

# **The New Police Pension Scheme 2006**

## **Members' Guide**

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# 1. Introduction

Police pensions have a long history, dating back to 1829 when the Metropolitan Police Act introduced certain benefits on disablement for London officers “worn out by length of service”. A full pension scheme for all police officers became available in 1890.

There have been many changes since then, but entitlement to a police pension has always been regarded as a key element of the remuneration of police officers to enable them to undertake their role with confidence. The present arrangements, called ‘the New Police Pension Scheme 2006’ (abbreviated to NPPS in this guide) are intended to ensure that proper pension entitlement remains a key element. The scheme is controlled by formal regulations. This guide is intended to explain the main details in simpler language than is used in the regulations, although it must be remembered that nothing in this guide can override the regulations.

NPPS came into effect on 6 April 2006. Officers who started their police service before that date will have been able to join the Police Pension Scheme 1987(PPS). **This guide applies only to members of NPPS. There is a separate guide for those who remain members of PPS.**

Injury awards are no longer part of the pension scheme, but are controlled by separate regulations. Guidance on injury awards will be made available separately.

**This guide applies only to officers in police forces in Scotland.** The pension scheme is a national scheme, but is administered locally by each police force. If there are any points about which you would like further help, please contact the pensions administrator for your force. He or she will have a copy of the regulations, to which you will be able to refer if you wish.

The following sections give more detailed information about NPPS. Section 2 is an ‘at a glance’ guide to the scheme, which summarises the main elements.

The information in the guide uses plain language where possible, but the use of specialist terms in relation to pensions is sometimes unavoidable. The main terms with which you might not be familiar are explained in the glossary on page 36.

**April 2006 (revised October 2006)**

## 2. The New Police Pension Scheme “*at a glance*”

### Key features

- All new recruits to the police service from 6 April 2006 onwards become members of NPPS.
- Police officers contribute 9.5% of their pay to the scheme, which represents about one-third of the cost of providing pension benefits.
- The NPPS is a ‘final salary’ scheme, which means that your pension is calculated as a proportion of your ‘final pensionable pay’. This is generally earnings in your last year of service as a member of the scheme.
- The pension that you will receive depends on your pensionable service, which for most officers will be the length of service in the police force for which they have paid pension contributions, with appropriate adjustments for part-time service.

### Pension benefits for police officers

- The earliest date that a pension can be paid is 55.
- 35 years’ service is needed for a maximum pension.
- A maximum pension is half of final pay and there is also an automatic tax-free lump sum of four times the pension.
- Final pay can take account of pay in up to 10 years prior to retirement, if this would give a bigger pension.
- Each year of pensionable service gives entitlement to a pension of 1/70 of final pay, up to a limit of 35/70.
- Pensions in payment are increased for inflation.

### Benefits for others on the death of a police officer

- A lump sum death grant of three times’ pay is payable, with the officer having some freedom to nominate who should receive it.
- A pension for a spouse or civil partner is payable for life – these are normally half of the officer’s pension entitlement.
- A partner who is neither a spouse nor a civil partner may be eligible for a pension.
- Dependent children under the age of 23 may qualify for a pension.

### Other features

- An immediate pension and lump sum is payable to any officer at any age who is granted ill-health retirement.
- There is a facility to buy more pension in the scheme (‘added years’) within the overall limit of 35 years.
- It is possible to exchange all or part of the lump sum for more annual pension.
- Every officer has an opportunity to opt out of the scheme.
- If an officer builds up pension rights in the scheme but leaves the police service (or opts out of the scheme) before retirement, he or she will be eligible for a ‘deferred pension’ payable at age 65.

## Pensions for unmarried partners on the death of a police officer

An important feature of the scheme is the provision for the payment of a pension for life to a police officer's partner, even if you are not married to each other or in a civil partnership. But you must satisfy a number of conditions and you and your partner must complete all the necessary documentation – otherwise no pension can be paid. See section 5.5.2 for details.

## Medical retirement and ill-health pensions

A police authority has discretion to retire a police officer on medical grounds. In common with other leading public sector pension schemes, there are two levels of ill-health pension:

- A **standard ill-health pension**, payable if you are disabled for the ordinary duties of a member of the police force. This is an immediate payment of the pension benefits which you have built up at the date of your ill-health retirement.
- An **enhanced top-up ill-health pension**, payable in addition to a standard ill-health pension if you are disabled for any regular employment (meaning employment for an annual average of at least 30 hours per week). This is also an immediate payment of pension benefits, but the top-up has the effect that the pensionable service is enhanced by up to 50% of your prospective service to age 55. For example, if you are aged 35, the enhancement of service is up to 10 years.

The level of disability is determined by a doctor and there are appeal rights against medical decisions. Both types of pension will be increased for inflation throughout their payment. Police authorities have discretion to review the payment of ill-health awards at intervals.

Even if you are judged to be disabled, it does not automatically follow that you will be granted ill-health retirement. The police force will consider whether there alternative duties that you could perform and still remain in the service (taking account of your overall capabilities).

There are separate arrangements for the payment of injury awards to officers who suffer injury on duty, which are outside the pension scheme.

## Other points

- The scheme does not have a formal Additional Voluntary Contribution (AVC) arrangement, but you are free to make contributions to personal pension schemes as well as the police scheme within very wide limits.
- It is possible for deferred pensions (payable at age 65) to be paid early on request, but this will be subject to “actuarial reduction” to reflect that they will be paid earlier and for a longer period.

## **3. Membership and contributions**

### **3.1 Membership**

If you are a regular police officer, you are automatically admitted to NPPS on appointment unless you decide to opt out. (Police cadets and special constables have separate schemes which provide more limited benefits). You may be asked to have a medical examination (free of charge) so that the police authority can decide whether you will be eligible for ill-health benefits. If this determines that the likely cost of providing ill-health benefits is disproportionately high, you can still join NPPS but you will not receive ill-health benefits if you become unable to work.

If you opt out of the scheme you can rejoin if you wish. This may be subject to a medical examination, for which you would have to pay the cost, to decide whether you will be eligible for ill-health benefits. If you opt out of the scheme a second time you cannot rejoin again.

It is possible for you to be a member of NPPS and to contribute to other pension schemes, such as a personal pension plan, at the same time. You are advised to consult an independent financial adviser if you wish to obtain information about other pension schemes.

### **3.2 Your contributions**

You pay contributions towards the cost of your pension benefits. These are set as a percentage of your 'pensionable pay', the current rate being 9.5%. If you are ineligible for ill-health benefits you will pay contributions at a reduced rate, currently 6%. In NPPS, in common with most other public sector pension schemes, members' contributions meet about one-third of the estimated cost of providing pensions and other benefits (the remaining cost being met by police authorities and central government).

Pensionable pay includes basic salary, additional salary on temporary promotion and competence related threshold payments. Overtime pay, housing allowance and transitional rent allowance are not pensionable.

Contributions are deducted from pay before it is assessed for income tax, so you will automatically receive full income tax relief at the highest rate you pay. In addition, as the scheme is contracted-out of the State Second Pension arrangements, you pay a lower rate of National Insurance contributions.

### **3.3 Unpaid absence**

Your pensionable service may be affected by any periods of unpaid absence. In general, periods of absence can only count as pensionable service (see section 4.3) if pension contributions are paid in respect of the period of absence. Sick leave on full pay or reduced pay and paid maternity leave, maternity support leave and adoption leave count towards pensionable service if pension contributions are paid for those periods.



Unpaid leave, other than the first 26 weeks of maternity leave, can only count as pensionable service if you pay the pension contributions which would otherwise have been due. You are only able to do this for periods of unpaid maternity or parental leave, or a period of unpaid sick leave which is less than six months in duration. You cannot pay pension contributions for a total of more than 12 months of unpaid sick leave aggregated across your police service. If you wish to pay contributions under these circumstances, you must notify the police authority within six months of your return to work, or by the date you leave the service if that is earlier. The contributions must be paid within two years of the date that the police authority informs you of the amount to be paid.

Pension contributions cannot be paid in respect of unpaid career breaks.

## 4. Retirement and the benefits you receive

The amount of your retirement benefits and the date on which they become payable will depend on your age, final pensionable pay and length of pensionable service. The information below relates to those with at least two years' qualifying service. See section 4.10 if you have less than that.

