



# Avon Fire Brigades Union

Submission to Avon Fire Authority

For their meeting to be held on February 10<sup>th</sup> 2021

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## Firefighter Pensions – Cases of ‘Immediate Detriment’

Firstly, I would like to thank members in advance for taking the time to read and ‘virtually’ hear this submission on behalf of the Fire Brigades Union.

Whilst the imposed government pension changes in 2015 affected all Firefighters in different ways, the reason for this submission concerns the treatment of Firefighters who were and are currently being affected by the government’s unlawful pension changes pre and post retirement – contrary to the rulings of the courts.

This discrimination was on the grounds primarily of their age – and was determined by the Courts and Employment Tribunals in the ‘McCloud/Sargeant’ case going back to 2018, and subsequently accepted by government.

The result of the discrimination basically meant that some Firefighters would have been denied access to their original pension expectations because of their age.

Whilst there remains to be a final remedy to resolve this unlawful discrimination, interim guidance and Home Office guidance have been issued (see below). You as elected members of the Fire Authority have to recognise *there are still members retiring or trying to plan for retirement – these are defined as being of ‘immediate detriment’- and the lack of action is affecting these members retirements now* – and this is the part that needs urgently resolving and we believe can and should be done so by the Fire Authority.

There have, and remain many facets to this matter overall, but we would like to bring to your attention that in December 2019, an *Interim Declaration was issued by an Employment Tribunal relating to this case which we believe is binding* on Fire and Rescue Authorities.

This result of this was promulgated to Fire Authorities on the 18th December 2019 via the Employers CIRCULAR EMP/8/19 (APPENDIX B), which also had a draft of the Order attached to it (APPENDIX C).

This circular stated “*Paragraph 2 of the Order in effect provides that pending the final determination of all of the remedy issues, those that brought claims in England and Wales (the claimants) are **entitled** to be treated as if they remained in the in 1992 FPS.*” (emphasis our own).

This interim declaration should have meant that immediate issues should have been dealt with. Some members even then were already being directly affected by the application of the pension’s legal judgement (i.e. that the transitional protection arrangements were found to be discriminatory).

## Interim Declaration

The result of the Interim Declaration was that this clearly defined group of members were entitled to be treated as members of the 1992 FPS scheme. This affects the application of the rules relating to ill-health pension and to retirement on grounds of age.

This should have applied to any claimants who were in the process of retiring or who had already been retired on grounds of ill-health since 31st March 2015 using the incorrect rules. It also applied to those who were eligible to retire on grounds of age and length of service and who wished to retire.

Despite this ruling, and our request locally and nationally that members be treated as such, this has not yet happened.

In order to try and resolve this unacceptable situation last year, the Fire Brigades Union nationally asked the government to provide further clarity. This was subsequently done through them issuing the document titled “*Guidance on treatment of ‘Immediate Detriment’ cases*” on 21<sup>st</sup> August 2020. (Appendix A)

As members will read, the purpose of the guidance is absolutely clear from the very opening statement:

### **1.0 Purpose of guidance**

**1.1 The purpose of this note is to provide informal guidance to Fire and Rescue Authorities (in England) and Police Forces (in England and Wales) on processing ‘immediate detriment’ cases (see definition in section 3 of this guidance) in advance of a decision on the Government’s final approach to removing the age discrimination as found in the McCloud/Sargeant Employment Tribunal litigation.**

It also provided clarity on who should be defined as in ‘immediate detriment’:

- 3.1 For the purposes of this guidance, immediate detriment includes those schemes who were in service on or before 31 March 2012 and on or after 1 April 2015, including those with a qualifying break in service of less than 5 years, and who did not benefit from full protection and were moved into the 2015 Scheme on or after 1 April 2015:**
- I. who become eligible to retire with an ordinary pension and want to have all their benefits paid from their legacy scheme (i.e. do not accept deferred 2015 scheme benefits); OR**
  - II. who don’t qualify for lower-tier (and therefore higher-tier) ill-health pension under the single pot Ill-Health Retirement (IHR) arrangement BUT would do so under the IHR arrangements in their legacy scheme.**

Whilst we accept that pensions are indeed a complicated matter, and there are likely to be cases where technical pension matters will mean that further clarification on the remedy may be needed, these factors are referenced and accepted, therefore we absolutely do not accept that this should prevent members with, for the want of a better phrase, simpler pensions, who are clearly covered within the ‘immediate detriment’ definition, from being able to access the pension they are legally entitled to now.

