

Remedy FAQs

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About Remedy

What is Remedy?

In 2015, the government introduced new laws which resulted in a new pension scheme for firefighters - the Firefighters' Pension Scheme 2015 (FPS 2015). These laws included protections which meant that some members of the existing schemes (FPS 1992 and FPS 2006) didn't join FPS 2015 either straight away or at all, depending on their age. Following a legal challenge known as Sargeant, the courts determined that the protections given to members were age discriminatory.

On 15 July 2019, the government made a written statement [[HCWS1725](#)] accepting the court's decision. They confirmed that they would engage with the Employment Tribunal to agree how to fix the discrimination. The written statement confirmed that this fix, or remedy, would apply across all public sector schemes.

'Remedy' is the term used for these pension scheme changes.

It can also be referred to as 'McCloud', which is after the Judges McCloud judgement. Which is commonly used by other Public Sector Schemes, such as NHS, Teachers, and Local Government.

'Sargeant', which is after the Firefighters' Sargeant judgement.

'Age Discrimination Remedy', as both cases related to age discrimination, and how this would be remedied (i.e. put right).

What is the Remedy Period?

'The Remedy period' is the period from 1 April 2015 to 31 March 2022.

What legislation has been produced?

To enable these changes to be made, new legislation and powers were needed.

The [Public Service Pensions and Judicial Offices Act 2022](#) (PSPJOA) came into force on 1 April 2022, which provided overarching legislation. The PSPJOA also provides for HM Treasury (HMT) to make Treasury Directions, which specify how certain powers under the PSPJOA are to be used in Public Service Pension Schemes when making their scheme regulations.

[The Police and Firefighters' Pension Scheme \(Amendment\) regulations 2022](#), were consulted on between November 2021 to January 2022. Government responded to the consultation in March 2022, when the regulations were laid, and came into force on 1 April 2022.

[The Firefighters Pension Scheme \(Remediable Service\) regulations 2023](#) were consulted on during February to May 2023 and government responded to the consultation in July 2023, when the regulations were laid and came into force on 1 October 2023. These regulations address the discrimination in two parts Future discrimination (prospective) and past discrimination (retrospective), which is covered further down.

To allow for the tax implications of remedy to be rectified, through the powers in the Finance Act 2022, two sets of regulations have been consulted on and published.

Tax (No 1) [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) Regulations 2023 \(legislation.gov.uk\)](#)

Tax (No 2) [The Public Service Pension Schemes \(Rectification of Unlawful Discrimination\) \(Tax\) \(No. 2\) Regulations 2023 \(legislation.gov.uk\)](#)

Am I affected by remedy?

Not all members are affected by remedy.

Members that are eligible to make choices for the remedy period must:

- have been in pensionable service on or before 31 March 2012; and
- had pensionable service between 1 April 2015 to 31 March 2022; and
- not have a gap in service of 5 years or more (known as a disqualifying break).

Pensionable service does not have to have been in the firefighters' pension scheme, it could also have been in another relevant public service pension scheme i.e. NHS, Teachers or Local Government.

Full details about eligibility to the remedy can be found in section 1 of the [PSPJOA](#) .

What is the Legacy Scheme?

Legacy scheme refers to either of the firefighters' pension schemes in place before 1 April 2015, these are Firefighters' Pension Scheme 1992 (FPS 1992) or Firefighters' Pension Scheme 2006 (FPS 2006).

What is a Reformed Scheme?

A reformed scheme is a Career Average Revalued Earnings (CARE) which were introduced as part of the public sector pensions reforms from 1 April 2015.

The Firefighters' Pension Scheme 2015 (FPS 2015) is a reformed scheme.

Who is not affected by remedy?

Members who joined between 1 April 2012 and 1 April 2015 will have pensionable service in the FPS 2006 for that period only, then transitioned on 1 April 2015 to the FPS 2015 (the reformed scheme).

Member who joined after 2015 will be members of the FPS 2015 for all their service.

Your benefits

What happens to my benefits built up before remedy?

Any benefits built up before 1 April 2015 are not affected.

What happens to my benefits built up during the remedy period?

All benefits accrued during the remedy period are automatically rolled back to the relevant legacy scheme on 1 October 2023 for eligible active and deferred members. You will be able to make a different choice for reformed benefits at your retirement date.

What happens to my benefits built up after remedy?

All active members will build up benefits in the FPS 2015 from 1 April 2022. These benefits are not affected by remedy.

How do I know what pension scheme I am in now?

All active members are now in the FPS 2015.

Where can I find out more information about my current pension?

Your pension will be looked after by an administrator. Your administrator will be different depending on which Fire Authority you are/were an employee of. You can find out who your administrator is on the [Contacting your Firefighters' Pension Scheme administrator](#) page.

