



Ministry
of Defence

Armed Forces Pension Scheme: Retrospective Remedy **Consultation Response**

14 September 2023



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FOREWORD

The Public Service Pensions and Judicial Offices Act 2022 provides the framework to allow public service pension schemes to remedy the impact of unlawful age discrimination that had arisen under certain transitional arrangements put in place when these schemes were reformed between 2014 and 2016¹. Each affected public service pension scheme must also amend their scheme rules to implement the remedy for their members. The remedy was designed to be delivered in two stages. The first brought the discrimination to an end (the prospective remedy) from 1 April 2022 and was implemented through the Armed Forces Pensions (Amendment) Regulations 2022². The second will correct the discrimination that took place (the retrospective remedy) between 1 April 2015 and 31 March 2022 and will be implemented on 1 October 2023.

Accordingly, between 6 March 2023³ and 29 May 2023 the Ministry of Defence (MOD) carried out a public consultation in relation to the policies to be implemented in the Armed Forces Pension Scheme rules which give effect to the provisions of the Act, ensuring the remedy can be implemented for members of the Armed Forces on 1 October 2023. MOD has considered the responses from the consultation, together with feedback received during and after presentations to serving and retired Armed Forces personnel and to interested stakeholders who represent the interests of their members. The conclusions drawn from those responses are addressed in this document.

I wish to thank the key stakeholder organisations who have shared their responses and made comments on behalf of the individuals they represent. I am also grateful to the many individuals who took the time to express their views on the proposals and I value their input. Overall, the approach being taken by MOD was supported, but where concerns or objections were raised, these have been carefully considered and, in some cases, minor alterations have been made to policies.

This consultation response confirms that the Armed Forces Pensions (Remediable Service) Regulations 2023 will come into effect on 1 October 2023, and will apply to all Armed Forces personnel, serving and retired, who are eligible for the 2015 Pension Remedy.

Rt Hon Dr Andrew Murrison MP, Parliamentary Under Secretary of State (Minister for Defence People, Veterans and Service Families)

¹ For background reading refer to <https://www.gov.uk/guidance/pensions-and-compensation-for-veterans>.

² S.I. 2022/323.

³ Two additional enclosures on Divorce and Dissolution and Re-joiners were published on 3 Apr 23.

Chapter 1 – Introduction

- 1.1 This is MOD's response to the public consultation which was conducted between 6 March 2023⁴ and 29 May 2023. The purpose of the consultation was to seek views on the policies which will inform the amendments required to the rules of the various Armed Forces Pension Schemes (AFPS) to implement the retrospective remedy for affected members. The full consultation document can be found at [Armed Forces Pension Scheme: Retrospective Remedy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/armed-forces-pension-scheme-retrospective-remedy)⁵.
- 1.2 The consultation set out the criteria for a number of policy changes required to implement the 2015 Pension Remedy and how this would apply to the various Armed Forces Pension Schemes. This included the provision of a Remediable Service Statement (RSS), the timelines associated with election periods for immediate and deferred choice members and the occasions when an election could lapse or be revoked. It also outlined specific policy areas, impacted by remedy, and where applicable, policy changes that are required to implement the remedy. This included provisions for commutation, dependant benefits, early payment of deferred pensions, ill health retirement, interest applicable to under and over payments, member's voluntary contributions, Medical and Dental Officers with legacy AFPS 05 remediable service, opted out service, redundancy, pension transfers, divorce and dissolution of a civil partnership and re-joining the Armed Forces. The consultation did not set out details for contingent decisions, nor contain technical or other information on non-discretionary areas such as pension tax.
- 1.3 We received a combined total of 409 responses to the consultation from individuals and organisations, of which 395 were valid (see para 1.17). While respondents generally supported the policies being adopted to address the discrimination, there were concerns about election timelines for Eligible Decision Makers (EDM), the clarity of information that would be provided in the RSS, child pensions and the approach being taken with the Medical and Dental Officers AFPS 05 Bonus Scheme. A number of respondents also expressed concern over pension tax, which MOD was not consulting on, and used the opportunity to express their dissatisfaction with broad pension elements not relevant to the consultation. While not relevant in the context of this consultation, these responses will be used to assess and analyse the resources and material available to members in helping them better understand their pensions.

⁴ Two enclosures, Divorce and Dissolution and Re-joiners, were published on 3 April 2023.

⁵ <https://www.gov.uk/government/consultations/armed-forces-pension-scheme-retrospective-remedy>

1.4 Having carefully considered all the responses, MOD is content it can proceed with the majority of its proposals for the Armed Forces Pension Schemes, as outlined in the consultation. However, having taken into account the views from members and stakeholder organisations, MOD has;

- **Clarified election deferrals for ill health appeals (Para 2.23).**
- **Amended the election timeline of deferred choice EDMs (Para 2.39).**
- **Extended the child pension protections (Para 2.41).**
- **Removed interest from AFPS 05 MODO Bonus payments (Para 2.78).**
- **Adjusted the period an EDM has to decide in relation to opted out service (Para 2.85).**

1.5 A summary of the comments received to the consultation and our response is in Chapter 2.

Background

1.6 In March 2011, the Independent Public Service Pensions Commission recommended moving public service pension scheme members to reformed schemes with benefits calculated on a Career Average Revalued Earnings (CARE) basis rather than a final salary basis. To control the risk of rising longevity, the Commission also recommended increasing the Normal Pension Age (NPA) to 60 for the uniformed services and to State Pension age for other schemes.

1.7 Following negotiations with member representatives, the Government agreed to exempt older members from the pension scheme changes. Broadly, this meant that members who were within ten years of the NPA for their scheme on 31 March 2012 were allowed to remain in their existing schemes. In the Armed Forces pension schemes, this was known as full protection.

1.8 Members of the judges' and firefighters' pension schemes brought claims (the McCloud and Sergeant cases) in the Employment Tribunals on the grounds that the protection offered to older members constituted unjustified direct age discrimination and indirect race and sex discrimination. In December 2018, the Court of Appeal ruled that the protection arrangements in place in the judges' and firefighters' pension schemes gave rise to unlawful age-related discrimination. In a written ministerial statement on 15 July 2019, the Government confirmed that it accepted that the Court of Appeal's judgement had implications for all schemes established under the Public Service Pensions Act 2013, as all those schemes had provided

protections under the transitional arrangements for older members. The Government confirmed that it would take steps to address the difference in treatment across all those schemes and in a subsequent written ministerial statement on 25 March 2020, that it would do this for all members with relevant service, not just those who had lodged a legal claim.

1.9 A public consultation held by HM Treasury between 16 July 2020 and 11 October 2020 sought views on proposals to address the unlawful discrimination arising from the transitional arrangements. In February 2021, the Government response to the consultation confirmed that:

- The legacy schemes would close on 31 March 2022 to all members, with all active members becoming members of the relevant reformed schemes on 1 April 2022; and
- Those affected would be provided a choice as to which scheme design would provide their benefits for the remedy period. This choice would occur at the point at which such benefits became payable, or, if in receipt of pension benefits, as soon as practicable after the necessary changes and legislative processes to the schemes had been made.

1.10 The Public Service Pensions and Judicial Offices Act 2022 (hereafter referred to as ‘the Act’) provides the framework to end the discrimination identified by the courts, and to implement the necessary changes to both scheme rules and policy to provide a remedy to those who have been affected.

1.11 The prospective remedy closed all legacy pension schemes to further accrual from 31 March 2022. All scheme members serving on and after 1 April 2022 will do so as members of AFPS 15. The Armed Forces Pensions (Amendment) Regulations 2022 marked the implementation of the prospective remedy, making the necessary changes to scheme rules.

1.12 The retrospective remedy will roll back affected scheme members to the relevant legacy pension scheme(s) for the period 1 April 2015 – 31 March 2022 (the remedy period), with the ability to choose between the legacy scheme benefits and those that would have been offered by the reformed scheme for this period at the point pension benefits become payable.

1.13 The MOD Public consultation document outlined the policies required to deliver the retrospective remedy for the Armed Forces Pension Schemes.

Stakeholder and Member Engagement

- 1.14 During the consultation period, MOD invited written responses from stakeholder organisations and affected members. It also hosted a stakeholder workshop shortly after the consultation was published, as well as holding follow up discussions with stakeholder organisations during the consultation period. MOD is extremely grateful for the continued engagement of stakeholders and their valuable contribution to this consultation.
- 1.15 At Annex A is a list of the stakeholder organisations consulted. It should be noted that the RAF Widows' association provided a response to the consultation but expressed disappointment that they, along with their sister services, were not included in the original list of stakeholders alongside the War Widows' association. MOD has updated its stakeholder list to include the single service widows' associations.
- 1.16 For members, MOD conducted a series of briefings online; these were conducted over a two-week period at the end of March 2023 and held both during the working day and in the evenings to facilitate maximum attendance, accommodating those working overseas, on duty or in civilian employment. These briefings were attended by circa 2000 personnel, both serving and retired. The briefings were subsequently made available online, along with a set of frequently asked questions. The video briefing has been viewed over 1800 times. This interest was encouraging, and MOD appreciates the time that members have taken to engage in this process. We recognise, however, that a significant number of personnel, both serving and retired, are affected by these issues and the complexity that the 2015 Pension Remedy brings to the pension landscape will generate uncertainty. As such, we are committed to engaging with our members throughout the implementation period, providing guidance and information via a range of mediums.