This is reinforced in section 3.2 of the same guidance which states these members can have their pensions ***'calculated and put into payment according to the guidance set out in section 5 below'***.

Enough time has passed, and enough members have been adversely affected by this issue. The continual delay in providing members with their pension is having an unnecessary adverse effect on many individual's mental health, this is far from acceptable and indeed avoidable.

Following recent discussions at the local Pension Board with our local pension providers, we believe that there are more than adequate tools to identify those members who can and indeed should be dealt with under this guidance, as intended, until there is a final remedy agreed and in place for all.

We therefore ask the Fire Authority to instruct the pension provider to follow the attached guidance note for cases involving 'immediate detriment' members and enable their Firefighters to access their legally entitled pension provisions without further delay and communicate this to staff at the earliest opportunity with the necessary explanations as required.

Many thanks for your time once again.



Avon Fire Brigades Union  
Brigade Secretary

## Firefighters'/Police Pension Schemes

McCloud/Sargeant ruling – Guidance on treatment of 'Immediate Detriment' cases

### 1.0 Purpose of guidance

- 1.1 The purpose of this note is to provide informal guidance to Fire and Rescue Authorities (in England) and Police Forces (in England and Wales) on processing 'immediate detriment' cases (see definition in section 3 of this guidance) in advance of a decision on the Government's final approach to removing the age discrimination as found in the McCloud/Sargeant Employment Tribunal litigation.
- 1.2 The guidance is provided at the request of the Fire Brigades Union and for the purpose of assisting employers with "immediate detriment" cases. For that reason, it is only relevant to members of the Police and Fire Pension Schemes.
- 1.3 Further, it must be noted that the issues raised in this document are the subject of both ongoing litigation and the Government's consultation. As such this guidance will be kept under review to ensure that it is consistent with any judgment or outcome from the consultation and will be amended to give effect to any such judgement or outcome.
- 1.4 In this guidance a reference to the "2015 scheme" is to the applicable reformed Police or Fire CARE Pension Scheme, and a reference to the "legacy scheme" is to the applicable Police or Fire Pension Scheme that applied to a member before 1 April 2015.
- 1.5 The term 'pension authority' refers to the appropriate Fire and Rescue Authority or Police Force.

### 2.0 Background to McCloud/Sargeant ruling

- 2.1 In 2015 most public service pension schemes, including the Firefighters' Pension Scheme and Police Pension Scheme, were reformed. These reforms included 'transitional protection' for people closest to retirement.
- 2.2 In 2018, the Court of Appeal ruled that the transitional protection element of the 2015 public service pension reforms constituted unlawful age discrimination in the Firefighters' and Judges' Pension Schemes. The Government respects the Court's decision and has confirmed that it will remove the difference in treatment across all main public service pension schemes, including the Police Pension Scheme.

- 2.3 The Government is currently consulting on proposals to remove this discrimination. Detail on the current proposals can be accessed here: <https://www.gov.uk/government/consultations/public-service-pension-schemes-consultation-changes-to-the-transitional-arrangements-to-the-2015-schemes>. The changes proposed in the consultation to remove the discrimination will apply across all the main public service pension schemes and provide members with a choice of which scheme they would like to be in for the remedy period. The remedy period is defined as between 1 April 2015 and 31 March 2022 in the consultation paper.
- 2.4 The remedy only applies to members who were in service on or before 31 March 2012 and on or after 1 April 2015, including those with a qualifying break in service of less than 5 years.

