

DEPARTMENT OF JUSTICE

**David Ford MLA
Minister of Justice
Castle Buildings
Belfast BT4 3SG**

**Lord Morrow MLA
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont**

**17 October 2014
AQW/36864/11-15**

Lord Morrow (Fermanagh and South Tyrone) has asked:

To ask the Minister of Justice to provide copies of all correspondence between his Department and the Police Federation of Northern Ireland in relation to police pensions.

ANSWER

Copies of all correspondence between my Department and the Police Federation of Northern Ireland in relation to the new police pension scheme have been placed in the Assembly Library. Names of junior officials have been redacted under Section 38 of the Freedom of Information Act 2000.



DAVID FORD MLA

Police Human Resources Policy Branch

Issued by E-mail



Department of
Justice

www.dojni.gov.uk

Mr Terry Spence
Chairman
Police Federation for Northern Ireland
Training Centre
77-79 Garnerville Road
Belfast
BT4 2NX

Castle Buildings
Stormont
BELFAST
BT4 3SG

Tel:
Fax:

email:

4 July 2014

Dear Terry,

POLICE PENSIONS REGULATIONS (NORTHERN IRELAND) 2014

I am writing to formally consult you on the attached draft Police Pensions Regulations (Northern Ireland) 2014. While the Department recognises that a number of issues which remain to be finalised at the Police Negotiating Board (or its successor) it is important that consultees are given time to consider

I have written in similar terms to the Northern Ireland Policing Board, the Chief Constable, the Superintendents Association, the Chief Police Officers' Staff Association.

On completion of the scheme valuation process I will be writing to the Department of Finance and Personnel and the Police Negotiating Board.

Background and Current Policy

The Northern Ireland Executive is working to make public service pensions fairer and more sustainable over the long term. On 8 March 2012 the Executive considered the UK government's policy for a new Career Average Revalued Earnings (CARE) scheme model for all public sector pension schemes, including that of the Police Service of Northern Ireland (PSNI). It agreed to adopt this approach consistently for

each of the different public sector pension schemes in line with their equivalent schemes in Great Britain and not to adopt different approaches for Northern Ireland. Mindful of the Executive's decision and having given due consideration to the UK Government's 'Police Pension Scheme: Reform Design Framework', the Justice Minister decided to adopt the same approach for the reform of the police pension scheme. These regulations will maintain parity of terms and conditions for police pensions between the PSNI and police forces in England, Scotland and Wales; allow interoperability between forces and also permit PSNI officers to gain experience in other police forces.

Consultation at PNB

You will already be aware of the consultation on the framework for changes across public service pension schemes at the Police Negotiating Board, which has been ongoing since January 2012.

Consultees will include the statutory bodies as laid down in the regulations (i.e. the Police Negotiating Board, the Northern Ireland Policing Board, the Northern Ireland Police Associations and the non-statutory bodies such as the PSNI). The consultation will run for 15 weeks from 4 July to 16 October 2014.

Summary of content of regulations

The regulations set out the detail of the scheme design for the Reformed Design Framework for the new police pension scheme, which comes into effect on 1 April 2015 and includes principles on protection of accrued rights and protection for those closest to retirement. It should be noted that, as a few final issues remain to be agreed at the Police Negotiating Board, these sections will be added and circulated to all consultees, tracked for ease of reference.

Scheme Governance

The Department recently consulted on initial proposals for scheme governance. It is anticipated that an invitation to nominate Board Members to the Police Pension Board and the Scheme Advisory Board will occur in late December/early January. The Police Association will hold three seats on each respective Board, whilst the

Police Service of Northern Ireland, the Northern Ireland Policing Board and the Department will hold one seat respectively. Nominees should meet certain requirements as set out in the Public Service Pensions (Northern Ireland) Act 2014. Those nominated to represent the Northern Ireland Policing Board, the Police Service of Northern Ireland and the Department are expected to be Grade 7 or above (or equivalent). Consultees may wish to take the opportunity to identify potential candidates in the interim period.

Response to consultation

Comments on the regulations should be sent to this office in writing, to arrive **no later than Thursday 16 October 2014**.

