

Minutes

Executive Committee

Date: 03 August 2020

Time: 10.00 am

Venue: Fire and Rescue Headquarters, Birkenshaw

Present: Councillor D O'Donovan (in the chair), R Grahame, P Harrand, K Renshaw (as substitute for Councillor S Tulley) and A Tait

In Attendance: None

Apologies: Councillors J Sunderland and S Tulley

1 Minutes of the last meeting

RESOLVED

That the Minutes of the last meeting held on 17 June 2020 be signed by the Chair as a correct record.

2 Matters arising

None.

3 Urgent items

None.

4 Admission of the public

There were no items which required the exclusion of the public and press.

5 Declarations of interest

There were no declarations of disclosable pecuniary interest made in any matter under consideration at the meeting.

6 Emergency Services Mobile Communications Programme – Assurance partner

Consideration was given to a report of the Director of Service Support which updated the Committee on the decision to award West Yorkshire Fire and Rescue Service (WYFRS) assurance partner status for the Emergency Services Mobile Communication programme (ESMCP).

It was reported that the decision had been relayed to the Chief Fire Officer on 21 July 2020 and the award of the status would bring extra funding of £345k to West Yorkshire Fire and Rescue Service to assist transition to the mobilisation phase of the project. This funding was in addition to the £1.5m already provided to Yorkshire and Humber Fire and Rescue Services for delivery of the new programme to replace Airwave. The new programme would allow greater interoperability between all emergency services across the country and would impact on 50,000 vehicles, 200 control rooms and 115 aircraft.

Members were advised that West Yorkshire was only one of five emergency services nationally to be awarded the status of assurance partner and it was reported that the status would also provide access at an early stage to technical experts already working on the programme.

To fulfil the role of assurance partner, it was reported that 4 fixed term temporary 18-month appointments would be required in addition to the extension of an existing temporary post on the ICT service desk to January 2021 to support the infrastructure during the validation period. The posts would be fully funded from the monies awarded by the programme.

It was reported that the programme was intended to be fully implemented nationally by 2024 and the business case would be signed off in February 2021.

Members raised the following specific issues;

- Pride in West Yorkshire Fire and Rescue Service as being one of five emergency services to be invited to be an assurance partner
- Possible additional ongoing costs after full implementation
- Possible slippage of the scheme
- Impact on Tri-Service collaboration arrangements
- Transition arrangements from Airwave to the ESN (Emergency Services Network), and
- Importance of recruitment of the best available technical expertise

RESOLVED

- a) That the report be noted,
- b) That approval be given to the creation of four additional temporary post for 18 months subject to a full job evaluation, and

- c) That the temporary post of Service Desk support officer be extended for a further six-month period as detailed in the report now submitted.

Chair

DRAFT

EXCLUSION OF THE PUBLIC - SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED : That the public be excluded from the meeting during the item of business specified below as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this time, there would be disclosure to them of exempt information of the description respectively specified.

| AGENDA ITEM NO. | TITLE OF REPORT | MINUTE NUMBER (to be added) | Description of exempt information by reference to the paragraph number in Schedule 12a of the Local Government Act 1972 |
|------------------------|------------------------|--|--|
| None | | | |
| | | | |

Disclosure of Disclosable Pecuniary Interests (DPI's)

- 1 Members present at the meeting who are aware that they have a DPI in a matter being considered must disclose the details of that DPI to the meeting unless it is already recorded on the Authority Members DPI Register.
- 2 Any Member with a DPI may not participate in any discussion or vote and under Authority Standing Orders is required to leave the meeting during any discussion or vote unless they have been granted a dispensation from exclusion from the meeting by the Executive Committee or in certain circumstances by the Monitoring Officer before any consideration of the item by the committee starts.

Footnote:

- (1) Members are referred to the Authority Constitution and to the provisions of sections 30-34 of the Localism Act 2011 and to the statutory regulations made thereunder which define the meaning of a DPI.
- (2) Members are reminded of the potential criminal sanctions and disqualification provisions under Section 34 of the Act applicable to breaches of disclosure and non- participation requirements.
- (3) A Member with a sensitive DPI need not disclose the details of that interest with the Monitoring Officers agreement but must still disclose the existence of a DPI and must withdraw from the meeting.

Application for dispensation to vote

Attached is a blank “application for dispensation” form which Members of the Committee may use to seek the grant of an individual dispensation on any item on the agenda.

