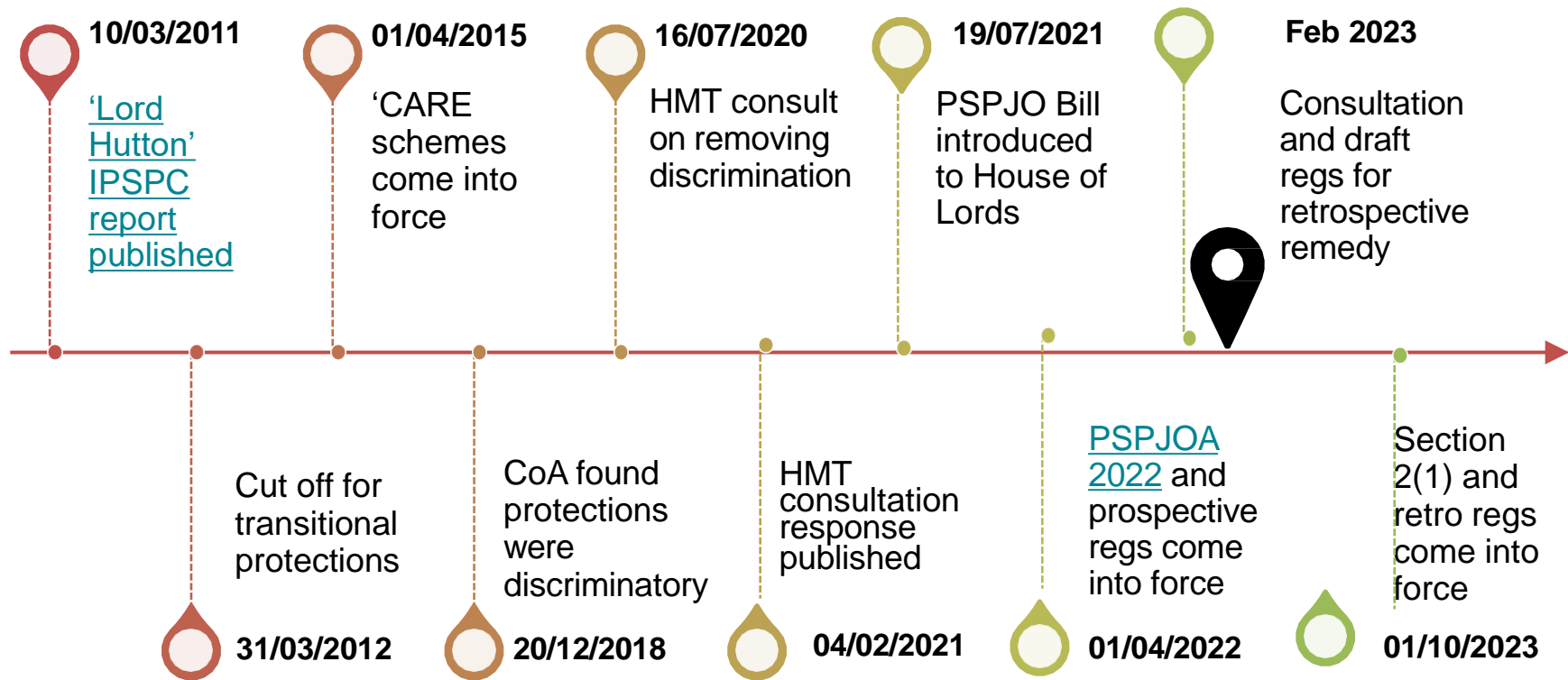


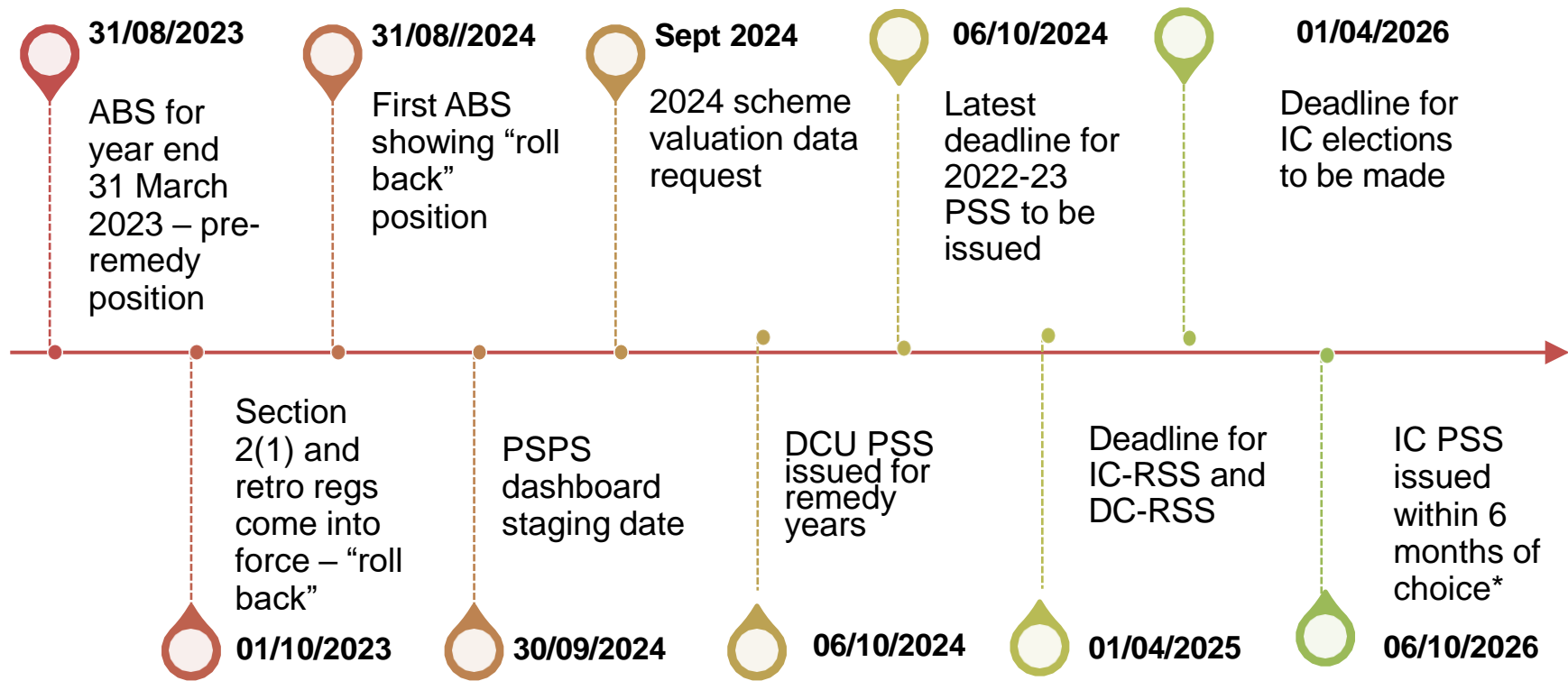
Remedy pre-work special (FRAs)



Sargeant timeline



Statutory dates



* Or end of the election period (the rectification deadline)

Legislation

Primary

- [Public Service Pensions and Judicial Offices Act 2022](#)
- [Finance Act 2022](#)
- [The Public Service Pensions \(Exercise of Powers, Compensation and Information\) Directions 2022](#)

Secondary

- [The Police and Firefighters' Pension Schemes \(Amendment\) Regulations 2022](#)
- [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023](#)

Awaited

- The Police and Firefighters' Pension Schemes (Amendment) Regulations 2023?
- The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023 – Part deux?