If you are a member of NPPS you will be able to retire from age 55 with an immediate pension – see section 4.5. This applies to all ranks.

If you leave the police service with at least two years' qualifying service before age 55, or if you opt out of NPPS at any age, you will be entitled to a deferred pension which will come into payment from age 65. A deferred pension may be paid early in case of ill health or if you opt for it to be reduced. See section 4.8 for more information about deferred pensions.

### 4.1 Retirement age

You can retire as soon as you reach the age of 55. You must retire not later than 'compulsory retirement age' for your rank, unless the chief constable (or police authority in the case of an officer above the rank of superintendent) has approved an extension of service. You must give a minimum of one month's notice to the police authority that you wish to retire (chief constables and other ACPOS ranks must give a minimum of three months' notice). A pension cannot be paid to you below the age of 55 unless it is an ill-health pension.

From 1 October 2006, compulsory retirement ages are as follows:

- for a constable, sergeant, inspector or chief inspector, 60 years
- for an officer with any higher rank, 65 years.

These ages apply to all forces: there are no longer separate compulsory retirement ages for the Metropolitan Police.

Appointments to chief constable and deputy chief constable are for a fixed term. If you have been appointed for a fixed term which ends before you reach the age of 55, and your service does end before you reach age 55, you will be entitled to a deferred pension payable at age 65.

If you have completed 35 years' pensionable service in NPPS (or would have been able to if you had not opted out of NPPS) and you are at least 55 years old, your police authority may require you to retire on the grounds that your retention in the force would not be in the general interests of efficiency.

If you become permanently disabled at any age for the performance of the ordinary duties of a member of the force, your police authority may require you to retire on the grounds of ill-health (see Section 6).

## 4.2 Final pensionable pay

Your pension benefits are generally calculated on your pay shortly before you retire. Final pensionable pay is the greatest of:

- pensionable pay in the 12 months prior to retirement
- pensionable pay in either of the two preceding years
- pensionable pay averaged over any three consecutive years in the seven years before that.

Broadly, final pensionable pay is the highest pensionable pay up to 10 years before retirement, with pay in previous years being uprated for inflation.

### ***Example 1***

Alec transferred his service from the former Police Pension Scheme to NPPS and retires at the end of 2007. He was given temporary promotion in 2006. His pensionable pay in the three years prior to his retirement has been:

2005	£37,000
2006	£45,000
2007	£40,000

His final pensionable pay will be his 2006 pay, uprated for inflation.

Final pensionable pay is always taken to be full-time pay. If you work half-time for a year, for example, your final pensionable pay for that year is the full-time rate (but you will only be able to count a half year's pensionable service).

If you have opted out of NPPS and rejoin less than three years before retiring, the final pensionable pay will be different for the two periods. It will be based on the final pensionable pay at the end of each period, with the pay at the point when you opted out being uprated for inflation. If you are in this position you are advised to contact your force's pensions administrator who will be able to explain the effect on your pension.

## 4.3 Pensionable service

NPPS calculates benefits as a proportion of final pensionable pay depending on length of service. Service which counts for this purpose ('pensionable service') includes:

- your current service as a regular police officer during which you have paid pension contributions or for which contributions are deemed to have been paid (e.g. any unpaid period in the first 26 weeks of maternity leave)
- earlier service in the same force, or in other police forces if you transferred to your present force from another force (again, provided that you paid pension contributions in your earlier service and that these have not been refunded to you)
- earlier service with a force in England and Wales or the Police Service of Northern Ireland, if you transferred with consent and you paid pension contributions which have not been refunded to you

- periods of 'relevant service' under Section 38(a) of the Police (Scotland) Act 1967 (this includes appointments to the Inspectorate of Constabulary and certain types of overseas service) during which you have paid pension contributions. (Officers contemplating overseas service are recommended to seek advice on the pension position before agreeing to undertake it.)

If you have pension benefits in the scheme of a former employer or in a personal pension plan you may be able to transfer them into NPPS. The transfer value will buy a credit of pensionable service in NPPS. Your police authority has discretion in NPPS to refuse a transfer if it is deemed to be insufficient to cover the cost of any Guaranteed Minimum Pension to which you may be entitled (if you had been employed in the period 1978 – 1997).

#### 4.4 Part-time working and pensionable service

Approved part-time working is counted as pensionable service on a pro-rata basis based on actual hours worked as a proportion of full-time work. Your pension contributions are also collected on a pro-rata basis (i.e. 9.5% of the part-time pay).

##### **Example 2**

Bianca's full-time pensionable pay would be £30,000 but she is working half-time. She therefore receives £15,000 salary and pays pension contributions, at 9.5% of that, of £1,425. Each year that she serves half-time and pays pension contributions adds half a year to her pensionable service.

#### 4.5 Benefits on retirement

**You will receive a pension for life plus a tax-free lump sum.**

Your NPPS pension is based on  $\frac{1}{70}$ th of your final pensionable pay for each year of pensionable service up to a maximum of  $\frac{35}{70}$ ths. For example, 25 years equals  $\frac{25}{70}$ ths. Each day counts as  $\frac{1}{365}$ th of a year. The maximum length of pensionable service that can count towards a NPPS pension is 35 years.

The lump sum is four times the annual pension.

You can exchange all or part of your lump sum for increased annual pension (see section 7.1).

#### 4.6 Ordinary pension

An ordinary pension is awarded on retirement after completion of at least two years' qualifying service.

'Qualifying service' is not the same as pensionable service. Qualifying service is normally the calendar length of police service, plus any previous service or employment which you have transferred into NPPS. For example, if you serve half time for a year in a police force, this will count as one year towards qualifying service (but could only count a maximum of half a year's pensionable service).

**Example 3**

Carlton's final pensionable pay is £30,000 and his pensionable service is 21 years.

His pension =  $\frac{£30,000 \times 21}{70}$  = £9,000 per year (index linked after the first year)

His lump sum =  $\frac{£30,000 \times 21 \times 4}{70}$  = £36,000 (tax free)

#### 4.7 Pension after part-time work

As mentioned in section 4.4, approved part-time working counts as pensionable service on a pro-rata basis. However, your final pensionable pay is based on the full-time equivalent of what you earn.

**Example 4**

Deena is a part-time officer who has worked for 20 years, 10 years of which were full-time and 10 years half time: i.e. with 15 years' pensionable service. She can retire with an immediate pension on reaching age 55.

Her final pensionable pay is £35,000 and pensionable service is 15 years.

Her pension =  $\frac{£35,000 \times 15}{70}$  = £7,500 per year (index linked after the first year)

Her lump sum =  $\frac{£35,000 \times 15 \times 4}{70}$  = £30,000 (tax free)

#### 4.8 Deferred pension

You are entitled to a deferred pension if you are under 55 and have at least two years to count towards qualifying service, and you either:

- leave the police, or
- cease to be a member of NPPS by opting out of it,

without transferring your NPPS rights to another pension scheme.

The deferred pension will be based on your pensionable service and your final pensionable pay at the date on which you left the police or opted out. It will be increased for inflation from the time that you leave the force or opt out of NPPS up to the date at which your benefits become payable (under Pensions Increase Act legislation).

If you leave the service or opt out of NPPS before age 55 then you can only be entitled to a deferred pension, regardless of how many years of pensionable service you have.

Your deferred pension is payable from age 65.

### **Example 5**

Erik leaves the police service with 10 years' pensionable service and a final pensionable pay of £28,000. His pension entitlement when he leaves is  $\frac{£28,000 \times 10}{70} = £4,000$  per year, payable from age 65.

By the time that he is 65, his deferred pension has increased by inflation factors under the Pensions Increase Acts by 10% to £4,400, and this is the amount that will actually be paid to him at age 65.

Therefore his deferred lump sum paid at age 65 will be  $£4,400 \times 4 = £17,600$ .

## **4.9 Early payment of deferred pension**

If you have left the police service you can choose to have your deferred pension paid earlier than age 65, but it will be reduced for early payment. This is called 'actuarial reduction' and is to compensate for the fact that the pension will be paid earlier and for a longer period. Your force's pensions administrator can provide you with more information, but you should be aware that the reduction can be substantial (whilst this guide cannot be specific, it might be expected to be of the order of 5% for each year, so that a deferred pension taken at age 60 might be reduced by 25%) and that the reduction to your pension will be permanent (although survivor benefits will not be affected). The reduction affects both the annual pension and the lump sum, which will be four times the reduced annual pension.