Respondents

- 1.17 A total of 404 responses were received from members. These consisted of:
- 390 responses via the online form, of which 14 were invalid as no data was entered in any of the fields and three entries were completed by the same individual.
 - 14 individual emails (one of which included follow on correspondence).
- 1.18 In addition, five responses were received from organisations, these were:

- The [Forces Pension Society](https://forcespensionsociety.org/).⁶
- The [White Ensign Association](https://www.whiteensign.co.uk/).⁷
- The [British Medical Association](https://www.bma.org.uk/).⁸
- The [British Dental Association](https://bda.org/)⁹ (in response to question 15 only).
- The [RAF Widows Association](https://www.rafbf.org/raf-widows)¹⁰ (in response to question 7 only).

1.19 The broad range of responses received, from both current and former members of the Armed Forces have been used to identify issues in relation to the application of the policies required to deliver remedy. Of the responses received, approximately 5% did not directly address the questions asked. Instead, they focussed on wider pension issues. This included challenging the premise of the 2015 remedy, the legitimacy of the AFPS 15 scheme and the time taken to implement the remedy. Others asked more general pension-related questions; or, posed questions about their specific circumstances. Where relevant issues were raised which stray outside the remit of the consultation these will be used to assess existing pension information that is available to members.

1.20 Responses from organisations were extremely useful and reflected their desire to best represent the interests of their respective communities.

Equality Impact of Proposals

1.21 An Equality Impact Assessment (EQIA) was published alongside the consultation, giving due regard to the Public Sector Equality Duty under section 149 of the Equality Act 2010. We considered that the remedy proposals would not result in direct or indirect discrimination and will have a positive equalities impact by assuring the same outcome for all members. We received no comments on the EQIA and assess no changes are required to the published EQIA as a result.

The Armed Forces Pensions (Remediable Service) Regulations 2023

1.22 The consultation focussed on the policies that will underpin the Armed Forces Pensions (Remediable Service) Regulations 2023. These regulations will make consequential amendments to the rules of the various AFPS for the following purposes:

⁶ <https://forcespensionsociety.org/>

⁷ <https://www.whiteensign.co.uk/>

⁸ <https://www.bma.org.uk/>

⁹ <https://bda.org/>

¹⁰ <https://www.rafbf.org/raf-widows>

- All remediable service will be pensionable under the relevant legacy scheme and cannot be pensionable under the reformed (AFPS 15 or EDP 15) schemes.
- Members who are entitled to pension benefits based (to any extent) on service in the remedy period (including those entitled to dependants' pensions) will be given a choice between benefits based on the relevant legacy scheme design or the reformed scheme design for their service in the remedy period.
- An immediate choice will be provided for pensioner members (and those in receipt of dependant benefits) as pension benefits in relation to remediable service are already in payment on 1 October 2023.
- A deferred choice for remediable service will be provided to eligible active members, those with deferred pension rights and dependants of deceased members. This will generally occur shortly before their pension benefits, including EDP, are expected to come into payment.

1.23 The Armed Forces Pensions (Remediable Service) Regulations 2023 (SI 2023 No. 998) are available at <https://www.legislation.gov.uk/uksi/2023/998/contents/made>. These reflect the policies consulted on and will come into effect on 1 October 2023.

Consultation questions

1.24 The consultation invited responses to 20 specific questions which are outlined in detail in Chapter 2.

Chapter 2 – Retrospective Remedy – MOD Response

2.1 Key comments raised in response to the questions asked in the consultation are detailed in this chapter alongside MOD’s response.

Armed Forces Pension Remedy – Remediable Service Statements

2.2 The Act requires schemes to issue members with a Remediable Service Statement (RSS). Both the Act and Treasury Directions¹¹ specify when an RSS must be issued and what should be included. The consultation outlined those requirements and asked two questions on this topic:

- **Question 1:** Do you agree with or have any comment on the MOD decision not to combine the RSS and Annual Benefit Information Statement (BIS)?
- **Question 2:** Do you think any further information is required in the RSS?

Responses from Individuals

2.3 A total of 335 responses were received from individuals on question 1 and 339 responses on question 2. Of those who stated a position in relation to question 1 the majority (60%) felt that the RSS and BIS should not be combined. In reasoning their responses, many individuals were concerned over the accuracy of the BIS and therefore did not wish this to confuse or cloud their remedy choice. One individual stated:

“The BIS was usually misleading, adding the RSS to it would only cause further confusion. The RSS needs to be laid out in a simple manner, unlike the BIS so all can comprehend it”.
– **individual respondent**

2.4 Some respondents were less concerned with combining the two documents and more focussed on stressing the importance of the clarity of the information provided. The requirement to reduce confusion and make information easier to understand was reiterated by a number of respondents. This theme was also evident from those who opposed the idea of keeping the RSS and BIS separate. They felt that the information currently provided is

¹¹ Treasury Directions are contained in the [Public Service Pensions \(Exercise of Powers, Compensation and Information\) Directions 2022](#)

confusing and a single document would be preferable, which would perhaps offer greater clarity and be administratively more efficient. One respondent observed:

*“The RSS and BIS should be combined where appropriate for scheme members. The BIS is a totally pointless document in most circumstances and misunderstood by most of those who receive one. Ideally the BIS needs phasing out totally and replacing with a tailored, personalised information statement annually. The combined BIS/RSS is an appropriate way of starting this.” – **individual respondent***

- 2.5 In relation to whether any further information should be contained in the RSS, the majority of individual respondents were content no additional detail was required provided the detail outlined in the consultation document was included. For those respondents who felt more detail was required, the focus narrowed to the detail that would be provided on tax, specifically in relation to Annual Allowance (AA), Lifetime Allowance (LTA) and the use of Scheme Pays.

Responses from Organisations

- 2.6 Three organisations responded to both question 1 and 2 and identified similar themes. All were supportive of MOD’s rationale in keeping the RSS and the BIS separate. The Forces Pension Society (FPS) did caveat their response with an acknowledgement that potential changes as part of a wider digitalisation programme may require MOD to re-think its position. The British Medical Associations (BMA) iterated the requirement for both separation and clarity between the two documents.

*“The BIS is a document that falls short of achieving its presumed goal of giving members accurate information about their entitlements as it is not applicable to many AFPS members, in particular MODOs. This needs resolution. It is therefore crucial that the RSS – a tailored, individual and accurate document – be separate from the BIS.” - **BMA***

- 2.7 On whether further information was required in the RSS, all three organisations were clear on the requirement for clarity of information (also noted in their responses to question 20) and on the distinction that needed to be drawn between an RSS that requires an election and one that is provided for information only. Both the FPS and BMA emphasised the requirement for relevant tax information, with specific reference to AA and LTA. They also stated that the effect on compensation awards and any Department of Work and Pension benefits should be included, in addition to providing detail on where assistance can be sought and how

adjustment of benefits will be dealt with, including the recovery of over-payments (which was also noted by the BMA in their response to question 12).

MOD Response

- 2.8 Following consideration of the range of views expressed, MOD proposes to pursue with HM Treasury the proposal to maintain the BIS and the Annual RSS as separate documents. MOD does, however, recognise that as we move forward with digital transformation programmes, and evaluate and develop recommendations in the Haythornthwaite Report¹², the method and format of delivering pension (and reward) information may change in the future, therefore this will be an area that remains under review. The concerns raised in the consultation on clarity of information in both the BIS and the RSS are noted and while the content of the BIS is not subject to this consultation, we can confirm the RSS will clearly state its purpose, indicating whether it is provided for the purposes of an election, or is an information only copy. MOD will also provide guidance material for individuals on how to understand and interpret their RSS. For clarity, during the period of initial issue of the RSS, which runs until 1 April 2025, the BIS will not provide details on alternate benefits for those eligible for remedy; this will be captured solely in the RSS.
- 2.9 While we recognise the wider concerns raised about the information provided in the RSS, MOD remains of the view that it is meeting the requirements laid down in both the Act and the Treasury Directions. It will also contain details on where individuals can seek further information and include all information relevant to a particular member's armed forces benefits, including information on any Armed Forces Compensation Scheme payments that are in effect. The RSS cannot speculate or provide detail on how adjustments in pension benefits as a result of an election choice may interact with any payments made to an individual from external agencies. Where an election results in an under or over-payment of pension benefits, this will be explained in the RSS along with the process to follow should repayment be required, however, we can confirm that we will follow existing processes and, after offsetting, any remaining overpayment can be settled by either paying in full by way of a lump sum or through an agreed instalment plan.
- 2.10 MOD acknowledges the concerns about possible financial consequences as a result of the 2015 Pension Remedy and retrospective changes to AA and LTA, and any resultant scheme pays debits. As such, we will be publishing guidance booklets on pension tax to assist members in this regard, these will be subject to separate communication announcements.

¹² [Agency and Agility: Incentivising people in a new era - a review of UK Armed Forces incentivisation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/agency-and-agility-incentivising-people-in-a-new-era-a-review-of-uk-armed-forces-incentivisation)

The Pension Savings Statement (PSS), however, remains the authoritative document for pension input amounts. The date of production of the RSS will not routinely align with a scheme year and as such it is neither possible nor appropriate to include pension input amounts in the RSS, but it will, where applicable, provide some guidance on tax issues, including explanations on scheme pays where relevant to the member. Where an existing scheme pays debit exists, the RSS will set out the pension entitlement to allow members to fairly compare entitled pension benefits under relevant schemes.

Armed Forces Pension Remedy – Election Periods, Revocation and Default Position

2.11 The consultation set out the election periods for deferred choice members when a deferred choice could be revoked and what happens if a member does not make an election. It posed the following questions:

- **Question 3:** Do you agree with or have any comment on the policy approach being taken by the MOD in respect to the time limits specified for election periods?
- **Question 4:** Do you agree with or have any comment on the policy approach being taken by MOD in respect to the latest point at which a deferred choice may be revoked?
- **Question 5:** Do you have any comment on the MOD's policy approach to the default position when no election is made?

