## Contents

<b>Calendar of events</b>	<b>3</b>
<b>FPS</b>	<b>3</b>
Home Office immediate detriment note update	3
Website and resources update	4
September query log	4
<b>FPS England SAB updates</b>	<b>5</b>
Template Pension Administration Strategy consultation response	5
Immediate detriment request for information	5
<b>Other News and Updates</b>	<b>6</b>
LGPS SAB draft McCloud response published	6
Update on the single TPR Code of Practice	6
Government confirms intention to increase minimum pension age	6
<b>Events</b>	<b>7</b>
FPS AGM 22 and 23 September 2020 – event summary	7
FPS coffee mornings	8
<b>HMRC</b>	<b>8</b>
HMRC newsletters/bulletins	8
<b>Useful links</b>	<b>9</b>
<b>Contact details</b>	<b>9</b>
<b>Copyright</b>	<b>9</b>
<b>Disclaimer</b>	<b>9</b>

## 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 [claire.hey@local.gov.uk](mailto:claire.hey@local.gov.uk)

Table 1: Calendar of events

Event	Date
<a href="#">FPS coffee and catch up</a>	Every second Tuesday from 1 September 2020
South East regional FPOG	5 October 2020
Fire Finance Network conference	7-8 October 2020
Midlands regional FPOG - TBC	12 October 2020
Eastern regional FPOG	19 November 2020
SAB	10 December 2020

## FPS

### Home Office immediate detriment note update

We commented in [FPS Bulletin 36 – August 2020](#) on the [immediate detriment note](#) issued by the Home Office. We understand that the department will not be able to provide a response to the queries we have raised until October. However, in the meantime, we appreciate that FRAs are being encouraged to progress cases under the terms of the note.

We are working on providing further clarity to FRAs in three areas.

#### 1. Legal status of the note.

We are seeking legal advice on behalf of FRAs including application to claimants and non-claimants, any consequences arising from incorrect payment of benefits, and any resulting unintended discriminatory treatment.

We understand that the Home Office and HMT are relying on Section 61 of the Equality Act to provide legal underpinning to the note for non-claimants. That power is currently being contested in the FRA's appeal under Schedule 22 of the same act, in which they argue that they were required by law to follow the pension regulations and so had no choice but to implement the transitional protections for older firefighters.

## 2. A general information note on the key issues.

We have drafted a note to provide additional information to FRAs on the key considerations of implementing the Home Office informal guidance.

This includes the legal considerations detailed above, the position of employer contributions, which we believe Home Office to be discussing with HMT, technical queries raised, and areas where we believe a policy steer would be helpful to enable more accurate payments to be made.

## 3. Support for practitioners, to include:

- 3.1. Supporting FRAs to evidence robust decision making on whether a case can proceed under the current guidance, and if not, why not;
- 3.2. Working with the [Fire Communications Working Group](#) to provide a consistent template on how a member may be provided with a choice and what this should include, using [documentation provided to support choice in 2006](#) as a guide;
- 3.3. Working with administrators to provide example calculations to assist with bringing benefits into payment where the guidance is not explicit.

The information note is currently being reviewed and will be issued as soon as possible.

## Website and resources update

We have added the following page to the member-restricted section of the Firefighters' Pension Schemes Regulations and Guidance website this month:

[HMRC CLM queries](#). The page has been created to hold technical queries submitted to HMRC regarding the application of tax to the Firefighters' Pension Scheme.

If you require log-in details for this area, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk).

## September 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 will be updated on a monthly basis in line with the bulletin release dates.

We have not added any new queries this month.

## FPS England SAB updates

### Template Pension Administration Strategy consultation response

The SAB secretariat published a consultation on 30 June 2020 seeking views on the introduction of a [template pension administration strategy](#). The consultation closed on 31 August.

The consultation received 15 responses in total: twelve from Fire and Rescue Authorities (FRAs) and three from scheme administrators.

The detailed consultation response can be read at [Appendix 1](#). One response was received late and is still to be incorporated into the document.

The strategy will be reviewed based on the responses to the consultation and any necessary amendments made. The organisations who responded to the consultation will be invited to comment on the revisions to ensure that their views have been suitably reflected.

### Immediate detriment request for information

The SAB note the immediate detriment guidance issued by the Home Office and wish to encourage the payment of pensions to eligible members.

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

The Board are seeking information similar to that requested in [FPS Bulletin 28 - January 2020](#) on the number of members who are likely to become eligible for immediate detriment between now and 31 March 2022. This should include:

- 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 Board request that you complete the information sheet at [Appendix 2](#) by 31 October 2020. Please note that clicking the link downloads an Excel spreadsheet.

## Other News and Updates

### LGPS SAB draft McCloud response published

FRAAs will have employees who are members of the Local Government Pension Scheme (LGPS). As the LGPS is a funded scheme and members within 10 years of retirement at 2012 were protected in a different way, the Ministry of Housing, Communities & Local Government (MHCLG) are consulting separately on changes to address age discrimination. The consultation closes on 8 October 2020.

On 28 September 2020, the LGPS SAB published [a draft version of its response to the McCloud consultation](#).