Your deferred pension will be paid early without actuarial reduction if you have left the police service and you are permanently disabled for all regular employment – see section 6.5. However, if you were dismissed, or required to resign under the Conduct Regulations, your deferred pension cannot be paid early unless the police authority exercises discretion to permit early payment.

## **4.10 Refund of contributions on leaving the service**

If you leave the police service with less than two years' qualifying service without entitlement to any other NPPS award, you can have your pension contributions returned to you, less deduction of tax and a deduction to contract you back in to the State Second Pension (like any leaver you can, alternatively, ask for your NPPS benefits to be transferred to another pension scheme - see section 9.2). You should note that a refund of contributions will only be of the contributions that you have paid, but a transfer value will reflect the total value of pension benefits which have been purchased.

If you leave the service with less than two years' qualifying service, then unless you are permanently disabled as the result of an injury received in the execution of duty your pension award will thus be a lump sum equal to your pension contributions.

## 5. Benefits for survivors if you die

### 5.1 Lump sum death grant

If you die while serving, provided you were a member of NPPS (and had not opted out) at the time of your death, a lump sum death grant of three times your annual pensionable pay at the time will be paid to:

- your spouse or civil partner, if you have one
- if you have no spouse or civil partner, and at the discretion of the police authority, to an unmarried partner (if all relevant documentation has been completed – see section 5.5.2)
- if you have no spouse, civil partner or nominated unmarried partner, and again at the discretion of the police authority, to a person nominated by you
- otherwise, to your personal representative - usually the executor of your will - and thus will form part of your estate.

If you wish to nominate someone to receive your lump sum death grant you should complete a nomination form (which you can obtain from your force's pensions administrator). A nomination does not override the provision that the grant will go to a surviving spouse or partner, if you have one, but it would take effect if you have no spouse or partner or if both you and your spouse or partner were to die at the same time.

If you work part-time, the lump sum will be three times your annual pensionable pay as a part-timer.

#### **Example 6**

Fiona's full-time equivalent pay is £30,000 per year, but she serves half-time and so her annual pensionable pay is £15,000 per year.

If she were to die in service whilst she is a member of the scheme, the lump sum death grant payable in respect of her death would be £45,000.

This grant is irrespective of your length of service.

### 5.2 Death gratuity

If you die as a result of an injury on duty or die within 12 months of receiving an injury on duty as a result of that injury, your spouse may be entitled to a gratuity under the Police (Injury Benefit) Regulations. This does not form part of the pension scheme.

### 5.3 Gratuity - estate

If, when you die, the various awards payable under NPPS (excluding the lump sum death grant) are less than your total pension contributions, an extra award equal to the balance of those contributions will be paid to your estate.

## 5.4 Survivors' benefits

When you die, your 'survivors' (which can include your spouse or civil partner, an unmarried partner who is not a civil partner and children) may be eligible to receive benefits from NPPS. The benefits which may be payable will depend on whether you die in service or after you retire and on the length of your qualifying service at the date of your death. No survivors' benefits will be payable if you had opted out of NPPS at the date of your death. More details are given in the following sections.

## 5.5 Adult survivor awards

Adult survivors can include spouses, civil partners and unmarried partners who are not civil partners.

All adult survivor awards are payable for life, irrespective of whether the survivor remarries or forms a new partnership. If the adult survivor is also a member of NPPS he/she is still eligible for an award.

### 5.5.1 Spouses and civil partners

If you die in service, and have at least two years' qualifying service, your spouse or civil partner is entitled to a pension when you die. The pension payable is 50% of the ill-health pension that you would have received if you had been permanently disabled for regular employment at the time of your death.

#### **Example 7**

Graham is a full-time officer earning £42,000 per year and he has a civil partner, Harry.

If Graham dies in service (and has not opted out of NPPS) at age 35 having 5 years' pensionable service, Harry will be entitled to receive a pension of half of 15/70 of his pay, or £4,500 per year (see section 6.3 – the calculation is the same as for Laura in Example 11.)

If you die while you are receiving a NPPS pension, or if you die after you have left the police service with an entitlement to receive a deferred NPPS pension at 65, or if you have opted out of NPPS and are entitled to a deferred pension but die in service, your spouse or civil partner is entitled to a pension if he or she is married to you or has formed a civil partnership with you when you die. The pension payable is 50% of your pension entitlement at the date of your death.

If your spouse or civil partner is more than 12 years younger than you, his/her pension will be reduced to reflect the age difference. This reduction will be 2.5% for every year or part of a year over 12 years, up to a maximum reduction of 50%.

If you married or formed a civil partnership within the six months prior to your death, then the police authority has discretion to withhold your spouse's or partner's pension.



## 5.5.2 Unmarried partners who are not civil partners

An unmarried partner who is not a civil partner is someone with whom you have a long-term relationship but to whom you are not married (if you are of opposite sexes) or with whom you have not formed a civil partnership (if you are of the same sex).

If you have no spouse or civil partner, it may be possible for a survivor's pension to be paid (for life) to your partner on the same basis as if he/she had been your spouse or civil partner. For this, you and your partner must have completed and sent to the police authority a joint declaration form to confirm that all of the following apply:

- there has been cohabitation for a period during which your partner has been financially dependent on you, or both of you have been financially interdependent
- the relationship is a committed relationship intended to continue indefinitely
- you each have mutual responsibility for the other's welfare
- you are free to marry each other (if you and your partner are of opposite sexes) or free to form a civil partnership (if you are of the same sex) and neither of you is married or a civil partner or nominated as the partner of anyone else
- you agree to inform the scheme administrator if the relationship ends.

**A pension will not be paid to an unmarried partner who is not a civil partner unless he or she is the subject of a joint declaration form – referred to below as a nominated partner.**

On your death, your nominated partner must submit a completed claim form to the police authority in order to confirm that the statements in the joint declaration were still valid at the time of death before any benefits may be paid to him/her. The police authority may also ask for supporting information to confirm financial dependency, such as confirmation of shared household spending or shared bank accounts.

A period of cohabitation of at least two years is expected for a pension to be paid to a nominated partner, but the police authority may exercise discretion to pay a pension to a nominated partner in a shorter relationship. In exercising discretion, the police authority must be satisfied that you and your nominated partner were cohabiting in an exclusive, committed, long-term relationship, and that your nominated partner was financially dependent on you or you were financially interdependent. The decision of the police authority on these matters is final.

As with spouses and civil partners, if your nominated partner is more than 12 years younger than you, his/her pension will be reduced to reflect the age difference. This reduction will be 2.5% for every year or part of a year over 12 years, up to a maximum reduction of 50%.

**You are encouraged to complete a declaration form to nominate your partner as soon as you consider that your cohabiting relationship is exclusive, committed and for the long-term. It is your responsibility to ensure that this information is kept up-to-date.**

## 5.6 Children's pensions

If you die in service or when you are receiving a NPPS pension, or after you have left the police service with an entitlement to receive a deferred NPPS pension, children's pensions will be payable to:

- a child who is your natural child, stepchild or adopted child, or
- any other child who was dependent on you (either financially or by reason of disability) at the time of your death.

Benefits for surviving children extend to a posthumous child of the marriage or partnership if the child's mother is pregnant with the child at the time of the officer's death, including the situation where the officer is the mother and dies in childbirth.

The pension payable is generally 25% of the pension entitlement at the date of your death, but if there are more than two children, each receives an amount equivalent to 50% of the pension entitlement divided by the number of children. The pension entitlement for this purpose is on the same basis as for adult survivors, i.e.:

- if you die in service, and have at least two years' qualifying service, it is based on the ill-health pension that you would have received if you had been permanently disabled for regular employment at the time of your death
- if you die while you are receiving a NPPS pension, or if you die after you have left the police service with an entitlement to receive a deferred NPPS pension at 65, or if you have opted out of NPPS and are entitled to a deferred pension but die in service, it is based on your pension entitlement at the date of your death.

### **Example 8**

Ian retired on a NPPS ill-health pension and he has three dependent children under the age of 19. His ill-health pension is £18,000 per year.