Where possible, the completed form should be returned to the Monitoring Officer in advance of the meeting so that he can consider whether a dispensation should be granted. Block dispensations affecting a significant number of Members will be referred to the Executive Committee for approval, if time permits.

West Yorkshire Fire and Rescue Authority

Sections 31 and 33 Localism Act 2011

Member Participation & Voting Dispensation Request

Section for completion by Member

Name of Member:

Correspondence/ email address:

Dispensation applied for: (1) Participation (2) Voting (3) Both

Details of Meeting/agenda Item:

Full details of why you are applying for a dispensation:

Signed:

Dated:

Please send your application to the Monitoring Officer at Fire & Rescue Service
Headquarters Birkenshaw BD11 2DY – Michael.barnes@westyorksfire.gov.uk

Section for completion by Monitoring Officer:

No in Register:

Received on:

Granted/ Refused

Reasons for refusal / Statutory Grounds relied upon for grant:

OFFICIAL

Firefighters Pension Scheme - Consultation Response

Executive Committee

Date: 9 October 2020

Agenda Item:

6

Submitted By: Chief Employment Services Officer

| | |
|------------------------|---|
| Purpose | To set out a proposed response to the Government's consultation on reforms to the Firefighters Pension schemes. |
| Recommendations | It is recommended that Members note and approve the FRAs consultation response. |
| Summary | On Thursday 16th July HM Treasury (HMT) published a consultation on proposals to bring the unfunded public service pension schemes in line with the result of the McCloud/Sergeant case by removing the age discrimination resulting from the limitations of the protections to older members, together with an update on the employer cost cap process. Employers were invited to respond to the consultation. |

Local Government (Access to information) Act 1972

Exemption Category: None

Contact Officer: Claire Johnson, Pensions Manager

Background papers open to inspection: None

Annexes: Annex 1 - Suggested Response

Annex 2 – Public service pension schemes: changes to the transitional arrangements to the 2015 schemes Consultation.
[Link to document](#)

1 Introduction

- 1.1 On Thursday 16th July HM Treasury (HMT) published a consultation on proposals to bring the unfunded public service pension schemes in line with the result of the McCloud/Sergeant case by removing the age discrimination resulting from the limitations of the protections to older members, together with an update on the employer cost cap process. Employers were invited to respond to the consultation. This paper sets out a suggested response.

2 Information

- 2.1 Following a long-standing dispute, the FBU issued proceedings in the Employment Tribunal disputing the lawfulness of changes made to the firefighter pension schemes in 2015. These claims concerned the issue of whether the transitional protections in the 2015 Fire Pension Scheme (FPS), which provide protections based on age allowing older members to remain in their former final salary scheme, are age discriminatory (other claims were made but it is the age discrimination claim which is the primary one).
- 2.2 In December 2018 the Court of Appeal found that the transitional protections unlawfully discriminated on age and the case has therefore returned to the Employment Tribunal for it to determine remedy. The Employment Tribunal has now made an order regarding this matter. The Order is only an interim order and does not bind the parties beyond the limited interim period before the final declaration. It was agreed by all parties and the main points of it and considerations for FRAs are as follows.
- 2.3 On Thursday 16th July HM Treasury (HMT) published a consultation on proposals to bring the unfunded public service pension schemes in line with the result of the McCloud/Sergeant case by removing the age discrimination resulting from the limitations of the protections to older members, together with an update on the employer cost cap process. These were accompanied by a statement from the Chief Secretary to the Treasury.
- 2.4 The major proposals by HMT are that:
- Protections will be extended to cover all unfunded scheme members who were in active scheme membership on 31st March 2012 and have membership in the reformed schemes (without a 5 year break) regardless of whether they have made a claim to a tribunal on this matter
 - Protection will take the form of the right to membership of the relevant unfunded final salary scheme during the protected period which runs from 1 April 2015 to 31 March 2022
 - Protection will be backdated for qualifying members even if they have left the scheme since the start of the protected period

- Accrual in all unfunded final salary schemes for existing and new protected members will cease at the end of the protected period 31 March 2022
- Protected members will be given the opportunity to elect for benefits accrued during the protected period to be calculated on a CARE basis as an alternative to protected final salary benefits
- There are two proposals for when the election is to be made – immediate (soon after the proposals are in force) or deferred (when the member takes their benefits)

