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Circular: 2025HOC0121MR

Date: 1 April 2025

To: All Members

Dear Brother/Sister

PROVISION OF REMEDIABLE SERVICE STATEMENTS (RSSs), CORRESPONDENCE WITH DEPUTY PRIME MINISTER AND ADVICE TO MEMBERS

All members who were moved onto the 2015 Firefighters Pension Scheme between 1 April 2015 and 31 March 2022 (the “**Remedy Period**”) were due to receive an RSS by 31 March 2025 explaining their right to choose to return to their legacy scheme for the Remedy Period and what this would mean in regard to their pension entitlement as compared to remaining in their current scheme for this period. The Union has been aware that some administrators have, for several months, been stating that they believe they will miss the deadline. However, the actions contained within this circular could not be undertaken until the deadline had actually been missed.

The Union has been raising our concerns over the delays at each of the respective Scheme Advisory Board meetings directly with those administrators and Government departments responsible.

Whilst it may be of little conciliation to a member still awaiting remedy, it should be noted that the legislation provides that whenever a payment is made to a member as a consequence of the remedy, interest must be added at the tribunal rate of 8% simple. That is what the member will receive as interest, at least until the 29th day after they receive their RSS. In cases of members who have still not received their RSS this interest will continue to accrue.

Letter to Deputy Prime Minister

Please find attached a letter that the Fire Brigades Union General Secretary Bro Wright has sent today 1st April 2025 to the Deputy Prime Minister Angela Raynor, Ministry of Housing, Communities and Local Government (MHCLG) regarding the failure of fire authorities to provide all affected members with Remediable Service Statements (“**RSS**”) by 31 March 2025.

As you will see from the attached, we have requested urgent clarification on this failing from MHCLG. We will provide a further update when we have received a response.

Internal Dispute Resolution Procedure for Complaints and The Pension Ombudsman

Affected members who have not received their RSS can raise a complaint with the Pensions Ombudsman (PO), an independent organisation set up by law to deal with pension complaints. The office of the PO provides a free, although not necessarily always quick, means of determining disputes.

The PO will, if appropriate, make determinations of maladministration and may make awards as appropriate.

Before the PO will investigate a complaint, you **must** have first tried to resolve matters with the party at fault, in this case the scheme administrator. When/if a complaint is made to the PO, you will have to provide evidence that you have raised your complaint with the party you believe to be at fault and given them an opportunity to respond.

The method of raising a pension related complaint within the fire and rescue service is through the Internal Dispute Resolution Procedure (IDRP). The IDRP is normally a two-stage process, referred to as IDRP Stage 1 and IDRP Stage 2.

Stage 1 is the initial complaint.

Stage 2 is the appeal stage brought against the IDRP Stage 1 decision, if the complainant is dissatisfied with the Stage 1 response.

The Scheme Administrator is defined under rule 3 and 4 of the 2014 regulations as being the Fire and Rescue Authority as determined under section 1 of the Fire and Rescue Services Act 2004. The scheme manager is the named person responsible for managing and administering the scheme.

IDRP Stage 1 Complaint

The complaint should normally be made within 6 months of the decision or matter you are complaining about. An individual can register the complaint themselves or ask for a complaint to be taken forward on their behalf, for instance by a trade union official, or it may be brought by a surviving partner.

IDRP Stage 2 Complaint (the appeal process)

The complainant can ask the Administering Authority to take a fresh look at the complaint in any of the following circumstances:

- They are not satisfied with the adjudicator's first-stage decision
- They have not received a decision or an interim letter from the adjudicator, and it is 3 months since they lodged their complaint
- It is one month after the date by which the adjudicator told them (in an interim letter) that they would give a decision, but they have still not received that decision

This review (appeal) would be undertaken by a person not involved in the first stage decision. Again, the complaint must be made in writing, and the Administering Authority will consider the complaint and give their decision in writing.

The Scheme Manager in both Stage 1 and 2 of the IDRP procedure (guidance issued by the Pensions Regulator) has 4 months to respond with their decisions.

If the complainant is still unhappy following the administering authority's stage 2 decision, they can then take their case to the Pensions Ombudsman for formal adjudication provided they do so within 3 years from the date of the original decision (or lack of a decision) about which they are complaining or, if later, within 3 years of when they were aware of the issue they are complaining about or should have been aware of it.

To contact your Firefighters' Pension Scheme administrator please use the link below:

<https://fpsmember.org/contact>

The Scheme Manager (the person to submit an IDRP complaint to) often changes so the email address within the above link can be used to locate the relevant fire and rescue service's contact telephone number or email in order to ascertain the correct person to submit any IDRP Stage 1 complaint to.

A template IDRP Stage 1 complaint is attached.

Yours in solidarity,

A handwritten signature in black ink, appearing to read 'Mark Rowe', with a large, stylized 'M' and 'R'.

Mark Rowe
National Officer

Attached: Letter to the Rt Hon Angela Raynor MR
Template IDRP Stage 1 Complaint

Dear XXXX

**Internal Dispute Resolution Procedure (IDRP) Stage 1 Complaint:
Failure to provide Remediable Service Statement (RSS) by 31st March 2025**

I would like my complaint to be considered under the Scheme's internal dispute resolution procedure as required under Section 50(2) of the Pensions Act 1995. Please treat this letter as my formal request under that legislation. Please respond to me at the address provided.

My personal details are:

- Full name
- Address
- Date of birth
- National insurance number

Detail of my complaint

When the Public Services Pensions and Judicial Offices Act 2022 came into force on 1 April 2022, it set out overarching legislation to address the discrimination identified by the Court of Appeal in the McCloud/Sargeant judgment relating to the transitional arrangements introduced in 2015 to deal with pension reform. The Act confirmed that there would be an 18 month implementation window starting on 1 October 2023 and ending on 31 March 2025 and that during this period, members that were identified as being in scope for remedy would receive a Remediable Service Statement. Regulations were then introduced to give effect to this principle.

Affected members are grouped into one of two categories which is dependent on their status of membership on 30 September 2023, the day before implementation.

Members are either:

1. Immediate Choice members – pensioner members or beneficiaries of affected deceased members
2. Deferred Choice members – active or deferred members

I am **[insert here if you are an immediate choice member or a deferred choice member]**.

[NOTE: In some instances, members who retired on ill-health (referred to as 'Red Cases') have not had their pension remedied nor have they received an RSS, members in this cohort should provide this information within their IDRP Stage 1 complaint]

I confirm that I have not received my RSS by 31 March 2025 as required by the legislation.

Please inform me within the agreed timescales why, and how, you intend to resolve my complaint. I reserve the right to progress my complaint to the Pensions Ombudsman if I am not satisfied with your response.

Yours sincerely