

PENSION SCHEMES ACT 1993, PART X
DETERMINATION BY THE DEPUTY PENSIONS OMBUDSMAN

Applicant	Mr David Penhallurick
Scheme	Principal Civil Service Pension Scheme (PCSPS)
Respondent(s)	Cabinet Office Department for Environment, Food and Rural Affairs (DEFRA)

Subject

Mr Penhallurick complains that DEFRA, his former Civil Service employer, misled him when he left their employment in 2007 about his choice of pension arrangement under PCSPS if he was to re-join the Civil Service in the future. He contends that he will suffer a financial loss as a result of being misled.

The Deputy Pensions Ombudsman's determination and short reasons

The complaint should not be upheld against DEFRA and the Cabinet Office because, on the balance of probabilities, I consider it highly unlikely that DEFRA would have made a representation in their intranet guidance for the VER/VES scheme (upon which Mr Penhallurick says he relied) that would not be supported by the PCSPS Rules in force at that time.

DETAILED DETERMINATION

Background

From 30 July 2007, the PCSPS has three sections:

- the 1972 section (**classic**) – this was closed to new members on 1 October 2002;
- the 2002 section (**premium**) – this is the final salary arrangement for members who joined or re-joined the Civil Service on or after 1 October 2002;
- the 2007 section (**nuvos**) – as part of a package of reform of the Civil Service pension arrangement, the Cabinet Office introduced this new career average arrangement from 30 July 2007. From that date, new entrants have the choice between nuvos and a partnership pension account which was introduced as part of the new PCSPS arrangements for staff joining on or after 1 October 2002.

Ineligibility to re-join classic on re-employment - Current rules

The 1972 section of the current PCSPS Rules contains the provisions that apply to classic. PCSPS rule 1.3a provides that people joining or re-joining the Civil Service on or after 1 October 2002 cannot become classic members. However under rules 1.3b, 1.3c and 1.3e some former members who return to Civil Service after 30 September 2002 can re-join classic as follows:

- Rule 1.3b – applies to members who transfer in service from a by-analogy scheme (i.e. a scheme which is separate from PCSPS but has the same rules) having returned to the Civil Service within 28 days of leaving the service to which the by-analogy scheme relates.
- Rule 1.3c – applies to a person who re-joins the Civil Service (in certain circumstances) and who is in receipt of a pension or lump sum in respect of their earlier classic service.
- Rule 1.3d – rule 1.3c does not apply to a person re-employed after they retired on medical grounds or to a person re-employed after he left under the Compulsory or Redundancy, Flexible or Approved categories referred to in the Civil Service Compensation Scheme (**CSCS**).

- Rule 1.3e - applies in circumstances when a person is re-employed in the Civil Service within 28 days of leaving their previous period of classic service.

Ineligibility to re-join classic on re-employment – Rules as at 31 March 2007

PCSPS rule 1.3a provided that people joining or re-joining the Civil Service on or after 1 October 2002 could not become classic members. However under rules 1.3b and 1.3c some former members who returned to Civil Service after 30 September 2002 could re-join classic as follows:

- Rule 1.3b – applied in certain circumstances to members who transferred in service from a by-analogy scheme.
- Rule 1.3c – applies to a person who re-joins the Civil Service (in certain circumstances) and who is in receipt of a pension or lump sum in respect of their earlier classic service.
- Rule 1.3d – applied in 2007 as it currently applies.