If he were to die, each of his children would receive a pension of £3,000 per year.

A survivor pension for a dependent child is only payable if the child is below the age of 19 unless:

- the child is in full-time education on a course of at least one year's duration, in which case the pension is payable whilst full-time education continues but not beyond the child's 23rd birthday
- the child is permanently disabled at the date of your death, in which case the pension is payable for life.

A pension payable to a child who receives remuneration from training or employment in excess of a specified annual amount is reduced by the excess. If the excess is greater than or equal to the amount of the pension, then no pension is paid. The specified annual amount, which is varied annually, is the Income Support level for a single person aged 18-24.

## 6. Medical retirement and pensions paid on grounds of ill-health

The arrangements for ill-health retirement in NPPS are complex and the following can only be a general guide. There is a set order of procedure and before any decision can be made the police authority must put specific questions to a duly qualified medical practitioner selected by them (the 'selected medical practitioner') to determine whether you are permanently disabled for 'the performance of the ordinary duties of a member of the police force. The selected medical practitioner will consider such issues as your ability to:

- run, walk reasonable distances, and stand for reasonable periods;
- exercise reasonable physical force in restraint and retention in custody;
- sit for reasonable periods, to write, read, use the telephone and to use (or learn to use) IT;
- make decisions and report situations to others;
- evaluate information and to record details;
- understand, retain and explain facts and procedures.

In judging whether your illness is permanent it will be assumed that you are receiving appropriate medical treatment for it. This does not include treatment that it would be reasonable for you to refuse.

The doctor's judgement will be based on a medical examination (unless there are very exceptional circumstances).

**Even if you are assessed as permanently disabled for the performance of the ordinary duties of a member of the police force, it does not automatically mean that you will be retired on ill-health grounds. The police authority will consider your specific disabilities and overall capabilities to see whether there are alternative duties which you could undertake whilst remaining a police officer.**

There are two levels of ill-health retirement:

- if you are permanently disabled for the ordinary duties of a member of the police force, you may be entitled to a **standard ill-health pension**
- if you are permanently disabled for the ordinary duties of a member of the police force and in addition you are permanently disabled for any regular employment, you may be entitled to an **enhanced top-up ill-health pension** in addition to a standard ill-health pension. For this purpose, "regular employment" means employment for an annual average of at least 30 hours per week.

The maximum possible ill-health pension is  $\frac{35}{70}$ ths and there is an associated lump sum of four times the pension.

If, when you joined or rejoined NPPS, you were designated by the police authority (following a medical examination) as being ineligible for ill-health benefits, you cannot receive an ill-health pension although you might still be required to retire on ill-health

grounds. If so, you would be entitled to an ordinary pension if you were age 55 or over or, if you were under 55, to a deferred pension payable at age 65.

## 6.1 Referral to a medical practitioner

When considering whether to retire you on grounds of ill-health, your police authority must follow set procedures and will take all relevant information into account. As part of this process, the police authority must refer the following questions to the selected medical practitioner:

- (a) whether you are disabled for the ordinary duties of a member of the police force;
- (b) whether such disablement is likely to be permanent;
- (c) whether you are also disabled for engaging in any regular employment otherwise than as a regular police officer; and
- (d) whether such disablement is likely to be permanent.

An ill-health award can be revised in certain circumstances. The police authority must refer the appropriate questions to the selected medical practitioner when considering whether to revise an award. See Section 13 for information about reviews of ill-health benefits.

The questions put to the selected medical practitioner are answered in the form of a report to the police authority, which the authority will take into account in reaching their decision. You will be given a copy of the report.

## 6.2 Standard ill-health pension

If you are found by the selected medical practitioner to be permanently disabled for the ordinary duties of a member of the police force, but not permanently disabled for any regular employment, and there are no suitable alternative duties that you could undertake within the police force (taking account of both your disability and capabilities), the police authority will decide whether to retire you on those grounds.

If the police authority decide to retire you, you will be entitled to an immediate standard ill-health pension and lump sum:

- if you have at least two years' qualifying service and your retirement is on the grounds of permanent disablement for performing the ordinary duties of a member of the force; or
- after any length of service if your retirement is on the grounds of permanent disablement for performing the ordinary duties of a member of a force resulting from an injury received without your own default in the execution of your duty.

Your standard ill-health pension and lump sum are calculated in a similar way to an ordinary pension, based on your pensionable pay and pensionable service at the time when you became disabled. They are not enhanced as the disability is not so severe as to prevent you from performing other work outside the police service.

### **Example 9**

Jaswinder retires from NPPS on being disabled for the ordinary duties of a member of the force at age 35 with 10 years' pensionable service. She earns £28,000 per year. Her ill-health pension and lump sum are based on 10 years' pensionable service, and are payable immediately without reduction:

Her pension =  $\frac{£28,000 \times 10}{70}$  = £4,000 per year (index linked immediately)

Her lump sum =  $\frac{£28,000 \times 10 \times 4}{70}$  = £16,000 (tax free)

## 6.3 Enhanced top-up ill-health pension

If you are found by the selected medical practitioner to be permanently disabled for the ordinary duties of a member of the police force **and** permanently disabled for any regular employment, the police authority will decide whether to retire you on those grounds.

If the police authority decide to retire you, you will be entitled to an immediate standard ill-health pension plus an enhanced top-up ill-health pension and lump sum:

- if you have at least two years' qualifying service and your retirement is on the grounds of permanent disablement, or
- after any length of service if your retirement is on the grounds of permanent disablement resulting from an injury received without your default in the execution of your duty (see also section 6.6).

Your enhanced top-up ill-health pension and lump sum are to compensate for the lost opportunity of working until normal retirement. The top-up pension is calculated so that the combined effect, with the standard ill-health pension, is as follows:

- less than 5 years pensionable service – the actual pensionable service is multiplied by 4, subject to the combined enhancement to service not exceeding half prospective service as below
- five or more years' pensionable service – addition of half the prospective service from the date of retirement to 35 years' service or age 55, whichever is the earlier.

### **Example 10**

Kevin retires from NPPS on being disabled for any regular employment at age 30 with 3 years' pensionable service. He earns £28,000 per year. His standard ill-health pension and enhanced top-up ill-health pension and lump sum combined are based on 12 years' pensionable service, being four times his actual pensionable service.

His pension =  $\frac{£28,000 \times 12}{70}$  = £4,800 per year (index linked immediately)

His lump sum =  $\frac{£28,000 \times 12 \times 4}{70}$  = £19,200 (tax free)

### **Example 11**

Laura retires from NPPS on being disabled for any regular employment at age 35 with 5 years' pensionable service. She earns £35,000 per year. Her standard ill-health pension and enhanced top-up ill-health pension and lump sum combined are based on 15 years' pensionable service, the enhancement being half of her prospective service to age 55 (half of 20 years).

Her pension =  $\frac{£35,000 \times 15}{70} = £7,500$  per year (index linked immediately)

Her lump sum =  $\frac{£35,000 \times 15 \times 4}{70} = £30,000$  (tax free)

If you serve or have served part-time, any enhancement of pensionable service will not be on a full-time basis but will be reduced to reflect that some of your service has been part-time.

## 6.4 Ill-health gratuity

An ill-health gratuity is payable if you have less than two years' qualifying service and retire on grounds of permanent disablement. The amount of the gratuity will not be less than your total pension contributions. The gratuity is taxable.

## 6.5 Early payment of deferred pension because of permanent disablement

If you have been a member of NPPS but have opted out or left the service and you become permanently disabled for any regular employment, any deferred pension to which you are entitled will be paid to you with effect from the date of your disablement without actuarial reduction, providing you were not dismissed or required to resign under the Conduct Regulations (in which case payment will only be made early at the discretion of the police authority).

The effects of opting out are described more fully in section 9.3.

## 6.6 Injury award

If, as a result of an injury on duty, you are permanently disabled from performing the ordinary duties of a member of the police force, and you have left the service, you will receive an injury award under the Police (Injury Benefit) Regulations. This does not form part of the pension scheme.

## 7. Exchange of your lump sum

### 7.1 Exchange of your lump sum

You can exchange part of your lump sum for an increased annual pension **for you only**. **Pensions for survivors cannot be increased in this way**. You cannot exchange part of your pension for a larger lump sum as in the case of the former Police Pension Scheme.