Revised Home Office timeline

McCloud Milestone	Date
Policy Development	April 2022 – February 2023
Pre regulation drafting phase	June 2022 – February 2023
Regulation drafting phase	September 2022 – July 2023
Retrospective Consultation launch	February 2023
Consultation analysis and finalise policy	July 2023
Publish consultation response	August 2023
Parliamentary signing and laying of regulations	September 2023
Administrative implementation phase	Ongoing – 1 October 2023
Retrospective Regulations come into force	1 October 2023

1 October 2023* – BAU v Sargeant

- New retirements/ deaths from 1 Oct 2023 (DC)
- DC-RSS
- Paid under scheme rules in force

BAU

- IC for pensioners/ representatives
- IHR reassessments
- Contributions and tax adjusted
- IC-RSS
- ABS-RSS for active/ deferred
- Contingent decisions
- Rectify ID cases

Remediable

* 2 October 2023

Eligibility

To be eligible a member must have “remediable service” [[Section 1](#)]:

- Service during the remedy period
- Pensionable under a legacy or reformed scheme
- A member or eligible to be a member on or before 31 March 2012
- No break in service greater than five years

If a member meets these conditions for one employment, they automatically meet them for any multiple employments

Contingent decisions (opt outs)

Members who were active members of a relevant scheme on or before 31 March 2012, but who decided to opt out for some or all of their remediable service may be able to apply to opt back in and have that period of service reinstated into their relevant legacy scheme, under a [section 5](#) contingent decision

This will be subject to meeting certain conditions which are yet to be determined – is likely to be an automatic period of qualification after which evidence will need to be provided

See the [contingent decision coffee morning slides](#) for more information

Eligibility actions

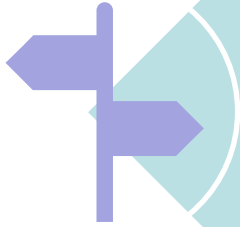
Identify all eligible members (including opt outs)

Cross check FRA to admin records

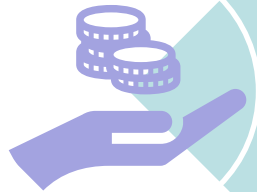
Issue communications to inform members of their status:

- [Protected member letter](#)
- [Taper protected member letter](#)
- [Unprotected](#)
- [Out of scope](#) ([now in scope](#)) ([still out of scope](#))

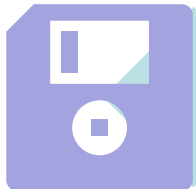
Data



All **eligible members** are to be offered a choice to receive benefits in either the legacy scheme or the reformed scheme for the remedy period



To offer that choice, all members must have a full final salary and CARE record for the period



Administrators will need additional data from FRAs to build those records e.g. an unprotected member who transitioned to FPS 2015 from FPS 1992 on 1 April 2015 and remains in employment will need a final salary record creating for the full seven years

What data is needed #1

Pay

- Final salary pay
- CARE pay
- Pay that is pensionable under FS definitions that is not pensionable under CARE
- Include any temporary promotion not pensionable in FPS 2015

Contributions

- Legacy scheme
- Reformed scheme
- Contribution holidays

What data is needed #2

Service

- Final Salary service record will need re-building
 - Changes to hours
 - Industrial action
 - Maternity leave
 - Paternity leave
 - Parental leave
 - Authorised absence
- For retained this will be actual pay and full time equivalent pay to establish service records
- CETVs

