

## Pensions Group Action – Member FAQs

### The claim

- **How do I sign up? I have not received an email/link.**

Contact your local Federation Branch Board who will be able to email you the information and link.

- **What is the Group Action hoping to achieve (i.e. reinstatement of previous terms)?**

The Government has conceded that its approach to transitional arrangements was unlawful and committed to rectify the situation. The Employment Tribunal is due to consider whether any compensation should be awarded to those with existing claims. The purpose of this Group Action is to ensure those members who did not lodge claims are also considered for the award of compensation.

- **Is this claim different from the age discrimination claim?**

This is an age discrimination claim; however, it should be remembered the Government has conceded the use of transitional arrangements in this case was unlawful age discrimination and committed to rectify it. The purpose of taking a claim at this stage is to be considered for any compensation award the Employment Tribunal considers appropriate.

- **Who is the claim against (i.e. Police Force or Government)?**

The claim will be taken against the Secretary of State for Home Affairs and Chief Officer for the claimant.

### Eligibility

- **How do I find out if I am in the affected groups? What are the affected groups?**

To be eligible you will have been serving on 1 April 2012 and a member of a Police Pension Scheme on that date. You will still have been serving and be a member of a Police Pension Scheme on 1 April 2015. You will not have received full protection in respect of the change of Police Pension Schemes (not have been allowed to remain in the scheme you were in prior to 1 April 2012 for the remainder of your service).

- **I have retired – am I eligible?**

If you fit the above criteria and moved to the 2015 Police Pension Scheme prior to retiring then you are likely to be eligible.

- **I had a break(s) in PFEW subscriptions (or a break of more than six months) for some reason (e.g., financial hardship, caring, career break) – am I eligible? If not, why not?**

The PFEW legal funding criteria states that to be eligible for funding in claims such as this, a member must have commenced subscribing to PFEW within six months of joining the police service and remained a subscribing member whilst serving except for any period of unpaid leave or time spent as a Temporary Superintendent. Funding for conduct and performance matters is provided for those who have had periods when they did not subscribe, however, not for matters such as this.

- **I did not join the scheme within six months of joining the police and/or had a break in contributions - am I eligible? If not, why not?**

There is no requirement to have joined the Police Pension Scheme within six months of joining the police service to be eligible to claim. The reference to six months is in respect of subscribing to PFEW. That is a requirement to be entitled to PFEW funding for matters such as this.

- **I opted out of the Police Pension Scheme because of the changes, am I eligible?**

Where a member opted to leave the Police Pension Scheme because of the transitional protections, and did not join an alternative pension scheme, it is likely to be difficult to establish a link between the decision to opt out and the discrimination. The member will have elected to put themselves in a worse position by being out of a pension scheme altogether, rather than transferring into the 2015 CARE Scheme. If the member opted to make alternative arrangements to mitigate the loss caused by being moved into the 2015 CARE Scheme and can prove the reason they decided to leave the Police Pension Scheme was because of the transitional provisions, then the member may have grounds to bring a claim. Any such claim may now be out of time and would require evidence of the reason for the member's decision to be considered further.

- **I transferred another pension (private or public service) into my police pension – can I apply? How do I note this on the form?**

The transfer of pension from another scheme does not impact on whether you were discriminated against. To be eligible to claim you need to have been serving and a member of a Police Pension Scheme as of 1 April 2012 and serving and a member of a Police Pension Scheme as of 1 April 2015. You would not have been allowed to remain in the Police Pension Scheme you were a member of prior to 1 April 2015 until such time as you retired from the service.

## Schemes, tapering and transitional provisions

- **What is tapering? How do I know if I am affected/my pension has been tapered? What's the impact of this on my ability to join the Group Action?**

Members eligible to join the Group Action must have either received no protection, or tapered protection when the 2015 CARE Scheme was introduced. If you had no protection, you were moved into the 2015 CARE Scheme on 1 April 2015. If you had/have tapered protection you remain in your current scheme for a limited period after 1 April 2015 and once the tapered protection expires you automatically move into the 2015 CARE Scheme.