Material Facts

1. Mr Penhallurick joined the Civil Service in January 1989 and became a member of the classic section of the PCSPS. DEFRA recruited him in September 2003.
2. In October 2006, he completed an Expression of Interest form for the DEFRA Voluntary Early Retirement (**VER**)/Voluntary Early Severance (**VES**) Scheme. This form showed that his agreed last day service with DEFRA would be 30 April 2007. By signing this form, he declared to DEFRA that he had considered the guidance available on the VER/VES scheme on the intranet and ensured that he met the criteria specified in order to apply.
3. In March 2007, DEFRA formally offered Mr Penhallurick VES on Compulsory Early Severance (**CES**) terms. They enclosed with their offer letter Guidance Notes for VER/VES, a statement of estimated benefits and a reply form.
4. After receiving his completed reply form, DEFRA provided Mr Penhallurick with details of the benefits available to him on CES terms as at 30 April 2007, i.e.:
 - a preserved pension of £15,117 pa;
 - a preserved pension lump sum of £45,352; and

- a compensation lump sum calculated in accordance with CSCS rules plus an additional compensation payment (i.e. reserved rights) increasing the value of the benefit package as a whole to the equivalent value of what it would have been available under the former rules of £198,007.
5. Mr Penhallurick joined Partnerships UK (**PUK**), a public private partnership, in March 2007 (before his employment with DEFRA ended). His employment with PUK as a Commercial Specialist was transferred to Infrastructure UK, a unit of HM Treasury (**HMT**) under Transfer of Undertaking (Protection of Employment) (**TUPE**) Regulations on 1 August 2010.
 6. In accordance with the terms of the TUPE agreement, PUK staff would remain in their existing pension scheme (i.e. PUK Pension Scheme) until their terms and conditions had been harmonised with those of HMT staff.
 7. According to Mr Penhallurick, this harmonisation of terms and conditions (with the exception of a few pay related matters) took place on 1 November 2013.
 8. This meant that until 1 November 2013 Mr Penhallurick did not have the option of joining PCSPS unless he successfully applied for another job with a PCSPS employer.
 9. In July 2010, HMT sent Mr Penhallurick an e-mail concerning some conversations with him about his pension position which said that:
 - he had told them, in his view, as part of his VES departure terms, he left with an automatic right of re-instatement into the classic section of PCSPS if he was to re-join the Civil Service within five years of leaving; but
 - according to the current PCSPS Rules he would only be entitled to join the nuvos section of the PCSPS or a partnership pension account; and
 - the PCSPS information made available so far did not support his different treatment but they would ask DEFRA for his personal file to check this.
 10. In November 2010, Mr Penhallurick asked DEFRA for:
 - the original guidance note which they had issued setting out the terms of the VER/VES scheme, specifically the right to re-join the PCSPS within five years of leaving; or

- confirmation that the exit scheme provided him with this right as it was a standard right under the PCSPS Rules in 2006.
11. In February and March 2011, DEFRA notified Mr Penhallurick that they were dealing with his request and also an earlier one made under the Freedom of Information (**FOI**) Act. DEFRA explained to him what they did in order to try finding the information that he recalled seeing at the time of his VER but could not locate it.
12. Mr Penhallurick complained to Xafinity Paymaster (**XP**) in September 2011 that:
- he had spent many months unsuccessfully trying to obtain the necessary paperwork from DEFRA to confirm that he had a right to re-join the classic; and
 - HMT had told him that without this paperwork they had to apply the provisions of Employer Pension Notice (**EPN**) 172 (Rev) (relevant paragraphs are shown in the Appendix below) which came into effect after he had left DEFRA.
13. In November 2011, XP informed Mr Penhallurick at stage one of the Internal Dispute Resolution Procedure (**IDRP**) that they did not uphold his appeal to re-join classic because:
- in accordance with the PCSPS Rules in force at the date of re-joining, he would only be eligible to join the nuvos section;
 - he had not been able to obtain any evidence from DEFRA corroborating his understanding of the VES departure terms; and
 - without this evidence, they could not consider whether these terms would override the PCSPS rules.
14. Mr Penhallurick appealed this decision on the grounds that:
- the rules in force when he left DEFRA allowed him to re-join “classic” within five years of leaving;
 - XP had applied the provisions of EPN 172 (Rev) to him retrospectively;
 - knowing that he had the option to return to the Civil Service after a break of five years and be reinstated into the classic section of the PCSPS

was a crucial and fundamental determining factor for him to pursue a role in the private sector;

- if he had known about the imminent changes being made to the PCSPS in 2007, he would not have left DEFRA at that time; and
- DEFRA have failed to carry out a proper search for the information which he has asked for to support his position that the CES terms provided him with an entitlement to re-join classic.