Benefit entitlements

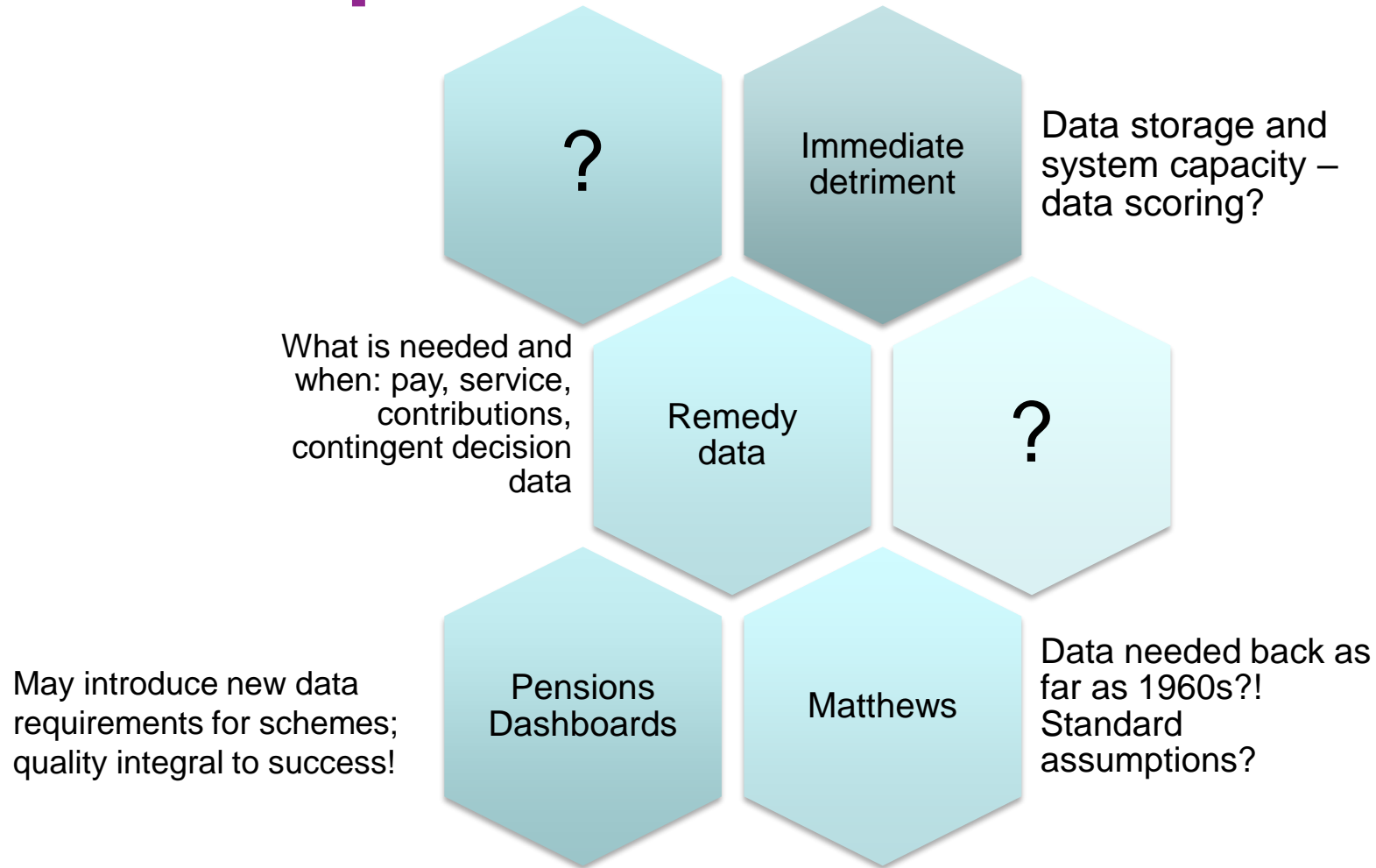
- Two pension entitlement
- Additional Pension Benefits (APBs)
 - Temporary Promotion in FPS 2015 would be treated as APB in Final salary if appropriate discretion is in place
 - CPD payments in FPS 2015 will need to be treated as APB in final salary scheme
- Pension debits
 - Divorce
 - Scheme pays
- Added Years/ Pension

Data collection tools

The following products were created in collaboration with the Fire Communications Working Group and software suppliers

- [Remedy data collection guidance](#)
 - Document outlining the types of data to be collected with FAQs and recommendations
- [Remedy data collection template](#)
 - Spreadsheet in agreed format which can be used to import and export from the pensions admin system
- [Remedy data collection template notes for completion](#)
 - Instructions on completing the template

Data dependencies



Data actions



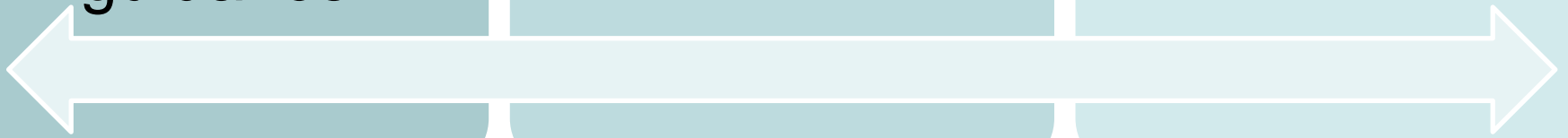
Read data
collection
guidance and
spreadsheet
guidance



Liaise with
administrator



Complete data
collection
spreadsheet!



