

# McCloud Remedy Project

October 2024

Legislative amendments are being made to the Firefighters Pension Scheme to remedy age discrimination included within previous Scheme reform. It is expected that the legislation will come into force in October 2023 following which FRAs will be expected to commence the retrospective remedy. The table below sets out those affected by the retrospective remedy.

Cohort – Immediate Choice	Number of Members
Ill-Health retirements (Immediate Choice Group 1)	9
Death Beneficiaries (Immediate Choice Group 2)	2
Active Members (Deferred Choice Group 3)	218
Deferred Members (Deferred Choice Group 4)	77
Unprotected and Tapered Protection Pensioners (Immediate Choice Group 5)	29
Protected 2006 Scheme Pensioners (Immediate Choice Group 6)	7
Protected 1992 Scheme Pensioners (Immediate Choice Group 7)	69
<b>Total</b>	<b>411</b>

## Guidance from LGA on timetable

Pensioner Member	Indicative timetable to receive RSS
Ill Health Pensioner	October 2023 to June 2024
Beneficiaries (ill health, taper protected and unprotected)	October 2023 to June 2024
Taper Protected Pensioner	October 2023 to November 2024
Unprotected Pensioner	October 2023 to November 2024
Protected Pensioner (2006 Scheme)	May 2024 to January 2025
Beneficiaries (Protected members 1992 and 2006 Scheme)	August 2024 to March 2025
Protected Pensioner (1992 Scheme)	October 2024 to March 2025

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## Milestones

Milestones	Date	RAGB	Commentary
Active members transferred to FPS 2015	01/04/2022	●	
Issue warm up letters to active members affected by Sargeant / McCloud prospective remedy	30/11/2022	●	Any returned letters subject to trace and resent
Identify IQMP (Ill Health cases) and review	30/06/2024	●	Nine cases identified.  IQMP decision approved by Chief Fire Officer in consultation with the Director of Finance and Support Services.
FRA to provide service, service break and financial data for remedy period to administrator	31/07/2023	●	Administration team have now received revised service, breaks and financial data from West Sussex FRA's payroll team.  All data now provided by West Sussex payroll.
Issue further warm up comms / arrange workshops for members affected by Sargeant / McCloud prospective remedy.	31/12/2023	●	Warm up comms sent by administration team (December 2023) to all in scope members.
Identification of cohorts	31/05/2023	●	See table of affected members above.
Administrator to upload of financial and service data onto member records	30/09/2023	●	The admin team have finished their review of the service and breaks data provided, for West Sussex Fire members, who qualify for Remedy – this data is now ready to be uploaded to Live system.
Administrator to implement new calculations and other software updates	01/10/2023	●	Since 4 October, the administration system has allowed the payment of benefits under both the 'legacy' position.

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Milestones	Date	RAGB	Commentary																								
Immediate Choice cohort communication, calculations, and implementation by administration team	01/10/2023 31/03/2025	●	<p>There are 9 ill health retirees and 2 beneficiaries of firefighters who have passed away who form the priority group for WSFR&amp;S.</p> <p>The administration team sent letters to all cases by 30 June 2024.</p> <p>Six elections from ill health retirees and Beneficiaries received.</p>																								
Deferred Choice Remedial Service Statement issued	01/10/2023 01/04/2025	●	<p>The position at 31 August for the RSS-ABS is as follows:</p> <table border="1"> <thead> <tr> <th></th> <th colspan="5">RSS-ABS statements at 31 August 2024</th> </tr> <tr> <th>WS Fire</th> <th>Expected</th> <th>Produced</th> <th>Number missing</th> <th>Percentage produced</th> <th>Percentage missing</th> </tr> </thead> <tbody> <tr> <td>Actives</td> <td>243</td> <td>240</td> <td>3</td> <td>98.77%</td> <td>1.23%</td> </tr> <tr> <td>Deferreds</td> <td>115</td> <td>67</td> <td>48</td> <td>58.26%</td> <td>41.74%</td> </tr> </tbody> </table> <p>The active and deferred RSS-ABS statements produced were published on the Member Portal on 30 August. Hard copies were sent out to active members on 30 August. Hard copies are being sent to deferred members this week.</p>		RSS-ABS statements at 31 August 2024					WS Fire	Expected	Produced	Number missing	Percentage produced	Percentage missing	Actives	243	240	3	98.77%	1.23%	Deferreds	115	67	48	58.26%	41.74%
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Contingent Decision case	30/09/2024	●	<p>One Contingent Decision claim from a Firefighter, where a report is being prepared and will be sent to the Scheme Manager in line with the Contingent Decision Policy.</p>																								

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## Issues and risks

### Key Issue or risk

Latest update on issues (including change requests) and risks related to the Work Package

- 1. RESOURCING RISK:** Whilst the admin team have increased resources to deal with the McCloud work, the impact of member enquiries and system changes is unknown. There is also a concern about the Local Government Associations resource to provide Authorities with the tools and guidance to deliver Remedy.
- 2. SCOPE RISK:** Regulations and supporting systems / tools are still to be clarified and provided.

## Resources and costs

### Key resourcing and costs agreed / to be agreed

Resourcing in place / to be in place and estimated costs

- Payroll resource to be put in place
- Administration team resource
- Finance team for accounting adjustments and tax notifications

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## Future decisions

### Key future decisions required to deliver project

Latest update on potential future decisions and when these will present

#### Under and Overpayments

Where an overpayment has been identified, the overpayment must be repaid to the Scheme and Schemes may then decide whether to waive all or part of any such overpayment / liability having regard to the circumstances of the member and (if different) the person of whom the amounts are to be recovered. The following are considered relevant:

- Whether the liability has arisen as a result of an immediate choice or a deferred choice election
- Whether the member is deceased
- Whether, in the reasonable opinion of the scheme manager, payment of the liability in full or part would result in unreasonable hardship; and
- Whether, in the reasonable opinion of the scheme manager, there are any other exceptional circumstances which mean the liability should not be paid in full or in part.

It has previously been recommended that the Fire Authority look to recover any overpayment, with the option for this to be over instalments, and where requested reviewed on a case by case basis that financial hardship and/or additional exceptional circumstances are considered.

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