

Police Pensions – McCloud Remedy Contingent Decisions

MPS Guidance for Members

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What is a Contingent Decision?

A Contingent Decision is a decision taken by a Member, that would have been different had it not been for the discrimination identified by the courts. The decision will relate to their membership of the Police Pension Scheme during the Remedy Period 1 April 2015 to 31 March 2022.

What are the types of Contingent Decisions?

There are three types of Contingent Decisions for which a claim can be made.

- A. **Opt-Outs:** A Member who would not have opted-out if they had been allowed to remain in the Legacy Scheme beyond their transition date or if protected Members had been allowed to join the 2015 Reformed Scheme from 1 April 2015.
- B. **Honoraria:** A Member who would have chosen an Honoraria (Non Pensionable Payment) if they had remained in the Legacy Scheme.
- C. **Additional Service:** A Member who would have purchased (more) additional service if they were in the Legacy Scheme.

Important information about Contingent Decisions for Opted-Out Service

Periods of service that can be considered for re-instatement of Opted-Out Service

You can make a Contingent Decision claim for Opted-Out Service if you Opted Out between 12 March 2012 and 28 February 2022 and the reason for you Opting Out was because of the 2015 Pension reforms. This also includes opting out because you were deemed a fully protected Member and could not join the 2015 scheme.

The specific date that you Opted-Out and the Scheme you Opted-Out from will depend on how your Opted-Out Service can be re-instated.

Re-instatement of Opted Out Service

If your Legacy Scheme is the 1987 Scheme and you Opted-Out before 1 April 2015, you will only be able to be re-instated into the 2006 Scheme for your period of Opted-Out Service. This is because the rules in place before this date did not allow members to re-join the 1987 Scheme.

If your Legacy Scheme is the 1987 Scheme and you Opted-Out between 1 April 2015 and 28 February 2022, you will be re-instated into the 1987 Scheme for your period of Opted-Out Service.

If your Legacy Scheme is the 2006 Scheme you will be re-instated into the 2006 Scheme.

If you have any Opted-Out Service after 1 April 2022, the Scheme Manager can re-instate your membership of the 2015 Scheme from 1 April 2022.

Opt-Out after 30 years' service

If you Opted-Out of the 1987 Scheme when you reached 30 years' service and this was before 1 April 2015 then you will only be able to be re-instated into the 2006 Scheme.

If you Opted-Out of the 1987 Scheme when you reached 30 years' service and this was during the remedy period then you will be re-instated into the 1987 Scheme.

As you have achieved your maximum service, you will not be able to accrue any more benefits in either the 1987 Scheme or the 2006 Scheme, but you would be able to accrue pension benefits in the 2015 Scheme so the option to have your Opted-Out Service re-instated may be of benefit to you if you choose 2015 Scheme benefits for the Remedy Period.

If you have a period of re-instated Opted-Out Service that falls between 12 March 2012 and 31 March 2015 this will not count for pension purposes.

Changing your mind about your election

If your Contingent Decision claim is accepted and you elect to have your Opted-Out Service re-instated, this decision is irrevocable. This means that even if your personal circumstances change in the future, you will have to pay the missing contributions at some point before your pension benefits can be brought into payment.

As you will not be able to change your mind about any election to have Opted-Out Service re-instated, before you make your decision, you should take into account and consider very carefully how much it will cost and how and when you will pay the required amount.

Important information about Contingent Decisions for Honoraria

Periods that can be considered for an Honoraria Contingent Decision

You can make a Contingent Decision claim for Honoraria if you made an election in the Remedy Period 1 April 2015 to 31 March 2022 about your temporary pay.

You may have elected to receive a Non-Pensionable Payment (Honoraria) instead of any increase in temporary pay, or you were entitled to make such an election but you did not.

Important information about Contingent Decisions for Additional Service

Conditions that need to be met for an Additional Service Contingent Decision claim

You can make a Contingent Decision claim for Additional Service if immediately before 1 April 2022 you were either an Unprotected or Tapered Member of the 1987 Scheme or the 2006 Scheme.

If your Legacy Scheme is the 1987 Scheme you will need to meet the necessary conditions for purchase of Additional 60ths in that Scheme with the key point being that you could not achieve 30 years by the normal pension age for your rank.

If your Legacy Scheme is the 2006 Scheme you will need to meet the necessary conditions for the purchase of Added Years in that Scheme with the key point being that you could not achieve 35 years by your normal pension age.

A Contingent Decision election for Additional Service can take effect from your first birthday within the Remedy Period, but you can choose a later birthday as long as you still meet the conditions required at that date.

When can I make a Contingent Decision claim?

There are various timeframes for when you can make a Contingent Decision claim. During the period 1 October 2023 to 31 March 2025, SSCL/EQ will be issuing Remediable Service Statements to all active, deferred, pensioner and beneficiary members with relevant membership in the Remedy Period.

