

## Government facing new challenge over widows and partners' pensions

The government is facing a fresh legal challenge over pension discrimination from five partners of officers over their right to claim a police pension.



In the dock: the government is being sued over pension discrimination

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A campaign has been launched to bring the rights of widows and partners of police officers in England and Wales in line with Northern Ireland's policy.

The National Association of Retired Police Officers (NARPO) argued that a two tier system for widows and partners amounted to discrimination and has backed a legal challenge as part of its campaign for change.

NARPO highlighted how the widows of two Leicestershire officers who were killed in the same incident have different settlements because of the dates pension schemes were started. One had remarried and retained the pension while the other does not.

NARPO said in a statement: "Survivors shouldn't have to choose between financial security and happiness. We need a UK-wide policy that mirrors Northern Ireland's, ensuring that those that remarry or cohabit after the loss of their loved one retain their pensions in full, regardless of circumstance."

The problems have been caused by changes made in different parts of the country at different times causing wide disparity across the police service.

In Northern Ireland all survivors of members of the Police Pension scheme now retain their pensions for life irrespective of the circumstances of the death of the former officer. As a result, all survivors who are remarried or cohabiting have had their pensions reinstated effective from 1 July 2014.

The Police Pension Regulations were changed in January 2016 and this change means that survivors' pensions paid in respect of the 1987 scheme will no longer be subject to the forfeiture rule where the police officer dies on duty or dies as a result of an injury received on duty.

In England and Wales this change only applies to widows, widowers or surviving civil partners, who marry, remarry, form a civil partnership or started to cohabit on or after 1st April 2015. This change came into force retrospectively from 1st April 2015.

Strengthening the case for change was the move for Police Scotland officers which applies to all those wives, husbands, or civil partners of police officers who die on duty or die as a result of an injury received on duty who have already had their pension withdrawn because of remarriage, forming a civil partnership or cohabitation.

They have already had their pension reinstated with effect from 1 October 2015, irrespective of the date of their remarriage, cohabitation or civil partnership.

All this has created similar legal and financial conditions as those that resulted from the pensions overhaul that was successfully challenged at tribunal and found to be discriminatory. The government accepted the ruling and did not appeal. The claim is slowly being resolved with a settlement of around £4bn expected by Spring next year.

The government has already looked at the issue and estimated that equalising the schemes would cost £198m.

Helping to move the issue up the government’s agenda will be a legal case lodged in the High Court on Friday by four widows and a widower. They claim their human rights have been breached by the current arrangements, as set out in regulation C9 of the 1987 Police Pension Scheme.

All of them would lose their pension if they remarried or began living with a new partner. They are being represented by Mark McGhee of Lexent Partners.

The government could move to an early settlement and use the autumn parliamentary programme as an opportunity to change the regulations if the legal assessment given to ministers is that the case is unwinnable.

NARPO claimed the number of people involved would be minimal. It has obtained a report from the Government Actuary’s Department that shows that in England and Wales only 131 pensions have been forfeited because of remarriage or cohabitation.

NARPO said: “Hardly a significant cost involved there; so we are urging Government to reconsider this matter, eradicate this glaringly obvious inequality and unfairness, and do the right thing.”

A Home Office statement said: “The government is committed to providing public sector pensions that are fair to both workers and taxpayers. Due to similar provisions in the majority of older schemes, any changes to police pensions would create a pressure for changes across all public service pensions pre-2006.”

To find out more go to: <https://www.narpo.org/widows-pension-life/> or follow on twitter @laterlives

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