

# Amendments to the Northern Ireland Firefighters' Pension Schemes and Compensation Scheme

## Consultation

**4 September 2024**

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## 1. INTRODUCTION

1.1. This consultation paper sets out a number of policy proposals in respect of suggested changes to the firefighters' pension schemes and compensation scheme.

1.2. It contains proposed amendments to the:

- The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 ("the Remediable Service Regulations");
- The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015 ("the 2015 Regulations");
- The New Firefighters' Pension Scheme Order (Northern Ireland) 2007 ("NFPS");
- The Firefighters' Pension Scheme Order (Northern Ireland) 2007 ("FPS"); and
- The Firefighters' Compensation Scheme Order (Northern Ireland) 2007 ("FCS").

1.3. This consultation document seeks views on these policy proposals and whether the proposed draft set of regulations achieve the policy intentions.

1.4. This consultation will be open for views from 4 September 2024 to 29 October 2024.

## **2. AMENDMENTS TO THE FIREFIGHTERS' PENSIONS (REMIABLE SERVICE) REGULATIONS (NORTHERN IRELAND) 2023**

- 2.1. The Public Service Pensions and Judicial Offices Act 2022 (PSPJOA 2022) provides an overarching framework to allow public service pension schemes, including devolved pension schemes in Northern Ireland, to remedy the impact of unlawful age discrimination. That discrimination arose due to certain transitional arrangements put in place when public service pension schemes (including the firefighters' schemes) were reformed between 2014 and 2016.
- 2.2. Secondary legislation was also required to amend the rules of each affected public service pension scheme to implement the remedy for their members. The remedy was designed to be delivered in two stages: the first to bring the discrimination to an end (the prospective remedy) from 1 April 2022, and the second, to be implemented on 1 October 2023, to remedy the discrimination that had taken place between 1 April 2015 and 31 March 2022 (the retrospective remedy).
- 2.3. The Department of Health ("the Department") introduced the first stage, the prospective remedy, through the Firefighters' Pension Schemes (Amendment) Regulations (Northern Ireland) 2022, which came into effect on 1 April 2022. Since that date, all firefighters have been members of the 2015 reformed pension scheme. The second stage to deliver the retrospective remedy was introduced through the Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 which came into operation on 1 October 2023.
- 2.4. Regulations are now required to address minor errors in the remediable service regulations and to add a provision that was omitted. The proposed amending regulations achieve the policy outcomes that were decided during the consultation process for the retrospective remedy.

- 2.5. The omission relates to circumstances specific to the firefighters' pension scheme that do not occur in other public service schemes and apply to a very limited cohort of members. The new provision provides for the re-assessment of entitlement to ill-health benefits for special scheme members with remediable service.

## **AMENDMENTS TO THE FIREFIGHTERS' PENSION SCHEMES AND COMPENSATION SCHEME**

### **3. EARLY PAYMENT REDUCTION – DEFERRED MEMBERS – 2015 REGULATIONS**

- 3.1. In October 2014 the Department consulted on proposals for a new NI Firefighter's Pension Scheme. This resulted in the 2015 Regulations being made which came into operation on 1 April 2015.
- 3.2. The consultation provided details of the proposed scheme benefits which included 'retirement from the scheme's Normal Pension Age of 55 for all active members – all other members will have their 2015 scheme benefits actuarially reduced on a cost neutral basis from the scheme's deferred pension age'. The deferred pension age in the 2015 firefighters' pension scheme is the same as a person's state pension age. The policy proposal was to enable deferred members to take their pension from the age of 55 with actuarial reductions, however, while the regulations do allow for a 'request' for an early reduced payment from age 55 for a deferred member there are no provisions as to how it is reduced.
- 3.3. Regulations are now required to address this ambiguity. The proposed draft regulations provide for early retirement (actuarially reduced) for deferred members once they have reached normal pension age and before they have reached deferred pension age. This will achieve the policy outcomes that were decided during the original consultation process.

#### **4. EMPLOYER INITIATED RETIREMENT AND EMPLOYER ADDITIONAL CONTRIBUTIONS – 2015 REGULATIONS**

4.1. The England equivalent of the 2015 Regulations has a normal pension age (NPA) of 60 rather than 55 as in Northern Ireland (NI). Their regulations therefore include provision to enable employers to initiate retirement before the NPA but at or after 55, without early payment reduction. As there would still be a cost to paying the retirement pension before NPA, then under these circumstances, the employer would cover the additional costs rather than the member.

4.2. This provision has been replicated in the NI 2015 Regulations but is inapplicable due to the difference in NPA. The Northern Ireland Fire and Rescue Service (NIFRS) concur with our assessment of the regulations and for the necessity to remove this provision from the 2015 Regulations.

#### **5. MEDICAL APPEAL PROCESS PAPERS – 2015 REGULATIONS, NFPS, FPS AND COMPENSATION SCHEME**

5.1. Firefighters' pensions and compensation scheme legislation sets out the process for a member to appeal the Scheme Manager's decision on entitlement to awards on medical grounds if the member is dissatisfied with the Scheme Manager's opinion. The Department of Health is responsible for appointing an Independent Medical Referee (IMR) to consider the medical appeals.

5.2. The legislation currently requires the Department to act as a conduit for medical appeal documents between NIFRS and the IMR. However, the Department has no requirement to have access to these records other than to comply with the legislation. The amendments will provide for NIFRS and the IMR to correspond directly in relation to medical appeal correspondence.

