



**The Professional Trades Union for Prison,
Correctional & Secure Psychiatric Workers**

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POA Circular 40/2018

11th April 2018

Dear Colleagues

Action	Information
England/Wales	England/Wales <input checked="" type="checkbox"/>
Scotland	Scotland <input checked="" type="checkbox"/>
Northern Ireland	Northern Ireland <input checked="" type="checkbox"/>
Special Hospitals	Special Hospitals <input checked="" type="checkbox"/>
Private Sector	Private Sector <input checked="" type="checkbox"/>
IRC	IRC <input checked="" type="checkbox"/>

PENSION AGE CHALLENGE: APPLICATION TO THE EMPLOYMENT TRIBUNAL

Following the decision of the Executive to conduct the legal challenge on the new pension scheme, work has been ongoing for some time collating the members across the United Kingdom to commence the legal challenge.

The POA has instructed lawyers to commence the process of initiating Employment Tribunal proceedings this week for Prison Officer grades in England and Wales which will challenge the introduction of a new pension scheme for POA Members in 2015. Other claimants will follow in due course from other members in Scotland, Northern Ireland and the NHS.

The basis of the claims is on the grounds of age as well as other discrimination claims.

Conference Policy is clear that the new pension scheme is simply unworkable and POA members should have the right to retire at 60 years of age.

Ministers have always known our position in that we would rather reach an agreed solution but, it would appear there is a reluctance from Government to engage meaningfully therefore we have commenced legal proceedings.

Please draw the contents of the circular and attached press release to all members.

Thanking you in anticipation of your support and cooperation.

Yours sincerely

STEVE GILLAN
General Secretary

Enclosure



**The Professional Trades Union for Prison,
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REF: PR/167/2018
DATE: 11th April 2018
TO: ALL POLITICAL EDITORS, HOME AFFAIRS CORRESPONDENTS AND
INDUSTRIAL AFFAIRS CORRESPONDENTS

PRESS RELEASE
For Immediate Release

PRISON OFFICERS TAKE LEGAL ACTION OVER PENSIONS

The POA has started the process of initiating Employment Tribunal proceedings which will challenge the introduction of a new pension scheme for Prison Officers in 2015. It is anticipated that more than 3,500 POA members will join in the proceedings.

They claim that the transitional arrangements that were made when the new scheme was introduced discriminate on the grounds of age. That is because members who were aged 53 or older on 1st April 2015 are permitted to remain in the older scheme, members who were aged 49^{1/2} or younger had to transfer to the new inferior scheme on that date, and members between those ages have to leave the old scheme and join the new one on a date between May 2015 and February 2022. The sole criterion to determine who has to leave the old scheme and who does not is age. A younger member has to transfer into the new scheme even though an older member who joined at exactly the same time, or even later, does not.

The POA believes that the new pension scheme is simply unworkable. Prison Officers in the new scheme will be expected to work until their State pension age, which for members who have to transfer will be at least their 67th birthday, before they retire. We do not believe that it is realistic to expect anyone to perform the difficult, strenuous and potentially dangerous duties of a Prison Officer at that age. Members will end up having to retire early for reasons of health, with a substantial reduction to their pension. In the old pension scheme the normal pension age is 60 which is the oldest realistic age at which to expect a member to continue working in the prison service or the secure hospital environment.

The POA is heartened by the fact that parallel proceedings have been brought by 210 judges and 6,000 firefighters which the Government lost in the Employment Appeal Tribunal in January.



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Steve Gillan, General Secretary said:

“From day one of the changes the POA NEC were clear that we were opposed to the changes by Government and our membership rejected through ballot the changes. The POA remains willing to negotiate a solution which will enable prison officers and other POA members to retire with an unreduced pension at the age of 60. Ministers know our position and we would rather reach a solution but it would appear there is a reluctance from Government to engage meaningfully therefore we have commenced legal proceedings”.

Ends

For further information, contact:

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