

Police Federation  
Of England and Wales



Ffederasiwn Heddlu  
Lloegr a Chymru

Established by Act of Parliament

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GENERAL SECRETARY'S OFFICE

Dear colleague,

We recognise that you may have heard of a police 'Pension Challenge'. It is important that you understand what the Pension Challenge is and why the Police Federation of England and Wales (PFEW) is not supporting it, in order that you can make an informed decision and choose whether it is for you.

We appreciate there has been some criticism as to why we are not taking a legal challenge, so it is worth setting out the different perspective that we have, as compared to the Pensions Challenge Group.

The Pension Challenge Group is made up of a group of individual officers who consider they have been adversely affected by the changes made to the pension arrangements because they have been, or will be, forced to leave the old schemes. They understandably feel aggrieved: just as we were aggrieved when yet further changes were implemented by Government.

Officers are entitled to make decisions about their own interests and act in a way which they believe is appropriate to defend those individual interests. Any legal adviser who officers choose to represent them is only obliged to represent them on the legal point on which they hope to win a case: in this

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case, that Transitional Arrangements are discriminatory. There is no onus on the legal adviser to consider the broader or longer term consequences, the impact on other police officers, the impact on pensions of other public sector workers, nor the options the Government may choose to exercise.

The PFEW exists to represent the best interests of **all** the Federated ranks rather than just those of a specific group of officers. Federation officials in the PFEW have engaged with the Government in negotiations on pay, and consultations on pensions, over a number of years. As you may be aware, the Government is not required to negotiate with us on pensions; we are only consulted.

The role of the PFEW is to pursue the course of action that we, from an informed position, believe is in the best interests of all members. This means looking to the future, and understanding the likely next steps of all parties in any long-term reform process.

Our start point, then, is that we are looking at the same issue, but with different perspectives.

The PFEW has always sought to engage with Government and thereby influence, for the benefit of its members, the decisions and policy Government makes around police pensions. By doing this PFEW has secured what many others in the public sector view as a better deal for members: valuable concessions which were not on offer initially.

The PFEW has a duty to protect the interests of all police officers and to use membership funds where we are advised there is a reasonable chance of success. We are not supporting or funding the pensions challenge because:

- Our legal advisers have confirmed on more than one occasion during the introduction of the pension changes that they believe that there is little chance of any challenge (on any grounds) to those changes being successful. With regard to the specific legal point now being pursued (more information in the Q&A), we believe that the Government will be able to justify any discriminatory element of the changes as being part

of a proportionate means of achieving a legitimate aim around a wider social policy not based on cost alone.

- Looking at the bigger picture, the PFEW is concerned that a legal victory on the pensions challenge, whilst seemingly of initial financial benefit to the members of that challenge, is likely to lead to consequential Government action which will be to the detriment of other officers, and in fact, to the members of the Pensions Challenge Group itself. That is, the long term loss may outweigh the short term gain.
- The PFEW believes the Government will react in order to cap and mitigate any potential liability and will not be prepared to wait for the ultimate outcome of the challenge to do this.
- The PFEW is obliged to have regard to the bigger picture and to represent the longer term interests of all of its members now and in the future.
- In view of our legal advice, we strongly urge all officers considering signing up to the pensions challenge to think long and hard and be sure that they understand all of the terms applicable before doing so.

There have been suggestions that we should indemnify those officers undertaking the challenge, and / or fund the challenge should the initial legal points be won. It is not our intention to do either of these. Our decision has been based on what we strongly believe is the appropriate action in the longer term interests of all officers, and we are obliged to spend members' fees in those interests. While we completely understand this is a highly emotive issue, any private action taken by groups of officers is just that: a private action, funded at their own risk. But we would be failing you if we did not highlight our concerns and ensure all officers are aware of the potential risks should they choose to take a private action.



ANDY FITTES  
General Secretary