

# Your Police Pension Retiring before 1st Oct 2023

To be eligible\* for remedy you must meet the following four conditions:

1. You were in pensionable service on or before 31 March 2012.
  2. You were eligible or are retrospectively eligible\*\* for pensionable service during the remedy period.
  3. It must be service that would have been pensionable in the relevant legacy scheme, had the discrimination not occurred.
  4. You must not have a disqualifying gap (break) in service (of more than five years).
- If you are retiring before 1st October 2023 you will initially receive pension accumulated to the date of your retirement, comprising Legacy Benefits from the 1987/2006 Pensions Schemes and Reformed Benefits from the 2015 Scheme. Those under 55 either have to wait until age 55 and take benefits reduced from State Pension Age (SPA) or take unreduced benefits at SPA, in respect of their 2015 Scheme Benefits.
  - This will then be rectified via a choice of either legacy or reform benefits for service between 1st April 2015 and 31st March 2022. This choice will be provided by a Remediable Service Statement, which must be provided to eligible members by the 1st April 2025. However Scheme Managers will be working with administrators to provide this choice as soon as possible.

**Those retiring after the 1st Oct 2023 will get an immediate choice of legacy or reform benefits on retirement.**

Section 1 of the PSPJOA 2022

\*\* Section 5 of the PSPJOA 2022

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If you are retiring between now and October 2023 your benefits will be calculated as normal on the benefits you have accrued in both Legacy and Reformed Schemes as the remedy will not have been implemented yet.

Scheme Managers have 18 months from the 1st October 2023 to provide you with a Remediable Service Statement. This will show a comparison of your benefits under the legacy scheme and the reformed scheme during the Remedy Period. You will then be asked to choose what benefits you want to receive.

## **Will I have to wait until 1st April 2025 to get my benefits?**

From the 1st October 2023 pension administrators will begin to provide a choice of benefits for the Remedy Period to those who have retired. There are a significant number of affected individuals, including ill- health and beneficiaries. It is expected to take a considerable time for all cases to be completed. Administrators will aim to provide choices as soon as possible.

**This does not apply to those retiring from the 1st Oct 2023, who will get an immediate choice of legacy or reform benefits on retirement.**

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## What is Remedy?

On 1st April 2022 the [Public Service Pensions and Judicial Offices Act 2022 \(PSPJOA\)](#) came into force. It confirms that **eligible members will be returned to their final salary schemes for the period 1st April 2015 to 31st March 2022**. This will be enacted by the 1st October 2023 and is known as remedy (or retrospective remedy).

Fully protected members of legacy schemes were in the legacy scheme throughout the Remedy Period, but they will have a choice later to receive legacy or reformed benefits for the Remedy Period.

**All legacy schemes were closed to future accrual on 31st March 2022.**

**Service from 1<sup>st</sup> April 2022 will be accrued in the 2015 scheme.**

The Act will remedy the discrimination between 1st April 2015 and 31st March 2022 by moving members back to their legacy scheme for this period. The Treasury will specify the rate of interest to apply to payments owed and due.

## What next?

These changes now need to be put into legislation. It is expected that the Home Office will draft and introduce these regulations by 1st October 2023.

The Treasury are also required to make changes to the Finance Act 2004 in connection with the discrimination rectification provisions. See [Section 11 of the Finance Act 2022](#).

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## Frequently Asked Questions

- **What is a remedial service statement (RSS)?** A statement provided to members which shows the benefits accrued in the remedy period both as legacy benefits and reformed benefits.
- **What is a legacy scheme?** The Police Pension Scheme 1987 and Police Pension Scheme 2006.
- **What is the reformed scheme?** The Police Pension Scheme 2015.
- **What is the remedy period?** The 1st April 2015 to the 31st March 2022.
- **What if I was a protected (including Tapered) member?** You will see no initial change to your benefits in payment, but you will be offered a choice of re-formed scheme benefits within 18 months of the 1st October 2023.
- **Why can't I receive my remedied benefits before 1 October 2023?** The legislation required to remedy benefits before 1 October 2023, will not be in place until 1 October 2023. Immediate Detriment (ID) is where a Police Pension Authority remedies the benefits accrued in the remedy period before the law is in place based only on section 61 & 62 of the Equality Act. In November 2021 Home Office and HMT withdrew their ID guidance. Without replicating the guidance in full in this document, the key reason for withdrawal of the guidance was uncertainty on the power of section 61 before the new legislation is in place. There are unanswered questions on the risk to members and to forces on the effect of implementing ID based solely on the powers of the Equality Act without the underlying regulations having been brought into force.

**If you need further information please contact your local pension scheme administrator**