Responses from Individuals

2.12 We received 325 responses from individuals on question 3 and 322 responses on questions 4 and 5.

2.13 Over half of the respondents to question 3 agreed to the election periods set out for deferred members. Some respondents, however, expressed issues over whether sufficient time was available to obtain advice if required or that the RSS would not be received, particularly if a deferred member or an active member was serving overseas or on deployment. Additionally, a number of comments showed an element of confusion between the periods afforded for immediate choice members and those for deferred choice members.

- 2.14 The significant majority (80%) of responses to question 4 either agreed or offered no comment on the revocation period for deferred choice members. Some respondents, however, proffered that more time may be required if a sufficient period to investigate or assess options has not occurred.
- 2.15 On the subject of the default position for no election, half the respondents offered no comment, but where comment was made there was overall support for the default approach as many of the respondents expressed an opinion that legacy benefits would offer them the greater benefit. A number of respondents did, however, express concern over a decision being made by MOD and that every effort should be made to establish why a response had not been received. One individual noted:

*“This must be a case-by-case basis, I guess there will not be many, but care must be taken to find out why and offer help and assistance to the member if required.” – **individual respondent***

Responses from Organisations

- 2.16 Three organisations responded to questions 3, 4 and 5. Responding to question 3, the FPS felt that “*different classes*” of deferred choice members were being introduced, and that a period of 6 months should be provided to all. They were also concerned with time frames for ill health retirement, stating:

*“We are especially wary of the proposals to limit the time frames for those that will be subject to a medical discharge. Care will be needed to ensure that members’ existing rights to appeal are not compromised by the election limitations.” - **FPS***

- 2.17 The British Medical Association also commented on the ill health appeal process, suggesting that where an appeal is lodged the election period is rescinded until the appeal process is complete and then a new period of six months is instigated. More broadly, the BMA felt that while rare, those on deployment in their final nine months of service should have the period of deployment or any post tour leave exempted from the election period.

- 2.18 Both the FPS and the BMA in their response to question 4 suggested the wording at Para 3.36 in the consultation document “standard deadline of three calendar months before benefits are due to come into payment”, precluded some deferred choice members from being able to exercise the one-month revocation period; they stipulated this should not be

the case. The FPS also felt that revocation should be available to those 'short notice' leavers who have had legacy benefits brought into payment pending an election.

- 2.19 On question 5, where no election has been made, both the FPS and White Ensign Association (WEA) recognised a default position should be established and that the legacy scheme should be that default. It was, however, also noted that this may not always be in the best interest of the member, as both the FPS and BMA observed in their response to question 11 (see para 2.52). The BMA also commented on when a member will be required to make a choice:

"...We are concerned that deferred members who received a resettlement grant that will be affected by the remedy will be made to make an immediate choice when they may not crystallise their pension for many years. This will be a small group of members who had AFPS75 legacy service and then left the Forces as AFPS15 members without having reached the IP [immediate pension] or EDP [early departure payment] points. They should be allowed to make a choice at the point of crystallisation." - BMA

MOD Response

- 2.20 As we set out in the consultation, all deferred choice members will be afforded a period of six months to make their election. Ideally this will occur prior to a member's final service date, but MOD recognises that the nature of Armed Forces service means this will not always be the case. In such circumstances these members will still be afforded a full six-month period in which to make an election. This may necessitate the payment of legacy benefits prior to an election being made, with the potential for retrospective changes being applied depending on the member's choice, but it will not shorten the period of the member's deferred choice election. MOD notes that some respondents are confused by the election periods and as such will look to simplify the guidance available to members in its communication products. MOD can also confirm, in response to the BMA's query, that the payment of a Resettlement Grant does not constitute an election point and no election will be made until a pension, or EDP, is due to come into payment.
- 2.21 We note members' concerns in respect of receipt of the RSS (and in response to question 2 the BMA suggested a means of acknowledgment). On this issue MOD takes the view that members also have a responsibility to keep the administrator informed of their contact details, but it recognises that situations may arise which prevent safe receipt in a timely manner. To request acknowledgement of receipt still offers no guarantee, as it is a reality that not all members would respond to such a request. Options were considered in ensuring the member

receives their RSS, including the use of registered mail, but this still does not ensure guaranteed receipt or account for incorrect address details. MOD will, however, commence hastening action, using all means at its disposal, well in advance of the end of the election period if no remedy choice has been received following the issue of an RSS. Furthermore, the scheme administrator will also not process a Pension Form 1 or Pension Form 8 (active and deferred member pension claim forms) without an RSS. As we move forward with digital transformation, alternate methods of delivery may develop which will mitigate the issue further.

- 2.22 It is rare for an individual to be deployed in their final 12 months of service, and we do not believe that a period of deployment or post tour leave would preclude the member from making an informed choice within the election time frame, therefore we will not exempt these periods from election timelines, but exceptional cases can be reviewed by the scheme manager.
- 2.23 For clarity on ill health appeals, and to ensure there is no compromise on existing rules, as stated in the consultation document, a member will be able to appeal against the decision at any time up to the end of the election period. If an appeal is launched within this timeframe, then the election period is suspended until the whole process is complete. This includes any subsequent reviews through the Internal Dispute Resolution Process and the Pension Ombudsman. Details will be clearly set out to the member, in both the RSS and other correspondence, given the potential for an extended period of time between benefits being put into payment and an election being made.
- 2.24 Where a member has been medically discharged prior to 1 October 2023 and is in the middle of an appeal or review, or intends to submit an appeal or review, the member will, on issue of the RSS, need to notify Veterans UK of this and commence the appeal or review process prior to the end of the election period. In such cases, the election period will then be extended until the whole process is complete.
- 2.25 In all cases, if an election is made and benefits are in payment as a result of that election, it is irrevocable. This does not prevent the right to review a deterioration in a medical condition under existing rules, but any subsequent change to a tiered assessment post an election will result in benefits being paid on the basis of that election.
- 2.26 MOD notes the FPS and BMA concerns that the phrase “*standard deadline of three calendar months before benefits are due to come into payment*”¹³ appears to preclude anyone from

¹³ First bullet point to Para 3.36 Armed Forces Pension Scheme: Retrospective Remedy Consultation.

missing that deadline being able to revoke a remedy choice. The rationale for this three-month deadline is to ensure sufficient time exists for the administrator to receive the election, implement the member's choices, and provide a final award letter all in a timely manner. It does not deny a deferred choice member from revoking their remedy choice one month prior to benefits being put into payment. To be clear, all deferred choice members will be able to revoke an election up to one calendar month prior to benefits coming into payment. Where a short notice period to leave, or other such occurrence, requires legacy benefits to be put into payment prior to a deferred choice election period ending, the position remains that once benefits are in payment under an election, then it cannot be revoked. In effect, this means that in such cases, the election cannot be revoked because the scheme administrator will, on receipt of the election form, immediately begin the process to deliver payments in accordance with the member's choice.

- 2.27 Given the support for legacy benefits to be the default position in the event of no election, MOD will adopt this policy. The concerns raised are, however, acknowledged and MOD is committed to ensuring every effort is made to obtain a remedy choice from its members. We anticipate the default option being used only in very rare circumstances and the administrator will have the right to make an election for reformed scheme benefits on behalf of the member if the legacy position is clearly not in their interest.

Commutation

- 2.28 The consultation specified the different commutation options available in each of the Armed Forces Pension Schemes and how this would be applied in relation to the retrospective remedy. The general principles will not see commutation rules change, and it was outlined how previously taken decisions in respect to commutation would not automatically be reversed as a result of remedy. Question 6 asked:

- **Question 6:** Do you have any comment on the MOD's proposed approach for Commutation and Resettlement Commutation?

Responses from Individuals

- 2.29 We received 313 responses from individuals on question 6; where a view was expressed, the majority supported the position.

*“As an officer under AFPS75 who was moved to AFPS15 and left before Apr 22, I agree I would not change my decision to commutation to reduce my pension for a higher lump sum. In fact, I wish the process to be expedited so the increased lump sum and pension due is paid out - I was aware of the McCloud judgment before I left and am expecting a fast remediation.” – **individual respondent***

2.30 Though supportive of the approach, individuals were concerned that the calculations and any monies owed were clearly laid out and easy to understand in the RSS, with some expressing confusion and lack of understanding more generally in how pension commutation is applied.

2.31 The 9% of respondents who disagreed with the policy approach did so from the principle of whether a different decision would have been made, with one respondent stating:

*“...I do not agree that it is possible to say with any certainty that it would be 'unlikely' a member would have made a different decision on commutation. Decisions on commutation are taken with the best information available at the time and, in my own case, there was no information or calculation available to set out what the commutation options would look like under the legacy scheme...” – **individual respondent***

Responses from Organisations

2.32 Of the three organisations who responded to this question, two disagreed with MOD policy approach.

*“... we disagree with the policy being proposed in respect to not allowing members to revisit commutation decisions. As the member will be presented with a new/different set of figures compared to those when they made their original commutation decision, it should not be pre-judged whether or not they may have opted for Resettlement Commutation, or any other form of commutation, at that time.” - **FPS***

“The remedy should put them into the position they would have been in had no discrimination taken place. That means having the full range of options in respect of commutation that they would have had. The proposed policy denies members this flexibility and should not stand”.
- BMA

MOD Response

2.33 We have carefully considered the responses provided. Resettlement Commutation is only available to those who leave service under the age of 55, therefore a number of members, including all those who were transitionally protected, would not have this option. As such, we remain of the opinion that the policy position provides the most equitable outcome for all members. The responses have highlighted some members' confusion over commutation, and we will, therefore, review the guidance that currently exists to ensure this complicated area is more easily understood. Furthermore, all relevant details of pension benefits will be included in the RSS, which will show any commutation option that has been taken and how this will be adjusted if alternate benefits are opted for, including any under or overpayments that may apply. We do, however, recognise that some individuals may have taken a different decision, but any such consideration will be dealt with on a case-by-case basis through the contingent decision process.