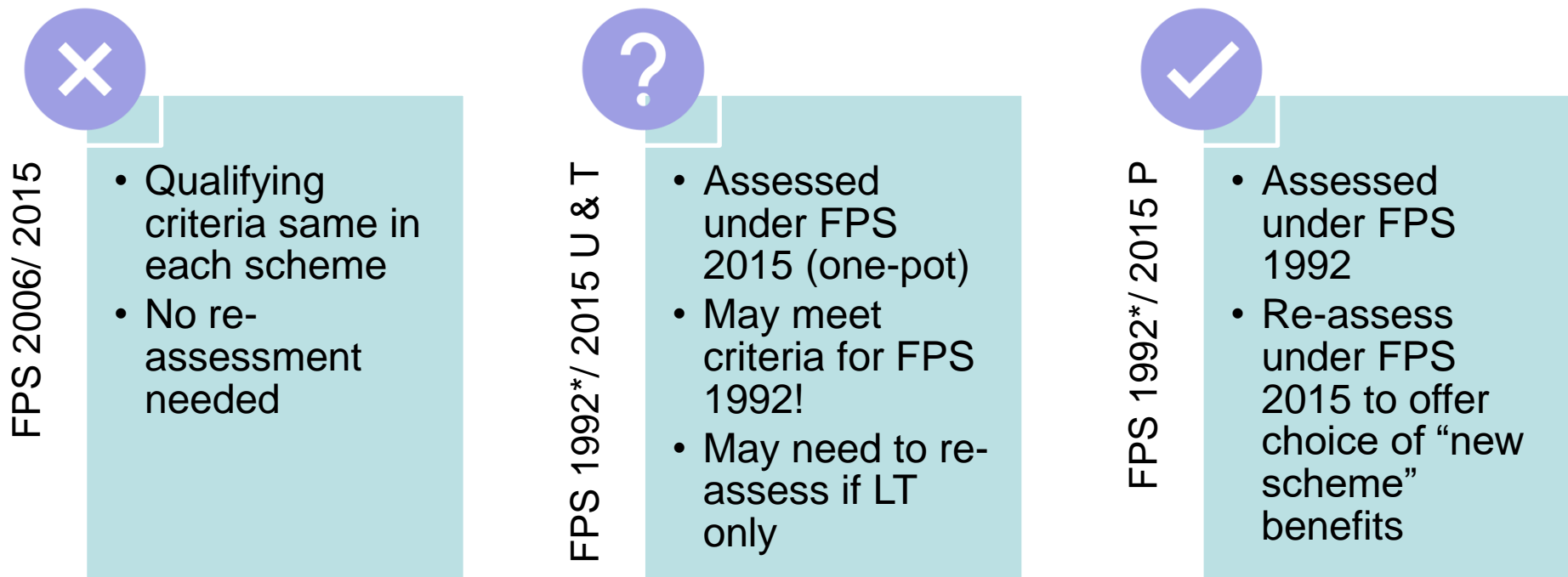
Ill-health retirement

From 1 October 2023, all members with eligible service for the remedy period will be placed in their relevant legacy schemes for their remedy period service and will be given this choice at retirement (DCU) or immediately (IC)

IC members (pensioner members or beneficiaries of deceased members) who retired on ill-health may need their case to be re-assessed

From January 2020, FRAs were advised to obtain certificates for both final salary and CARE schemes from the IQMP when referring a member for IHR and to look at cases since 2015 ([Bulletin 28 – January 2020](#))

Retrospective assessments



In summary: FPS 1992 sets a lower qualifying bar (for both lower and higher tier IHR) than that set by FPS 2015. FPS 2006 Scheme an equivalent qualifying bar (for both lower and higher tier IHR)

* Also FPS 2006 special

Ill-health actions



Identify members retired on IHR (or dismissed on capability) during remedy period