2.5 Employers were invited to respond to the consultation and to that end, the following specific questions were posed:

- Question 1: Do you have any views about the implications of the proposals set out in this consultation for people with protected characteristics as defined in section 149 of the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impacts identified?
- Question 2: Is there anything else you would like to add regarding the equalities impacts of the proposals set out in this consultation?
- Question 3: Please set out any comments on our proposed treatment of members who originally received tapered protection. In particular, please comment on any potential adverse impacts. Is there anything that could be done to mitigate any such impacts identified?
- Question 4: Please set out any comments on our proposed treatment of anyone who did not respond to an immediate choice exercise, including those who originally had tapered protection.
- Question 5: Please set out any comments on the proposals set out above for an immediate choice exercise.
- Question 6: Please set out any comments on the proposals set out above for a deferred choice underpin.
- Question 7: Please set out any comments on the administrative impacts of both options
- Question 8: Which option, immediate choice or DCU, is preferable for removing the discrimination identified by the Courts, and why?
- Question 9: Does the proposal to close legacy schemes and move all active members who are not already in the reformed schemes into their respective reformed scheme from 1 April 2022 ensure equal treatment from that date onwards?
- Question 10: Please set out any comments on our proposed method of revisiting past cases.
- Question 11: Please provide any comments on the proposals set out above to ensure that correct member contributions are paid, in schemes where they differ between legacy and reformed schemes.
- Question 12: Please provide any comments on the proposed treatment of voluntary member contributions that individuals have already made.
- Question 13: Please set out any comments on our proposed treatment of annual benefit statements.
- Question 14: Please set out any comments on our proposed treatment of cases involving ill-health retirement.

- Question 15: Please set out any comments on our proposed treatment of cases where members have died since 1 April 2015.
- Question 16: Please set out any comments on our proposed treatment of individuals who would have acted differently had it not been for the discrimination identified by the Court.
- Question 17: If the DCU is taken forward, should the deferred choice be brought forward to the date of transfer for Club transfers?
- Question 18: Where the receiving Club scheme is one of those schemes in scope, should members then receive a choice in each scheme or a single choice that covers both schemes?
- Question 19: Please set out any comments on our proposed treatment of divorce cases.
- Question 20: Should interest be charged on amounts owed to schemes (such as member contributions) by members? If so, what rate would be appropriate?
- Question 21: Should interest be paid on amounts owed to members by schemes? If so, what rate would be appropriate?
- Question 22: If interest is applied, should existing scheme interest rates be used (where they exist), or would a single, consistent rate across schemes be more appropriate?
- Question 23: Please set out any comments on our proposed treatment of abatement.
- Question 24: Please set out any comments on the interaction of the proposals in this consultation with the tax system

2.6 A suggested response on behalf of the Authority is set out at Appendix 1.

3 Financial Implications

3.1 The cost to the authority will be the increase in the cost of employer firefighter pension contributions. The cost of pensions and lump sums is covered by Top Up Grant for which the Authority receives an annual grant from Central Government.

3.2 It has been estimated that based on current employer pension contributions of 37.3% for the 1992 Pension Scheme and 28.8% for the 2015 Pension Scheme (assuming that all employees will revert back to the 1992 scheme), the additional annual revenue costs will be approximately £2m per annum. This estimate does not take into account the past employers pension contributions that are owed from the inception of the 2015 scheme in April 2015 to March 2020. These costs will need to be calculated and will be substantial, but if based on current employees will be around £10m.

3.3 In addition, the effect of the McCloud case could impact on the actuarial review of the fire fighters pension scheme which will take place in 2020 and could result in even higher employer pension contribution rates from 2023.

3.4 The cost associated with an Injury to Feelings claim will have to be assessed and until the numbers and sums are confirmed, this cannot be currently calculated but could be in excess of £2m.

- 3.5 There will be a requirement for additional administration support to assist the Pensions Officer in the implementation of the remedy. This can either be met from current budgets or the service support reserve.

4 Legal Implications

The Chief Legal & Governance Officer has considered this report and has no observations to make at the time of submission of this report but may provide legal advice at the committee meeting and/or respond to any requests by members for legal advice made at the meeting.