## **6. PAYMENT OF AWARDS – COMPENSATION SCHEME**

- 6.1. Currently the FCS provides for a pension or allowance payable under the scheme to be paid in advance at such reasonable intervals as the NIFRS Board may determine. This process does not align with the provisions across the FPS, NFPS or the 2015 Regulations which allow for payment in arrears. This results in people with awards from the compensation scheme and the pension schemes receiving different elements of their payment at different times.
- 6.2. To ensure a much simpler and more efficient process, and to reduce additional expenses and resource requirements for the administrator, it is the Department's intention to align the process across the schemes by removing the requirement to make the payment in advance.

## **7. OTHER AMENDMENTS**

- 7.1. The Department is also taking this opportunity to continue its work of ensuring that all the firefighters' pension schemes work as intended. The areas which currently require minor amendment are very limited and are detailed in the draft regulations.

## 8. CONSULTATION QUESTIONS

- 8.1. **Question 1** – Are you content that the proposed amendments to the Firefighters’ Pensions (Remediable Service) Regulations (Northern Ireland) 2023 help to ensure that the original policy intent is achieved? If not please provide reasons.
- 8.2. **Question 2** – Are you content that the proposed amendments in relation to deferred members will now allow them to access their pension early with the appropriate reductions? If not please provide reasons.
- 8.3. **Question 3** – Are you content that the proposed amendments in relation to employer initiated retirement and employer additional contributions are appropriate? If not please provide reasons.
- 8.4. **Question 4** – Are you content that the Department is removed from the day to day operation of the medical appeal process? If not please provide reasons.
- 8.5. **Question 5** – Are you content that payments of compensation scheme awards should no longer be required to be paid in advance? If not please provide reasons.
- 8.6. **Question 6** – Can you foresee any challenges to the administration of the pension schemes with regard to the proposed draft regulations?
- 8.7. **Question 7** - Are you aware of any equality issues not covered here?



## **9. CONCLUSION AND NEXT STEPS**

- 9.1. The Department is now seeking your views on the proposed amendments to the Firefighters' Pension Schemes and Compensation Scheme regulations.
  
- 9.2. We will use your responses to the questions detailed in this consultation to consider our next steps and the proposals we have outlined. A Departmental response to this consultation will be issued after analysis of the responses received.

## 10. EQUALITY IMPACT

10.1. Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity:-

- between persons of different religions belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependents and persons without.

10.2. The Department's Equality Screening Exercise initial conclusion has determined that the proposed changes do not differentially impact on any of the Section 75 groups. All members will have equal access irrespective of any protected characteristic that may apply to them.

10.3. However, the Department would like to take this opportunity to ask stakeholders the following questions in relation to equality:-

Q1. Are the actions/proposals set out in this consultation document likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the Northern Ireland Act 1998? If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals.

Q2. Are you aware of any indication or evidence – qualitative or quantitative – that the actions/proposals set out in this consultation document may have an adverse impact on equality of opportunity or on

good relations? If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.

Q3. Is there an opportunity to better promote equality of opportunity or good relations? If yes, please give details as to how.

Q4. Are there any aspects of this action plan where potential human rights violations may occur?

10.4. The equality screening analysis will be reviewed based on responses received during the consultation.

## **11. PRIVACY, CONFIDENTIALITY AND ACCESS TO CONSULTATION RESPONSES**

11.1. For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice (**Annex A**).

11.2. Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR) (EU) 2016/679.

11.3. If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

## 12. HOW TO RESPOND

12.1. If you wish to comment on the proposals contained within this document, please submit responses to the address below.

12.2. Additional copies of the consultation package can be obtained by contacting DoH Pensions Unit either by email or in writing to the addresses below. Copies can also be downloaded from the consultation section of the Department's website.

12.3. If you require any of these documents in another format or language, please contact the DoH Pensions Unit.

12.4. The closing date for comments is 29 October 2024. Responses received after this date will only be considered in extreme circumstances and with prior agreement from the Department.

12.5. Please address any queries you may have regarding this consultation to DoH Pensions Unit.

By e-mail: [Firefighterspensions@health-ni.gov.uk](mailto:Firefighterspensions@health-ni.gov.uk)

In writing: DoH Pensions Unit  
Department of Health  
Annex 4  
Castle Buildings  
Stormont Estate  
Belfast  
BT4 3SQ

12.6. Please ensure that the completed response includes: your name, organisation (if relevant), address and telephone number, and whether your comments represent your own view or the corporate view of your organisation.

## **ANNEX A**

### **PUBLIC CONSULTATION PRIVACY NOTICE**

Data Controller Name: Department of Health (DoH)

Address: Annex 4, Castle Buildings, Stormont, BELFAST, BT4 3SQ

Email: [Firefighterspensions@health-ni.gov.uk](mailto:Firefighterspensions@health-ni.gov.uk)

Data Protection Officer Name: Charlene Maher

Telephone: 02890 522353

Email: [DPO@health-ni.gov.uk](mailto:DPO@health-ni.gov.uk)

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act \(DPA\)](#) and the [UK General Data Protection Regulation](#) (UK GDPR). The Department of Health (DoH) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

#### **Purpose for processing**

We will process personal data provided in response to consultations for the purpose of informing the development of our policy, guidance, or other regulatory work in the subject area of the request for views. We will publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

## **Lawful basis for processing**

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the UK GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation when it is necessary for reasons of substantial public interest under Article 9(2)(g) of the UK GDPR, in the exercise of the function of the department, and to monitor equality.

## **How will your information be used and shared**

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

## **How long will we keep your information**

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [Good Management, Good Records](#) (GMGR).

## **What are your rights?**

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)

- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- You have the right to [object to the processing](#), in specific circumstances
- You have rights in relation to [automated decision making and profiling](#).

### **How to complain if you are not happy with how we process your personal information**

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
[casework@ico.org.uk](mailto:casework@ico.org.uk)