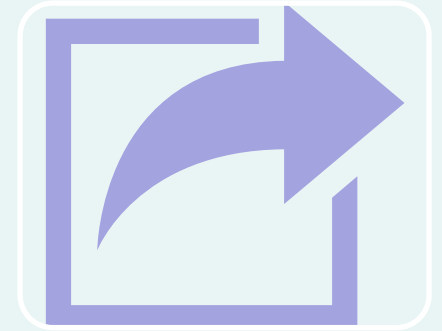
Collate information, inform member

- Template consent letters provided with [Bulletin 65 - January 2023](#)



Request IQMP re-assessment **before 1 October 2023**

- Template IQMP referrals in development



Provide re-assessment outcome to administrator

- Template outcome letters in development



Remedy timetabling (RSS)

Scheme regulations must make provision to provide an RSS to eligible members notifying them of the available benefits in respect of their remediable service (legacy and reformed)

Statutory 18-month deadline for schemes to provide RSSs after the retrospective remedy comes into force on 1 October 2023 (1 April 2025)

From 2023, active members with remediable service must be provided annually with an 'Annual Benefit Statement RSS' (an "ABS-RSS") either alongside or within the existing ABS

[Treasury directions](#) set out further requirements on content and format



Four types of RSS*

IC-RSS

- Pensioners retired between 1 April 2015 and 1 Oct 2023 (not ID)
- Deceased between 1 April 2015 and 1 Oct 2023 (includes active, deferred, pensioner)

ABS-RSS

- From 1 Oct 2023, active members provided annually with or included on ABS
- From 1 Oct 2023, deferred members must receive an ABS-RSS, then 'on demand'

DC-RSS

- Active and deferred members at DCU date (after 1 Oct 2023)
- Active and deferred members who die after 1 Oct 2023 – beneficiary to make DCU election

R-RSS

- Members making a contingent decision claim under Sect. 5 (opted out service)
- 18 months from point claim is successful
- May be in addition to another type of RSS

* Plus TV-RSS (transfers during remedy period)



Timetabling cohort data

Schemes

- 1992
- 2006 standard
- 2006 special

Member status

- Active
- Deferred
- Pensioner
- Deceased
- Transferred out
- Beneficiaries
- PC member

Protection status

- Protected:
Convert final salary to CARE (Reverse McCloud)
- Tapered:
Create full final salary and CARE for full remedy period
- Unprotected:
Convert CARE to final salary

Events/ Non-standard cases

- Transfers
- Divorce/ PSO
- Added pension
- Added years
- AA/ LTA breach = scheme pays
- Ill-health
- Contingent decisions
- Matthews/ Sargeant overlap



Timetabling actions

Establish numbers of members in each cohort

Consider timetabling recommendation

Different FRAs will have different numbers in each cohort

Discuss requirements with administrator to understand BAU processes, SLA, disclosure deadlines, and...

...ability to meet deadlines

Immediate Detriment (ID)

PSPJOA disapplies sections of Act where an ID remedy has been provided ([Section 31](#)) to prevent double recovery

Scheme regulations will be drafted to bring in relevant sections to ensure member is not detrimented by immediate detriment

[The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023](#) are consequential on PSPJOA 2022

This legislation will take effect from 6 April 2023, but some provisions will have a retrospective effect – retrospection is set out in each regulation

Regulations provide clarity on treatment of tax, but require all legislation in place to be effective

What's happening now (Feb 2023)

