



DEFENCE POLICE FEDERATION

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Update Regarding Pension Employment Tribunal Action

As you will recall, last Autumn the DPF asked members who had been transferred to the new “alpha” pension scheme or would transfer on a future date to register in order to be part of a group action to bring age discrimination claims against the Government following the introduction of the “alpha” scheme in April 2015.

Over 1000 DPF members registered to be part of this action and as a result, a total of 5 group discrimination claims, totalling 1017 cases, were lodged with the Employment Tribunal. These claims cover all the earlier schemes, “classic” “Premium” and “NUVOS” as well as claims for sex and racial discrimination on the grounds female and ethnic minority groups may also be disadvantaged under the new pension arrangements.

These claims are currently subject to the judicial process which the DPF and our legal team have little control over and will be scheduled to be heard in due course.

Members may also be interested to learn that over two hundred judges at various levels of the judicial structure have brought age discrimination claims regarding the reform of the Judicial Pension Scheme, which are a very close parallel to the claims brought on behalf of younger MDP officers who have been transferred into the “alpha” Pension Scheme. The Employment Tribunal judgement in the judges’ cases was published yesterday morning. The Claimant judges won comprehensively.

As in our cases, the Government conceded that the transitional arrangements, made when the “alpha” Scheme was introduced, discriminate on the grounds of age. It maintained, however, that it was pursuing a legitimate aim which meant that the discrimination was lawful.

The Employment Tribunal strongly disagreed. It said that the legitimate aim which the Government claimed – the need to protect those who are closest to retirement – is just another way of saying that it is legitimate to discriminate on the grounds of age. Saying someone is closer to retirement is just a different way of saying that they are older.

The Tribunal went on to say that even if that was a legitimate aim, the means the Government used to pursue it was disproportionate. It should have balanced the Government's desire to reform pensions, in a consistent way across the public sector, against the effects of the changes on the younger judges. There was little evidence to show that it had examined those effects, and no evidence that the balancing exercise had been conducted and came out in favour of changing the Judicial Pension Scheme.

Our cases will be heard in the Employment Tribunal in due course. The Government's claimed legitimate aim is identical in our cases. The effects of pension reform for judges is different because the details of their pension scheme is different, but the need for a balancing exercise is the same and the evidence that has come out shows the Government made little effort to analyse the catastrophic effects of the changes MDP officers and concentrated only on the financial savings to the Government.

The Government is likely to appeal the judges' decision, and our cases are slightly different. We have not reached the final conclusion yet, but our legal team is very confident that the DPF's cases will succeed for essentially the same reasons that the Tribunal gave yesterday morning.

We will provide further updates when additional information is available.

Paul Hunter
Pension Sub-Committee Chair