Dependants' Benefits

2.34 Dependants' benefits differ between the various Armed Forces pension schemes, and this was explained in the consultation document. In the event of the death of a member who has yet to make a remedy election, MOD is required to establish who will make the decision on the member's behalf, as this may not always be the beneficiary. This person, known as the eligible decision maker (EDM) is also subject to an election period; for deferred choice members MOD defined this as three months. Three questions were posed on dependants' benefits:

- **Question 7:** Do you agree or have any comment on the proposed time limit of three months from date of issue of the RSS within which an eligible decision maker must make an election?
- **Question 8:** Do you agree with or have any comment on the policy relating to eligible decision makers?
- **Question 9:** Do you have any other comment on the policy approach to death benefits?

Responses from Individuals

2.35 We received 322 responses from individuals to question 7, 312 responses to question 8 and 308 responses to Q9.

2.36 Responding to question 7, a third of respondents set out concerns about the proposed timeline of three months for an EDM to make a remedy choice. They felt there should be no distinction between the period given to an EDM and that provided to other deferred choice members. One respondent noted:

*“Disagree, based on my experience as a Casualty Visiting Officer to the family of a deceased serviceperson. If the death has occurred recently, then expecting the bereaved family to make decisions faster than a healthy Active Member is unreasonable. There should be a similar process for the EDM to get at least six months to make this decision...” – **individual respondent***

2.37 There were no significant concerns in relation to question 8 or 9. Though in response to question 8, there was some commentary on whether the member should pre-determine the EDM. One individual also felt the term ‘personal representative’ was not adequately defined. They also challenged paragraphs 3 and 8 of Annex A to Enclosure 2. These paragraphs outlined how an EDM is determined in the event of multiple beneficiaries.

Responses from Organisations

2.38 We received responses from four organisations in relation to questions on dependants’ benefits. All expressed disagreement with the three-month period for an EDM to make an election.

*“In our judgement the period of 3 months for the ‘eligible decision maker’ to make an election...is too short. ...we would therefore propose a period of 6 months. We think that this provides more time for the ‘eligible decision maker’ to make an election without that person feeling that they are being rushed into making a decision following a bereavement. This proposed period is also better aligned with the 6-month election periods outlined elsewhere...” – **WEA***

*“There are overwhelming practical reasons that the newly bereaved should not be given only three months to make what is an important financial decision at a time in their lives when they will be dealing daily with the trauma of loss whilst finalising funeral arrangements, completing extensive administration relating to, potentially, probate, banking, car finance, mortgage, council tax, credit cards etc, not to mention dealing with the grief of any children. To ask someone to decide within three months at this time is wholly unfair and we believe that in both the immediate choice and deferred choice cases the EDM should have one year from the issue of the RSS to make their decision.” – **RAF Widows Association***

2.39 In addition to disagreeing with the three-month election window for EDMs, the BMA also suggested a one month 'cooling off' period should be employed post-election (and prior to the election period ending) for the EDM to confirm if they wish their election to be implemented. They also disagreed with aspects of the approach to child pensions, positing that the EDM choice should have no influence over the child pension, irrespective of the date of death of the member.

“The provisions in Enclosure 2 paras 12 & 13 encompass the possibility that an EDM who is not part of the same household as a child beneficiary may make an election in their own interests that is harmful to the interests of the child. We do not recognise that the EDM has a right to do this. In para 12, the proposals take this view. In para 13, they do not. The date that divides para 12 from 13 is irrelevant here. Where a member dies after October 2023, the scheme will have a duty to all beneficiaries. That duty is directly to each entitled beneficiary. The EDM has no special status of greater entitlement. Far from accepting an EDM’s decision over the best interests of a child beneficiary, the scheme has a duty to act in the child’s best interest. The child’s interest in the pension is a form of property for the purposes of Article 1 Protocol 1 of the European Convention on Human Rights (see, for example, [2020] EWHC 64 (Admin); [2020] Pens LR 10). Were an EDM to make a decision that adversely affected a child, and the scheme were to implement it, the child would have recourse to the courts to regain their property. The court would be obliged to uphold the child’s right to the higher pension benefits pursuant to its duties under both the Human Rights Act and the Children Act. The provisions at para 12 should apply in all cases without time limit.” - BMA

2.40 On this point, the FPS also felt that for deaths that occur post 1 October 2023, MOD should have the right to investigate an EDM’s decision if it seems to “*unfairly prejudice or favour a particular beneficiary or class of beneficiaries.*”

MOD Response

2.41 The rationale behind the three-month election period for EDMs was to avoid undue delay in settling the pension arrangements for bereaved families. MOD has, however, noted the concerns expressed by both individuals and organisations and accepts three months may not be appropriate. **Accordingly, MOD has decided to amend its policy position and will extend the election time by a further three months, giving EDMs a six-month election period.** This aligns with that provided to other deferred choice members. We fully accept the concerns raised by the RAF Widows Association and the difficulties faced by families in such

circumstances, but the one-year election period provided for under the Act applies to immediate choice cases only.

2.42 MOD has set out its revocation policy in accordance with the provisions in the Act; a ‘cooling off’ period post a member’s choice does not meet this. MOD is clear about when an election period ends and when a choice can be revoked. We consider the provision of a six-month period now provides a sufficient length of time for an individual to make an election and once made it will be implemented by the scheme administrator.

2.43 For child pensions MOD has noted the comments from the BMA and FPS. Section 22 of the Act permits schemes to make provisions for a child not living in the same household as an adult survivor of the member. MOD’s rationale for its approach was to protect those immediate choice cases where pension benefits were in payment. **Having reviewed the position, MOD recognises there may be occasion where a child pension is put into payment for a deferred choice member before an election has been made. As such we will amend the policy position and extend the provision so that, irrespective of the date, when a child is in receipt of a pension which has been put into payment prior to an election being made, that pension will not be reduced as a result of an election made by an EDM in another household.**

2.44 To clarify a point made by the individual in respect to definitions. Para 3 specifies the EDM where there are multiple beneficiaries which include a surviving adult, but no children. It states:

“In cases where there are multiple beneficiaries, which include a surviving adult entitled to receive death benefits, the EDM is the surviving adult”.

Para 8 outlines the scenario where multiple beneficiaries include both adult and children. It states:

“In cases where there are multiple beneficiaries with one or more adults and one or more children, the EDM will be the member’s personal representative. Where there is no personal representative but one of the beneficiaries is a surviving adult, the surviving adult will be the EDM. If none of the beneficiaries are a surviving adult, but one or more are an eligible child, provided all the eligible children are under 18 and have the same guardian, the guardian would be the EDM. If they do not have the same guardian, the scheme manager will be the EDM. If all the children are over 18 the EDM is the person agreed upon by those children, but if no decision is communicated to the scheme manager by the end of the election period,

beginning with the date of the issue of the RSS, the EDM will be the scheme manager. Where there is a mix of over and under 18-year-old children, the EDM is the person agreed upon by the children over 18 who are beneficiaries, and the guardian(s) of the eligible children under 18”.

These are different scenarios. The second scenario provides for cases where multiple beneficiaries include both adults and children, of which the adult may or may not be a surviving adult. A personal representative is defined as the person or persons named in the:

- Grant of Probate, or
- Grant of Letters of Administration, or
- Confirmation

which is issued in respect of the estate. Where this does not occur, it will move to the next decision maker as outlined in the consultation and specified in the various AFPS rules.

Early Payment of Deferred Pension

2.45 The consultation outlined how the retrospective remedy will not alter the scheme rules on early payment of deferred pension, nor will a previously taken decision on drawing an actuarially reduced pension be automatically unwound as a result of remedy. Question 10 asked:

- **Question 10:** Do you agree with or have any comment on the MOD’s proposed policy approach towards the early payment of deferred pensions?

Responses from Individuals

2.46 304 responses were received to question 10. 155 respondents specified no comment on the proposal, of the remainder, 117 agreed with the policy position. Where comment was made, it generally indicated confusion over existing scheme rules on early payment of pension as opposed to specific comment on how the remedy will apply to actuarially reduced pensions. One respondent, who emailed in, did make the following comment in disagreeing with the policy:

“I do not agree. With ref to Enclosure 3 Para 4, the MOD are incorrect to consider the decision to request early payment unlikely to have been influenced by age-related discrimination.”

There may have been a life circumstance which may have led to a decision to take a pension early...this is a significant contingent decision and should not be considered inapplicable to the remedy...” – individual respondent

Responses from Organisations

2.47 Of the three organisations that responded, two disagreed with the policy. Both the FPS and BMA opined that members should be able to re-visit previously made decisions relating to the early payment of pensions, the FPS highlighting that the figures would have altered compared to those on which a member made their original decision. Both the FPS and BMA also specified that should a deferred member subsequently contemplate claiming an actuarially reduced pension then they should be provided with an RSS prior to making any such claim.