Discussions ongoing between legal parties to the Framework

- Amendments to the Framework under consideration

Appropriate specialist advice sought

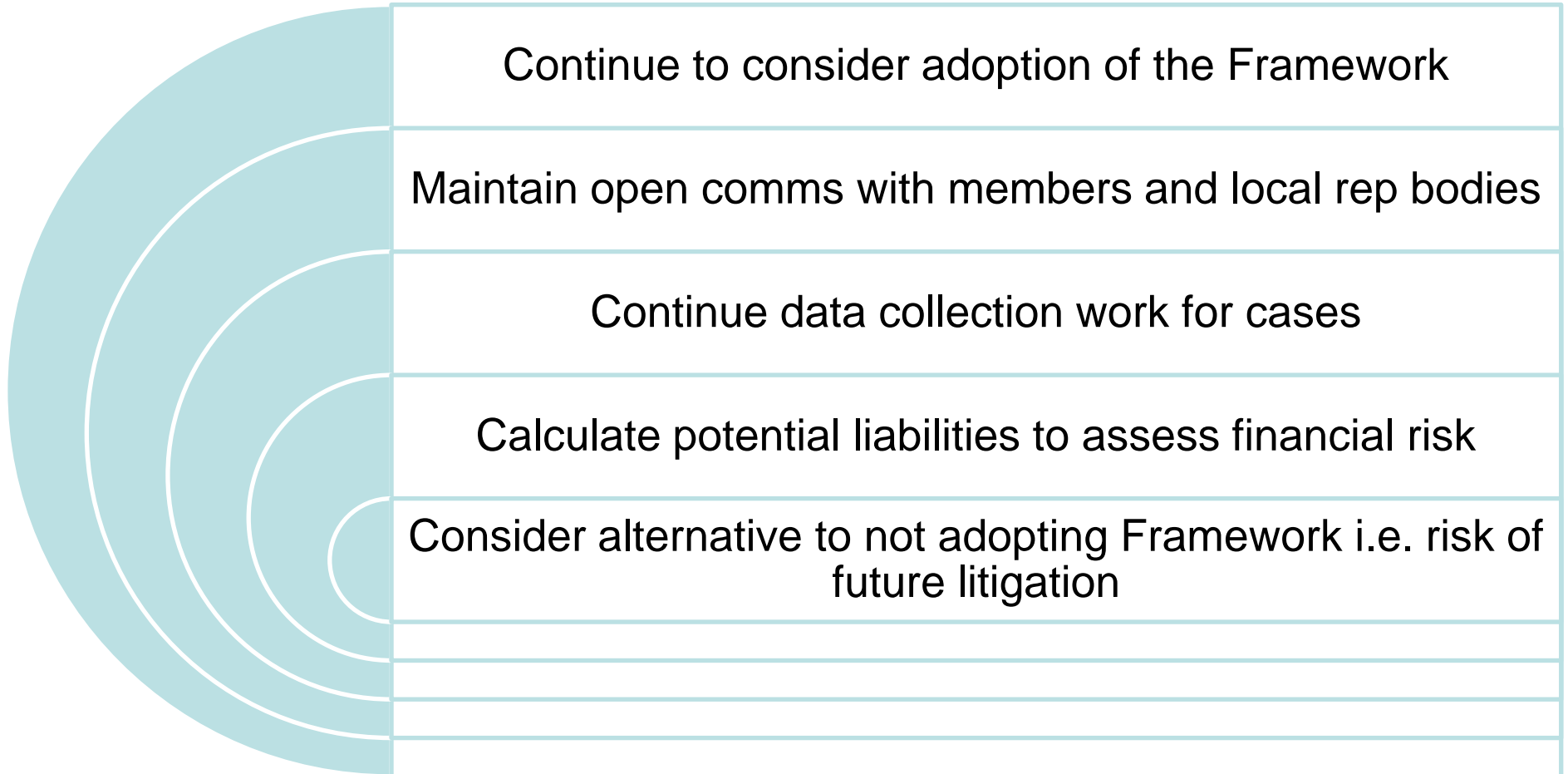
Issues debated by SAB and letter to HMT

Various correspondence issued by various stakeholders

Remain in dialogue with central government

Financial liability assessment guidance provided

What can FRAs do?



FRA 2015 remedy health check

- FRAs only
- Would you mind taking 4 minutes to complete this form? It would be great if you can submit your response by 20/02/2023. Thank you!
- <https://forms.office.com/e/8HcN2CWVGR>

Save the date

LGA/ NPCC data conference 17 May 2023

18 Smith Square, London



Any questions



Data-related resources

- [TPR record keeping guidance](#)
- [LGA data measuring guidance](#) and [weighting template](#) (currently under review)
- [PASA data guidance](#)
- [LGA remedy data collection guidance](#), [data template](#), and [notes for completion](#)
- [TPR 6 key processes factsheet](#)
- [Template FPS administration strategy](#)

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Thank you for listening!

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