Dear

**Firefighters’ Pension Schemes – Age Discrimination Retrospective Remedy**

In 2015, new laws introduced a new scheme for firefighters - the Firefighters' Pension Scheme 2015 (FPS 2015). These laws included protections which meant that some members of the legacy schemes (FPS 1992 and FPS 2006) didn't join FPS 2015 either straight away or at all, depending on their age. After a legal challenge, the courts determined that these protections were age discriminatory.

Following consultation, the Public Service Pensions and Judicial Offices Act 2022 came into force on 1 April 2022 to remedy the discrimination.

We wrote to you on [INSERT DATE] to let you know that you were eligible under the 2015 age discrimination remedy. We wrote to you again on [INSERT DATE] informing you that information will be made available to you about your benefit options, through a Remediable Service Statement (RSS) for the remedy period. Our letter confirmed that your RSS will be sent to you between October 2023 and [INSERT DATE].

We are writing to you today to firstly apologise for the protracted delay in sending your RSS. Even though we are still within the timeframe we originally suggested, we do acknowledge that you would have liked this issue to have been resolved as soon as possible after 1 October 2023. Unfortunately, we have been navigating several policy issues on the application of tax and interest which have been outside our control. Some of these issues have now been clarified, however, there is still one ongoing matter which affects your case and prevents us, at this stage, from providing you with your RSS.

The issue relates to the calculation required for top-up lump sums and the offsetting of previous tax paid to HM Revenue & Customs (HMRC). It has been confirmed that our understanding of how you would offset the original unauthorised payment made to HMRC does not align with current HMRC policy. Currently there is no provision within HMRC legislation that allows an offset approach for individuals who have made an unauthorised payment through the mandating process (which you did when you originally retired). This position, if left without a solution, will mean that you become liable for more tax which is not currently reclaimable either via HMRC or the compensation mechanism in the Public Service Pensions and Judicial Offices Act 2022.

Our colleagues at the LGA have been liaising with HM Treasury (HMT) and HMRC on this matter and there is an agreement in principle from all parties to put in place a resolution to address this. It is likely that any resolution will need new legislation which will take time. In the interim, LGA colleagues are in discussions with HMT to establish whether there could be formal assurances issued from central government which will allow us to proceed ahead of any legislation coming into force. These discussions are progressing well, however, as we have now entered the pre–General Election period of Purdah it is unlikely that anything official will materialise before 5 July 2024 (and it could be sometime thereafter).

We appreciate that this news will come as a disappointment and apologise for the distress and inconvenience caused. You have our commitment that we will closely monitor the situation and ensure that you are kept up to date as things progress.

Information about the Firefighters’ Pension Schemes, the 2015 age discrimination remedy, can be found here <https://fpsmember.org/>.

Yours sincerely