### 3.0 What are 'Immediate Detriment' cases

- 3.1 For the purposes of this guidance, immediate detriment includes those scheme members who were in service on or before 31 March 2012 and on or after 1 April 2015, including those with a qualifying break in service of less than 5 years, and who did not benefit from full protection and were moved into the 2015 Scheme on or after 1 April 2015:
- I. who become eligible to retire with an ordinary pension and want to have all their benefits paid from their legacy scheme (i.e. do not accept deferred 2015 scheme benefits); **OR**
  - II. who don't qualify for lower-tier (and therefore higher-tier) ill-health pension under the single pot Ill-Health Retirement (IHR) arrangement BUT would do so under the IHR arrangements in their legacy scheme.
- 3.2 Any scheme members that fall within either of the two categories above can have their pensions calculated and put into payment according to the guidance set out in section 5 below.
- 3.3 This guidance **should not** be applied to scheme members who have already retired and are in receipt of their pension payments. These cases are more complex to address, especially due to complexities in rectifying the member's tax position.
- 3.4. It is important **to note** that ALL cases processed using this guidance will need to be revisited once the Government's approach to removing the discrimination has been finalised, due to relevant matters that are currently subject to consultation, to include interest on contributions etc. This is likely to be after April 2022.

### 4.0 Guidance on treating immediate detriment cases

- 4.1 There are some transitional scheme members who have already been dismissed from work without a pension as they did not qualify for an ill-health pension under the 2015 Scheme. In addition, there are transitional members who are now approaching retirement and want to take their full pension benefits under their legacy pension scheme. This guidance provides employers with advice on how these cases can now be processed in advance of final remedy implementation.

## *Transitional members who are already in receipt of a pension*

- 4.2 There are cases (in respect of both ill-health/ordinary retirements) where transitional members have already retired and are currently receiving an ill-health/ordinary pension. It is recognised that many of these members' pensions are lower than they would be if they were paid under the member's legacy pension scheme. For example, where a transitional member has retired on ordinary grounds below age 55, their benefits accrued under the 2015 Scheme will currently be deferred until their State Pension Age.
- 4.3 These cases involve complex tax implications, employee/employer contribution adjustments etc. which still need to be resolved – these points are currently being consulted on and a final approach has yet to be confirmed. We will look to process these cases as a priority as soon as these outstanding points have been resolved.

### **5.0 Giving scheme members a choice**

- 5.1 Scheme members falling under the scope of this guidance will effectively be given the opportunity to take all their pension benefits accrued between 1 April 2015 and 31 March 2022 under their legacy pension scheme, rather than take some benefits under the 2015 Scheme.
- 5.2 Pension authorities can now offer this choice to all those scheme members who:
- have transitioned into the 2015 Scheme who are approaching retirement; and
  - have retired due to poor health but who didn't qualify for an ill-health pension under the 2015 Scheme regulations but would qualify under their legacy scheme regulations.
- 5.3 In order to provide this choice, pension authorities will need to present two sets of pension entitlement quotes to each qualifying scheme member. Whilst not an exhaustive list, each quote should set out the main pension benefits that they would receive under each choice, to include: recurring annual pension (before and after commutation), commutation retirement lump sum entitlement, employee contributions owed/refunds due etc. Each scheme member should be required to provide written confirmation of their election.
- 5.4 There remain a number of outstanding issues that will not be resolved until such time that the Government finalises its approach to removing the discrimination identified by the McCloud/Sargeant ruling (see unresolved pensions issues section below). Each scheme member will need to agree to accept the Government's final approach and any future adjustments that this requires.
- 5.5 Once written confirmation has been received from each member, the pension authority can put the pension chosen into payment.

### ***Unresolved pension issues:***

- 5.6 As explained above, there remain outstanding issues that will not be resolved until the Government finalises its approach to removing the discrimination. The Government is currently consulting on its proposed approach and will finalise its proposals following careful consideration of stakeholder responses.

#### *Recovery of outstanding employee contributions*

- 5.7 Any scheme members who choose to take their full pension benefits under their legacy scheme will owe employee contributions or be entitled to a refund. Any employee contributions owed will need to be paid before the member's legacy scheme pension can be put into payment.
- 5.8 Any contributions owed will need to be based on the pay that is considered to be pensionable under the legacy scheme, which may vary from that pay which is considered pensionable under the 2015 Scheme. It will be for employing pension authorities to make an assessment for each member and seek payment. The member has a choice to pay any outstanding employee contributions from their retirement lump sum or from any other personal source. Any refunded employee contributions can be repaid to the member from the employer's local pension fund account.
- 5.9 A final decision has yet to be made in respect of whether, and at what rate, interest should be applied to contributions owed by employees should they elect to receive benefits from their legacy scheme during the remedy period (2015 to 2022). As the Government's approach to this issue has yet to be confirmed, this guidance proposes that interest is not applied to employee contributions owed at this time.
- 5.10 Notwithstanding this, any immediate detriment cases where the pension is put into payment now may need to be revisited if the Government's final approach includes the application of interest on owed employee contributions. Pension authorities should ensure that any members making a decision under this guidance are aware of, and accept, this condition.

