

The Police Pension Scheme 1987

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 arrangements under the Police Pension Scheme 1987¹ (abbreviated to PPS1987 in this guide) offer a range of benefits that will provide financial security both in the time up to retirement and beyond. 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.

Officers who started their police service before 6 April 2006 will have joined PPS1987, unless they opted not to do so. The New Police Pension Scheme 2006 (abbreviated to NPPS in this guide) came into effect for new entrants on that date, followed by the introduction of the 2015 CARE scheme on 1 April 2015. Members of PPS can remain in their current scheme, although they will have had an opportunity to join and transfer their PPS service to NPPS under special terms, if they wished, during a pensions ‘options exercise’ conducted between 1 November 2006 and 31 January 2007. This guide applies only to members of PPS1987. There are separate guides for members of NPPS and the 2015 scheme.

Injury awards are controlled by separate regulations.

This guide applies only to officers in Police Scotland. The pension scheme is administered by the Scottish Public Pensions Agency. If there are any points about which you would like further help, please contact SPPA:

Scottish Public Pensions Agency
7 Tweedside Park
Galashiels
TD1 3TE
01896 893080
www.sppa.gov.uk

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 43.

¹ The main regulations for the scheme date from 1987, although they have been amended several times since then.

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

Key features

- All new recruits to the police service before 6 April 2006 became members of PPS1987, unless they opted out of the scheme.
- Police officers contribution rates range between 12.2 and 15.05% of their pay. PPS1987 is a ‘final salary’ scheme, which means that your pension is calculated as a proportion of your final average pensionable pay. This is generally what you are paid 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 generally be paid is 50, depending on length of service (if you have 30 years’ pensionable service, you may retire with an immediate pension before age 50 and an ill health pension is payable immediately).
- 30 years’ service is needed for a maximum pension.
- A maximum pension is two-thirds of average pensionable pay.
- There is an option to exchange (‘commute’) part of the pension for a tax-free lump sum.
- Average pensionable pay is in effect the highest pensionable pay for the three years before retirement.
- Each year of pensionable service for the first 20 years gives entitlement to a pension of 1/60 of final pay and each year for the final 10 years gives 2/60, up to a limit of 40/60.
- Pensions in payment are generally increased for inflation (though only from the age of 55 unless the officer is medically retired or other conditions satisfied).

Benefits for others on the death of a police officer

- A lump sum death grant of two times pay.
- A pension for a widow, widower or surviving civil partner, normally of half of the officer’s pension entitlement, which ceases on remarriage, the formation of a new civil partnership or cohabitation. A pension is not payable to a surviving cohabitee who was neither married to nor in a civil partnership with the officer.
- Dependent children under the age of 23 may qualify for a pension.

Medical retirement and ill-health pensions

- the police authority has discretion to retire a police officer on the grounds that he or she is permanently disabled for the ordinary duties of a member of the police force.

- An immediate pension and lump sum is payable to any officer at any age who is granted ill-health retirement.
- The issue of permanent disablement is determined by a doctor and there are appeal rights against medical decisions.
- Ill-health pensions are increased for inflation throughout their payment.
- the police authority has discretion to review the payment of ill-health awards at intervals.
- Even if you are judged to be permanently disabled, it does not automatically follow that you will be granted ill-health retirement. The authority will consider whether there are 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 are permanently disabled as the result of an injury on duty, which are outside the pension scheme.

Other features

- There is a facility to buy more pension in the scheme ('added years') within the overall limit of 30 years.
- If you build up pension rights in the scheme but leave the police service (or opt out of the scheme) before retirement, you will be eligible for a 'deferred pension' payable at age 60.

3. Membership and contributions

3.1 Membership

If you are a regular police officer, and you joined the service before 6 April 2006, you will have been admitted to PPS automatically on appointment unless you decided to opt out.

If you opt out of PPS1987, you cannot rejoin it after 6 April 2006. After that date, if you wish to opt back in, you must join NPPS. 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.

It is possible for you to be a member of PPS and to contribute to other pension schemes, such as a personal pension plan, at the same time. You are recommended 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', as set out in the table below (less 1p a week). In PPS1987, members' contributions meet about a third of the estimated cost of providing pensions and other benefits (the remaining cost being met by the authority).

Whole time pensionable pay	Contribution rate 2015-2019
Up to £27,000	12.5%
£27,000 - £60,000	14.25%
Over £60,000	15.05%

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.

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 may be paid by lump sum or instalments. Further details are available from SPPA.

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.

4.1 Retirement age

If you have 25 years' pensionable service, you can retire with an ordinary pension paid immediately on retirement once you reach age 50. If you have 30 years' pensionable service, you may retire with an immediate pension before age 50.