You can exchange any amount of your lump sum, including all of it if you wish.

You cannot give notice of exchange earlier than four months before your intended retirement date. You must give notice before your intended retirement date.

You cannot exchange your lump sum if you have retired with an immediate ill-health pension.

Your force's pensions administrator will be able to advise you on the amount of additional pension which you may obtain through exchange of your lump sum.

## 8. Increasing your benefits

You may choose to increase your pension provision, particularly if you are unable to build up 35 years' pensionable service before your intended retirement age. You have the option to purchase increased benefits in NPPS through 'added years'.

You are also free to take out an entirely separate personal pension plan at the same time as you contribute to NPPS. NPPS does not have a linked AVC scheme.

**You are strongly recommended to seek independent financial advice before taking any action. Your police authority is not empowered to give financial advice to you.**

HM Revenue and Customs place overall limits on pension contributions which are tax-deductible, but these are very generous. Unless you are a very high earner you are normally able to pay up to the whole of your taxable earnings in a tax year in pension contributions and have the whole amount allowable against tax – although there may be limitations in any year in which your NPPS benefit entitlement has increased substantially (for example, if you have been promoted or have taken up a more senior appointment).

### 8.1 Purchase of increased benefits through 'added years'

If you have less than 35 years' pensionable service you may be able to buy up to 5 years' extra service to increase your NPPS benefits on retirement. This will be more expensive than the normal contribution rate because your police authority, which pays towards your basic NPPS benefits, does not contribute to added years purchases. You will have to pay the full cost of the additional benefits, currently assessed as 28.6% of salary.

The purchase of 'added years' normally entails a long-term commitment to pay contributions until you retire or leave NPPS. You can choose the date on which you wish the added years to become reckonable in calculating your pension – in effect your planned retirement date – provided this is between you 55<sup>th</sup> birthday and the compulsory retirement age for your rank (see section 4.1). Your contributions for increased benefits are calculated as a percentage of your pay and, accordingly, increase every time your pay increases as do the benefits provided by the purchase. Your contributions for increased benefits will be deducted from pay before tax.

If you decide to purchase 'added years' within 12 months of joining or re-joining the force you have the choice of paying additional contributions by deduction from pay or by making a lump sum payment. If you pay by lump sum, you will only obtain tax relief up to the total of your taxable earnings in the tax year.

If you serve part-time you have a choice of purchasing "added years" on either a full-time basis or a part-time basis (which will cost less as a percentage of your pay but will buy you less additional service). Your force's pensions administrator will be able to give you more details.



Any increased benefits you purchase will count when determining the level of your NPPS pension, whether payable to you or your survivors, but they will not enable you to qualify for any type of award or enhancement to which you would not otherwise be entitled.

If you retire before your planned date of retirement, or cease to serve with a deferred pension or with a transfer value, you will be credited with an appropriate proportion of the increased benefits that you were purchasing.

If you die or retire on ill-health grounds and have bought or are buying added years by lump sum or periodical contributions, which have been continuous, you will be credited with the total added years you elected to buy.

Your force's pensions administrator will be able to give you more details and estimated costs of buying 'added years'.

## **9. Transferring benefits into the scheme and leaving the scheme**

### **9.1 Inward transfer of pension rights to NPPS**

If you transfer to a home police force from another home police force, any previous police service in the NPPS for which you have paid pension contributions will be transferred day for day. The same applies if you transfer to a home police force from a Scottish force or from the Police Service of Northern Ireland. If you received a refund of pension contributions this sum would have to be repaid before a transfer could take place. However, it may in certain circumstances not be possible for you to repay a refund.

If you were in another pension scheme or you contributed to a personal pension, it may be possible to transfer your pension rights into NPPS.

If you were awarded a deferred pension from a previous job, it may be possible for this to be cancelled in favour of a transfer of pension rights, and your previous employer should tell you the amount of your pension and whether it is subject to any increases.

If your previous employer was a member of the Public Sector Transfer Club, the service credited in the NPPS may be more beneficial than would be the case with another employer. But you must apply to transfer any deferred benefits within 12 months of joining NPPS to benefit from the preferential rates. A full list of schemes that participate in the Club can be found online at [www.civilservice-pensions.gov.uk](http://www.civilservice-pensions.gov.uk) – or you can ask your force's pensions administrator.

If you apply for a transfer of pension rights, you will be informed of the amount of service credit available in NPPS (i.e. the number of years of pensionable service in NPPS that the transfer value will buy), so that you can decide whether to proceed with the transfer or opt to retain the alternative benefits available from your previous scheme.

A transfer of pension rights from another pension scheme might not result in the same length of pensionable service in the NPPS. A transfer of pension rights from a private sector pension arrangement might result in only a small amount of service credit compared to the length of your previous employment, if the benefit structure of the private sector scheme is less generous than NPPS.

### **9.2 Outward transfer of your NPPS pension rights**

If you leave or opt out of NPPS before pension age, you have a choice of options for your benefits. Your choice will generally depend on whether you are in the first three months of your police service and, if not, whether you have two or more years' qualifying service.

If your police service plus any linked qualifying service (i.e. qualifying service brought across from another pension scheme through a transfer value) amounts to less than three months, then your contributions will be refunded.

If your police service plus any linked qualifying service amounts to three months or more, but your total qualifying service is less than two years, your choice is:

- a transfer out of your NPPS pension rights to another pension scheme, or
- a refund of your contributions.

If you have two or more years' qualifying service (or if you transferred pension rights into the NPPS from a personal pension scheme) your choice is:

- a transfer out of your NPPS pension rights to another pension scheme, or
- retaining deferred benefits within NPPS.

You may transfer your NPPS rights to:

- another public sector pension scheme, or
- any other pension scheme which is registered with HM Revenue and Customs (which can include a personal pension plan), or
- a qualifying recognised overseas pension scheme.

If you are opting out of NPPS while staying in the police, only the second option is open to you.

The transfer payment will be in the form of a transfer value.

### **Example 12**

Patricia leaves the police service to move to the private sector. She has 15 years' pensionable service in NPPS and is informed by her new employer that she will be able to transfer this to her new employer's pension scheme. She knows that if she takes no action, she will be entitled to a police pension of 15/70 of her final salary, and an associated lump sum, when she is 65, which will be increased for inflation from the time at which she leaves the police service to her 65th birthday. The police authority, on request, will calculate the cash equivalent transfer value of her police pension rights and provide this information to her new employer. Her new employer will be able to tell her what pension benefits this will buy in their pension scheme. Patricia is then free to choose whether or not to transfer her police pension rights; this will be her own decision and the police authority cannot advise her as to what she should do. To transfer her police pension rights, she must give written notice to the police authority within six months of ceasing to serve as a police officer.

There are a number of issues to consider before making a transfer:

- You must apply for a transfer payment within six months of leaving the police service or opting out of NPPS (this is extended to twelve months for transfers to a public sector scheme) – these time limits may be extended by the police authority at their discretion.
- You are not entitled to a deferred pension from NPPS if you received a refund of contributions - a transfer will be possible only if you repay the refund first.
- You will not be able to have a transfer if you are within a year of reaching the age of 65.

- The transfer value may not necessarily buy the same length of service in the new scheme - an estimate from the new scheme should provide an indication.
- The range and type of benefits offered by another scheme may be quite different from those offered by NPPS.

Your force's pensions administrator can provide an example of a transfer value calculation and more information about how NPPS arrangements work, but cannot give specific advice on individual cases.

### 9.3 Opting out

You can opt out of NPPS at any time. You will need to complete and return an option form available from your force's pensions administrator. If you opt out in the first three months of your police service, your decision is back-dated to the date of your becoming a regular police officer. If you decide to leave NPPS at any other future date, your decision will take effect from your next pay day after receipt of your notice to opt out.

Opting out of NPPS will have a number of consequences, including:

- if you build up two years or more pensionable service in NPPS and then opt out, you will be entitled only to a deferred pension, which would generally only be payable from age 65
- if you die in service when you have opted out of NPPS, no lump sum death grant is payable
- as someone who is not an active member of NPPS you will not be eligible for an ill-health pension if you are medically retired, although you will qualify for early payment of your deferred pension if you are assessed as permanently disabled for all regular employment.