Your administrator may have an online portal where you will be able to access documents about your pension. You may also receive documents in the post from your administrator if you do not have online access.

Every August, you will receive an annual benefit statement from your administrator in respect of membership up to end March of the same year. Because the rollback had not happened, statements issued in August 2023 do not reflect the impact of the remedy or provide information on choices.

When will I make a choice about remedy?

When you make a choice will depend on whether you are already receiving benefits from a firefighters' pension scheme as at 30 September 2023.

Active and deferred members

All members will receive a combined Annual Benefit Statement/Remediable Service Statement (ABS/RSS) by 1 April 2025; however, where possible this will be included by 31 August 2024. The ABS/RSS will provide members with the current value of both their legacy final salary benefits (FPS 1992/FPS 2006) and their reformed CARE benefits (FPS 2015) for the remedy period as well as projected benefits to normal pension age for active members.

All members who retire from 1 October 2023 will be provided with a Remediable Service Statement (RSS) at retirement. The RSS will illustrate their options to choose to receive either their legacy final salary benefits or reformed CARE benefits for the remedy period. This is known as Deferred Choice Underpin (DCU).

A [member remedy video](#) is available to help explain the remedy process.

Pensioner and beneficiary members

Pensioner and beneficiary members that have retired before 30 September 2023 and have service within the remedy period, will be provided with an RSS as soon as reasonably practicable from 1 October 2023. This is known as Immediate Choice (IC).

It is important to note that the regulations allow 18 months for pension administrators to complete the remedy exercise (i.e. until March 2025). Administrators will be prioritising certain categories of pensioner members, based upon the level of impact of remedy to their benefits.

Pensioner members should receive a tailored communication from either their Fire and Rescue Authority (FRA) or pensions administrator confirming the timetable that they will fall into.

The indicative timetable for sending out an RSS to pensioner members is as follows:

Pensioner Member	Indicative timetable to receive RSS
Ill Health Pensioner	October 2023 to March 2024
Beneficiaries (ill health, taper protected and unprotected)	October 2023 to May 2024
Taper Protected Pensioner	October 2023 to November 2024
Unprotected Pensioner	October 2023 to November 2024
Protected Pensioner (2006 Scheme)	May 2024 to January 2025
Beneficiaries (Protected members 1992 and 2006 Scheme)	August 2024 to March 2025
Protected Pensioner (1992 Scheme)	October 2024 to March 2025

A [pensioner member remedy video](#) is available to help explain the process.

I am already retired am I affected?

You may be. If you were in pensionable service (usually when you are making contributions to your pension scheme) during the following periods you will be eligible to make a choice.

- have been in pensionable service on or before 31 March 2012; and
- had pensionable service between 1 April 2015 to 31 March 2022; and
- not have a gap in service of 5 years or more (known as a disqualifying break).

I want to retire before August 2024, what do I do?

Each FRA has its own way for processing retirements. In the first instance you should speak with your line manager/HR department who will guide you through the process. Once your retirement process is in place, you will be given information to enable you to make choices about your pension during the remedy period and how these affect your pension options.

How do I make a choice?

Your remediable service statement (RSS) will display your options. When you receive your RSS (an indicative timetable is covered under [‘When will I make a choice about remedy?’](#)) you will also be given a claim form.

Why might I have to wait until April 2025 to receive my choice?

While the findings of age discrimination are well known and accepted by scheme managers, and scheme managers have been prepared for remedy, the rules which are set by the Home Office and HM Treasury have only been laid recently in July 2023.

Despite this, scheme managers intend to work to an accelerated timescale which will see the most vulnerable and detrimented members prioritised, so that they receive their choice statements as per the indicative timetable set out under [‘When will I make a choice about remedy?’](#)

Your choices

Who can advise me of the right choice to make?

Your decision is individual to your own circumstances, and it is key to understand that.

Your administrator will provide you with all the details you need to decide. This will be in the form of a remediable service statement (RSS) which will be issued between 1 October 2023 and 31 March 2025.

Once you have received your RSS if you feel you need help deciding, you can contact a financial adviser. A list of financial advisers can be found at www.unbiased.co.uk

Do I need a third party to claim my benefits?

Some third party organisations may contact members, selling their help in claiming their 2015 Remedy benefits.

Your pensions administrator **will not** request a fee for providing this information. You do not need to go through a third party to claim these benefits and you will be contacted by your administrator in due course as explained in section [‘when will I make a choice about remedy?’](#) to provide you with your remediable service statement to allow you to make your remedy option.

Please remember to remain vigilant. If you are still unsure or have any concerns over a potential scam, please contact your [administrator](#) for clarification.

What happens if I don't make a choice?

It is strongly recommended that you make a choice.

If you don't make a choice, your scheme manager will decide for you based on the figures in your remediable service statement (RSS).