Short service pensions are paid immediately if you retire with less than 25 years' service at what would have been the compulsory retirement age for your rank before the following new compulsory retirement ages were introduced on 1 October 2006. The pre-2006 compulsory retirement ages are now called "voluntary retirement ages".

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.

From 1 October 2006, **voluntary retirement ages** are:

- For a constable or sergeant, 55 years
- For an inspector of superintendent, 60 years.

These ages apply to all forces.

You will not be disadvantaged by these new arrangements if you choose to retire as you expected to at your compulsory retirement age as it was before October 2006.

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 60

If you have completed 30 years' pensionable service in PPS1987 (or would have been able to if you had not opted out of PPS), 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 Average pensionable pay

Your pension benefits are calculated based on your average pensionable pay, which is normally your pensionable pay for your final 12 months of service. If your pensionable pay in one of the preceding two years was higher, then this will be used instead.

Example 1

Alex 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 average pensionable pay, for calculating his pension, will be his 2006 pay.

Average pensionable pay is always taken to be full-time pay, even if you work part-time. 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).

4.3 Pensionable service

This is the service that counts in the calculation of your pension. This 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 any of the former Scottish police forces (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 15 of the Police and Fire Reform (Scotland) Act 2012 (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 PPS. The transfer value will buy a credit of pensionable service in PPS. Your police authority has discretion 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. 11% of the part-time pay).

Example 2

Bethan's full-time pensionable pay would be £36,000 but she is working half-time. She therefore receives £18,000 salary and pays pension contributions, at 14.25% of that, of £2,565. 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, if you choose to commute part of it, a tax-free lump sum.

Your police pension is based on $\frac{1}{60}$ th of your average pensionable pay for each year of pensionable service up to 20 years, and $\frac{2}{60}$ ths of your average pensionable pay for each year over 20 years, up to a maximum of $\frac{40}{60}$ ths. For example, 25 years' service gives $\frac{30}{60}$ ths. Each day counts as $\frac{1}{365}$ th of a year. The maximum length of pensionable service that can count towards a PPS1987 pension is 30 years. The position of officers who have worked some part time service is dealt with at section 4.8.

You can exchange ('commute') part of your pension for a tax-free lump sum (see section 7.1).

4.6 Ordinary pension

An ordinary pension is awarded immediately on retirement after completion of at least 25 years' pensionable service. If you have 25 years' pensionable service, you may retire on an ordinary pension paid immediately on retirement if aged 50 or over. However, if you have 30 years' pensionable service, you may retire with an immediate pension before age 50.

Example 3

Chris's average pensionable pay is £40,000 and his pensionable service is 20 years at $\frac{1}{60}$ th each and 5 years at $\frac{2}{60}$ th each.

His pension = $\frac{£40,000 \times 30}{60}$ = £20,000 per year (index linked after the first year so long as C is over 55)

60

4.7 Short service pension

A short service pension is payable immediately after completion of at least two but less than 25 years' pensionable service if you retire at your voluntary retirement age (what would have been the compulsory retirement age for your rank before the new compulsory retirement ages were introduced on 1 October 2006). It is calculated in a similar way to an ordinary pension.

If you were allowed to postpone your date of retirement beyond the compulsory retirement age for your rank, and you decide to leave voluntarily before you reach your new compulsory retirement date, then if you have at least two but less than 25 years' service you will qualify for a deferred pension payable at age 60. You will not be entitled to a short service pension, which would have been payable if you had completed your extension of service (see Section 4.9 below).

4.8 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 average pensionable pay is based on the full-time equivalent of what you earn.

Example 4

Daniela is a part-time officer who has worked half-time for the full 30 years, i.e. with 15 years' pensionable service. She can retire with an immediate pension on reaching age 50. Her average pensionable pay is £38,000.

A full-time officer's pension in these circumstances would be:

$$40/60 \times £38,000 = £25,333$$

D's pension, to reflect her part-time service, is the appropriate proportion of this, i.e.:

$$\frac{£25,333 \times 15}{30} = £12,667 \text{ per year (index linked after the first year from age 55)}$$

4.9 Deferred pension

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

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

without transferring your PPS rights to another pension scheme.

The deferred pension will be a proportion of your hypothetical pension – i.e. the pension you would have earned by the age of compulsory retirement, subject to the limit of the maximum ordinary pension.

The size of your deferred pension will be the same proportion of your hypothetical pension as your actual pensionable service is of your hypothetical service – i.e. the pensionable service you would have accrued by the time of your compulsory retirement age, subject to a limit of maximum pension.

A deferred pension is payable from age 60. It may be paid earlier if you become permanently disabled from performing the ordinary duties of a police officer.

Example 5

Ewan, with the rank of constable, leaves PPS after 10 years' service at age 40 with average pensionable pay of £36,000. He could have left at age 55 with an immediate pension, by which time he would have accrued 25 years' service – his hypothetical service – which would have given 30/60ths (as in Example 3 above).

