



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

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## POA Circular 69/2019

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

2<sup>nd</sup> July 2019

Dear Colleagues

### 2015 CHANGES TO THE CIVIL SERVICE AND NHS PENSION SCHEMES

Members will recall that we filed thousands of Employment Tribunal claims last year claiming that the changes made in April 2015 to the pension schemes for civil servants and NHS employees were discriminatory on the grounds of age, sex and race. Those claims were ‘stayed’ (i.e. put on hold) pending the outcome of similar claims filed by firefighters and members of the judiciary.

I’m pleased to say that the firefighters’ and judges’ claims are now over. They won in the Court of Appeal in December, and last week the Supreme Court refused the Government’s application for permission to appeal. The Government has no further right of appeal and so the December victory must now stand.

The purpose of this circular is to inform you of what happens next. On the face of it, the firefighters’ and judges’ cases will return to the Employment Tribunal for a decision on the remedy that they are entitled to. Our cases can proceed. The issues of principle have been decided for us, and all that is left for the Employment Tribunal to deal with in our cases is also the remedy.

In practice that should not be necessary. The Government will have to revisit the changes it made in 2015. No doubt it will want to enact revisions similar to the 2015 changes but, most importantly, any revisions cannot be made retrospectively. That means that everyone is entitled to pension benefits from 2015 as if the 2015 amendments had never been made. That will remain the case until any further revisions come into force.

You will not notice any immediate changes. Making these further revisions will be a slow and complicated business. It will require a new Act of Parliament, and once that has been passed new pension scheme regulations will have to be made. Until then you will still be treated as a member of the 2015 scheme. Once the new regulations are made, the benefits you have accrued since 2015 will be restored to the pre-2015 level.

The speed and complexity are to our advantage. As mentioned above, any revisions that are made cannot be retrospective. The longer it takes, the longer you will keep your pre-2015 entitlements.

Members who are due to retire before January 2022 will be able to do so on the same terms as before. They were 'protected' or 'taper-protected' from the 2015 changes, meaning that they did not have to transfer to the new pension scheme, or were permitted to remain in the old scheme for a little longer. It is possible that the Government will try to remove this protection but, again, any revision cannot be retrospective.

The only members whose normal pension age was increased (to be equal to their State pension age) are too young to retire at the moment.

There is an important exception to this, and that is for members who have or need to retire early on the grounds of ill-health. Until new regulations are made, these members will only be permitted to retire on the inferior terms of the 2015 scheme.

These members should have been permitted to retire on the better pre-2015 scheme terms.

If members find themselves in the position that they want to or need to retire early, similarly if you have left the service on ill-health grounds please contact the legal department at Cronin House so that we can check if specific action needs to be taken on your behalf.

We are discussing what the Government's next steps might be with our legal team.

We will keep you informed of developments as they arise.

Please draw the contents of this circular to all members.

Thanking you in anticipation of your support and co-operation.

Yours sincerely



STEVE GILLAN  
General Secretary



MARK FAIRHURST  
National Chairman