MOD Response

2.48 MOD remains of the view that the reasons why an individual may have opted to take a pension early are generally related to life circumstances rather than as a result of the discrimination. This only affects immediate choice members and where a decision has previously been taken the member will be provided with alternate figures in their RSS. This will clearly set out the member's position and they will be free to make an election on this basis and have a period of one year to consider this. If, in that time, a member believes that they would have made a different decision then they still have recourse to raise a contingent decision which can be assessed on its own merits. Accordingly, the unwinding of an actuarially reduced pension will not be an automatic provision of the remedy choice.

2.49 Where a deferred choice member is considering taking an actuarially reduced pension, they will be able to request an RSS from the scheme administrator to assess their options prior to making a claim for the pension. Details on how a deferred member can request an RSS will be included in the 'Your 2015 Pension Remedy Explained' booklet which will be published on the AFPS Gov.UK pages.

III Health Benefits – RFPS 05 Members

2.50 The consultation proposed that where an RFPS 05 member may be eligible for a Tier 1 award under AFPS 15, this should be an election point. Question 11 asked:

- **Question 11:** Do you agree, or have any comment on, the MOD's policy approach that, where an RFPS 05 member may be eligible for a Tier 1 award under AFPS 15, this should be an election point?

Responses from Individuals

2.51 We received 300 responses from individuals, with 109 agreeing with the proposal and further 172 offering no comment. Of the remaining responses which were relevant to the question, three disagreed with the approach, though only one respondent offered amplifying comment. This individual was concerned the member may not be in the correct frame of mind to decide and a period of 'soak time' should be included.

Responses from Organisations

2.52 The three organisations that responded to question 11 all agreed with the policy. Both the FPS and BMA did, however, suggest that in the event no election was made, the benefits under the reformed scheme should be the default position.

MOD Response

2.53 MOD will proceed on the basis that where a member has remediable service in the RFPS 05 and is medically discharged at a level that would entitle them to a Tier 1 lump sum under the reformed scheme, this will be an election point. We will not alter our default position in the event of no election, as set out at Para 2.27, but the scheme manager maintains the right to exercise its discretion to treat an election as made where this is in the interest of the member. All deferred choice elections provide the member with a period of six months to consider their options which is considered a sufficient period.

Interest Payments on Under/Over Payment of Benefits

2.54 Question 12 of the consultation asked respondents:

- **Question 12:** Do you have any comment on the MOD's decision to use the midpoint date for the calculation of overpaid pension benefits?

Responses from Individuals

2.55 We received 305 responses from individuals. A significant proportion of respondents offered no comment (66%) but those who did comment were supportive of the policy position. One respondent did express concern about the link provided to the historical NS&I interest rates and the tax status of these rates.

Responses from Organisations

2.56 The three organisations that responded all supported the use of the midpoint date. The BMA did, however, consider it an omission that no comment or guidance was provided in the consultation on how overpayments would be required to be re-paid.

MOD Response

2.57 As proposed, MOD will use the midpoint for the calculation of interest rates in respect to overpaid pension benefits that arise from a member's election choice. Under this approach interest is calculated on the overpaid pension benefits relating to each year from the midpoint to the date of repayment. The midpoint is the point halfway through the pension year (or if the period is less than a whole pension year, halfway through that period). The link to the Direct Saver NS&I Historical Interest rates is provided [here](#)¹⁴. To clarify the tax treatment of interest, where interest is applied to benefits that were taxable, the interest will also be subject to tax. Interest is not taxable when it relates to a payment that was tax free or a pension commencement lump sum top up, providing that top up is within the permitted maximum.

2.58 Where overpaid pension benefits are applicable, these will be clearly indicated in the member's RSS. Details will also be included which outline how recovery can be made. To confirm, (see also para 2.9) where, after offsetting, arrears are due to the pension scheme, members will be able to pay in full or set up a payment plan in line with Veterans UK Business as Usual processes.

Member's Voluntary Pension Contributions

¹⁴ <https://www.nsandi.com/historical-interest-rates>

2.59 Where an eligible member has purchased added pension in the AFPS 15 scheme during the remedy period, the consultation explained how this would be extinguished and a refund in the form of a compensation payment would be made based on the member's contributions, less tax relief, plus interest. The following questions were asked:

- **Question 13:** Do you have any comment on the MOD's decision to pay compensation based on AFPS 15 added pension contributions?
- **Question 14:** Do you agree, or have any comment, on the approach the MOD has taken in opting for gross income to approximate tax relief amounts?

Responses from Individuals

2.60 We received 308 responses from individuals on question 13 and 298 responses to question 14. Three quarters of the respondents had no comment on the proposals, of those that did comment the majority were supportive of the approach.

"This decision seems fair with the amount paid into the scheme returned plus interest means that the person involved is not financially disadvantaged from their original payments." - **individual respondent**

2.61 Some individuals did, however, disagree and in doing so raised concerns about how re-entering a contract would affect pension tax and whether, in repurchasing added pension, they would have the same buying power.

"If allowed to make a second Added Pension arrangement with the compensation payment, I will breach Annual AA Tax allowance in that year, I will be unable to realise the full potential of Added pension I have currently accrued by trickling it in over 7 years. I will be significantly disadvantaged and have an administrative nightmare to deal with." - **individual respondent**

2.62 Additionally, objections were raised to the evidential requirement and the lack of options to automatically convert the value of added pension into the legacy scheme.

"As opposed to the compensation proposed, adapting the legacy schemes to incorporate an AFPS15 'Added Pension' option would be more equitable for four reasons. First, the proposed compensation, rather than incorporation into the legacy schemes, points to a different methodological approach for Added Pension contributions than that used for the rest

*of the scheme. Second, such an approach would ensure uniformity in application for all individuals who invested in Added Pension. Third, the published policy for AFPS15 specifically states Added Pension is a separate contract and therefore should not be retrospectively frustrated by either the discrimination nor the remedy solution. Fourth, the proposed interest rates detailed in the remedy are inconsistent with those associated with the Equality Act (2010) s139.” - **individual respondent***

*“As someone who has purchased AFPS 15 AVC in the Remedy period, I would prefer an option to be 'auto enrolled' into the equivalent legacy AFPS 05 for each AVC purchased in the remedy period.” - **individual respondent***

- 2.63 Responding to question 14 and the use of gross income to assess the amount of tax relief, the majority of respondents supported the approach. Where comment was made, the concern was over how the tax relief would be applied and would it match the salary from the member's relevant year.

Responses from Organisations

- 2.64 Three organisations responded to question 13. Both the FPS and BMA expressed concerns about the policy approach.

*“We feel that payment of compensation along the lines suggested should be one of three options available. In addition, we believe that members should be allowed to maintain their added pension contributions and to enjoy the benefits initially contracted. Finally, we feel that a member should be able to have their added pension contribution recalibrated as an AVC under the relevant legacy scheme. There would be no need for compensation if this offer was chosen, rather the benefits would be exactly as if the discrimination had not occurred. We don't agree that a member needs to provide evidence that they would have paid AVCs if they had remained on their legacy scheme. The fact is this ceased to be an option as a result of the discrimination being rectified. Members should therefore be given the opportunity to establish AVCs exactly as would have been available had they remained in their legacy plan. The contributions towards those AVCs should be set against the tax years (and with the available earnings limits/tax relief etc) that were in place in those earlier years. HMRC will be able to calculate the correct amounts of relief due in cases where this is not apparent from military records alone. The overarching principle must be to give members the same choices as if the discrimination had not occurred.” -**FPS***

“Members must be free to purchase AVCs in the scheme that is made available to them by virtue of the remedy. Not buying AVCs in one scheme is no indication that a member would not have purchased AVCs in the other scheme had that opportunity been available. Evidence that they would have done so cannot possibly be adduced in every case... Where AVCs were purchased in AFPS15, we see no need for the only option to be compensation. Whatever benefits have been purchased are the member’s property. Again, this is protected by A1P1 of the ECHR. The member purchased them on the basis that they were of more value to the member than the money expended. They did so in good faith at the time having been told they were eligible to make that investment. Cash compensation may not, in their individual circumstances, properly compensate them for losing the additional pension rights.” – BMA

2.65 In response to question 14 all three organisations accepted the policy approach being applied to tax relief.

MOD Response

2.66 On the implementation of the remedy, eligible members will ‘roll back’ to their legacy schemes and the AFPS 15 scheme will, in effect, no longer exist for these members for their remediable service. Added pension in the AFPS 2015 can only be purchased by an active member of the scheme. The overall intention of the remedy requires that members choose between two packages of benefits. To allow added pension to remain in the AFPS 2015 could lead to an unfair situation where the member chooses legacy benefits, while retaining the AFPS 15 added pension benefits which are not available to a protected member. As such, the Act allows schemes to choose whether these benefits should be either converted to legacy scheme benefits or refunded, as a compensation payment, to the individual.

2.67 We have noted the comments of both individuals and organisations in respect to converting Added Pension from the reformed scheme to added years benefits in the legacy scheme. MOD has put in place as much mitigation as possible:

- options to purchase remedial AVCs/added years in legacy schemes.
- the payment of interest at the Judgement Rate (8%) on refunded contributions.
- the ability for active members to enter into a one-off new contract for added pension in AFPS 2015, irrespective of any existing contract arrangement.
- Members will also be able to re-invest that money outside of the Armed Forces Pension Schemes.