15. The Cabinet Office did not uphold his complaint at the second stage of the IDRP.

Summary of Mr Penhallurick's position

16. Under the terms of the exit scheme in April 2007, DEFRA made it clear in its guidance notes that any member who left the Civil Service but returned within five years of the departure date retained the right to be re-instated into their former section of the PCSPS (in his case classic).
17. In July 2007, the re-instatement rules were changed and HMT now must follow the rules set out in EPN 172 (Rev). He has suffered a financial injustice because of DEFRA's failure to retain the appropriate documentation and the retrospective application of EPN 172 (Rev).
18. He recalls seeing guidance issued by DEFRA on their internal website setting out the various scenarios under which an individual would be entitled (or not) to re-join the section of the PCSPS they were originally in. At the time the VER/VES scheme was running, he was also helping his eleven members of staff decide the best course of action for them. He had therefore read the guidance many times over and discussed its contents with Ms H (c.f. paragraph 22 below for further details) and friends in other government departments. Unfortunately he did not take a copy of the guidance as he concluded from his exit letter that a hard copy would be placed on his staff file, something which DEFRA have now confirmed that they did not do.
19. DEFRA have failed to maintain proper records associated with the departure of staff under the VER/VES scheme to the extent that the terms and conditions associated with his departure cannot now be verified. Without this supporting evidence, HMT cannot make a different decision other than that required under EPN172 (Rev).

20. The provisions of the PCSPS as at 26 March 2007 (and before the rule changes in July 2007) allowed for previous classic scheme members to be reinstated into this section of the PCSPS (under certain conditions). The changes in July 2007 after he left DEFRA no longer provided the same rights.
21. He says that:
- in 2006, after Lord O'Donnell had made a key note speech indicating that all senior civil servants should preferably acquire some private sector experience, he wrote to him about the lack of recognition by the private sector of public sector skills;
 - at Lord O'Donnell's suggestion, he then met with Mr R, Head of Accounting Profession in HMT to discuss career development and how he could improve his experience to reach his civil service career goals;
 - Mr R's advice was to seek a short tenure in the private sector;
 - he also discussed the option for a secondment from DEFRA to the private sector but the "Renew" programme (which, amongst other things, provided guidance to staff on the effects of accepting a secondment on their pension and re-instatement rights) had started before opportunities could be assessed more fully;
 - he can provide names of individuals who will testify under oath that: (1) membership of the classic section of the PCSPS and the possibility of re-instatement into this section after leaving the civil service were significant factors in his choice of career path, (2) his decision to join PUK was a pragmatic half-way house where he could obtain private sector experience but still provide services to the wider public sector, and (3) it was always his intention to return to the civil service;
 - by joining PUK, the likelihood of subsequently securing a civil service post was extremely high; and
 - the transfer of PUK into HMT meant that he did not have to apply for civil service posts(which he had been doing since 2009).