You are welcome to use the content to help with your own responses. The LGA will not be submitting a separate response.

### Update on the single TPR Code of Practice

On 1 September 2020, the Pensions Regulator (TPR) confirmed that it now intends to launch the formal consultation on a single Code of Practice in late 2020 or early 2021.

TPR provides [15 codes of practice](#), covering topics such as early leavers, internal controls and governance and administration of public service pension schemes.

In July 2019, TPR confirmed, in a statement on its website, that it planned to review and combine the content of the 15 codes to form a single, shorter code. The statement originally set out plans to launch a consultation later in 2019.

### Government confirms intention to increase minimum pension age

In [an answer to a parliamentary question](#) on 3 September 2020, the Government confirmed that it still plans to increase the minimum pension age from 55 to 57 in 2028 and will legislate in due course.

The Government confirmed in 2014 in [its response to the consultation 'Freedom and choice in pensions'](#) that it intends to increase the minimum age from 55 to 57 in 2028 and that the change will apply to all schemes, aside from those in the public sector that do not link their normal pension age to State Pension age, namely Firefighters, Police and the Armed Forces.

## Events

### FPS AGM 22 and 23 September 2020 – event summary

We were delighted to offer our fire pensions annual conference in a virtual format this year. In long-standing tradition, the event was preceded by a meeting of the regional chairs, followed by the technical community.

Day 1 had a governance focus and following a brief introduction from the [new chair of the England Scheme Advisory Board](#), Joanne Livingstone, we were pleased to welcome Nick Gannon from TPR. Nick delivered an in-depth session on breaches of the law – considering the who, how, what, and when of recording and reporting. During the Q&A after the presentation, Nick highlighted the administrative challenges of implementing remedy and the importance of good data and communication.

[Please view the AGM 2020 day 1 presentations here.](#)

We were back online for the full technical/ administration AGM on day 2, with a full roster of guest speakers.

Joanne Livingstone welcomed approximately 100 delegates from across the FPS sector, with a more detailed introduction to herself and the role of the SAB. Joanne highlighted that the Board will seek to provide assurance rather than reassurance to stakeholders and continue to operate in a role of scrutiny and engagement on an evidence basis during her four-year term.



Senior pension adviser, Clair Alcock, then took to the “stage” to give an update from the Bluelight team at the LGA. In an event dedicated to remedy, Clair was not afraid to address the elephant in the room and provided a brief recap on the background to the age-discrimination case and the HM Treasury consultation proposals. The session concluded with a quick look at projects on the horizon.

Des Prichard, chair of the [SAB administration and benchmarking committee](#), led the last morning session with an update on the work of the committee. In particular, the session focused on the draft template administration strategy and the future of scheme administration and management. Des was keen to promote the importance of replying to SAB-issued consultations and surveys in order for the Board to deliver improvements to the sector.

[Click here to return to Contents](#)

After a brief pause for refreshment, we welcomed guest speakers from Eversheds Sutherland and the Government Actuary's Department, to provide our regular case law update and information about the FPS valuation and cost-cap, respectively.

Peter Spreadbury from the Home Office joined us to outline how the department intended to engage with stakeholders in dealing with remedy. Peter emphasised the importance of taking a professional, constructive, and forward-looking approach to working together and noted a commitment to working with stakeholders to reach a lasting resolution.

Delegates were then "zoomed" randomly into one of three breakout rooms to take part in an interactive workshop session. The workshops looked at themes underpinning the delivery of remedy, including [technical issues](#), [data](#), and [communications](#). After a 45-minute discussion, participants returned to the main room to hear feedback from each of the sessions.

[Please view the AGM 2020 day 2 presentations here.](#)

As always, we would like to thank all presenters and delegates for their participation and support. We have received some great feedback from the event and hope that we will be able to host next year's AGM live and in person in London.

### **FPS coffee mornings**

We are continuing to run our MS Teams coffee mornings every second Tuesday while social distancing measures remain in place. These 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 event is scheduled to take place on 13 October 2020.

If you would like to join us, please email [bluelight.pensions@local.gov.uk](mailto:bluelight.pensions@local.gov.uk) and we will add you to the invite list for the sessions.

## **HMRC**

### **HMRC newsletters/bulletins**

HMRC has published the following newsletter containing important updates and guidance on pension schemes:

#### [Pension schemes newsletter 124 – 29 September 2020](#)

- Temporary changes to pension processes as a result of coronavirus (COVID-19)
- Relief at source
- Managing Pension Schemes service



## Useful links

- [The Firefighters' Pensions \(England\) Scheme Advisory Board](#)
- [FPS Regulations and Guidance](#)
- [Khub Firefighters Pensions Discussion Forum](#)
- [FPS1992 guidance and commentary](#)
- [The Pensions Regulator Public Service Schemes](#)
- [The Pensions Ombudsman](#)
- [HMRC Pensions Tax Manual](#)
- [LGA pensions website](#)
- [LGPS Regulations and Guidance](#)
- [LGPS member site](#)

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[Click here to return to Contents](#)

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