5 Human Resource and Diversity Implications

- 5.1 However the final remedy is implemented, the solution is likely to place a significant burden on the HR pensions team and our administrators, West Yorkshire Pension Fund. Individual pension records will need to be examined and changes made to both employer and employee contribution rates. This could affect some employees already retired. Any changes could also impact on individual tax liability which will also need to be considered. Tentative provision has been made for additional administrative resource to support the Pensions Officer once the extent of the work can be quantified. Assurances are to be sought through the Local Pension Board that WYPF have the resources to cope with the demands of remedy.
- 5.2 The remedy could also impact on current workforce planning projections. It is possible that some firefighters may be able to retire earlier than originally anticipated as a consequence of this decision. Plans for further firefighter recruitment are being brought forward to mitigate against this risk.

6 Health, Safety and Wellbeing Implications

- 6.1 None arising from this report.

7 Environmental Implications

- 7.1 None arising from this report.

8 Your Fire and Rescue Service Priorities

- 8.1 The carrying out of this work will be a legal obligation even though it has no direct link to current service priorities.

Consultation Response

Question 1: Do you have any views about the implications of the proposals set out in this consultation for people with protected characteristics as defined in section 149 of the Equality Act 2010? What evidence do you have on these matters? Is there anything that could be done to mitigate any impacts identified?

No views.

Question 2: Is there anything else you would like to add regarding the equalities impacts of the proposals set out in this consultation?

The proposed remedy clearly does not consider the hugely detrimental financial impact transferring to the Care scheme pension in 2022 will have on the vast majority of serving firefighters, or satisfactorily considers the nuances of firefighter pensions.

The government proposals removed discrimination involved in “transitional protections”, but fail to remove the risk of unfair treatment of firefighters within the wider transitional arrangements.

It is acknowledged that some age discrimination is inevitable and lawful “if it is used as a proportionate means to achieve a legitimate aim”.

However, the 2015 switch to a Care scheme created inequalities between age groups. Protecting older staff and those close to retirement from the switch “were a proportionate means to achieve a legitimate aim”.

However, the court rightly held it was not sufficient justification for age discrimination. The age discrimination within this proposed remedy exactly mirrors the unlawful age discrimination within the transitional protections, and in many ways is more objectively clear as it lacks justification that was present in the transitional protections case.

If two staff joined the legacy pension scheme at exactly the same time, but with differing ages (say 19 and 25, in 1996) and were to move to the Care scheme in 2022, as proposed by the government’s consultation paper, and they are eligible to retire in their legacy scheme after 30 years’ service as per the scheme’s rules, the older member would be able to draw their legacy pension and their 2015 Care pension immediately. However, the younger member would have to wait and continue working another six years until age 55 to draw their Care scheme benefits, or retire at that point and defer their 2015 Care scheme.

Potentially, these changes would make the younger member “significantly worse off” for the rest of their life “despite making exactly the same pension contributions, over exactly the same period of time”.

Question 3: Please set out any comments on our proposed treatment of members who originally received tapered protection. In particular, please comment on any potential adverse impacts. Is there anything that could be done to mitigate any such impacts identified?

The consultation acknowledges, in paragraph 2.21, that tapered protection for some may be more advantageous. The individuals who benefit from tapering will be reluctant to lose their tapered protection, in some cases, benefits may already be in payment i.e. ill health/death cases. The concern here is that whether they switch to legacy or reformed they'll be in a worse position through no fault of their own and potentially owe sums of money. In these circumstances, where it can be evidenced that the removal of tapering would have a detrimental impact, then existing tapered benefits should be allowed within the regulations.

Secondly, some employees have made career-defining decisions based on the tapering they have received. Some employees have chosen to leave employment, on a reduced pension, to avoid tapering into FPS2015. Some employees have chosen to continue in employment, albeit after their 30 years' service, as they have tapered into FPS2015. Finally, some employees have chosen a different working pattern and reduced their hours because of tapering. Paragraphs A43 and A44 touch on contingent decisions and action that an FRA could possibly take in these circumstances. As the paragraphs go on to acknowledge, the unpicking some of these decisions would involve complex calculations and possibly cause tax problems. In addition, it will also result in a number of HR issues, again by allowing tapering to remain in the regulations this could be avoided.

Question 4: Please set out any comments on our proposed treatment of anyone who did not respond to an immediate choice exercise, including those who originally had tapered protection.

For non-tapered members we would be in favour of this approach. The default option would need to be made clear in the regulations. This would give the FRA and administrator some legal backing should this decision be challenged in the future, the FRA would simply be following overarching legislation.

It's also important that all communications to the member make it clear what the default position is. The concern with this would be that a member might consciously avoid making a decision, as they're happy with the default option. This will result in extra administration for the FRA, making the process more costly and time consuming.

