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Circular: **2022HOC0159MR**

25 March 2022

To: **All Members**

Dear Brother / Sister

Urgent Action Required – Opted Out of 2015 Scheme

The email below has been received by the Fire Brigades Union (FBU) this morning (25 March 2022) at 08:50hrs from the Local Government Association (LGA) Firefighter Pensions Advisor. It requires your immediate attention.

> *'We are aware that, due to the pension changes in 2015 and the subsequent introduction of FPS 2015, several firefighters chose to opt out of the pension scheme rather than transition into FPS 2015. Government has recognised in its consultation response that some members would have taken a different course of action had they known that continued membership of their legacy scheme (FPS 1992, FPS 2006 including special members) during the remedy period was an option. Government therefore intends to legislate for decisions such as this through the contingent decision aspect of the retrospective legislation.*
>
> *Although the final policy on this matter is yet to be determined, and we cannot provide any guarantees that a particular case will be deemed a contingent decision, we thought it would be prudent to bring the following to your attention so that action can be taken where required.*
>
> *It is LGAs understanding, that contingent decisions only cover the remedy period i.e. 01/04/2015 to 31/03/2022. This means that should a member remain opted out beyond 01/04/2022 they may, under retrospective legislation, be given the option to buy back their opt out service which occurred during the remedy period. However, it is unlikely that regulations will permit them to buy back service post 31/03/2022. This therefore means, that their pension will remain deferred with a payment age of 60 for FPS 1992 and 65 for FPS 2006 (special members have a deferred payment age of 60), regardless of whether they buy back the opt out service during the remedy period.*

/Cont……

If your members are intending to buy back their opt out service for the remedy period, as they want to retire as an active member, then they may wish to speak with their pension/payroll department and arrange to be opted back into the firefighters pension scheme on or before 01/04/2022.

We strongly advise that this message is shared with firefighters and that the matter is brought to their immediate attention.'

All FRSs have been instructed by the LGA to immediately notify all of their staff of the contents of the above email. The FBU has raised concerns as to the extremely late notice and the fact that members may be on sick-leave or annual leave and may not immediately see the notification from the FRS. It is the view of the union that any member who does not become aware of this information until after 31 March 2022, MUST be allowed the option to opt in as detailed above and be treated as if they had opted in within the timescales detailed within the email. Affected members must contact their FRS immediately.

Yours in unity.

Mark Rowe
National Officer

MR/jh