Yours sincerely

Policing Policy and Strategy Division

ENC

From:
Sent: 16 July 2014 10:01
To: 'Secretary@policefedni.com'
Cc: Montgomery, Lorraine
Subject: Pension Regulations Consultation

Marty

Further to our telephone call and your email. It is fine to share the consultation with those members who might ask for sight of same. It would be helpful if these officers respond through the Federation, so that you can monitor/raise any views/concerns these officers may have directly with the Department and where appropriate at PNB (or its successor).

I note from your conversation that your legal advisors wish to await the E and W draft. As you may be aware the NI draft is already based upon an E and W draft and the Department will consider any further amendments/additions made by the Home Office in future drafts. You may wish to note however, that for historic reasons some of the Northern Ireland pension regulations differ from those in England and Wales and include the Part Time Reserve, Governance and ill health retirement procedures.

Police Powers and HR Policy Branch
Castle Buildings BT4 3SD

From: Secretary [<mailto:Secretary@policefedni.com>]
Sent: 16 July 2014 09:18
To:
Subject: Re: pensions

Good morning , thank you for the update and with regards to the draft can I ask your opinion on whom we can share the document with. I would be minded to only share with elected federation reps and our legal advisors, however will be guided by your response.

Regards

Marty Whittle
Secretary
PFNI

Sent from my iPhone

On 16 Jul 2014, at 08:51,

wrote:

Marty

For information please see email trail below for information

From:
Sent: 16 July 2014 08:48

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From: Secretary <Secretary@policefedni.com>
Sent: 10 September 2014 15:10
To:
Subject: TRIM: RE: AQW - Lord Morrow Police pension consultations
Attachments: Meeting Schedule.pdf

HP TRIM Record Number: 14/353978

Please find attached, for your information, a list of dates attended by PFNI on pension related meetings from 2012-July 2014 which include:

PNB Staff Side & Full Board
Pensions Working Party
Pensions Technical Working Group

I am unable to confirm who, if anyone, attended from the Department of Justice on these dates.

In reply to point ii, "PNB Staff Side which represents all UK Staff Associations in the consultation i.e. England & Wales, Scotland and Northern Ireland were represented by our Legal Team. The Legal Team was and is not Northern Ireland specific however represents all the constituent members of Staff Side PNB".

Regards

Marty Whittle | Secretary

T: 028 9076 4200

E: secretary@policefedni.com

W: www.policefed-ni.org.uk

Police Federation NI
WELFARE & EFFICIENCY

From:
Sent: 10 September 2014 09:27
To: Secretary
Subject: AQW - Lord Morrow Police pension consultations

Marty

Lord Morrow has asked the following – as discussed please can you provide me with a response for (ii)

You think that you have list for (i) handy, for which I would be most appreciative.

To ask the Minister of Justice

- (i) to list the dates of the meetings attended relating to police pensions;
- (ii) whether a Northern Ireland based lawyer was present or represented Staff Side at any of these consultations and discussions;

From:
Sent: 19 September 2014 11:31
To: 'Secretary@policefedni.com'
Cc: 'TERENCE.SPENCE@psni.pnn.police.uk'
Subject: RE: Consultation on the new police pension regulations 2014.

Marty

I write to advise that a further draft of the regulations is planned to issue on 27 September 2014 and to note that the consultation period for the regulations has now been extended to **7 November 2014**.

Police Powers and HR Policy Branch
Castle Buildings BT4 3SD

From:
Sent: 04 July 2014 17:14
To: 'TERENCE.SPENCE@psni.pnn.police.uk'
Subject: TRIM: Consultation on the new police pension regulations 2014.

Terry

Please find attached consultation letter and draft regulations for the new police pension regulations 2014.

Police Powers and HR Policy Branch
Castle Buildings BT4 3SD



Police Federation for Northern Ireland
77-79 Garnerville Road, Belfast BT4 2NX
Tel: 028 9076 4200
Web: www.policefed-ni.org.uk
E-mail: office@policefedni.com
Twitter: @PoliceFedforNI

Policing Policy & Strategy Division
Department of Justice
Block A, Castle Buildings
STORMONT
BT4 3SG

26th September 2014

Dear

Police Pensions Regulations (Northern Ireland) 2014

I write further to our recent telephone conversation which followed your letter of 4th July addressed to our Chairman, Terry Spence, enclosing the draft Police Pensions Regulations (Northern Ireland) 2014 for consultation.

