

Ombudsman's Determination

Applicant	Mr E
Scheme	Police Pension Scheme (the Scheme)
Respondents	The Metropolitan Police Service (the MPS)

Outcome

1. I do not uphold Mr E's complaint and no further action is required by the MPS.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Mr E says that he was misled in 1999, when he transferred his benefits from his previous employer into the Scheme.

Background information, including submissions from the parties

4. Mr E joined the MPS in October 1998 and enrolled in the 1987 Section of the Scheme (**the 1987 Scheme**).
5. In December 1999, Mr E transferred his benefits from his previous scheme into the 1987 Scheme. The Scheme received £5,191.09 from Mr E's previous scheme, which purchased 252 days of service in the Scheme.
6. Mr E says that he decided to go ahead with the transfer to take advantage of the benefits of the Scheme. This was primarily because of "double accrual" i.e. after 20 years' service, each year of service equates to 2/60ths of pensionable pay, instead of 1/60ths. He confirms that he was told that the transfer-in would purchase 252 days in the Scheme.
7. In 2015, the government carried out a reform of public service pensions, including the Scheme. The 1987 Section of the Scheme was closed and Mr E was transferred in to the replacement scheme (**the 2015 Scheme**) from October 2015.
8. Mr E says that the 2015 Scheme does not have the advantages of the double accrual that applied when he transferred his benefits from his previous scheme into the 1987 Scheme. He says that he would not have carried out the transfer had he been

informed of the changes which took place in 2015. He complained to the MPS saying that the transfer was mis-sold to him.

9. The MPS dealt with Mr E's complaint under its Internal Dispute Resolution Procedure (**IDRP**). It said that Mr E was not given any advice about transferring his benefits into the 2015 Scheme and it was his decision to proceed with the transfer at the time. The MPS said that he would not lose out as a result of the changes in the 2015 Scheme because he will still receive the beneficial effect of double accrual on the 1987 Scheme benefits as if he was still in that scheme.
10. The MPS said that the regulations governing the Scheme were subject to review and change by legislation. It provided a link to the Home Office guide on the changes introduced in the 2015 Scheme and how double accrual was addressed. It said that the pension generated by the transfer would still be similar to what it would have been before the changes and he was still entitled to the credit of 252 days.
11. Mr E remained unhappy and has brought his complaint to us.

Adjudicator's Opinion

12. Mr E's complaint was considered by one of our Adjudicators who concluded that no further action was required by Metropolitan Police. The Adjudicator's findings are summarised briefly below:
 - The MPS could not have known about the 2015 changes back in 1999, so it could not have misled Mr E about it.
 - The information the MPS gave Mr E about the purchased service of 252 days was correct.
 - The changes Mr E complains about were brought in by legislation and the MPS had to comply.
 - This office does not have the power to reverse legislation or say that it should not apply to Mr E. Mr E is only entitled to benefits in the Scheme, calculated correctly in accordance with the current rules governing it.
 - There is no evidence that the MPS advised Mr E to carry out the transfer. It would have provided information about the additional benefits purchased by the transfer-in, i.e. that Mr E would receive additional 252 days service. This has not changed and so Mr E was not misled about the transfer.
13. Mr E did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mr E provided his further comments that the figure of £5,191.02 (sic) mentioned by the Adjudicator is the annual pension to be received at age 60, not the amount transferred. Mr E says that there is no evidence that the Scheme could be changed and he considers that the Opinion was biased in favour of the MPS.

14. Mr E's comments do not change the outcome. I agree with the Adjudicator's Opinion, summarised above, and I will therefore only respond to the key points made by Mr E for completeness.

Ombudsman's decision

15. The figure of £5,191.09 was that described by Mr E's former scheme, in its letter to him dated 6 April 2001, as the amount transferred to the Scheme. The estimated pension in the previous scheme at age 60 was said to be £5,075.52. If Mr E disagrees with these amounts then he should contact his former scheme for clarification as that is not the matter under consideration here.
16. I understand that Mr E's position is that the tapering and exit from the 1987 Scheme operates to his financial detriment. Therefore his complaint is fundamentally about the operation of the Scheme regulations themselves. Like other members of the Scheme, Mr E is subject to the regulations governing the Scheme. The MPS cannot treat him differently to other members in the same circumstances. My role is also to examine whether the rules of the Scheme have been applied; I have no power to overrule them. Mr E believes he was misled when he decided to transfer benefits in 1999. However, the changes to the Scheme implemented in 2015 could not have been foretold 16 years earlier when Mr E transferred his benefits from his previous scheme.
17. Mr E was promised that his transferred benefits would purchase 252 days in the Scheme which is what he has received. He says part of his motivation in transferring was to capture double accrual after 20 years of service, which I accept. But as set out above, the taper provisions were introduced by changes to the law made years later which it would not have been possible to predict in 1999. I have seen no evidence that the MPS gave him any additional guarantee which was capable of taking effect outside the Scheme Regulations.
18. Therefore, I do not uphold Mr E's complaint.

Karen Johnston

Deputy Pensions Ombudsman
23 January 2017