Ewan's officer's hypothetical pension would be:

$$\frac{\pounds 36,000 \times 30}{60} = \pounds 18,000$$

His deferred pension would be:

$$\frac{\pounds 18,000 \times 10}{25} = \pounds 7,200$$

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 PPS 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 with at least 3 months' service you can, alternatively, ask for your PPS 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

When you die, your 'survivors' (which can include your widow, widower or civil partner and children) may be eligible to receive benefits from PPS. The benefits which may be payable will depend on whether you die in service or after you retire and on the length of your pensionable service at the date of your death. More details are given in this Section.

5.1 Lump sum death grant

If you die while serving, provided you were a member of PPS at the time of death (and had not opted out), a lump sum death grant of twice annual pensionable pay will be paid to your surviving spouse or civil partner. If there is no surviving spouse or civil partner, it will be paid to your personal representative – usually the executor of your will – and thus form part of your estate.

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

Example 6

Farah's full-time equivalent pay is £36,000 per year, but she serves 2/3 time and so her annual pensionable pay is £24,000 per year.

If she were to die in service whilst she is a member of PPS, the lump sum death grant payable in respect of her death would be £48,000.

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 or civil partner (or child or dependent relative) may be entitled to a gratuity under the Police (Injury Benefit) Regulations 2006. This does not form part of the pension scheme.

5.3 Gratuity - estate

If, when you die, the various awards payable under PPS (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 Adult survivor awards

Adult survivors under the PPS include widows, widowers and civil partners, but not cohabitants who were not married or in a civil partnership.

A widow or widower is the person to whom an officer was legally married when he or she died. A surviving civil partner is the person with whom an officer had formed a civil partnership when he or she died. A former spouse or civil partner is not eligible to receive an adult survivor's pension.

There are differences in the way in which service is counted for the purposes of awards to widows, widowers and civil partners. These are indicated below.

5.4.1 Widows' awards: eligibility

A widow is entitled to a pension based on all the deceased officer's pensionable service if she was married to an officer before he ceased to be a regular police officer and was married to him when he died. A widow who married after the officer's retirement will be entitled to a pension based on the officer's service after 5 April 1978 only.

5.4.2 Widow's ordinary pension

If an officer dies in service, or after retirement while receiving a PPS1987 pension, the widow will normally be entitled to a widow's ordinary pension if the officer had at least three years' pensionable service.

If the officer joined after 1 April 1972, the widow will be entitled to a half-rate pension (i.e. half of the officer's gross pension, before commutation). Otherwise, the widow's pension will depend on whether the officer opted to up-rate his pre-April 1972 service. This could have been done by paying a lump sum, paying additional pension contributions until the completion of 25 years' service; or by the officer taking a reduction of their own pension.

5.4.3 Widow's accrued pension

If an officer retired with entitlement to a deferred pension, his widow will normally be entitled to an accrued pension, irrespective of whether or not the deferred pension was being paid. If the officer joined after 1 April 1972, this accrued pension would normally be half of the officer's deferred pension.

5.4.4 Widow's pension: increase for the first 13 weeks

For the first 13 weeks of widowhood, a widow's pension will be increased so that, together with any child allowances payable, it will equal the deceased officer's pensionable pay (and rent or housing allowance, if any) for the week before he died (if he died in service) or the weekly amount of his pension (if he died while receiving a PPS pension). An accrued pension cannot be increased, however, if the deferred pension was not in payment.

5.4.5 Widowers' awards

Widowers' ordinary, special, augmented and accrued pensions are payable in the same way as for widows except that the award is a standard entitlement in respect of a woman officer's service only after 16 May 1990. Service before that, from 6 April 1988, provides only a guaranteed minimum pension (GMP) for a widower (see Section 12.3.1 for an explanation of GMP).

A widower's pension is increased for the first 13 weeks in the same way as that for a widow.

Female officers had the opportunity to decide whether to up-rate their service so that it attracted a half-rate widower's pension before 17 May 1990, in 1994, 2003 and 2006.

5.4.6 Civil partners' and same-sex surviving spouse awards

The benefits available to widows and widowers including rights to ordinary, special, augmented and accrued pensions and the 13 week increase, are paid in the same way to civil partners and same-sex spouses, except that the entitlement only applies to service completed after 5 April 1988.

5.4.7 Changes in circumstances which affect adult survivors' awards

If your surviving spouse or civil partner later remarries, forms a new civil partnership or cohabits, the pension will stop (or be reduced to only the pensions for any children), except in circumstances where the surviving adult is in receipt of a special or augmented award under the injury benefit regulations. However, the pension may, on application, be restored at the discretion of the police authority if the second marriage, civil partnership or cohabitation comes to an end.