For tapered members the process seems messy. The consultation infers that the FRA should decide on the member's behalf. This could be construed as 'financial advice' and this responsibility should not sit with the FRA. The regulations should be clear as to what action is taken in every eventuality.

Question 5: Please set out any comments on the proposals set out above for an immediate choice exercise.

Of the two options, we consider **immediate choice to offer most risk.**

There is a higher expectation of further legal challenge, in the event where;

- A member makes a choice that is later proven by actual events to provide lesser benefits.
- A member refuses to make a choice and a default decision is made on their behalf.
- A member makes a choice, but it transpires that the choice was informed by inaccurate information provided by the employer.

There is a risk of no forward view with the immediate choice option. At the point of making the decision the member may not accurately be able to predict their career pattern to know whether a final salary link for the remedy period will be beneficial to them. Members will not know how changes in future valuations, which might impact cost cap and contributions, would affect their decision if it was made at the end of remedy. Currently it is unknown what effect the FBU Judicial Review on the pause of the cost cap will have, and whether that will affect retrospective benefits or be known by the end of remedy. Equally so, they will not have a view on the impact of any retrospective action such as a high court decision on pensionable pay, which might increase the value of a final salary link.

The impact on the FRS is not just in cost and risk alone; there is also significant impact on workforce planning and financial planning, as well as potential for reputational risk.

The benefit of immediate choice is that the FRA would have certainty over the retirement age of the chosen scheme in order to plan for recruitment. It also offers certainty over the top-up grant process as the contribution rate will be known.

Question 6: Please set out any comments on the proposals set out above for a deferred choice underpin.

The risks mentioned above can be mitigated by the DCU.

However, this option is not without issue. The FRA would not have certainty over when people would choose to retire, due to not knowing which scheme they may retire from.

This option leaves the uncertainty of a debit or credit due at retirement, which makes the top-up grant very complicated and puts uncertainty on long term budget forecasting.

Having a longer-term solution adds some element of risk in the possibility of knowledge loss through staff turnover or inaccurate long-term record keeping.

Question 7: Please set out any comments on the administrative impacts of both options

Both options have a huge administrative burden for both the FRA and administrator. Both options will need significant time and money spent on updating the software to make it compatible with the necessary calculations. Until this can be done, it is likely that this process will be done manually, this will be time consuming and is susceptible to error.

The benefit of immediate choice would be that the process can be concluded in a defined timescale. The deferred choice option would have a legacy for 20+ years, meaning that the administrative burden is carried over a long period, this again will add to future cost.

Question 8: Which option, immediate choice or DCU, is preferable for removing the discrimination identified by the Courts, and why?

Our preferred option is DCU.

We acknowledge that DCU brings its own challenges, however, our main objective is to minimise risk to the FRA. Our decision is therefore purely based on this factor. We believe that the risk posed to the FRA outlined in our response to Q5 can be mitigated by DCU.

Question 9: Does the proposal to close legacy schemes and move all active members who are not already in the reformed schemes into their respective reformed scheme from 1 April 2022 ensure equal treatment from that date onwards?

Possibly, however, the main concern here is that a group of employees, who were previously deemed protected under current legislation, will now be forced onto the remedy scheme in April 2022. These individuals have made career and retirement plans based on remaining fully protected members of their legacy scheme. Our concern here is that this could result in either further legal challenge from this group.

This is really a matter for the Government and its legal advisors to ensure remedies are consistent with court rulings.

Question 10: Please set out any comments on our proposed method of revisiting past cases.

Overall the proposals for visiting past cases seem fair. We think it is important for pensioner to revisit their lump sum option. The question would be: For individuals who chose a lower lump sum how would this be recovered and would interest apply?

The final guidance would have to be clear on this particular scenario.

Also, if the individual elected for extra lump sum would this generate a tax charge? Again, guidance would need to be clear on this matter.

Clarification is also needed on employees who have subsequently been re-employed and are subject to abatement. Should abatement be retrospectively applied?

Question 11: Please provide any comments on the proposals set out above to ensure that correct member contributions are paid, in schemes where they differ between legacy and reformed schemes.

By selecting the DCU option we're potentially having to do this exercise twice. We would initially rectify contributions after the remedy period and then potentially again at retirement (should

different options be selected). We envisage that we may get some push back from employees who we're asking to repay the contributions where they may not benefit for a number of years.