If you opt out of NPPS with less than two years' qualifying service, your pension contributions will be refunded.

**If you are thinking of opting out of NPPS, you are strongly recommended to take independent financial advice before you make a decision.**

### 9.4 Opportunities to rejoin at a later date

If you opt out of NPPS, you will be able to rejoin. You may need to undergo a medical examination at your expense to determine whether you will be eligible for ill-health benefits.

If you opt out of NPPS a second time, you cannot rejoin again.

## 10. Re-engagement after retirement

If you leave the police service but then return to service as a regular police officer at a later date, the NPPS regulations can affect you in a number of ways.

### 10.1 Resumption of police service before usual pension age

In general, if you resume police service having previously left the police either with a deferred pension (generally payable at age 65) or with an ill-health pension and you did not transfer your NPPS benefits to another pension scheme, your deferred pension will be cancelled and your previous pensionable service will be added to your second period of service towards one pension. You will not need to make any payments to reinstate your previous service for pensionable purposes.

However, if you resume police service after having received a refund of your previous pension contributions, the refund would have to be repaid in order that your previous pensionable service can be restored. **You need to notify the police authority of your wish to make such a refund within six months of joining or re-joining the force (or before you cease to serve, if sooner), unless they allow a later notification.**

### 10.2 Resumption of police service after receipt of a pension

At present it is relatively unusual for a retired police officer to serve again as a regular police officer, except where an officer retires with an ordinary pension prior to taking up an appointment as an inspector or assistant inspector of constabulary. If you are re-engaged after you have retired, you may rejoin NPPS if your total pensionable service is less than 35 years and this will build up benefits for a second NPPS pension for you.

### 10.3 Abatement of pension

If you are an NPPS pensioner resuming service as a regular police officer, you should note that the police authority may at their discretion withdraw the whole or part of your NPPS pension payments during any period in which you serve in any force as a regular police officer (your pension entitlement on retirement would not be affected).

We recommend that abatement should entail withdrawing so much of your NPPS pension that the total of pension and pay on rejoining does not exceed the rate of pay before retirement. If your current pay at least equals your previous pay, your pension is likely to be wholly withdrawn during the second period of your service, but you will be able to retain your lump sum and your new salary will not be affected.

Abatement of a NPPS pension may be applied if you are in receipt of a NPPS pension in your own right, but not if you receive an adult survivor's pension or have been allocated a pension. Pension credit benefits under pension sharing on divorce cannot be abated.

## 10.4 Retirement after re-engagement in the police service

Your pension benefits, if you have two periods of service and you retire a second time, will be as follows:

- if your original pension was stopped or reduced, it will come back into payment (with the addition of pensions increase if it had been stopped) – there are exceptions to this in relation to enhanced ill-health pensions; and
- your benefit in respect of your second retirement will be a separate benefit depending solely on the length and circumstances of your second period of service, which could be:
  - an ordinary pension,
  - an ill-health pension,
  - a deferred pension, or
  - a refund of contributions in respect of your second period of service.

The provisions for commutation and allocation would also apply as appropriate.

### **Example 13**

Raj retired from the police service as a chief inspector in 2007 at age 55 with 32 years' pensionable service. He rejoins the force two years later in 2009. The payment of his NPPS pension stops, but he can build up a maximum of 3 years' further pensionable service. He actually retires again after 2 years in 2011. His original NPPS pension comes back into payment with the addition of pensions increase and he has a second NPPS pension and lump sum based on his 2 years' service and his final pensionable pay in 2011. **[Note: Raj can only build up 3 more years of pensionable service because 35 years is the maximum pensionable service in NPPS. He must retire at the compulsory retirement age of 60, unless the chief constable agrees to an extension.]**

## 10.5 Inter-service abatement

There is no provision for abating your NPPS pension if you take a job outside the police force, but your salary may be subject to "inter-service abatement". This applies only in the public sector where the new appointment is limited to people with either general or particular public service experience, or where there has been no general advertisement of the post and no formal competition for appointment.

Further details about inter-service abatement are available from your force's pensions administrator.

## 11. Divorce and dissolution of civil partnerships

If you get divorced, there are two important points that you should note:

- your ex-spouse will no longer be entitled to any survivor pension, should you predecease him/her, but
- children's pensions will continue to be payable to any eligible children in the event of your death.

The cost of complying with any Court order imposing obligations on NPPS may be recovered directly from you.

You should also note that in the event of a financial claim in proceedings for divorce, judicial separation or nullity of marriage, the police authority are required, if requested, to provide a statement of the cash equivalent transfer value of your pension rights from the police authority to enable the Court to take into account the pension entitlement in the settlement of financial claims.

The Court may offset the value of your pension rights against any other assets or, in divorce or nullity proceedings, it may issue a pension sharing order. In financial claims arising from proceedings for nullity, judicial separation or divorce a Court may make an earmarking order against your pension.

If the Court issues an earmarking order, the order may require that when your benefits come into payment your ex-spouse should receive one of, or a combination of, the following benefits:

- all or part of your pension.
- all or part of your lump sum.
- all or part of your death grant paid in the event of your death in service.

An earmarking order against pension payments (but not lump sums unless the order so directs) will lapse automatically on the remarriage of your ex-spouse, and your full pension will be restored to you. Pension payments to your ex-spouse cease on your death.

If the Court issues a pension sharing order, a percentage or specified monetary value of your pension rights accrued during your marriage will be allocated to your ex-spouse at the effective date of the order, or the decree absolute if later. Your pension, your lump sum and survivors' benefits will be reduced. Your ex-spouse will hold pension credit benefits in NPPS in his/her own right which will become payable when he/she is 65. The reduction to your pension is called a pension debit.

The dissolution of civil partnerships gives rise to the same position as divorce.

## **12. Payment of awards**

### **12.1 General arrangements**

NPPS pensions and lump sums are paid by the police authority for the force from which you retired. Lump sums are normally paid on the first working day after retirement. Pensions are payable in advance, usually at monthly intervals by credit transfer to a bank or building society account.

Survivors' first benefit payments are made as soon as possible after a member's death (time is needed to make contact with the survivor and establish entitlement). Subsequent payments to beneficiaries are usually made monthly.

Pensions and lump sums are paid to the person entitled to them (the 'beneficiary'), unless this person is under 18 or incapable of managing his/her financial affairs. In such cases the payment may be made to the relative or guardian who is caring for the beneficiary although some police authorities adopt a policy of paying children's pensions directly to a child's own bank or building society account.

If your pension payments (for all your pensions excluding State Pension) are very small (i.e. less than £600 per year) and you are aged between 60 and 74, you may ask for the whole of the remaining NPPS pension payments to be paid to you as a lump sum. This is called 'trivial commutation' in HM Revenue and Customs terminology. Only 25% of this lump sum will be tax free and the remainder will be treated as your taxable income in the year that you receive it. If your pension is very small the police authority may decide to pay it annually, if you have not asked for it to be paid as a lump sum.

Your NPPS pension can only be paid to you.

### **12.2 Income Tax**

All NPPS pensions are treated as earned income for tax purposes, and tax is deducted before instalments of pension are paid.

Your lump sum is tax free, as is the lump sum death grant for your survivors.

Any refunds of contributions are subject to deduction of tax, and also a deduction to contract you back into the State Second Pension.

### **12.3 State Pension benefits**

State Pension age is the age at which pensions are payable from the State. This will ultimately be 65 for everyone (an increase in State Pension Age for women from 60 to 65 is being phased in between the years 2010 and 2020).

Once you reach State Pension age, the basic State Pension will become payable to you, provided you have paid sufficient National Insurance contributions, in addition to your NPPS pension. You can obtain a state pension forecast at any time prior to four months before you reach State pension age by completing Form BR19, which is available from the Department of Work and Pensions at:



Retirement Pension Forecasting Team  
The Pension Service  
Tyneview Park  
Newcastle upon Tyne  
NE98 1BA

You will not receive any State Second Pension in respect of the time in which you were a member of NPPS, because NPPS is 'contracted out' of the State Second Pension.

## 12.4 Pensions increase with inflation

Pensions in payment are increased annually in line with inflation. These increases are paid to all pensioners aged 55 or over and ensure that the benefit maintains its original buying power. Deferred pensions are also increased to maintain their value up to the date they become payable.