22. Ms H has provided a written testimony dated 4 February 2013 in support of his application. She said that:

- she had known Mr Penhallurick since 1999 when they both worked at the Department of Trade and Industry;
- they have maintained regular contact subsequently to provide each other with advice and support in their respective roles, i.e. HR Assistant Director (Ms H) and qualified accountant (Mr Penhallurick);
- over the years she has found him to be a highly professional individual, strongly career focussed and someone who demonstrates the highest levels of integrity and standards;
- in 2006, Mr Penhallurick had several conversations with her about the advantages and disadvantages of undertaking a role in the private sector;
- these conversations were triggered by the following broad influences:
 - (a) he had agreed with DEFRA on joining that he would stay for a minimum of three years;
 - (b) he had a discussion with Mr R who suggested that to improve his CV and career opportunities he should take a job in the private sector for a couple of years; and
 - (c) he was very clear at the time that, ambition aside, he valued his final salary pension and would discuss the possibility of seeking a secondment to the private sector with DEFRA;
- during the course of these wider discussions and before he could find a suitable secondment, DEFRA launched an exit programme which was targeted at individuals close to retirement or those who were part of a broader departmental restructuring and re-organisation;
- Mr Penhallurick said that he and his staff fell into both these categories;
- given that the terms of the scheme on early retirement and early exit varied, she and Mr Penhallurick discussed many times about how these terms might be applied to him and his staff;

- for those leaving on early exit grounds, a key factor was the right of the individual to return to his/her current pension scheme if he/she started working again in the civil service before five years had expired;
 - she had been involved in many departure schemes and this “right” was consistent with other schemes she was aware of during the last ten years of her career and more likely in some of the earlier departure schemes;
 - DEFRA’s apparent failure to record the full terms of departure on Mr Penhallurick’s file is certainly possible but the general terms of the VER/VES scheme should still be available;
 - in her opinion, Mr Penhallurick was advised by DEFRA that he had the right to return to his “classic” pension if he re-joined to the civil service within five years of departure and this was a significant factor for him in accepting the offer from DEFRA to leave voluntarily;
 - the timing of his departure was ultimately delayed by DEFRA such that he ended up with an overlap employment period (with the agreement of both DEFRA and PUK.
23. An ex-PUK colleague (also previously a civil servant) who was re-employed by a government department in 2009 was re-instated into the classic section of the PCSPS. Regardless of what the Cabinet Office says, it has therefore been allowed before.
24. The Cabinet Office published EPN 157 in January 2007. Paragraphs eight and nine of this EPN (as reproduced in the Appendix) says that DEFRA, by running a VER/VES scheme, should have ensured that the information sent to leavers reflected that re-joiners would be excluded from the classic section of the PCSPS.
25. The issue of EPN 157 would strongly suggest that the Cabinet Office had identified variance to this policy within government departments and had to remind them of the conditions of the PCSPS at that time. Whether DEFRA were at variance to this policy is now lost as a result of them not keeping complete records.

26. DEFRA failed to bring the contents of EPN157 to his attention when they formally offered him VES on CES terms in March 2007. If they had done so, he would have decided to seek a secondment to PUK instead of leaving DEFRA and thus remained a member of the classic section of the PCSPS.
27. When changes were made to the PCSPS back in 2002, he was asked to decide which section he wished to belong to. As he had built his “whole life financial plan” to retire at age 60 (or earlier if finances allow), he chose to remain in the classic section (rather than joining one of the other sections) and he also subsequently carefully studied what DEFRA wrote in their VER/VES guidance note in 2007.
28. Cabinet Office has accepted that errors do occur. It is therefore entirely possible that DEFRA issued incorrect information and guidance to him.
29. DEFRA’s failure to demonstrate that complied with EPN 157 increases the probability that they ran “a scheme that was non-compliant otherwise they would have no reason to suppress the contents of the EPN.”
30. In his view, he was consequently misled into leaving the classic section of PCSPS through both direct misrepresentation and non-disclosure of fundamental information on the part of DEFRA. He contends that he had suffered a financial loss representing the difference between the value of his preserved pension benefits and the potential benefits available to him on re-joining the classic section of the PCSPS. He has calculated (without taking into account any salary increases) that:
 - he will incur a loss of £2,781 pa in pension and £8,342 in lump sum with a capitalised value of £62,289 as a consequence of forfeiting the opportunity to have his benefits calculated using his current pensionable earnings;
 - by buying back the 3 years and 3 months’ service that he was out of the PCSPS, he could accrue nearly 36 years’ service and the capitalised value of this loss is £329,017; and
 - if he cannot buy back this missing service, his reckonable service to age 60 could be around 33 years in which case the capitalised value of his loss is £267,221.