On divorce or dissolution of a civil partnership, a former spouse or civil partner's claim to a share of a pension will be assessed on the strength of the officer's pension rights as a whole. If you are concerned about the possible effect of matrimonial proceedings on your pension, you should obtain legal advice.

5.5 Children's pensions

If you die in service or when you are receiving a PPS1987 pension, or after you have left the police service with an entitlement to receive a deferred pension, children's pensions will be payable to your legitimate or adopted children, but not to the children (including step-children) of a marriage which took place in retirement, nor to children adopted in retirement. The same awards are payable to your children regardless of whether you are a male or female officer.

Whether your children meet the conditions for an award also depends on their age. If they are aged 16 or over, a pension is not payable unless they are in full-time education

or training, or substantially dependent on you at the time of death. The definition can include: stepchildren, adopted and illegitimate children. If you die after leaving PPS the children must have been substantially dependent on you both at the time your service ended and at your death.

Any children's pensions which become payable on or after 6 April 2006 will cease at age 23, unless the child is dependent on you by reason of disability at the date of your death.

More details of whether your children would be eligible for an award are given in the tables at the end of this section. The types of award are considered below.

5.5.1 Child's ordinary allowance

A child's ordinary allowance is generally 18.75% of your ordinary, short service or ill-health pension (if such a pension was payable) or otherwise your notional ill-health pension (see Section 6.2). Where more than two child allowances are payable, they cannot exceed 37.5% of the pension. Where the child is an orphan, the amounts are increased to 25% and 50% respectively.

5.5.2 Child's accrued allowance

A child's accrued allowance is generally 18.75% of your deferred pension, irrespective of whether or not the deferred pension was in payment. Where more than two child allowances are payable they cannot exceed 37.5% of the pension. Where the child is an orphan the amounts are increased to 25% and 50% respectively.

5.5.3 Child's pension: increase for the first 13 weeks

If, after your death, there is no widow's, widower's or surviving civil partner's pension payable a child's pension is increased for the first 13 weeks so that it will equal your pensionable pay (and your rent or housing allowance, if any) for the week before you die (if you die in service), or the weekly amount of your pension (if you die while in receipt of a pension). Your child's accrued pension will not be increased, however, if you have a deferred pension which is not in payment at the time of your death.

5.5.4 Child's pension: summary of who qualifies

Child's relationship to you	Specific conditions
Child of your marriage	Your marriage must have taken place before your retirement
Stepchild	You must have married the child's parent before retirement and the child must be substantially dependent on you when you die.
Adopted child	Child must have been adopted before retirement.
Any other child who is related to you or is a child of your spouse	Child must have been substantially dependent on you both at the time of your retirement and death.

Child's age	Circumstances in which a child's allowance may be paid
Under 16	In all cases
16 and under 17	In all cases, except where a child is in full-time employment (unless full-time vocational training).
Over 17 and under 19	Child is: <ul style="list-style-type: none"> • in full-time education, or • in full-time vocational training, or • permanently disabled, and <ul style="list-style-type: none"> ➤ substantially dependent on relevant parent, when latter died, or ➤ became permanently disabled while receiving a child allowance, or ➤ the authority determines that an allowance should be paid.

Child's age	Circumstances in which a child's allowance may be paid
19 or over	<p>Child is:</p> <ul style="list-style-type: none"> • in full-time education, or • in full-time vocational training, and has been continuously since before 19th birthday, or the police authority waive the need for complete continuity, or <ul style="list-style-type: none"> ➤ permanently disabled, and ➤ substantially dependent on relevant parent, when latter died, or ➤ became permanently disabled while receiving a child allowance, or ➤ the authority determines that an allowance should be paid.

Note: The allowance of a child in full-time vocational training may be reduced depending on the amount of any income related to that training.

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

The arrangements for ill-health retirement in PPS 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 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.

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; and if so
- (b) whether your disablement is likely to be permanent.

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 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 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 decides to retire you, you will be entitled to an immediate ill-health pension and lump sum:

- if you have at least two years' pensionable 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 on duty.

An ill-health pension is calculated in a similar way to an ordinary pension and is then normally enhanced to compensate for the lost opportunity of serving until normal retirement. The enhancements applied are shown in the table below.

The maximum ill-health pension is $\frac{40}{60}$ ths and all enhancement is subject to the condition that pensionable service does not exceed what could have been completed by the age of "voluntary" retirement. In the case of permanent disablement due to an injury on duty, there is a minimum of a year's award (i.e. $\frac{1}{60}$).