Inflation increases will also be paid:

- to you before you reach the age of 55 if you are in receipt of an ill-health pension; and
- to your survivors who are in receipt of survivor benefits.

When the pension increase becomes payable it will take account of the movement in the retail price index (RPI) since the date of your retirement. Subsequent increases take place in April of each year and are based on the rise in the RPI in the 12 months up to the end of the previous September.

Survivors' pensions attract the pension increase as soon as they come into payment.

A deferred pension will attract the pensions increase and if it is paid before age 55 due to permanent disablement for any regular employment it will be increased immediately.

The pensions increase is applied to the NPPS pension irrespective of your country of residence after your retirement, although increases to your State Pension and any Guaranteed Minimum Pension element in your police pension may be affected if you live outside the United Kingdom.

## 13. Miscellaneous

### 13.1 Review of permanent disablement

As explained in section 6.1, the question whether you are entitled to an ill-health award is for the police authority to determine in line with set procedures and taking into account the report from the selected medical practitioner. A police authority may at their discretion review your disablement following ill-health retirement – again, in line with set procedures and taking into account a report from a selected medical practitioner. It will be assumed that you have been receiving normal appropriate medical treatment for your condition (unless the police authority considers it was reasonable for you not to have done so).

Where a medical practitioner decides that your disablement has ceased, the police authority may offer you an opportunity to rejoin the police force, at the rank previously held. In these circumstances, whether or not you rejoin the force, the authority will terminate the ill-health pension. If you decline to rejoin, your pension will revert to a deferred pension and not come back into payment until you are 65.

Where a medical practitioner decides that your disablement would have ceased if you had had normal appropriate medical treatment, and if your failure to have such treatment is due to your own wilfulness or negligence, you will be warned that a continued wilful or negligent failure to have treatment may result in the termination of your ill-health pension. If the failure then persists your ill-health pension may be terminated.

Once you have reached the age at which you could have retired, your standard ill-health pension cannot be cancelled. Your enhanced top-up ill-health pension could be cancelled, but you would still receive a standard ill-health pension.

### 13.2 Review of your pension paid on grounds of ill health

A police authority has discretion to review the level of your ill-health award at intervals.

- If you are in receipt of a standard ill-health pension and within five years of your retirement and your condition deteriorates to the extent that you are unfit for any regular employment, the police authority must increase your pension by paying the enhanced top-up ill-health pension. No additional lump sum is payable. This five-year limit will not apply if you were medically retired with a progressive medical condition.
- If you are in receipt of an ill-health pension and aged less than 55 and your condition improves to the extent that you are no longer disabled for the ordinary duties of a member of the police force, the police authority may invite you to rejoin the force at your previous rank. If you rejoin, or if you decline the offer, your ill-health pension will cease.
- If you are in receipt of an enhanced top-up ill-health pension and your condition improves so that you become capable of regular employment, but are still disabled for the ordinary duties of a member of the police force, the police authority will cease payment of your enhanced top-up ill-health pension and you will just receive the standard ill-health pension.

- If you are in receipt of a deferred pension paid early on grounds of ill health and your condition improves so that you become capable of regular employment, the police authority will stop payments until you reach age 65.

### 13.3 Reduction of ill-health and injury awards due to your default

Your ill-health pension may be reduced by up to a half if you substantially contributed to your disablement by your own default.

### 13.4 Forfeiture of pension

You may have part of your pension forfeited either permanently or temporarily by the police authority if you are convicted of:

- an offence of treason;
- one or more offences under the Official Secrets Acts for which you have been sentenced on the same occasion to at least 10 years' imprisonment; or
- an offence committed in connection with your police service which is certified by the Scottish Ministers either to have been gravely injurious to the interests of the State or to be liable to lead to a serious loss of confidence in the public service (e.g. conspiracy to pervert the course of justice).

A police authority may review a decision on forfeiture and restore some or all of the pension to the pensioner or someone receiving an award in respect of the pensioner.

### 13.5 Assignment of benefits

You are not allowed to assign any of your benefits. This means you cannot give anyone else the right to your entitlements under NPPS. There can therefore be no legal claim against you for assignment.

### 13.6 Loss of benefits

If you become bankrupt, the payment of your pension will be subject to the Bankruptcy Acts.

### 13.7 Scheme amendments

The Police Pensions (Scotland) Regulations 2006, which are made under the Police Pensions Act 1976, may be amended from time to time by the Scottish Ministers after consulting the Police Negotiating Board. Changes to the Regulations are made by the Scottish Ministers laying Amendment Regulations before Parliament.

Your force's pensions administrator will have an up-to-date list of amendments.

## 13.8 HM Revenue limits

NPPS is a 'registered pension scheme' for tax purposes. As a result there are a number of tax concessions.

- contributions are deducted from your pay before tax is calculated
- your lump sum is free of tax, as is the lump sum death grant for your survivors.

However, you should also note the following:

- pension contributions eligible for tax relief cannot exceed your total taxable earnings in any tax year
- there are limits on the benefits that you can take at retirement without incurring an additional tax charge, but you are unlikely to be affected by these unless you are in a very senior post or you have very large pension benefits in addition to your NPPS entitlements.

If you think you may be affected by these limits you should contact your force's pensions administrator who will be able to give you further details.

## 13.9 DWP tracing service

Information about NPPS, including the address of your police authority as your administrator of NPPS, and the address of the Police Human Resources Unit in the Home Office, has been given to the DWP Tracing Service.

The Tracing Service's main purpose is to provide a central tracing service for ex-members of pension schemes with pension entitlements (and their dependants) who have lost touch with former employers.

Its address is:

Pension Tracing Service  
Tyneview Park  
Whitley Road  
Newcastle upon Tyne NE98 1BA  
Tel: 0845 600 2537  
[www.thepensionservice.gov.uk](http://www.thepensionservice.gov.uk)

## **14. Appeals and complaints**

### **14.1 General**

There is a range of appeals procedures within NPPS and some of these are complex. In the first instance, if you have any appeal or complaint, you should approach your force's pensions administrator, who will also be able to explain the various procedures and the courses of action which are open to you.

In general, you should try to resolve a problem with the police authority in the first instance. If you fail to reach a satisfactory resolution, you may then wish to consider some of the other avenues which are explained below. Note, however, that the time limit for approaching the courts (see section 14.3 below) runs from the date of the decision which is the subject of the appeal and is not extended to take account of attempts at resolution with the authority.

If you are a serving officer, you can contact your staff association for advice. If you are a retired officer who is unsure of where to turn to for advice in a dispute, you may wish to contact the National Association of Retired Police Officers (NARPO), NARPO House, 38 Bond Street, Wakefield, West Yorkshire, WF1 2QP – they may also have a local branch at your force.

Specified procedures are laid down in the NPPS Regulations for appeals against medical decisions (section 14.2 below). Other appeals are likely to involve appeal to the Crown Court (section 14.3) or to a tribunal (section 14.4).

### **14.2 Medical appeals**

If you are dissatisfied with a decision by a medical practitioner selected by the police authority, you may appeal against it. You must give notice of your appeal within 28 days of receiving a copy of the medical practitioner's report.

If the report relates to your eligibility for awards payable on grounds of permanent disablement, you must support your appeal with a report from your own doctor which disagrees with that of the selected medical practitioner. The selected medical practitioner will be asked to reconsider his or her report. If this does not resolve the matter, a third registered medical practitioner will be asked to give an opinion which, if it disagrees with the selected medical practitioner, will be final.

If the report relates to permanent disablement (whether for the ordinary duties of a member of the police force, or for any regular employment) you may appeal to a Medical Appeal Board. You must normally give notice of your appeal to your police authority within 28 days of receiving the report from the selected medical practitioner.

It is possible, before the appeal is sent off to the board, for you and the police authority to agree that the matter be referred back to the medical practitioner under the internal review procedure.

The decision of the appeal board is final subject to review by the courts or reconsideration by the board, with the agreement of the police authority.

### 14.3 Appeal to Crown Court

If you are aggrieved by the police authority's decision in respect of an award you may be able to appeal to the Sheriff Court.

There is a time limit of 21 days for lodging an appeal to the Sheriff Court, which runs from the date of the decision which is the subject of the appeal.

