

## **In Confidence**

Minutes of a meeting between the Public Sector Pensions Authority (PSPA) and Representatives of the Isle of Man Police Federation held at 2.00 p.m. on Wednesday 22 August 2012 in the PSPA Meeting Room, Goldie House, Douglas.

**Present: PSPA**

Mr J Carter (Chairman)

Mr A Cannan, MHK (Vice Chairman)

Mr E Holmes

Mr A Shipley

Mr L I Singer, MHK

**IOM Police Federation**

Mr K Williams

Mr M Musson

**In Attendance:** Mr I T Murray

Mr I W C Burnett

**Apologies:**

**Minute No    Minute**

**81/12        Police Federation - Police Pensions (Amendment) Regulations 2012.**

The Board were joined by two representatives of the Isle of Man Police Federation, (the Federation). The purpose of the meeting was to discuss the Federations response to the Consultation upon the Police Pensions (Amendment) Regulations 2012.

Backdated Contributions

The Board outlined the rationale for the Amendment Regulations, and in particular the seeking of backdated contributions. This was to ensure that the Isle of Man Police Pension Arrangements maintained parity with the equivalent scheme in the United Kingdom. Whilst the PSPA recognised that these had been introduced in the UK from 1 April 2012, due to the timing of the publication of the UK amendment regulations and the subsequent process that the PSPA must follow to introduce similar Isle of Man regulations, the Regulations could not be made until August 2012. Therefore, as permitted by the Public Sector Pensions Act 2011, the PSPA proposed to backdate the increase in contributions to 1 April 2012.

The Federation acknowledged that the Police Pension Regulations broadly followed those in place in the UK, but there were differences between the Isle of Man and UK Regulations. In addition, the Federation highlighted that at a Meeting between the Federation and the Department in February 2012, the Department had given an undertaking to the Federation that increases in contribution levels for Police pensions would not be introduced until April 2013.

The Federation proposed that the increase in contributions be applied from August 2012, but that the backdated contributions were waived.

**There was a short adjournment, and The Federation representatives left the meeting.**

The Board discussed its position, in light of the Department's undertaking regarding contributions not being increased until April 2013. It was agreed that the Department had no authority to give such an undertaking, given that responsibility for Police Pensions had passed to the PSPA in January 2012.

The Board considered the possible outcome of a Petition of Doleance by the

Federation and considered that, if a Petition were lodged, the courts in all likelihood would find in favour of the Federation, which could potentially mean that no contributions would be received during 2012.

The Board agreed that in light of a potential legal challenge it would agree to introduce increased contributions from August 2012, and not seek any backdated contributions.

**The Meeting reconvened and the Federation Representatives rejoined the meeting.**

The PSPA acknowledged the undertaking that had been given by the Department of Home Affairs, regarding increases in pension contributions not being applied until April 2013. The PSPA outlined how this undertaking was given erroneously and was outside of the Department's remit. The Federation acknowledged the PSPA's position.

However, in light of the undertaking given by the Department, and the Federation's willingness for members of the Police Schemes to pay increased contributions from 1 August 2012, the PSPA agreed that it would not seek increased contributions to be backdated to 1 April 2012.

Given the time constraints to this increase being implemented, and the information contained within the consultation material, the PSPA confirmed that it would not be issuing personal forecasts to individual Officers. It was agreed that, for those members who may seek further clarification, and whose contribution queries cannot be resolved by the Federation, these members may be referred to the PSPA for assistance.

Public Sector Pensions Act 2011

The Federation expressed its view that members of the Constabulary were not covered by the Pensions Act 2011. The PSPA, recognised that Police Officers are appointments of the Crown, and not employees. However, with regard to Pensions, the PSPA considered that Police Officers fall under section 3 (1) (d) of the 2011 Act. That being said, the PSPA agreed to put in place, at a future date, a clarifying regulation that confirmed the Police were covered by the 2011 Act.

PSPA Representation for Police

The Federation expressed a view that as Police Officers were not able to be members of, or affiliated to, any Trade Union, their interests were not represented on the PSPA.

The PSPA considered that the two employee Board members represent the interests of all employment groups within Isle of Man Government. However, the PSPA recognised police officers' position in relation to Union membership and would therefore give further consideration as to how best to establish an effective mechanism whereby issues relating to the Police Pension Regulations could effectively be discussed.

The Board thanked the Federation for taking the time to meet with the Board.

**The meeting closed at 15.45 p.m.**

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**Chairman**

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**Date**