Pensionable Service	<i>Ill-health pension</i>
2 to less than 5 years	<i>1/60 per year (no enhancement)</i>
5 to 10 years	<i>2/60 per year</i>
10 to 13 years	<i>20/60</i>
<i>More than 13 years</i>	<i>7/60, plus 1/60 for each year up to 20 years' pensionable service 2/60 for each year over 20 years' pensionable service</i>

6.3 Ill-health gratuity

An ill-health gratuity is payable if you have less than two years' pensionable service and are required to retire on grounds of permanent disablement, which was not caused by an injury on duty. The amount of the gratuity will be equal to your total pension contributions.

6.4 Review of permanent disablement

If you are medically retired the police authority may, at their discretion and up to the point at which you would have had 25 years' pensionable service or reached voluntary retirement age, consider whether your disability has ceased – in line with set procedures and taking into account a report from a selected medical practitioner.

Where the selected medical practitioner decides that your disablement has ceased, the police authority may offer you an opportunity to rejoin the police service, 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 60.

Once you have reached the age at which you could have retired, your ill-health pension cannot be cancelled.

6.5 Reduction of ill-health award due to your default

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

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 2006. This does not form part of the pension scheme.

7. Commutation and allocation of your pension

7.1 Commutation

In PPS1987 you can exchange ('commute') part of your pension permanently, in exchange for a lump sum. The lump sum is tax-free and is calculated using the table set out at the end of this Section. **If you wish to commute, you must give notice to SPPA before your date of retirement or if your pension does not come into payment on retirement, before the pension comes into payment.**

You may commute up to a quarter of your pension if you receive:

- an ordinary pension after not less than 30 years' pensionable service or on reaching your voluntary retirement age;
- a short service pension;
- an ill-health pension; or
- a deferred pension on coming into payment.

In all other cases, you may commute an ordinary pension of at least 25 but less than 30 years' pensionable service to give a maximum lump sum of no more than 2¼ times your gross annual pension – i.e. before any reductions.

Current commutation guidance is available on the SPPA website:

http://www.sppa.gov.uk/index.php?option=com_content&view=article&id=304&Itemid=378

7.2 Allocation

Provided you are in good health (which the police authority may require you to confirm by attending a medical examination which you will have to pay for) you may be able to give up part of your pension to provide benefits for another individual who is dependent on you (either financially or by reason of disability). Allocation is a means to provide additional pension benefit to a spouse or child who is dependent upon you, or to provide some pension benefit to another person who is dependent upon you but would not otherwise receive any benefit from PPS1987, such as a disabled brother or sister.

Not more than a third of your pension in total may be used for any combination of allocation and commutation.

If you are thinking of making an allocation you should check with SPPA for the current position. The review will not affect existing allocations.

8. Increasing your benefits

You may choose to increase your pension provision, particularly if you are unable to build up 30 years' pensionable service before your intended retirement age. You have the option to purchase increased benefits in PPS through 'added years'. Formerly, it was possible to pay additional contributions to the PPS Additional Voluntary Contribution (AVC) scheme to buy additional benefits for yourself and/or your spouse through Standard Life, however the scheme was closed to new members on 1 October 2010.

You are also free to take out an entirely separate personal pension plan at the same time as you contribute to PPS.

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 places overall limits on pension contributions which are tax-deductible. Pension growth above this "Annual Allowance" is subject to a tax charge and can occur where PPS1987 benefit entitlement has increased substantially in that year (for example, if you have been promoted or have taken up a more senior appointment whilst benefitting from double accrual).

8.1 Purchase of increased benefits through 'added years'

If you do not qualify for a maximum pension because you are unable to complete 30 years' pensionable service by Voluntary Retirement Age, you may be able to purchase extra service to increase your PPS1987 benefits on retirement. This will be more expensive than the normal contribution rate because the authority, which pays towards your basic PPS benefits, does not contribute to added years purchases.

Accrued service in PPS, plus increased benefits purchased within the scheme, cannot exceed 40/60ths. You cannot purchase added years to cover career breaks if, on your return, you are able to accrue 30 years' service by age 55.

The purchase of 'added years' normally entails a long-term commitment to pay contributions until you retire or leave PPS. 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. The option to pay regular contributions can be taken up at any time while there are at least two years between the next birthday and voluntary retirement age. 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). SPPA will be able to give you more details. You cannot buy added years if you could build up 30 years' service by compulsory retirement age assuming full-time service throughout the rest of your career.

Any increased benefits you purchase will count when determining the level of your PPS1987 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.

SPPA can give you more details and estimated costs of buying "added years".

8.2 PPS Additional Voluntary Contributions (AVC) scheme

The Police AVC scheme closed to new members on 1 October 2010. Existing members are no longer able to increase contributions or transfer other pensions in to it. The flexibilities introduced to money-purchase schemes from 6 April 2015 extend to the AVC scheme, which officers can access upon retirement or when reaching age 55.

