



DEFENCE POLICE FEDERATION

Established by Act of Parliament

All Members

04th July 2019

Circular 08/19

Pension Action Update

As you will all be aware, the DPF lodged over 1000 Employment Tribunal discrimination claims on behalf of members on the grounds that the transition arrangements of the public sector pension reforms introduced in 2015 were discriminatory on the grounds of Age, Sex and Ethnicity. These claims were “stayed” by the Tribunal service pending the outcome of similar claims already lodged by the Firefighters and the Judiciary.

The two sets of claims, mentioned above, were heard in the Appeal Court at the end of 2018 where the Government lost their case. This had the effect of returning members back to the pension terms they had prior to the 2015 reforms. The Government subsequently applied for leave to appeal to the Supreme Court, this application was refused on Thursday 27th June 2019 and therefore the Appeal Court ruling stands, finding that the Government’s actions were discriminatory.

The Government now has 3 months to return to the Employment Tribunal to outline how they intend to correct the situation and reinstate members’ previous terms.

We are currently in discussion with our legal advisors in order to better understand how this judgement will be applied to our members and to ensure that those that leave early or have left through Ill Health Retirement (IHR), or other routes, have their pensions calculated / recalculated using their pre-2015 scheme rules.

This judgement has also impacted the Pension Ombudsman complaint that the DPF lodged.

This complaint was as a result of the Force and Departments failure to introduce, to those members in the “alpha” pension scheme, the fully funded Effective Pension Age (EPA) option of the higher 65 years old or 3 years below state pension age agreed as part of the 2016 Terms and Conditions of Service (TACoS) review.

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The named complainant in this action was a member of one of the earlier schemes. Therefore, as a result of the Appeal Court ruling and the Supreme Court decision to refuse the Governments application to appeal, this member will effectively be returned to their earlier scheme terms and will be no longer subject to the “alpha” scheme – for the purpose of this claim.

In order to move this issue forward for those members who remain in the “alpha” scheme, the DPF has lodged a further complaint with the Pension Ombudsman in the name of a newer member, who joined the Force after the introduction of the “alpha” scheme and who is therefore unaffected by this latest ruling.

We are looking to sit down with our legal advisors as soon as possible, to fully understand the impact of this decision from the Supreme Court and how it will affect our members.

Further updated will be published as soon as they are available.

Paul Hunter

DPF Pension Sub-Committee Chair

DPF HQ