The information and remedy choices provided to you in the Remediable Service Statements will be affected by any Contingent Decision claim that you intend to make.

The MPS Contingent Decision claims can be submitted between 9 January 2024 and 13 December 2024. In general the following deadlines will apply:

- You can make a Contingent Decision claim at any point before you receive your Remediable Service Statement.
- Where possible, you should consider making your claim and any subsequent election for a Contingent Decision at least six months prior to your retirement to ensure that there are minimal delays with processing your benefits.
- For Honoraria Contingent Decision claims, these must be made no later than three months after receipt of your Remediable Service Statement.
- For Opt-Out and Additional Service Contingent Decision claims, these must be made no later than 12 months after receipt of your Remediable Service Statement.

For those retiring prior to 9 January 2024, claims may be submitted before this date, but the complexity of Contingent Decisions means an outcome might not be achieved until after the retirement date.

How do I make a Contingent Decision claim?

To make a Contingent Decision claim you will need to complete the Contingent Decision Claim form and send it to SSCL at: sscl.mps.mccloud.remedy@police.sscl.com

For an Opt-Out or Additional Service Contingent Decision claim you will also need to provide supporting evidence. In all cases, this will be a short written statement in your own words of two or three sentences and in some cases you may need to provide some additional evidence. More information about what you need to provide is given on the claim form.

Once SSCL has received your claim and evidence, it will be assessed and you will be notified of the outcome. If your claim is accepted, you will be sent a set of options by SSCL.

What are the timescales to make a Contingent Decision claim?

The timescales provided below are the MPS timescales, which broadly replicate national guidelines.

| Description | Timescales |
|--|-------------------------|
| <p>SSCL acknowledges receipt of the Contingent Decision claim and any evidence provided.</p> <p>This will include any information about delays that are anticipated, especially where cases are expected to be paused before being progressed to the next stage.</p> | <p>Ten working days</p> |
| <p>SSCL/MPS reviews the Contingent Decision claim and the evidence provided and makes their decision.</p> <p>SSCL notifies the Member of the outcome of the Contingent Decision claim.</p> | <p>Two Months</p> |

Where the Contingent Decision claim is accepted by the MPS the case will progress as follows: -

| Description | Timescales |
|---|----------------------|
| <p>SSCL/EQ creates or amends the pension records as necessary and produces the Contingent Decision Remediable Service Statement.</p> <p>SSCL send the Contingent Decision Remediable Service Statement to the Member.</p> | <p>84 days</p> |
| <p>Member makes election for Honoraria.</p> | <p>Three Months</p> |
| <p>Member makes election for Opted-Out Service or Additional Service.</p> | <p>Twelve Months</p> |

What information will I be sent to make my Contingent Decision election?

You will be sent a Contingent Decision Remediable Service Statement which will contain details of:

- The additional pension contributions that you will have to pay. They will be adjusted for tax relief (except for active members who make an Additional Service Contingent Decision claim). They will also have interest applied.
- Information about any associated pension benefits so you can see the impact of any Contingent Decision election. Both the Legacy Scheme and Reformed Scheme Remedy choices will be shown.
- A notional Pensions Savings Statement will also be included so you can see any impact of Pensions Tax.
- Details of how and when you will need to make any payments.

How will I make my election for a Contingent Decision?

SSCL will send you a Contingent Decision Remediable Service Statement which will also include a Contingent Decision Election form.

You will need to complete the Contingent Decision Election form and return it to your Pension Administrator within the required timeframes: -

- Within three months for an Honoraria Contingent Decision claim.
- Within twelve months for an Opt-Out or Additional Service Contingent Decision claim.

How will any monies due be paid?

There are a variety of ways that the additional contributions owed by you can be paid. These will be dependent on what status of member you are and the type of Contingent Decision claim that you are making.

Where the Scheme owes you monies due to your election, then these will be paid as soon as possible after your election has been made.

SSCL/EQ will provide more information about any payments that are due and how these can be paid in the Contingent Decision Remediable Service Statement.

What can I do if I've not heard anything about my case?

If you have not received any communication to advise you of a delay, or you are expecting to hear and the timescales set out have passed, you should in the first instance, contact the SSCL helpdesk (sscl.mps.mccloud.remedy@police.sscl.com, Tel 01633 630934 (press option 2 for McCloud)) to ask about your Contingent Decision claim.

What can I do if my Contingent Decision claim is declined?

If your Contingent Decision claim is declined by the MPS Contingent Decision Panel, you will be provided with details of how to raise a dispute through the Internal Dispute Resolution Procedure (IDRP).

Your case will be heard by different MPS staff and may be a Single Stage or a Two Stage process.

You will also have the right of appeal to The Pensions Ombudsman.