- 2.68 As we stated in the consultation, conversion would produce neither fair nor equitable results. When tested, conversion of added pension resulted in considerable volatility of outcome, which meant some members would be better off, while others would lose out. There is also difficulty in accounting for the differences in what legacy scheme voluntary contributions had purchased. This is because some of those contributions enhance the member's benefits only and some enhance dependant benefits. Moreover, this option is not available to any member with reserve service in the remediable period.
- 2.69 As such, MOD considers its approach is proportionate to achieving a legitimate aim as these options allow for mitigation of the loss of added pension and will be fairly applied to all.
- 2.70 MOD acknowledges that, despite the mitigations described above, a small number of members may feel that they have suffered a disadvantage because new added pension arrangements under the AFPS 15 rules will use current factors. However, MOD believes that, overall, the policy is fair and proportionate, and any outlier cases can be considered through the complaints process.
- 2.71 In response to the challenge on the application of interest under Section 139 of the Equality Act this does not apply as interest is applied in line with Section 26 of the Act, which governs interest in relation to the remedy.
- 2.72 On the question of evidence, Section 25 of the Act specifies that where a member wishes to enter into a remedial voluntary contributions arrangement in the legacy scheme, the scheme manager must be satisfied that it is more likely than not that the member would have entered into such an arrangement during the remedy period, if it were not for the discrimination (i.e. that they were transferred to the AFPS 15). It is for this reason that MOD will require members to provide evidence to the scheme when making an application for additional benefits in the legacy scheme. In general, the fact that a member was purchasing added pension in the AFPS 15 is likely to be sufficient.
- 2.73 As with other areas of remedy, members' concerns over tax implications are understood and details of how tax will be affected will be included in the tax guidance published in remedy communications.
- 2.74 When calculating the compensation payments for Added Pension refunds, MOD will proceed on the basis of gross salary as outlined in the consultation document.

Medical and Dental Officers with legacy AFPS 05 Remediable Service

2.75 The introduction of the AFPS 05 saw a bonus scheme introduced for Medical Officers and Dental Officers (MODOs) with pensionable service under the AFPS 05. In general, the bonus scheme is in lieu of access to the EDP 05 scheme. The bonus scheme does not apply under AFPS 15 from the point of transfer. As a result of the remedy MODOs will be eligible for the bonus (or a top up payment) for their remediable service. Question 15 asked:

- **Question 15:** Do you have any comment on the approach the MOD has taken to the AFPS 05 MODO bonus scheme in respect of the retrospective remedy?

Responses from Individuals

2.76 We received 299 responses from individuals on question 15. While the majority offered no comment as they were unaffected by this, the respondents who identified as MODOs offered a range of views, most of which were not supportive of the approach and directed concerns at the administration and issues that have occurred in the application of the bonus over time, including the determination of the start date and the uncertainty created with overpayments, the delays in rectification because of the pension remedy and concerns over repayment and tax implications.

“A lot to say about this, I have circulated 2014DIN01-143 & 2018DIN01-019. These were the reference documents that we signed contracts based upon - and yet this new Consultation document has (again) changed the terms. The calculation to establish the MODO bonus payments are from the date of joining (as referenced throughout the 2014 DIN), however your new document appears to suggest that it is from the date of commission from Sandhurst (which it absolutely is not). It is absolutely a retrospective change of terms to service - to change this fundamental aspect of how our bonuses are calculated.” -individual respondent

“Since the bonus payments are pay and not pension payments, it is wrong to treat them as affected by or subject to the McCloud remedy as the Consultation purports to do. The removal of entitlement to the bonus for members who were transferred to AFPS15 was unlawful, as is the proposed only partial restoration. The MoD is wrong to contend, as it does in the Consultation, that bonus payments may be sacrificed when making a decision about what to choose in the light of the McCloud remedy.” - individual respondent

“Partially agree. Interest on the MODO bonus payment should not be reclaimed by MOD but the method to reclaim across payments and other pensions is fair.” – individual respondent.

Responses from Organisations

2.77 Four organisations responded to the consultation on this policy aspect. The WEA and FPS did not disagree with MOD’s approach, though the FPS were concerned about the financial information that would be provided to members, with particular regard to pension tax and the effects of opting for reformed scheme benefits when presented with a remedy choice. They suggested an option would be to make the top up payment an election point.

2.78 The BMA and British Dental Association (BDA) declared the approach unlawful. They stated:

“The BMA considers that the treatment of bonus payments to MO/DOs proposed in Enclosure 7 of the Consultation is unlawful. It is drawing this to the attention of the Ministry of Defence (“MoD”) now so that it can address in good time the illegality and not proceed upon an unlawful basis. In Summary, the bonus payments referred to in Enclosure 7 are pay, and not pension payments. This is a fundamental error. Furthermore, MODOs who fulfil the criteria for the bonus payments have a legitimate expectation that they will receive them in full; it is an unlawful breach of such legitimate expectation to pay them less than the full bonus payment which they were promised, or to seek to recover any part of the bonus payment, as proposed in Enclosure 7. The Consultation has unlawfully failed to acknowledge this legitimate expectation. Finally, any change in pension arrangements following McCloud is irrelevant to entitlement to pay, including bonus payments; MODOs’ pay, including bonus payments, must be preserved...Enclosure 7 states that the bonus scheme under the Letter is part of pay but very closely linked to pension; it does not grapple with the critical issue of whether or not it is properly understood as pay or pension. It provides that the principles of the McCloud remedy will apply to those who transitioned from AFPS 05 to AFPS 15. It provides that MODOs who transfer from AFPS 05 to AFPS 15 retain a right to any future pro-rated i.e., proportionate but not full bonus when they meet the relevant points under the 05 scheme. Enclosure 7 also states that if a member chooses the AFPS 15 then he will be required to repay the proportion of the bonus that he previously received under the 05 scheme, and will receive no further bonus payments, on the basis that he is choosing the whole package of benefits. Repayments are said to be calculated net of tax and recovered from pension payments. Since the bonus payments are pay and not pension payments, it is wrong to treat them as affected by or subject to the McCloud remedy as the Consultation purports to do. The removal of entitlement to the bonus for members who were transferred

to AFPS15 was unlawful, as is the proposed only partial restoration. The MoD is wrong to contend, as it does in the Consultation, that bonus payments may be sacrificed when making a decision about what to choose in the light of the McCloud remedy.” - BMA

“Based on recently received legal advice, the BDA considers that the treatment of bonus payments to MODOs proposed in Enclosure 7 of the Consultation is unlawful. The BDA contends that bonus payments referred to in Enclosure 7 are pay and not pension payments. MODOs who fulfil the criteria for the bonus payments have a legitimate expectation that they will receive them in full regardless of any personal choice made with respect to future pension benefits. It is an unlawful breach of a legitimate expectation to pay them less than the full bonus payment that was promised, or to seek to recover any part of the bonus payment as proposed...MO/DO pay, including bonus payments introduced to meet a service need, must be preserved. Any change in pension arrangements following implementation of a lawful McCloud Remedy is irrelevant to entitlement to pay, including bonus payments”. -BDA

MOD Response

- 2.79 MOD has carefully considered the responses that have been made by both individuals and organisations in respect to the AFPS 05 MODO Bonus scheme and the approach that it set out in the consultation with respect to the 2015 Pension Remedy.
- 2.80 The MODO Bonus scheme is associated with the AFPS 05 scheme and provided for a replacement to the EDP 05 arrangements available under that scheme. MOD is clear that the AFPS 05 MODO Bonus Scheme was provided for relevant MODOs in lieu of the EDP 05 scheme, and any such provision would end if the scheme was subsequently withdrawn. MOD does not accept the BMA or BDA’s contention that its approach to the Bonus scheme, outlined in the consultation document, is unlawful. MOD, does, however accept that the AFPS 05 bonus payment is not a pension payment but is ‘pay’, albeit entitlement to this form of pay is linked to membership of the AFPS 05 pension scheme. **As such, in accepting the AFPS 05 MODO Bonus is pay, MOD will not apply interest on the payment of any top ups or pro rata payments or when overpayments of bonus are recovered, reflecting the standard practice adopted in relation to payment of arrears or recovery of overpayments of pay.**

2.81 The wider arguments raised by the BMA and BDA in respect to the AFPS 05 MODO Bonus scheme and its application in relation to the 2015 Pension Remedy are noted, and as with other responses have been carefully considered. MOD remains of the view that it's approach, as outlined in the consultation document, is a proportionate and lawful approach. Subject to the point on interest, MOD will proceed on this basis.

2.82 In relation to the calculation of the bonus payment, the consultation document stated: "For in-scope MODOs who completed medical or dental cadetships and who require time related calculations to determine eligibility for a MODO bonus, the starting point for pensionable service is the date of commissioning as recorded in the Joint Personnel Administration System. This approach aligns with the original MODO Bonus policy which is based on changes of commission type (short/medium/full), rather than length of service in years". To be clear, the implementation of the remedy is not altering the basis on which the bonuses are calculated. The statement's intent was to outline that top up and pro rata bonuses, where due, would be calculated under existing provisions.

Opted Out Service

2.83 Any member can exercise a right to opt out of the Armed Forces Pension Scheme under which their service is pensionable. Opting out ends further accrual in the pension scheme, though previously accrued benefits are retained. Remedy will provide for individuals who have opted out of the scheme for a period of service which covers the remediable period to re-instate that service subject to the original opt out being made as a result of the direct discrimination identified by the courts in relation to transitional protections. The consultation asked:

- **Question 16:** Do you agree, or have any comment, on the MOD's proposed policy for opted out service personnel to re-instate pensionable service in the AFPS?