#### *Tax relief on employee contributions*

- 5.11 Where possible, pension authorities should ensure that the employee contributions owed are repaid by the member before they leave service to ensure that any tax relief entitlement can be applied. Where this is not possible, for example where an individual has retired previously on ill-health grounds and did not qualify for a pension under the 2015 Scheme but would qualify under their legacy scheme, the scheme member will have to wait until the Government's final approach to removing the discrimination has been implemented to receive any appropriate reimbursement. This is likely to be after April 2022.

#### *Recovery of outstanding employer contributions (Firefighters' Pension Schemes only)*

- 5.12 The Firefighters' Pension Schemes are in a unique position compared to other public sector pension schemes in that they do not have a uniform employer contribution rate across all schemes. As such, any scheme member who elects under this

guidance to take their full pension benefits under their legacy scheme will impact on the corresponding employer contributions owed in respect of that member during the period that they were in the 2015 Scheme.

- 5.13 It will be for each employing Fire and Rescue Authority (FRA) to recalculate the contributions that they, as the employer, should have paid under the legacy scheme for each member and pay any shortfall into their pension fund account. Where this results in an excess of employer contributions having been paid, these can be refunded to the employer from their pension fund account.

#### *Treatment of Cash Equivalent Transfer Value (CETV) transfers into the 2015 Scheme*

- 5.14 It is recognised that there will be some transitional scheme members who will have transferred benefits from an external pension arrangement into the 2015 Scheme. Where a scheme member elects to take all their benefits from the legacy scheme, the original transfer-in (the Cash Equivalent Transfer Value) will need to be recalculated to determine the amount of pensionable service that should be purchased in the member's legacy scheme.
- 5.15 Therecalculationofthetransfer-inwillneedtobeundertakenbypensionauthorities as if it had been taken at the time of the original transfer, using the actuarial factors that were applicable at that time.
- 5.16 Whereconversionoftransferredbenefitsfromthe2015Schemetothelegacy scheme results in the pension input amount changing due to actuarial adjustment, then an individual's Annual Allowance position may need to be reassessed.

#### *Treatment of purchased added pension in the 2015 Scheme*

- 5.17 Some transitional scheme members will have elected to make voluntary contributions to purchase 'additional pension' in the 2015 Scheme. For those members that elect to take their full benefits under the legacy scheme, any employee contributions paid in respect of the additional pension purchased will need to be converted to the equivalent value of additional pension that could have been purchased in the member's legacy scheme.
- 5.18 The legacy schemes do not currently have 'additional pension' provisions. Additional pension purchased in the 2015 Scheme is one of the unresolved issues that the consultation is considering.

#### *Scheme PAYS– treatment of debits applied to 2015 Scheme pension*

- 5.19 Theremaybeinstanceswheretransitionalmembershavepreviouslyincurredcertain tax charges and have elected for these to be paid under Scheme PAYS with the associated pension debit applying to the 2015 Scheme benefits.
- 5.20 Wherethisisthecaseandthememberelectsforalltheirpensionbenefitstobepaid from their legacy scheme, there may be subsequent changes to the tax charges retrospectively. If this is the case, pension authorities will need to recalculate the pension debit. The recalculation of the pension debit will need to be undertaken by pension authorities as if it had been taken at the time of the original Scheme PAYS elections, using the actuarial factors that were applicable at that time.