The proposals cause particular issue for former members of NFPS 2006. The proposed default would be for these members to be moved back into NFPS 2006. This means that they would receive a refund of the contributions they have paid in FPS 2015 since April 2015.

NFPS 2006 scheme contributions are lower than FPS 2015, which means if the member chooses to receive FPS 2015 benefits at retirement, they would have underpaid and owe contributions.

However, recent modelling by LGA illustrates that a significant number of NFPS 2006 members would be better off in FPS 2015. So, if they chose FPS 2015 at retirement there would then be a debt due from members, which would have to be settled via a pension debit, or a lump sum from the member.

If instead, the default was as follows:

- Members of FPS 1992 are moved into FPS 1992 during the remedy period; and
- Members of FPS 2006 remain in FPS 2015 during the remedy period.

This would avoid a majority of NFPS 2006 members building up an unnecessary contribution "debt" that needs to be addressed at retirement. This is beneficial to members and employers (from a cashflow planning point of view) and administrators (as this reduces the need to calculate and administer pension debits once members retire).

Question 12: Please provide any comments on the proposed treatment of voluntary member contributions that individuals have already made.

Clarity is needed on what happens, if on conversion, the additional years takes the employee over 30 years' service. Is this service forfeited? Can it buy FPS2015 pension? Is the employee entitled to a refund? Again, depending on the option available we can foresee challenge from the individual.

Question 13: Please set out any comments on our proposed treatment of annual benefit statements.

Defer to administrator for comment.

Question 14: Please set out any comments on our proposed treatment of cases involving ill-health retirement.

Treatment seems fair and logical.

Question 15: Please set out any comments on our proposed treatment of cases where members have died since 1 April 2015.

It is our view that the beneficiary and/or estate should be provided with a choice rather than the reliance passing to the FRA/Administrator.

Question 16: Please set out any comments on our proposed treatment of individuals who would have acted differently had it not been for the discrimination identified by the Court.

Guidance is needed to advise what is in scope for this area. Clarity is also needed on what FRAs should be considering should a case present itself and what action should be taken by the FRA. A consistent approach needs to be applied across all FRAs.

To give you an example, we have an employee, who following a period of maternity leave, opted to reduce their hours and work on a part time basis. Since the consultation has launched they have approached us and have stated that if they knew that this would be the outcome they wouldn't have reduced their hours. Q1: How can the FRA prove this? Q2: What evidence is required from the employee? Q3: What action should be taken in respect of the pension record? Q4: What action should be taken with the employee and employer contributions?

Question 17: If the DCU is taken forward, should the deferred choice be brought forward to the date of transfer for Club transfers?

No. This option undermines the DCU option. If DCU is selected the position on Club Transfers needs to be reconsidered.

Question 18: Where the receiving Club scheme is one of those schemes in scope, should members then receive a choice in each scheme or a single choice that covers both schemes?

The schemes that are in scope vary so much from accrual rate, NPA, death in service benefits etc. that the only logical thing to do would be to allow members a choice in each scheme, rather than a single choice fits all. This choice must be mirrored across all pension reform and not just Police and Fire.

Question 19: Please set out any comments on our proposed treatment of divorce cases.

Seems reasonable. The ex-spouse will not lose out financially by the employee choosing lesser benefits at retirement.

Question 20: Should interest be charged on amounts owed to schemes (such as member contributions) by members? If so, what rate would be appropriate?

No. This cost should be met by Central Government

Question 21: Should interest be paid on amounts owed to members by schemes? If so, what rate would be appropriate?

Yes, members find themselves in this position through no fault of their own.

BoE base rate seems appropriate, however, some may argue that they would have received better returns, or saved more on interest from monies borrowed i.e. mortgage, should they have been awarded this money when they originally retired.

Question 22: If interest is applied, should existing scheme interest rates be used (where they exist), or would a single, consistent rate across schemes be more appropriate?

A single, consistent measurement should be used i.e. BoE base rate.

Question 23: Please set out any comments on our proposed treatment of abatement.

Seems reasonable. The main point here is to ensure that the member is no worse off by selecting legacy benefits. The proposal to not retrospectively apply abatement in this scenario seems like a fair approach.

Question 24: Please set out any comments on the interaction of the proposals in this consultation with the tax system.

Detailed guidance needs to be set out which deals with any impact on either annual or lifetime allowance. The employee should not suffer detriment as a consequence of these changes.