Responses from Individuals

2.84 We received 301 responses from individuals. The significant majority of the respondents supported the policy position (101) or offered no comment (175). One individual did object to the requirement to provide evidence to opt back in. One individual, responding to question 16 challenged settled aspects of remedy and posed concerns which were more relevant to question 20 (see para 2.110).

Responses from Organisations

- 2.85 The BMA and FPS disagreed with the proposal to provide EDMs only three months to decide to opt back in from date of issue of the re-instatement RSS (R-RSS), Both suggested this period should be extended to six months. The FPS also queried the process that would be followed for an EDM.

“Detail also needs to be included as to how long an EDM will have to decide to opt back in. It is assumed this will be 12 months from the date of the scheme administrator's letter to make an application, the same as for pensioner, active and deferred members.” - FPS

- 2.86 The WEA and FPS both supported the position that a member should provide evidence as to the reason for the original opt out, the BMA, however, questioned the evidential requirement and also suggested retrospective opt outs should also be permitted:

“Broadly, members will have opted out: a) Due to a belief that the new scheme was not beneficial and with a misunderstanding that leaving the scheme would be beneficial. They would not have left but for being transferred. The transfer was discriminatory. Re-instatement needs no further justification. b) Due to pension taxation. If the McCloud remedy would alter an individual's pension tax situation, they should have the widest discretion to fully or partial opt back in without having to demonstrate the detail of why they opted out originally. This equally applies to someone who did not opt out for this reason and now, with new figures, would wish to have done so.” - BMA

MOD Response

- 2.87 We understand the concerns raised in respect of EDMs, with MOD's original policy designed to align with the EDM election period. Having considered the comments and re-evaluated the EDM election period MOD will revise its policy on timelines for EDMs with opted out service. **The period EDMs will have to decide on whether to both opt back in and elect benefits will be extended to 12 months, in a similar approach to immediate choice members.** This provides the EDM equivalent time to evaluate the options.
- 2.88 MOD believes there are many reasons why a member may have opted out of the pension scheme; this extends beyond just a belief that the new scheme was not beneficial. As such, MOD will proceed with the provision that re-instatement of previous opted out service will be subject to the individual providing evidence that the original opt out was linked to the

discrimination identified by the courts; this could be in the form of a personal statement, papers from the time of discharge or previous correspondence with Vets UK. Furthermore, if an individual wishes to opt back in they can either fully opt back in, i.e., for all service post their original opt out date, or opt back in for their remediable service only i.e., any pensionable service in the period up to 31 March 2022. There will be no option to partially opt back in for a period of remediable service. As there are no contributions in the AFPS the justification for this would appear to be primarily tax-related, rather than rectification of the discrimination as intended by the Act.

Redundancy

2.89 The consultation outlined that members of the Armed Forces do not have a right to statutory redundancy. However, there are circumstances in which an individual's service is terminated early and the Defence Council directs that they are eligible for compensation under the relevant Armed Forces redundancy scheme. Should this occur and the individual has remediable service then the point of redundancy will be an election point. We asked stakeholders and members:

- **Question 17:** Do you have any comments on the MOD's policy approach that the receipt of benefits under an armed forces redundancy scheme when service is terminated early should be an election?

Responses from Individuals

2.90 We received 300 responses from individuals to question 17 with only one respondent disagreeing with the policy position on redundancy but offering no amplifying comment as to why.

Responses from Organisations

2.91 None of the organisations that responded on this point disagreed with the proposal.

MOD Response

2.92 MOD will proceed with the recommendation outlined in the consultation. Where an individual with remediable service is, or has been, made redundant under an Armed Forces Redundancy Scheme, this will be an election point.

Pension Transfers

2.93 The consultation outlined that in some circumstances, members with accrued pension rights in a pension scheme from employment prior to joining the Armed Forces may request to transfer the value of some, or all, of those benefits into their Armed Forces Pension Scheme. Similarly, members who leave the Armed Forces and join another occupational pension scheme may request to transfer the value of some, or all of their AFPS benefits into that scheme. Question 18 asked:

- **Question 18:** Do you have any comment on the approach being taken in relation to pension transfers?

Responses from Individuals

2.94 We received 303 responses from individuals on question 18. Two individuals highlighted how the proposed approach does not offer any option to reconsider a transfer decision that was previously made. One individual felt the approach does not account sufficiently for decisions made while subject to unlawful discrimination.

“This is an example of where the discrimination has genuinely affected people's financial prospects. I am not convinced that this approach accounts sufficiently for the decisions made by individuals whilst they were subject to unlawful discrimination. The approach should be to tailor the remedy to these individuals and provide bespoke advice which seeks to maximise benefit and compensate where private or club pension performance was less than AFPS”. - individual respondent

Responses from Organisations

2.95 Of the three organisations that responded, the WEA considered the approach fair and reasonable, the FPS offered no additional comment. The BMA disputed the fairness of the proposed approach:

“Where a member has purchased pension benefits, those benefits are now their property and are protected under ECHR. That they were purchased by transfer (i.e., exchanged for their property interest in another pension) makes no difference. The scheme should offer members the option to make any purchase they would have been entitled to make instead but it cannot

undo the purchase that the member has made. Therefore, rights purchased in AFPS15 must be maintained, regardless of the member's eventual election". -BMA

MOD Response

2.96 As proposed, the pension transfer process offers a fair and equitable outcome for members. For transfers into the scheme, those transferred rights will, on roll back, be revalued to the legacy scheme, however, when the member comes to make their remedy choice the value of the transferred in rights will be varied to match that choice, either legacy or reformed, thus maintaining those rights in either scheme. For transfers out, where the value of the benefits under the alternative scheme model would have been higher, a top up payment will be paid to the receiving scheme under the same conditions as the original transfer. If, under very rare circumstances, the receiving scheme does not accept the differential payment, then this will be paid direct to the member.

Divorce and Dissolution

2.97 The consultation outlined that in cases of divorce or dissolution of a civil partnership where shareable rights were accrued as a result of remediable service then this could result in a change in the pension debit and a pension credit member's entitlement. Question 19 asked:

- **Question 19:** Do you have any comment on the MOD's approach to divorce policy and its application in respect of the retrospective remedy?

Responses from Individuals

2.98 We received a total of 100 responses from individuals in response to question 19, though only a small number offered comment. Three individuals felt the policy needed to be clearer and would like to see worked examples. One individual felt the policy would cost them more in actuary reports, one queried the administrative costs that could be levied, and one individual felt it did not cover detail if over the normal pension age, stating:

"It doesn't cover what happens if the serving member is over age 55 and hence AFPS05 has no CEV value as it has a defined benefit (i.e., a full pension immediately payable on discharge). When that is split how and when does the PCM get to claim it (if it becomes deferred then surely both parties are losing out as it would be better for the serving member over age 55 to leave immediately and take the full pension???)" -individual respondent

Responses from Organisations

2.99 All three organisations that responded to the question found the approach being taken was fair. They noted that the pension debit member could make the election that was most beneficial to them, without causing detriment to the pension credit member.

2.100 The FPS did, however, highlight a potential issue for a small cohort of individuals who were protected members and had achieved full accrual in their legacy scheme:

“One issue that appears to exist with the proposed approach concerns PDMs who were TP and with PSOs based on information provided before 1 October 2023. This is likely to apply to a very small number of members who had full accrual shortly after 1 April 2015; have had a period of marriage ending after this time but before the end of the remedy period; who served on until 31 March 2022; and choose the reformed benefits. It is our understanding that they would share all of the AFPS 15 benefits rather than a proportion of them based on the period of the marriage, if the PSO is submitted after 31 March 2022. This would normally have been calculated by the actuary had they have had the AFPS 15 CEV available. It appears their only option under the proposed approach would be either to obtain a revised CEV (post 1 October 2023) and a further actuary report, or to postpone the PSO until after their election has been made and request a further actuary report at that stage.” – FPS

2.101 The BMA were also concerned about disproportionate benefit and potential future legal challenge on settlements. They also queried liability for costs and whether mediation was appropriate,

“However, where pensions have been divided other than in line with other marital assets, this approach will disproportionately benefit one or other party. It is crucial to note that this is not a case in which the value of an asset has altered after division of the marital estate. Instead, the value of the asset was mis-stated at the time of the divorce. We anticipate that this will result in applications to the courts for settlements to be set aside or appealed out of time. Whether these will succeed is uncertain. Where an application occurs, costs may fall to the scheme, since it is responsible for this miscalculation of the asset. In such cases, no charges should be made for the calculation of new CEVs. The scheme may also be liable for professional and other fees that arise and it may be in the scheme’s interest to fund mediation as an alternative”. -BMA

MOD Response

- 2.102 MOD recognises that the 2015 Pension Remedy and its interaction with divorce and dissolution proceedings will be complex and as such we will be providing a comprehensive booklet to outline how the process works. We do maintain, however, that the approach outlined in the consultation document is the fairest approach for both pension debit and pension credit members. The remedy choice will be taken by the pension debit member, not the ex-spouse or civil partner, on the basis that it is the pension debit member who has been subjected to the discrimination, but in doing so the pension credit member will not be disadvantaged.
- 2.103 Implementation of the remedy will not alter when and how a pension credit member can claim a pension. Once the court order is effective (the transfer date) the pension credit member's rights in the specified scheme(s) are crystallised and they are able to claim the benefit, at either the deferred pension age (or, if permitted by the scheme, age 55 if claiming an actuarial reduced pension) of the scheme or schemes in which they have a credit. This is unaffected by when the pension debit member claims their pension.
- 2.104 When members who are entitled to an immediate pension go through divorce, their pension is valued as being paid immediately, so has a high value put on it for the purpose of the pension sharing order, and a debit in line with the percentage specified by the court, also assumed to be effective immediately. If the member continues in service rather than retiring, then the debit increases each year to allow for it being effective for a shorter period. In some cases, this can result in a debit which is very high compared to the member's accrued pension. Where a service cap has been reached (most likely AFPS 75 members) accrued pension doesn't increase with service but the debit continues to increase.
- 2.105 In terms of how remedy affects pension sharing, a Pension Sharing Order (PSO) must include remediable service, the general approach is that the appropriate amount in relation to shareable rights accrued by remediable service is the greater of the amount calculated as though the remediable benefits were in the legacy scheme, and then again as though they were in the reformed scheme. These calculations will be based on the information that is provided in the Annex(es) to the PSO.
- 2.106 On roll back, remediable service is in the legacy scheme, and for deferred choice members, their legacy pension account will be adjusted to reflect the pension debit. The same percentage in the PSO would apply.

