

Police Pensions McCloud Contingent Decisions

NPCC 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:**

- i. A Member who would not have opted-out if they had been allowed to remain in the Legacy Scheme beyond their transition date, or,
- ii. A protected Member who had not 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

1987 Legacy Scheme

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, up to the latest date of 31 March 2022. This is because the rules in place before this date did not allow members to rejoin 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, up to the latest date of 31 March 2022.

2006 Legacy Scheme

If your Legacy Scheme is the 2006 Scheme you will be re-instated into the 2006 Scheme, up to the latest date of 31 March 2022.

Service after 1 April 2022

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 the information that is sent to you, which will include 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, Pension Administrators 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.

Your Force and/or Pension Administrator may publish information about the Contingent Decision process and specify when they would like members to make claims, but in effect 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.

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 the Scheme Manager (Chief Constable) for your force.

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 the Scheme Manager 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 the Pension Administrator for your force relating to your specific claim.

What are the timescales to make a Contingent Decision claim?

The timescales provided below are the suggested national timescales that have been provided as a guide for Forces and Pension Administrators, there may be differences for local arrangements.

The Scheme Manager (Chief Constable) for your force will be able to advise you of the timescales that will apply for you.

Description	Timescales
<p>The Scheme Manager 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>	Ten working days
<p>The Scheme Manager reviews the Contingent Decision claim and the evidence provided and makes their decision.</p> <p>The Scheme Manager notifies the Member of the outcome of the Contingent Decision claim.</p>	Two Months

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

Description	Timescales
The Scheme Manager sends the relevant data request to the Payroll Team.	Ten working days
The Payroll Team collates the necessary information for the Contingent Decision claim. The Payroll Team sends the collated data to the Pension Administrator.	One Month
The Pension Administrator creates or amends the pension records as necessary and produces the Contingent Decision Remediable Service Statement. The Pension Administrator send the Contingent Decision Remediable Service Statement to the Member.	Six weeks
Member makes election for Honoraria.	Three Months
Member makes election for Opted-Out Service or Additional Service.	Twelve Months

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 with regard to your Annual Allowance.
- Details of how and when you will need to make any payments.

In some cases you may need to go back to the Pension Administrator to request further options. They will tell you how you can do this when they send you the Contingent Decision Remediable Service Statement.

How will I make my election for a Contingent Decision?

Your Pension Administrator 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.

Your Pension Administrator 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 Scheme Manager for your Force 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 Scheme Manager for your Force, 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 an Accountable Officer and depending on the process for your Force this may be a Single Stage or a Two Stage process.

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