

TITLE: Section 29(10)(b) – Extension of Statutory Deadline for Issuing of Remediable Service Statements

REPORT OF: Senior Pension Advisor

REPORT TO: CFO Hancock as Scheme Manager

DATE: 31 March 2025

1. PURPOSE

- 1.1. The purpose of this paper is to request the scheme manager considers the application of section 29(10)(b) as per Public Services Pensions and Judicial Offices Act 2022 and extend the statutory deadline of issuing remediable service statements for particular classes of members.

2. BACKGROUND

- 2.1. Public Services Pensions and Judicial Offices Act 2022 came into force on 1 April 2022, it set out the legislative requirements for the implementation of the age discrimination remedy. One of these actions is to provide members with a Remediable Service Statement (RSS).
- 2.2. Section 29(1) of the Act states- “Scheme regulations for a Chapter 1 legacy scheme must make provision requiring the scheme manager to provide a statement (a “remediable service statement”) in respect of each member of the scheme who has relevant service.”
- 2.3. A Remediable Service Statement (RSS) is a document which sets out the alternative pension benefit that a member is entitled to under their choice of remedy benefits (i.e. reformed or legacy).
- 2.4. There are two types of RSS;
- **Deferred choice (DC) RSS** - (active and deferred members) – sets out current pension that has been built up and the alternative option of electing for reformed or legacy at retirement.
 - **Immediate choice (IC) RSS**- (retired members) - sets out current benefits that the member is receiving and will show you the alternative option that is available to them.
- 2.5. Titled “Immediate choice” as the member is retired and will have the immediate choice of electing for different pension benefits. For example, a member may opt for a 1992 pension for the remedy period as opposed to the 2015 pension. These retired members may currently be receiving a pension that is less than what they would be entitled to and will be waiting for this document.

3. STATUTORY DEADLINE

- 3.1. -RSS deadline is 31 March 2025, as per Section 10(1)(a) of the Act is “the day after the final day of the period of 18 months beginning with the day on which section 2(1) comes into force”
- 3.2. As the act came into force on 1 October 2023 the statutory deadline to provide RSS is 31 March 2025. Failure to meet this deadline will be classed as a breach.

4. EXTENSION TO THE STATUTORY DEADLINE

- 4.1. Section 29 (10) (b) of the Act does provide that the 31 March 2025 deadline can be extended 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”.
- 4.2. There is no statutory process needed to invoke Section 29 (10) (b); however, with any discretion there should be a documented decision-making process. In the case of this discretion, the scheme manager should consider if there is something outside their control that means they cannot reasonably calculate a correct RSS.
- 4.3. LGA have provided the following list, though not exhaustive, of circumstances that they believe could warrant an extension.
 - GAD guidance for a transfer/divorce
 - A club transfer from another public sector scheme
 - An ill-health re-assessment
 - Data from a previous FRA or administrator
 - Accuracy of data (if this is not something within the scheme managers control, such as historic record keeping from a previous administrator)
 - Individual is involved in both the Matthews and Sargeant remedy and have not yet been able to make their Matthews election, so has a direct impact on their Sargeant remedy choice.
 - Some other policy issue arising

5. CUMBRIA FIRE SERVICES CASES

- 5.1. Our administrators, LPPA, are reporting the following IC-RSS cannot be produced due other factors;

Membership Classification	Description	Number of Members
Matthews 2	Matthews 2 must be completed before McCloud Remedy can be applied. Some members are awaiting an update of GAD information.	33
Divorce	Although some guidance has been received – further clarity from GAD is required.	2
Both Options are Less	Detailed investigation is required to understand the benefits in payment of a member	1

- 5.2. For completeness, LPPA last reported that there was 91 cases where it was in the control of the scheme manager to issue an RSS and these cannot be extended. Once final figures are reported to CFRS a decision will be required as to whether this is a material breach and requires reporting to the pension regulator.
- 5.3. Whilst it will be CFRS to consider their own circumstance, LPPA are stating all other fire clients with them have agreed to the extension.

6. RECOMMENDATION

- 6.1. It is recommended that the scheme manager uses the discretion to extend the statutory deadline for the above cases.
- 6.2. For Matthews and Modified, it is recommended the deadline is extended to 31 March 2026. The rationale behind this is that this the deadline on the Matthews exercise. We would expect LPPA to issue RSS as soon as they are able, but the 31 March 2026 is the backstop date.
- 6.3. For Divorce cases, it is recommended an extension of 6 months, being 30 September 2025. Although the guidance is now available it is not fully understood. The 6-month extension is reasonable to provide LPPA with additional time on these cases, but also reasonable for members to have a time when they can expect the RSS to be provided.
- 6.4. For Both “Options are Less” an extension of 6 months to allow LPPA to carry out manual calculations and for CFRS make any necessary decision on recovery of overpayment.