

Christmas coffee



What's the latest on ID

- On 29 November 2021, the Home Office withdrew its informal and non-statutory guidance on processing certain kinds of immediate detriment case ahead of legislation, with immediate effect
- ...based on HM Treasury's "best assessment on the advisability of processing immediate detriment cases".

<https://www.fpsregs.org/images/Age-discrimination/HMT-withdrawal-of-HO-immediate-detriment-guidance-29-November-2021.pdf>

What happened next

- Due to the complexity of the issues, the LGA entered into discussions with lawyers involved with the discrimination claims and development of the Framework (Bevan Brittan)
- In the course of doing so, we also spoke with appropriate specialist QCs
- The SAB debated the issues on 9 Dec 2021

So what can you tell us

- Revised LGA guidance issued 17 December:
 - <https://www.fpsregs.org/index.php/member-area/age-discrimination-remedy-restricted>
 - **If you are taking decisions on immediate detriment cases, you should speak to your Nominated Contact.**

Anything else

- The SAB has written an open letter to HMT on the withdrawal of the guidance to request more information on the risks and uncertainties mentioned in their assessment
 - <https://www.fpsboard.org/images/PDF/Boarddocs/Remedy/FPS-SAB-letter-to-HMT-re-withdrawal-of-ID-guidance-17-December-2021.pdf>
- Conversation with the FBU remains ongoing and co-operative

What about the money

- Home Office is clear that FRAs must determine what are legitimate pension costs based on the scheme rules and finance guidance
- Costs will be captured under the AME top-up grant if they are considered legitimate pension expenditure
- Our understanding remains that this includes arrears of pension and lump sum where they are paid under section 61 which allows individuals to be treated as having remained in their legacy scheme and having a benefit paid under those regulations

Legislative timetable

1 April 2022 **PSPJO Bill –**
Primary
legislation

1 April 2022 **The**
Firefighters’
Pension
Scheme
(England)
(Amendment)

Regulations
2022 –
Secondary leg.

6 April 2022 **Finance (No.2)**
Bill – Primary
legislation

- Scheme Pays
- UPCs
- others?

1 October 2023 **The**
Firefighters’
Pension
Scheme
(England)
(Amendment)

Regulations
2023?

Any questions



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Thank you for listening!

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