WARWICKSHIRE POLICE	POLICY

Security Classification	OFFICIAL
Disclosable under Freedom of Information Act 2000	YES

POLICY TITLE	Contingent Decisions (Police Pension Remedy)
REFERENCE NUMBER	**WP229**
Version	**1.0**

POLICY OWNERSHIP	
DIRECTORATE	ENABLING SERVICES
BUSINESS AREA	Human Resources

INITIAL IMPLEMENTATION DATE	**January 2025**
NEXT REVIEW DATE:	**January 2028**
RISK RATING	**LOW**
EQUALITY ANALYSIS	**LOW**
TIER	**2**

Warwickshire Police welcome comments and suggestions from the public and staff about the contents and implementation of this policy. Please e-mail policiesandprocedures@warwickshire.police.uk

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1.0 POLICY OUTLINE

1.1 This policy sets out how Warwickshire Police will resolve claims made by serving and former police officers (referred to as officers or members for the purposes of this policy) for Contingent Decisions under The Police Pensions (Remediable Service) Regulations 2023. It follows the NPCC Police Pensions McCloud Contingent Decisions Guidance for Scheme Manager and Administrators.

1.2 The policy is applicable to serving and former police officers (including those who have retired, resigned or been dismissed from the force). Where the term 'officer' is used this will apply to all categories of individuals who are covered by this policy.

2.0 PURPOSE OF POLICY

Following the ruling in 2018 that the transitional protections applied as part of the introduction of the 2015 Police Pension Schemes (CARE scheme), all forces have been required to implement a number of remedial measures to remove this discrimination. This includes returning officers to their previous or 'legacy' pension scheme for a set period of time and offering them the choice on retirement of whether to take the benefits from their legacy scheme or the CARE scheme. Collectively these remedial measures are referred to as the McCloud Remedy or Remedy.

8.1 One of these remedial measures is to allow officers to make Contingent Decisions to reverse decisions they may not have made had they not been moved into the CARE scheme.

8.2 There are four categories of decisions covered by the regulations and this policy:

1. Opt-Outs
   - i. A member who would not have opted-out if they had been allowed to remain in their legacy scheme
   - ii. A member who had not been allowed to join the CARE scheme from 1 April 2015
2. Honoraria
   Members who would have chosen a non-pensionable honoraria in place of temporary salary if they had remained in their legacy scheme
3. Additional Service
   Members who would have purchased additional service if they had remained in their legacy scheme
4. Transfers
   Members who chose to transfer in or out of the pension scheme and wish to revisit that decision, or chose not to transfer and now wish to do so

8.3 In each case there is a set eligibility criteria and decision making that the force and members must adhere to. This policy sets out how the decision making process will be applied in Warwickshire Police.

3.0 IMPLICATIONS of the POLICY

3.1 The requirement to implement this policy is driven by legislation, specifically The Police Pensions (Remediable Service) Regulations 2023 and other associated legal instruments relating to the McCloud Remedy. However in applying this policy the force is also governed by the following

a. Code of Ethics – relating to the correct use of public money and transparency in decision making
b. Risks / Health and Safety considerations – decisions made under this policy will have an impact on individuals through determining the level of benefits they can receive on retirement as well as the cost of pension contributions required to be made up;
c. Equality and Freedom of Information – the McCloud remedy resulting from a ruling that discrimination had occurred and any remedial action must also have mind to the Equality implications. There is national interest in the implementation of the McCloud Remedy which may result in FOI requests
d. Legal considerations – remedial measures must only be taken that are allowed for under the various pieces of legislation that govern the McCloud remedy as well as tax regulations;
e. Financial Implications – there are costs associated with the McCloud remedy which may or may not be centrally funded, but additional costs would occur if this issue was not correctly dealt with and the case was referred to the Pensions Ombudsman;
f. Implementation requirements – the primary challenge for implementation of this policy is communicating with those who might be impacted but are not aware that they have the facility to make a claim for a Contingent Decision. A communications plan has been developed which includes engaging with key stakeholder including the Federation, Superintendents Association and NARPO.

