



NARPO HOUSE
38 Bond St,
Wakefield,
West Yorkshire,
WF1 2QP
Tel: 01924 362166
Email: hq@narpo.org

NARPO RESPONSE TO CONSULTATION ON PUBLIC SERVICE PENSIONS:
POLICE PENSIONS (AMENDMENT) REGULATIONS 2022
McCloud / Sargeant remedy: phase one (prospective)

Introduction

The National Association of Retired Police Officers [NARPO] is a member organisation that represents over 93,000 retired police officers of all ranks and their survivors, from all forces across England and Wales. Formed in 1919, NARPO has 106 Branches with its headquarters in Wakefield.

One of our main objectives is to: *Safeguard the rights of our members particularly in relation to their pension.*

Whilst we make this submission with emphasis on issues that are important to our members and those who have already left the Police Service, we fully support our serving colleagues and their respective Staff Associations and are fully supportive of their responses to this consultation process.

We also have a place on the Scheme Advisory Board [SAB]

We also note the position by the Police Staff Associations regarding Section 23 of the Public Service Pensions Act 2013 and consultation and that by NARPO making this the response to the consultation should not be seen as implicit consent.

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There are two key issues for NARPO –

1. Rectification Cases

The Government's decision to implement the Deferred Choice Underpin option means that retired members of Police Pension Schemes will be given the same choice as those still serving. However, retired officers will not be able to make that choice until Legislation is introduced and that choice will be delayed up to October 2023.

As a consequence, retired members will have to wait nearly two years and live on a pension that is lower than it would have been..

The Government intends to give those who retire prior to October 2023 the option of which scheme to take their benefits from, yet those already retired will not be given that opportunity, which is unfair and will cause further unfavourable treatment on the grounds of age.

The Government intended to resolve Immediate Detriment cases through its now withdrawn guidance, but do not intend to deal with those suffering an ongoing Detriment until a much later point in time.

The Government have decided on the remedy, and there is no reason why retired officers should continue to be discriminated against by delaying the implementation of that remedy.

We are very disappointed at this aspect of the proposed solution particularly as the initial consultation indicated that those already retired would be prioritised within the remedy.

By delaying implementing the remedy for retired officers this also creates a further potential problem

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for those who in the meantime unfortunately die or divorce before the implementation date in 2023, and it also means that those who retired on an ill health pension in the reformed scheme should by default not have their ill health pension reviewed until such time as they can make their choice of legacy or reformed scheme benefits.

Those who have retired on an ill health pension are being treated less favourably than those who retire in the meantime and in our view this could amount to less favourable treatment because of their disability.

The original judgement from the Courts on this matter found that there had been age-based discrimination, and to continue to deny retired members the pension they have earned is contrary to that judgement. Most of those already retired are elderly and rely on their pension as their sole source of income. That's why NARPO has called on the Treasury to urgently look at this issue and stop this continued discrimination against older public sector workers.

The Executive Summary of the previous consultation document included:

Under either approach, those who have already retired and/or received a pension award will be asked to make their choice as soon as practicable after the changes are implemented. The position they choose would be applied retrospectively back to the date the award was made.

The Government response document includes in the executive Summary:

In the meantime, members will be deemed to have accrued benefits in their legacy schemes, rather than reformed schemes, for the remedy period, until they make that choice.

However, does this apply to all scheme members including retired members? If not, then why not? If it does apply to them, then all retired officers should be given the choice immediately and not at some future point in 2023.

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The response also includes:

2.99 The majority of members in scope of this consultation will not retire until after the DCU is implemented and will be given their choice at the point of retirement, as detailed above. However, the government recognises that significant numbers of members have already retired and received pension benefits in respect of relevant periods service or will do so between now and the introduction of the DCU by October 2023.

2.100 As set out in the consultation, the government accepts that members who moved to the reformed pension schemes on or after 1 April 2015 and have subsequently retired, already have an entitlement to be treated as a member of their legacy scheme for the remedy period if they wish. In recognition of this, the government will work with schemes to develop processes to give effect to this entitlement for those who retire before the introduction of the DCU. Where possible, schemes will also seek to offer reformed scheme members in this position who retire before October 2023 a choice of legacy or reformed scheme benefits for the relevant period at retirement. Once the complex issues described in paragraphs A.8 to A.12 have been resolved, schemes will also seek to revisit cases of reformed scheme members who have already retired ahead of the introduction of the DCU, where, and to the extent, this is possible. This process will be administratively complex and individual schemes will set out their plans for beginning to process such cases in due course.

This proposal in our view treats those retiring as from today more favourably than those already retired, and gives them the choice of higher pension payments, whilst those already retired will have their choice delayed until some future date possibly as far as October 2023 and beyond.

We do not accept that the calculations required for those already retired are significantly more complex than those required for those retiring from today.

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With regards to immediate detriment cases (i.e. those cases where the member is about to retire and receive their pension) and does not cover where a pension is already in payment, the recent removal of Immediate Detriment Guidance has created more uncertainty for those officers, and subsequently our Members as they approach retirement.

The focus of activity has been on remedying those with several years left to serve. Our concern is for those officers retiring now who cannot obtain an accurate pension forecast, nor know if they are on the correct pension.

2. Ill Health Retirement

There is in our view insufficient detail to provide more conclusive comments.

These cases should be dealt with at the earliest opportunity to give some clarity to those who have already been placed on Ill Health Retirement (IHR). Those who have already been placed on IHR on a reformed Police scheme should be informed as soon as practicable that any review of their IHR will be put on hold until the remedy period is completed.

In our view these cases just need their ill health pension recalculating under the terms of their legacy scheme, and they will need to be informed of the differences between the Regulations and conditions of their IHR under both schemes. This will avoid any unnecessary distress to those who have already gone through what can be a difficult and traumatic process.

There are several challenges related to ill-health provisions, but there is no solution or regulations on which to provide comment.

Alan Lees Acting Chief Executive

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