

# Age discrimination remedy – Why might my Remediable Service Statement (RSS) be delayed

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## Background

1. There are Statutory deadlines which are set out in the Public Service Pensions and Judicial Offices Act (PSPJOA) 2022 as to when a Remediable Service Statement (RSS) should be issued.
2. You can find more information relating to remedy on the FPS member website:  
<https://fpsmember.org/remedy/what-remedy>
3. This factsheet sets out why some RSS' may be delayed beyond 31 March 2025 and what is defined as being reasonable and under what circumstances a scheme manager may use Section 29(10)(b) of the PSPJOA 2022.

## What is Section 29(10)(b)

4. Using the scheme manager powers under [Section 29\(10\)\(b\)](#) of the Public Service and Judicial Offices Act 2022, the scheme manager can determine it is reasonable in all the circumstances of a particular member or a particular class of member to extend the statutory deadline beyond 31 March 2025.

## When should you use Section 29(10)(b)?

5. In cases where the scheme manager does not have something at the point of the calculation, meaning that there are circumstances where they cannot reasonably calculate a correct RSS for a member.
6. It is anticipated that such circumstances would be:
  - a. Fully protected members of the Firefighters' pension scheme 1992 (FPS 1992) who retired on ill health grounds during the remedy period who have not completed an ill health re-assessment process, this is because a medical certificate is required from the Independent Qualified Medical Practitioner (IQMP) to determine any entitlement to higher tier ill health benefits.
  - b. Members that had a Pension Sharing Order (PSO) implemented during the remedy period due to a divorce, this is because the Government Actuary Department (GAD) guidance on how to apply remedy for these cases has not been finalised.
  - c. Members that have a transfer in on a non-club basis during the remedy period, this is because the Government Actuary Department (GAD) guidance on how to apply remedy for these cases has not been finalised.
  - d. Members that have a transfer in on a club basis (most commonly from another public service pension scheme), where they have previous service during the remedy period, this is because the previous scheme needs to provide a revised transfer to take account of remedy.
  - e. Members who have inaccurate data held on their records, such as in the cases of historic record keeping from a previous pension administrator.
  - f. Members who are part of both the Matthews and Sargeant remedy, where they have not yet been able to decide on their options under Matthews, and this will impact on their eligibility under the Sargeant remedy.
  - g. Cases where some other unforeseen policy issue arises that is not listed above.

## What if circumstances do not match any of the issues listed above?

7. There will be some additional scenarios and/or groups of members for whom it has not been possible to issue an RSS by the statutory deadline and where the scheme manager is not able to use their powers to extend this deadline under Section 29(10)(b).
8. In these cases, the scheme manager will issue an RSS to you as soon as possible after 1 April 2025 and will have considered whether this constitutes a material breach and may have reported this to the Pensions Regulator.

## How will I know whether the scheme manager will use Section 29(10)(b) for my case?

9. Scheme managers are working with their pension administrators to understand who will receive an RSS by the statutory deadline and who will not. Any cases not due to meet the deadline will then be categorised to determine why they are unable to issue them.
10. Only once this work is done, will the scheme manager be able to communicate this with any affected members. It is anticipated that this may not be until mid to late March 2025.

## What information can I expect to receive from the scheme manager if my RSS is delayed?

11. The scheme manager should provide you with a clear explanation of which category your case falls into.
12. If it is possible to give you an expected delivery date, then this will be provided.
13. If, however, your case is reliant upon receipt of external information which is beyond the scheme manager's control, then they may instead provide you with how long it is expected to take to provide you with an RSS after the information is received.