

Sent via email to: Peter.Spreadbury@homeoffice.gov.uk

23 September 2022

Dear Peter,

THE IMPLEMENTATION OF RETROSPECTIVE REMEDY FOR THE POLICE PENSION SCHEMES

We write as the seven staff associations (hereon referred to as “*the associations*”) representing police officers of all ranks throughout the United Kingdom, in order to place on record our shared disquiet, dissatisfaction, and ever-increasing dismay at the way in which the implementation of the retrospective Remedy is being handled by government.

The first point we raise is the proposed consultation period for the second (retrospective) phase of the Remedy process. Having previously discussed this with Home Office officials, we were led to believe that representations would be made on our behalf to allow for a consultation period longer than the standard twelve weeks.

All stakeholders are aware that there is much detail and complexity within the proposed Remedy, which will necessitate extensive and complex changes to the Police Pensions Regulations 2015 (PPR 2015) and possibly to other regulations, including those governing the legacy schemes. It is in the best interests of all parties involved that the changes made are comprehensive, correct and achieve the policy intent to introduce and apply the Remedy to satisfy the Court of Appeal’s decision in the cases of *Lord Chancellor and Secretary of State for Justice & another v McCloud & others* and *Secretary of State for the Home Department & others v Sargeant & others* [2018] EWCA Civ 2844. In order for the associations to play a constructive role in this process and to safeguard the interests of our members,

it is essential that all of the associations are given sufficient time and opportunity to properly examine the proposed changes in detail, and raise any pertinent issues. This will be a demanding and time-consuming task and the associations only have limited resources to enable us to contribute meaningfully. For this reason, we were, not unreasonably, seeking an appropriately extended consultation period.

Consequently, the associations were greatly dismayed to find out during the latest “collaboration” session that the consultation period will not only just be the standard twelve weeks, but that it will also run across the Christmas and New Year holiday period. In our view, this is entirely inappropriate, and we request that this is reconsidered as a matter of urgency. The demand on resources will be further impacted by associations who are compiling submissions for the Police Remuneration Review Body at the same time.

In respect of the changes necessary to implement Remedy, it would appear that the lessons that should have been learned from the rushed production and introduction of the Police Pension Regulations 2015 (PPR 2015) in 2014-2015 have not been heeded, which is alarming. More worryingly, this confirms the associations’ opinion that the engagement with us regarding Remedy is simply indicative, and yet another example of how little regard is taken of any issue we raise, no matter how reasonable. This does not bode well for anything raised by the associations during the consultation process itself.

We have several other concerns which we would like to put on record and which have been outlined below.

Whilst acknowledging the positive intent behind the Home Office’s organisation and hosting of the current pre-consultation “collaboration” sessions, the associations are currently somewhat dubious about the amount of benefit we are deriving from them. We are less than convinced about the sequencing of the sessions. For example, the session on contributions has been moved without any notice and this information only came to light when a member of the Fire Scheme Advisory Board (SAB) made reference to the change, following their separate conversation with Home Office officials. Further, a revised workplan has not been issued to reflect this change. For the most part these sessions provide a re-statement of elements of Remedy that are already known, with very little in the way of specific new information. One example of this is the topic of interest. Not only are the rate(s) to be applied still not known, but the associations (and others present at the session) were left with more questions about the application of interest than prior to the session. It is nonsensical to invite discussion on a topic where fundamental elements remain unknown, and surely defeats the objective of the session. It is noted that follow up sessions have been planned, which again brings to the fore questions over whether the sessions have been sequenced in any meaningful or logical way.

The associations are experiencing growing fatigue over the rebuttal to our concerns with the excuse that Home Office officials don’t have an answer to a question because HM Treasury (HMT) have not yet issued the requisite “tablet of stone”. If the Home Office is raising potential issues and seeking answers from HMT it would offer some reassurance to know that they have done so. The lack of such confirmation suggests to the associations that these conversations are not occurring.

The associations were asked for feedback following the first “collaboration” session which, whilst avoiding the temptation to bombard the Home Office with technical questions, was provided. However, other than the slides now being numbered, other suggestions seemed to have been ignored when it came to the second session. The provision of the material only two and a half working days before the session, after our request for a longer lead in period was a particular irritation. Whilst we understand, and are sorry to hear, that the (even worse) delay was due to sickness, we fail to see why this then has to become the problem of the associations.

Whilst it is understood and acknowledged that the NPCC are taking steps to try and organise the sequencing of the application of the Remedy from 1 October 2023, the associations are becoming increasingly concerned about the lack of clarity on this issue. We entirely understand that this is not a question of a simply pressing a button to implement Remedy, but there are an ever-increasing number of members subject to immediate detriment, some of whom may become death cases before their benefits are corrected. This cohort is on top of the many officers seeking to make informed decisions about their impending retirement, without being able to obtain accurate and comprehensive quotes from administrators. Clarity on such matters will help all concerned manage expectations by communicating with members. Whilst we all need to play a part in this, our further concern is that the burden of communicating with members (and therefore passing on any “bad news”) appears to be falling more on ourselves and the NPCC rather than being dealt with centrally by the Home Office.