### 14.4 Appeal to a tribunal

If you are serving as an Inspector of Constabulary or are engaged on relevant service under section 38(a) of the Police (Scotland) Act 1996 (e.g. overseas service), and you are aggrieved by:

- a refusal to make a pension award to you, or to make a larger award to you, or
- a decision that your refusal to accept medical treatment is unreasonable, or
- a decision to forfeit your award

you may give notice of appeal to the Scottish Ministers giving your grounds for appeal. The Scottish Ministers will then appoint an appeal tribunal to hear the appeal.

### 14.5 Internal dispute resolution procedures

If you have a complaint about the NPPS, or its administration, which you are not pursuing by means of an appeal under the medical appeal procedures, or to the Sheriff Court or to a tribunal, you should approach your force's pensions administrator in the first instance.

You will be entitled to receive a written explanation relating to your complaint. If you still feel that you have a valid complaint, you (or someone representing your interests, such as your staff association) can make an appeal to the Treasurer of your police authority or to the Scottish Executive if the matter relates to a direct responsibility of the Scottish Ministers under the Police Pension Regulations.

There are time limits for making applications. More details, together with forms for your use, are available from your force's pensions administrator.

### 14.6 The Pensions Advisory Service (TPAS)

If at any time you have a problem in relation to NPPS with the police authority for your force or the Home Office, you may approach the Pensions Advisory Service (TPAS). TPAS is available to assist members and beneficiaries of occupational pension schemes in connection with any difficulties which they may have in relation to their scheme and which they have failed to resolve with the trustees or administrators of those schemes. TPAS is located at:

11 Belgrave Road,  
London SW1V 1RB.  
Tel: 0845 601 2923  
Fax: 0207 233 8016  
Web site: [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

## 14.7 Pensions Ombudsman

If TPAS is unable to resolve your problem, you can approach the Pensions Ombudsman (based at the same address as TPAS, but telephone 020 7834 9144 and website [www.pensions-ombudsman.org.uk](http://www.pensions-ombudsman.org.uk)) and the Scottish Public Pensions Ombudsman at 4 Melville Street, Edinburgh EH3 7HS, telephone number 0870 011 5378. The Pensions Ombudsman has the power to investigate and determine complaints or disputes of fact or law in relation to occupational pension schemes, including

- any complaint alleging injustice as a result of maladministration; and
- any question of fact or of law.

However, the Ombudsman cannot investigate a complaint where an appeal under the medical appeal procedures has commenced.

Under the new Internal Dispute Resolution Regulations public service schemes such as NPPS are required to make specific reference to the Pensions Ombudsman's full powers. However, except in limited circumstances, the Pensions Ombudsman Regulations preclude the Ombudsman from accepting a complaint or dispute for investigation and determination unless the matter has first been considered by a scheme's internal dispute resolution procedure. An exception is where action by the pension scheme's administrators or managers under the procedures for resolving disputes is delayed without good reason.

## 14.8 The Pensions Regulator

The Pensions Regulator succeeded the former Occupational Pensions Regulatory Authority (OPRA) on 6 April 2005 and regulates occupational schemes such as NPPS. The Regulator's main objectives include the protection of benefits of members of work-based pension schemes and the promotion of good administration of pension schemes. The Regulator is able to intervene in the running of schemes where there have been breaches of legislation. The Pensions Regulator can be contacted at:

Napier House  
Trafalgar Place  
Brighton  
East Sussex BN1 4DW.  
Tel: 0870 606 3636  
[www.thepensionsregulator.gov.uk](http://www.thepensionsregulator.gov.uk)

## Glossary

Some of the specialist terminology used in relation to pensions is explained below.

Abatement	The temporary reduction in pension payments which may be imposed by a police authority if a police officer is re-engaged after retirement.
Accrual	The rate at which pension benefits build up with increases of pensionable service. Single accrual is where benefits build up evenly for every year of service, as in NPPS. Dual accrual is where benefits build up more quickly after an initial period, as in PPS where each year of service above 20 counts double.
Active member	A serving officer who is contributing to one of the police pension schemes.
Additional Voluntary Contributions (AVCs)	Personal pension contributions made by an officer who is a member of PPS to give pension benefits in addition to the police pension entitlement. This money purchase facility is only available in PPS or to former PPS members who transfer to NPPS and carry on making AVC contributions.
Approved career break	A period when your force has agreed that you can take extended unpaid leave with the right to return to work at the same rank as when you left. During this time, your continuity of service is maintained. Even though you are not paying pension contributions, and will not accrue pensionable service, you will remain a member of PPS or NPPS (unless you have opted out) and will be able to resume contributions on your return to work.
Beneficiary	An individual who receives pension benefits.
Civil partner	A person of the same sex with whom you have formed the legal relationship of civil partnership by registration.
Club terms	The comparatively favourable terms under which service may be transferred into or out of PPS or NPPS from or to another public sector pension scheme which participates in the Public Sector Transfer Club.



Compulsory retirement age	<p>The age at which you must retire and which depends on your rank, as follows:</p> <ul style="list-style-type: none"> <li>• for a constable, sergeant. inspector or chief inspector, 60 years</li> <li>• for an officer with any higher rank, 65 years.</li> </ul> <p>The date may be postponed by the chief constable (in the case of an officer of the rank of superintendent or below) or the police authority (in the case of an officer above the rank of superintendent).</p>
Deferred pension	<p>Pension rights held by someone who has left a pension scheme before the age at which a pension would normally be payable to them – these are deferred in the sense that they are not payable on leaving but at a future date. A deferred pension is payable at age 65 in NPPS unless you are permanently disabled for regular employment, with additional restrictions if you have left the service on disciplinary grounds.</p>
Deferred member	An individual who is entitled to a deferred pension.
Dependant	Someone who depends on you – either financially, or because they are disabled.
Enhancement and enhanced service	Additions to pensionable service (for example, in certain cases of ill-health retirement) which therefore increase (enhance) the pension payable.
Final pensionable pay	The pay on which pension benefits are based. It will often be the pay in the final year before retirement but account is also taken of some previous earnings. Final pensionable pay is always calculated as full-time pay.
Guaranteed Minimum Pension (GMP)	<p>The minimum pension that must be provided by a contracted-out salary-related scheme (such as PPS and NPPS) for pensions accrued from service or employment between 1978 and 1997. The GMP is roughly equivalent to the State Earnings-Related Pension Scheme (SERPS) which would have been payable if PPS/NPPS had not been contracted out. (Police pensions are always equal to or greater than the GMP).</p>

HM Revenue and Customs	The new Government department responsible for the business of the former Inland Revenue and HM Customs and Excise.
Money purchase	A pension arrangement in which the pension paid is related to the size of the individual's pension fund at retirement, which is determined by the contributions made and the investment return that they have produced (as opposed to a defined benefit scheme where the pension is related to the individual's earnings or some other value fixed in advance).
Ordinary pension	In NPPS, an ordinary pension is payable to an officer who retires on or after reaching age 55.
Pension age	The age at which a pension other than an ill-health pension may be paid.
Pension credit member	An ex-spouse or ex-civil partner who has received pension rights under a pension sharing order made on divorce or dissolution of a civil partnership. He/she will receive a police pension at age 60 (in PPS) or 65 (in NPPS).
Pension debit member	An individual who has given over part of his/her pension rights to an ex-spouse or ex-civil partner under a pension sharing order made on divorce or dissolution of a civil partnership.
Pensionable pay	Elements of earnings which are pensionable and on which pension contributions are paid. Pensionable pay in the police currently includes basic salary, London weighting, additional salary on temporary promotion and competence related threshold payments.
Personal pension	A money purchase pension which is provided through a contract between an individual and a pension provider.
Qualifying service	Service (or employment) which qualifies an individual to receive a pension. In the police schemes, qualifying service is generally calendar length of service in the police for which pension contributions are payable, plus any service arising from previous service or employment that has been transferred in.

State Pension age	The age at which an individual can claim his/her State Pension. It is currently 65 for men and 60 for women. The State Pension age for women will gradually increase to 65 between 2010 and 2020.
Unmarried partner	A term used in this guide to describe someone with whom you live and have an exclusive, committed and long-term relationship, but who is not married to you and is not your civil partner