## *Revisiting AA tax assessments on previous years*

- 5.21 Under current arrangements, there is a four – year statutory time limit for reassessing tax for previous years. This means that where a scheme member’s pension benefits change for past years, altering their tax position, HMRC can collect and refund tax where it is owed for the current tax year, and the four full tax years immediately preceding the point at which the individual’s benefits change.
- 5.22 Where a scheme member’s benefits changed due to an election under this guidance so that additional tax is due for a tax year that sits outside the four previous tax years, HMRC cannot collect that additional tax. As such, the member will not be required to pay this. However, the recalculation will still be necessary to ensure the member’s tax position going forward is correct.
- 5.23 The Government has confirmed that where a scheme member’s benefits change so that they are owed a reimbursement of any tax charges paid since April 2015, they will get a full refund for the full period. The scheme member will initially be able to seek a tax refund from HMRC in respect of any overpaid tax charges in the previous four tax years.
- 5.24 Any further entitlement to a tax refund for years outside the four-year period will be refunded by means of compensation payments, which are expected to be paid after the Government finalises its approach to removing the discrimination, likely to be after April 2022.

## **Police Workforce and Professionalism Unit, Home Office**

**21 August 2020**

## APPENDIX B

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## FIRE & RESCUE SERVICES National Employers

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To: Chief Fire Officers  
Chief Executives/Clerks to Fire Authorities Chairs of Fire Authorities  
Directors of Human Resources

Members of the Employers' Side of the NJC

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18 December 2019

### **CIRCULAR EMP/8/19**

Dear Sir/Madam,

#### **TRANSITIONAL PROTECTIONS PENSIONS CLAIMS INTERIM ORDER ON REMEDY**

This circular concerns the interim order on remedy (the Order) for the above claims, which was made by the Employment Tribunal at today's preliminary hearing. A copy of that Order is attached (it is in draft format as the final version has not yet been sent out by the Tribunal).

#### Background

As a reminder these claims concern 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). As they were named as respondents in the case, Fire and Rescue Authorities (FRAs) had to submit a defence to the legal challenge. This defence has been managed collectively on behalf of the FRAs by the LGA under the auspices of the National Employers and decisions have been taken by a central steering group made up of a number of FRA representatives.

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 Order

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.

Paragraph 2 of the Order in effect provides that pending the final determination of all of the remedy issues, those that brought claims in England and Wales (the claimants) are entitled to be treated as if they remained in the in 1992 FPS. The Order anticipates that the final determination on that remedy issue in regards to membership of the 1992 FPS should be resolved around mid-July 2020, although it should be noted that even when we have a final determination on that issue it may be some time before this part of the remedy can be put into effect for all claimants. Further there may be other issues relating to remedies to be resolved, for example in regards to claims for injury to feelings.

So that FRAs can implement this provision of the Order we are pushing the Home Office to quickly issue guidance on implementation which should amongst other factors cover the following points:

- Dealing with ill-health retirements, including on the IQMP process
- Backdated employee contributions (the current contribution rates for the various FPS are available here -

<http://www.fpsboard.org/images/PDF/Bulletin18/Appendix2.pdf>

- Taper members due to taper into the 1992 scheme from 21 January 2020
- Immediate normal retirements from age 50 with over 25 years of service<sup>1</sup>

Pending that guidance, FRAs should take no immediate steps save that if they are dealing with ill-health retirements, to avoid delay, they should ask the IQMP to assess the applicant under both the 1992 FPS and 2015 FPS rules. They should also identify all applications for ill-health retirements on the 2015 FPS since 1 April 2015, so they are in a position to take steps once we have Home Office guidance. Please be aware also that a small working group of software providers and administrators, working alongside the Home Office and the LGA, are looking at practical issues with regards to effecting remedy.

The Order also covers other remedy issues, such as any potential claims for injury to feelings.

The Order only covers the existing claimants in England and Wales, all of whom were in the 1992 FPS (your authority's Nominated Contact should have a list of your claimants). It does not cover those who did not bring claims (non-claimants). However, discussions are taking place on how to provide a remedy for those non-claimants as appropriate. It is also anticipated that in due course remedy will also be put in place in Scotland and Northern Ireland.

Finally, the wording in the Order protects the FRAs' appeal on the Schedule 22 issue, which is currently with the Employment Appeal Tribunal (EAT). In summary, the Schedule 22 is our defence in the age discrimination claim that we were obliged by legislation to act as we did in implementing the pension transitional arrangements, and so we should not be liable. That appeal is currently stayed and any further stay of that appeal will be considered shortly.