Summary of the Cabinet Office's position

31. Under the terms agreed for his TUPE transfer, the possibility of future PCSPS membership depended on when his PUK terms and conditions of employment were harmonised with those of HMT staff or whether he applied for other Civil Service employment.
32. Neither Mr Penhallurick nor DEFRA have been able to produce any evidence to show what information he received in the lead up to the VER/VES exercise in 2007.
33. However even if Mr Penhallurick had unequivocal evidence that DEFRA told him he would be able to re-join the classic section if he was re-employed by a PCSPS employer within five years of leaving, they would not be able to uphold his appeal.
34. The classic arrangement was closed to new joiners and re-joiners on 30 September 2002 as set out in PCSPS Rule 1.3a. The exceptions to this rule under rules 1.3(b), (c), and (e) do not apply to Mr Penhallurick. Rule 1.3d specifically excludes members such as Mr Penhallurick who left under a VER package from re-joining classic. This was the case in 2007 when he left DEFRA and remains the position today. It is therefore difficult to understand why DEFRA would have suggested to him that he could return to the classic section of PCSPS within five years of leaving.
35. A possible source of confusion is that under certain circumstances former classic members who return to the Civil Service can join the premium arrangement. These include members who originally resigned and returned to PCSPS employment within five years. This does not apply to Mr Penhallurick because he left DEFRA under a VER package and his options under the PCSPS are *nuvos* or a partnership pension account. Neither they nor XP have the discretion to vary the application of the PCSPS Rules to give Mr Penhallurick any other options.
36. They do not accept his argument that he would never have left DEFRA if they had not allegedly told him that he could re-join classic by returning to work for the civil service within five years of leaving.
37. Mr Penhallurick had the opportunity to take an early retirement package which included a substantial reserved rights compensation lump sum. He also had a new higher paid job lined up before he left DEFRA. It is difficult to envisage that he

would have forgone these opportunities solely to preserve his classic membership of PCSPS.

38. Even if he did have a right to re-join classic within five years of leaving DEFRA, there was no guarantee of a suitable civil service job for him to return to during this period.
39. He cannot claim with any certainty that his choice of career path would have been determined solely by his desire for a classic pension at age 60. As it happens, he returned to the civil service as a result of a TUPE transfer. Had it not been for this, he may have found career fulfilment by remaining in the private sector.
40. Whatever information DEFRA gave to Mr Penhallurick about re-joining the civil service, they were not in a position to guarantee that he would either be offered suitable civil service employment in the future or about what the pension arrangements might be. There has never been a facility for employers to offer members reserved rights to any scheme provisions available on leaving should they return to that scheme in future years.
41. A member's benefit entitlement in the PCSPS is determined in accordance with PCSPS Rules in force as at his/her date of leaving. His/her eligibility for benefits is determined by the PCSPS Rules in force as at the date of joining or re-joining.
42. The PCSPS has undergone significant changes since Mr Penhallurick left it in April 2007 and will continue to do so in response to the Government's desire for public sector pension reform.
43. As they do not accept that Mr Penhallurick was misled into leaving the classic section of the PCSPS, they do not consider that he has suffered a financial loss by doing so.
44. They say that:

“...there have been some limited circumstances under which a former classic member can re-join classic or join premium on re-employment. One of these may have applied to Mr P's former PUK (colleague) but without further information, it is not possible to say. However if an error has occurred in the treatment of one member, it does not mean that others have a right to same erroneous treatment. As far as Ms H's statement is concerned, it does not appear to be supported with documentary evidence and lacks sufficient detail to suggest any basis for it.”

