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The Rt Hon Angela Rayner MP
Deputy Prime Minister
Ministry of Housing, Communities and Local Government (MHCLG)
1 April 2025

Dear Angela,

FIREFIGHTERS 2015 PENSION REFORMS (McCLOUD)

We write in relation to public sector pension reforms imposed in 2015. As you are aware, the Court of Appeal ruled in the case of Lord Chancellor v McCloud [2018] EWCA Civ 2844 ("**McCloud**") that the transitional arrangements introduced as part of those reforms were unlawful on the basis that they were age discriminatory in nature. The Fire Brigades Union supported its members in bringing claims challenging these transitional arrangements and following the finding of unlawful discrimination in the Court of Appeal, the Government conceded liability. Since then, the parties have been engaged in extensive settlement negotiations with the cases being stayed to enable them all to be resolved. These cases are now ostensibly concerned with Injury to Feelings only, as a result of legislative changes introduced on 1 October 2023 (the "**McCloud Remedy**").

The McCloud Remedy

To remedy the discrimination identified by the Court of Appeal in McCloud, our impacted members are entitled to retrospectively choose whether they would like their benefits paid back into their legacy scheme between 1 April 2015 and 31 March 2022 (the "**Remedy Period**") or to remain within the current 2015 scheme. As I intimate above, the right to this choice was implemented by regulations introduced on 1 October 2023 that address the financial loss of those who had been discriminated against.

The members concerned are entitled to receive a Remediable Service Statement ("**RSS**") pack with additional supporting information to help them make their decision. They will have a choice, as outlined above, between either:

- Legacy benefits in the Remedy Period and then the Firefighters Pension Scheme 2015 from 1 April 2022 (only applicable for members with service after 1 April 2022).
- Firefighters Pension Scheme 2015 benefits in the Remedy Period and from 1 April 2022 (if applicable).

The regulatory deadline for delivery of RSSs was 31 March 2025. However, some members are now being informed by their scheme managers that a variety of factors make some pension calculations more complex and, as a result, the responsible fire authority will not have issued an RSS to those members by that date.

You will appreciate we have members impacted by the discriminatory transitional arrangements who are already suffering financial loss. In particular, members who have already retired and are currently drawing on their unremedied pension are suffering an immediate detriment. They have important decisions to make on what they choose to do with their pension benefits, and most are likely currently in receipt of a pension that is lower than the amount they are entitled to. Provision of the RSS will therefore have a significant impact on their livelihoods and retirement plans. It is therefore not acceptable for this change to be after 31 March.

Whilst we note that section 29(10)(b) of the Public Service Pensions and Judicial Offices Act 2022 makes provision for the scheme manager to extend the RSS deadline to “such later day as the scheme manager considers reasonable in all the circumstances in the case of a particular member or a particular class of member”, this is a power to grant extensions in relation to particular members or classes thereof only. These Regulations do not create any power for scheme managers to push back the 31 March 2025 deadline generally in relation to members.

Please can you provide some clarity, as a matter of urgency, around the provision of RSSs by local fire authorities and, in particular, the delivery of RSSs to members who have already retired. We need to be able to give our members some reassurance around this. You will no doubt accept that as a consequence of the Court of Appeal judgement, fire authorities have an obligation to act quickly on this. We would be grateful if you could make such enquiries and representations as are in your power to obtain a clear timeframe from the relevant authorities and to emphasise to them the importance of providing these to members in accordance with the statutory deadlines.

We look forward to a timely response. In the meantime, all our rights are reserved including currently advising our members to submit IDPR complaints about the failure of local fire authorities to provide RSS statements within the legislative timeframe.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steve Wright', with a stylized flourish at the end.

Steve Wright
General Secretary

cc: Alex Norris MP Fire Minister MHCLG