Yours faithfully,



<sup>1</sup><http://www.fpsregs.org/images/admin/RetirementFPS2015v1.pdf>

IN THE LONDON CENTRAL EMPLOYMENT TRIBUNAL

BETWEEN:

RACHEAL SARGEANT &amp; Others

Claimants

-v-

- (1) LONDON FIRE AND EMERGENCY PLANNING AUTHORITY
- (2) WEST MIDLANDS FIRE AND RESCUE AUTHORITY
- (3) CORNWALL FIRE AND RESCUE AUTHORITY
- (4) SOUTH WALES FIRE AND RESCUE AUTHORITY
- (5) THE SECRETARY OF STATE FOR THE HOME DEPARTMENT
- (6) THE WELSH MINISTERS

Respondents


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 DRAFT AGREED DIRECTIONS
 

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1. The current stay be lifted only in respect of the claims for age discrimination and to the extent of the following orders and directions. Save to that extent, all current and new claims remain stayed.
2. The proposed interim declaration as follows be made:

*Pending the final determination of the issues of remedy, all existing Claimants who, by reason of their age would not satisfy paragraphs 12(2)(c), 12(3)(c), 13(e) or 14(e) of Schedule 2 to the 2014 English Regulations or the 2015 Welsh Regulations from 31<sup>st</sup> March 2015 are entitled to be treated as satisfying those paragraphs from that date.*

3. For the avoidance of doubt, the adoption of the interim declaration at paragraph 2 above is:-
  - a. without prejudice to any argument that may be raised by any party as to the proper wording of the final declaration;
  - b. without prejudice to the outstanding appeal by the 1st, 2nd, 3rd and 4th respondents in relation to the decision of the Employment Tribunal dated 22 June 2016.
4. The Claimants and the Respondents will send to each other and the Tribunal the wording of any final declaration that they seek in these cases by (6<sup>th</sup> March 2020).
5. No later than (27<sup>th</sup> March 2020) the Claimants and the Respondents will confirm to each other and to the Tribunal whether they agree the wording of the final declaration proposed or, if not, explaining why they do not agree and confirming or revising their own wording as appropriate.

6. The Claimants shall provide the following information by (*12<sup>th</sup> June 2020*):
  - i. The identity of any of the Claimants who are claiming an award for injury to feelings;
  - ii. The Vento band in respect of which each such Claimant claims injury to feelings;
  - iii. Whether that Claimant also claims damages for personal injury and/or aggravated damages;
  - iv. The basis for their claims for non-pecuniary loss.
7. The Respondents shall provide a response by (*4<sup>th</sup> September 2020*). If it is suggested that no compensation can or should be awarded as a matter of principle, the basis for this suggestion is to be set out.
8. As for claims for other financial losses, the Claimants are to provide by (*12<sup>th</sup> June 2020*):
  - i The identity of any of the Claimants who claims an award for financial losses;
  - ii For any such Claimant, details of the heads of loss and the sum under each head of loss claimed;
9. The Respondents to provide a response to this information by (*4<sup>th</sup> September 2020*), including:
  - i. Which heads of loss they accept should be remedied and their proposals in that regard; and
  - ii. Which, if any, heads of loss they say should not, as a matter of principle, be remedied and why not.
10. By (*18<sup>th</sup> September 2020*), the Claimants and the Respondents shall seek to agree 8 to 12 sample claims in respect of injury to feelings to be considered at a hearing.
11. A telephone case management hearing shall be listed for *18<sup>th</sup> March 2020* to review progress and give further case management directions.
12. A further hearing be listed for 1 day on *17<sup>th</sup> July 2020* with a view to determining the final form of declaration and, if appropriate, any other outstanding directions on remedy issues. This hearing will be listed as a Final Hearing of part of the issues and the parties consent to this being before a judge sitting alone. Any requirement for this consent to be in writing is waived. For the avoidance of doubt the parties do not consent to any issue as to injury to feelings being heard by a judge sitting alone and such a hearing will be listed before a full Tribunal with members.
13. Skeletons to be exchanged and lodged 3 days prior to the hearing on *17<sup>th</sup> July 2020* i.e. by 4pm on *13<sup>th</sup> July 2020*.
14. Further directions in respect of all stayed cases and claims to be given at the hearing on *17<sup>th</sup> July 2020*.

15. Any application to lift the stay in any case must be made in writing on at least 14 days' notice to all other parties.
16. Liberty to all Claimants to apply to vary the said directions.