It would be extremely unwise for government to underestimate the strength of feeling and levels of mistrust and anger within our membership. Morale amongst police officers is far from high at the moment and this will only serve to exacerbate the situation. PFEW’s last Pay and Morale survey (2021) showed that officers had a higher level of dissatisfaction with their pension (71% of respondents) than when the 2015 CARE Scheme was introduced.

On a more general note, recent experience has caused our increasing annoyance and frustration at the seeming inability and/or unwillingness of the Home Office to respond to other issues put to you in writing. When we raise a query, we do not do so to be an irritant, but to ensure the schemes are run correctly, consistently and in accordance with legal requirements for the benefit of our membership. It is surely not unreasonable for us to expect yourselves, in your capacity as sponsors of the scheme, to provide us with accurate and timely answers to our queries. We know Remedy has put a pressure on resources but do not think that these other matters should be neglected. There are a number of examples of this trend, some of which are outlined below.

Buy-back of unpaid family leave – PFEW’s National Secretary wrote to the Home Office regarding this matter on 20 September 2021. Subsequently, with the assistance of NPCC, the issue was resolved and between us steps have been taken to ensure that members are now treated consistently and correctly, and that outstanding historic mistakes are corrected. It is worthy of note that the confusion around this issue arose from the Home Office failing to ensure that all forces and their pension administrators were informed properly of a legislative change that had been made back in 2018. PFEW never received a reply from the Home Office.

Compulsory Retirement Ages (CRAs) – PFEW’s National Secretary wrote to the Home Office about this issue on 12 April 2022, having been made aware of forces applying the CRA contrary to regulations. Whilst an acknowledgement of receipt was forthcoming on this occasion, PFEW were advised that this would be dealt with “in due course”. This was a live issue which needed dealing with in a timely manner in order to avoid members being treated incorrectly and giving rise to litigation, so to advise that it would be dealt with “in due course” and having received no response four months later is/was not appropriate. Once again, with the assistance of the NPCC we have collectively reached our own conclusion on this matter and made forces and branch boards aware that there is no longer a CRA. There was still an outstanding query about the historic position to which we eventually received an unhelpful answer on 5 August.

The “Pensions Trap” – PFEW raised this issue in the letter to the Home Secretary of 16 July 2021 and went to the trouble of setting out what we felt would be a fair and sensible potential solution to the problem. Despite the associations’ continuously raising this issue, it has taken over a year to finally receive what can only be described as a cursory response, rejecting our suggestion along with any other potential solution. We are told that our suggestion is very likely to be age discriminatory, but have seen no proof of this. PFEW alone have received over 500 comments from long serving officers who were intending to retire at a point they had every reasonable expectation to, without having unfair and disproportionate financial penalties imposed upon them. Furthermore, it is entirely inappropriate to use the Uplift programme, an entirely separate politically imposed requirement, as an excuse to perpetuate this patently unfair treatment on a cohort of officers who joined at a younger age and are long serving.

Following your letter of 5 August, we will be considering our position on this matter further.

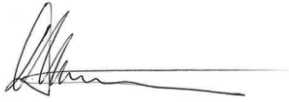
In conclusion, as has been made evident by the content of this letter, the associations are extremely unhappy with the current situation. Collectively, we are left with an overwhelming feeling that anything we say, ask or suggest is being ignored. In relation to Remedy, we feel that what is going on is merely window dressing and lip service as a precursor to government simply steamrolling its chosen process into place, with little or no regard being taken of the concerns of the police officers of the United Kingdom and their representatives.

A copy of this letter has also been sent to Frances Clark (Home Office) and Julia Mulligan (Scheme Advisory Board Chair).

Yours sincerely

A handwritten signature in black ink, appearing to be "Calum Macleod", written over a circular scribble.

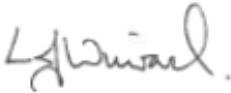
CALUM MACLEOD
National Secretary, Police Federation of England and Wales



DAN MURPHY
National Secretary, Police Superintendents' Association



LIAM KELLY
Chair, Police Federation for Northern Ireland



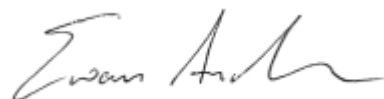
LISA WINWARD
Negotiating Secretary, Chief Police Officers Staff Association



CRAIG SUTTIE
General Secretary, Association of Scottish Police Superintendents



CALUM STEELE
General Secretary, Scottish Police Federation



EWAN ANDERSON
President, Police Service of Northern Ireland