4.0 PROCEDURE

4.1 Each type of claim carries with it specific requirements for eligibility, evidence and deadlines for completion. For the benefit of brevity this procedure details the generic process and timelines that are applicable in all types of claim. Further specific information will be available on the intranet, on the NPCC Pension website (https://policepensioninfo.co.uk) and will be included in individual correspondence with officers who request a claim form.

4.2 Officers who believe they are eligible to make a claim under this policy will be required to complete a Contingent Decision claim form which will be available from the intranet or the HR Support team. They should return this form along with supporting evidence to the HR Support team.

4.3 Receipt of the Contingent Decision claim form will be acknowledged within 10 working days and the officer will be informed of the latest date by which they can expect the outcome of their claim to be decided.

4.4 The claim will be considered by the Head of Human Resources and the member notified of the outcome within two months of the form being received. If for any reason the decision cannot be made within this timeframe the officer will be kept updated of the reason for the delay and the anticipated timescales for the decision to be made. The Head of HR will record the rationale for their decision on the claim form and this will be shared with the officer. Where the claim is not accepted the officer will be able to appeal this decision under the force's Internal Dispute Resolution Procedure (IDRP).

4.5 Successful claims along with supporting information will be passed to the pension administrator, XPS, who will provide a Contingent Decision Remedial Service Statement (CD-RSS) to the member within 6 weeks of receiving the claim form.

4.6 On receipt of the CD-RSS officers will be required to make an election as to which option they which to take and inform XPS of their decision, within the time limits set out in the CD-RSS. XPS will make the necessary adjustments to the officer's pension record and liaise with the force to arrange for the payment or refund of any adjustment to pension contribution payments.

4.7 If no election decision is received in the relevant time limit XPS will assume that the officer does not wish to proceed with the claim.

5.0 ROLES AND RESPONSIBILITIES

5.1 Individual Officers will be responsible for submitting a claim form along with any required supporting evidence within the published timescale. Individuals should also seek whatever financial advice they need in order to make an election as to which option they wish to take – force HR and Finance representatives are not able to provide advice.

5.2 The Head of HR will decide whether or not a claim can be accepted, and whether additional information is required from the individual in order to consider the claim. The

Head of HR will ensure that the relevant information is provided to the pension administrator so that the CD-RSS can be produced.

5.3 The Director of Finance will consider any appeals against rejected claims as per the force's IDRP.

5.4 The force's pension administrator, XPS, will be responsible for providing the CD-RSS to the individual

Please state which head of department or chief officer has been consulted in the development of this policy:

Head of Dep't/ Chief Officer Consulted	***Date Communication Sent***
Jeff Carruthers, Director of Finance	***17th March 2024***

6.0 DOCUMENT HISTORY

Date	Author / Reviewer	Amendment(s) & Rationale	Date of Approval / Adoption
August 2024	Alison Hall	First version of policy	13/01/2025

7.0 CONSULTATION

7.1 This policy affects police officers at all ranks but not police staff. It will be consulted on with the Police Federation, Superintendents Association and Chief Officers as well as the Director of Finance who acts on behalf of the Pension Scheme Manager.

8.0 ASSESSMENT AND ANALYSIS

8.1 The Equality Impact Assessment screening and full assessment forms have been completed, the main findings of which are:
a. The policy is required to implement the Remedy legislation that addresses discrimination found to have resulted from the change in Police Pension regulations and only impacts those in service (or with qualifying pension service in another occupation) before 2012. Therefore it will predominantly be applicable to officers who are longer in service and more likely to share the same characteristics in terms of age and sex.
b. It will be more difficult to contact retired officers to make them aware of their entitlement to claim under this policy therefore there is a potential adverse impact on the basis of age, but this will be mitigated by using other agencies to try and obtain up to date contact details.
c. The outcomes of the claims (i.e. whether or not they were upheld) will be recorded and monitored to identify if there is any discrepancy in outcomes based on protected characteristics, however the numbers are anticipated to be small and the legislative

rules on what is and isn’t acceptable are very specific so there is little room for deviation.
d. There are a minimum of two internal appeal routes for anyone who is dissatisfied with the outcome of the appeal, as well as external routes to appeal following the internal process.

8.2 There are no identified Health and Safety risks identified from this policy. The content has been taken from national guidance provided by the NPCC Pensions Team who are the subject matter experts in terms of the relevant legislation and tax implications that impact this policy.