45. In any event, his calculations are flawed because Mr Penhallurick has overlooked that:
- if he becomes eligible for PCSPS membership in the future, he will only have the option of joining and accruing benefits under nuvos or partnership;
 - if he joined nuvos, the current PCSPS Rules would allow him to link any preserved PCSPS benefits so that when he finally retires, they would be calculated by reference to his salary at that point; and
 - whether his position in retirement is better or worse through not remaining in the classic section of the PCSPS for his entire career is purely speculative.
46. There are in excess of 200 employing bodies which have staff that are members of the PCSPS. These employers have to provide them with Accounting Officer Certificates (**AOCs**) confirming that they have access to employer guidance, EPNs and the PCSPS website. The Accounting Officers also have to report to them on their employer's performance against their roles and responsibilities. They follow up any issues with guidance and monitor them to ensure they are resolved. Although they do not have a copy of DEFRA's AOC from 2006/07, they do not recall having any problems with DEFRA as a PCSPS employer or having to take any follow up action as a result of the AOC exercise.

Summary of DEFRA's position

47. A sample review of personnel files of individuals (including Mr Penhallurick's) who left around the same time showed that the final exiting terms and conditions were not kept on them. It would not be possible to check every former employee's staff file because the cost of doing this would exceed the £600 limit which the Government has set for FOI requests.
48. They have not been able to find after carrying out a comprehensive search of their records:
- the document which Mr Penhallurick believes incorporated a variation to the normal PCSPS terms; and
 - the guidance note which he says that he saw on the intranet showing that any classic member of the PCSPS who returned to the Civil Service

within five years of leaving retained the right to be reinstated into this section.

49. Members are only re-admitted into the classic section of the PCSPS under certain specific exceptional circumstances set out in the PCSPS Rules. None of these apply to Mr Penhallurick and they cannot override the PCSPS Rules.
50. It would not be proper for them to speculate on the reasons for the issuing of EPN 157 by the Cabinet Office. Furthermore it does not follow that publication of this notice strongly suggests that government departments were routinely acting at variance to the PCSPS rules in force at that time.
51. Mr Penhallurick agreed to leave DEFRA because the benefits package offered was sufficiently attractive for him to do so. It would have been illogical for DEFRA to have offered Mr Penhallurick the opportunity of re-joining the classic section of the PCSPS in the future when they were reducing numbers of staff at the time. Moreover it seems highly unlikely that the possibility of re-joining the classic section of the PCSPS would have persuaded Mr Penhallurick to leave DEFRA when there was no guarantee that he would have been able to re-join the civil service within five years.
52. They cannot say whether or not they brought EPN 157 explicitly to Mr Penhallurick's attention. Bearing in mind the prevailing economic environment in 2007, it is improbable however that they would have:
 - have made representations contrary to the prevailing guidance; or
 - sought to bind its successor civil service employers to a commitment purporting to give Mr Penhallurick a right to re-join the classic section of the PCSPS within five years.

Eligibility to re-join the PCSPS is determined by the PCSPS Rules applying at the time when an employee re-joins and not those in force when he/she left.

53. In March 2007, it was only by choosing to remain in DEFRA (and rejecting the severance package) that Mr Penhallurick would have been able to retain membership of the classic section of the PCSPS.