Am I going to pay more in contributions?

With remedy you have the choice about what benefits you want to receive for the period 1 April 2015 – 31 March 2022.

All the information you need to make a choice will be provided in a remedial service statement (RSS) – this includes information about the cost of being a member of each pension scheme. In some cases, you may choose a pension scheme that has a higher contribution rate, but also pays benefits earlier and/or can give you more income in retirement.

The choice is individual, as this will be a key piece to consider when you make your choice as to whether you want to pay more or less to receive a different level of benefit.

The legacy scheme (FPS 1992) has the highest contribution rate. The reformed (FPS 2015) scheme rate is lower, while the legacy scheme (FPS 2006) has the lowest contribution rate.

Will I need to pay any arrears in pension contributions?

If you are making an immediate choice (i.e. you are already receiving benefits from a firefighters' pension scheme and want to change these), you will need to pay any arrears in contributions before you receive the new benefits.

If you are an active or deferred member, you will need to pay your arrears in contributions in one go. Each year, you will have an opportunity to do this within three months of receiving your remediable service statement (RSS), alternatively you can elect to pay them when you retire, either from your own sources or from the lump sum that you might get from the pension scheme. It is worth noting that interest on owed contributions will continue to be applied until they are paid.

Will the changes affect my annual allowance?

In some cases, changing your pension choice for the remedy period may change the amount of pension you built up each year. This is known as your pension input amount (PIA)

The government sets limits on the amount of pension you can build up each year, known as the annual allowance. During the remedy period this has been £40,000 (historic rates can be seen on the [Gov website](#)). Your PIA is tested against this amount by multiplying the amount by which the value of your pension has increased by 16, if this exceeds the annual allowance for any of the years between 2019 and 2022, you may be liable for a tax charge – known as an annual allowance charge.

You may have already paid a tax charge during the remedy period, or you may owe tax for the first time.

If you are an immediate choice member when you are making your choice of benefits, you will be told whether you have exceeded the annual allowance, and information about this will be provided in a statement alongside your remediable service statement (RSS), to help you decide.

If you are a deferred choice member this will may be included alongside your annual benefit statement remediable service statement (ABSRSS).

Will I get a Pension Saving Statement for 2022/2023?

Ordinarily, if your annual allowance has exceeded the limit, it is a requirement of the scheme to have to send you a pensions savings statement by 6 October 2023.

However, for members affected by remedy, this deadline has been delayed until 6 October 2024. This is to ensure your pension figure on 1 April 2022 reflects the corrections to your pension made by remedy. HMRC have confirmed that this delay means you will not need to report any annual allowance charge for 2022/23 on your self-assessment tax return by the standard 31 January 2024 deadline. You will still need to submit a self-assessment form to report and pay any other tax charge you are liable for by 31 January 2024.

Members who are not affected by remedy, either because they did not meet the criteria, explained in the section [Am I affected by remedy?](#), or because they remained in their legacy scheme during the remedy period, should receive a 2022/23 pension savings statement, if they have a pension growth (annual value of pension increase x16), by 6 October 2023. If an annual allowance tax charge is due for 2022/23, it must be included on your self-assessment tax return.

What is a remediable service pension saving statement?

If because of remedy you exceed the annual allowance, you will be sent a revised remediable service pensions savings statement (RSSPSS). The deadline for sending this statement will be:

- **For active and deferred members – by 6 October 2024**
- **For pensioner members – within 6 months of making your election.**

From 1 October 2023, HMRC is introducing a new service that enables affected members who have new, increased, or decreased annual allowance charges, as well as other tax charges such as lifetime allowance charges and unauthorised payments charges to:

- **correct these for tax years 2019/20, 2020/21, 2021/22 and 2022/23**
- **apply for compensation for any tax charge overpayments for tax years 2015/16, 2016/17, 2017/18 and 2018/19**

You will need your revised remediable service pensions savings statement to use this service. This service will be available on gov.uk website from 5 October 2023.

Are Scheme Pays deadlines changing?

'Scheme pays' is a mechanism by which the annual allowance charge can be paid out of a pension scheme, rather than by the member personally.

Active members affected by remedy will not receive a 2022/23 pension savings statements until after their remediable service statements (RSS) has been issued. Because of this, HMRC has extended the mandatory scheme pays deadline for 2022/23, and for any annual allowance tax charge you may have in tax years 2019/20, 2020/21 and 2021/22 because of remedy.

The amended mandatory scheme pays deadlines are:

- **For active and deferred members – deadline extended from 31 July 2024 to 6 July 2025**

- **For pensioner members – deadline extended to 6 July 2027.**

For members not affected by remedy, the normal tax deadlines apply.

Will remedy affect my lifetime allowance?

