

Circular



Circular number:	W-FRSC(2024)01	Date issued:	11 January 2024
------------------	-----------------------	--------------	-----------------

Status:	For Action
---------	------------

Title:	The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024
--------	--

Issued by:	Cerys Myers Fire Services Branch
------------	-------------------------------------

Addressed to:	Please forward to:
Chief Fire Officers	Treasurers Pensions Officers Scheme Administrators

Summary
This circular provides details of the introduction of the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024 from 1 February 2024. It requires immediate action.

For further information contact:	
Fire Services Branch Welsh Government Rhydycar Merthyr Tydfil CF48 1UZ	Direct Line: 0300 062 8679 Fax: 0300 0258869 E-mail: fire@gov.wales Website: Fire and rescue

Introduction

1. This circular advises Fire and Rescue Authorities of the introduction of the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024, which:
 - extends the period during which persons who were employed in Wales as retained firefighters have access to a pension scheme
 - provides that firefighters who sustain injuries under certain types of secondary contracts, with the same Fire and Rescue Authority, receive compensation awards which are commensurate with the level of their service and pay under their primary contract of employment.
2. It also provides a copy of the Summary of Responses to the consultation of our proposals for the above between July and October last year. The key matters raised by respondents to the consultation, and the Welsh Government's response to those (including any resultant changes to the provisions themselves) are covered in detail within our consultation response which can be viewed [here](#).

The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024

3. The Order is available [here](#). The provisions for extending RDS pensions include:
 - clear eligibility parameters, and the period of entitlement (which covers all past continuous service up to 31 March 2015),
 - a requirement for FRAs to undertake a second options exercise to be completed within an 18-month period, inviting eligible individuals to decide whether they want to purchase pension rights for their RDS service,
 - the calculation of the pensionable pay and pensionable service of eligible individuals,
 - payment arrangements for employee contributions owed, subject to interest and taking into account tax relief entitlement,
 - the provision of member benefits and personal awards, including specific provisions relating to ill-health retirement, and survivor's special death grant,
 - dealing with associated matters such as pension transfers, pension conversion, and ensuring the 30-year maximum service cap is not to be breached.

Schedule 1 to the Order amends the 2007 Pension Scheme as follows:

- Paragraphs 1 and 2 amend Parts 1 (title and interpretation) and 2 (scheme membership, cessation and retirement) of the 2007 Pension Scheme to provide for the extended limited period.
- Paragraph 3 amends Part 3 (personal awards) of the 2007 Pension Scheme to provide for applications for recalculations of retrospective awards on ill-health retirement where a person purchases service in relation to the extended limited period.
- Paragraph 4 inserts new rules 1B and 1C into Part 5 (awards on death) of the 2007 Pension Scheme to provide for the award of death grants in relation to the extended limited period.
- Paragraph 5 makes minor amendments to Part 10 (qualifying service and pensionable service) of the 2007 Pension Scheme to reflect the extended limited period.

- Paragraph 6 inserts new rules 5B, 5C, 6D and 6E into Part 11 (pensionable pay, pension contributions and purchase of additional service) of the 2007 Pension Scheme. They provide for the purchase of service during the extended limited period and make provision in relation to payments to an authority for that service.
- Paragraph 7 amends Part 12 (transfers into and out of the Scheme) of the 2007 Pension Scheme and inserts rules 19 and 20 into that Part, to provide for the conversion of service purchased during the extended limited period. It also provides for cases where a conversion decision was made previously, and service is now purchased during the extended limited period.
- Paragraphs 8 and 9 amend Part 14 (payment of awards) and Annex 1 (ill health pensions) of the 2007 Pension Scheme respectively to make provision relating to the extended limited period.
- Article 3 of this Order makes a consequential amendment to the Firefighter's Pension Scheme (Wales) 1992, which is set out in Schedule 2 to the Firemen's Pension Scheme Order 1992.

Online Calculator

4. The Government Actuary's Department (GAD) is developing an online calculator and user manual to support FRAs to calculate the past service costs to eligible members who are considering joining the modified scheme. Further information will be provided once it is available.

Changes to the Firefighters' Compensation Scheme

5. This Order also amends the **Firefighters' Compensation Scheme (Wales) Order 2007**. Schedule 2 amends Schedule 1 to that Order to allow awards to be made in relation to injury sustained while a person is performing certain duties under a secondary employment with the same fire and rescue authority.
 - For firefighters with secondary employment to respond to an emergency of a type mentioned in section 7 of the Fire and Rescue Services Act 2004, or articles 2, 3 or 3A of the Fire and Rescue Services (Emergencies) (Wales) Order 2007 with the same FRA, an injury sustained in the performance of duties responding to such incidents will be treated as if it were an injury sustained under their employment as a regular or retained firefighter. A common example of this would be USAR technicians.
 - For a regular firefighter with a secondary employment with the same FRA as a retained firefighter, an injury sustained in the performance of their retained employment would be treated as if it were sustained under their employment as a regular firefighter.

Timing

6. Scheme Managers and administrators are required to implement the changes from **1 February 2024**. The provisions set out the key timings for the second options exercise to be completed within 18 months. FRAs should be aware that the first of those, require FRAs to notify eligible individuals of their entitlement to join the scheme before **30 April 2024**.

7. Note that the changes to the Compensation Scheme do not have retrospective effect and there is no need to re-examine past cases.

Cerys Myers
Fire Services Branch