8.2.2 Additional life cover

You may also elect to pay death benefit contributions to provide life cover above the level of that provided by the PPS1987 for death in service other than death as a result of an injury on duty. HM Revenue and Customs currently allows death benefit payments of up to four times' final remuneration. PPS already provides for twice annual pensionable pay, so this leaves scope for members to increase death benefit to up to 4 times annual gross earnings.

The cost of the life cover will depend on your age and the amount of cover that you wish to have. You can ask for Standard Life's current rates either direct or through SPPA.

You can stop paying your death benefit contributions at any time, in which case your cover will cease. As with any insurance, you will not receive a refund of the contributions already made.

9. Transferring benefits into the scheme and leaving the scheme

9.1 Inward transfer of pension rights to PPS1987

If you transfer to Police Scotland from another UK police force, any previous police service in PPS for which you have paid pension contributions will be transferred day for day. 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 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 PPS may be more beneficial than would be the case with another employer. But you must have applied to transfer any deferred benefits within 12 months of joining PPS1987 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 – or you can ask SPPA.

If you apply for a transfer of pension rights, you will be informed of the amount of service credit available in PPS1987 (i.e. the number of years of pensionable service in PPS 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 PPS1987. 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 PPS1987.

9.2 Outward transfer of your PPS pension rights

If you leave or opt out of PPS 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 PPS 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 PPS from a personal pension scheme) your choice is:

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

You may transfer your PPS rights to:

- another public sector pension scheme or occupational scheme

Following legislation introduced on 6 April 2015, it is no longer possible to transfer from the police scheme into a money purchase scheme or any other scheme offering flexible benefits

Example 7

George leaves the police service at age 50 to move to other employment. He has 15 years' pensionable service in PPS and is informed by his new employer that he will be able to transfer this to his new employer's pension scheme. He knows that if he takes no action, he will be entitled to a police pension of 15/60 of his final salary, and an associated lump sum, when he is 60, which will be increased for inflation from the time at which he leaves the police service to his 60th birthday. On request, SPPA will calculate the transfer value of his police pension rights and provide this information to his new employer. His new employer will be able to tell him what pension benefits this will buy in their pension scheme. George is then free to choose whether or not to transfer his police pension rights. This will be his own decision and the police authority cannot advise him as to what he should do. To transfer his police pension rights, he must give written notice to SPPA, usually by completing a discharge form.

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 PPS (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 PPS 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 60
- 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 PPS

SPPA can provide an example of a transfer value calculation and more information about how PPS1987 arrangements work, but cannot give specific advice on individual cases.

9.3 Opting out

You can opt out of PPS at any time. You will need to complete and return an option form available from SPPA. Your decision will take effect from your next pay day after receipt of your notice to opt out.

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

- you will be entitled only to a deferred pension, which would generally only be payable from age 60
- if you die in service when you have opted out of PPS, no lump sum death grant is payable
- as someone who is not an active member of PPS 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
- opting out will affect the benefits which are payable to your survivors
- you cannot rejoin the PPS

If you opted out of PPS with less than two years' qualifying service, your pension contributions will be refunded when you leave the service or reach your compulsory retirement age.

If you are thinking of opting out of PPS, 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 PPS on or after 6 April 2006, you cannot rejoin PPS1987. You can now only join PPS 2015 unless you would qualify for transitional protection enabling you to join the 2006 scheme. You may need to undergo a medical examination at your expense to determine whether you will be eligible for ill-health benefits.

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 PPS 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 60) or with an ill-health pension and you did not transfer your PPS1987 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. Depending on your circumstances, you might only be able to join NPPS 2006 or PPS 2015.

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 repay 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 (apart from the 30++ Scheme, considered below). If you are re-engaged after 6 April 2006 after having retired, you may join the PPS 2015 and this will build up benefits for a second police pension for you.

10.3 The 30+ Retention Scheme

This scheme has been withdrawn.

10.4 Abatement of pension

If you are a PPS pensioner resuming service as a regular police officer, you should note that the whole or part of your PPS pension payments during any period in which you serve in any force as a regular police officer may be withdrawn (your pension entitlement on final retirement would not be affected). This is known as abatement.

We recommend that abatement should entail withdrawing so much of your PPS1987 pension such 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 PPS pension may be applied if you are in receipt of a PPS 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.

10.5 Inter-service abatement

There is no provision for abating your PPS pension if you take a job outside the police service, 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 abatement are available on the SPPA website.

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 PPS1987 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 proportion of your pension rights accrued during the period of 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 PPS in his/her own right which will become payable when he/she is 60. 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

PPS1987 pensions and lump sums are paid by SPPA. 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 small (i.e. less than £30,000 in total value) and you are aged between 60 and 74, you may ask for the whole of the remaining PPS1987 pension payments to be paid to you as a lump sum. This is called 'trivial commutation'. 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 SPPA may decide to pay it annually, if you have not asked for it to be paid as a lump sum.

