

Determination in Milne v GAD – Q&A for administrators

How many people will this judgment affect?

The government recognises that there may be many individuals who are affected by the principles set out in this Determination. Firefighters' and Police Pension Schemes will work to identify such affected individuals and ensure that appropriate payments are made.

How much am I going to get?

Police Forces are identifying those retired members who are affected by this Determination. Using the revised commutation factors supplied by the Government Actuary's Department, they will then be able to calculate how much each individual is owed. This will take time.

What should people who think they may be affected do next?

The government recognises that there may be many individuals who are potentially affected by the principles set out in this Determination. Firefighters' and Police Pension schemes will work to identify such affected individuals and will contact them in due course.

When will affected individuals be paid?

The government is committed to ensuring that eligible former firefighters and former police officers receive their entitlement, and are working with scheme administrators to begin work to identify eligible individuals and to calculate how much each person is owed. This will take time, with thousands of historic records to look through. Once this information is available, the Pension Schemes will put in place a process to make appropriate payments as quickly as possible. Members will receive updates through their former employers in due course.

What if the affected individual has since passed away?

If someone is owed money and has since passed away, then the money will fall to be part of their estate and will be passed to their beneficiaries.

How much interest will individuals be paid?

The payments to affected individuals will include interest, in recognition of the fact these payments have been delayed by as many as 14 years in some cases. The Pensions Ombudsman has directed interest to be paid at the base rate prevailing over the period between retirement and the date of payment of the additional sum, without compounding.

I retired in 1999 or 2000. Why can't I get reimbursed?

Only people who retired between 1 December 2001 and 30 November 2006 inclusive are affected, so there is no need to reimburse people who retired earlier/later.

Will individuals be reimbursed through a higher lump sum payment or through higher monthly pension payments? Will they have a choice in this?

The government is still considering and will advise in due course.

What if the schemes can't find the relevant individual and get in touch with them?

Schemes will make a reasonable effort to find the affected individuals and to notify them of their eligibility for a further payment.

How will payments take account of the various changes in tax and pensions rules since 2001?

The additional payments are a correction to what ought to have happened at the time of retirement, and so we will aim, so far as possible, to place affected retired members into the position they would have been in if the correct payment had been made in the first place.