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To: All Members

Pension Age discrimination remedy – Guide to eligibility

Following the Fire Brigades Unions legal challenge in December 2018, the Court of Appeal ruled in the Sargeant cases that the 'transitional protection' offered to some members of the firefighters' schemes as part of the 2015 public sector pensions reforms gave rise to unlawful discrimination.

The Chief Secretary to the Treasury confirmed the requirement for a legal remedy across all public service pension schemes.

The Public Service Pensions and Judicial Offices Act (the 'PSPJOA 2022') came into force on 1 April 2022 and includes measures that address the discrimination that arose when legacy schemes were closed to certain members in 2015.

A set of central provision definition documents (PDDs) has been developed across public service pension schemes which together describe the rationale, intent and technical changes to public service pensions intended to achieve government policy to remove discrimination resulting from changes made under the Public Service Pension Schemes Act 2013 (the 'PSPA 2013'). Following this, each responsible authority is developing a scheme-specific version of the documents where necessary, which will inform the drafting of secondary legislation.

All eligible members, as defined in the Eligibility PDD, are to be offered a choice, at retirement or death, to receive benefit accrual for any remediable service during the remedy period, from 1 April 2015 to 31 March 2022, based on either legacy scheme or new scheme rules.

The Local Government Association have produced a Factsheet (attached) which provides an explanation of next steps. This factsheet confirms which individuals are eligible for remedy under the terms of the PSPJOA 2022.

Yours in unity,

Mark Rowe
National Officer

MR/jr