



## **DEFENCE POLICE FEDERATION**

Established by Act of Parliament

**To All Members**

**Circular 31/16**

**03<sup>rd</sup> May 2016**

### **Legal action: MDP pensions**

I am writing to inform you that the Federation is investigating the possibility of pursuing legal action on the subject of MDP pensions and has informed both the Cabinet Office and the Ministry of Defence.

The grounds for pursuing legal action are two-fold. Firstly, the Government's refusal to grant MDP officers an Enhanced Effective Pension Age (EEPA) of 60 years, in line with the retirement age of 'uniformed services' (according to legislation passed in 2013 from which the MDP was excluded in error) such as the Armed Forces and Home Office constabularies. Secondly, the required transfer of officers to the new Civil Service Pensions Scheme discriminates against officers within specific age brackets.

At this stage we have instructed our legal representatives to contact the Cabinet Office and Ministry of Defence to seek a response to the prospect of a judicial review over the EEPA, and to seek conciliation on the issue of age discrimination as a prelude to commencing proceedings in the Employment Tribunal.

The National Executive has taken the decision to pursue legal action after great consideration. This is clearly not the route we would have wished to take, but believe it is now a necessary step in order to secure appropriate retirement and pension arrangements for MDP officers. Members will be aware that the Federation has engaged in lengthy discussions with the Ministry of Defence, prior to and since the passing of legislation on public sector pensions in 2013. It has been our profound hope that since ministers had accepted that the State Pension Age was not appropriate for MDP officers (committing to an Effective Pension Age three years below the State Pension Age), there would be similar acceptance of the Federation's compromise offer on an EEPA of 60 years. Under this compromise, officers would be able to retire at 60 should they choose to make the pension contributions to fund such a decision.

Please don't forget to register on our website and receive updates [www.dpf.org.uk](http://www.dpf.org.uk)

Following protracted discussions amongst government departments, and despite substantial support for a retirement age of 60 in Parliament, we have been informed the Government will not commit to an EEPA of 60 years. This leaves us to conclude that legal action is now an appropriate and necessary course of action.

The DPF remains committed to a retirement age of 60 years for MDP officers. While some officers will clearly be able and may wish to work longer, we believe it is unrealistic to expect a majority to continually meet fitness and other professional requirements beyond the age of expected of other uniformed services.

We will of course continue to keep members informed as to the legal action.

**Eamon Keating**  
**National Chairman**