

2015 PENSION REMEDY

Consultation Response and key details you need to know

CONSULTATION

Between 6 March 2023 and 29 May 2023, the Ministry of Defence carried out a public consultation on proposals to implement the retrospective remedy for affected members of Armed Forces pension schemes.

In addition, a number of engagement sessions were held with serving personnel, veterans and military charities/organisations. Feedback from these sessions was considered, together with responses to the consultation, to inform further development of the proposals. The response has now been published on [Gov.uk](https://www.gov.uk) and amended regulations have been laid and published on [legislation.gov.uk](https://www.legislation.gov.uk). The Remedy will be implemented on 1 October 2023.

OVERVIEW

When the Armed Forces Pension Scheme 2015 (AFPS 15) was introduced, some older members were given transitional protection to remain in their legacy schemes; this has been ruled to be unlawful discrimination. There is a two stage process to remedy the discrimination:

- **Prospective Remedy.** The legacy schemes closed on 31 March 2022 (for further accrual) and all active members moved into AFPS 15 on 1 April 2022; and
- **Retrospective Remedy.** All members who were not protected will be rolled back into their relevant legacy scheme on 1 October 2023.

All in-scope members will be given a choice of which pension benefits to receive for pensionable service between 1 April 2015 and 31 March 2022 inclusive (the remedy period). For all members, all service completed after 1 April 2022 will only be in the AFPS 15 scheme.



SCOPE

To be in-scope you must have been in pensionable service in a Public Sector Pension Scheme, including the Armed Forces Pension Scheme (AFPS) on or before 31 March 2012 **and** on or after 1 April 2015 without a break in service of more than five years.

ROLLBACK

Rollback means returning those in-scope members, who were moved to AFPS 15 on 1 April 2015 (i.e., not protected), back to their relevant legacy pension scheme(s) for service in the remedy period. This part of 2015 Pension Remedy places all in-scope members in the same position. Where a member has multiple periods of service the relevant legacy will be the last scheme that would have been open and available to them had the discrimination not occurred.

Active members (those still serving) and deferred members (those who have left but are not receiving pension benefits yet (including EDP))

Members will be rolled back on 1 October 2023 and all subsequent forecasts will show pension benefits calculated as legacy scheme during the remedy period.

Pensioner members (and those in receipt of dependants' benefits)

These members are rolled back on 1 October 2023 but any alterations to their pension benefits in payment will be paused until they make their choice so that there is no immediate change to what they are being paid.

In-scope members who were protected

Personnel in this group do not need to be rolled back because they remained in their legacy pension scheme(s). The first part of the 2015 Pension Remedy moved them into AFPS 15 from 1 April 2022 to join everyone else and so addressed the discrimination going forwards.



CHOICE

All in-scope personnel will have a 2015 Pension Remedy election so they can choose to receive either legacy scheme benefits or AFPS 15 benefits for pensionable service in the remedy period.

DEFERRED CHOICE

For active members (those still serving) and deferred members (those who have left but are not receiving any form of pension benefit (including EDP)), their choice is made at the point at which their pension benefits become payable, whether on leaving the service or at deferred pension age.

IMMEDIATE CHOICE

For members who are already receiving pension benefits (and those in receipt of dependants' benefits), their choice will be offered as soon as possible after 1 October 2023. The aim is for all immediate choice members to be given this choice by 1 April 2025.

REMIABLE SERVICE STATEMENT (RSS)

The aim is to complete the initial issue of RSSs by 1 April 2025 and timing of issue will depend on the complexity of a member's circumstances. For some members, this will be their final RSS and will be accompanied with an invitation to make an election. This means that there is no immediate action required on 1 October 2023 and in-scope members will be contacted in due course to make their choice and there is no need for individuals to contact the JPAC or to request an RSS. Benefits will be paid on time but may need to be corrected if a member chooses alternate benefits. Every in-scope member will be given a choice and the information and time needed to make it.

RECEIVING YOUR RSS



Those receiving a pension or EDP

Personnel who have already left or will leave the Armed Forces before 1 October 2023 with a pension in payment (including an EDP). The RSS issued by 1 April 2025 will detail remedy options and ask the member to

Representatives of an eligible member who has died prior to 1 October 2023

A person who is eligible to make a decision about the member's pension – usually, but not always, the recipient of the benefits. The RSS issued by 1 April

make a choice within twelve months of the date it was issued.

Those currently out of service with a Deferred pension

The initial RSS issued by 1 April 2025 is for information and no election is possible at that point. Members can request a free RSS annually. Before pension benefits are due to be paid the member will be sent a final RSS so that they can complete Pension Form 8 (the AFPS deferred pension application form) and make their election

2025 will provide options and ask them to make a remedy election.

Those still serving

The initial RSS issued by 1 April 2025 is for information and no election is possible at that point. While in active service an RSS will be automatically issued annually for information unless the member is due to receive pension benefits. Members will be asked to make an election choice before pension benefits are due to come into payment and will receive a final RSS in the nine months prior to discharge to inform that choice.

Those still serving but leaving between 1 October 2023 and 31 May 2024

These members will receive their RSS as soon as possible after implementation rather than nine months before their exit date. These members will still have a six-month period in which to consider their options and make an election. Where members are unable to make an election before their final day in service, they will leave with their legacy benefits put into payment. This will be amended, if required, when they make their election. It will not be possible to provide members leaving in October 2023 with an RSS in time for them to make their choice before benefits come into payment. They will be prioritised for issue of an RSS in December 2023 and have an appropriate amount of time to consider and make their choice.



Complex cases.

The issue of RSSs will initially focus on non-complex members who are about to leave service from 1 November 2023 onwards (with benefits due) and Immediate Choice members (where benefits are already in payment). However, there are several cohorts for whom the production of an RSS is complex. This includes: Re-joiners, Divorce, MODO, Transfers, Added Pension, Scheme Pays and Deaths. In each case the initial issue of RSSs (of which some will be final) is to be complete by 1 April 2025 and all members will receive the information they need in an RSS and time to make their election.

FURTHER GUIDANCE AND SUPPORT

The MOD has issued a series of helpful guidance documents including a [2015 Remedy Tax Booklet](#) and a series of [YouTube videos](#) to explain the remedy in more detail. A remedy explained booklet will also be issued shortly, along with guidance on the RSS and added pension.

An enhanced [pensions calculator](#) for Serving Personnel allows in-scope members to see a side-by-side forecast comparison of pension benefits in both their legacy scheme and AFPS15. The figures produced by the calculator should not be used to make a choice, the RSS is the correct document to use for an election. Members do not need to make a decision until they are asked to and cannot make a choice until they have received their election RSS.

If you have any questions or concerns regarding the remedy, please contact the JPAC or your Single Service Representative.