Conclusions

54. When Mr Penhallurick completed an Expression of Interest form for the VER/VES scheme in October 2006, he confirmed to DEFRA that he had studied the guidance about the VER/VES scheme available on the DEFRA intranet and made sure that he met the criteria specified in order to apply.
55. Mr Penhallurick says that this guidance specified that if he left the civil service and re-joined it within five years of his date of leaving he had an automatic right of reinstatement into the classic section of the PCSPS. He asserts that he read this section of the guidance many times whilst the VER/VES scheme was operating because he had to help his colleagues decide on what the best course of action would be for them. He also says that he discussed the contents of this guidance with Ms H who has provided me with a written testimony in support of his statement. Furthermore, he contends that he had assumed DEFRA would save a copy of this intranet guidance on his staff file and he did not therefore keep a copy of it himself.
56. There is unfortunately scant written evidence to support or contradict Mr Penhallurick's version of events. This is, in part, at least due to DEFRA no longer being able to locate a copy of the intranet guidance on the VER/VES scheme. I note that Ms H in her testimony says that she and Mr Penhallurick had many conversations about how the terms of the VER/VES scheme would apply to him and his staff. But without any documentary evidence corroborating what Ms H has said in her testimony, I am wary of concluding from it that the intranet guidance on the VER/VES scheme contained information about reinstatement into the PCSPS on re-joining the civil service after leaving in the form which Mr Penhallurick says.
57. DEFRA says that they have carried out a comprehensive search for a copy of this guidance in their intranet archives but they have been unable to find any document which says that if a member left the civil service but returned within five years from the departure date, he/she retained the right to be reinstated into his/her former section of the PCSPS.
58. On the balance of probabilities, I am prepared to accept their statement because I consider it most unlikely that DEFRA would have made a representation in their intranet guidance for the VER/VES scheme that would not be supported by

the PCSPS Rules in force at that time. That DEFRA might not have strictly followed the guidance in EPN 157 by ensuring information sent to leavers showed that they would be not be able to re-join the classic section of the PCSPS in the future does not mean that they did not do this in their intranet guidance note for the VER/VES scheme.

59. In conclusion, I can only reach a view on the evidence. That evidence, however, in my opinion, falls short of establishing that injustice was caused to Mr Penhallurick as a result of any maladministration on the part of DEFRA.
60. I do not therefore uphold Mr Penhallurick's complaint.

Jane Irvine
Deputy Pensions Ombudsman

30 December 2014

APPENDIX

Relevant Paragraphs taken from EPN I72 (Rev)

Read and note the changes to:

- pension choices for all new entrants and re-employed people (re-joiners) who are starting work on or after 30 July 2007...

3.3. Re-joiners – people who have worked for a CSP employer before – may be treated differently. The approach to take will depend on the length of time since they were last employed by their CSP employer, the reason why they left and whether or not they are drawing their pension...but please note that there are exceptions.

Short breaks – more than 28 days and under 5 years' absence – Those who resigned from their previous CSP employment (and were in classic, classic plus or premium) will generally have the choice of premium or partnership and will retain a pension age of 60. The main exception to this occurs if they are receiving their pension or left with an exit package – in which case they will have the choice of nuvos or partnership.

3.14 A re-joiner who has a preserved classic, classic plus or premium pension in the CSP arrangements will, in certain circumstances, be able to join this up with their new service.

4.2 The options for re-joiners are not straightforward so we have developed a questionnaire for re-joiners and a calculator to help you. The calculator will tell you which pension choices a re-joiner has...You must use the Pensions Questionnaire and Re-joiner Calculator. It is an essential tool to help you deliver the correct choice of pension(s) to staff and, because of this, Cabinet Office is mandating its use by all employers who participate in the CSP arrangements.

4.4. Please note that you cannot give options other than those which the rules allow. For example, someone who is eligible to go into premium does not have the choice of going into nuvos.

Relevant Paragraphs taken from EPN I57

Re-employment after a Civil Service Compensation Scheme award

8. All members who are re-employed with a start date from 1 January 2007 are only eligible to join premium or partnership if their previous employment ended on early retirement or severance under the CSCS. These members will not be allowed to re-join classic. You should default all such members into premium for the time being, but please be aware that new instructions for re-joiners from 1 July 2007 are likely to apply.

9. If you are currently running an early departure scheme then you should ensure that the information you send to departing members reflects that re-joiners will be excluded from classic. Additionally, you should make it clear to members involved in an early departure scheme that you can only say what the rules currently allow; that these rules may change in the future; and should they re-join the Civil Service their future pension arrangements will be determined by the rules in force when they re-join and not the rules in force when they leave.