Your PPS1987 pension can only be paid to you.

12.2 Income Tax

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

Your commuted 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.

12.3 State Pension benefits

State Pension age is the age at which pensions are payable from the State. 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 PPS 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:

<https://www.gov.uk/government/publications/application-for-a-state-pension-statement>

If you joined the regular police between 1 July 1948 and 31 March 1980 your police pension will be reduced when you reach state pensionable age, by £1.70 a year for service prior to 1 April 1980. The reduction will be applied to your original pension before any increases are applied. If you joined the police on or after 1 April 1980 your police pension will not be reduced in this way.

Historically, members of PPS did not participate fully in the State Pension arrangements. Instead, PPS took on the responsibility for paying part of the pension that would otherwise have been paid by the State and you pay a lower rate of National Insurance contributions. This was known as being 'contracted-out'. You will not receive any State Second Pension in respect of the time in which you were a member of PPS (the State Second Pension replaced the State Earnings Related Pension Scheme (SERPS) from 6 April 2002).

From 6 April 2016, the two tier state pension has been replaced by a single tier and the police pension scheme is no longer "contracted-out".

Your police pension is guaranteed never to be smaller than the amount you have given up from the State. It will usually be very much greater.

12.3.1 State Pension and Guaranteed Minimum Pension

From 6 April 1978 until 6 April 2016, the State Retirement Pension consisted of two parts, namely the basic State Pension and the State Second Pension (formerly SERPS). The State Second Pension is an additional amount based on the increased National Insurance contributions a person has paid since 6 April 1978. The benefits are a pension paid at State Pension age, with some cover for widows, widowers and civil partners.

In April 1978, PPS contracted-out of SERPS on the basis of the Guaranteed Minimum Pension (GMP). The GMP applies only to service since 6 April 1978 and before 6 April 1997. It is the minimum pension that the PPS undertook to provide in order to contract-out of SERPS. It is guaranteed to be at least as much as the pension you would have built up in SERPS during your service before 6 April 1997.

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 retired on grounds of ill-health or injury, or you are totally disabled from any occupation and therefore unable to earn a living; 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 consumer price index (CPI) since the date of your retirement. Subsequent increases take place in April of each year and are based on the rise in the CPI 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 coming into payment at age 60 will attract the pensions increase but if it is paid before age 55 due to permanent disablement it will not be increased until age 55 unless you are disabled from regular full-time work of any kind.

The pensions increase is applied to the PPS 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.

Example 8

Hasan retires in mid-October with an annual pension of £10,500. The following April, the cost of living increase of 3.5% is applied.

As Hasan retired exactly half way through the relevant 12-month period, the pension is increased proportionately (i.e., by one half of the total increase, 1.75%).

During the second year, the cost of living increase is determined as 4.2%.

Initial annual pension		£10,500.00
Increase Year 1	1.75%	<u>£183.75</u>
		£10,683.75
Increase Year 2	4.2%	<u>£448.72</u>
		£11,132.47

12.4.1 Increase applied to GMP

Once you reach State pension age the State is responsible for paying the appropriate pension increase on the GMP. To ensure that you do not receive a double payment, the police authority reduces your police pension by an amount equal to the increase paid by the State. For service from 6 April 1978 to 5 April 1988 the State pays the increase in full,

but for service from 6 April 1988 to 5 April 1997 the scheme pays the first 3% of the increase and the balance is paid by the State.

13. Miscellaneous

13.1 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.

13.2 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 PPS (other than by allocation of part of your pension). There can therefore be no legal claim against you for assignment.

13.3 Loss of benefits

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

13.4 Scheme amendments

The arrangements for PPS are set out primarily in the Police Pensions Regulations 1987, which are made under the Police Pensions Act 1976. The Regulations may be amended from time to time by the Scottish Executive after consulting the Police Negotiating Board. Changes to the Regulations are made by the Scottish Ministers laying Amendment Regulations before Parliament.

SPPA has an up-to-date list of amendments.

13.5 HM Revenue and Customs limits

PPS 1987 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 tax-free (up to 25% of the overall value of your pension) 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 PPS 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.

13.6 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.

<https://www.gov.uk/find-pension-contact-details>

You can request contact details from the Pension Tracing Service by phone or by post.

Telephone 0345 6002 537

Pension Tracing Service

The Pension Service 9

Mail Handling Site A

Wolverhampton

WV98 1LU

14. Appeals and complaints

14.1 General

There is a range of appeals procedures within PPS and some of these are complex. In the first instance, if you have any appeal or complaint, you should approach SPPA, 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 SPPA or 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) 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 Retired Police Officers' Association (Scotland) at www.rpoas.org.

