

February 2021

Government's response to public pensions consultation: Q&A's to support branches

What option did the Government choose to implement the Remedy to the unlawfully discriminatory transitional protections?

The Government has chosen the Deferred Choice Underpin (DCU) option over the Immediate Choice (IC) option to implement the Remedy. The DCU was our preference as set out in our response to the consultation in October 2020. The DCU option means you won't have to make a choice about your benefits during the Remedy Period (1 April 2015 – 31 March 2022) until you retire.

We believe the DCU option is the only method of Remedy which ensures that all members in scope can make their choice based on fact, rather than projections that may not be borne out in reality.

Who is affected?

The Remedy only applies to those who were a member of a police pension scheme immediately prior to 1 April 2012 and have continued to be members of one of the police schemes at some point during the Remedy Period (1 April 2015 to 31 March 2022), including deferred and pensioner members.

Do I need to have made a claim to be eligible for the Remedy?

No, the Remedy will be automatically applicable to anyone who is in scope, whether you have made a claim or not.

What does this mean for those who have been discriminated against?

You will have a choice at retirement of receiving either legacy or reformed scheme benefits for the entire period of your scheme membership during the Remedy Period. It will not be possible to 'mix and match' scheme membership during the Remedy Period, if you are subject to tapered protection you will also have to make this same choice at retirement of either legacy or reformed scheme benefits for the entirety of the Remedy Period.

In the meantime, you will be returned to your original legacy scheme for the Remedy Period, and any necessary adjustments in member contributions and tax will be made as part of that exercise of returning people to their original scheme for the Remedy Period, which is due for completion by October 2023.

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When will this be implemented?

Calculating and implementing the Remedy for each individual will take some time. As a result, whilst the end date of the Remedy period will remain 31 March 2022, it will take until October 2023 (at the latest) to actually implement all of the necessary changes.

Whilst the lengthened timescale for implementation may give rise to concern, it is intended to give forces and their pensions administrators sufficient time to implement the Remedy correctly and consistently for all members.

What does this mean for members who are about to retire?

PFEW and the other staff associations have raised the treatment of such members as a major concern from the outset of our discussions about the Remedy. The Home Office published Immediate Detriment guidance part way through the consultation period in 2020 which was intended to provide guidance for administrators to allow for retirements to be processed on Remedy terms.

However, the guidance was not fit for purpose nor mandatory, and we (along with the other staff associations) have voiced our concerns repeatedly since its publication. We are aware that the NPCC are also concerned about this matter, and together we are lobbying for this to be dealt with appropriately and as soon as possible. We are informed that the Home Office is currently involved in detailed discussions with HM Treasury on this matter and we await the outcome. In the meantime, we will continue to press for action.

What does this mean for members who have already retired?

Those retired members who were active members of one of the police schemes during the Remedy period will also be subject to the Remedy and will have the same choice over their benefits. In some instances, this will mean that retrospective adjustments are necessary in relation not just to pension payments, but also to individual members' contributions and tax. Such cases are complex and are likely to take some time to sort out.

Will those who joined from 1 April 2012 to March 2015 be included in the scope of the Remedy?

The Government is maintaining the line that such members are not in scope of the Remedy as the transitional protections and therefore the discrimination did not apply to them and they should “reasonably have expected” to know that they would join the CARE Scheme on 1 April 2015. We are seeking further clarification on the validity of this.

The Home Office has produced further detailed FAQs which can be found [here](#).