

**Joanne Livingstone, Chair, Firefighters' Pension
Scheme Advisory Board of England**

By email only: joanne.livingstone@btinternet.com

28 February 2023

Dear Joanne,

**HOME OFFICE FORMAL CONSULTATION ON REGULATION AMENDMENTS TO
DELIVER PUBLIC SECTOR PENSION REMEDY FOR FIRE FIGHTERS' PENSIONS
(MCCLLOUD/SARGEANT REMEDY): PHASE TWO, RETROSPECTIVE REMEDY**

I am writing to inform you that the Home Office has launched a formal consultation today on changes to the Firefighters' Pension Scheme (England) Regulations 2014, to bring into effect the second phase of the McCloud/Sargeant Remedy.

The consultation will run for twelve weeks until 23 May 2023 and can be accessed [here](#).

We are consulting on implementing the retrospective remedy, which will remove the discrimination identified in the McCloud/Sargeant cases. The Home Office intends to make changes to the regulations pursuant to the Public Service Pensions and Judicial Offices Act (PSPJOA) 2022 and in line with HM Treasury directions, which specify how certain powers under the PSPJOA 2022 are to be used by public service pension schemes when making their scheme regulations. The policy on the regulation changes (as per our statutory obligation under the Public Service Pensions Act 2013) is set out in the consultation document. The timelines regarding the laying of the regulations are dictated by the PSPJOA 2022.

The consultation will focus on amending the scheme rules to remove the impact of transitional protection during the remedy period and introducing provisions to allow members to make a choice of which benefits they wish to receive during the period of the remedy, i.e., the period during which the discrimination occurred. Eligible members can choose to receive benefits under the legacy pension scheme or benefits equivalent to those under the reformed 2015 scheme for service during the periods, 1 April 2015 to 31 March 2022.



Home Office

Retrospective changes to regulations will also be made to correct any overpayment or underpayment of pension benefits or member contributions. This includes benefits or contributions paid to or by a member because of their choice. The regulations will facilitate the payment of appropriate compensation to address financial losses arising from the discrimination or operation of the remedy.

We would like to thank you and your members for your continued engagement in the development of the remedy process. The Home Office led engagement sessions with fire employer and staff representatives and provided stakeholders the opportunity to seek an understanding and feedback on aspects of the policy or equalities issues identified when developing scheme specific policy and processes. We recognise how important this consultation is for your members, not least because of the need to ensure final arrangements are practical and sustainable.

We are aware that there are outstanding HM Treasury and HMRC issues regarding tax. We will continue to work with HM Treasury and HMRC officials on these outstanding issues and ensure progress is communicated to the Fire SAB. We recently held joint Police and Fire SAB McCloud/Sargeant Tax Sessions to discuss the annual allowance tax and bereavement and plan to have a further Fire SAB session once the tax policy detail is further understood.

The Home Office would welcome responses to the consultation from scheme members and fire service stakeholders to ensure that the final regulations and guidance are based on the fullest possible understanding of the impact of this remedy on members of the pension scheme.

Please share this letter with the members of the SAB if you feel that would be helpful.

Yours sincerely,

Amina Khan

Deputy Director, Policing Policy Directorate, Public Safety Group.

On behalf of

Peter Spreadbury,

Deputy Director, Policing Policy Directorate, Public Safety Group.