The lifetime allowance (LTA) limits the total amount of pension benefits an individual can build up over their lifetime before receiving a tax charge. It is only applied when those pension benefits come into payment.

In March 2023, the Chancellor announced that the LTA tax charge would be removed on 6 Apr 2023 and abolished in a future finance bill. So, it will not apply to future retirements, but will be relevant to any benefits taken up to March 2023.

Members may still be subject to a tax charge at their marginal rate in future, if they decide to take a lump sum at retirement that exceeds 25% of the existing LTA – this is currently £1,073,100 i.e. the lump sum exceeds £268,275. Some members might hold protection against the LTA or may have already been paid a lump sum from another pension – this may alter that limit.

For remedy, the LTA would only impact those members who have an immediate choice (i.e. are already receiving benefits from the firefighters pension scheme).

If you have already been impacted by the LTA and your decision relating to remedy further increases your LTA value, you may be subject to a further LTA tax charge. If the date you started to receive benefits falls in an in-scope year, this is automatically paid from within the scheme. The test is conducted against the LTA limit that was applicable at the time. Historic LTA rates are available on the [Gov website](#) For an out-of-scope year, any additional LTA charge is not recovered.

Are all tax years in the remedy period affected by the annual allowance and/or lifetime allowance?

In the latest set of tax regulations, HMRC have frozen 'in scope' tax years for remedy. These are known as 'relevant tax years'. This means that HMRC cannot collect tax owed from out-of-scope years, however they will still pay compensation for any tax owed back to members for these years.

- **In scope years – 2019/20, 2020/21, 2021/22 and 2022/23**
- **Out of scope years – 2015/2016, 2016/2017, 2017/2018 and 2018/2019**

Interest payments

Will I be paid interest back to 1 April 2015?

Depending on what remedy choice you make, you may also receive a payment in relation to the interest that could have been built up on higher value benefits you should have received since the beginning of the remedy period, both in terms of pension payable and any lump sum.

The value of this interest payment will depend on several factors, including when you make your final decision.

Initially, interest is calculated at 8% a year from the beginning of the remedy period, up to 28 days after you receive a remediable service statement (RSS). If you don't decide within this time, your outstanding benefits will still attract interest, but at a lower rate.

You will be given an estimate of the interest you may receive in your RSS, you should note that if you make a choice outside of 28 days the interest will need to be recalculated along with the arrears of pension.

Is there interest due on money I owe to the scheme?

Yes.

If, once you make your choice, you owe money to the scheme – for example in the form of contribution top ups – interest will be applied to this payment.

The interest on money owed to the scheme is calculated at the NS&I rate for direct saver accounts. As at 23 August 2023, this was 3.65% but much of what you will owe will be based on the previous rates which were much lower.

You will be given an estimate of the interest that might be due in your remediable service statement.

Who decided the interest rates applicable?

- The interest rates were determined by the Government's three objectives, to firstly reflect the position members would have otherwise been in without the discrimination having occurred, secondly to recognise the circumstances of the award and thirdly to not unduly burden the taxpayer.
- Further details on the rationale can be found in the [letter exchanges](#) between HMT and the Government Actuary.

Individual circumstances

My Spouse/partner was a member of the firefighters' pension scheme – why are you contacting me?

Beneficiaries are eligible to make decisions about the benefits that were built up in the remedy period.

I left the scheme due to ill health – how am I affected?

Like ordinary retirements, your remediable service statement (RSS) will display your choice of benefits between the legacy and reformed schemes. This will reflect the different levels of ill health pensions in the different firefighters' pension schemes and whether you are eligible for them.

If you retired on ill-health as a protected member of FPS 1992, you should have been contacted by your former FRA for a re-assessment to have been carried out by an independent qualified medical practitioner (IQMP). The re-assessment is necessary to see if you are eligible to be offered the choice of alternative ill-health pension in the reformed scheme (FPS 2015).

I opted out of the scheme – why are you contacting me?

If you chose to leave the scheme, but built-up benefits during the remedy period, you will still be able to decide about the benefits that are right for you.

In addition, if your decision on opting out was related to the discrimination in the transitional arrangements, you may be able to rescind your decision to opt out during the remedy period. Please refer to the [‘What is a contingent decision?’](#) section for more information on this.

What is a contingent decision?

A contingent decision is a decision that you may have made differently, had age discrimination have not taken place and you were not transitioned into the FPS 2015 during the remedy period.

In the firefighters’ pension scheme there are three areas which are covered by contingent decisions, these are:

- Opt-outs,
- Transfers (in and out), and
- Purchasing of additional service

If you think that you are affected by this, you will need to contact your scheme manager, who should acknowledge your request and then confirm their decision as to whether they accept your application. If your application is accepted your pension administrator will have until April 2025 to provide you with a contingent decision remediable service statement.

An application form will be made available shortly.