2.107 As outlined in the consultation, where a recalculation of a PSO issued prior to 1 October 2023 is required no further charges will be levied. If additional costs are incurred as a result of remedy, then compensation may be payable, but this will be entirely dependent on the circumstances. MOD does not currently offer mediation services as this is a personal matter and applies beyond those eligible for remedy, although support is available for all individuals through the Chain of Command.

Re-joining the Armed Forces

2.108 The consultation set out how the remedy will affect those members who have multiple periods of service. Question 20 asked:

- **Question 20:** Do you have any comment on the MOD's approach to re-joiners' policy and its application in respect of the retrospective remedy?

Responses from Individuals

2.109 We received 101 responses from individuals, with only 20% of respondents providing comment, the majority of which were of an individual nature or expressed a view on the complexity that results from multiple periods of service. Some individuals felt that AFPS 75 members should be returned to that scheme and not the AFPS 05 scheme. One respondent felt that the policy did not correct the discrimination, stating that:

*“The basis of the McCloud Remedy was to remove discrimination. However, I believe that discrimination has now been introduced against re-joiners in this revised policy because it prevents them having the same opportunity to revert to their original AFPS once they re-joined and infers that that the service of re-joiners is not valued as much as those who had served on the AFPS 75 scheme but didn't have a break in service...the remedy has now become unnecessarily complicated meaning re-joiners who previously served on AFPS 75 will now be subject to being forced onto 3 pension schemes. This continued discrimination against personnel re-joining is unacceptable.” - **individual respondent***

2.110 One individual emailed responding to question 16, though their comments were more relevant to this section and therefore have been applied here. Their response challenged AFPS 75 members being returned to the AFPS 05 scheme, the application of transitional protection and the commencement date of the remedy period.

*“Some AFPS75 members who were serving on 31 Mar 12 and were denied Transitional Protection will have permanently left service before the remedy period even started. The information they acted on was wrong and the policy was discriminatory. Why are all personnel who elected to cut short potentially pensionable service careers between Nov 11 and 1 Apr 15 not being sought out for some form of remedy/compensation, especially if they did not rejoin and may not even be aware of the McCloud ruling? It is outrageous that even ‘Contingent Decision’ queries only appear to be available to those with post-1 Apr 15 ‘remediable service’ (pg 27 Para 8). To my mind, there is clearly culpability that is not being adequately addressed.” – **individual respondent***

Responses from Organisations

2.111 No organisations disagreed with MOD proposals, though both the FPS and BMA expressed the requirement for clarity in the RSS for those with AFPS 75 service who are rolled back into AFPS 05.

MOD Response

2.112 The policy for re-joiners with remediable service will proceed as outlined in the consultation. We note the concerns raised by the individual in respect of re-joiners, however, the policy approach taken simply follows that in place before 1 April 2015: on re-employment in the Armed Forces members have only ever been able to join a scheme that was open and relevant to their particular service. This would apply irrespective of remedy. The application of remedy for those with multiple periods of service may, depending on their remedy choice, simplify the number of schemes from which they accrue benefits.

2.113 The eligibility dates for the remedy period and the reasons behind this were clearly laid out in the Government consultation on public service pension schemes: changes to the transitional arrangements to the 2015 schemes and their response¹⁵. Transitional protection applied from 1 April 2015, when the AFPS 15 scheme was introduced. Anyone who left the service prior to this date was not subject to discrimination.

2.114 MOD notes the issue of clarity of information. The RSS will clearly outline the member’s situation, providing the information necessary to make an election. MOD will also issue further guidance in its remedy publications.

¹⁵ [Public service pension schemes consultation: changes to the transitional arrangements to the 2015 schemes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/public-service-pension-schemes-consultation-changes-to-the-transitional-arrangements-to-the-2015-schemes)

Other Comments Made by Respondents

2.115 Some respondents focussed on issues that were not covered in the consultation document or pointed out other areas of concern. These are outlined below

Pension Savings Tax

2.116 A number of respondents commented on tax, expressing concern over how AA, LTA and other aspects of tax would be treated. MOD recognises the concerns expressed by respondents, but there are statutory requirements to tax, and these have been subject to separate consultations by HMRC. A remedy tax booklet will be published in September 2023 on the [AFPS webpage](#) under the tax section. This booklet addresses some of the concerns raised. MOD will continue to provide and update its members on information in this area.

Contingent Decisions

Three individuals responded specifically on contingent decisions, which they felt were not adequately detailed in the consultation. Each set out their own particular circumstances stating that the consultation did not cover their position. The general nature of their responses centred on employment related decisions. The very nature of a contingent decision means it will be dependent upon a member's personal circumstances (as confirmed by these respondents) and as such MOD cannot anticipate all claims that may be made. Therefore, as outlined in our consultation, MOD will release details separately on how members can raise a contingent decision when the remedy is implemented.

Communications

2.117 A number of respondents challenged settled aspects of remedy, questioning the legality of the AFPS 15 scheme itself and asserting that pension scheme benefits should be paid out under the scheme to which they joined. These areas are settled and were outlined in the 'Public service pension schemes consultation: changes to the transitional arrangements to the 2015 schemes', the Government response to consultation¹⁶ which states:

¹⁶ [Public service pension schemes consultation: changes to the transitional arrangements to the 2015 schemes - GOV.UK \(www.gov.uk\)](#)

- 3.21 It is also important to clarify that the reformed schemes were not found to be discriminatory, as some respondents to the consultation believe. The judgments of the courts were that the transitional protection arrangements discriminated against some members; not the reforms or the reformed schemes themselves.
- 3.22 Some respondents believe that it is unfair for pension arrangements to be changed at all, and that all members should be able to retire in line with the arrangements as they were when they entered service. Whilst the government is committed to ensuring that public service workers are rewarded with generous pension provision in their retirement, it is also right that it continues to assess this, and makes appropriate changes – such as those recommended by the Independent Public Service Pensions Commission (the Commission) as part of the 2015 reforms – when it is necessary to do so.

2.118 MOD has consulted on areas where it has discretion to amend its scheme rules, but many aspects of remedy are already settled and laid down in the Act. To facilitate understanding MOD will release a number of updated booklets and communication material outlining different aspects of remedy to better aid understanding for its members.

Chapter 3 – Next Steps

- 3.1 This concludes the consultation process and marks the commencement of the implementation of the retrospective strand of the remedy for the Armed Forces. MOD will now proceed with bringing forward scheme rules to provide the requisite powers to deliver the remedy with effect from 1 October 2023.

- 3.2 Analysis of feedback on the questions posed and issues covered in the consultation will further assist us in developing a communications package to assist and inform members of their options as a result of remedy.

Annex A – List of Stakeholders

The following is the list Armed Forces pension stakeholders who were invited to a workshop on the scope of the Armed Forces Pension Scheme: Retrospective Remedy public consultation and invited to respond:

[The Confederation of British Service Organisations](https://www.cobseo.org.uk/) (https://www.cobseo.org.uk/)

[The Royal British Legion](https://www.britishlegion.org.uk/) (https://www.britishlegion.org.uk/)

[The Soldiers', Sailors', Airmen's and Families Association](https://www.ssafa.org.uk/) (https://www.ssafa.org.uk/)

[The Royal Navy and Royal Marines Charity](https://www.rnrmc.org.uk/) (https://www.rnrmc.org.uk/)

[The Soldiers' Charity](https://soldierscharity.org/) (https://soldierscharity.org/)

[The RAF Association](https://rafa.org.uk/) (https://rafa.org.uk/)

[The RAF Benevolent Fund](https://www.rafbf.org/) (https://www.rafbf.org/)

[The Navy Family Federation](https://nff.org.uk/) (https://nff.org.uk/)

[The Army Family Federation](https://aff.org.uk/) (https://aff.org.uk/)

[The RAF Family Federation](https://www.raf.mod.uk/serving-families/raf-families-federation/) (https://www.raf.mod.uk/serving-families/raf-families-federation/)

[The War Widows' Association](https://www.warwidows.org.uk/) (https://www.warwidows.org.uk/)

[The Forces Pension Society](https://forcespensionsociety.org/) (https://forcespensionsociety.org/)

[The White Ensign Association](https://www.whiteensign.co.uk/) (https://www.whiteensign.co.uk/)

[The British Medical Association](https://www.bma.org.uk/) (https://www.bma.org.uk/)

[The British Dental Association](https://bda.org/) (https://bda.org/)

[The Armed Forces Pay Review Body](#)

(https://www.gov.uk/government/organisations/armed-forces-pay-review-body)

[The Senior Salaries Pay Review Body](#)

(https://www.gov.uk/government/organisations/review-body-on-senior-salaries)