Specified procedures are laid down in the PPS Regulations for appeals against medical decisions (section 14.2). Other appeals are likely to involve appeal to the Sheriff 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 by 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, 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 Sheriff 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 97 of the Police 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 PPS, 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 SPPA in the first instance.

Some pension issues can be resolved informally, therefore before considering the formal Internal Dispute Resolution Procedures, you should write to the person who made the original decision. Please give details of the issues concerned, including any facts that you think the decision maker may not have taken into account. The decision maker will look at what you have said and will do their best to provide further clarification. Hopefully this will resolve your enquiry.

If, however, this informal process does not resolve the issues, you can then move to the formal process which has 2 stages. The IDRPs arrangements allow members to challenge decisions on the basis that - (a) Other information which was available at the time of the original application but not presented, has come to light; and/or (b) Scheme Regulations have not been applied correctly.

Stage 1 of the formal IDRPs requires us to review and reconsider the original decision. The Director of Operations will nominate someone (an "appointed person") to do this. The appointed person will not have been involved in any part of the original decision making

process. In this way the appointed person can act independently and reach their decision based on the facts of the case as they see them.

If you disagree with the decision of the appointed person, Stage 2 of the formal IDR process allows you to ask the Director of Policy for a determination which is independent of any consideration already provided by SPPA on your dispute.

There are time limits for making applications. More details, together with forms for your use, are available from SPPA.

14.6 The Pensions Advisory Service (TPAS)

If at any time you have a problem in relation to PPS 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

14.7 Pensions Ombudsman and the Scottish Public Services 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) or The Scottish Public Services Ombudsman at 4 Melville Street, Edinburgh EH3 7NS (telephone number 0131 225 5300 www.spsso.org.uk). 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 Internal Dispute Resolution Regulations public service schemes such as PPS 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 PPS. 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: 0345 600 0707
www.thepensionsregulator.gov.uk

Annex Time limits

Some of the actions in PPS that you might wish to take have time limits. These are summarised below. Please ensure that you do not miss out by exceeding these limits.

Action	Time Limit
Making a transfer of previous pension rights to the Police Pension Scheme	<i>No time limit for transfers into the PPS but there could be a time limit for transfers out under the rules of the other pension scheme. If your previous employer was a member of the Public Sector Transfer Club, it is generally beneficial to apply to transfer within 12 months on joining the PPS</i>
Buying increased benefits with a lump sum payment	<i>You must apply within 12 months of joining the scheme</i>
Making a transfer from PPS if you have not : <ul style="list-style-type: none"> • received pension benefits, • given notice of commutation, or • received a return of your pension contributions 	<i>You must, within 6 months of starting your new job, or longer if your police authority allow make a request for a transfer out.</i>
<i>Notice of commutation - giving notice to your police authority that you want to surrender part of your pension for a lump sum.</i>	<i>You cannot give notice of commutation earlier than four months before your intended date of retirement. You must give notice before your retirement date.</i>

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"> • for a constable, sergeant. inspector or chief inspector, 60 years • for an officer with any higher rank, 65 years. <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> <p>These ages were increased in 2006, although were retained for some aspects of pension. See Voluntary retirement age.</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 60 in PPS unless you are permanently disabled for regular employment, with additional restrictions if you have left the service on disciplinary grounds.</p>
Deferred member	<p>An individual who is entitled to a deferred pension.</p>
Dependant	<p>Someone who depends on you – either financially, or because they are disabled.</p>
Enhancement and enhanced service	<p>Additions to pensionable service (for example, in certain cases of ill-health retirement) which therefore increase (enhance) the pension payable.</p>
Final pensionable pay	<p>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.</p>
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</p>

	or greater than the GMP).
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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). Since 6 April 2015, money purchase schemes have been able to offer flexible retirement options, and transfers to them from unfunded public service pensions schemes such as PPS have been prohibited.
Ordinary pension	In PPS, an ordinary pension is payable to an officer who retires with a minimum of at least 25 years' service at age 50 or earlier with 30 years' service.
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.
Short service pension	A short service pension is payable immediately after completion of at least two but less than 25 years' pensionable service if you retire at what would have been the compulsory retirement age for your rank before the new compulsory retirement ages were introduced on 1 October 2006 (see "Voluntary Retirement Age" below). It is calculated in a similar way to an ordinary pension.
State Pension age	The age at which an individual can claim his/her State Pension. It is currently 65 for men and for women will gradually increase to 65 between 2010 and 2018.
Voluntary retirement age	<p>Introduced in 2006 when the former compulsory retirement ages were increased. These are:</p> <p>constables and sergeants: age 55 Superintendent or inspector: age 60</p> <p>These ages are used for various aspects of scheme criteria, such as retiring on a short service pension, determining commutation limits and eligibility for ill-health enhancements.</p>