- **What is full protection? How does it differ to 'transitional protections'?**

As part of the introduction of the 2015 CARE Scheme, some members were permitted to remain in their original pension scheme (PPS 1987 or NPPS 2006) past 1 April 2015. This was managed using transitional provisions which detailed who could remain in their current scheme, and for how long:

- Members who could remain in their current scheme until retirement (full protection). These members did not move to the 2015 CARE Scheme and will continue to accrue pension in their current scheme until they retire
- Members who could remain in their current scheme for a limited time before joining the 2015 CARE Scheme (tapered protection)
- Members who would automatically move to the 2015 CARE Scheme on 1 April 2015 (no protection)

- **How do I find out what scheme I was on?**

Please contact your pension administrator.

- **How do I find out if I benefited from transitional protections or tapering?**

Please contact your pension administrator.

- **The claim form asks me to select which pension scheme I was a member of on 1 April 2015. Prior to 1 April 2015 I was in PPS 87 or NPPS 2006, but I was automatically moved to the 2015 CARE Scheme on 1 April 2015. What is the correct answer?**

In this scenario you should select the 2015 CARE Scheme as your pension scheme on 1 April 2015.

## Existing representation

- **I have had representation for the discrimination part of the claim, can I now join the PFEW Group Action?**

If you have already issued a claim and wish to apply to PFEW for funding of that claim and to be represented by Penningtons Manches Cooper LLP, such applications will be considered on a case by case basis, taking in account of, but not limited to:

- a. Your eligibility for PFEW funding
- b. PFEW's funding criteria, including a costs/benefit analysis
- c. Practical considerations, including the timing of any such application and proposed change in legal representation to cause the least amount of disruption to the timetable of an existing claim and other claims being pursued.

It should be noted that if you are already being legally represented in your claim, you will be responsible for making arrangements to terminate your retainer with your current representative and settling any outstanding fees with them, if and when PFEW funding is confirmed. PFEW will not be liable for these costs.

- **I have paid Leigh Day/someone to take up this issue on my behalf – why has PFEW left me out of pocket? Will you reimburse me if you win? Or reimburse me for subscriptions for the years where PFEW did not act?**

Individual members had the right to obtain legal representation independently of PFEW. Instructing Leigh Day/someone else was a decision entered into by the member in the knowledge that PFEW was not involved in this arrangement and the member would be responsible for any costs incurred in accordance with the terms of their agreement. PFEW is not responsible for the member's actions or for the costs incurred.

PFEW's decision not to bring proceedings sooner was made based on legal advice and considers that it acted reasonably in taking legal advice and following it. PFEW has no plans to reimburse member subscriptions for the period in which it did not commence proceedings.

## **Costs**

- **What is the cost to me, even if we lose?**

There is no cost to you as an individual.

- **If the claim is successful, am I entitled to keep all the compensation awarded to me?**

PFEW does not take any part of compensation awarded. Courts can award part or all the costs of taking such a case and this is separate to any compensation awarded. Any of the cost for taking the case awarded to PFEW is entitled because the organisation is paying for those costs. Any compensation awarded remains the members.

## Form issues

- **How do I sign up for the Group Action?**

You should have received an email to your Force PNN email address, from Alex Duncan, PFEW's National Secretary. It may be possible that the email has landed in your junk/ spam mailbox, so please do check there in the first instance. If you have not received the email, you can obtain it by contacting your local Federation Branch Board.

- **I have signed up. What confirmation should I have received? What do I do if I have not received a confirmation message?**

On submitting your application, you should receive an email confirming your submission to your personal email address provided in your application at the time of submission. If you have not received the confirmation email, please check your junk/spam mailbox in the first instance. If after checking your junk/spam mailbox you still did not receive the confirmation email, please contact your local Federation Branch Board.

- **I made a mistake on the form, what should I do?**

Please complete the application once again. On receipt of your new application, the previous one will be discarded.

- **I have filled in the form to the best of my ability but am concerned I might not have understood. I do not want to be accused of providing misleading information. Will someone check the answers?**

The submitted information will be worked through and any issues identified will be checked with the member concerned. We recognise that innocent errors can be made, and we will not consider an error as an attempt to mislead.

- **I worked for multiple police forces – how do I record this on the form?**

We have created a supplementary questionnaire to capture information related to working in multiple forces. If you have answered 'yes' to working in multiple forces in the application at the time of submission, you should have received a follow up email asking you to complete the supplementary questionnaire. If you have not received the supplementary questionnaire, please contact your local Federation Branch Board.