Pensions are a central part of our members' terms and conditions. PFNI has been fully involved in the discussions to date about the new scheme (through the Police Negotiating Board) and we wish to participate fully in the consultation process to ensure that the Regulations are appropriate and operate smoothly in practice.

We consider that in order to be most effective, any consultation on the Northern Ireland Regulations needs to dovetail with the consultation process on the Regulations for England & Wales. We are also anxious to make sure that the process works as efficiently as possible, particularly given the amount of time and, in relation to legal advice, expense, involved in giving proper consideration to the draft.

At the moment the position in relation to Northern Ireland and England & Wales is out of sync. The Northern Ireland consultation commenced in July and we acknowledge your email dated 19th September 2014 stating that the consultation period for the negotiations has now been extended to the 7th November 2014.

We understand that the intention will be that in relation to the current pension schemes, both sets of regulations will be substantially the same with scope for variation to the extent appropriate in each jurisdiction. We also understand that the core policy positions are likely to be determined in discussions at the Police Consultation Forum. We note that the draft Regulations are incomplete and understand that at least some of the current draft Regulations will be amended.

In the circumstances, we consider that the most sensible approach would be to agree an approach whereby consultation in relation to both sets of regulations is co-ordinated. Our preference would be along the following lines:-

1. For the England & Wales draft regulations to be prepared and issued for consultation.
2. For the proposed variations in Northern Ireland to be identified and issued for consultation.
3. For either the same consultation period, or, possibly, a later, rather than an earlier date for the closure of the Northern Ireland consultation.

If this is done, then PFNI, can contribute fully as part of the wide UK Staff Associations to those parts of the Regulations which are common (which we anticipate will comprise most of the content) and can then contribute separately to those points which are specific to Northern Ireland.

We would welcome your response as soon as possible, particularly given the revised date given for responses to the Northern Ireland Regulations of 7th November 2014.

I understand that Andy Fittes, the PFEW General Secretary, is writing in similar terms to the Home Office.

I look forward to hearing from you in the near future in anticipation of a positive response.

Yours sincerely



Marty Whittle
PFNI Secretary

From:
Sent: 02 October 2014 14:55
To: 'office@policefedni.com'
Subject: FW: new pension scheme

Marty

Thank you for your letter dated 26th Sept regarding police pensions. I think that issues have moved on since this letter. In particular that now a second draft has issued (although given the detail, the formal legal checking process will not be completed until the regulations are sent to the Justice Committee in November) they will, as per the norm consider any issues raised during the consultation and be subject to further review and amendment. These regulations are almost complete and are cognoscent of those being considered in GB with the exception of the issues linked to scheme directions.

CARE Reforms to the Police Pension Scheme must be implemented by 1 April 2015 in order to avoid the DOJ incurring a fine from HM Treasury of £60m, for this reason while I acknowledge your desire to follow E and W, I regret in this instance given the severe financial risks if the regulations are not in place, it is not possible.

You have asked for a preferred set of processes – mindful that police pension regulations are devolved to the Assembly I must follow Assembly procedure. The variations for Northern Ireland will as now differ a little in respect for scheme governance and also in the manner in which ill health appeals are handled . How regulations will apply to the part time reserve is still under consideration by the legal advisors. [You may wish you note that the Home Office plan to formally consult for 8 weeks from 20th October 2014-]

Assembly processes do not dovetail neatly into the Home office regulations making processes. In their case they can sign and then lay their regulations immediately following consultation. It should be noted that Assembly processes mean that regulations must be placed before the Justice Committee for their approval before being signed by the Minister and DFP and laid at the Assembly . The Committee approval process can take up to six weeks. Assembly procedure states that the regulations must be laid at least 21 days before they come into operation.

Currently the plan is to seek Ministerial approval sometime in mid/late February (similar time line to England and Wales) , however the failure of DFP to issue scheme directions may mitigate against this .

Unlike England and Wales we cannot calculate employee/employer contribution rates until DFP deliver on scheme directions. This is a common issue across all NI public sector schemes and is not one which the Department can control. This may precipitate a short consultation further on these issues alone [anticipated for late December/early January]

I trust that this is helpful

Police Powers and HR Policy Branch
Castle Buildings BT4 3SD