



FIREFIGHTERS PENSIONS UPDATE IMMEDIATE DETRIMENT



The Service and the Fire Brigades Union (FBU) met on 21 October 2021 to discuss how we intend to progress the handling of immediate detriment cases.

As a reminder, the term “Immediate Detriment” covers two categories of people that have been discriminated against, and who have lost out, or will lose out, due to the way their pensions have been, or will be calculated.

Employees in Cheshire affected under the terms of the McCloud/Sergeant judgement can be categorised under the following:

Category 1 cases

Members who at the date of the agreement are employed by CFRS and:

- a. Become eligible to retire for any reason, including ill-health, and draw their pension and want to have all their benefits paid from the Firefighter’s Pension Scheme 1992 or the Firefighter’s Pension Scheme 2006 (not the 2015 Scheme); or
- b. Do not qualify for a lower-tier or higher-tier ill-health pension under the 2015 Scheme and are therefore left without an immediately payable pension, but would be entitled to such a pension under the Firefighter’s Pension Scheme 1992 or the Firefighter’s Pension Scheme 2006.

Category 2 cases

Members who, at the date of the agreement:

- a. Have already retired (for any reason, including ill-health) and who are receiving a pension under the 2015 Scheme, and who wish to be treated as having retired as a member of the Firefighter’s Pension Scheme 1992 or the Firefighter’s Pension Scheme 2006; or
- b. Have left the fire and rescue service and did not qualify for a lower-tier or higher-tier ill-health pension under the 2015 Scheme and are therefore left without a pension in payment, but would be entitled to such a pension under the Firefighter’s Pension Scheme 1992 or the Firefighter’s Pension Scheme 2006.

If you are in any of these categories you may be entitled to an immediate pension or an increased pension. While all remedying legislation is not expected to be in place until October 2023, under the FBU/LGA MoU Framework agreement, once Cheshire

Fire Authority has decided to adopt the MoU framework, it sets out the process to consider your case and take any corrective action.

The meeting with Cheshire FBU followed the recent announcement that the FBU and Local Government Association had agreed a Memorandum of Understanding which is intended to allow Fire Authorities to deal with immediate detriment cases.

The Memorandum of Understanding includes a framework that describes how immediate detriment cases should be handled. As the MOU is not legally binding, the Service intends to report to the Fire Authority's Staffing Committee on 8 November 2021 to explain how it intends to work with FBU to deal with immediate detriment. It expects the Committee to be supportive.

The Service will obviously accept applications from those individuals already in receipt of their pension and also from individuals that have confirmed an impending retirement date. However, the Service is not yet in a position to confirm the processes and timescales outlined in the MOU, although it is working towards this and once agreement has been reached locally we will provide an update with anticipated timescales.

Due to the complexity of immediate detriment cases, and the fact that the software has not yet been configured to calculate benefits in this way, the calculations will need to be manually prepared. To this end the Service is in discussion with its pension provider to establish how immediate detriment cases can be handled accurately and efficiently. It is also really important that correspondence with those affected is as clear as possible and this is part of the discussion. Further information will be provided as the situation becomes clearer, including an explanation about the process and timescales associated with it.

It will be important for those affected by immediate detriment to have time to make an informed decision and where required the opportunity to seek advice

The Service and the FBU have committed to meeting regularly to review the situation and to work together in the best interests of all staff and retirees affected.

If you have any questions, please email payroll.pensions@cheshirefire.gov.uk or contact Jill Swift, Pensions Manager at jill.swift@cheshire.police.uk or [FBU members can contact the FBU Secretary at Andrew.fox-hewitt@fbu.org.uk](mailto:Andrew.fox-hewitt@fbu.org.uk)

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